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Rules, Regulations and Governance in East-Central Europe (Fifteenth to Twentieth Centuries)



Edited by
MÁRIA PAKUCS-WILLCOCKS



ROMANIAN ACADEMY
Center for Transylvanian Studies

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Rules, Regulations and Governance in East-Central Europe



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T R A N S Y L V A N I A N **R** E V I E W

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Chairman:
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RULES, REGULATIONS
AND GOVERNANCE
IN EAST-CENTRAL EUROPE
(FIFTEENTH TO TWENTIETH CENTURIES)

Argument

THE PRESENT volume is the outcome of the international conference with the title “Good Governance in European Towns, 1500–1900,” organized between 19 and 20 September 2024 in Bucharest at the Nicolae Iorga Institute of History, with funding from the Romanian Ministry of Research, Innovation and Digitization CNCS-UEFISCDI, within PNCDI III, PN-III-P4- PCE-2021-0376. To the papers presented on that occasion we have added some studies that complement the topic of volume and provide a wider chronological and geographical framework to the issue of good governance.

Ulrich Wien’s discussion of the theological prerequisites and innovations of the Reformation in the Catholic West in general and among the Transylvanian Saxons in particular creates a theoretical framework highlighting the impact of the Reformed ideas on political thinking and the discourse on social order. The election of the Saxon clergy after the Saxons embraced the Lutheran faith is examined by András Bándi, whose novel conclusions reveal the continuities and the particularities of the status of the Saxon clergy within their communities before and after the sixteenth century.

The second section of the volume contains contributions related to urban governance and some aspects pertaining to the Middle Ages and the early modern period: the administration of justice, welfare and the care of the poor, and healthcare. These topics are explored with the help of archival materials, such as the court records and protocols from fourteenth and fifteenth century Zagreb. In their study, Kristina Grgić and Suzana Simon argue that the city court sentenced criminals and delinquents to banishment as a means of social control, but with consideration for the individual circumstances of each perpetrator. Based on records from the towns of Upper Hungary (Banská Bystrica, Kremnica, Levoča, Košice), Blanka Szeghyova investigates the role of town councils in administering justice in accordance with their divinely ordained mission of enforcing Christian virtues and social peace in their communities. Enikő Rűsz-Fogarasi and Oana Sorescu-Iudean approach the issue of the responsibility of town officials toward the welfare and health of their citizens in Cluj and Sibiu, respectively, as expressed in general instructions and ad-hoc measures. Julia Derzsi provides an overview of the political and religious texts that reflect on the role of the town councils as protectors of their subjects and their duty to instill Christian values into the faithful. In this respect, the sermons of Damassus Dűrr represent a counterpoint to the political discourse.

In the third section the reader will find three contributions to social history, more specifically to social responses to the political, religious, and economic changes that affected the towns in our region. Based on the town records of Lviv from the fourteenth and the beginning of the sixteenth century, Bohdana Petryshak follows the evolution of certain political families and the composition of the town council, with interesting conclusions. Emőke Gálfi focuses on the only small town present in this volume: the market town of Teiuş/Tövis, which benefited from the immigration of Serbian and Romanian inhabitants after the Ottoman conquest of the Timişoara and Lipova in the mid-sixteenth century. This author re-examines the identity of the ketors of the Orthodox church built in the

town. In the study by Zsolt Bogdándi we learn about the fate and functioning of the most important medieval archive of Transylvania, that of Cluj-Mănăştur/Kolozsmonostor, after the secularization of the assets of the Catholic Church (after 1556).

The defense of towns in medieval and early modern Europe was entrusted to the locals, the members of the craft guilds. Csaba Izsán has analyzed guild statutes and town regulations for stipulations regarding the organization of urban defense in Sighişoara and Cluj. The study of military regulations reveals that the organization of the Transylvanian army was burdened by difficulties regarding provisioning and discipline, as shown in Florin Ardelean's article.

The last section addresses a few challenges faced by the modern urban administrations, drawing on the example of Bucharest, where urban life became more complex and its administration became institutionalized and professionalized. With the help of newly uncovered correspondence, Bogdan Popa reveals the disruptions and distortions of the regulations and state policies on the book trade, while Simion Câlția argues that the introduction of scientific expertise improved the management of matters related to food safety and hygiene in Bucharest at the turn of the twentieth century.

The topic of good governance is far from being fully explored in the East Central European scholarship. The studies gathered in this Supplement to the *Transylvanian Review* have the merit of bringing together scholars from diverse backgrounds and historiographies, thus creating an academic bridge for researchers and fostering future cooperation.



MÁRIA PAKUCS-WILLCOCKS

The Reformation and Its Configuration in Early Modern Transylvania

ULRICH ANDREAS WIEN

Preliminary Remarks

A GAINST THE backdrop of the Schism of 1054, the separation between the Western Latin Church with its center in Rome and Eastern Orthodoxy grew. In the West, canon law as well as the doctrine and liturgy allowed for innovations, which in turn increased the distance between the two legal spheres and also interrupted partially the continuity present since the Late Antiquity. These innovations included the formerly excluded institutionalization of parallel structures (dioceses and parishes), in competition with the Eastern Church, the celibacy of priests, but also the insertion of *filioque* in the Trinitarian creed (*Nicaenum*) of the ancient ecumenical church councils.¹ Finally, the Schism was also defined by the theology and practice of the Eucharist. In the East, the use of leavened bread and the distribution of both elements of bread and wine during the Lord's Supper were essential to liturgy and preserved the tradition. In the Western Church, at the end of the High Middle Ages, the lay participants were no longer presented with the wine chalice and were only given the bread (the Host). The 1215 Council of the Lateran focused on one interpretation of the theological meaning of the Lord's Supper (Greek *Deipnon kyríou*), which the Church fathers interpreted in a variety of ways; the Western Church elevated the doctrine of transubstantiation to the level of dogma.

The relationship between officials of the church on the one hand and the political power and the secular elites, on the other, underwent a dramatic turn: until the eleventh century, the German King (*rex*) and Emperor (*imperator*) of the Holy Roman Empire as the sacred/anointed king had a (layperson's) claim to ecclesiastical power. Pope Gregory VII, in his dispute with Emperor Heinrich IV, started the investiture controversy as part of the reforms entailing theocratic claims. The investiture controversy ended with the Concordat of Worms (1122), a compromise reached after violent clashes. The feudal rule of the clergy retained its constitutional role, and the bishops and prelates of the empire continued to rule over their territories similarly to the secular lords who swore allegiance to king and emperor. In return, however, the ruler refrained from appointing bishops. The aura of the sacred royalty had faded.

This federal distribution of power was a constitutional reality at the beginning of the early modern period in the Holy Roman Empire of the German Nation: ² the secular and clerical prince electors and the higher nobility of the princes, as well as the newly joining imperial cities of the fifteenth century, decided during the Imperial Diets the fate of the

German kingdom, as the King/Emperor could not rule without them and their consent. Imperial politics and imperial reforms could not function without the financial might and taxes of the estates. The King and the princes became reliant on the cities. Ultimately, the negotiation of imperial policy required the consensus and the consent of the decision-making delegates, because the administrative implementation of the resolutions by imperial diets was in the hands of the decentralized estates, i.e., the imperial cities and the princes in their respective territories, generally small and fragmented.

However, while the political actors at the imperial diets could take opposite positions, they nevertheless reached agreements³ on reforms in 1495 and 1500 and presented a united front against the strengthened but secularized papacy of the Renaissance era and its insatiable need for money. In the cities themselves, but sometime also in wealthier villages, the secular elite, educated in a humanist spirit, took the initiative to limit the abuses of the clergy. The increased piety in Germany at the end of the fifteenth century was reflected not only in the construction and adornment with high-quality artistry of the churches. In this respect, citizens and town councils took the initiative and provided financial means to employ qualified preachers, whose payment came from the local budgets. The “piety theology,”⁴ including the reception of monastic and scholarly treatises as well as the adoption of monastic forms of piety in the everyday life outside the monasteries, was a decisive prerequisite for the subsequent perception of Reformation ideas and impulses.

The rural and urban communities insisted that the priests paid by them should perform the liturgy in person on site (“Kommunalismus”⁵), i.e., the benefices should not be given to non-local clergymen, who did not serve in the parish. In the cities, the institutionalization of the “preaching office” (Latin: *praedicatoria*) meant the permanent employment of the priests who were spiritually and rhetorically talented, usually well-educated.⁶ Moreover, the election of educated and competent individuals in these positions by the local political elite indicates a new trend, which can be seen in some territorial lordships as well, in the so-called *Vogteirechte* (“bailiff rights”), whereby landlords were in the influential position to protect, but also to advise the monasteries. This was the phenomenon of the “land ruler’s church government,” when the respective local or regional political authority declared its competence over the external regulation of ecclesiastical affairs and even put this claim into practice.

Returning to the imperial level, we can see that despite other differences, imperial estates were united in one matter, namely, the complaints against the measures decided by the *curia* in Rome. The “Gravamina nationis Germanicae” were a constant issue on the political stage and at the imperial diets and resulted in a relatively united opposition of all the actors at the imperial diets against the Roman Curia. Martin Luther captured the critical point of this attitude in his writing *To the Christian Nobility of the German Nation / An den christlichen Adel deutscher Nation* (1520)⁷, which was met with the expected positive response.

In Hungary and Transylvania, the reign of Matthias Corvinus represented a period of unprecedented cultural flourishing. Still relatively protected from the menace of the Ottoman expansion, the humanism emanating from the royal and episcopal courts left its mark on the land and its elites. In Transylvania, the three estates consolidated their political union as the *unio trium nationum*, which marginalized both the Orthodox inhabitants on account of their confessional difference (the Romanians) and the Romani, considered “alien” because of their strange lifestyle and customs. For the *fundus regius*, the Royal

Lands where the privileged Saxon colonists lived, the *Universitas Saxonum* was recognized officially in 1486 as their juridical and administrative community.⁸ Concurrent with or shortly after the establishment of settlements and urban centers by German-speaking colonists in twelfth and thirteenth-century Hungary—including the mining towns of Altsohl, Neusohl, Kremnitz, and Schemnitz, as well as in the Spiš and Saros counties (Bardejov)—a similar colonization process occurred in northern Transylvania (Bistrița/Bistritz) and southern Transylvania (near Alba Iulia/Gyulafehérvár). Specifically, this took place in the province of Sibiu/Hermannstadt (Latin *Cibinium*), extending from Orăștie to Drăușeni (“von Broos bis Draas”), and subsequently in Burzenland—Țara Bârsei.

The rights and privileges granted in 1224 in the “Andreanum” royal charter and reinforced over the centuries included, among others, the right of the Saxon communities to elect their own priests, but also that these priests were entitled to the entire tithe. Thus, the “confraternities” of the local priests in the church chapters also acted as financial districts that collected church taxes (the contributions to the cathedral, *census cathedraliticus*, and other payments). A dean (*decanus*) was in charge of an ecclesial district (*capitulum*). Around the year 1500, the entire structure was represented by the “clergyman fully collecting the contributions,” the so-called “general dean,” whose office was first documented in 1502. Around 1520, from an ecclesiastical point of view, the Saxon communities were not included in a unified structure, but were organized around two centers: the privileged colonists from the *fundus regius* were subordinated directly to the archbishopric of Esztergom (Latin: Strigonium, German: Gran), more precisely, they were not under the jurisdiction of the regional bishopric of Alba and thus exempt. On the contrary, the settlements located in the counties of Transylvania were subordinated to the Catholic bishop of Alba Iulia and had to pay him a quarter of the tithe. The formerly influential Cistercian abbey of Cârța/Kerz was dissolved in 1474 and incorporated into the parish of Sibiu/Hermannstadt. The same fate had already befallen in 1424 the provostship (*praepositura*) of Sibiu. This increased influence of the parish church in Sibiu was officially acknowledged in 1503, when a papal breve granted the senior parish priest a partial episcopal status: on ten feast days a year, he was allowed to celebrate the pontifical high mass with all the insignia of a bishop, together with the pontifical blessing. The main church in Sibiu was serviced by 24–26 chaplains, including the 15 priests of the former provostship, all under the authority of the town’s senior priest. Thus, the building of the parish church in Sibiu, whose construction was completed in the second half of the fifteenth century, had a cathedral-like function and was fitted out and adorned accordingly. In parallel with these developments, the status of the parish church in Brașov/Kronstadt and that of the chapter of Țara Bârsei was also elevated with pontifical rights, also granted to the local parish priest in 1503.

I. The Reformation Movement and the Three (Respectively, Four) Centers of Influence

THE REGIONAL divergence within the territories of the Catholic church in the West can be discerned since the fourteenth century. After the end of the Avignon papacy (1376/1377) and its dependence on the French elites, the future of the papacy was

still undecided. Competing popes (1414) had to be renounced, and the effort to lead the church collegially (*conciliarism*) temporarily received broad support. Eventually, power was consolidated under the Renaissance popes, while the centralist and monarchical constitution, including the theological prerogative of the pope (*papalism*), prevailed.

During the stages when this development was still incomplete, however, deviant reform currents and groups not only emerged, but they also coagulated into structures. Even if the separate phenomena have to be differentiated, the overall perspective can discern a first “surge of segregation,” which could be said to have reflected the tendency towards dissolving the unity of the Western Church. This refers to the movement of John Wycliffe, the Waldenses, and the followers of Jerome of Prague and Jan Hus. For the latter, the Utraquists, the peace of Kutna Hora of 1485 meant that they were granted an ecclesiastical “separate area” within a defined territory in Bohemia. In France, the 1516 concordat of Bologna represented a similar sort of ecclesiastical autonomy.⁹ Under the surface of a seemingly homogenous Western Latin Church, lead from Rome, tendencies towards pluralization were already manifest to some extent.

The Reformation ideas from Wittenberg, stemming from the university professor Dr. Martin Luder (Graecized: ELEUTHERIOS: i.e., “freed,” “liberated”), an observant Augustinian monk, appeared without any reference or connection to the segregation tendencies mentioned above. As Helmar Junghans phrased it so aptly, Luther (1483–1546) was a humanist of the Bible, a biblical studies scholar with a focus on the Old Testament. He was interested in the source texts in their original languages, the Hebrew Old Testament and the Greek New Testament. From a hermeneutical point of view, Luther distanced himself from the usual scholastic method, namely, from the interpretation methods influenced by Aristotelian philosophy. His university reform broke with scholasticism. His theological reform focused on the contents of the biblical books that had to be taken in with a critical mind, while distancing oneself from the dominant model since Antiquity of the four senses of Scripture. Luther defined his hermeneutics with three important maxims (aphorisms), which thus became the model for the Protestant interpretation and also for the social ethic and political vision.

The first one referred to the difference between *Law* and *Gospel*: Luther defined Law as God’s claim that his word be obeyed; however, people realize how much they trespass against this law and therefore come to despair.¹⁰ They fear eternal damnation as punishment. The Gospel (*Evangelium*), on the other hand, is God’s promise to have already realized the salvation of mankind in Jesus Christ. The redemption and eternal salvation are based on the faith (*fiducia*) in atonement from the Christ’s death on the cross, which has been representing and including the sinners, and has its effects in the everyday life ethic of the “fruits of faith” but without a fearful observance of the law.

The second principle was that of *claritas Scripturae* (“the perspicuity of Scripture”), which held that the Holy Scripture and its message are clear in themselves, despite some passages of the Bible which are obscure and difficult to understand. This means that on the basis of internal reference, the statements needing explanation can be elucidated and interpreted rigorously.

The third principle propounded by Luther was the dictum “*Was Christum treibet*” [“What drives Christ home” / “What promotes Christ’s cause”].¹¹ Herein lies, on the one hand, the essence of the prophecy of Christ’s coming in the Old Testament, but on the other hand

it holds the focus of Christ's proclamation and message transmitted in the Holy Scripture, especially in the Gospels and the Epistles.

It was precisely from this perspective of interpretation that biblical humanism made possible the return to the "good news" of the early Christianity for Luther and the theologians following him, who were thus living in a "simultaneity" with the first Christian congregation.

The evangelical theologians recognized the decisions of the early church councils as legitimate quintessential biblical texts, but the church tradition was being questioned and scrutinized, and in many cases rejected or abolished for not conforming to the Bible.

The general principle developed by Philipp Melanchthon (1497–1560) and Martin Luther in 1520/1521 was *sola scriptura*—"(by) Scripture alone."¹² All further developments are based on this biblical humanistic principle and on the application of the three hermeneutical maxims discussed above (Law and Gospel, the clarity of the Holy Scriptures, and "what drives Christ home"), as they were essentially recognized by all the main figures of the evangelical Reform currents, albeit with shifts in emphasis. Even the "authorities" resorted, among others, to this line of argumentation and to the authority of the Holy Scripture in their political or social ethical decisions.¹³

With the presence of the theologian thinker and author Martin Luther, with that of Philipp Melanchthon, known as *praeceptor Germaniae* (the teacher of Germany), with that of Johannes Bugenhagen (1485–1558), an expert in church ordinances, and with that of other thinkers, Wittenberg was a significant center for the nascent Reformation movement. Initially, the reception areas were the German-speaking urban centers (as far as Riga or Sibiu), but also humanist circles in episcopal or university towns as far away as England, southern Spain, or southern Italy. They also included Zurich and Strasbourg, and from there the movement reached individuals and communities from rural areas, open to the theology of piety and to biblical humanism.

Humanist and theologian Huldrych Zwingli (1484–1531) was active in Zurich, where he managed to introduce the Reformation into the Swiss urban "republic." From there, the Reformation spread in Switzerland and to southern / Upper Germany. At the same time, Zurich and the surrounding region were proving less suitable for theological movements that undermined or questioned the solidarity of the community with apocalyptic ideas, such as the Anabaptists: citizens were bound by the civic oath in the urban context. The consequence was the theological and juridical demarcation as well as the political persecution of such deviant ideas. A stronger emphasis on the social and ethical aspects of the commandments of the Old Testament characterized this urban humanist reformation in Zurich. In addition, Zwingli outlined a communion theology with a specific symbolism, which in turn led to fierce theological controversies and conflicts and ultimately divided the Protestant movement and later denominations.¹⁴

In the free imperial city of Strasbourg, the third center of the German evangelical Reformation, many actors were active against the bishop and his claims for power.¹⁵ Furthermore, certain political and theological factors played their role. The town authorities, oriented towards humanist ideals, the mayor (*Stettmeister*) Jakob Sturm (1489–1553), educated in theology and a confident politician within the empire, together with the local elites, and the challenges represented by the refugee groups under the care of Johannes Calvin (1509–1564) were all key elements in the progression of the Reformation within their city.¹⁶ In addition to other humanist-minded pastors and their wives (!), Martin

Bucer (1491–1551) had a similarly significant influence. Owing to his indefatigable efforts to bridge theological differences, Bucer succeeded to have “religious dialogues” with the adherents of the old faith in a consensus-oriented manner. Together with Melancthon, Martin Bucer achieved a breakthrough in the agreement known as the Wittenberg Concord (1536), between upper German and Wittenberg communion theology. Bucer’s writings were also received in Transylvania and his printed works have been preserved in libraries until now.

In sixteenth-century Transylvania, the first place of reference and correspondence was considered to be Zurich. After Zwingli died on the battlefield in the second battle of Kappel in 1531, his place was taken for the next five decades by Heinrich Bullinger (1504–1575).¹⁷ Johannes Honterus (eventually), Martin Hentius and, first of all, the Hungarian Reformed figures were all in correspondence with him, especially after the Consensus Tigurinus (1549) concluded between John Calvin and Bullinger. Geneva, together with the Dutch universities under the strong influence of the evangelical Reformed theology, such as Franeker, but also Heidelberg in the Palatinate or Herborn in Hesse, became thus the fourth center of the Reformation, spreading the Reformation ideas to Hungary and Transylvania. This influence was decisive for the Evangelical-Reformed (Calvinist) confessionalization and its establishment in Transylvania before and after 1600.¹⁸

II. Thematic Focal Points and the Specificity of Their Regional Reception with Special Emphasis on Church Ordinances

The *sola scriptura* Principle and Its Consequences

THE REFORMATION was a movement of the Bible. The biblical humanism of Luther and the interest in the books of the Bible in their original languages were not confined to the auditorium halls. Melancthon asked Luther to translate the Holy Scripture from the ancient texts into the vernacular language. Luther’s intention was to make the Holy Scripture and its message accessible and understandable to all people, who were baptized almost without exception. According to the dictum of the clarity of the Scripture, all faithful should be able to understand it, either by reading it themselves, or by “reading by listening.” Luther’s translation emphasized the rhetorical and acoustic features of the texts, considering the high illiteracy rate in the sixteenth century. This promoted the growth of the congregational church, aiming to awaken the faith, to realize it within the community and to make it possible to reason and articulate it clearly.¹⁹ These fundamental motifs provided the impetus for the translation work: so that the biblical message reaches the people through the language of their daily life (as it was spoken “at home” and “in the street”) and thus touch their hearts.

This impulse had an effect in all regions and language areas of Europe and promoted not only translations of the Bible but also the use of lectionaries (*Agenda*) and of hymn-books with the church songs (*Gesangbuch*). The dissemination of the basic Christian notions through catechisms configured as dialogues became important formats for popu-

larizing the new teachings. Moreover, in Wrocław/Breslau there was a Polish edition, in Sibiu a Romanian translation, in Cluj a Hungarian one, in Cracow a Hebrew edition, in Tübingen a Slovenian one. The *sola scriptura* principle acquired a special characteristic in Transylvania, which can be considered a pioneering act in Europe. Here I am anticipating the last decades of the sixteenth century: as Mihály Balázs has been able to show, the historical critical exegesis and interpretation of the Bible, which is only available in manuscripts, emerged in the context of the anti-Trinitarian reception of the Bible. The late humanist Jacob Palaeologus (ca. 1515–1585), active in Alțâna/Alzen, was the first who developed this method which was discovered in the scholarship only in regard to later discourses during the early Enlightenment.²⁰

The Role of Education

The Reformation was a movement of education. In the beginning, the rejection of the scholastic method and of traditional educational content, together with the renunciation of monastic vows and the subsequent draining of the monasteries and their schools, as well as the questioning of traditions led to a brief collapse of the school system in many places. Luther called on the urban elites first of all to invest in the education of boys *and* girls, in order to educate future leaders, clergymen and leaders/disseminators, i.e., to educate responsible people overall.²¹ Melanchthon formulated school regulations and curricula for the elementary education system.²² The educational canon was redefined: among others, from 1529 onwards, the Small Catechism became basic reading, but at the same time the simplified and illustrated version of the Bible (“Passional”) was published in the same year, for the “simple-minded” (namely, illiterates and people with limited reading skills). Furthermore, there were prints with texts for other forms of educational institutions, with content compatible with the Protestant ethic. In addition, newly devised school theater plays were introduced, based on biblical or non-biblical texts, which popularized these and in the best case prepared pupils for university. Martin Bucer even pleaded for a form a late baptismal instruction for those who had been baptized in infancy, the confirmation, which was introduced more widely only in the eighteenth century (in Transylvania as well).

For the case of Transylvania, we can identify clearly the echo of the drive for education: Johannes Honterus,²³ humanist and council member in Braşov/Kronstadt, opened a *trivium* and a *quadrivium* in his home town; these were education programs based on the liberal arts. Furthermore, he founded a printing press in 1538/1539, which in the beginning published school “textbooks.”²⁴ Among other things, Honterus published a *Cosmography*, in fact an encyclopedia composed in Latin hexameter and with a school atlas as its appendix.²⁵ Moreover, Luther’s Small Catechism, a lectionary (*Agenda*), and a hymnal (*Achtliederbuch*) with strong influences from Anabaptist theology²⁶ were printed in the press run by Honterus. German translations of the Bible were still imported. School play performances are documented in Braşov in that time. The seminal church ordinance known as the *Reformatio Coronensis*, written and printed by Johannes Honterus for his home town, will be discussed below.

We know that in 1544 the printing press in Sibiu also produced a Romanian translation of the Catechism, unfortunately lost.²⁷ In 1550, the first print of Luther’s Catechism

was published in the town of Cluj, followed by a wide range of other Reformation prints in Hungarian.²⁸

Liturgy and Eucharistic Theology

These vernacular prints, which need to be understood in the context of education and piety practice and which promoted understanding and articulate expression, i.e., maturity, go hand in hand with the efforts to offer the liturgical services in the vernacular language of the respective congregation. The reformation of the ritual in Wittenberg took place in two stages: the first phase, from 1523, introduced the baptism in the mother tongue and from 1524 introduced the use of German songs during the liturgy. The songs were first printed on broadsheets but were quickly collected into the form of hymnals. The second phase of the reform of the liturgy and its crowning point was the introduction of the lectionary (*Agenda*) for the Lutheran service in 1526.²⁹ With the elimination of the sacrificial character and the dogma of the transubstantiation, the Lord's Supper was again distributed to the faithful in both forms (bread and wine). The idea of the "transformation" of the elements was rejected, and in turn the faithful held the theological view of the mysterious presence of Christ *in actu* (in the faithful reception of the sacrament). In line with this, a German-language lectionary was printed by Honterus in Braşov and a Hungarian one in Cluj by Kaspar Helth (Heltai Gáspár, ca. 1515–1574). Later, a Calvinist lectionary followed, in line with the Swiss theology; moreover, a Unitarian version of the Heidelberg Catechism as well as a Unitarian gradual have been preserved.³⁰

Ecclesiastical Law and Church Ordinances

Since papal jurisdiction had been disputed starting with the demonstrative burning of the canon law in Wittenberg in December 1520, it followed that the papal or the episcopal legal system had to be replaced. This replacement happened at a different pace and in different fashion in the German territories: sometimes as a revolution, and often as a transformation or a moderate reform, respectively. Political (secular) authorities thus seized the opportunity to regulate church matters based on their claim to sovereign church rule, as Luther had already advised them to do in his "Letter to the Christian Nobility of the German Nation." With the emperor's nimbus of sacred rule finally negated because he had made a pact with the "Antichrist" in Rome, the secular, Christian (i.e., Protestant-minded) authorities, initially in the cities and later the territorial rulers (including female regents), took the regulation of external church affairs into their own hands. This was done by means of the respective church ordinances.³¹

Kings, princes and city councils gained legitimacy for their ecclesiastical actions from their self-representations as custodes utriusque tabulae and from the model of the pious kings of the people of Israel. Their inherent secular tasks, such as keeping the peace and care for the common weal (bonum commune) were expanded. From the princely point of view, favoring the Reformation included oversight of the proper worship of God in sermons and the admin-

istration of sacraments, since the (secular) authorities understood this as an indispensable prerequisite for the well-being of their subjects and no longer saw it guaranteed by the previous church officials. The secular authorities therefore now know that they were equally responsible for the secular and spiritual salvation of their subjects and claimed the right to Reformation, the *ius reformandi* as their sovereign right. Although the reformers from Wittenberg prohibited the coercion of conscience, they nonetheless conceded that the secular authorities were in charge of establishing external ecclesiastical conformity as a condition for civil conformity. In the preface to the church ordinance of 1537, King Christian III of Denmark formulated his understanding of his role in church matters in a striking manner: he saw *cura religionis* and *custodia utriusque tabulae* as a genuine task of the political authorities. He divided the questions pertaining to the church into two areas: *ordinatio Divina* and *ordinatio nostra*. The divine ordination, which was unchangeable, included preaching, administration of sacraments, church doctrine, maintenance of church servants, schools and welfare for the poor. Everything else was subject to the *ordinatio nostra*. In this group, Christian III included orders about people, times and places, about the manner and form of the liturgy, visitations, proper behaviour, church singing, ceremonies and so on. However, even for this area the following applied: *Omnia enim talia debent servire verbo Dei* (All these things are meant to serve the word of God). At the same time, the care for one's salvation and for the salvation of the subjects was by no means the most stringent motive for the Reformation. Alongside this reason, and sometimes even more importantly, there were also political and state interests at play.³² (transl. by Mária Pakucs-Willcocks)

As mentioned, as Eike Wolgast has put forward, the justification and spiritual basis for the introduction of the Reformation

*was generally the appeal to the Holy Scripture, while the concrete ways differed greatly in their detail: there was the adoption of the Reformation as a single action or a processual introduction through ordinances and measures. In cases when orders of the authorities concerning the Reformation were not directly addressed to the clergy or to the subjects in general, then the addresses were princely or municipal officials. They were given the task of ensuring that the remodelling was carried out according to the official prescription and had to supervise its local implementation. Often, as a first step, they inventoried the *vasa sacra*, the church adornments and then confiscated valuables that had been declared incompatible with the new ritual, such as monstrances, pacificals and reliquaries, as well as superfluous communion utensils, especially chalices and precious vestments. What was materially usable usually quickly disappeared into the state mint. In various cities and occasionally also in small territories, the old doctrine was discredited through disputations, in which only the Holy Scriptures were admitted as arguments and the secular officials acted as mediators. As a result of disputations, the city councils regularly felt entitled to decide to introduce the Reformation. The most important instruments for the introduction of the Reformation in Central and Northern Europe were visitations for the practical part and church ordinances for the theoretical part. While church visitations were an institution already practiced in the old church and in the sixteenth century were used by state authorities for the reformation, church ordinances in turn represented a new form that formally followed the pattern of land and police regulations that had become*

*common since the late Middle Ages. Therefore, the church ordinances were the product of the Reformation by secular authorities; they were issued by the sovereign, who often had his coat of arms printed on the title page to vouch for their official character, or by the city councils/magistrates, even if their actual content was provided by theologians. Church ordinances were legislative acts of the state authorities, which fixed bindingly the confessional status of a territory. More than any other documents, church ordinances indicated that the ecclesiastical sphere had become the responsibility of the state. Now it was the task of the state to put into law doctrine and ceremonies and to ensure their homogeneity in the realm.*³³ (transl. by Mária Pakucs-Willcocks)

In Transylvania, the introduction of the Reformation by the councils of towns from the *Universitas Saxonum* was prepared in an unusual way. In 1538, a religious discussion had taken place in Sighișoara/Schäßsburg in the presence of King John I (Szapolyai), but the outcome remained undecided.³⁴ However, in the following months, in Brașov the reformation of the education began, in a manner similar to the reform of studies in Wittenberg before 1517. The first school textbooks were printed in the printing press of Johannes Honterus, which could be read in a reformist key even before the introduction of the Reformation by the town council (but not exclusively). The education and school reform in Brașov preceded the introduction of the Reformation. It seems that a religious debate was not taken into consideration at all, and the liturgy was reformed directly. When the organist Hieronymus Ostermeyer wrote in 1542 that “in mense octobris the papist mass had been abolished,”³⁵ the new edition of Honterus’s cosmography could also allude to this event as the application of the Reformation. In this regard, the revised edition of the *Rudimenta cosmographica* contained an addendum that Brașov/Kronstadt was the first Evangelical city of the Western world to be hit by sunlight.³⁶ Brașov was therefore considered the easternmost point of the Western (Evangelical) Christianity and was thus placed within the community of the Western Church threatened by the Ottomans. The official introduction of the Reformation in Brașov began with the introduction of the Evangelical mass in the turbulent weeks of October and November 1542, followed by the visitation of the parishes in Burzenland in December and the election of the new town council after Christmas. There are three programmatic writings from 1543 that express this process: the school regulation in four parts (*Constitutio Scholae Coronensis*), the German hymnal (Eight-Songs-Hymnal) by Andreas Moldner and the *Reformatio ecclesiae Coronensis ac totius Barcensis provinciae* by Honterus.³⁷ These texts were supplemented with the *Apologia reformationis* that Honterus wrote and printed when he was summoned for a debate (*in negotiis religionis*) by Queen Isabella and Governor Georg Martinuzzi to Alba Iulia, at the princely palace.

This *Reformatio ecclesiae Coronensis* represents the precursor and the first version of the later church order of the Transylvanian Saxons. The introduction of the Reformation in Kronstadt and Burzenland in the weeks of the autumn in 1542 was achieved and implemented in a coordinated action by the ecclesiastical chapter of Burzenland and the town council of Brașov together with the political elite of the district.³⁸ For the territory under the jurisdiction of the *Universitas Saxonum*, an assembly of learned men, namely, the Saxon town pastors, formulated a revised version of Honterus’s “Church reform.” The *Kirchenor-*

dnung aller Deutschen in Sybembürge respectively the *Reformatio ecclesiarum Saxonicarum in Transylvania* was debated, decided, translated and printed in the Latin and German versions,³⁹ and finally introduced in 1550 for the entire area of the *Universitas Saxonum*.⁴⁰ In order to designate these events with the precise terminology of the scholarship, I propose to define them as follows: the introduction of the Reformation in the territory of the Saxon National University was based on the decisive actions that were agreed upon and carried out in cooperation with the members of the secular and ecclesiastical elites. These events took place over a short period of nearly ten years, with an initially rather conflict-ridden drastic change, but in the following period became a relatively moderate transformative process, which retained many traditional elements. The process consisted primarily in a turn away from the medieval Latin Western Church and in a consolidation as an Evangelical Church in the jurisdictional territory of the Saxon National University, but also in the secondary settlements of the counties, governed by Hungarian nobles.

The transformation process outlined above can be illustrated with the following example: in the first phase, the position of the priests and their pay were questioned. The tithe and its collection by the pastors, as in the pre-Reformation period, is not mentioned in the *Reformatio ecclesiae Coronensis*. However, we cannot prove whether this was the reason for the conflict between the Braşov town council and parish priest Jeremias Jekel, who left and became a pastor in Prejmer/Tartlau. The text only mentions that the “church servants” (*diaconi*) as helpers to the priest should be paid “better” than before (*pesser*)⁴¹ and not hired and fired like servants on one-year contracts. The church order of 1547, however, reveals that attempts had been made to remove the tithes and other church revenues and property from priests and to transfer them into the management of the town or village, and that local authorities had tried to take advantage of parish vacancies.⁴² For this reason, in 1547 the retention of the complete tithe by the local clergy was expressly stated in the text. This privilege that had been part of the Saxons’ rights since the Andreanum of 1224 was finally defended by the Saxon National University, especially during the last third of the sixteenth century, when Transylvanian princes first obliged the Saxon clergy to “lease” one quarter of the tithe and to give it up as a state tax in the seventeenth century. The disputes and legal proceedings continued until the time of the Habsburg rule, before the *Productional Forum*, in the eighteenth century, but were lost in the end. In principle, however, the pastors received the remaining tithe as a tax on the *Hattergrund* (i.e., the tithe was considered a land tax for the entire living population in the local district), even in parishes that continued to exist as sinecures. These were pastors positions in the parishes that since the seventeenth century were no longer held by Lutheran Saxons, and the non-Protestant inhabitants living in their place paid the land tax to the Lutheran pastor, usually without any spiritual counter service. The taxation of the tithes continued until it was abolished in the aftermath of the 1848 revolution in 1850. The Austrian state replaced the old tax form, which was protected by privilege, with the payment of “tithe equivalents.”

However, an opposite tendency can also be observed, namely, the one regarding the socio-ethical questions of the care of the poor, but especially the protection of orphans, as well as in marital conflicts or sexual morality, where an improvement, or at least a biblically based welfare and social control, respectively social disciplining, were initially strived for (in the *Reformatio ecclesiae Coronensis*). These regulations were specified and emphasized

in the church order of 1547.⁴³ Finally, the legal code of the Saxons, the *Eygen-Landrecht* was printed and approved in 1583, which completed and competed with certain juridical competences that used to belong to the church. The code of law was meant for use in practice in communities and led to a certain form of legal pluralism (forum shopping) and to individuals being able to choose their preferred way of legal action. This development stood in contrast to the church's claim to sole jurisdiction in matters related to marriage. The appeal process for divorce petitions led from the local priest to the dean and to the highest instance with the superintendent (and later the Ecclesiastical Synod). At each level, they strived for reconciliation, and the ultimate evidence for these efforts is the marriage tower in the fortified church in Biertan/Birthälm, where quarreling couples were locked up together for a certain amount of time to encourage them to make peace.⁴⁴ The fact that this sometimes merciless attempt could also fail is proven not only by the rare divorces, which are possible in Protestant canon law and therefore pronounced after all, but also by the information collected from the church registers by genealogists, that some of the spouses left the other partner in order to flee to distant territories far away, unreachable by the authorities.

Conclusions

THE ECHO of the Reformation in Transylvania reveals that the fundamental **theological** decisions from Wittenberg (the Holy Scriptures as the source of norms and the *custodia utriusque tabulae*) were adopted in their essence without much change, which can also be seen in the texts of the church orders. Nevertheless, it was above all the clergy, with the later support and cooperation of the secular elite of the estate of the Universitas Saxonum, who succeeded in securing the traditions and legal status inherited from the Middle Ages and in sustaining them in a long transformation process. These two aspects gave the Wittenberg-oriented Reformation a thoroughly hybrid character (cf. the definition formulated above). However, one should emphasize several essential characteristics as the essential differences between the ecclesial situation in Transylvania and in the Lutheran territorial churches in central Germany, concerning the application and practice of ecclesiastical law; the comprehensive independence of the ecclesiastical University (Synod) in the secular Universitas Saxonum (as the political authority), and the sometimes fierce controversies about visitations. Furthermore, other roles and responsibilities of the religious institutions defined their relationship to the political power, such as: the financial independence of the parish priests from the secular authorities based on their collection of the tithes together with the right to jurisdiction in matrimonial matters, and the competence of ecclesiastical authorities to impose death sentences and to have them carried out by the secular authorities.

All these realities show that until the middle of the eighteenth century, the Transylvanian case was different from the church organizations in German territories. The Transylvanian Saxons had no consistories, and the superintendency was not a "territorial church" in the usual sense, because its authority extended also to the tenant peasant communities of the counties ruled by the Hungarian nobles.

The hybrid character of this church system can also be observed in another thematic area, as shown by a report by the French traveler Pierre Lescalopier from 1574, who reported on a church service in Cristian (Neustadt/Burzenland), where he attended the liturgy in a pre-Reformation-like church interior decorated with murals, in which a Latin-language liturgy was held and the clergy officiated in chasubles. It was only at the Eucharistic celebration that he became aware that a Protestant service was being celebrated there and that the “papist mass” had been rejected.

It remains a task for future research to further trace these ambiguities and to show the regional characteristics and the echo of the developments coming from the German areas. It is crucial to understand that in the case of Transylvania, a pluri-confessional region with a hybrid character, there were never “direct” imports, but all these influences and transfers were adapted and transformed.

(Translated from the German by MÁRIA PAKUCS-WILLCOCKS)



Notes

1. This Latin addition represented for the Eastern Church, and justly so, the theological danger of the subordination of the “pneuma” (πνεῦμα) within the Trinity of Father, Son, and Holy Spirit. According to the Eastern Church Orthodoxy, such a “hierarchy” (as a ranking of Father and Son over/above the “pneuma”) did not respect the unity of God (*homo-ousios*) of the three persons of the Trinity.
2. Emperor Frederic II (1192–1250) was obliged to share his power in the German kingdom with the leading nobility, especially the princes. In the charter known as *Statutum in favorem principum*, Frederic II had to grant secular princes similar privileges and territorial rights as the ecclesiastical princes had received in 1220, in the agreement known as *Confoederatio cum principibus ecclesiasticis*, including important *regalia* such as coin minting, market and customs rights, the right to build fortifications and the administration of justice.
3. In the case of lasting differences, the various imperial diet colleges (*curiae*) contributed to reaching a consensus: the compromise was reached with an ambiguous formulation, which in turn allowed for the respective executive bodies to interpret the wording differently. This form of a not similar (Latin: *dis-simul*) understanding of the agreement was applied in order to “get over the matter” temporarily with a moratorium on decision-making but without a final decision. The art of “dissimulation” was used frequently especially in the sixteenth century, in the religious controversies.
4. Berndt Hamm, *Frömmigkeitstheologie am Anfang des 16. Jahrhunderts. Studien zu Johannes von Paltz und seinem Umkreis* (Tübingen: Mohr Siebeck, 1982); Berndt Hamm, “Was ist Frömmigkeitstheologie? Überlegungen zum 14. bis 16. Jahrhundert,” in *Praxis pietatis*. FS Wolfgang Sommer, ed. Hans-Jörg Nieden and Marcel Nieden (Stuttgart: Kohlhammer, 1999), 9–45.
5. Peter Blickle, *Kommunalismus: Skizzen einer gesellschaftlichen Organisationsform*, 2 volumes (Munich: Oldenbourg, 2000).

6. Adinel C. Dincă, “Die Prädikatur der siebenbürgisch-sächsischen Pfarrkirche vor der Reformation. Quellenauswertung und lokale Zusammenhänge,” in *Initia Reformationis Transylvaniae. Vielfalt, Aufbrüche und Rezeptionsräume in der Frühen Neuzeit*, ed Ulrich A. Wien (Berlin/Boston: de Gruyter, 2025), 65–98.
7. Martin Luther, *An den Christlichen Adel deutscher Nation. Von des Christlichen standes besserung* [Melchior Lotter: Wittenberg, 1520; VD 16 L 3759], in: WA [Weimarer Ausgabe] vol. 6, 416–427.
8. Márta Fata, *Ungarn, das Reich der Stephanskrone, im Zeitalter der Reformation und Konfessionalisierung: Multiethnizität, Land und Konfession 1500 bis 1700* (Münster: Aschendorff, 2000); Edit Szegedi, “Konfessionsbildung in Klausenburg und Kronstadt – Der Anspruch der Homogenität und die heterogene Wirklichkeit,” in *Exportgut Reformation. Ihr Transfer in Kontaktzonen des 16. Jahrhunderts und die Gegenwart evangelischer Kirchen in Europa*, eds. Ulrich A. Wien and Mihai D. Grigore (Göttingen: Vandenhoeck & Ruprecht, 2017), 185–195; István Keul, *Early modern religious communities in East-Central Europe: ethnic diversity, denominational plurality, and corporative politics in the principality of Transylvania, 1526–1691* (Leiden: Brill, 2010); Ulrich A. Wien, *Crossing Borders - impact of reformation in Transylvania since the 1520s: Diversity of Faith and religious Freedom in the Ottoman Zone of Influence*; with a foreword by Volker Leppin (Göttingen: Vandenhoeck & Ruprecht, 2022).
9. The apostolic majesty in Upper Hungary also gained special conditions.
10. Albrecht Peters, *Gesetz und Evangelium* (Gütersloh: Gütersloher Verlagshaus Mohn, 1981); Bernhard Lohse, *Luthers Theologie in ihrer historischen Entwicklung und in ihrem systematischen Zusammenhang* (Göttingen: Vandenhoeck und Ruprecht, 1995) [Engl. *Martin Luther's Theology: Its Historical and Systematic Development*, transl. and ed. by Roy A. Harrisville (Minneapolis: Fortress Press, 1999)].
11. Robert Kolb, *Martin Luther and the Enduring Word of God* (Grand Rapids/MI: Baker Academic, 2016), 125.
12. See the contributions in Stefan Alkier (ed.), *Sola Scriptura 1517–2027. Rekonstruktionen – Kritiken – Transformationen – Performanzen* (Tübingen: Mohr Siebeck, 2019).
13. Luise Schorn-Schütte, *Gottes Wort und Menschenherrschaft: politisch-theologische Sprachen im Europa der Frühen Neuzeit* (Munich: Beck, 2015), 131–184.
14. Amy Nelson Burnett and Emidio Campi (eds.), *A Companion to the Swiss Reformation* (Leiden/Boston: Brill, 2016).
15. Georges Livet et al. eds., *Histoire de Strasbourg au coeur religieux du XVIe siècle* (Strasbourg: Librairie Istra, 1977); Thomas A. Brady, *Ruling Class, Regime and Reformation at Strasbourg: 1520–1555* (Leiden: Brill, 1978); Matthieu Arnold, “Strasbourg – Martin Bucer and Katharina Zell,” in *Europa reformata*, ed. Michael Welker, Michael Beintker and Albert de Lange (Leipzig: Evangelische Verlagsanstalt, 2016), 399–408; Marc Lienhard, “An der westlichen Grenze des Deutschen Reiches. Die Stadt Straßburg und die Reformation,” in *Exportgut Reformation: ihr Transfer in Kontaktzonen des 16. Jahrhunderts und die Gegenwart evangelischer Kirchen in Europa*, ed. Ulrich A. Wien and Mihai-D. Grigore (Göttingen: Vandenhoeck und Ruprecht, 2017), 75–84.
16. Matthieu Arnold (ed.), *Johannes Sturm (1507–1589): Rhetor, Pädagoge und Diplomat* (Tübingen: Mohr Siebeck, 2009); Matthieu Arnold ed., *Jean Calvin: les années strasbourgeoises (1538–1541). Actes du colloque de Strasbourg (8–9 octobre 2009) à l'occasion du*

- 500e anniversaire de la naissance du Réformateur Jean Calvin (Strasbourg: Presses Univ. de Strasbourg, 2010).
17. Emidio Campi, "The Reformation in Zurich," in *A companion to the Swiss Reformation*, ed. Amy Nelson Burnett and Emidio Campi (Leiden /Boston: Brill, 2016), 59–125.
 18. Jan-Andrea Bernhard, *Konsolidierung des reformierten Bekenntnisses im Reich der Stephanskerone: ein Beitrag zur Kommunikationsgeschichte zwischen Ungarn und der Schweiz in der frühen Neuzeit (1500–1700)* (Göttingen: Vandenhoeck und Ruprecht, 2015).
 19. Herman J. Selderhuis explains that "Faith is crucial, because believing is the only good work that we have to do. Everything that does not originate from faith is sin. In this way, Luther wanted to articulate a vision of Christian obedience that was devoted to God but not weighed down by the demands of the law," in Herman J. Selderhuis, *Martin Luther. A Spiritual Biography* (Wheaton IL: Crossway, 2017), 139.
 20. Mihály Balázs and Gizella Keserü, "Kühne nonadorantistische Pioniere der Bibellexegese: Die siebenbürgischen Antitrinitarier und die europäische Bibelwissenschaft in der Frühen Neuzeit," in *Initia Reformationis Transylvaniae. Vielfalt, Aufbrüche und Rezeptionsräume in der Frühen Neuzeit*, ed. Ulrich A. Wien (Berlin/ Boston: de Gruyter, 2025), 501–528.
 21. Martin Luther, *An die Radherrn aller stedte deutsches lands: das sie Christliche schulen auffrichten vnd halten sollen* (Wittenberg: Cranach, 1524) [VD16 L 3800], reprinted in: Martin Luther *Deutsch-Deutsche Studienausgabe 3* (Leipzig: Evangelische Verlagsanstalt, 2016), 360–405.
 22. Nicole Kuroпка, *Philipp Melanchthon: Wissenschaft und Gesellschaft: ein Gelehrter im Dienst der Kirche (1526–1532)* (Tübingen: Mohr Siebeck, 2002); Heinz Scheible, *Melanchthon. Vermittler der Reformation. Eine Biographie* (München: Beck, 2016); Markus Wriedt, "Bildung, Schule und Universität," in *Philipp Melanchthon. Der Reformator zwischen Glauben und Wissen. Ein Handbuch*, ed. Günter Frank, (Berlin: de Gruyter, 2017), 141–154; Christine Mundhenk, "Philipp Melanchthons Beziehungen zu Ungarn und Siebenbürgen im Spiegel von Netzwerken und Korrespondenzen," in *JEMC* (2021.1): 103–118.
 23. Ulrich A. Wien, *Crossing Borders – Impact of Reformation in Transylvania since the 1520s. Diversity of Faith and Religious Freedom in the Ottoman Zone of Influence*. Refo500 Academic Studies 86 (Göttingen: Vandenhoeck und Ruprecht 2022), 67–83; Andreas Müller, "Kronstadt and Honterus," in *Europa reformata*, ed. by Michael Welker, Michael Beintker, and Albert de Lange (Leipzig: Evangelische Verlagsanstalt, 2016), 217–226; Agnés W. Sálgo (ed.), *Honterus-emplékkönyv* [Honterus "Festschrift"] (Budapest: Országos Széchényi Könyvtár, 2001); Ludwig Binder, *Johannes Honterus. Schriften, Briefe, Zeugnisse* (Bukarest: Kriterion, 1996); Karl Kurt Klein, *Der Humanist und Reformator Johannes Honter: Untersuchungen zur siebenbürg. Geistes- und Reformationsgeschichte* (Hermannstadt: Krafft & Drotleff, 1935).
 24. Thomas Sindilariu, "Johannes Honterus," in *Johannes Honterus, Reformatio ecclesiae Coronensis ac totius Barcensis provinciae, Corona 1543 = Reformation der Kirche in Kronstadt und der gesamten Burzenländer Provinz, Kronstadt 1543 = Reforma bisericii în Braşov şi a întregii provincii a Țării Bârsei, Braşov 1543 = A Brassói Egyház és egész Barcaság reformációja, Brassó 1543*; übersetzt von Anne Türk-König und Raduch Zsolt, ed. Bernhard Heigl and Thomas Şindilariu (Kronstadt: aldus Verlag / Heidelberg: Arbeitskreis für Siebenbürgische Landeskunde, 2017), 12–14.

25. Johannes Honterus, *Rudimenta Cosmographica: Grundzüge der Weltbeschreibung* (Corona/Kronstadt: Honterus, 1542), eds. Robert Offner, Harald Roth, Thomas Şindilariu, and Ulrich A. Wien (Bonn/Hermannstadt: Schiller 2015, ³2020).
26. Ulrich A. Wien, “The Hymnal (1543). Spiritual Openness and Ethical Emphasis in the Urban Reformation of Kronstadt (Transylvania),” in *Reformation & Renaissance Review* 23.2 (2021): 134–150. <https://doi.org/10.1080/14622459.2021.1923267>; Wien, *Crossing Borders*, 85–104.
27. Paul Bruszanowski, “Wirkungen der Reformation auf die rumänischen Orthodoxen in Siebenbürgen,” in *Exporting Reformation. Ihr Transfer in Kontaktzonen des 16. Jahrhunderts und die Gegenwart evangelischer Kirchen in Europa*, eds. Ulrich A. Wien and Mihai D. Grigore (Göttingen: Vandenhoeck und Ruprecht, 2017), 214–247, here 224; Wien, *Crossing Borders*, 58–61.
28. Edit Szegedi, “The Reception of Luther in Transylvania: The Cluj Antitrinitarians and the Wittenberg Reformer in the Sixteenth Century,” in *The Luther Effect in Eastern Europe: History, Culture, Memory*, eds. Joachim Bahlcke, Beate Störtkuhl, and Matthias Weber (Berlin, Boston: de Gruyter, 2017), 63–70.
29. Martin Brecht, *Martin Luther*, vol 2: *Ordnung und Abgrenzung der Reformation 1521–1532* (Stuttgart: Calwer, 1986), 123–138.246–253.
30. Edit Szegedi, *Ringens um den einen Gott: Eine politische Geschichte des Antitrinitarismus in Siebenbürgen im 16. Jahrhundert* (Göttingen: Vandenhoeck & Ruprecht, 2023).
31. Sabine Arend, “Emil Sehling: Die Evangelischen Kirchenordnung des 16. Jahrhunderts. Die wechselvolle Geschichte eines Editionsprojektes (1897–2020),” *Blätter für deutsche Landesgeschichte* 159 (2023): 171–197. The author defines this term as follows: “Kirchenordnungen sind Regelungen, die seit dem 16. Jahrhundert auf der Grundlage der evangelischen Lehre Richtlinien für Kultus, Sozialfürsorge und Schule sowie für die innere Organisation und das Recht der entstehenden evangelischen Landeskirchen geben. Landesherrn und städtische Magistrate, die sich zu Luthers Lehre bekannten, verstanden sich als christliche Obrigkeiten, die sich in göttlichem Auftrag zum Handeln aufgefordert sahen, in einer als Endzeit empfundenen Epoche den Zorn Gottes abzuwenden. Mit Kirchenordnungen griffen sie in einem bis dahin nicht gekannten Maße in den kirchlichen Rechtsbereich ein. Sie trafen Regelungen für viele Bereiche, zu denen der Kultus (Gottesdienst, Abendmahl etc.), die Organisation des Kirchenwesens (Ämterstruktur, Kirchenleitung), das Eherecht, die Armen- und Krankenfürsorge sowie die schulische Bildung gehörten.” See also as further literature on the current state of research: Eike Wolgast, *Die evangelischen Kirchenordnungen des 16. Jahrhunderts als kodifizierte Reformation. Ergebnisse eines Heidelberger Editionsprojektes* (Stuttgart: Kröner, 2021); Sabine Arend and Gerald Dörner (ed.), *Ordnungen für die Kirche - Wirkungen auf die Welt* (Tübingen: Mohr Siebeck, 2015); Sabine Arend, Norbert Haag, and Sabine Holtz (ed.), *Die württembergische Kirchenordnung von 1559 im Spannungsfeld von Religion, Politik und Gesellschaft* (Epfendorf am Neckar: Bibliotheca-Academica, 2013); Heiner Lück, “Kirchenordnung,” in *Handwörterbuch zur deutschen Rechtsgeschichte*, vol. 2, ed. Albrecht Cordes et al. (Berlin: Erich Schmidt, ²2012), 1805–1812; Gottfried Seebaß, “Die evangelischen Kirchenordnungen und ihre Bedeutung für das neuzeitlich-europäische Staatsverständnis,” *Jahrbuch für badische Kirchen- und Religionsgeschichte* 3 (2009): 15–28; Jürgen Kampmann, “Kirchenordnung,” in *Enzyklopädie der Neuzeit*, vol. 6, ed. Friedrich Jäger (Stuttgart: Metzler, 2007), 662–667; Anneliese Sprengler-

- Ruppenthal, *Gesammelte Aufsätze zu den Kirchenordnungen des 16. Jahrhunderts* (Tübingen: Mohr Siebeck, 2004); Anneliese Sprengler-Ruppenthal, “Kirchenordnungen II/1,” in *Theologische Realenzyklopädie*, vol. 18 (Berlin: de Gruyter, 1989), 670–703; Karla Sichelschmidt, *Recht aus christlicher Liebe oder obrigkeitlicher Gesetzesbefehl? Juristische Untersuchungen zu den evangelischen Kirchenordnungen des 16. Jahrhunderts* (Tübingen: Mohr Siebeck, 1995).
32. Eike Wolgast: “Die Einführung der Reformation im internationalen Vergleich” [hereinafter “Vergleich”], in *Kirche und Politik am Oberrhein im 16. Jahrhundert*, eds. Ulrich A. Wien and Volker Leppin (Tübingen: Mohr Siebeck, 2015), 13–15.
 33. Wolgast, “Vergleich,” 17–19.
 34. Wien, *Crossing Borders*, 157–158.
 35. *Quellen zur Geschichte der Stadt Kronstadt*, vol. 4: *Chroniken und Tagebücher*, Vol. 1 (1143–1867), ed. Julius Groß (Kronstadt: 1903), 504.
 36. Johannes Honterus, *Grundzüge der Weltbeschreibung*, transl. by Lore Poelchau, ed. Peter Pauly, in: Johannes Honterus, *Rudimenta cosmographica*, 225–263, quote from page 235: “Diese Stadt folgte als erste Europas der christlichen Lehre, wird von den Strahlen der aufgehenden Sonne wirksam erleuchtet.” (Engl. translation: This city was the first in Europe to follow the Christian doctrine and is effectively illuminated by the rays of the rising sun.) As the author Honterus was aware of the existence of Eastern Orthodoxy, the wording he chose most probably alludes to Protestant Christianity.
 37. *Evangelische Kirchenordnungen des XVI. Jahrhunderts*, vol. 24: *Siebenbürgen (Das Fürstentum Siebenbürgen, Das Rechtsgebiet und die Kirche der Siebenbürger Sachsen)* [henceforth: EKO 24], ed. Martin Armgart in collaboration with Karin Meese (Tübingen: Mohr Siebeck, 2012), 177–190 (Latin), (German) 191–202; cf. Wien, *Crossing Borders*, 85–104.
 38. *Quellen zur Geschichte der Stadt Kronstadt*, vol. 3: *Rechnungen aus dem Archiv der Stadt Kronstadt (1475) 1541–1550 (1571)* (Kronstadt: Zeidner, 1896), 178.
 39. EKO 24, (Latin) 206–225, (German) 226–246.
 40. EKO 24, 258: “Est igitur conclusum, ut in singulis civitatibus, oppidis et villis ecclesie iuxta Reformacionem ante triennium editam reformari debeant ac quique pastores ecclesiarum secundum eandem Reformacionem sese accomodare et vivere debeant.” The church ordinance had an immediate impact on the town council of the major Saxon towns, who adopted the role of legitimate authorities and took heed of the measures included in the text: Mária Pakucs-Willcocks, “The Honterian Reformation and Its Influence on Transylvanian Town Magistrates,” in *Initia Reformationis Transylvaniae. Vielfalt, Aufbrüche und Rezeptionsräume in der Frühen Neuzeit*, ed. Ulrich A. Wien (Berlin/Boston: de Gruyter, 2025), 47–64. <https://doi.org/10.1515/9783111376530-003>
 41. EKO 24, 199.
 42. EKO 24, 229 (1547), I.6 “Es sol auch niemand aus keinerley ursachen unterstehen, abzubrechen der pfarrhen oder dergleichen kirchen amter gerechte zugeng ... [translation: Nor should anyone, for any reason whatsoever, take the liberty of reducing or abandoning the lawful contributions to the parish or similar church offices]”; analogue to the Latin version.
 43. EKO 24, 238–241.
 44. Richard Schuller, *Der evangelisch-sächsische Pfarrer in seiner kulturgeschichtlichen Bedeutung* (Schäßburg: Markus, 1930), reprinted as *Der siebenbürgisch-sächsische Pfarrer. Eine Kulturgeschichte*, ed. Ulrich A. Wien (Cologne: Böhlau, 2003), 320–346; *Synod-*

alverhandlungen der Evangelischen Superintendentur Birtihalm 1601–1752. Urkundenbuch der Evangelischen Landeskirche A. B. in Rumänien, vol. 3/1 (Hermannstadt: Honterus 2019), 468–471; see also the contributions of Julia Derzsi, “Unzucht und Ehebruch vor Gericht. Sexualdelikte bei den Siebenbürger Sachsen in der zweiten Hälfte des 16. Jahrhunderts,” in *Common Man, Society and Religion in the 16th Century: Piety, Morality and Discipline in the Carpathian Basin / Gemeiner Mann, Gesellschaft und Religion im 16. Jahrhundert: Frömmigkeit, Moral und Sozialdisziplinierung im Karpatenbogen*, ed. Ulrich A. Wien (Göttingen: Vandenhoeck und Ruprecht, 2021), 275–296 and Mária Pakucs-Willcocks, “The idea of good marriage at the end of the sixteenth century Transylvania: Mathias Raw vs. Catharina Birtalmer,” in *Common Man*, 309–320. It remains an imperious task for future research to investigate the abundant archival material of church marriage records (up to 1897).

Abstract

The Reformation and Its Configuration in Early Modern Transylvania

The present study provides an overview of the main political and religious events in European history that led to the Reformation of the sixteenth century, and discusses the particular traits of the reception of Reformed ideas in Transylvania, especially the church ordinances and their political impact. Emphasis is put on the Reformation in the Saxon communities of the Transylvania, who adopted a Wittenberg-inspired but nevertheless hybrid form of Reformed theological ideas. The author presents the main characteristics of the ecclesiastical and theological setup of the *Universitas Saxonum* and the reciprocal influence and cooperation of ecclesial and secular elites, with mental and spiritual consequences not only for the Saxons, but also for the tenant peasant communities in the Transylvanian counties.

Keywords

Catholic Church, Reformation, Transylvanian Saxons, parish priests, church ordinances, tithes, social discipline, hybridity

Regulatory Articles and Regulations for the Election of Saxon Clergymen in the Early Modern Period (1543–1819)

ANDRÁS BÁNDI

Introduction

THE ELECTION of the Saxon clergy has not received significant attention from researchers for a long time. In 1862, Georg Daniel Teutsch dedicated a 27-page booklet to the subject, in which he emphasizes the need for freedom and order in the churches of the Transylvanian Saxons, including the free and orderly election of clergymen. According to Teutsch, the right of the Transylvanian Saxons to elect their clergymen and pay them tithes would preserve “the sense of Christian freedom as national self-confidence” for the guests of the Hungarian king.¹ This idea is surprisingly modern for the thirteenth century. Teutsch interpreted the privilege to elect the ministry through the lens of the Lutheran freedom of the Christian (*die Freiheit eines Christenmenschen*) and that of German nationalism. His interest was to prove that the right of free election of the Saxon parish priests was of Germanic origin. The Reformation, in his view, restored the biblical right of the congregation to elect its ministers, thus eliminating the “priestly sacramental mediation of the divine goods and mercy” (*priesterlich-sakramentale Vermittlung der göttlichen Güter und Gnaden*) of the medieval Church.² What Teutsch failed to acknowledge is that the Saxon Churches, both before and after the Reformation, functioned according to rights and privileges of royal and papal origin.³

Since the Middle Ages, the election of clergymen had been part of the right of patronage (*ius patronatus*), which for the *Fundus regius* was the right and prerogative of the king of Hungary, the landlord of this territory. The adult members of the congregations (mostly men, heads of families), the jurors and judges in the villages, town magistrates, seat and royal judges, bailiffs etc. only had the right of under-patronage (*subpatronatus*).⁴ After the collapse of the medieval Kingdom of Hungary (1526) and amid the increasing political and economic role of the University of Saxons (*Universitas Saxonum*) in the era of the Transylvanian Principality, the role of *summus episcopus* (i.e., the highest/supreme bishop, the term used by Protestant monarchs in the Holy Roman Empire for the heads of their territorial churches) of the Saxon parishes in the *Fundus regius* as well as that of protector of the superintendency in Biertan was assumed by the *comes regius* (royal judge) in Sibiu.⁵

The right of the colonists to elect their own clergy was granted by king Andrew II in his bull from 1224: *Sacerdotes vero suos libere eligant et electos praesentent* [...] (“But let

them freely choose their priests and represent those chosen ...”).⁶ This means that the monarch, in his capacity as patron, bestows upon the representatives of the guests (*hospites*) the prerogative to elect clergymen for the entire group. These clergymen must be presented to the archbishop or bishop for their confirmation in office. This interpretation of the sentence suggests that the king granted to the Saxons the privilege to elect their clergymen by virtue of his right of patronage.

Georg Daniel Teutsch asserted that King Andrew’s donation was merely confirming a right that the guests had already possessed within the confines of the Holy Roman Empire, and that the guests had subsequently transmitted this right to Hungary.⁷ This thesis is not endorsed by the modern research community. Dietrich Kurze, a leading authority on the history of medieval parishes in Germany, argued that the election of clergymen by the congregation was not a widespread practice at the time the ancestors of the Transylvanian Saxons departed from the Holy Roman Empire:

*Even after the eleventh century, election by the parishioners was the exception rather than the rule. Maybe except for Friesland, with its bylaws that were more reminiscent of Scandinavia and included a strong cooperative ecclesiastical organization, parish election rights in the German landscapes of the 12th and 13th centuries are difficult to track down due to their rarity, and—this is decisive—where they can be found, they are all newly acquired.*⁸ (My transl. from the German original)

Furthermore, Kurze’s analysis of German medieval colonized settlements in Eastern Europe reveals the absence of any congregation that possessed the prerogative to elect its priest as part of its inherent right of patronage.⁹ The same phenomena are consistent across Poland, Bohemia, and Silesia. Kurze remarks that the establishment of the right to patronage by *dos*, *fundus*, and *aedificatio* was accompanied by the appointment of clergymen by landlords and the Church hierarchy.¹⁰ Conversely, he enumerates a plethora of privileges bestowed upon settlers by the Hungarian kings, including the *Andreanum*.¹¹ The right to elect their own magistrates and priests was an integral component of the royal policy aimed at providing settlers with the opportunity to exercise patronage. The Hungarian kings functioned as the landlords of the German settlers.¹²

András Kubinyi further elaborated on Kurze’s conclusions by providing numerous examples from the medieval Kingdom of Hungary, highlighting intricate local developments, such as the observation that in certain parishes, the election of the priest was only considered free if the landlord had not nominated his own candidate. In other instances, landlords voluntarily relinquished their prerogative in favor of the parishioners, formally allowing them to elect their local priest. In parishes where the landlord did not fulfill his patronage duties—especially the upkeep of the church and the payment of the priest’s salary—citizens and peasants elected their local priests with the approval of the higher ecclesiastical authorities.¹³

A thorough examination of the numerous examples provided by Kubinyi reveals that the communal election of Transylvanian Saxon clergymen was not an isolated occurrence within the Kingdom of Hungary. This observation underscores the pivotal role played by landlords in the exercise of this right. The necessity of this introduction, which elucidates

the discourse surrounding the election of clergymen, is twofold. Firstly, it demonstrates that a right previously held by the king as landlord was transferred to his colonist settlers, thereby becoming the epitome of Church freedom for the Transylvanian Saxons and, consequently, a component of their confessional identity.

The objective of this paper is to demonstrate how regulations and bylaws of the Church mirror the essence of clergyman elections. However, prior to conducting a thorough examination of the regulations, it would be worthwhile to draw upon the best-documented historical elections that are available for study. In 1302, the representatives of the Sibiu Seat successfully persuaded Walbrunus, the dean of the Sibiu Chapter, to ratify the election of Petrus, the son of Danyel from Casolț. Initially, the dean had withheld his consent, citing the absence of a requisite condition: Petrus's young age, which fell short of the stipulated age requirement outlined by the "canonical sanctions."¹⁴ A local regulation for the age of the priest was not necessary since Walbrunus's reference to the Church's canonical law pertains to the worldwide institution. A notable aspect of this document is that the seat representatives mentioned the election of the parish priest by the *populi et plebizani*, who elected their priest *tamquam patroni*. This practice, as outlined in the document, was understood to be in accordance with the parishioners' status as *subpatroni* of the king.

The most significant election from the Middle Ages that has garnered the attention of historians is the one from Slimnic of 1394.¹⁵ The report presents the testimonies of the witnesses for two priests who challenged the election results. The document under consideration offers a plethora of procedural elements, including the option to vote by acclamation and the elevation of the winning candidate as a symbol of the conclusion of the vote. However, the aspect that is particularly intriguing from the perspective of this analysis is the reference of a single witness, who referred to himself as follows: *Laicus cum sit, quid est canonice eligere, exprimere non potuit*.¹⁶ This sentence indicates that elections were conducted in accordance with customary law. There is no evidence to suggest that this was not the prevailing practice until the Reformation, when the need arose for regulations and bylaws to elucidate the schism with the Roman Church.

This paper proposes an examination of all the regulations of the Saxon churches in Transylvania from the Reformation until the end of the pre-constitutional era with respect to their stipulations on the election of clergymen. The objective of this study is to interpret the texts in their historical, canonical, and doctrinal contexts and to compare them with each other. This approach aims to elucidate the *Sitz im Leben* of a Church in constant evolution by examining its relationship with the secular authorities and the challenges of time.

Regulations

The oldest Church ordinance for the town and district of Brașov is the work of Johann Honterus from 1543, *Reformatio der kyrchen der statt Kronnen und des ganzen Bwrczelandts*; it comprises two chapters on ministry. The first chapter (on vocation) posits that the Church requires ordained ministers; however, the primary concern lies in the dissemination of accurate doctrine and the maintenance of exemplary conduct (*das er sey gutter leer und gutter syttenn*).¹⁷ The second chapter (on the office of ministers)

focuses on the divine service and the teaching of the youth.¹⁸ The Church ordinance for all Saxon Churches of 1547 (*Kirchenordnung aller Deutschen in Sybembürgen*) commences with the appointment of ministers and stipulates the expeditious election of the new minister following the death of his predecessor. The urgency is motivated with the need for strict oversight of churches, rectories and parochial property (*auff das die kirch nit wüst verlassen oder vom pfarrhoff etwas entfrembdt werde.*)¹⁹

The Sibiu synod of 1565 promulgated one article (no. XII) on ministry. It distinguishes between two categories of clergymen: *pastores et ministri*. The only clergymen who were elected were the pastors, thereby becoming the successors of the *plebani* from the pre-Reformation times.²⁰ The pre-requisites for a suitable pastor, at the core of the regulation, were as follows: the person had to be of sound judgment, pious, erudite, able to teach, of the appropriate age and virility, and born from a lawful marriage.

*... nati ex honestis parentibus et legitimo matrimonio, non spurii, quoniam proles plerunque naturam patrum induit, uti dicitur: Natus adulterio semper adulter erit.*²¹

The year 1572 was significant for the Saxon Church in Transylvania. Prince Stephen Báthory (1571–1576) seized the opportunity presented by a gathering of the clergy to elect the successor of the deceased superintendent Mathias Hebler (1556–1571) and urged the adoption of the Augsburg Confession. Thus, the prince compelled the Saxon Church, which was loosely oriented towards the Wittenberg theology (its fundamental principle being the real presence of Christ's body and blood in the elements of the Lord's Supper) to adopt the core confession of Lutheranism.²² The then elected superintendent Lucas Unglerus (1572–1600) was compelled to placate the Saxon clergy by adopting a formula that could be endorsed by both groups within the Church. The first faction inclined toward Philipp Melancthon's position on the subject, which implied first and foremost the real presence (with the adjective *verus* and the adverb *vere*), rejecting Martin Luther's version of the ubiquity (from *ubiquitas*, a teaching on how the heavenly body of the resurrected Christ can be present in the elements) and emphasizing God's mysterious way to present us His son in the elements.²³ The second faction embraced Luther's ubiquity together with his Christology.

In June 1572, Unglerus presented his solution in the "Form of pious consensus" (*Formula Pii Consensus*), namely, that Christ can be present where He wants and is able (*qui et velit et possit ubique esse praesens*) to do so.²⁴ The objective of this writing was not merely to establish a consensus on the Lord's Supper but it was conceived as a comprehensive confession of faith. The *Formula* comprises an article (XVIII) that addresses the subject of church ministry and the repercussions of divine revelation. After emphasizing the need for an ordained ministry, Unglerus added:

*Those will be given in election by the public rite of ordination before the congregation, who are called and designated for the ecclesiastical ministry and are tested, examined, and instituted in a certain order and manner; finally publicly commended to the Church, and through the laying of hands and public prayers, are dedicated to the ministry of the Church for God's blessing, so that they may rightly teach the doctrine of the gospel, administer the sacraments, and be faithful co-workers of God in the edification of the Church of Christ.*²⁵

The *Formula Pii Consensus* was the last of the confessions of faith, and subsequent regulations regarded especially Church discipline. In this sense, several chapters (colleges of clergymen with prerogatives in matrimonial, disciplinary, and moral issues) issued self-regulatory statutes (the major chapters of Mediaș, Sibiu, and Brașov had developed them since the Middle Ages).²⁶ The statutes of the Laslea chapter, from 1572, govern the selection of the dean (the cleric who has served for the longest duration and is entrusted with the leadership of the chapter) along with his prerogatives and financial compensation. These regulations also encompass the procedural framework for judicial proceedings, the imposition of penalties, the conventions of the members, and the comprehensive procedure for the appointment (*vocatio*) of pastors to vacant parishes. In chapter XII, the statutes stipulate that the election process should be overseen by the *politici*, who serve as the secular representatives of the communities.²⁷ The primary concern of the statutes address the scenario in which electors postpone the election, resulting in the absence of an authorized recipient for the title.

The Statutes of the Saschiz Chapter, dating from 1573, caution parishes against electing a pastor who did not adhere to the confession of faith (*confession sive fides*) sanctioned by the decrees of the Synod.²⁸ These regulations highlight the conduct, orthodoxy, and diligence of appointed pastors.

*The pastors of the churches must diligently watch so that they and their fellow ministers lead an honorable life, pleasing to God, not a scandalous one; [a life] in accordance with ecclesiastical doctrine or discipline, as contained in the Word of God and the articles of pious synods, so that their light may shine before men and glorify the Father who is in heaven, nor should they, by a disordered life, tear down and destroy what they built with their words.*²⁹

The earliest extant regulatory document explicitly referring to the election of pastors is the “Form of Presentation of Saxon Pastors in Transylvania” (*Forma praesentationis pastorum Saxonicarum ecclesiarum in Transsylvania*) from 1582.³⁰ The congregation was obligated to take an oath of obedience to the elected pastor and to grant him all the privileges his predecessors had. Subsequently, the designated spokesman (*orator*) of the town or village declared and appointed him as legitimate pastor of the congregation. The authority to invest the new minister was bestowed upon the Saxon Nation by the Hungarian kings in charters and privileges from the time of the immigration:

*diplomata universitati Saxonum Transsylvaniae ante annos 400 et privilegia super electione, vocatione et praesentatione sacerdotum parrochorum seu pastorum ecclesiarum a piis Hungariae regibus data, concessa et attributa ac deinde annis subsequentibus confirmata et corroborata.*³¹

This paragraph of the statutes focused only on the inauguration or presentation of pastors; consequently, it did not regulate candidacy or election procedures.

The first regulation on the election of pastors are the “Articles for a just and fair election of pastors properly adapted and necessary, about which neither the members of the congregations nor the ecclesiastical and political authorities should rightfully complain” (*Articuli ad iustam et aequam pastoris electionem de quibus merito nec coloni communitatum*

nec ecclesiasticus politicusque magistratus conqueri debeant accomodati et necessarii) of 1615.³² The regulation is concise, comprising a mere five articles. The first article posited that candidates possess a robust understanding of theology and moral integrity. The second stipulated that the populace, in its simplicity, lacked the capacity to comprehend theological matters, hence, the responsibility fell upon the political representatives (town councils and city magistrates) and chapter members to provide guidance, akin to the manner in which parents offer counsel to their offspring. The third article stipulated that the authorities reserve the right to nominate candidates for the election. The election of a candidate who had not been previously nominated by the magistrate and chapter was considered null and void. The authorities had to nominate a minimum of three candidates, who could be pastors or deacons; however, according to the fourth article, they must have been in divine service for a minimum of one year. It is imperative to note that in the absence of this condition, the election could not be confirmed or validated. The final article stipulated that third parties, that is, individuals not associated with the magistrates, were prohibited from interfering with the election process. This interference may take the form of offering gifts or making promises, issuing threats, or negotiating agreements that sought to secure goods or benefits from Church property. This regulation is written in German and was intended for chapters and congregations. The English translation can be found in the Appendix. By comparing the Latin text³³ with the German one, I made the following observations: 1. The title is different. The Latin version places significant emphasis on the resolution of disputes between the electing bodies and the authorities. The German version of the title endeavors to persuade the reader of the notion that the articles in question were instituted by the Apostles. The primary concern is not judicial but rather disciplinary. Those who elect a pastor were obliged to comply with the articles, as the pastor's authority derived from the apostles of Jesus Christ. 2. In the initial article, the Latin text employs the terms *doctrina theologiae* and *morum integritate*. Conversely, the German text endeavors to persuade the electors of the paramount necessity that the Church have clergymen in accordance with the commandment of Apostle Paul, even employing a paraphrase from the New Testament. According to the document, the candidate's familiarity with the office is a prerequisite for consideration. The Latin text employs a specialized vocabulary, while the German text focuses on the obedience of the electors. 3. The second article makes a significant distinction in its formulation. In Latin, the election was contingent on the counsel of the authorities; by contrast, in German, the electors were obligated to seek the counsel of the authorities. The act of giving and taking is a reciprocal process, where one party's contribution is met with the other's equivalent. It is evident that the target demographic of the Latin text differed from that of the German text. The final section establishes the role of the authorities and introduces a secondary apostolic precept concerning the selection of pastors. 4. The third article exhibits a high degree of similarity in both versions, with a marginal distinction: in the German version, *coloni* is replaced by *Gemein*, and the idea of peasants having insufficient judgment is absent. 5. Article four is similar in both versions. 6. The final article in the German version employs a paraenetic style and engages in a discourse on Christ's Office and the teachings of the Apostles. The final section, characterized by its doxological nature, is absent from the Latin version. It is noteworthy that the Latin term *episcopatum bonorum* has been translated into German as

Pfarrhöffe. The articles may assert that the local pastor possesses the same rights over the rectory as a bishop over his cathedra.

To summarize, two versions of the text are available: one in Latin intended for political magistrates and clergymen and another in vernacular for congregation members. This is a response to the most pressing issues in the organization of elections in seventeenth-century Transylvania. It is a right that must be regulated by the authorities in their own interests, defined here as the Church and its assets, which its ministers must oversee. In order to achieve this objective, it was imperative that each constituent element of the community—namely, the congregation, the chapter, the magistrate, and the clergymen—assumed responsibility and fulfilled their designated role.

The year 1615 is of particular significance to the Church of the Transylvania Saxons. The May Synod in Mediaș was the last assembly to address doctrinal matters; however, it initiated a trajectory that would culminate in a marked shift from Reformed positions.³⁴ In an era characterized by the prevailing influence of Calvinistic princes in Transylvania, the reluctance to engage in debates that could potentially grant the princes increased influence over the Saxon churches is understandable. A parallel evolution can be observed in the case of the Unitarians, who adopted their *Disciplina Ecclesiastica* in 1626.³⁵ Despite the absence of confessionalization in Transylvania, the phenomenon of confessional consolidation and delimitation remains a salient point of discussion. This concept pertains to the establishment of regulations for both clergy and parishioners.

The last revision prior to the Church Constitution Reform of 1861 of the election regulation for Lutheran and Reformed pastors belonging to the Biertan Superintendency occurred in 1819 and was subsequently revised in 1837. It is important to note that this regulatory framework is markedly different from those that were in place in previous centuries. This regulatory norm, referred to as the Norm for candidacy and election (*Candidations- und Wahlnorm*), effectively became the standard for the nomination and election of pastors.³⁶ The initial chapter, which is the longest, is devoted to the candidacy (*Candidations Normativ*, comprising a total of 11 paragraphs). According to the first paragraph, the responsibility for the candidacy lies with the chief officials in Church matters. This body comprised representatives of both secular and ecclesiastical authorities. The seculars constitute the highest-ranking Lutheran officials within the Seats or Districts. The ecclesiastical authorities consisted of the Dean of the Chapter, the Senior (the pastor with the longest tenure at the chapter), and a high-ranking pastor. The novel regulation introduces a ranking system that compares parishes and candidates to their preconditions. According to the second paragraph, the parishes that have been assigned the highest rankings are those located in cities that have a gymnasium. This is due to the fact that the leading pastor is also the inspector of the gymnasium.

The pastor's ability to oversee the school (*gymnasium*), in conjunction with the rector, was paramount when electing the first minister of a prominent Saxon city. This oversight encompassed the supervision of teaching, examinations, and school discipline. The second criterion is that of justness (*Gerechtigkeit*), which can be understood as the selection of the most suitable candidate for the highest position, or the right candidate for the right parish. This process entailed the systematic evaluation and ranking of all existing candidates and potential future contenders. In Section 3, a comprehensive list of criteria is provided,

delineating the attributes that were required for the identification of suitable candidates. These criteria encompass a multifaceted array of competencies, including but not limited to aptitude, erudition, demonstrated responsibility, professional standing, and ethical principles. The ranking for the candidacy was determined by a multifaceted evaluation process, encompassing the following criteria: the rank within the chapters, the rank within the gymnasiums and town parishes (for teachers and deacons), and the rank within the primary or grammar schools. In the final instance, candidates could be educators without academic studies.³⁷ The hierarchical structure of the divine hierarchy was determined by the chapters to which they belonged, and where applicable, by the gymnasiums and schools where they were employed.

An examination for fresh university graduates was mandated by the High Consistory, followed by the ranking of candidates. After each graduation, the candidate would be assigned a new ranking. The fundamental concept was that candidates should accumulate experience in a variety of roles, including auxiliary teacher (*collaborator*), girls' teacher (*informator puellarum*), and full teacher (*lector*). The most distinguished teacher was appointed to the role of rector or head schoolmaster. The designation of 'deacon' could be extended to both lectors and rectors. The subsequent and highest ranking was that of pastor. Conversely, an exceptional ranking of one candidate could facilitate a direct transition from the role of lector to that of pastor. The most recent occurrence was more prevalent among candidates who had undergone university studies. This exception was established due to the prevalence of chapters lacking sufficient academic ministers as candidates for the most senior positions within the highest-ranking vacant parishes.

It was imperative that every elected minister (deacon or pastor) demonstrated a minimum of three years of service within the congregation that elected them. Another innovation was the circle of promotion (*Promotionskreis*). Candidates must hail from a single Church district. The transfer of candidates between districts was a process that occurred exclusively for those who had demonstrated exceptional qualifications. These individuals were typically solicited by parishes that were recognized for their superior performance (high ranking). The number of candidates was set to six. It is evident that these represented innovations in comparison to the previous regulations. As stated in the final paragraph of the initial chapter, officials from the three chapters containing Reformed congregations were obligated to participate in the electoral process of Reformed clergy. In order to be considered for candidacy, applicants must also receive a recommendation from one of the Reformed superintendents. The normative regulation stipulated the preferential employment of teachers from Reformed colleges.

The second chapter contains a single paragraph (§ 12) that addresses the congregation in the possession of noble landlords from the counties. The responsibility for organizing and overseeing the election fell to the Lutheran superintendent and the chapter to which the congregation belonged, given that the landlords were not Lutheran. The third chapter places particular emphasis on the procedural aspects (§ 13–15). The dean was responsible for drafting the list of candidates in strict confidentiality, and the chief officials had to affix their signatures and seals to the document. The election was to be held within three days following the validation of the list of candidates. The names of the candidates were to be disseminated to the heads of families in the congregation the evening prior to the election. The election commenced after the sermon delivered by the deacon. One of the

churchwardens was tasked with reading aloud the names of the candidates. In the event that there was a need for clarification, the churchwarden had to recite the names of the candidates at least three times.

The election was conceived as a ritualistic process. The chief officers were seated at the table in the choir with the list. The electors proceeded sequentially, beginning with the youngest, from one side of the choir. Each elector informed the chief officer of the preferred candidate's name. Thereafter, the electors proceeded to the opposite side of the choir and returned to their seats. The officer wrote a dash after the name of the candidate. After the completion of the election process the officials tabulated the dashes and announced the name of the candidate who had received the greatest number of dashes (see Figure 1). If two or more candidates obtained the same number of dashes, the one with the higher ranking was designated winner. The winner was allotted 24 hours to accept the appointment. In the event that the first candidate was not appointed, the second candidate of the same rank was appointed instead. In the absence of a candidate of equivalent rank, a sixth new candidate was nominated, and a new election had to be organized.

The final chapter (§ 16–21) is dedicated to the subject of complaints. If a grievance lodged by a losing candidate was deemed to have merit by the High Consistory, it was incumbent upon the institution to proceed with a new election. In § 19 the term “simony”³⁸ is employed to denote the most common accusation of a losing candidate against the winner. This term is generic for all kinds of interventions on behalf of a candidate, including bribery, gifts, promises, threats to the electors, defamation of the opposing candidates, and campaigning by proxies. In the event that the allegations brought forth were deemed unsubstantiated by the presented evidence, the individual who initiated the accusation was barred from further participation in any additional pastoral elections. In this scenario, the election was declared null and void, necessitating its subsequent repetition.

The regulation of 1819 is, by all accounts, a marked improvement over the previous one from 1615. It reflects the principles of the Habsburg bureaucracy, as represented by the divines. These divines were elected primarily for their theological knowledge, good morals, and diligence in holding office. The implementation of a ranking system is intended to address two fundamental objectives. Firstly, it is expected to facilitate the allocation of pastors to parishes in a manner that aligns with their specific needs and competencies. Secondly, it is designed to act as a deterrent to corruption within the system. This regulation must not be regarded exclusively as the result of an adapted state bureaucracy; it is also a response to the problems that have arisen over the past two centuries regarding the election of pastors.

An analysis of records from an election held in 1711 provides a valuable opportunity to discern the changes that have transpired since 1615. Two days after the death of a priest, the parish was obliged to send its representatives to the chapter or to the royal and seat judges to receive the list of nominated candidates from these bodies. A substantial modification is the augmentation of the number of nominees from three or four to six. The dean nominated two individuals, the senior pastor nominated two individuals, the royal judge nominated two individuals, and the seat judge nominated one individual. The parity between the two authorities is maintained; however, the presence of “deputies” who also make nominations serve to mitigate the likelihood of corruption. The dean's approval was necessary for the inclusion on both lists. The dean subsequently communicated the

precise date of the election to the congregation. The venue for the election was invariably the church. The election was overseen by a senior pastor in the presence of a senator presiding over the proceedings. The family fathers were granted the right to vote. In the event of a tie, the outcome was determined by a drawing of lots. The result of the election was initially conveyed to the dean, and subsequently, to the elected candidate, who was presented with the insignia (church key). It was only after this that he was granted permission to visit the parish. For 15 days, it was his prerogative to refuse the election and return the insignia. In the event of a late refusal, the newly elected pastor was fined 200 fl.³⁹ These are the first precise intervals for confirming the election result, visually represented by the custom of accepting or refusing the key to the church of the parish the candidate was elected to.

The transition towards the regulation of 1819 was chiefly influenced by the knowledge acquired from the numerous instances of attempted or successful manipulation of candidacy and procedure through bribery or other forms of interference. A study of the elections of the seventeenth century in the Antesilvan Chapter (primarily the Seats of Miercurea, Sebeş, Orăştie, and a few nobiliary possessions) revealed that the most frequent annulations of elections occurred due to the interference of secular authorities or procedural errors. In a multitude of instances, the errors in question were a consequence of the interference on the part of secular authorities. A thorough examination of the *Fundus Regius* revealed that magistrates, as well as seat and royal judges, tried to impose their preferred candidates on elector bodies within various villages.⁴⁰ In the context of nobiliary possession, the landlords who acknowledged their role as patrons of the churches within the possessions were not willing to refrain from meddling in the election of the pastors. In a particular situation from 1684, the Reformed landlord from Ungurei employed physical force to persuade his serfs to elect a candidate who had promised him financial compensation.⁴¹

These cases reflect, first and foremost, the struggle of the Ecclesiastical University to maintain the parity system in candidacy and elections. They also demonstrate the presence of patronage rights in both territories. Richard Schuller's observations on the involvement of Catholic magistrates in validating Lutheran candidacies corroborate this statement. The absence of parity in the electoral process can lead to the intervention and manipulation of election results by the authority wielding more effective power and influence over the electors.⁴² Despite the one-sidedness of the events depicted in the records held in chapters and synods, which also include exaggerated accounts of interference by the secular authorities, these records nevertheless offer a valuable perspective on the imbalance in the exercise of authority on the election of pastors.

Regarding simony, the ecclesiastical authorities exhibited a high degree of intransigence, given the greater complexity involved in its substantiation compared to the allegations of candidacy or procedural manipulation. The case from Călnic of 1591/2 offers a compelling illustration of the operational dynamics of simony within small communities. Candidates, through proxies, made promises regarding the allocation of specific portions of the tithes or other benefits.⁴³ This form of bribery is challenging to detect due to its covert nature. Subsequent to this one revealed case, numerous others were brought to light. Accordingly, during the synod of 9 to 13 June 1676, the superintendent directed the deans to undertake investigations into all allegations of bribery and cautioned the 'simoniac brethren' that they would face removal from office if found guilty.⁴⁴

According to § 10 of the regulation of 1819, candidates whose behavior could potentially arouse suspicion of simony were designated with a lower rank. In § 19, the high consistory formally recommends that the investigation of simony be pursued before the newly elected has been presented or inaugurated in the new parish. These stipulations are considerably more precise and demonstrate that lessons from the past have been taken to heart.

The development of this regulatory framework was initiated by the Transylvanian Gubernium in the early nineteenth century as part of a broader modernization process within the Church.⁴⁵ The state endeavored to disassociate the Church from the Saxon University by enacting regulatory legislation for both institutions. One of the recently implemented regulations stipulated the annual election of pastors, a measure that proved to be both impractical and unpopular, consequently necessitating its repeal.⁴⁶ The right to candidacy and election was temporarily granted exclusively to secular committees.⁴⁷ Given the futility of resistance, as evidenced by the state's reinstatement of the Church's right to elect the pastors, the High Consistory showed a strong inclination to preserve the status quo by proposing the maintenance of many practices from the old customary law.

Conclusions

The regulation of pastoral elections in the Saxon Church in Transylvania reflects the history of this institution. This kind of election was nothing new for the authorities and the parishes when the magistrate of Braşov and later the Saxon University introduced the Reformation and made it mandatory. This explains why we do not have any special regulations for this procedure. It was governed by unwritten customs. A key element from the earliest times was the participation of the secular authorities and the confirmation by the deans as representatives of the regional ecclesiastical authority. Another ancient and specifically Saxon element was the custom of elevating the winner to the altar. Because the relationship with the state (political magistrates, Saxon University) did not change, in the case of the Saxons the Reformation produced Church ordinances that were more interested in the formal acceptance of the purified and ordered service, doctrine and office.⁴⁸ The moral and pedagogical considerations were more crucial than the rules, inasmuch as they did not even define the concept of "good doctrine." Looking at the historical and theological context, it can be identified in the space between Reformed Catholicism and early Lutheranism according to Melancthon's teachings.

In 1572, with the adoption of the Augsburg Confession, the election of pastors received more attention. Now the emphasis is on having an orderly ministry for preaching the Word and administering the sacraments. The Pii Consensus formula provides a complete set of rules for congregations needing an ordained ministry, from election to approval by the authorities, to the act of ordination itself. In this case, early Lutheran doctrine and conformity to the will of the monarch (legitimation) prevail over custom and freedom.

The Form of Presentation of 1582 highlighted the importance of the connection to the Hungarian kings and lords for the identity of the Transylvanian Saxons and their Church. It goes back to the time of colonization and establishes the freedom to choose, present and ordain pastors. The emphasis was put on the privileges of the Church, but in its organized structure under the Lutheran Superintendency in Biertan. It is very interesting that,

as early as 1582, the document recognized the status of Saxons as invited guests in the medieval kingdom of Hungary, contrary to the concurring theories that the Saxons were descendants of the Dacians.

After the creation of confessional denominations in Transylvania was finalized and Transylvanian princes began to favor Calvinism, the Lutherans and Unitarians stopped their internal doctrinal disputes and regulated instead their internal discipline. This is the background of the first election regulations of 1615. For this reason, the doctrine had to be purely Lutheran, but the main emphasis was on having ministers who rely equally on both authorities and who, as well as their congregations, contribute to the consolidation of the Church in difficult times.

The last and most comprehensive election regulation of 1819 did not even mention the doctrine; in paragraph 3, the conditions for being nominated as a candidate were “talent, knowledge, proven diligence, and existing rank in connection with an irreproachable way of life.”⁴⁹ The influence of the Enlightenment and the Viennese bureaucracy is salient, as is the Church’s eagerness to adopt a comprehensive regulation that addressed all questions of candidacy and election. It was a good tool in the hands of church and state authorities to suppress corruption and nepotism, but its effectiveness had to be proven in time. It remained in force until 1860.

The regulations on Saxon pastors, from the Reformation to the end of the pre-constitutional era, reflect the evolution of the Church from a privileged institution with a strong clergy, to a Church as an extension of the secular estate, and then to a Church struggling for autonomy, as it understood itself to be at the core of Saxon national identity in the early nineteenth century.

Appendix

ARTICLE THUS regulated for the lawful and fair election of a new pastor according to the blessed Apostles’ practice, concluded by spiritual and secular authorities in the year 1615

1. Above all, it is most necessary that the person whom one wishes to elect, according to the Christian Church, which requires a pastor, should be well-qualified and appointed with sufficient knowledge of pure doctrine and sufficient practice of good conduct, as commanded by the Apostle, who says to appoint teachers who know how to rightly hand out the Word of God and also know how to give milk to those who need milk and solid food to those who require solid food, and who are not novices.

2. Since simple laypeople cannot properly judge such matters, Christian congregations should seek counsel from the Chapter and the secular authorities, who are their fathers, the former in spiritual matters, the latter in external administration, as they have the best experience. This is the way Saint Paul commanded Titus to follow, that he should appoint teachers for the congregation.⁵⁰

3. Although the election [of a pastor] should remain free for the needy churches, the spiritual and secular authorities shall designate three or four suitable persons from whom

the congregation may choose one according to their desire. However, if the designated [candidates] are bypassed and another is called, such an election shall not be valid, as it violates the Fourth Commandment⁵¹ and greatly harms the Christian Church, in which all things should be done decently and in order, indeed, it goes against all fairness.

4. Moreover, fairness dictates that among the men proposed to the congregations by both authorities, those should primarily be included who have long been in service as preachers or pastors, or who have served for at least a year, for only then does one know who the man truly is—once he has been heard for a time and his conduct in office has been observed. If this is disregarded, the election shall be deemed null and void.

5. Care must be taken with all diligence that no perverse or illegitimate elections and appointments occur or are permitted, contrary to the teaching of Christ and the Apostles. Improper elections, from which God will withdraw His blessing and favor, are of the following kinds: When gifts are given or received, when promises are made or accepted that run counter to the authority and privileges of pastors or pertain to the alienation or squandering of parish property, goods, or rights. Finally, when the congregation is coerced through pressure in elections and not allowed the free choice of the previously designated candidates. For in such cases, it must be assumed that the aim is not God's glory, nor the salvation of the auditory, nor the common good, but rather human favor, personal gain, reward, servitude, temporal honor, and possessions. From this, hirelings arise instead of shepherds, and much scandal follows.⁵²

FIG. 1. "VOTING LETTER" FROM UNGUREI (1684)

Candidati Ecclesie Saxonicae: 140

1. Fruct. J. stopf. Birtseby Df. Vinjard. |||

2. Andreas Botof Df. Vis. Gorga

3. stopfannus Kuti Df. Szered. |||

4. Matts. Molitonis Df. Szakvir.

5. stopf. Bratt Df. X. Hoto. |||

6. Geary. Bretz Df. Dobore. |||

SOURCE: Central Archives of the Evangelical Church A. C. in Romania (Sibiu), Fund: Sebeş District Consistory, DA-209-14,140.



Notes

1. Georg Daniel Teutsch, *Zur Geschichte der Pfarrerswahlen in der evangelischen Landeskirche in Siebenbürgen* (Sibiu: Steinhaussen, 1862), 4.
2. *Ibid.*, 5.
3. Georg Daniel Teutsch, *Urkundenbuch der evangelischen Landeskirche A. B. in Siebenbürgen*, vol. 1 (Sibiu: Steinhaussen, 1862, 161–178.
4. Géza Hegyi, “A plébánia fogalma a 14. századi Erdélyben [The concept of the parish in 14th century Transylvania],” *Erdélyi Múzeum* LXXX (2018): 20.
5. András Bándi, “Die Pfarrerswahlen im Unterwälder Kapitel im 17. Jahrhundert” [The Election of Pastors in the Antesilvanum Chapter in the 17th Century], *Forschungen zur Volks- und Landeskunde* 66 (2023): 81.
6. Stephan Ladislaus Endlicher, *Rerum Hungaricarum monumenta Arpadiana* (Sangalli: Scheitlin & Zollikofer, 1849), 422.
7. Teutsch, *Zur Geschichte*, 6. In another paper, this author implied that the guests imposed this ancient Germanic right on the king as a condition for accepting to settle in Hungary. Georg Daniel Teutsch, *Das Zehntrecht der Evangelischen Landeskirche A. B. in Siebenbürgen. Eine rechtsgeschichtliche Abhandlung* [The Right to the Tithe of the Evangelical Church A. C. in Transylvania: A Legal-Historical Treatise], 12.
8. Dietrich Kurze, “Zur historischen Einordnung der kirchlichen Bestimmungen des Andreanums,” in *Zur Rechts- und Siedlungsgeschichte der Siebenbürger Sachsen*, ed. by Paul Philippi (Cologne: Böhlau, 1971), (Siebenbürgisches Archiv, 3. Folge, Bd. 8), 140: “Auch nach dem 11. Jahrhundert ist die gemeindliche Pfarrerswahl die Ausnahme und nicht die Regel. Abgesehen vielleicht von Friesland, dessen eher an Skandinaviern erinnernde Ordnungen ein recht kräftiges genossenschaftliches Kirchenwesen in sich schlossen, sind Pfarrerswahlrechte in den deutschen Landschaften des 12. und 13. Jahrhunderts wegen ihrer Seltenheit nur mühsam aufzuspüren, und – das ist entscheidend – wo sie zu finden sind, sind sie durchweg neu erworben.”
9. *Ibid.*, 145.
10. *Ibid.*, 146–148.
11. *Ibid.*, 149–152.
12. *Ibid.*, 155–157.
13. András Kubinyi, “Plébánosválasztások és egyházközségi önkormányzat a középkori Magyarországon” [Clergymen elections and parish self-governance in medieval Hungary], *Aetas* 6, 2 (1991): 32–4.
14. Franz Zimmermann and Carl Werner eds., *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, I., vol. 1 (Sibiu: Michaelis, 1892), 224–225; Teutsch, *Zur Geschichte* I, 13.
15. Franz Zimmermann, Carl Werner and Georg Müller eds. *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, vol. III (Sibiu: Michaelis, 1902), 84–95.
16. *Ibid.*, 85.
17. Martin Armgart and Katrin Meese (eds.), *Die evangelischen Kirchenordnungen des XVI. Jahrhunderts*, 24. Band: Das Fürstentum Siebenbürgen – das Rechtsgebiet und die Kirche der Siebenbürger Sachsen [The Protestant Church Ordinances of the 16th Century, Volume 24: The Principality of Transylvania—The Legal Territory and the Church of the Transylvanian Saxons] (abbreviated as: EKO 24), (Tübingen: Mohr Siebeck, 2012), 198.

18. Ibid., 198–200.
19. Ibid., 228.
20. Ibid., 294.
21. Ibid.
22. Ulrich A. Wien, Crossing Borders—Impact of Reformation in Transylvania since the 1520s: Diversity of Faith and Religious Freedom in the Ottoman Zone of Influence (Göttingen: Vandenhoeck & Ruprecht, 2022) (Refo Academic Studies 86), 204.
23. Wilhelm H. Neuser, Die Abendmahlslehre Melanchthons in ihrer geschichtlichen Entwicklung (1519–1530) [The teaching of Melancthon in its historical evolution (1519–1530)], (Neukirchener Verlag: Neukirchen-Vluyn, 1968), 450–452.
24. EKO 24, 347.
25. Ibid., 351: *Accedit in electione ritus ordinationis publicus coram ecclesia, quo ad ministerium ecclesiasticum vocati et designati certo ordine et more probantur, examinantur et instituuntur, publicae tandem ecclesiae commendantur ac per manus impositionem Dei benedictionem publicis precibus ministerio ecclesiae dedicantur, ut recte doctrinam evangelii doceant, administrent sacramenta et sint fideles Dei cooperarii in aedificationem ecclesiae Christi.*
26. Friedrich Teutsch, Geschichte der evangelischen Kirche in Siebenbürgen [History of the Evangelical Church in Transylvania] I, (Krafft: Hermannstadt/Sibiu, 1921), 109.
27. EKO 24, 363.
28. Ibid., 374.
29. As part of the Statutes of the Chapters in Rupea and Șeica, Ibid., 399: *Pastores ecclesiarum diligenter invigilent, ut ipsi et comministri eorum honestam vitam, Deo placentem, non scandalosam, secundum ecclesiasticam doctrinam sive disciplinam, in verbo Dei et articulis piarum synodorum comprehensam ducant, ut luceat lux eorum coram hominibus et glorificetur Pater, qui est in coelis, neve quod verbo extruant, vita inordinata diruant et destruant.*
30. Ibid., 462.
31. Ibid.
32. Ibid., 511.
33. According to a later mention, the translation into Latin was made in the first half of the 17th century. József Benkő, Transsilvania sive magnus Transsilvaniae principatus olim Dacia mediterranea dictus, orbi nondum satis cognitus, 2nd vol. Claudiopolitanae 1778, 2nd ed. Vindobonae 1834, 436.
34. Wien, Crossing Borders, 268.
35. Gizella Keserű, The Late Confessionalization of the Transylvanian Unitarian Church and the Polish Brethren, in Kazimierz Bem and Bruce Gordon (eds.) Antitrinitarianism and Unitarianism in the Early Modern World, (Cham: Palgrave Macmillan, 2024), 145–150.
36. Full title: *Candidations- und Wahl-Norm für die Pfarrerswahlen in den Gemeinden der Augsburgischen Confessions Verwandten in Siebenbürgen, und der dem Superintendenten dieser Gemeinden unterstehenden Reformirten Kirchen* (Candidacy and Election Rules for pastoral elections in the Congregations of the Augsburg Confession in Transylvania and the Reformed Churches under the Superintendent of these Congregations). Handbuch für die evangelische Landeskirche Augsburgischen Bekenntnisses im Großfürstenthum Siebenbürgen. Eine Sammlung von Gesetzen und Aktenstücken [Handbook for the Evangelical Church of the Augsburg Confession in the Grand Principality of Transylvania. A collection of laws and documents], (Vienna: Evangelische Landeskirche, 1857), 139–151.

37. The Transylvanian Saxon Church had a long tradition of employing teachers who didn't study in a formal institution, but instead 'learned to teach' as apprentices to experienced teachers.
38. Simony (from Late Latin *simonia*, named after Simon Magus in Acts 8: 18–24) refers to the buying or selling of sacred things, particularly ecclesiastical offices, sacraments, or spiritual benefits.
39. Richard Schuller, *Der evangelisch-sächsische Pfarrer in seiner kulturgeschichtlichen Bedeutung* [The evangelical Saxon Pastor and his cultural and historical significance], (Schäßburg: Markusdruckerei, 1930), 265–272.
40. Bándi, *Pfarrerwahlen*, 79–81.
41. *Ibid.*, 81–84.
42. Schuller, *Pfarrer*, 272–274.
43. Bándi, *Pfarrerwahlen*, 75.
44. Ulrich A. Wien and Martin Armgard, *Die Synodalverhandlungen der evangelischen Superintendentur Birtihalm 1601–1752, Band I*, [Synodal Article of the Evangelical Superintendency in Biertan, 1601–1752, volume 1], (Sibiu/Hermannstadt: Honterus, 2019), 304.
45. Ulrich A. Wien and Karl W. Schwarz, *Die Kirchenordnungen der Evangelischen Kirche A. B. in Siebenbürgen (1807–1997)* [The Ordinances of Evangelical Church A. C. in Transylvania], (Cologne: Böhlau Verlag, 2005), (Schriften zur Landeskunde Siebenbürgens 30) 19–21.
46. Friedrich Teutsch, *Geschichte der evangelischen Kirche in Siebenbürgen, Band II: 1700–1917* [History of the Evangelical Church in Transylvania, volume 2, 1700–1917], (Hermannstadt: Krafft, 1922) 274–275.
47. *Ibid.*, 281–282.
48. Wien, *Crossing Borders*, 56.
49. *Handbuch*, 141.
50. 'For this cause left I thee in Crete, that thou shouldest set in order the things that are wanting, and ordain elders in every city, as I had appointed thee.' Titus 1,5, The King James Bible: <https://www.kingjamesbibleonline.org/Titus-Chapter-1/> (Accessed on 9th June 2025)
51. According to the Lutheran tradition: 'Honour thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee.' The King James Bible: <https://www.kingjamesbibleonline.org/Exodus-Chapter-20/> (Accessed on 9 June 2025)
52. Arhivele Naționale ale României – Sibiu, *Capitulul evanghelic C.A. Bistrița Nr. 2, Signatur: SB-F-00008-711(1)-2*, 7-8. A slightly different version of the German text was edited in Wien and Armgard (eds.), *Synodalverhandlungen*, 64-65. I decided to translate the articles from the copybook of the Bistrița Chapter (end of the 18th century) because they reflect their use in the congregations.

Abstract

**Regulatory Articles and Regulations for the Election of Saxon Clergymen
in the Early Modern Period (1543–1819)**

The paper examines the regulations governing the election of Saxon pastors in Transylvania, with an emphasis on the relationship between secular and ecclesiastical authorities in the modern era. From a doctrinal and moral point of view, the regulations were intended to help parishes and authorities alike to manage a process that was at the core of Saxon identity: freedom, even in ecclesiastical matters. In accordance with the historical periods, the regulations reflect the needs of the Church: from finding its confessional profile, to consolidating its ranks and internal discipline to withstand political pressure from absolutist monarchs, to implementing an efficient bureaucracy to guarantee fair elections and the best available candidate for each category of congregation. The appendix contains the first explicit regulation on the matter, from a register used to supervise the elections. An illustration has also been added at the end of this paper to introduce the reader to how the election process was managed by the officials.

Keywords: church history, history of Lutheranism, history of Transylvania, Transylvanian Saxons, simony, Lutheran ministry.

Banishment Practices in Fifteenth-Century Zagreb

KRISTINA GRGIĆ, SUZANA SIMON

1. Introductory Remarks

BANISHMENT, THE sanction that includes the physical removal of the individual from a territory, represents one of the oldest forms of punishment, applied even in undeveloped penal systems. Until the creation of the modern penal system, banishing individuals from the community for the purpose of their punishment was present in different forms in everyday use across Europe.¹ The penalty of banishment had several functions. By being banished, the criminal was removed from the community, a fact that would, on the one hand, diminish the probability of further disturbance of peace by his retaliation or the retribution from the injured party. On the other hand, the removal of the individual beyond the borders of the community prevented him from repeating his misdeed, which would, for the community, signify a final and efficient way of protection from further damage, and on the symbolical level, the cleansing of society of undesirable individuals.² The omnipresence and frequency of banishment as a punitive measure reflected the widespread and deeply rooted view that belonging to a certain community depended on the behavior of individuals who had to observe the written or unwritten laws and accepted social norms.³

Banishment in its various forms was a widespread and usual practice also in the Middle Ages, whether as a form of punishment, a correction of behavior, or coercion. Although most of the research of medieval court practices dealt with banishment only sporadically,⁴ fines and the official banishment of criminals and undesirable individuals were dominant forms of punishment by the authorities in the Middle Ages,⁵ especially in urban milieus. Since it was impossible to rely only on coercion, city magistrates would use banishment in order to free the community of particularly problematic offenders, often also using public rituals to demonstrate their power and to confirm the city norms and limits of acceptable behavior as a condition of inclusion in the community.⁶ As a sanction, banishment created the space for negotiation between authorities, the offender and the local population, but at the same time showed the aspiration of local authorities to punish and control offenders who attempted to destroy the medieval ideal of the orderly and disciplined community, deprived of infidels and foreigners.⁷ When implemented with determination, exile was a terrifying punishment which pushed the offender into poverty, depriving him of contact with his loved ones and exposing him to the dangers lurking beyond the city walls.⁸ On the other hand, since banishment was a flexible, potentially reversible and cheap way of

punishment, it represented an important middle ground between the death penalty and fines. Therefore, it is not a surprise that banishment had a central role in the enforcement of law in the medieval European urban communities.

In the present paper, we will present the cases of banishment in medieval Zagreb. It should be noted here that our investigation refers to the civil part of town, granted the privilege of free royal city. The sanction of banishment allowed the city magistrate to quickly and simply cleanse the urban territory of all kinds of lawbreakers, so it is no wonder that it was used in court practice of Zagreb in the fifteenth century, not only for third time offenders, but also for punishing a wide range of prohibited activities. However, as will be shown, these prohibited activities were actually a wide variety of offenses which differed significantly by their type and severity. The observation that both minor offenses, such as verbal abuse, and the most serious crimes could result in the same punishment—banishment—raises important questions about the consistency of judicial practice in medieval Zagreb. This particularity prompted our closer examination of whether punishments were based on written legal regulations, or if the court exercised significant discretion, choosing the type and severity of penalties on a case-by-case basis.

It is necessary to emphasize that the topic of banishment in medieval Zagreb was covered by historiography only in certain aspects. Although there are many works on the history of crime,⁹ the practice of banishment was never considered closely and many aspects of this form of punishment were left unclear. However, court records preserved from the period of 1355 until 1526¹⁰ contain numerous examples from judicial practice in which the court applied this form of sanction. Considering the large corpus of preserved documents, it was impossible to include the whole period covered by the sources, therefore the focus of this study will be the practice of using banishment as a form of sanction in the governance of fifteenth-century Zagreb. The documents from this later period were written in more detail and are preserved almost completely. They thus provide a better insight into already established mechanisms of dealing with unacceptable behavior. For this purpose, we have analyzed 116 court procedures entailing the sanction of banishment, conducted from 1412 to 1448, and from 1450 to 1500 respectively.

2. The Sanction of Banishment in Criminal Law in Zagreb

THE PENALTY of banishment in Zagreb was first mentioned in the urban privilege of 1242 (also known as the Golden Bull).¹¹ The norms of criminal and procedural law take up a substantial amount of the text of the privilege and contain the list of offenses for which they prescribe drastically harsh penalties. In most cases these penalties were fines, but besides them, the privilege prescribes two non-monetary penalties: “taking revenge,” that is, the death penalty in the case of a first degree murder, and the penalty of banishment from the city for the three-time repeat offenders, which was combined with the confiscation of their property.¹² However, with the further development of the city, the regulations in the privilege became insufficient, and the city court filled the gaps with customary law and juridical practice,¹³ in which the penalty of banishment from the city and

the city territory played a significant role. The formation of a city community meant the emergence of urban governance and administration; the main administrative, judicial, and legislative body was the city magistrate, composed of a judge (*index civitatis*), jurors (*iurati*) and councilors (*consilarii*). Only full-fledged citizens had the right to hold these offices. Additionally, these services were not paid, thus only wealthier and more respectable citizens, with a good reputation, were taken into consideration for them.¹⁴ In turn, full-fledged citizens were considered only those individuals who owned real estate in the city,¹⁵ had been living in Zagreb for at least a year, and were of Catholic confession.¹⁶ The city territory, however, included all city properties and the population (from full-fledged citizens and inhabitants, foreigners and nobles, to serfs on the nearby agricultural estates).¹⁷

If we compare in practice the list of offenses for which the town court prescribed the penalty of banishment from Zagreb during the fifteenth century with the list of offenses in the original privilege, it seems that most crimes punished in the later period were not included in the text of the privilege.¹⁸ The town officials of Zagreb surely did not arbitrarily disregard the privilege and decided how to punish the offenses absent from it, but relied on existing norms of customary law. A substantial number of proceedings in which the perpetrators sentenced to banishment from the city received a threat that they would get an even worse and deserved penalty in the case of their return support this argument. In such cases, the texts of court sentences mention multiple times penalties (*justicia secundum consuetudinem civitatis*,¹⁹ or *juxta secundum consuetudinem communis*.²⁰

In this context, the criminal regulations in the Statute of Ilok from 1525²¹ were of significant help, because the legal regulations collected in it were valid in tavernical towns,²² which included Zagreb (Gradec).²³ Similar regulations on criminal law are contained in the *Ofner Stadtrecht*,²⁴ a legal book of medieval Buda, which was drawn up at the beginning of the fifteenth century.²⁵ Its regulations of criminal law largely coincide with those from the Statute of Ilok, and would have been well-known also in Zagreb, a city with many German immigrants and strong commercial ties to the Hungarian capital.²⁶ Moreover, previous research conducted by Kristina Grgić on the practice of the death penalty in Zagreb in the second half of the fifteenth century confirms that the resolutions of court procedures were mostly coinciding with the regulations of criminal law in *Stadtrecht* and the Statute of Ilok.²⁷ With regard to banishment, in the Statute of Ilok, it was prescribed in only three cases. In the first case, the Statute provides for banishment of one month for those citizens who broke the ban on the purchase of commercial goods for foreigners, and then due to poverty could not pay the fine of one mark of pure silver.²⁸ In the remaining two cases, banishment was prescribed for those who had a habit of stealing bread in the city square because of hunger and for other perpetrators of theft of the value up to one florin. In both cases, the Statute prescribes lashing along with the banishment from the city at a distance of eight miles and for the duration of one hundred years and one day.²⁹ As opposed to the Statute of Ilok, the regulations of the *Stadtrecht* do not mention the sanction of banishment at all.

However, regardless of having only partial or no mention of banishment in these legal sources, they have been proven to be useful for this research. Whereas in the judicial practice of fifteenth-century Zagreb numerous trials ended with the sanction of banishment for perpetrators against the written rules of the *Stadtrecht* or the Statute of Ilok, other elements of court procedures and sentences have shown us that the town court resorted

to existing norms of customary law that generally did not differ from those written in the *Stadtrecht* of Buda and the Statute of Ilok.

3. Types of Banishment in the Free Royal City of Zagreb

AS IT was mentioned previously, the penalty of banishment was deeply rooted in the criminal practice of Zagreb, and until the fifteenth century it took on a significant role also in the sense of protecting the community and as mechanism of removing undesirable and dangerous individuals. This sanction is found in sources in two situations: the so-called declarative banishment and banishment in the real sense of the word.

Declarative banishment was ruled in the procedures conducted against an accused who was already on the run, thus the contumacious sentence prohibited the person's return to the city and its territory.³⁰ Sometimes the accused were able to avoid justice by fleeing from the city, and thus the city court was not able to reach them. Throughout the fifteenth century, we have 20 of such cases from Zagreb, in which the city court would pass a sentence in the absence of the accused and threaten to give a deserved punishment in the case the fugitive should return to the city territory. However, in six of such procedures conducted against three fugitives who committed theft, two perpetrators who committed murder and one recidivist, the threat in the sentence was also followed by the declarative banishment. In other words, runaway perpetrators who committed theft and murder were convicted in their absence and were forbidden to return to the city and the city territory with the formula *ad territorium huius civitatis venire non debeant*³¹ or *ut de cetero et per amplius in civitatem et eius territorio nullo modo intrare presumat*,³² or *nullo modo nunquam debet introire*.³³

In the sources, most cases mention banishment in a real sense, that is, the situation when the convicted were forced to leave the city and city territory based on the court's decision, with a ban on returning.³⁴ When we speak of banishment in the real sense, considering the privilege in which it is written, *qui si post trinam correctionem se non emendaverit, rebus omnibus in commune applicatis tamquam infamis de civitate turpiter expellatur*,³⁵ it was to be expected that the sanction of banishment would refer precisely to repeat offenders in most of the analyzed procedures. However, out of 105 procedures in which the city court sentenced 137 delinquents to banishment from the city, only 12 were for a repeat offense,³⁶ which shows that in later practice the city court would apply the penalty of banishment widely beyond the framework in the Golden Bull privilege.

4. Types of Crime Punished with Banishment

IN GENERAL, the researched court records of fifteenth century Zagreb always state the offense for which the offender appeared in court. Out of 95 cases, where 125 sentences punished criminals with banishment, none involved repeat offenders, and the reasons for committing the crimes were not listed.³⁷ From other records it becomes clear

that the city court resorted to banishment in three categories of cases: criminal acts against persons, criminal acts against morality, and criminal acts against property.³⁸

In the category of crimes against persons, the city court went for banishment in 13 trials: once for verbal offense,³⁹ five times for physical violence (*verberatio*, *vulneratio*, *sanguinis effusio*),⁴⁰ five times for witchcraft (*maleficium*),⁴¹ and twice for taking a life (*interficium*, *jugulatio*).⁴²

In the category of crimes against morality, banishment was adjudicated in 13 cases: once for blasphemy,⁴³ twice for fraud,⁴⁴ prostitution and soliciting (*conduccio*, *meretricium*, *maleficium concubinatus*)⁴⁵ and pregnancy out of wedlock,⁴⁶ and six times for adultery (*adulterium*).⁴⁷

In the largest number of cases, banishment was applied to perpetrators of crimes against property. Out of 66 cases, 62 were offenses connected with theft (*furticinium*, *furtum*, *subtrahio*), and the remaining four cases were due to a threat of arson (*minas incendii*),⁴⁸ robbery (*spoliatio*),⁴⁹ desecration of a church (*sacrilegium*),⁵⁰ and forgery of money (*falsitas*).⁵¹

Before we examine in detail the crimes from each category, it should be noted that most of the offenses in the list above were not mentioned in the Golden Bull of 1242. Furthermore, some of them were categorized in the *Stadtrecht* and the Statute of Ilok as capital crimes punishable by death.⁵² Generally, in Zagreb these crimes would also be punished by death, and their intent can be seen also in those legal proceedings where the city court would ultimately convict the perpetrators to banishment. Since this is a specific phenomenon, for now we will set aside these examples and first try to explain the practice of punishing by banishment for the remaining cases.

4.1. Banishment and Crimes Against Persons

When speaking of verbal and violent offenses against persons, which were not classified as capital crimes, previous research has shown that these offenses were indeed generally punished by a fine,⁵³ that is, in accordance with the provisions of the 1242 Golden Bull privilege. However, in the fifteenth century, instead of a fine, the city court decided in several trials to punish the delinquents by banishment. These trials were held from 1423 to 1465 and involved inhabitants and citizens of Zagreb who committed acts of physical violence. To be more precise, one trial was conducted against a female perpetrator of verbal offense, one against the perpetrator of a lashing, and the remaining four against perpetrators of severe physical violence which led to blood-shedding. Since the verdicts in these cases were exceptions to the rule of punishing these types of offenses by a fine, the explanation is likely to be found in the details of each legal process.

In the year 1423, Valentin, *inhabitor* of Zagreb, wounded and killed several citizens and did not respond to multiple summons of the court; when he finally arrived before the court, he was dissatisfied with the proceedings and hit George the juror in the face. Therefore, he was sentenced to losing his arm and banished in disgrace from the city with a ban on returning.⁵⁴ In 1435, Elisabeth and her daughter Jelka were beaten and banished in disgrace from the city and the city territory because they had lashed the husband of

Jelka, Dionysus, until he bled.⁵⁵ In 1442, a woman by the name of Elisabeth was banished because, incited by the devil, she had stabbed her husband Michael Zivalić in the chest in such a manner that he barely survived.⁵⁶ In 1457, Helen, the wife of the tailor Michael the Lambe, was sentenced to banishment due to a verbal offense. She had threatened the daughter of a shoemaker from the family of the late Nicolas Hervoje and wished that “a thorn would stick to her heel.” Since she was also involved in various other infractions, the court decided that Jelena could no longer enter the city and its territory, and if she was caught, the deserved punishment was forthcoming.⁵⁷ In 1460, Simon Sterk was banished because he had cut off the nose of his wife Helen, and the punishment was followed by the threat of losing his arm if he was ever caught on city territory.⁵⁸ Finally, in 1465, the servant Thomas was sentenced to losing his arm and banishment from the city because he had lashed the wife of the shoemaker Gregory during the feast of Saint Margaret.⁵⁹

If we look into these cases in detail, at first, they do not have any visible common denominator which could have influenced the punishing of perpetrators of the mentioned offenses with banishment. Moreover, considering the lawsuits recorded in 1423, 1457 and 1465, we can only speculate on why the court decided on the sanction of banishment. In the first two cases, the answer may be found in the fact that the defendants had committed multiple offences, so the court punished them as they would as repeat offenders, although the defendants were *de facto* before the judges for the first time. However, there is also a possibility that in these three examples other circumstances might have prevailed on the choice of punishment, but they were not written down. On the other hand, the remaining cases which were punished by banishment have noticeable similarities. Trials from the years 1435, 1442 and 1460 started against those who caused physical wounds. Furthermore, in these three cases it was actually a matter of family violence, and the city court probably used the sanction of banishment as an alternative punishment. Besides, considering the joint household budget of victim and aggressor, the penalty of a fine would not have made much sense. After all, at a time when there was no possibility of getting a divorce, banishment as a sanction was a logical choice because by removing the violent family member from the city, the court at the same time protected the victim from repeated violence by the offender.

4.2. Banishment and Crimes Against Morality

In July 1461, goldsmith and juror Benedict sued Gregory Burdić for swearing at him in his home and cursing God, and several witnesses confirmed that Gregory had cursed God and the Blessed Virgin and said that in the future he would rather worship demons than them, because since he had been worshipping God and the Blessed Virgin, he had had no luck. The jurors ruled that because of his blasphemy Gregory should walk naked to the enclosed spot of the church of Saint Mark, where his tongue would be cut off in front of the people, and afterwards he was to be escorted out of the city territory and his property confiscated for the city’s benefit. This corporal punishment is equal to the one prescribed in the *Stadtrecht*,⁶⁰ and it seems that the sanction of banishment was given because blasphemy was not Gregory’s only sin. Two weeks later, due to the pleas of citizens and clergymen, the city court pardoned Gregory, but with the explicit condition that he

should not in the future carry any weapon in the city, go into taverns, play illicit games or even give the slightest reason to be punished, whether by his words or his deeds.⁶¹ Besides this case, it seems that in Zagreb banishment was a preferred sanction of criminal law for those who sinned against the moral rules of the community, especially for perpetrators of sexual crimes, even when these were offenses which by their nature would incur the death penalty.

In the same moral vein, at the end of March 1454, Margaret, the concubine of the late George, was sentenced to banishment from the city because she was caught multiple times while procuring girls for various fornicators, and the court threatened her with harsh punishment if she ever stepped into the city or on city territory. However, it seems that Margaret returned to the city despite the ban. Two months later she was again in court and for the same reason as before, so she was banished from the city for the second time with all her things, again with the threat of punishment which she deserved according to the content of the privilege, if she was discovered again in the city.⁶² Since solicitation or procuring are not mentioned in the privilege, and in the *Stadtrecht* and the Statute of Ilok only the situation of mothers procuring their daughters was mentioned,⁶³ and considering that this is the only written example of procuring in Zagreb in the fifteenth century, it is not quite clear whether the threat of deserved punishment implied the death penalty or whether Margaret was to be punished with the same penalty for the third time, but this time as a three-time offender.

The court gave the sanction of banishment for prostitution as well; although in the Middle Ages it was considered a great evil in theory, in practice it was tolerated.⁶⁴ In August 1461, Dora Kuhinačić, the widow of the late Mathias Kranjec, was forbidden by the court to access the city with the threat of just punishment, after she was told in vain several times to abandon prostitution. Due to the pleas of many people, Dora was allowed to stay in the city,⁶⁵ but four years later she was again accused of prostitution. This time five more women were accused alongside her: Barbara, Elisabeth, the daughter of Matejčić, Jalšica, the daughter of Tančec, Helen Mezonosić, and Margaret, the widow of George Zvonar. By decision of the court, all accused women were to be banished.⁶⁶ Prostitution was mainly practiced by women in a marginalized position, but there were also cases of prostitution by married women. In the fifteenth-century court records of Zagreb, there is just one such case. In 1454, Jalšica, Majhena, Margaret, Elisabeth, all married women, and Elisabeth's daughter, Catherine, were caught prostituting themselves. They were sentenced to banishment from the city with a ban of returning, but they were allowed to take their money and moveable assets with them, while their remaining property was sold. It should be noted that in this case the city court had first intended to sentence these women to death by hanging, but they changed their decision due to the plea of numerous prominent and honest citizens. Considering that this intention cannot be seen in the remaining cases, it is possible that in this case the marital status of the defendants had affected their primary decision.

In fact, by prostituting themselves all the mentioned women were simultaneously committing adultery in a certain way; the Buda *Stadtrecht* and the Statute of Ilok had prescribed the death penalty for the latter crime.⁶⁷ On the other hand, in the fifteenth century, there were several recorded lawsuits against adulterers, in which the city court would, contrary to expectations, regularly sentence defendants to shameful banishment from the

city.⁶⁸ The court exceptionally gave a death penalty after a trial from 1482, but unlike other cases, in this one the perpetrators were related. Namely, the denizen of the city Matko and Ursula, the daughter of Stephen Belačić from Obrež, and at the same time the niece of Matko's wife, committed the grave sin of fornicating although they were related. For such a severe sin, the sentence was that they should be burned on the following Friday. However, thanks to the pleas of John, the bishop of Oradea, and of Dominic from Florence, royal *tricesimator* (customs officer), in the end their lives were spared, but they were banished from the city under the threat of execution if they were to return.⁶⁹ Sanctioning adultery with banishment from Zagreb should not be interpreted as a legal particularism of city law, but should be attributed to the unwillingness of the city court to enforce an existing custom that would deprive the perpetrators of their life. On the symbolic level, a permanent banishment could be considered equal to the death penalty, in the sense that it entailed the civil death of the perpetrators and the confiscation of their property.⁷⁰ After all, unlike the death penalty, punishing adulterous affairs by banishment would still leave room for saving broken marriages and reintegrating perpetrators into the community,⁷¹ as was the case with the married couple, the Sterks. As it was mentioned, Simon was banished from the city under the threat of losing his arm if he returned, because he had cut off the nose of his wife, Helen. However, on the same day, the city court also banished Helen from the city, because it turned out that she had cheated on Simon, which was probably the reason for his attack on her. However, two years later, Count Jan Vitovec and Dorothy Toth, the widow of Henning of Susedgrad, and other prominent persons advocated on behalf of this married couple, who received a pardon under the threat of a real punishment if they would succumb to crime again.⁷²

4.3. Banishment and Crimes Against Property

In the largest number of trials, the perpetrators of theft were those sentenced to banishment. Considering that these cases make almost two thirds of all convictions entailing banishment in Zagreb in the fifteenth century, they are probably the best indication that the legal system truly rested to some extent on legal foundations which were valid also in other cities operating under the tavernical law. For instance, for thefts to the value of one florin, the Statute of Ilok prescribed lashing and banishment from the city at the distance of eight miles and for a hundred years and one day. For theft to the value of two or three florins the Statute prescribed cutting off one ear, while for thefts to the value of four or more florins it prescribed death by hanging.⁷³ The same criminal law sanctions were applied also to perpetrators of theft in the fifteenth-century court records of Zagreb. For theft, 15 people in 11 cases were convicted to banishment exclusively, 10 people in 10 cases were convicted to lashing or beating alongside banishment, while 28 people in 23 trials were convicted to mutilation and banishment.⁷⁴ Although normative sources mention mutilation and banishment separately, in the judicial practice of Zagreb perpetrators were only exceptionally punished by cutting off their ear without it being followed by banishment.⁷⁵

Generally, the pattern shows that, according to local custom, banishment was the fundamental sanction for theft. However, the sanction of banishment was strengthened in

most cases with some form of physical punishment, that is, lashing or mutilation. This suggests that the type of adjudicated sanction of criminal law was proportional to the severity of the crime: if the stolen property was more valuable, the punishment was more severe. Although the examples from the court practice rarely give out the value of the property gained by theft, there are indications that it also had an influence on the type of sanction in the criminal law of the city of Zagreb.

This is how, for example, in 1436, a certain George, *filius Marci de Goriczancz*, was caught *in minori furtu et malicia*, for which he was banished from the city and city territory under the threat of deserved punishment if he ever returned.⁷⁶ Several years earlier, in 1423, one Martin also known as Vinko was discovered while committing a theft of one pair of shoes from the shoemaker Stephen, to which he himself confessed. Therefore, it was adjudicated that he should be put on *eculeum*, given a lashing and banished in disgrace from the city and the city territory, under the threat of the death penalty in the case of his return.⁷⁷ In the year 1434, Stephen, the son of Gregory from Ciglana, was discovered while stealing a tunic from the *panni corintiani*, to which he himself confessed in front of numerous people. Since he had not caused any trouble until then, the jurors adjudicated that he be chained to the pillory (“pillar of shame”) or *eculeum* and subjected to ridicule, and then beaten and banished from the city, of course, under the threat of deserved justice if he returned.⁷⁸ In the year 1452, Peter, the son of Clemens from Svibovac, was caught *in bursicidium* (stealing a purse), and therefore the city court ruled that his ear should be nailed to the *eculeum* and cut off, and then for the first warning he should be banished from the city under the threat of deserved punishment if he returned.⁷⁹

There were also cases where the city court would deprive the perpetrators of both of their ears. For instance, in 1461, *Janse filius Janse Zore dicti, de Boletymcz* and *Ursula Jagathychna* were convicted to banishment and both of their ears were cut off.⁸⁰ Janša had stolen a horse from a widow in the port on Drava, but since he had brought the animal to the city, it became the city’s problem and it fell under the authority of the city magistrate, according to the provisions of the privilege.⁸¹

Ursula, who was probably a citizen of Zagreb, stole four ells of fabric and was therefore convicted not only to banishment from the city, but also to losing both ears.⁸² In the year 1479, Margaret Festa confessed that she had stolen 70 *pensa* from *relicte Orsole mulieris*, which is the equivalent of 14 marks, and 25 groats (*Groschen*). She was punished to the cutting off of her ears and to banishment from the city with the ban on returning to the city territory.⁸³ In the same year, *literatus* John Keleminčić confessed under torture that the parish priest Mathias had asked him to corrugate and clean the holy vestments for the Easter holidays, and that he had stolen *partam de filis aureis textam* (a girdle woven from golden thread) and gems from the sacristy, and towels from the church. Furthermore, he confessed that he had stolen money from a certain Ursula, then millet and wine from the home of Kelecza (*de domo Kelecz*) in the vicinity of the butcher’s shop, and also wine from the home of Jurga (*in domo Jurg*). He also confessed that together with his uncle Gregory he had destroyed during the night the furnace in the house of Michael Oprašnić, a man who held the office of city judge for several years.⁸⁴ The city court ruled that for the crime against authority John’s face should be branded with the heated key of the church of Saint Mark, and for remaining thefts he should have his ears cut off and be banished from the city and city territory with a ban on returning.⁸⁵ It should be noted that in the last four

cases, the value of the stolen property entered the category of grand theft, for which in general the penalty was death. In this context, it seems that banishment followed by the loss of both ears was a certain compromise between giving a maximum sanction to the perpetrator considering the damage that was incurred and sparing his life. We will see later that this type of compromise was not a rare phenomenon in Zagreb.

Despite the anomaly of these latter cases, such examples support our argument that the type of criminal punishment depended on the severity of the committed theft. Nonetheless, this was not always the case. In 1452, Helen, the widow of one Mathias, a shoemaker, was convicted to banishment from the city under the threat of deserved punishment in case of her return, because she had stolen 8 *pensa* from the shoemaker Peter,⁸⁶ which was a significantly larger sum than the one for which normative sources prescribed the sanction of banishment. On the other hand, in 1477, in the proceeding between the city judge John Soldinarić and a certain Helen, who was accused of stealing onions in the garden of the prominent citizen Bradač, the accused did not deny the facts and therefore the court banished her from the city. In her case the banishment was accompanied by lashing,⁸⁷ although it is unlikely that the value of the stolen onions exceeded the sum which Helen stole from Peter. Although rare, these examples show that the value of the stolen property in Zagreb was not necessarily crucial in selecting the type of punishment, but the decision also depended on who committed the theft and who were the victims of the crime.

5. Public Spectacles and Expulsion Rituals

BANISHMENT WAS a visible means of liberating the community from offenders who were, with various forms of deviant behavior, threatening its prosperity; therefore, the sanction of banishment was carried out in public. Like the executions, banishment was an elaborate show which had the purpose of highlighting social norms and power relations and deterring other members of the community from breaking the rules.⁸⁸ Thus, the city authorities would stage the public punishment in a variety of forms, which we can see from examples of their handling the perpetrators of various forms of fraud. In 1460, a certain Marko impersonated the tailor Mathias and, hiding his married status, he nearly took a young girl in marriage. Furthermore, he also disgraced some prominent citizens by claiming that he had loaned them money and other things; to citizen Paul Lah he pawned a crate for 40 golden florins, in which there should have been 80 golden florins, but it turned out that in the crate there was only a piece of cheese wrapped in a rag. For having committed fraud, the city court had him lashed naked and banished him from the city.⁸⁹ In 1471, when it was discovered that the butcher George Zalarić had killed a sick cow and was selling its meat as fresh and mixed with other meat, the city court ruled that his fraud should be punished by tying the bloody meat onto him and that he should be banished from the city with beatings and lashes.⁹⁰ Another example of public shaming occurred in 1492, but this time towards the perpetrator of numerous thefts. Peter, the son of Thomas, also known as Burg beneath Okić (*Petrus filius Thome Burga dicti de sub Okyech*), first stole in baths one belt with a bag containing 1 florin and 20 denars, and then one cap of marten's fur, a barber's ring and the sword of a priest. In *vico sutorum* he stole three cow hides, and very soon after in the home of Lawrence *Spaci* he stole two female

and one male tunic, caps, bags, knives, and other things. Then he tried to sell these hides to the shoemakers Clement and Andrew *Chranczu*, but they suspected something and brought Peter to justice. Since Peter confessed to all of his deeds, it was adjudicated that because of this he should be hanged on the city's gallows. However, city court ultimately decided to spare his life and banish him from the city, but ruled that he should be naked from the waist up and wear the stolen hides and horns on his head, and then that he should be lead tied by his neck around the city towards the exit.⁹¹ The additional public shaming of the people convicted to banishment, through such rituals, was present in other European cities in the Middle Ages.⁹²

Permanent banishment entailed exclusion from the community with no possibility of reconciliation and return to the milieu that had rejected them. In order to also visually distinguish those convicted from the others in the community, numerous sentences to banishment across Europe until the seventeenth century were accompanied by various forms of mutilation or branding.⁹³ The same pattern was present in Zagreb: throughout the fifteenth century, almost half of the sentences to banishment included some form of physical punishment, more than half of which were related to mutilation or branding. Thus, in 1432, Margaret, the wife of Blaise the tailor, was caught in the home of a certain Marina committing adultery with the John the barber, the son of Thomas Černčević. The city court tied Margaret and John to the *eculeum* where Margaret was branded on her face with an iron rod called *teca*. Marina was also tied to the *eculeum* as an accomplice and was held in place for the entire day, in shame and delirious; in the end, all three of them were beaten and banished from the city in disgrace, under the threat of the death penalty if they returned.⁹⁴

From this example we see that physical punishment that preceded banishment was also carried out in public. Considering the preponderance of thieves among those convicted to banishment in the city of Zagreb, the most common physical punishment which accompanied their banishment was cutting off one's ear, but as we have seen, there were also examples of mutilation of other parts of the body, depending on the type of crime. Earlier we have emphasized that the city court started from the existing norms of common law, which in general did not differ from those written in the *Stadtrecht* and the Statute of Ilok. This is confirmed precisely by the physical punishment given to perpetrators, because its nature was conditioned by the type of crime committed. In some way, mutilation represented a physical compensation, the way in which criminals paid "with a part of a body." Since mutilation was performed in public, it represented a way of deterring others from crime, and, at the same time, served as a mechanism for controlling criminality. Specifically, by cutting off the tongue of the blasphemous or the hand of the author of severe physical violence, city authorities were preventing a future crime or at least reduced the chances of recidivism.⁹⁵

6. Banishment as an Expression of Mercy

WE HAVE seen that banishment was frequently accompanied by a certain type of physical punishment. However, there are several examples when banishment was an alternative to physical punishment. For instance, the aforementioned

Elisabeth, who was banished in 1442 for stabbing her husband, was supposed to be punished by losing an arm according to the initial verdict, but, in the end, the court spared her of mutilation thanks to the humble requests of numerous citizens and banished her from the city under the threat of deserved punishment if she returned.⁹⁶ In 1451, one Michael also known as Rac committed some atrocities towards the masters of the city of the time and the bans of Slavonia, Counts Frederick and Ulrich Cilli. Because of this, he was supposed to lose his eyes. His accomplices, Blaško and Nicholas, the son of Blaise Zalat, were also supposed to receive a physical punishment. However, thanks to the humble requests of canons of *ecclesie Zagrebiensis* and the friars of the convents of Saint Mary and Saint Francis, the city court showed mercy and gave them a sanction of banishment from the city to a distance of ten miles under the threat of deserved punishment if they returned.⁹⁷

Most frequently the conviction to banishment replaced the physical punishment in cases related to crimes against property. This is how, in 1452, a messenger called Michael was supposed to be mutilated as an unfaithful servant because he, due to his negligence, had allowed the escape during the night of a certain George Perin, who had been detained for theft. Nevertheless, again after requests from pious and decent people, Michael was shown mercy and the city court ruled that Michael and his wife Helen, who could not be separated from him because they were married (*que ab ipso Michaele preconone propter matrimonium separari nullo modo potuit*), were to be banished from the city.⁹⁸ In 1454, city court showed mercy also to Elisabeth, *filia Martini de Raboch*, who was supposed to lose an ear for having committed theft, but thanks to requests from citizens, she was only banished from the city.⁹⁹ Due to the advocacy of citizens, on the same day, Marko, the son of Dionysius also known as Gerse of Završje, avoided mutilation for theft. However, unlike Elisabeth, the city court decided to disgrace Mark by having him stripped and banished from the city with lashes.¹⁰⁰ Finally, in 1477, John Magyar from Pest was convicted to losing his arm because he had cut fisherman Stephen's bag with 108 schillings, stolen a horse on the city territory, and some cattle. However, at the request of dignitaries from Pest and of the local clergy, the court banished John Magyar from the city under the threat of the initial punishment if he came back.¹⁰¹

These examples are significant because they show how the requests of prominent members of the community had influence over the judiciary and had an impact on the outcome of a lawsuit. It is especially relevant that external pressure always met with success, given that the city court listened to the opinion of the community while making a final decision, even when the perpetrators deserved a death sentence for their deed. In 25 out of 105 cases examined, the sanction of banishment was determined as an alternative punishment to the death penalty, and in almost two thirds of these trials the softening of the sentence was a result of the expression of mercy of prominent members of the community, in the sense of pleading for the accused, and in more than third of the cases the city court itself showed mercy to the accused. Whether it was citizens pleading for the accused or by their independent decision,¹⁰² the city court was more inclined to soften the sentence of the perpetrators of theft. Namely, out of 25 cases in which the court spared the life of the perpetrators, 14 were related to theft. Unlike the previous examples when the thieves were convicted to banishment or banishment accompanied by physical punishment, these cases involved thefts of high value, like the one that was committed by aforementioned Peter, the son of Thomas from Okić.¹⁰³

Among the cases when prominent citizens would plead on behalf of thieves, we should emphasize the case of Janko Bole, which shows that even hardened criminals could count on the support of citizens if they came from a good family. In 1444, Janko, the son of the judge John and the brother of the judge James Bole,¹⁰⁴ was almost executed for stealing a candlestick of the confraternity, but thanks to pleas from honorable citizens, he was pardoned, but his name remained written down in the city *caterna* (registry of property affairs).¹⁰⁵ Six years later, Janko was again in court because he was caught stealing five or six times, and because he was already marked as a thief, he should have received the death penalty. However, despite being a repeat offender, prominent citizens pleaded again on his behalf and insisted before the court that Janko had repented for his wrongdoings. Therefore, the court ruled that he be banished from the city under the threat of deserved punishment if he returned.¹⁰⁶

When speaking of other types of crimes, the attitudes of the local population seem to have coincided with the court's decisions. Only one intervention of a larger number of citizens which did not relate to perpetrators of theft was noted in 1454, when the already mentioned married women were accused of soliciting, and many prominent and honest citizens pleaded on their behalf to have their lives spared, after which they were banished under the threat of deserved punishment in the case of returning to the city territory.¹⁰⁷ It seems that while deciding on the lessening the verdict for those who deserved the death penalty, the crucial role was the perpetrator's intention of committing a crime and the extent of the damage caused, while other circumstances were only exceptionally taken into consideration. In this context, it is not surprising that for perpetrators of these types of capital acts, which imply a more detailed preparation and planning, the citizens of the free royal town of Zagreb had no mercy, and it seems that the court in such cases would also only exceptionally give up on the death penalty. This is how, in 1457, the court decided to spare the lives of female members of the family of a fugitive, a certain Mathias, who had been robbing various churches together with one Michael. His mother Agatha, his sister Elisabeth, and his wife Claire were supposed to be hanged because they were involved in this crime, but the court had mercy on them, and they were convicted of banishment in disgrace from the city under the threat of the death penalty.¹⁰⁸ This decision was probably affected by the fact that the aforementioned women had only indirectly participated in the crime, but probably the crucial aspect was that they were women. Namely, in Europe in the Middle Ages women were generally rarely hanged or executed in any way which would expose their bodies to the public,¹⁰⁹ and the same applied to Zagreb.¹¹⁰

In the remaining two cases in which the court independently changed their verdict, the perpetrators were women. In 1466, Helen, the stepdaughter of Fabian Veverić, killed her own child by throwing it down a well, for which she was supposed to be burned at the stake. Nevertheless, the court spared her of this punishment but, because of her crime, her skirts were trimmed, and she was lashed and banished from the city in disgrace, never to return, or she would be dealt her deserved punishment.¹¹¹ The court's verdict in Helen's case can be interpreted as an expression of sympathy towards the accused due to her grave circumstances. In 1475 Elisabeth Volavčić was caught practicing sorcery, as she was planning to poison her husband, which she herself admitted. The court initially decided that she should be burned in Središće on the following Tuesday. However, the court changed their decision, and unlike other female poisoners noted in the fifteenth century, who were

sentenced to death,¹¹² Elisabeth was exiled (*propter suam culpam est licenciata de territorio*) under the threat of the original punishment in case she returned.¹¹³ The reason for such a verdict can partially lay in the fact that the accused did not manage to give the poison to her husband, but her life was more likely spared because, as the wife of a city messenger, she was close to the members of the city magistracy.

7. Banishment—A Reversible or a Permanent Sanction?

FINALLY, IN the court practice of Zagreb in the fifteenth century, there were examples in which the delinquents convicted to banishment from the city would in the end receive forgiveness and the permission to continue their life within the urban community, despite their deeds, as was the case with the aforementioned married couple, the Sterks,¹¹⁴ the prostitute Dora Kuhinačić,¹¹⁵ or the blasphemer Gregory Burdić.¹¹⁶ In the fifteenth-century court records, there were 14 such cases, and it should be emphasized that the pleas from the citizens had the greatest influence on the decision of the court.

On three occasions, forgiveness was given to perpetrators of crimes against morality. Namely, in 1413, saddle maker Martin was caught playing cards, despite an earlier ban and warning. He was supposed to be banished from the city, but due to intercession of pious citizens and members of the ecclesiastical community, the town court allowed him to stay, but he had to refrain from gambling.¹¹⁷ In 1458, some citizens also acted on behalf of Elisabeth, the daughter of Blaise *de Zethcha*, who had abandoned her fiancée and married another man in Zagreb, and after his death, she remarried and in the course of that second marriage she committed adultery. Due to the pleas of citizens, the city court pardoned her, instead of branding her face with a heated seal and banishing her in disgrace from the town.¹¹⁸ Several years later, in 1466, the city court showed mercy towards a maid, Helen from Črnkovac, and one Fabian from Varaždin, who were in service of an older juror, Luke the shoemaker. Fabian impregnated Helen out of wedlock and because of this both were to be banished from the city, but it turned out that Fabian had confessed to the chaplain of the parish of Saint Mark that he actually wanted to marry Helen. So, the city court decided not to punish them, on condition that they marry.¹¹⁹

It should be emphasized that citizens and clergy were pleading for forgiveness in cases of theft. In 1412, Dominic the tailor was sentenced to banishment in disgrace from the city, alongside of cutting of one ear, but pious citizens and members of clergy pleaded on his behalf *causa Dei*, so city court showed mercy and Dominic were spared of punishment, but with the threat of the death penalty if he would repeat the act.¹²⁰ In 1436, Ursula, the daughter of the late tax-collector Stephen, was caught stealing, but due to the requests of citizens and the fact she had small children, the court dropped the accusations against her.¹²¹ Several other thieves were also pardoned,¹²² but forgiveness was conditional on some sort of obligation. Thus, in 1468, Ambrose, a subject of Reginja near Pecs, confessed that while serving in Medvedgrad with the aforementioned John Magyar, he had stolen four groats (*Groschen*), because of which he was supposed to lose both ears and be banished from city. However, the local clergy and other respectable men pleaded on his

behalf because earlier on he had been on a pilgrimage and was supposed to take vows in the friary of Saint Dominic. So, the city court spared him of his punishment, under the condition that he kept his promise.¹²³ In 1470, Helen *Zatrephychlma dicta, concubine Emerici Agricole*, was caught stealing shirts, linen clothes, towels and robes; she gave the stolen goods to Emeric, an agricultural worker of Judge Anthony. Due to these acts, both were to be banished from the city in addition of losing their ear(s). However, due to the pleas of pious people, Emeric was spared of his punishment, but his forgiveness was conditioned by the obligation to cut off Helen's ear.¹²⁴ Finally, two years later, the merchant and *seniorus juratus* Peter Koncz bought an organ from the church of St. Mark although he knew that it was stolen. Consequently, he was sentenced to be branded on his forehead with the key of the church of St Mark and banished in disgrace from the city, but due to the pleas of numerous clergymen, he was showed mercy on condition that he repaired the pipe organ at his own expense. Moreover, because of his family situation and for having small children, he was not to be banished but imprisoned for a year. Again, respectable citizens and clergymen pleaded because of the poverty of Peter's wife and children, so he was allowed to remain free, but still had to repair the organ at his own expense. A year later, and again due to the agency of citizens, the court gave Peter an instalment deadline for giving 3 florins for boards for the renovation of the roof of the aforementioned church, provided that he did not repeat his acts.¹²⁵ The reason for this instalment is not recorded, but it is possible that meanwhile Peter had not been able to restore the pipe organ, so this amount of money was some sort of compensation for an earlier (unfulfilled) obligation.

Numerous examples of leniency, and even of abolishing the verdict, can lead us to conclude that the city court was relatively merciful towards delinquents. However, one must keep in mind that the court took a lenient stance only in exceptional cases in the absence of outside intervention. Of course, there are examples when the court issued only a warning and the threat of banishment for first-time offenders, but in the fifteenth century this practice was recorded in only five trials. In 1423, the city court threatened Zabka, who was caught in the wrong, that in the case of a repeat offense she would receive a humiliating punishment in accordance with the town privilege and would be banished from town.¹²⁶

In three cases, the court threatened with banishment the perpetrators of slander. In 1454, Catherine, the daughter of the late tailor George, was caught slandering, and the jurors threatened her with banishment if she was to repeat the act.¹²⁷ Similar was the case in 1472 when *uxor Gyljan* slandered the reputation of some *ancillam Jalsy* that she was keeping company with bad men and young men.¹²⁸

In the last case when a court issued only a threat of banishment, the person in question was repeat offender. In 1454 Paul, the son of the late Anthony Goničić, who had hit with a bat the head of George, a servant of Frederick the blacksmith, was sentenced to pay a fine to the injured party, but bearing in mind that he had beaten up someone already twice before, the juror threatened him with banishment if he were to repeat the similar act for the fourth time.¹²⁹ In this case, the city court issued Paul a fine with a third warning, stating that the fourth time he would be punished as anyone *qui si post trinam correctionem se non emendaverit*,¹³⁰ according to the privilege of 1242.

8. Epilogue on Banishment as Governing Practice

THE RANGE of examples analyzed in this study shows that the practice of banishment in late medieval Zagreb was rather diverse. While issuing the sanctions, in certain cases the judges followed the provisions of the Golden Bull privilege of 1242, and in cases of theft took guidance from the regulations of the Statute of Ilok. On the one hand, cases extracted from the court records also show that banishment was not relying on a systematic set of governing rules but was decided on a case by case basis. However, we can conclude that banishment and the threat of banishment were among the most important sanctions used by the city authorities, determined to have peace and order in the area under their jurisdiction. As a criminal sanction, banishment had two basic roles. It was often followed by physical punishment and thus served as a mechanism to instill key values, first and foremost discipline and obedience. Just like public executions, the banishment of an individual from the city was followed by a public ritual and served as means of frightening of community, to prevent further disturbances. Besides, with banishment, the local authorities could rid the community of all those who were traditionally perceived as dangerous. It also diminished the possibility that the perpetrator would repeat the act.

From the viewpoint of the convicted offenders, for all delinquents facing it, banishment represented a drastic penalty, which meant not only their physical removal from the community as unwanted individuals, but also severing all social ties with its members. The sentences given in the city court show that officials were aware of the implications of the punishment, so they developed a degree tolerance towards the offenders, which was reflected in their leniency. That tolerance nevertheless had its limits, depending not only on the type of crime and the circumstances of the case, but also on the social rank of the offenders.

In the end, it is worth noting that numerous cases feature banishment as alternative to fines. Since it was a flexible, potentially reversible, and cheap form of punishment, it is not surprising that banishment was a preferred alternative and as such represented important middle ground between fines and the death penalty. It was the “middle path” between disturbing mutilations or executions and leniency, whereby the city authorities excluded the unwanted from society but also regulated the integration in society. Therefore, while on the one hand the threat of banishment and actual banishments reflect the will of city authorities to cleanse and protect society, on the other, the conviction to banishment also reflects their mercy (although instigated by outside factors). Precisely the latter suggest that public opinion had a certain level of influence over the decisions of the court, but simultaneously a large number of examples testify that local authorities had a predetermined idea as to which crimes and offenders deserved to be deprived of the privilege of living within the protected city community.



Notes

1. Matthew J. Gibney, "Banishment and the pre-history of legitimate expulsion power," *Citizenship Studies*, 24, no. 3 (2020): 2.
2. *Ibid.*, 3; Nella Lonza, *Pod plaštem pravde* (Dubrovnik, 1997), 152.
3. Gibney, "Banishment," 2.
4. E.g. Esther Cohen, "Patterns of crime in fourteenth-century Paris," *French Historical Studies*, 11, no. 3 (1980): 307–327; Sarah Rubin Blanshei, "Crime and law enforcement in medieval Bologna," *Journal of Social History*, 16, no. 1 (1982): 121–138; Xavier Rousseaux, "Crime, justice and society in medieval and early modern times: thirty years of crime and criminal justice history," *Crime, History & Societies*, 1, no. 1 (1997): 87–118; Trevor Dean, *Crime in Medieval Europe 1200–1550* (Harlow, 2001); Susan L'Engle: "Justice in the margins: punishment in medieval Toulouse," *Viator*, 33 (2002): 133–165; Karen Jones, *Gender and Petty Crime in Late Medieval England: The Local Courts in Kent, 1460–1560* (Woodbridge, 2006); Joanna Carraway, "Contumacy, defense strategy, and criminal law in late medieval Italy," *Law and History Review*, 29, no. 1 (2011): 99–132.
5. Dean, *Crime in Medieval Europe*, 130.
6. Jason P. Coy, *Strangers and Misfits: Banishment, Social Control, and Authority in Early Modern Germany* (Leiden – Boston, 2008), 3.
7. *Ibid.*, 15.
8. Dean, *Crime in Medieval Europe*, 129–130.
9. Marija Filipović, "Zločin u kasnom srednjem vijeku. Sudski kriminalni spisi Gradeca 1450.–1455," *Lucius*, 5, nos. 8–9 (2006): 47–88.; Martina Findrik, *Vještčarenje i čarobnjaštvo u Zagrebu od 13. do prve polovice 16. stoljeća* [MA Thesis (University of Zagreb)] (Zagreb, 2013); Petra Horvatinović, *Žene u sudskim spisima zagrebačkog Gradeca u kasnom srednjem vijeku* [MA Thesis (University of Zagreb)] (Zagreb, 2013); Kristina Judaš, *Nasilni zločini protiv osoba u sudskim spisima zagrebačkog Gradeca u kasnom srednjem vijeku* [MA Thesis (University of Zagreb)] (Zagreb, 2013).
10. *Monumenta historica liberae regiae civitatis Zagrabiae*, ed. Ivan Krstitelj Tkalčić, IV–VIII (Zagreb, 1897–1902), hereinafter MCZ.
11. MCZ, I, 15–18 (no. 18).
12. Magdalena Apostolova Maršavelski, "Kazneno i procesno," in *Zlatna bula 1242–1992*, 79; Eadem, "O običajnom pravu zagrebačkog Gradeca," *Zbornik Pravnog fakulteta Sveučilišta u Rijeci*, 3 (1983): 138.
13. Eadem, "O običajnom pravu zagrebačkog Gradeca," 136.
14. Zrinka Nikolić Jakus, "Počeci srednjovjekovnog grada," in: *Povijest grada Zagreba: od prethistorije do 1918.* (Zagreb 2012–2013), 45; Agneza Szabo, "Uređenje uprave na zagrebačkom Gradecu od sredine 13. do sredine 19. stoljeća," in: *Zlatna bula 1242–1992*, 39–40; Bruno Škrebliin, "Etničke i političke skupine u srednjovjekovnom gradu: Primjer gradečkih lingui," *Povijesni prilozi*, 27 (2008): 95; Igor Vuletić, "Kazneni postupak zagrebačkog Gradeca kao primjer akuzatornog kaznenog postupka srednjovjekovne Hrvatske," *Pravni vjesnik*, 25, no. 1 (2009): 82.
15. Ivan Beuc, *Povijest institucija državne vlasti Kraljevine Hrvatske, Slavonije i Dalmacije: pravno-povijesne studije* (Zagreb 1985), 130.
16. Nada Klaić, *Zagreb u srednjem vijeku* (Zagreb 1982), 216–217.

17. Lelja Dobronić, "Gradski teritorij, njegova urbana i ruralna naselja," in *Zlatna bula 1242–1992*, 29.
18. MCZ, I, 16 (no. 18).
19. Ibid., VI, 72, 116; VII, 146, 357–358.
20. Ibid., VII, 194.
21. Rudolf Schmidt, *Statut grada Iloka iz godine 1525* (= *Monumenta historico-juridica Slavorum Meridionalium*, 12) (Zagreb, 1938); hereinafter *Iločki statut*.
22. Although Ilok did not belong nominally to cities of tavernical authority, the contents of the articles of the Statute of Ilok corresponds with the text of codex composed by master of treasury John Thúz de Laak in 1479, representing the first attempt of codification of tavernical law (Lujó Margetić, "Iločka pravna knjiga (tzv. Iločki statut)," *Zbornik Pravnog fakulteta u Zagrebu*, 44, nos. 1–2, (1994): 98–100).
23. Alongside initial seven tavernical towns, Zagreb (Gradec) is mentioned as such only in the charter of Wladislas II Jagiello from 1498 (*Corpus iuris Hungarici seu Decretum generale inclyti regni Hungariae partumque eidem annexarum*, I (Buda, 1822), 287). However, there is certain consensus in the historiography that the city belonged to tavernical cities even before (Margetić, "Iločka pravna knjiga," 97; Zvonimir Tomičić, "Kazneno i kaznenoproceno pravo slavonskih statuta: Iločki statut i njegova kaznenoprocena regulacija," *Hrvatski ljetopis za kazneno pravo i praksu*, 9, no. 1 (2002): 143; Magdalena Apostolova Maršavelski, "Tko su bili maiores civitatis (oko pitanja sudskih instancija u zagrebačkom Gradecu)," *Zbornik Pravnog fakulteta u Zagrebu*, 56, nos. 2–3 (2006): 273).
24. *Das Ofner Stadtrecht: Eine deutschsprachige Rechtssammlung des 15. Jahrhunderts aus Ungarn. Monumenta Historica Budapestinensia*, I, ed. Karl Mollay (Budapest, 1959); hereinafter *OST*.
25. Martyn C. Rady, *Medieval Buda: A Study of Municipal Government and Jurisdiction in the Kingdom of Hungary* (New York, 1985), 43–54.
26. On the Germans in Zagreb: Vladimir Bedenko, "Društvo i prostor srednjovjekovnog Gradeca," in *Zagrebački Gradec*, 37–49; Karolina Kanižaj, "Njemačka kolonija na Gradecu u drugoj polovici 14. i prvoj polovici 15. stoljeća," in *Nijemci u Hrvatskoj jučer i danas*, ed. Goran Beus Richembergh (Zagreb, 1994), 53–62; Škreblin, "Etničke i političke skupine," 91–148; Idem, "Nijemci na Gradecu sredinom i u drugoj polovini 15. stoljeća," *Godišnjak njemačke zajednice – DG Jahrbuch*, 17 (2010): 33–54.
27. Kristina Judaš, "Smrtna kazna u zagrebačkom Gradecu u drugoj polovici 15. stoljeća," *Zbornik Odsjeka za povijesne znanosti Zavoda za povijesne i društvene znanosti*, 36. (2018): 31–60.
28. *Iločki statut*, I, 45 (cap. 20).
29. Ibid., III, 79–79 (cap. 48, 51).
30. Lonza, *Pod plaštem pravde*, 153.
31. MCZ, VI, 96.
32. Ibid., 169, 171; VII, 42.
33. Ibid., VII, 62.
34. Lonza, *Pod plaštem pravde*, 153.
35. MCZ, I, 15 (no. 18).
36. Ibid., VI, 11, 154–155, 253, 268; VII, 13, 16–17, 42, 72, 73, 212, 270, 334.

37. The reason given was *nepharium* (Ibid., VII, 5, 334), and on two occasions one was not given (Ibid., 444; VIII, 80).
38. Division taken from Xavier Rousseaux, "From medieval cities to national states, 1350–1850: The historiography of crime and criminal justice in Europe," in *Crime History and Histories of Crime: Studies in the Historiography of Crime and Criminal Justice in Modern History*, eds. Clive Emsley, Clive, Louis A. Knafla (Westport, CT – London, 1996, 12); Cohen, "Patterns of crime," 316.
39. MCZ, VII, 125.
40. Ibid., VI, 116, 124, 354; VII, 192, 275.
41. Ibid., VI, 154–155, 171; VII, 443, 446; VIII, 39, 41.
42. Ibid., VI, 339–340; VII, 310–311. Infanticide was perceived as separate crime only in the medieval period; canon law extrapolated infanticide from the category of murders among kinsmen. Such a concept of infanticide was incorporated in secular law, so infanticide and deliberate abortion were treated as one form of murder (for more on infanticide: N. Lonza, "Dvije izgubljene duše: čedomorstva u Dubrovačkoj Republici (1667–1808)," *Anali Zavoda za povijesne znanosti HAZU u Dubrovniku*, 39 (2001): 262–263; Wolfgang P. Iler, *The Criminalization of Abortion in the West: Its Origins in Medieval Law* (Ithaca, NY, 2012).
43. MCZ, VII, 206, 208, 214, 216.
44. Ibid., VII, 194, 477.
45. Ibid., VII, 72, 73, 208, 212.
46. Ibid., VII, 307–308.
47. Ibid., VI, 152, 384; VII, 146, 192, 334; VIII. 14.
48. Ibid., VI, 55–56.
49. Ibid., 70.
50. Ibid., VII, 124–125.
51. Ibid., 316.
52. Witchcraft, sorcery: *Iločki statut*, III, 73–74 (cap. 36), OSt., I, 169 (cap. 331); infanticide: *Iločki statut*, III, 65 (cap. 15), OSt, I, 156 (cap. 292); adultery: *Iločki statut*, III, 66, 74 (cap. 17, 37), OSt, I, 156 (cap. 290); large theft: *Iločki statut*, III, 80 (cap. 53), OSt, I, 148 (cap. 264–265); robbery: *Iločki statut*, III. 70 (cap. 29), OSt, I, 149 (cap. 268); sacrilege: *Iločki statut*, III, 73 (cap. 35), OSt, I, 151 (cap. 275); arson: *Iločki statut*, III, 71 (cap. 31), OSt, I, 152 (cap. 276); forgery and counterfeiting: *Iločki statut*, III, 72–73 (cap. 34), OSt., I, 149 (cap. 270).
53. See more in Horvatinović, *Žene u sudskim spisima*; Judaš: *Nasilni zločini protiv osoba*.
54. MCZ, VI, 116.
55. Ibid., VI, 224.
56. Ibid., VII, 354.
57. Ibid., 125
58. Ibid., 192.
59. Ibid., 275.
60. OSt, I, 134 (cap. 219). The Statute of Ilok does not mention blasphemy.
61. MCZ, VII, 206, 208, 214, 216.
62. Ibid., 72.
63. *Iločki statut*, III, 65 (cap. 15); OSt, I, 156 (cap. 292).

64. In Buda, prostitutes were obliged to wear a yellow scarf, but they lived under the protection of the city (OSt, I, 124–125, 155–156/cap. 186, 289). Prostitutes also enjoyed protection under the Statute of Ilok, which provided for the death penalty for those who defiled a public harlot against her will (*Iločki statut*, III, 68/cap. 22).
65. MCZ, VII, 208, 212.
66. *Ibid.*, 270.
67. *Iločki statut*, III, 66, 74 (cap. 17, 37); OSt, I, 156 (cap. 290).
68. MCZ, VI, 152, 384; VII. 146, 192, 334.
69. *Ibid.*, VIII. 14.
70. Paul Friedland, *Seeing Justice Done: The Age of Spectacular Capital Punishment in France* (Oxford, 2012), 90; Gibney, *Banishment*, 10.
71. Coy, *Strangers and Misfits*, 68.
72. MCZ, VII, 12, 225.
73. *Iločki statut*, III, 50–53. The *Stadtrecht* of Buda also recognizes thefts to the value of a quarter of mark, up to one mark and more than one mark. However, in this case, the punishment is stricter: for theft up to quarter of mark cutting off an ear, and above it, death by hanging (OSt., I, 147–148/cap. 262–265).
74. Initial numbers deal with lawsuits in which the sanction of banishment was given as initial punishment. In the final 17 cases against perpetrators of theft, in 3 cases, banishment was given as an alternative to physical punishment, and in the remaining 14 cases as an alternative to the death penalty.
75. MCZ, VII, 286, 404.
76. *Ibid.*, VI, 246–247.
77. *Ibid.*, 494.
78. *Ibid.*, 318.
79. *Ibid.*, VII, 41.
80. *Ibid.*, 208.
81. *Ibid.*, I, 16 (no. 18).
82. *Ibid.*, VII, 208.
83. *Ibid.*, 486.
84. *Ibid.*, 487–488; Bruno Škreblin, *Urbana elita zagrebačkog Gradeca: od sredine 14. do početka 16. stoljeća* (Zagreb, 2018), 93.
85. MCZ, VII, 487–488.
86. *Ibid.*, 34.
87. *Ibid.*, 462.
88. Coy, *Strangers and Misfits*, 8.
89. MCZ, VII, 194.
90. *Ibid.*, 477.
91. *Ibid.*, VIII, 78–79, 234.
92. Friedland, *Seeing Justice Done*, 99.
93. Gibney, *Banishment*, 10; Friedland: *Seeing Justice Done*, 99–100.
94. MCZ, VI, 152.
95. *Ibid.*, 100.
96. *Ibid.*, 354.
97. *Ibid.*, VII, 15.
98. *Ibid.*, 45.

99. *Ibid.*, 75.
100. *Ibid.*, 76.
101. *Ibid.*, 461–462.
102. For thieves sentenced to death, the citizens pleaded 10 times, and the court independently mitigated the rule on four occasions.
103. MCZ, VIII, 78–79, 234.
104. Škreblin, *Urbana elita zagrebačkog Gradeca*, 183.
105. MCZ, VI, 401, 404.
106. *Ibid.*, VII, 13.
107. *Ibid.*, 73.
108. *Ibid.*, 124–125.
109. E. Cohen, “Symbols of culpability and the universal language of justice: The ritual of public executions in late medieval Europe,” *History of European Ideas*, 11, nos. 1–6 (1989): 412; Dean, *Crime in Medieval Europe*, 124.
110. From 1451 to 1500, death by hanging should have happened to 13 women, but finally, 11 were banished from the city (MCZ, VII, 46, 73, 82, 124–125, 128–129) and one was pardoned (*Ibid.*, 224). The only one sentenced to be hanged was the wife of tailor Martin, in 1496, after tailor Demetrius swore that she had stolen from him. However, it is not certain that she was actually hanged (*Ibid.*, VIII, 113, 251). See more in: Judaš, “Smrtna kazna u zagrebačkom Gradecu.”
111. MCZ, VII, 310–311.
112. *Ibid.*, 443, 446; VIII, 38, 39, 112, 113.
113. *Ibid.*, VII, 446.
114. *Ibid.*, 192, 225.
115. *Ibid.*, 208, 212.
116. *Ibid.*, 206, 208, 214, 216.
117. *Ibid.*, VI, 11.
118. *Ibid.*, VII, 146.
119. *Ibid.*, 307–308.
120. *Ibid.*, VI, 1.
121. *Ibid.*, VI, 246.; Ursula was again before the court the following year, because she was caught stealing. Since she had been registered as thief also in 1435 and since it was apparently her third offence, this time the court did not show any mercy, so the sentence was that her ear should be pinned with an iron nail to the *eculeum*, thus cutting it off, and then she was beaten and thrown out of the town and the city territory under the threat of death if she was to return (*Ibid.*, 268).
122. *Ibid.*, VII, 272, 326, 360–361.
123. *Ibid.*, 333.
124. *Ibid.*, 366–367.
125. *Ibid.*, 417, 418–419, 431.
126. *Ibid.*, VI, 488.
127. *Ibid.*, VII, 72.
128. *Ibid.*, I, 392.
129. *Ibid.*, I, 71–72.
130. *Ibid.*, I, 15 (no. 18).

Abstract

Banishment Practices in Fifteenth–Century Zagreb

Banishment is undoubtedly an ancient method of punishment. It was widespread in the Middle Ages, not only as a punishment, but also as a form of correction of behavior or coercion. The present paper focuses on the case of the city of Zagreb, a complex city in itself. Even though numerous studies were devoted to urban life in Zagreb, the topic of banishment(s) was never actually addressed. The preserved sources reveal the existence of (at least) 120 procedures of banishment only in the course of the fifteenth century. The sanction of banishment emerges as an alternative to fines, a flexible, potentially reversible and cheap form of punishment. Unsurprisingly, banishment was in fact a “middle path” between fines and the death penalty.

Keywords

banishment, medieval law, urban history, penalties, Zagreb, Buda, Ilok

Habt Gerechtigkeit lieb, Ihr Regenten auf Erden

Administering Justice in Early Modern Upper Hungary

BLANKA SZEGHYOVÁ

Ideological Sources, Iconography and Epigraphy of Virtues

THE GERMAN Bible quote in the title of this study comes from an oil painting from 1679, depicting the town council taking their oath in the courtroom of the town hall in Levoča. The painting shows the judge and twelve councilors, each swearing the oath with their raised right hands and fingers. In the upper left corner, God emerges from the clouds, speaking to them: *Love justice, you who judge on earth* [Book of Wisdom I: 1]. The senators respond: *So help me God and His holy word*. The didactic nature of the image is emphasized by the sanction for the failure to fulfil the promise, represented by the head of a monster, symbolizing hell, with the following threat: *For the unrighteous, hell will open and prepare for them a sure path to eternal damnation*. The painting intertwines power and justice with religious symbolism, creating a parallel between God's rule and judgment in heaven and that of the secular power of man on earth, legitimizing the power of the city council through divine approval.¹

In the early modern period, religion played a fundamental role in both law and the administration of power and justice. Medieval political theology found the sanctification of worldly power in the Old Testament, particularly in the quotation from the Book of Proverbs [8.15], and the passage in the New Testament from the Apostle Paul's letter to the Romans:

Let every person be subordinate to the higher authorities, for there is no authority except from God, and those that exist have been established by God. Therefore, whoever resists authority opposes what God has appointed, and those who oppose it will bring judgment upon themselves [Romans 13:1-2].

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This passage was repeatedly referenced by Luther, who saw temporal powers, including the military and the judiciary, as the extended arm of God. The sword, he argued, was the symbol and instrument of divine order and justice:

Hence it is sufficiently clear and certain that it is God's will that the sword and secular law be used for the punishment of the wicked, and the protection of the upright.² He later elaborated more concretely: Therefore God honors the sword so highly that He calls it His own ordinance, and will not have men say or imagine that they have invented it or instituted it. For the hand that wields this sword and slays with it is then no more man's hand, but God's, and it is not man, but God, who hangs, tortures, beheads, slays, and fights. All these are His works and His judgments.³

Medieval and early modern legal theories and normative sources drew on ancient and biblical sources, prevalent being the concept of crime as sin. According to medieval theology, crime was meant to arouse God's wrath, and only the just punishment of the guilty could appease it. Legal and judicial sources abound in references to a higher power—God, God's laws, God's name, God's will, God's wrath, or God's punishment.

The fair and impartial administration of justice was consistently viewed as a fundamental sign of good governance. The ancient theory of the cardinal virtues, adapted and modified during the Middle Ages, often placed *Iustitia* in a privileged position. *Prudentia* served as the source of its knowledge, while *Fortitudo*, together with *Temperantia*, aided in its performance.⁴ Some authors viewed justice as the supreme model of virtue, in the Aristotelian sense that “justice is every virtue summed up,” while others characterized it as the will to do good, a bulwark of public order, a service to the community, or a protection against injustice.⁵

Indeed, in town halls, which were representative seats of urban self-autonomy, the idea of justice emerged as the most prominent virtue, expressed both artistically and epigraphically. The interior and exterior decorations and inscriptions conveyed the values and beliefs of the community, highlighting the virtues deemed essential for good governance and the prosperity of the *res publica*. The most prosperous early modern cities even developed conceptual decorative programs, following the artistic traditions of medieval Italian city-states. The themes and symbols used in these decorations reflect the influence of humanism, the Reformation, and later, confessionalization.⁶

The iconography of town halls can be seen as a visual manifestation of the mirror of princes (*specula principum* or *Regentenspiegel*), a didactic literary genre aimed at instructing rulers in successful governance by presenting models of good and bad rulers. Erasmus of Rotterdam, in his *Institutio Principis Christiani*, dedicated to Prince Charles (later Emperor Charles V), noted that civil authorities increasingly took their cues from the virtues of the nobility. His work was regarded as a humanist educational resource for rulers of all classes. Erasmus's recommendations for rulers included models drawn from the Bible, ancient state theory, and classical historiography.⁷ In Hungary, town hall decorations testify to both ancient and biblical sources, including personifications or allegories of justice and other cardinal virtues, motifs of the Last Judgment, the Judgment of Solomon, and the Judgment of Cambyses, as well as swords symbolizing divine and secular justice.⁸ Epigraphic decorations reflect the same inspiration, with biblical quotations predominating (Table 1).

INSCRIPTION	Source	Translation	Town / Location at the townhall
DILIGITE . LV MEN . SAPIENCIE / OMNES . QVI . PREESTIS POPVLIS . VT . IN . AETERNVM / REGNETIS . ET . PRODERIT . VOBIS	Book of Wisdom [6:21, 25]	Love the light of wisdom / all you who rule over the peoples, may you reign forever / and you will profit from it.	Bardejov Oriel exterior, upper part, from south through east to the north side
DOMVS . IVSTORVM . PERMANEBIT	Book of Proverbs [12:7]	The house of the just shall remain firm	Bardejov Oriel exterior, lower part, north side
HABITACVLA . IVSTORVM . BENEDICE(N)TUR	Book of Proverbs [3:33]	The habitations of the just shall be blessed	Bardejov Oriel exterior, lower part, south side
FELIX . CIVITAS . QVE . TEMPORE . PACIS . COGITAT . BELLA	Popular motto	Fortunate is the town that in peace thinks of war	Bardejov Oriel exterior, lower part, front/east side
PRIUSQ(VA)M . INCIPIAS . CONSVLTO	Sallust The Conspiracy of Catiline [I: 6, 7] *	Think before you act	Bardejov Oriel interior, above the portal
IUSTUM . EST . AVXILIARI . PAVPERI		It is fair to help the poor	Bardejov Interior portal
NON EST SAPIENTIA NON EST PRVDENTIA NON EST CONSILIVM EXTRA DOMINVM	Book of Proverbs [21:30]	There is no wisdom, no insight, no plan that can succeed against the LORD	Bratislava, exterior portal
SI DEUS PRO NOBIS QVIS CONTRA NOS	Romans [8:31]	If God is for us, who can be against us	Bratislava, exterior portal
Sic agitur Censura, et sic Exempla parantur, Cum Iudex alios quod monet, Ipse facit.	Ovid, Fasti [6:647]	That is the way to exercise the censorship; that is the way to set an example, when an upholder of law does himself what he warns others to do.	Levoča interior, portal to Council room
DEN HERRN FVRCHTEN IST DIE WVRTZEL DER WEISHEIT, VNT IRE ZWEIGE GRVNNEN EWIGLICH SIRA-CAP I	Book of Sirach [1:20]	The root of wisdom is to fear the Lord; her branches are long life.	Levoča interior, wooden filing cabinet (Registratura)

Continued on next page

Table—*Continued*

INSCRIPTION	Source	Translation	Town / Location at the townhall
Malach. ET ACCEDAM AD VOS IN JUDICIO, ET ERO TESTIS VELOX MALEFICIS, ET ADULTERIS ET PERJURIS ET QUI CALUMNIANTUR MERCEDEM MERCENARII ET HUMILIANT VIDUAS, ET OPPRIMUNT PEREGRINUM, NEC TIMUERUNT ME, DICIT DOMINUS EXERCITUUM.	Book of the Prophet Malachi [3:5]	Malach. So I will come to put you on trial. I will be quick to testify against sorcerers, adulterers and perjurers, against those who defraud laborers of their wages, who oppress the widows and the fatherless, and deprive the foreigners among you of justice, but do not fear me," says the LORD Almighty.	Pezinok The inscriptions above the 2nd floor windows below the roof cornice extend along 3 sides of the building. The inscription [Mal 3:5] begins on the west side and continues on the front southeast-facing wall, where it ends. A short distance further on the front of the town hall the 2nd inscription [Jer 3:5] begins on the front of the town hall and then continues on the east-facing side wall of the town hall.
Ierem: 9 NON GLORIETUR SAPIENS IN SAPIENTIA SUA, ET NON GLORIETUR FORTIS IN FORTITVDINE SVA, ET NON GLORIETVR DIVES IN DIVITIIS SVIS SED IN HOC GLORIETVR, QVI GLORIATVR SCIRE ET NOSSE ME, QVIA EGO SVM DOMINUS QVI FACIO MISERICORDIAM ET IUDICIUM ET IVSTITIAM IN TERRA: HÆC ENIM PLACENT MIHI, AIT DOMINVS	Book of the Prophet Jeremiah [9:23,24]	(Jerem 9) Let not the wise boast of their wisdom or the strong boast of their strength or the rich boast of their riches, but let the one who boasts boast about this: that they have the understanding to know me, that I am the Lord, who exercises kindness, justice and righteousness on earth, for in these I delight, declares the Lord.	

* The inscription is an abbreviated version, the full text of the sentence is as follows: "*Nam et prius quam incipias, consulto, et ubi consulueris, mature facto opus est.*"

The Morality, Piety, and Impartiality of the Ideal Judge

EARLY MODERN judges were key figures in enforcing law, maintaining social order, and actively shaping and reinforcing the community's norms and values. The 1476 ordinance of the town of Trenčín provides a detailed account of the qualities expected of judges, emphasizing their duty to act in the interest of the common good. Judges were required to ensure that everyone received due justice, judging on both great and small matters, and were to proceed equitably, treating the rich and the poor alike, in accordance with divine law. The ordinance stipulates that judges "must always keep God in mind, who is present in

every trial,” and prohibits any form of partiality, urging judges to avoid being influenced by favor, hatred, fear, or the anticipation of rewards when making decisions. Furthermore, they were expected to be neither harsh nor oppressive, and were to be free from violence, greed, and corruption. Accepting bribes, which distorted the truth, was strictly forbidden, and judges were admonished not to allow anger or rage to guide their decisions.

The ordinance also outlines stringent eligibility criteria for jurors. Those who were infamous, particularly disreputable individuals, were prohibited from being elected to the town council. Similarly, individuals who were too young, overly talkative, unable to maintain confidentiality, or who indiscriminately harbored animosity toward both the virtuous and the corrupt, were disqualified. Jurors who had a habit of lying or were excessively motivated by personal gain were likewise deemed unfit for office. Additionally, the ordinance explicitly forbade the election of close relatives of the judge or individuals with close ties to him to the town council, unless, due to a lack of available candidates, this was deemed necessary. Neither a father and son, brothers, nor a father-in-law and a son-in-law could be elected together to the town council. This restriction was based on the concern that such relationships might lead to discord and undermine the cohesion of the magistracy, as “such persons, due to their relationship, frequently generate discord among the magistrates.”

The ordinance further instructs jurors to approach their duties with the utmost diligence and discretion, refraining from making any statements until all parties have been heard. Jurors were required to meditate on their decisions “with God before their eyes,” ensuring that their judgments aligned with justice. They were also expected to uphold the dignity of their office by behaving virtuously, avoiding frivolity, and setting a good example for others. In cases where a juror’s relative was involved in a case, the juror was obligated to immediately withdraw from the proceedings to avoid any suspicion of bias, without waiting for a formal admonition from the judge or fellow jurors.⁹

The principles outlined in this ordinance align with the requirements for judges in the ordinances of the town of Banská Bystrica, dating from 1555–1577, which similarly emphasized impartiality, integrity, and the moral and ethical conduct of judges. However, these later guidelines were more demanding in terms of their expectations. The section begins with a devout principle: “When a judge is God-fearing, things go well at any time.” According to this ordinance, a judge was expected to lead an exemplary life, possess a wide range of virtues, be well-educated and experienced in legal matters, and demonstrate wisdom, understanding, and familiarity with various issues. He was required to deliver judgments in accordance with both God’s word and the law, without being influenced by fear, anger, hatred, malice, favoritism, affection, or friendship. A judge was to be impartial and fair, applying justice equally to strangers and locals, as well as to the poor and the rich, the meek and the great. Furthermore, a judge should listen carefully to the arguments of both parties and avoid hasty judgments. He was to deliberate thoughtfully before ruling and should never delay matters unnecessarily. It was also stipulated that a judge must refrain from passing judgment while drunk, and he was urged to be humble enough to admit to his mistakes. In significant and weighty cases, he was expected to seek advice from experienced and knowledgeable individuals before delivering a verdict. In one of the final articles, there is a reference to the sword as a symbol of the earthly power conferred upon the judge by divine authority, emphasizing the connection between the judge’s role and God’s ordained right to wield power. “The aim of the judge should be to protect and defend the pious and innocent

and punish the wicked and exact vengeance upon them, for God has given them the sword for this purpose. However, they must also be careful not to punish the innocent alongside the guilty, for God does not allow innocent blood to go unavenged...”¹⁰

The Reformation and Social Disciplining

A DEFINING characteristic of judicial practice in the Kingdom of Hungary was legal particularism, with urban courts continuing to adhere to local customs. Judges also drew upon foreign criminal ordinances, primarily from Austria and Germany, for guidance. In addition to relying on customary law and a range of domestic and foreign legal sources, town councils, particularly from the late medieval period onward, increasingly sought to regulate various aspects of their inhabitants’ lives in greater detail. This trend toward greater social discipline was much encouraged by the Reformation and later by reforms within the Catholic Church and confessionalization.¹¹

The sixteenth century is regarded in Western Europe as a turning point, particularly in attitudes toward sexuality and marriage. While marital fidelity, the virginity of girls, and chastity were values highly valued throughout the Middle Ages, the Reformation spurred growing awareness and a need to promote high moral standards in everyday life. In the realm of sexual relations, marriage was considered the only permissible relationship.¹² Attitudes toward prostitution, for example, changed radically. Whereas in the fifteenth century, town authorities viewed prostitution as a way to release men’s sexual energy and protect the wives and daughters of virtuous men, by the sixteenth century, they began to see it as an encouragement of vice and a certain path to the ruin of young men. Town authorities, who had previously tolerated and sometimes even supported or managed local brothels, began to close them down, while criminalizing and punishing prostitutes.¹³ In 1563, the Council of Trent also took a strict stance against all forms of premarital sex. This tendency was also evident in the countries of Central and Eastern Europe.¹⁴ Sexual transgressions were represented in at least one third of all the judicial cases, the most frequent being fornication (including prostitution) and adultery. Unmarried couples guilty of fornication could, under the threat of stricter punishment, be ordered to marry. In the case of men, a fine would be often imposed, but women were usually flogged at the pillory and banished. Women were also punished for deserting their husbands and vagrancy.

Magistrates of Hungarian towns individually issued statutes and ordinances regulating various aspects of townspeople’s lives.¹⁵ A brief look at the municipal statutes from the sixteenth century reveals the priorities of the town authorities. In addition to their usual concerns, such as the protection of the town’s economic privileges, the management of resources, the maintenance of infrastructure, regulations for public order and safety, proper taxation, fair trade practices, and the welfare of the poor, there was a strong emphasis on proper religious observance, work ethics, the control of social behavior, and the prevention of crime.

As early as 1530/37, the judge and magistrate of the town of Kremnica issued an ordinance titled *ein christliche Ordnung unnd pollitzey* as a final warning to the citizens to abstain from wicked deeds and to avoid incurring God’s wrath. The ordinance emphasized that the regulation established in accordance with divine law must be obeyed for the benefit and preservation of all inhabitants. Taking God’s name in vain was explicitly prohibited,

addressing the widespread practice of swearing and cursing. Offenders, regardless of age, who did not repent were to face punitive measures to set an example for the community. Heads of households were tasked with ensuring that all members of their households, including children and servants, lead virtuous and pious lives, particularly by attending church on Sundays and holy days. Similarly, parents and employers were held responsible for the moral conduct of their dependents and employees, ensuring that they lived according to God's teachings, refraining from sins or vices such as swearing, fornication, and gambling. If parents or heads of households failed to do so, they were to be severely punished for neglecting their duty to protect their household from sin. Excessive drinking and drunkenness were condemned as detrimental to human reason and virtue, and the sale and consumption of alcohol were heavily regulated. Innkeepers were forbidden from selling wine or beer before and during the sermon or after the ringing of the bell at nine o'clock in the evening. Drinking, reveling, and any form of gambling or foolish behavior, both within and outside the city, were also prohibited. Innkeepers were required to ensure that no strangers, gamblers, or immoral individuals stayed at their establishments and were obligated to report any such individuals to the authorities. Non-compliance with these regulations would result in penalties for the responsible parties.¹⁶

The ordinance of Banská Bystrica from 1550 addressed the worries of the town's authorities of extravagant, wasteful, or inappropriate practices at weddings as they "disgrace both the divine and the honorable state of marriage." They decided to put an end to it by issuing several rules that promoted modesty and proper conduct while emphasizing the responsibilities of both hosts and guests to ensure that the event would be dignified. They also limited the number of guests, forbade the use of fiddlers, drummers, trumpeters, or other musical instruments, and the celebration had to occur in a single day. After the service on Sunday the festivities could continue with modest and proper dancing, avoiding anything vulgar or disgraceful until the late afternoon, but no late-night celebrations were permitted.¹⁷

In 1557, Daniel Turk, the judge of Levoča, promulgated a number of rules, which, among other things, forbade all dancing except for weddings; unchaste songs that provoked envy, anger, or incited quarrels; the wearing of foreign or unusual attire and masks; all forms of gambling for money; sitting out past nine o'clock in the evening; gatherings of girls in the *Robenstuben* (taverns); fiddlers and all music and entertainment that encouraged dancing and merriment.¹⁸

The increased importance of piety during the Reformation and the intermingling of religious belief with secular authority meant that some municipal ordinance articles resembled those of the Protestant Church, approved by the Synod. For example, the statute of Košice of 1563 put strong emphasis on religious devotion, observance and education, with the first point stipulating that the churches were provided with good preachers, so that the Word of God and the Holy Gospel may be clearly and purely preached in all three languages spoken in the town. "Thus, both great and small, rich and poor, may live and walk in true knowledge and fear of God. Through this, Christian love and unity would be preserved, and the spreading of harmful discord, which has already begun to break out and be revealed, would be suppressed and eradicated."¹⁹ The opening of the Košice ordinance of 1570 declares the earnest and humble appeal of the community, made in reverence to the divine command to prioritize the kingdom of God above all else. It underscores the

commitment of the community to the diligent governance of the church, ensuring its upkeep in a manner that aligns with Christian values, ensuring it was well-maintained with competent God-fearing preachers and servants to uphold the spiritual welfare of the congregation.²⁰

In a similar vein, the *Synod Articles of the Five Town Churches* of 1560, among the aspects pertaining to concerning weddings, stipulated that indecent dancing and all frivolities unworthy of a wedding feast were to be avoided, especially because of dangerous and present evils. Another Synod article exhorted the authorities “to publicly punish illicit sexual relations before the celebration of marriage so that piety, honor, and order are maintained with chastity,” and required that “adulterers, fornicators, perjured apostates or infidels, as the Apostle says in Corinthians, those who defraud virgins and widows, and other wicked people, are not to be tolerated in the neighborhood, lest impiety and licentiousness be strengthened.”²¹

Strategies, Sanctions and Punishments

NUMEROUS EXAMPLES from the sources demonstrate how town authorities enforced ordinances to maintain social order. Beyond serious criminal cases, several instances highlight the areas in which these authorities intervened and the measures they took to address problematic behavior. For example, in 1568, a woman in Košice was imprisoned and fined ten gulden for violating the observance of church holidays, during which work was prohibited. She had sent her servants with horses and a plough to work the fields on the day after Easter.²² In 1569, two married women who engaged in a public quarrel were both imprisoned by the Senate and ordered to remain incarcerated until they reconciled. One of them, who had used shameful and unchristian language, was fined 20 gulden, while the other, who had instigated the conflict, was fined 32 gulden.²³ In 1571, a man in Košice was admonished to reform his disreputable lifestyle, which was marked by conflict, insults, violence, and associations with loose women. He was ordered to remarry under the threat of losing his *bürgerrecht* (citizenship).²⁴ Likewise, the town authorities intervened when a married couple, “through their wild and unchristian behavior, caused harm and disruption to other Christian families.” After repeated reprimands proved ineffective, the town council resolved to permanently banish them from Košice in September 1578.²⁵

The range of sanctions applied by municipal authorities was wide, from the mildest admonitions, fines and damages, imprisonment, to exile, shaming, corporal punishments and mutilation, and the death penalty in its various forms. In cases based on the accusatory principle, i.e., private accusation, the aim was to settle disputes fairly and to promote reconciliation between the parties whenever this seemed possible. The measures imposed usually take the form of an order to pay a debt, return disputed property, or otherwise compensate the successful party for the harm or damage caused.

In more serious criminal cases under the inquisitorial system, the municipal courts were rather flexible in applying the law, adapting it to the specific circumstances of each case. This can be demonstrated by the case of a young man, Matzko Poliak, guilty of taking his master’s sword and fleeing after he failed to obtain his wages. The verdict stated that on account of his youthful age and in the hope that he would improve himself, while also

ensuring “that justice would be done,” he was to be taken to the gallows together with the brigand Laurentius Segnei, where he was to watch Segnei’s execution. Afterwards, under the same gallows, the young man would also be punished by caning, having his right ear cut off and being banished forever.²⁶ In the Latin record, the term *epikia* of Greek origin was employed instead of the usual word *iustitia*, suggesting an influence of Aristotelian or other ancient conceptions of justice. These became increasingly significant in early modern thought due to a confluence of religious, intellectual, and political factors.²⁷ *Epikia*, usually translated into English as equity, refers to the fairness in situations where the strict application of the law, due to its general nature, would lead to an unjust outcome. It is a corrective concept based on the assumption that a legislator, even though trying to be just, is unable to foresee all the future circumstances and therefore regulates the laws according to what is more or less ordinary and what might not fully account for the nuances of a particular case. The same concept is encapsulated in the maxim *Summum jus, summa injuria* (“The strictest law is the greatest injustice”), which appears at the conclusion of the section on the duties of the judge in the Banská Bystrica ordinance of 1555–1577. This section emphasizes that a judge should interpret and apply all customary, usual, lawful, and written laws in accordance with equity, which serves as the ultimate interpreter and modifier of all legal principles. “For where one does not always consider all the circumstances, reasons, and intentions of the legislator, too much law turn into injustice.”²⁸

Judges employed three primary strategies when addressing various offenses: sanctions without loss of honor, exclusion or exile, and elimination. The mildest category of sanctions typically included monetary fines, compensation, public works, short-term imprisonment, religious penance, public apologies, or promises of reform—measures that did not result in a loss of honor and allowed offenders to reintegrate into society. The second group of sanctions, namely, exclusion or exile, was reserved for those whose crimes were severe enough to merit removal from the community of honorable citizens but did not warrant the death penalty. Banishment in these cases was often accompanied by dishonoring rituals, such as public shaming at the pillory, whipping, or flogging, which symbolically stripped the condemned of their honor. In some cases, offenders were not only exiled but also permanently stigmatized through branding or mutilation (e.g., amputation of hands, ears, or noses), marking them as irrevocably dishonorable and serving as a warning to others. The final group, elimination, encompassed death sentences for the most serious crimes.

Each of these three categories offered a range of options with varying levels of severity and consequences for the condemned, from which judges could choose. For instance, they could decide on the amount of the fine, the length and conditions of imprisonment, the type of instrument and number of strokes for physical punishment, and whether the punishment would be executed in prison or publicly. They also determined whether the punishment would be executed by the bailiff (*gerichtsdienner / praeco*) or the executioner (a more degrading option). Additionally, it was decided whether the banished would also be flogged on their way out of town or spared this humiliation, and if they had the opportunity to sell their property before exile. While banishment was typically a lifelong sentence, in some cases the condemned were banished for a specific period, ranging from one to 16 years. After serving their exile and living honorably, they could request permission to return. In rare cases, the town court offered the accused a choice between a longer exile with a lower fine or a shorter one with a higher fine.²⁹ In lifelong banishment cases, courts

often threatened the condemned with a harsher punishment—usually the death penalty—should they violate the ban and return to the town.

Imprisonment in the sixteenth century was used much less frequently as a punishment, and even then, it was usually only for shorter periods. The longest time spent in prison, aside from vague terms such as ‘long,’ was several months, but it was usually only a few weeks or days. Often, it was a means to enforce obedience and pacify brawlers, drunks, and other troublemakers. Prisons during the early modern period primarily served as places for pre-trial detention and torture.

Some judgements from Košice were case-related. In 1561 a journeyman furrier caught in bed with the wife of his master, apart from being fined 40 gulden, was also banned from practicing his trade in the town.³⁰ In 1563, a widow was fined for using false scales and banned from selling in the town for a year.³¹ In 1571 it was decided that a burgher, because of his high wine prices, contempt and opposition to the magistrate, would lose his burgher’s rights. Only after repeated pleas, the case was finally settled with a fine of fifty gulden.³² In the 1560s and 1570s, the Košice magistrate imposed several pragmatic punishments, either in the form of public works or life service to the town. First, in 1566, a married couple was convicted of immorality and procuring, and as a punishment they had to dig up a certain amount of earth near the town walls with their feet shackled.³³ Two years later, a man had to dig fifty fathoms of earth for having disgraced his maid.³⁴ Similarly, a vineyard guard was forced to spend four weeks in fetters cleaning away feces in the town for swearing and cursing.³⁵ In 1572, two other vineyard guards, who had blackmailed an old woman for a petty theft, had to serve a similar sentence.³⁶ These kinds of penalties are somewhere between the first two abovementioned categories, because the punished were not banished, but there are dishonoring elements present, such as being restrained during public works and dealing with waste disposal. In 1567, a man was pardoned for manslaughter in exchange that he would serve the town for life by taking care of two horses.³⁷ In the same way a deserter was to serve the town as a serf until his death and another one found guilty of manslaughter in 1567 had to serve the town for life, in the first year as a vineyard worker, after that as a swineherd.³⁸

In cases with insufficient evidence, the magistrates could allow the accused to purge themselves through oaths. Alternatively, in serious cases without clear or definitive evidence, they might use milder punishments based solely on suspicion (*Verdachtsstrafe*). In 1567, when a dead newborn child was found in Košice, the court ordered that honorable women together with midwives examine servants, unmarried girls, and widows to check for visible signs of recent childbirth. Suspicion fell on a widow, although the evidence was indirect. Normally, infanticide was punished by the death penalty, but in this case, only a punishment for suspicion was imposed, and the widow was banished from town.³⁹

In the area of capital punishment, there were diverse choices and modifications in the degree of pain and infamy for the condemned and his family that each type of death penalty entailed. The proclaimed or presumed functions of punishment can be summarized as retribution, atonement, purification, and deterrence. Until the Enlightenment, the purpose of punishment was not the correction of the offender, but rather vengeance against him, atonement for the committed crime, redress for the harm caused, and the restoration of law and order. Last but not least, in a religious sense, it was about purifying society from sin; with the death of the offender, his crime was eradicated.⁴⁰

According to the Hungarian customary law collection *Tripartitum*, thieves were to be hanged, robbers were to be broken with a wheel, and others were to be beheaded with the sword according to their merit.⁴¹ Though this basic principle was often applied, the early modern judicial practice knew a much wider range of the capital punishments. From the present state of research there were as many as nine types of death penalty in Hungarian legal practice, and even more if we include military and rare forms.⁴²

Typical prescribed punishments were often adjusted in response to the mitigating circumstances of a particular case, leading to the imposition of a milder form of punishment. One of the factors that could alleviate the final verdict were petitions (*intercessiones, furbiet*) made by family members, friends, neighbors, or prominent individuals on behalf of the accused. These pleas could be for mercy, the reduction of punishment, or at least for a lighter version of the sentence. Commonly, a death sentence could be mitigated to banishment and flogging or beheading instead of hanging or breaking by the wheel, a less dishonorable form of execution. The willingness of the injured party to reconcile could also influence the sentence, particularly in cases of violence or manslaughter. If the injured party or their bereaved family accepted compensation, the court could avoid severe punishment. Occasionally, a woman's willingness to marry the offender could prevent the death penalty. For example, in 1600, a woman saved a man from the gallows after he was convicted of theft, resulting in a less severe punishment.⁴³

Mitigating circumstances included immature age, first offence, good reputation, social standing, but also extreme poverty or pregnancy. Pregnant women were treated more leniently, and the death penalty was apparently ruled out for a pregnant offender. In the case of theft, the punishment was determined by the value of the stolen goods, and it helped if it was possible to return most of them to the original owner. Sometimes consideration was also given to young children or a sick husband being cared for by the accused.

On the other hand, aggravating circumstances included recidivism, bad reputation, crimes committed at night, violence in public places and public buildings, the use of weapons, at market or fair times, or when there was bloodshed. In cases of violence, whether the victim survived the attack was also an important consideration, as was the level of physical injury. Violence and murder within the family were also considered more serious. Intentionality was not always the determining factor in sentencing, as sometimes people were convicted for mere threats or the preparation of a crime. Also, great damage caused by negligence or carelessness without obvious malice could be punished with extreme severity, even by death.

Conclusions

FOR A researcher, the preserved judicial cases represent only the tip of the iceberg when it comes to the conflicts, problematic behavior, and illegal activities that occurred within the community. Early modern society developed various mechanisms at various levels to address conflicts and discipline its members. This began within the family, where the father or the head of the household typically held disciplinary authority. Beyond the family, priests, school rectors, teachers, and guild masters played a role, but so

did neighbors and other respected community members. The matter was brought before the town court only if other methods failed, especially in serious criminal cases.

During the sixteenth century, the Reformation played a significant role in shaping judicial practices and the regulation of social behavior in Hungary. Town authorities increasingly sought to control various aspects of peoples' lives through legal ordinances aligned with religious teachings. Numerous municipal ordinances reflected growing concerns about morality and piety trying to impose proper religious observance, often holding heads of households accountable for the moral conduct of their families and employees. The regulations included prohibitions on gambling, excessive drinking, and immoral public conduct, particularly in relation to weddings and social gatherings. The period saw a shift in attitudes toward sexuality, with a greater emphasis on marital fidelity and chastity, which led to the criminalization of prostitution and the closure of brothels. These reforms reflected the intertwining of religious and secular authority, with municipal laws closely mirroring the moral and social expectations of the Protestant Church.

Early modern ordinances prescribed a set of ideal virtues for the judges that would enable them to effectively maintain order and administer justice. Some of the key qualities included wisdom, knowledge and experience, moral integrity, religious devotion, discretion fairness, and impartiality. Their decisions were often seen as reflecting the divine will or the moral order sanctioned by the church articles of faith.

Intercessions played a significant role in early modern judicial practices, bridging the gap between formal legal procedures and the informal social structures governing daily life. They demonstrated a more flexible and community-oriented approach to justice, where the court's role was not only to punish but also to consider social ties, moral values, and familial obligations.

Punishments, particularly those carried out in public spaces like executions or public flogging, were intended not just to punish the offender but to send a message to the wider community about the consequences of breaking societal rules. Capital punishment, applied as a last resort, was reserved for the most serious crimes, when no pardon could be granted. The use of the death penalty reflected the period's concerns with maintaining peace and order while enforcing moral and social norms. It served as a tool for deterrence, retribution, religious atonement, and purification, as well as for moral instruction.

The iconography and epigraphy of town halls reflect the broader medieval and early modern belief that the fair administration of justice was a cornerstone of good governance. The prominence of justice as a cardinal virtue underscores its central role in the ideal governance of the time and reveals a complex interplay between religious, legal, and political symbols, highlighting the legitimacy of governance rooted in God's will.



Notes

1. The study was written as part of the grant VEGA no. 2/0017/23 *Legal norm versus case law. Historical, legal, discursive and social aspects of the judiciary, crime and punishment in the Middle Ages and early modern period* at the Institute of History at the Slovak Academy of Science in Bratislava, Slovakia. For more details about the symbolism of religion, justice and power in urban iconography in Hungary, see Blanka Szeghyová, “The Topography of Justice: Symbols, Rituals and the Representation of Urban Justice in Early Modern Northern Hungary,” in *Faces of Community in Central European Towns: Images, Symbols, and Performances, 1400–1700*, ed. Katerina Horníčková (Lexington Books, 2018), 67–76. Other examples in Judith Resnik and Dennis Edward Curtis, *Representing Justice: Invention, Controversy, and Rights in City-states and Democratic Courtrooms* (Yale University Press, 2011), mainly 22–84.
2. Martin Luther, *Secular Authority: To What Extent It Should be Obeyed*, 1523. From: The Ages Digital Library Collections Works of Martin Luther Vol. 3, 184. http://media.sabda.org/alkitab-8/LIBRARY/LUT_WRK3.PDF
3. Martin Luther, “Ob Kriegsleute auch in seligem Stande sein können. 1536,” in *Luthers Werke. 3. Band Schriften von 1524–1528*, ed. O. Clemen (Berlin: Walter De Gruyter, 1966), 320.
4. István Bejczy, *The Cardinal Virtues in the Middle Ages: A Study in Moral Thought from the Fourth to the Fourteenth Century* (Leiden: Brill, 2011), 73, 85, 90, 103.
5. Claude Gauvard, “Spravedlnost a mír,” in *Encyklopedie středověku*, ed. J. Le Goff and J.-C. Schmitt (Praha, 2002), 704.
6. Susan Tipton, *Res publica bene ordinata: Regentenspiegel und Bilder vom guten Regiment: Rathausdekorationen in der Frühen Neuzeit* (Hildesheim: Olms, 1996), 15. For the Transylvanian case, see the study of Ágnes Flóra, “Symbols, Virtues, Representation. The Early Modern Town Hall of Kolozsvár as a Medium of Display for Municipal Government” *Hungarian Historical Review* 1, no. 1 (2012): 3–21.
7. Tipton, *Res Publica bene ordinata*, 27–28.
8. Szeghyová, “The Topography of Justice,” 68–73.
9. Sándor Kolozsvári and Kelemen Óvári, eds., *Corpus Statutorum Hungariae municipalium*, vol. IV/2 *Statuta et articuli municipiorum Hungariae cisdanubianorum* (Budapest: MTA, 1897), 34.
10. *Corpus Statutorum* IV/2, 102–6.
11. Building on the theories of Max Weber, Norbert Elias, Michel Foucault, and Gerhard Oestreich, the results of the multi-perspective research project on social disciplining were published in Heinz Schilling and Lars Behrisch, eds., *Institutionen, Instrumente und Akteure sozialer Kontrolle und Disziplinierung im frühneuzeitlichen Europa* (Klostermann, 1999). See also Martin Dinges, “Normsetzung als Praxis? Oder: Warum werden die Normen zur Sachkultur und zum Verhalten so häufig wiederholt und was bedeutet dies für den Prozess der ‘Sozialdisziplinierung?’”, in *Norm und Praxis im Alltag des Mittelalters und der Frühen Neuzeit. Internationales Round-Table-Gespräch*, Krems an der Donau, 7, Oktober 1996, ed. Gerhard Jaritz (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1997), 44–46. For research from Eastern Europe see Jaroslav Pánek, “Policy und Sozialdisziplinierung im frühneuzeitlichen Böhmen und Mähren,” in *Policy in Europa der Frühen Neuzeit*, ed. Michael Stolleis (Frankfurt am Main: Kloster-

- mann, 1996), 317–31; Pavel Himl, „Die armen Leute und die Macht.“ Untertanen der südböhmischen Herrschaft Český Krumlov/Krumau im Spannungsfeld zwischen Gemeinde, Obrigkeit und Kirche (1680–1781) (Berlin: DeGruyter, 2003); Thomas Winkelbauer, „Sozialdisziplinierung und Konfessionalisierung durch Grundherren in den österreichischen und böhmischen Ländern im 16. und 17. Jahrhundert,“ *Zeitschrift für historische Forschung* 19, no. 3 (1992): 317–39; Thomas Winkelbauer, „Einträge zu dem Titel „Grundherrschaft, Sozialdisziplinierung und Konfessionalisierung in Böhmen, Mähren und Österreich unter der Enns im 16. und 17. Jahrhundert,“ in *Konfessionalisierung in Ostmitteleuropa*, ed. Joachim Bahlcke and Arno Strohmeyer (Stuttgart: Franz Steiner, 1999), 307–38; Mária Pakucs, „Gute Ordnung und Disziplin. Patterns of Social Discipline in Sibiu (Hermannstadt) in the Sixteenth Century,“ *New Europe College Yearbook* (2004): 175–206. Some thoughts comparing the social discipline research results of Western and Eastern Europe: Sheilagh Ogilvie, „So that Every Subject Knows How to Behave”: Social Disciplining in Early Modern Bohemia,“ *Comparative Studies in Society and History* 48, no. 1 (2006): 38–78.
12. Po-Chia R. Hsia, *Social Discipline in the Reformation: Central Europe 1550–1750* (Abingdon: Routledge, 1992), 122–123.
 13. Peter Schuster, *Das Frauenhaus: städtische Bordelle in Deutschland (1350–1600)* (Paderborn: Schöningh, 1992), 189–202; Kathryn Norberg, „Prostitutes”, in *A History of Women. Renaissance and Enlightenment Paradoxes*, ed. Natalie Zemon Davis and Arlette Farge (Cambridge MA: The Belknap Press of Harvard University Press, 1993), 460–61; Lyndal Roper, *The Holy Household. Women and Morals in Reformation Augsburg* (Oxford: Clarendon Press 1991), 56–57; Blanka Szeghyová, „Fornicatrices, scortatrices et meretrices diabolares: Disciplining Women in Early Modern Hungarian Towns,“ in *Same Bodies, Different Women: Other Women in the Middle Ages and the Early modern Period*, ed. Ch. Mielke and A.-B. Znorovszky (Budapest: Trivent, 2019), 167–80.
 14. Blanka Szeghyová, „Sex Crimes in Hungarian Towns in the Age of the Protestant Reformation,“ *Beiträge zur Rechtsgeschichte Österreichs: Zeitschrift der Kommission für Rechtsgeschichte Österreichs der Österreichischen Akademie der Wissenschaften* 9, no 1 (2019): 80–95; Maria Crăciun, „The Price of Sin: Sexual Misconduct and its Social Consequences in Sixteenth-Century Transylvanian Towns,“ *Archiv für Reformationsgeschichte-Archive for Reformation History* 110, no 1 (2019): 157–99.
 15. Pakucs highlighted the focus of Transylvanian ordinances (sumptuary laws) on social order, the division into professional and social groups and restraint in luxury, especially in clothing. Mária Pakucs-Willcocks, „Transylvanian Civic Sumptuary Laws in the Early Modern Period: Preliminary Observations,“ *Revista istorică* 29, no. 1-2 (2019): 55–73.
 16. The ordinance is dated to 1537 in the title, but in the text the year 1530 is mentioned. *Ordnung unnd Pollicey der Stat Crennitz... im Jar MDXXXVI in Corpus Statutorum IV/2*, 66–68.
 17. *Corpus Statutorum IV/2*, 95–97.
 18. *Danieli Turci Diarium ab anno 1548 usque 1559*, manuscript in the Hungarian National Library (Országos Széchényi Könyvtár) Kézirattár, Fol. Lat. 3117, f. 246. Similar religious tones can be found in Transylvanian town statutes as well: Mária Pakucs-Willcocks, „The Honterian Reformation and Its Influence on Transylvanian Town Magistrates,“ in *Initia Reformationis Transsilvaniae. Vielfalt, Aufbrüche, Rezeptionsräume in der Frühen Neuzeit*, ed. Ulrich Wien (Berlin: DeGruyter, 2025), 55.

19. *Corpus Statutorum*, vol. II/2 *Statuta et articuli municipiorum Hungariae Cistibiscanorum* (Budapest: MTA, 1890), 95–6.
20. *Corpus Statutorum* II/2, 103–4.
21. *Articuli synodi ecclesiarum Quinque Civitatum, videlicet Barthphensis, Eperiensis, Cassoviensis, Cibiniensis et Leutschoviensis, circa annum 1550 conscriptis* (articles XIII, XIV and XXI) published in Etele Thury, *Magyar egyháztörténeti adattár VII.* (Hungarian Ecclesiastical History Repository) (A magyar protestáns irodalmi társaság, 1908), 13–19 and in Péter Kónya and Barnabás Guitman, ed. *A kissebeni evangélikusok krónikája Waechter Dánieltől* (Prešov: Vydavateľstvo Prešovskej univerzity, 2022), 110. The dating of the articles is uncertain, with the transcripts citing both 1540 and 1550; however, 1560 appears more likely. The following arguments support this later date: Barnabás Guitman, “Neue Forschungsergebnisse zur Geschichte der Reformation in Bartfeld (Bardejov),” in *Reformácia v strednej Európe = Reformáció Közép-Európában: Reformation in Mittel-Europa. I.*, ed. A. Kónyová and P. Kónya (Prešov: Vydavateľstvo Prešovskej univerzity, 2018), 186–87.
22. Municipal Archive Košice (further AMK), *Pur Iudicia pene malefactorum et sceleratorum 1556–1608*: “Helena uxor Johannis Golopi.”
23. AMK, *Pur Iudicia pene malefactorum et sceleratorum 1556–1608*, Rixantes Mulieres.
24. AMK, *Pur Iudicia pene malefactorum et sceleratorum 1556–1608*, Nocturnarum turbarum authores.
25. AMK, *Pur Iudicia pene malefactorum et sceleratorum 1556–1608*, Jacob Filbauch.
26. Státny archív v Prešove (State Archive in Prešov), Archive of Prešov Magistracy, Kniha mestského súdu 1555–1560 (Municipal court book), no. 2685; f. 108a.
27. See for example the re-examination of the concept of equity in English thought from the sixteenth century in Mark Fortier, *The Culture of Equity in Early Modern England* (Abingdon: Routledge, 2016), 1–2.
28. *Corpus Statutorum* IV/2, 106.
29. AMK, *Pur Iudicia poene malefactorum 1556–1608*: Kadas Lucacz und fraw Elizabet Witez Martonin.
30. AMK, *Pur Iudicia poene malefactorum 1556–1608*: Erasmus Brechtelt.
31. AMK, *Pur Iudicia poene malefactorum 1556–1608*: Dorothea uxor Joanis quondam Wolferman Farkas dicti.
32. AMK, *Pur Iudicia poene malefactorum 1556–1608*: Eothwes Ferencz and Eothues Ferencz supradictus.
33. AMK, *Pur Iudicia poene malefactorum 1556–1608*: Azthalgiaertho János.
34. AMK, *Pur Iudicia poene malefactorum 1556–1608*: Joannes sarctor.
35. AMK, *Pur Iudicia poene malefactorum 1556–1608*: Poena vituperii.
36. AMK, *Pur Iudicia poene malefactorum 1556–1608*: “Untrewe weingarten huetter Peter Kykedi und Zekeres Miclos beide vorstetler.”
37. AMK, *Pur Iudicia poene malefactorum 1556–1608*, Gregorius Agiagasy.
38. AMK, *Pur Iudicia poene malefactorum 1556–1608*, Jacobus Kovach de Wyfalu; Jacobus filius Valentini.
39. AMK, *Pur Iudicia poene malefactorum 1556–1608*, Martha mulier vidua.
40. Richard van Dülmen, *Theater des Schreckens Gerichtspraxis und Strafrituale in der frühen Neuzeit* (Munich: Beck, 2010), 127, 174–79.

41. *Tripartitum* I., chapter 15. From János M. Bak, “Online Decreta Regni Mediaevalis Hungariae. The Laws of the Medieval Kingdom of Hungary” (2019). *All Complete Monographs*. 4. https://digitalcommons.usu.edu/lib_mono/4/ (accessed 13 March 2025).
42. Universally applicable to both men and women were beheading and burning. Typically reserved for men: hanging, breaking on the wheel, quartering, impalement, and hanging by a hook. Female-specific death penalties included drowning, being buried alive and having the heart pierced with a stake.
43. AMK, *Pur Iudicia poene malefactorum 1556–1608*, pis Petrus Polonus fur.

Abstract

Habt Gerechtigkeit lieb, Ihr Regenten auf Erden: Administering Justice in Early Modern Upper Hungary

This study examines the close relationship between justice and religious symbolism in urban governance in early modern Hungary. Secular authority was seen as divinely ordained, with justice portrayed as a cardinal virtue in townhall iconography. Crime was viewed as sin, requiring just punishment to restore divine order. Urban ordinances emphasized the judges’ moral integrity, impartiality, and duty to uphold God’s law. The Reformation intensified the efforts to regulate behavior and enforce piety through detailed municipal laws. These ordinances often mirrored church articles and promoted social discipline. Punishments ranged widely, guided by local customs, equity and intercessions, rather than rigid legalism.

Keywords

urban justice, religious symbolism & secular power, ideal judge, social disciplining, punishment, sixteenth century

Instructions to the Masters of Cluj Hospitals in the Early Modern Period

ENIKŐ RÜSZ-FOGARASI

THE PRE-MODERN history of Cluj/Kolozsvár coincides with the era of the “treasure city” (*kincses város*), when the city underwent an unprecedented development and became one of the most important urban centers within the Principality of Transylvania (1541–1699). For most of the period of the principality, Cluj remained one of the most significant cities in Transylvania, even when it temporarily lost its status of free royal town. The city’s economic, political, administrative and cultural development began to be increasingly mirrored by the growing amount of archival material created and preserved. The city’s archives hold a variety of primary sources from this period and even compete with other cities with an earlier development such as Braşov, Sibiu, and the towns of Upper Hungary. The institutional development of Cluj can be traced by analyzing the decisions, statutes and instructions formulated for the employees and servants of the city. These official decrees can be correlated in turn with the increasingly precise and diverse accounts and registers kept by the employees appointed by the city fathers. Various fragmentary documents concerning the records drawn up by the city of Cluj and its various officials appear as early as the fifteenth century, their number increasing from the second half of the sixteenth century. One model for urban administration and record keeping were for instance the statutes of Buda,¹ but also the developments in the Saxon cities to which Cluj belonged formally until the end of the sixteenth century. By this time, the urban institutions of government and administration in Cluj had taken shape, and the town council and the council of the hundred were responsible for managing all aspects of urban life.²

In the early modern administration, it became increasingly common to draw up instructions for various officials, be they royal, noble, or municipal employees. Instructions were provided to brief the individual assuming an office, detailing the expectations set forth by the authority or community responsible for appointing them to the position.³ There are countless examples of such instructions all over Europe, as they became increasingly common from the last third of the sixteenth century onwards. While these sets of instructions were initially shorter, they became more detailed and comprehensive over time.⁴ Briefs on job requirements and expectations were drawn up for officials of manors, state and municipal institutions. In the life of a town, the statutes and instructions for the operation of the various areas were mostly derived from community law.

In the early modern history of Cluj, such rules and instructions were becoming increasingly frequent already in the last quarter of the sixteenth century. At that time the

city already had municipal rights and thus had the right to issue statutes and regulations. The municipal administration was becoming more and more extensive and the leaders and elected councilors sought to regulate all fields of urban life. The end of the sixteenth century saw the city grow in economic strength and importance in every respect. As a consequence of this economic prosperity and development of urban life, there was a need for operational and working instructions that were consequently prepared not only for the hospital masters, but also for the wine merchants,⁵ market judges,⁶ the mill judge,⁷ the tax collectors,⁸ legal director,⁹ notary¹⁰ and bell ringers.¹¹

There are two essential sources of information on life in the hospitals in Western Europe, one of them being the statutes of the institution and the other the instructions given to the hospital masters. While the statutes set out the rules of operation of the institution, the instructions prescribed the duties and expectations of the person in charge of them. There were various types of instructions for European hospitals or almshouses, some of which concerned the conditions of admission to those institutions, others regulated life in the institution, and there were also instructions that set out the framework and expectations of the monks' activities. These instructions or statutes were not universal, but particular to a specific institution, despite the fact that they may have contained similar provisions. These similarities stemmed from their similar activities. In other regions of Europe, the writing of statutes or instructions relating to the operation of hospitals began earlier than in Transylvania, but in the early modern period the number of these texts increased, and they also became more detailed. A number of such instructions have been published in source editions. For instance, scholars studying Austrian hospitals have at their disposal the internal regulations and instructions of the early modern almshouses in published form, which may be important not only for them but also for understanding the functioning of welfare and care institutions in the region.¹²

At the end of the Middle Ages, the care of the poor in the town of Cluj fell under the responsibility of three hospitals, namely, St. Elizabeth's, the Holy Spirit, and St. Job's. From the second half of the sixteenth century, however, only the monasteries of St. Elizabeth's and the Holy Spirit survived, and after their merger, a single hospital remained active.¹³ St. Elizabeth's has been housing and caring for the poor, old people, and orphans from the fourteenth century to the present day. It is the hospital of Cluj with the most significant preserved source material. This large volume of documents is diverse: in addition to accounts and inventories, extant instructions also contain many important details about the institution and the numerous activities it carried out.

St. Elizabeth's Hospital in Cluj is certainly the oldest, largest and most important social institution in the city. Its operations were financed by considerable wealth, since the hospital could draw on the income of the mills in Cluj and Mera, the salt revenues from the princely donations, the wine and grain from the vineyards, the produce and income from the manor of Mera, and the income from its building in the main square of the town (income from the rent of the shop, cellar and rooms).¹⁴

The hospital masters of Cluj were chosen by the council of the hundred from among their own ranks. At the end of their mandate, each hospital master owed a dedicated town official an annual account: auditors elected by the city administration were vetted and they accepted or rejected the financial records. Within the city administration, in the last decades of the seventeenth century, the heads of the hospitals began to be called *ispáns*.¹⁵ The

ected head of a hospital could act with complete autonomy in the management of the hospital, but could not sell or exchange the hospital's property except with the permission or by order of the city council. Admission to the hospitals for those in need was granted solely by decision of the town council.

St. Elizabeth's hospital in Cluj was only registered in the regulations concerning the duties of the person entrusted with the management of the institution. Of the three monasteries, only the management of St. Elizabeth's was regulated, but similar requirements to those set out here may have applied to the other two institutions.

The first extant instructions for the hospital master in Cluj were written in 1586, at a time when the city was flourishing in all areas, and the administration of the city was expanding. It was the first instruction issued by the city during the office of Gergely Süveges, the almshouse master of Cluj.¹⁶

Contrary to the expectations one might have about the activities detailed in the instructions of the hospital master, they are in fact confined to the accounting techniques for the management of the institution. This general tendency is also reflected in the instructions of the almshouse (St. Elizabeth's), dated 1586, where the expectations of accounting for the results of management are noted.¹⁷ Here we learn of ideas intended to describe precisely the structure and chapters of the expected accounts and the succession of the various units. This instruction is recorded in the protocol book of the town, together with several other regulations.¹⁸ It comprises the rules meant to ensure that the accounting officer wrote the books in keeping with the desired structure and using the right rubrics. The instructions show that the city expected the master to record the revenues first and only after these had been completed, in the same sequence, he was supposed to write down the expenses. Since there are a few similar documents from the early modern period, but too few to cover all the realities of municipal accounting, the extant registers are therefore of great value for historical analysis.

In the instructions, the income of the hospital had to be recorded in nine chapters. First of all, the receipts from all kinds of cereals had to be listed, from those directly sown and harvested to those from the mills, including those from the tithe. The enumeration had to cover all forms of grains, whether they were already stored in bundles or as grain, and all cereals (wheat, barley, oats, spelt, flax, hemp, and millet) were to be listed separately. The second category included the revenues from grapes and wine, followed by the income from sheep and lambs. In the fourth chapter, the income from last wills and bakeries had to be reported. In chapter five, a description of the stock of hay produced and existing was given. Chapter six recorded the tithe in pigs. The seventh chapter of the income focused on horses. Chapter eight comprised the accurate number of the poor, and chapter nine contained a census of the entire livestock of the hospital. The importance of the accurate recording of all income was particularly emphasized in the instructions.¹⁹

It was expected that expenditure would be recorded in seven chapters. In the first chapter, it is stated that all expenditure on milling, ploughing, sowing and the farm was to be recorded since the previous census. Then the amounts spent on the cultivation of vines and the storage of wine were to be entered in the register. In the third chapter, the expenditure on sheep and shepherds were listed. The consumption of hay and the number of animals slaughtered for the poor were also accounted for in this section. The number of loaves of bread consumed was required in the fourth chapter, while the cost of mowing and hay

collection was intended for chapter five. The costs of feeding the poor were included only in chapter six. The instruction required them to write down how much meat, oil, fish were bought for them, in a weekly breakdown and, as the text puts it, “write it down in the usual way for the days of the week.”²⁰ This also shows that they were not setting new expectations, but were recording procedures that were already customary. The chapters of the edition were closed with the so-called “petty expenses” (for horses, wagons, and servants). The hospital master’s guide also expected the expenditure, or *exitus*, to have a final entry that can be interpreted as a summary.

The instructions indicate in their last article that if the accounts were not prepared in the prescribed form, the auditors would reject them. Considering the records preserved in the Cluj archives,²¹ we know that only one register was written in accordance with this instruction; moreover, the only point which was followed through was that until all revenues were recorded, they did not deal with the expenditures.

If we examine the structure of these instructions to the master of the hospitals, it is very surprising that they only focus on the way the accounts were to be prepared, on the precise order in which they were to be presented. This reveals that the hospital master was primarily required to manage the hospital’s assets carefully and to preserve them, to give a very clear account of his administration, and only in addition to this was he expected to take care of the poor.

The instructions of 1614 tell us more about the activities in the hospital and what was expected of the master.²² The text was written down by the town’s sworn notary, Gáspár Heltai the Younger.²³ The master of the hospital at that time was György Takács, and the instructions were in fact a requirement to make an inventory of the in-kind incomes of the hospital.²⁴ This document is more than just a description of the tasks for the administrator of the hospital, as the scribes make it clear in the preamble to the instruction that they are writing “an inventory and an instruction.” The four-page document first listed all the goods and assets handed over to the hospital master, but also set out in writing the duties of the staff employed in the hospital. Last but not least, they summarize in ten points the responsibilities of the main administrator of the hospital.

The first half of the instructions contains exactly how much and what the poor should be given. Thus, the instructors calculated that since the hospital usually had eight or ten poor people in its care, the hospital master should buy 28 florins worth of meat per year for the preparation of meals, set aside 45 buckets of wheat for bread, which he could use to feed the poor as well as for reapers and pickers. Every year, 50 small barrels of wine were ordered for consumption in the hospital, which he had to procure from the hospital’s own vineyards. The instructions further described in detail that the servant had the duty to cook, bake, wash, scour, weave, weave linen and make clothes from it, or have it sewn for the poor. In addition to tending to the oxen and ox-carts, it was also the servant’s obligation to bring in the wood for the poor.

In the second half of the instructions, the duties of the hospitals master were listed in ten points. Among these were some of the tasks and requirements that were formulated earlier, at the beginning of the text. The first point is more of an analysis of the situation and a suggestion on how to increase the income. We learn that, at the time of writing, the house in the town square was unused and it was proposed that the poor be moved there. In the same place, the vineyard worker was reprimanded and warned to do his job and

not to disturb the poor. The second point regulates the supply of wood to the poor and instructs that the small or large rooms for the poor should be supplied with firewood. In the third point, it is emphasized that the servant should serve the poor and not carry out the duties of the hospital master. In the fourth point, the duties of the servant, as stated earlier, are supplemented by the obligation to bring in water in pails, together with the water for cooking. A separate section then instructs the hospital master to grow oats on the farm, and the serfs to sow and harvest them. The hay is also to be 'produced on the lands of the institution'.²⁵ Likewise, the instructions encourage the hospital to make use of the potential of the farm by telling the hospital master to grow millet and to give it to the poor as porridge with prunes, three times a week. The seventh point sets out the manner of buying meat, such that two or three pounds should be given to each poor person and the meat cooked for them by the servant. The eighth point requires them to keep pigs for bacon, because after that the costs for bacon would not be accepted. The instructions entrust the pigs of the hospital to the village swineherd.

Points nine and ten of this part of the instructions also relate to farming. The hospital employees were required to grow cabbage, parsley, carrots, parsnips, onions, garlic and peas in a vegetable garden in the backyard. The master of the hospital was instructed to cultivate hemp and flax in such quantities as required for the needs the poor and the servants and to pay the laborers. The flaxseed should also be used to make oil to feed the poor.

Last but not least, the method of accounting is specified. Similarly to the previous instructions, the income should be recorded first, followed by the expenditure. The main streams of income of the hospital were the sale of wheat, wine, salt, the rent from the house in the town square, and the tax on the serfs. The expenditure was to be recorded in nine points. "Miscellaneous expenses" were the expenses for wheat, milling, the blacksmith's wages, the expenses for grapes, and a detailed account of all these was requested.

This document is much more complex than the first instructions, of 1586, not only because of the rules for preparing the account book, but also on account of the advice on managing the assets of the hospital and the food for the poor. It seems that the instructions drafted by the young Heltai cover all areas in detail, yet there are some customs and practices mentioned in the accounts, whereas they are not included in the instructions, such as the supply of meat to the patients of the hospital. In 1609²⁶ and in 1617²⁷ it is specifically recorded that meat was cooked twice a week for the poor. One of the records is from before the Instructions, while the second record came a few years later, in relation to the Instructions written by Heltai. The 1614 Instructions state that two pounds of meat should be given to the poor.

Contrary to our expectations, only a handful of instructions for the master of the hospitals survive from the period we have studied. The following text of this kind is a one-page document which has come down to us in a rather damaged state, in which some words were crossed out in several places and added in others. It is possible that this was just a draft, but the fact is that these instructions, dated 17 February 1623, are difficult to read. The content itself differs from the earlier ones: whereas the 1586 instructions were mostly concerned with the financial side of hospital administration, this 1623 text contains instructions in six-points to the hospital master, focused on the tasks to be performed in the hospital.²⁸ This was a new set of directions, prepared relatively soon after the 1614

instructions, and addressed to Benedek Szabó, the master of the hospital. It was drafted by the auditors for the purpose of keeping the accounts. They demanded that the master of the hospitals urge pious conduct among the hospital's residents, that he personally visit the poor every day to ensure that meat is put on their tables three times a week. In addition, a woman should be employed to prepare food and do other household chores (washing, carrying water, etc.), and the poor should be provided with adequate clothing.²⁹

As we can see, in two successive orders, more and more care was given to the poor housed in the hospital, requiring the master be there every day to look after the patients. The requirement that cooked meals be prepared remained in place, and by this time, meals containing meat were expected to be served three times a week. However, the accounts do not reflect an increased meat consumption, and in the financial records of the hospital from the following year the biweekly meat provision was the practice.³⁰

At that time, the hospital was still in charge of the preparation of the meals. A change in this practice can be observed from 1643 onwards, since from then on the hospital master no longer concerned himself with the preparation of food for the poor, but instead provided weekly money for meat, bread and wine or tips. However, we cannot document these changes with instructions because they have not survived, and we rely only on the entries in the account books. They show that in 1643,³¹ 1644,³² 1645,³³ 1646³⁴ and 1647³⁵ the patients of the hospital were given only money and no food. In 1644, the money given out was still mentioned as money for meat, but later it was recorded as *praebenda*. This simplified caring for the poor, but by the 1660s considerable effort was needed to raise and spend this amount. In the last decades of the seventeenth century, Cluj entered a difficult period in its history, when it lost its status as a free royal city. From this dark period, no instructions have survived for the mayor or any other official.

After the instructions of 1623, there was a long period when no instructions were issued to the hospital masters, even though the times were busy in the life of the city, especially when it lost its free royal status and when it was becoming increasingly difficult to manage the hospitals' assets. Certainly, rules were being drawn up but they have either been destroyed or have not yet been found. In these dark times, the city officials were obliged to merge the city's two hospitals, with the aim of managing their assets more efficiently. The merged institution continued to be administered by two masters, and they certainly wrote down how this was to be done, specifying exactly which of the hospital masters was to perform which tasks.³⁶

For the next remaining hospital masters to be briefed, it was necessary to wait until the town regained its freedom. Even if free urban life did not resume there, the citizens of the city sought to restore the lost rights in all areas. Subsequently, the only surviving instructions on the management of the hospitals from the eighteenth century are the 25-point rules for the hospital master dated 4 February 1743.³⁷ We owe this written record to the sworn notary Ferenc Bányai, and the relatively intact seal of the town guarantees their authenticity. In addition, there is an undated instruction, probably dating from the second decade of the 18th century.³⁸ It summarizes in 25 points what was to be done and we have the impression that they intended to continue, but that this was not done. These instructions for the hospital masters already date from the time when the two hospitals and the city's assets had merged. In fact, these instructions give an account of all the assets of the unified hospital.

An undated instruction dating from the early eighteenth century refers to the administrator of the hospital with different terms: *ispán*, *provisor*, and hospital master. The reason given for the issuing of the new instructions was that the hospital masters were often replaced in office, and the serfs belonging to the hospital could not keep track of who was in charge and therefore were not following orders and refused to perform their tasks. The text contains a mixture of provisions on the duties of the hospital master, mostly focusing on the management of property. First of all, it was stated that the hospital masters could accept new patients only with permission from the royal judge and the town council. The hospitals masters were accountable to these offices, and their financial records had to be submitted to the auditors for verification and acceptance.

The instructions provide for the management of the hospital's estate point by point. We learn that the hospital master lived in town and not on the rural estate in the village of Mera, since the major assets and revenue were located in town and on its outskirts. The hospital master was advised to appoint one of the serfs to be in charge of the duties in the countryside. The hospital master had to ensure that the lands were worked both in Mera and in the Cluj suburbs, and that sufficient autumn and spring wheat, oats, millet and maize were produced. The instructions introduce a novelty in connection with the organization of the work of the serfs. Superseding the previous custom, it simplifies the tasks of the hospital master, as during the previous major works, the serfs received supplies and food. This was now abolished, and in return they could deduct a certain amount of grain from the crop tax to be paid by the serfs.

The instructions requested that vine-growing and winemaking should take place according to the old practice, the vineyards being worked by day-laborers through vineyardmen, so as not to overuse outside labor. The wine must be kept by the hospital master only in the cellars of the hospital houses and must not be sold without permission.

Apiculture was another point touched upon in the instructions. The hospital master had to look after and increase the bee population, set frames for beehives in Mera and, if necessary, employ a competent person to be paid from the proceeds of the wheat production. In the farm of the hospital, a sufficient number of domestic animals should be kept: cows, sheep, pigs, mainly for the sake of supplying the patients of the hospital, and the income of the institution should be increased from the sale of the surplus.

The instructions tell the master of the hospitals to rent out different parts of the house in the town square, with the upstairs rooms, the shop opening onto the market and the cellar being used to store the wines of others, thus helping to increase the income for the poor. This house had been formerly owned by St. Elizabeth's hospital.³⁹

The bakeries used to generate income for the Holy Spirit Hospital, but during the eighteenth century they were providing for the needs of the merged hospital. The instructions advise the hospital master to run both bakeries, especially to improve the bakery on Middle Street (*Közép utca*). Furthermore, in order to keep the bakeries in constant operation, the hospital master had to hire good servants, knowledgeable in the baking craft, who had to be paid well and supplied with wood continuously. The bread collected from baking for the populace as "baking tax" (*vámkenyér*) should be given to the hospital's poor, and the surplus sold at the market.⁴⁰

The income from cutting and selling salt, which began at the turn of the sixteenth century, continued into the eighteenth century, so the hospital master had to take care of the

cutting of salt blocks and their transport.⁴¹ However, unlike previously, these instructions ordered that the hospital master notify the town council about the sale of salt.⁴²

Before the eighteenth century, the merged hospitals had two mills, one on the estate of Mera and the other outside the city walls on the Someș. In these instructions there is no mention of the mill that used to operate in Mera, while the mill on the Someș is noted to be in a dilapidated state and lying unused. This mill disappeared eventually and was rebuilt much later.⁴³ The estate of Mera also included forests and, according to the instructions, the hospital master had to apply to the council for permission to cut wood on a large scale.

From time to time, either the hospitals or its inhabitants left small or large testamentary donations to the hospitals, and the receipt of these and the accounting for them was also left to the hospitals.

As we have seen, the instructions for the hospital master focused mostly on the property management of the institution and only marginally dealt with the patients. The instructions ask the master not to allow the poor to beg outside the church, but to give them 12 denarii a week, a loaf of bread at Christmas, a pail of flour and footwear.⁴⁴ At the end of the instructions, another hand wrote that sufficient wood should be provided, and that this wood should be used to heat the houses belonging to the hospital and to run the bakeries. These guidelines suggest that the care of the poor had been reduced to a permanent cash allowance, shelter and periodic crop subsidies. The instructions show that the management of the hospitals was being made efficient, while the care of the poor or the organization of the work of the serfs was being taken off the shoulders of the hospital master.

The instructions dating from the mid-18th century were dated 4 February 1743 by the notary of the town, and in November of that year were brought to the attention of the accountants and the hospital master, probably with the expectation that the following year's accounts would be prepared on the basis of these instructions. In the period under analysis, these are the first instructions on which a fairly intact municipal coat of arms is displayed. The document, signed by Ferenc Bányai, town clerk, summarizes in 25 points the duties of the person who was then already called *ispán*, and who was responsible for the management of the hospitals. Like the other 18th century guides, this one calls for more efficient management and, to this end, stresses the importance of the personal presence of the hospital master in all areas of management. Similarly to the earlier instructions, it lists the various farming and agricultural holdings of the hospital and gives advice on maximizing revenue from them.

The instructions from 1743 show that the hospital was then still largely under the administration of the city and that the royal judge and the city council closely monitored the management of the institution. The hospital master was always required to notify the royal judge of any major expenditure. Compared with previous instructions, an accurate account of the bread baked for the poor and the serfs was also required. It remained the responsibility of the council to accept new beneficiaries into the care of the hospital.

In addition, in the event of the death of a poor person, an accurate record of the funeral expenses was expected. Furthermore, the hospital master was urged to farm in such a way that there was always enough grain, hay and firewood. The 2,000 cubes of salt contributed to the overall income, and provisions were made for their proper utilization. In these instructions, a hitherto unrecorded category is described, namely, the interest received on loans, and provision was made for its accounting and collection.

For his work, the hospital master was paid 40 Hungarian florins, 40 buckets of wheat, 40 buckets of wine, a calf at Christmas and 20 cubic meters of wood per year. At that time, the priests serving at the hospital were also paid from the institution's income. Priests for each religion were paid annually 4 florins, 16 buckets of wheat, 5 cubic meters of wood, a bucket of wheat and one of wine for Christmas.

Last but not least, at the end of the instructions, the care for the poor is also mentioned. Thus, they were given a bucket of wheat and a pair of boots, three pigs for the patients in the three houses in which they were cared for, and the order was for them to be given a loaf of bread and 12 denarii every week; for Christmas they received half a pint of wine. In the mid-eighteenth century, in addition to the abovementioned items, taking care of the poor meant providing them with housing, which was then provided in the three wooden rooms of the main house. All this is reflected in the inventory of the hospital from 1733.⁴⁵

In conclusion, the instructions written for the hospital masters of early modern Cluj faithfully reflect the relationship between the officials of this urban institution and the political authorities of the city. The changes in the city's leadership are equally well outlined. Whereas in the sixteenth and seventeenth centuries the city council accounted for decision-making at all levels, in the eighteenth-century power was shared between the royal judge and the city council. Likewise, whereas previously a license was not required to sell salt or to clear the forest of the hospitals, in the eighteenth century this is almost taken for granted. In the previous period, the council only intervened in the management of the hospital in the event of alienation or exchange of property; later, major decisions were also taken by the royal judge and the council.

Until the mid-sixteenth and seventeenth centuries, the provision of cooked food was part of patient care. Later on, this was no longer the case, and the poor were provided with a variety of crops (wheat, bread, wine), housing, and money.

These instructions show that the first and most important task of the hospitals was to protect the property of the institution in perpetuity and in all circumstances. The maintenance, upkeep and utilization of the property was seen as the guarantee of the future of the institution. The guides were essentially the result of the constant care of the town council, and were designed to maximize the economic potential of the institution. The supervision by auditors was intended to prevent abuses by the hospital masters.

Following the instructions to the hospital masters over three centuries reveals a great deal about the life of the institution itself, the evolution of the municipal administration and changes in duties and requirements. These texts always highlight the tasks that were not clear enough at the time, i.e., caused problems.

The five instructions for the hospital masters of Cluj, which have survived from the sixteenth to the eighteenth centuries, contain both general and specific expectations of the persons at the head of the institution. In addition to the constant, repetitive provisions, the changes in the management of the hospital are quite traceable, step by step: the masters were expected to manage the assets of the hospital as efficiently as possible, while more and more activities were outsourced, cooked food was no longer prepared for the poor, and later the serfs employed in more tasks were no longer fed at work. In the meantime, daily life was organized independently in the hospitals and the managers were accountable to the town, while the focus of the town's leadership underwent significant changes. Until 1661, the accounts of the hospitals were brought before the town council

together with the other accounts of the town after an audit. Afterwards, the accounts of the hospital masters had to be presented directly to the head judge.

The instructions to the Cluj hospital master, together with similar instructions to other offices of the city during that period, are evidence of the process of institutionalization of the urban administration. A parallel study of these could provide interesting insights into the dynamics of early modern institutions, and it could be a fruitful task for further research. □

Notes

1. László Blazovich, “A budai jog és Kolozsvár egy 1488-as oklevél alapján,” in *Orășe și omșeni. Városok és városlakók*, ed. Ionuț Costea et alii (Cluj- Napoca: Argonaut, 2006), 342-348.
2. Ágnes Flóra, *The Matter of Honour. The Leading Urban Elite in Sixteenth Century Transylvania* (Turnhout: Brepols, 2019), 31-42, 58-9; László Pakó, “Defending the Town’s Interest: The Council of the *Centumviri* and the Administration of Justice in Early Modern Cluj,” in *Towns between Empires. Good Governance and “Police” in Case Studies from Transylvania, Wallachia, and Moldavia 1500s-1800s*, ed. Mária Pakucs-Willcocks and Julia Derzsi (Amsterdam: CEU Press, 2025), 33-5.
3. Entry “Instrukció” in *Erdélyi Magyar Szótörténeti Tár*, vol. V, ed. Attila Szabó T. (Bucharest: Kriterion, 1993), 693-5.
4. For early modern Hungarian instructions see: Eszter Márta Baros-Gyimóthy, “A Batthyány-várak belső fegyelme: a porkoláboknak szóló utasítások 1643-ból és 1663-ból/ The internal discipline of the Batthyány castles: instructions to the porters from 1643 and 1663,” in *Mindenmapi élet a török árnyékában/ Everyday life in the shadow of the Turks*, ed. Zsuzsanna J. Újváry (Piliscsaba: Atlantisz, 2008), 169-84; Borbála Benda, “Egy főúrendtartás” (An house order of the overlord), *Lymbus. Magyarságtudományi forrásközlemények* (2007): 145-48, <http://epa.oszk.hu/01500/01500/00005/pdf/09benda.pdf>, accessed May 18, 2025; István Imreh, “Mezőgazdasági rendtartások, egyezségek, utasítások (1580-1635)” (Agricultural regulations, conventions, instructions, 1580-1635) *Erdélyi Múzeum* 1-4 (1991): 29-50 <http://epa.oszk.hu/00900/00979/00003/pdf/029-050.pdf>, accessed May 18, 2025; *Magyar udvari rendtartás. Utasítások és rendeletek 1617-1708* (Hungarian court regulations. Instructions and decrees) ed. András Koltai (Budapest: Osiris, 2001); *XVI. századi uradalmi utasítások. Utasítások a kamarai uradalmak prefektusai, udvarbírái és ellenőrei részére* (Sixteenth century manorial instructions. Instructions for the prefects, bailiffs and inspectors of the manors of the Chamber), ed. István Kenyeres (Budapest: Szentpétery Imre Történettudományi Alapítvány, 2002); Imre Nagy, “Gróf Nádasdy Ferencz két utasítása” *Századok* 5 (1871): 53-6; Károly Némethy, “Nádasdy Ferencz utasítása a mezei pásztorok számára (1649)” *Történelmi Tár* VIII (1884): 558-60; Magdolna Gáti, “Az instrukciók létmódja az irodalmi műfajok rendszerében: Teleki Mihály kercesorai utasítása,” in *Színlelés és rejtőzködés: A kora újkori magyar politika szerepjátékai*, eds. Nóra G. Etényi and Ildikó Horn (Budapest: L’Harmattan, 2010), 183-201; Péter Illik, “A jó gazda szeme hizlalja a jószágot.” – Funkcionalitás és textualitás a 17. századi Batthyány-uradalmi instrukciókban,” in *A történelem peremén. Adalékok Magyarország történetéhez* (Budapest: L’Harmattan, 2012), 39-49.

5. Serviciul Județean al Arhivelor Naționale Cluj (SJAN CJ) Protocoalele adunărilor generale PAG (Minutes of Council Meetings), I/1, 1580, 225a.
6. SJAN CJ, PAG I/1, 1597, 296.
7. SJAN CJ, PAG, V/3, 1583, 273b.
8. SJAN CJ, PAG, V/3, 1578, 475; 1588, I/1, 65.
9. László Pakó, *A kora újkori kolozsvári jogügyigazgatók perindítási határköréről*, in *Közösségekben közösségért. Tanulmányok Kiss András születésének századik évfordulójára*, ed. Ágnes Flóra and László Pakó (Cluj-Budapest: EME, HUN-REN, 2023), 239–59.
10. Ágnes Flóra, “Hivatal vagy hivatás? Városi jegyzők a kora újkori Erdélybe,” in “... élünk mi sokáig két hazában’...”. *Tanulmányok a 90 éves Kiss András tiszteletére*, eds. Dáné Veronka, Oborni Teréz, and Gábor Sipos (Debrecen: Debreceni Egyetemi Kiadó, 2012), 123–134.
11. SJAN CJ, Socotelile orașului (Municipal Accounts), 1585/ 3/ XIX, 6-7.
12. Martin Scheutz and Alfred Stefan Weiß, *Spital als Lebensform. Österreichische Spitalordnungen und Spital instruktionen der Neuzeit* (Vienna: Böhlau, 2015), I-II, 1085.
13. Enikő Rűsz-Fogarasi, “Transylvanian Hospitals in the Early Modern Age,” *Mitteilungen des Instituts für österreichische Geschichtsforschung* 115 nos. 3-4 (2007): 290–311.
14. Enikő Rűsz-Fogarasi, *The Early Modern History of St Elisabetha’s Almshouse in Kolozsvár until the Merger*, (Budapest: L’Harmattan, 2024), 253.
15. Gyöngyvér L. Kajtár, “Akolozsvári Szent Erzsébet-ispotály a 17–18. században (1670–1789) / The Saint Elisabeth Hospital in Kolozsvár in the 17–18th Centuries (1670–1789),” *Studia Theologica Transylvaniensia* 21/2 (2018): 221-244.
16. Rűsz-Fogarasi, *The Early Modern History of St Elisabetha’s Almshouse*, 253.
17. SJAN CJ, *De Liber Civitatis*, Instrukció, 1586 (*De Liber Civitatis*).
18. *De Liber Civitatis*, 19.
19. *De Liber Civitatis*: “Amaegh Capitulatom ez Kilencz Rendreol igazan Irast nem teszen, Es proventust nemchinal addegh Semmikeppen Existust Sohol ne Irhasson az Regestumot Sem acceptalliak az Zamweeo Uraim, ha ezen Rendel Nem chinalodik megh es mutadik az Espotalj Jeowedelme.”
20. *De Liber Civitatis*: “az zokot Mod Zerent hét Nap Zamara meg Irja”
21. SJAN CJ, Socotelile orașului, Socotelile spitalului Sf. Elisabeta, 1586.
22. Archives of the Archdiocese of Alba-Iulia, Cluj division (Főegyházmegyei Gyűjtőlevéltár), Fasc. A, no. 83, 1-4.
23. Enikő Rűsz-Fogarasi, *The Early Modern History of St Elisabetha’s Almshouse in Kolozsvár until the Merger*, L’Harmattan, Budapest, 2024, p. 253.
24. Archives of the Archdiocese, 1: “Vagyon Inuentariumban György U(r) nal. (.....)/ Kész Búza Cub no 19 m 1/ Búza Vetese Vagyo(n) az Szegenyek Szamamra Cub. 17 m.3 Borris Vagyon, Az mint őmaga Urja, Űr(a) nr. 726.12 Edenyben/ So Vagyon meg in Paratis No. 620 kőSoo No 26 singh Vaszon.”
25. Archives of the Archdiocese, 3.
26. *A Szent Erzsébet ispotály számadáskönyvei 1601-1650*, ed. Tünde Mária Márton (Budapest: L’Harmattan, 2010), 130-131.
27. *A Szent Erzsébet ispotály számadáskönyvei*, 168.
28. SJAN CJ, PAG, Fasc. IV, 143, 17 February 1623, 1.
29. Rűsz-Fogarasi, *The Early Modern History of St Elisabetha’s*, 253.
30. *A Szent Erzsébet ispotály számadáskönyvei*, 249-253.
31. *A Szent Erzsébet ispotály számadáskönyvei*, 310.

32. *A Szent Erzsébet ispotály számadáskönyvei*, 471.
33. *A Szent Erzsébet ispotály számadáskönyvei*, 474.
34. *A Szent Erzsébet ispotály számadáskönyvei*, 325-326, 476.
35. *A Szent Erzsébet ispotály számadáskönyvei*, 348.
36. Enikő Rűsz-Fogarasi, *Egy elfeledett intézmény, a kolozsvári Szentlélek-ispotály története* (Budapest: Transsylvania Emlékeiért Tudományos Egyesület and L'Harmattan, 2012), 115–118.
37. SJAN CJ, PAG 1743, IV, 157, Instrukció, 1-5. (Fasc. IV, 157)
38. SJAN CJ, PAG, Fasc. IV, 156. I have established the date based on the following reasons: 1. I would date the instruction to around 1715, since its writing style is similar to its script. 2. The text mentions corn, which cannot be dated before the eighteenth century. 3. The hospital master and hospital governor use the terms simultaneously. 4. The hospital mill is always referred to as a mere standing building, the later instruction does not even mention the mill, and the first military survey does not even indicate the hospital mill, it reappears later.
39. Enikő Rűsz- Fogarasi, “Casa de piatră pentru săraci al așezământului ospitalier Sfânta Elisabeta din Piața Centrală al Clujului,” in *Istoria ca pasiune. Studii oferite profesorului Alexandru- Florin Platon la împlinirea a 65 de ani*, ed. Petronel Zahariuc, Laurențiu Rădvan, Liviu Pilat (Iași : Editura Universității „Alexandru Ioan Cuza”, 2022), 163–71.
40. Rűsz-Fogarasi, *Egy elfeledett intézmény*, 22-23, 30-36.
41. Enikő Rűsz-Fogarasi, “A só, az ispotály és Bethlen,” in *Bethlen Gábor képmása*, ed. Papp Klára and Balogh Judit, (Debrecen, 2013), 229-241.
42. SJAN CJ, PAG, Fasc. IV, 157, p. 4.
43. Enikő Rűsz-Fogarasi, *Malmok a 17. századi Kolozsváron*, In: *Közösségben közösségért. Tanulmányok Kiss András születésének századik évfordulójára*, ed. Flóra Ágnes and Pakó László (Cluj-Budapest: EME, BTK TTI, 2023), 307–19.
44. SJAN CJ, PAG, Fasc. IV, 157, p. 4.
45. Enikő Rűsz-Fogarasi, “A kolozsvári Szent Erzsébet-ispotály főtéri háza,” in *Arte et ingenio. Tanulmányok Kovács András hetvenötödik születésnapján*, ed. Emőke Gálfi, Zsolt Kovács, Klára P. Kovács (Cluj – Budapest: EME BTK TTI, 2021), 623.

Abstract

Instructions to the Masters of Cluj Hospitals in the Early Modern Period

This text explores the historical and administrative evolution of Cluj during the pre-modern and early modern periods, particularly focusing on the formulation of statutes and instructions for the town's hospitals. The analysis delves into the operation and regulations of Cluj's social institutions, particularly St. Elizabeth's Hospital, which served as the city's primary welfare institution from the fourteenth century onward. Funded by revenues from mills, vineyards, and donations, the hospital played a key role in caring for the poor, elderly, and orphans. Detailed instructions for hospital masters first appeared in 1586, reflecting the growing complexity of urban administration and the need to regulate public welfare. The analysis of the instructions issued in the seventeenth and eighteenth centuries reveal the shifts in the administration of the welfare institution in parallel with changes in the urban governance of Cluj.

Keywords

Cluj, hospitals, welfare, hospital masters, instructions, early modern period

Public Discourse and Political Content

The Narrative of *Good Governance* in Transylvanian Saxon Towns in the Second Half of the Sixteenth Century

JULIA DERZSI

THIS STUDY examines the implementation of the ‘good governance’ paradigm, as denoted by the early modern German term ‘Gute Policey,’ in Transylvanian Saxon towns during the second half of the sixteenth century. To address issues arising in various areas of municipal administration, urban authorities created normative regulations. In more comprehensive urban statutes, individual measures were sometimes introduced by lengthy preambles in which the authorities stated the aims of their rule-making, and which also included concepts about governmental instruments and political narratives. Both Protestant theological concepts regarding the divine origin of the exercise of power and the legal-political argumentative toolkit of *Gute Policey* ordinances are among the urban governance principles listed in the normative texts. I will argue that the political elite consciously used the narratives of these two approaches depending on the emerging political context.

The term *Gute Policey* refers to early modern German imperial, princely, and also municipal laws, which were primarily embodied in administrative regulatory provisions, or often in private and criminal law norms as well.¹ As Wolfgang Wust pointed out, considering its historical development, the term first appeared in the regions of the German-Roman Empire, beginning with the imperial decree of 1495 (Worms), followed by the police ordinance titled *Der Römisch-Kayserliche Majestät Ordnung und Reformation guter Policey, zu Beförderung des gemeinen Nutzens* that was adopted at the Diet of Augsburg in 1530, and in its enlarged form in 1547/1548. The ordinance was again revised and amended in 1577—*Die Reichspolizeiordnung vom 9. November 1577. Der Römischen Keyserlichen Majestät reformirte und gebesserte Policey Ordnung*—as a legal framework law,² to which the police regulations of individual territories of the empire had to be aligned.³ However, despite 30 years of intensive research, their genre classification remains an open question. Its roots lie in the imperial reform debate of the late fifteenth century, the principles of the Peasants’ War, and old collections of urban regulations, village laws and court decisions.⁴ Karl Härter, one of the legal historians who initiated the publication of repertoires of early

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modern police ordinances, demonstrated that urban regulatory provisions had been formulated in countless similar ways since the second half of the fifteenth century.⁵

As it was generally understood in the early modern period, the concept encompassed those governmental-political elements that the ruling authorities established for creating and maintaining security, good behavior, and external and internal social order, specifically for the general benefit of ‘civil life.’ Such provisions were aimed at the long-term regulation of social conduct; the concept of *Policey* meant not only the creation of order, but also the means of achieving it through the establishment of institutions exercising social control, as well as through the communication of symbolic messages dominating public discourse.⁶ During the nineteenth century, from the concept of *Policey*, which underwent a metamorphosis, developed *Policia*, the police force, when the spectrum of the early modern concept narrowed in content, losing its normative and legislative character, to become the executive organ of internal and external social security that deals with citizen safety and the maintenance of public order.⁷

Policey, a concept and a phenomenon, manifested itself primarily through normative documents. Within such texts, it most frequently appears as ‘order’ (*Ordnung*), but also as *articuli*, statutes, regulations, instructions and old customs (*gute Gewohnheiten*), without there being a strict typology of usage. These ordinances primarily served practical purposes, regulating issues that arose in various administrative areas, while also establishing the functioning and procedures of the institution responsible for its implementation. They had in common a revocable or repeatable nature; the authorities could change the text of the regulations flexibly and as often as necessary. At the same time, good order and policing were also instruments of political representation; it was also a means of communicating political narratives through which the authorities gained exposure in achieving their governmental goals. Reasons for rule-making and the use of regulatory tools to create social order are given in the preambles to overarching urban statutes (constitutions), as well as in reasonings for simple council decisions. According to Wolfgang Wüst, the *Policey* was essentially a new form of communicating general norms and values⁸—what we would today call political communication aimed at influencing the community’s value choices and identity construction. The ideal of a ‘good governance’ legitimized the exercise of power by the authorities, creating the image of a caring authority in the distribution of tax burdens and services, thus ensuring the common good and equitable justice.

Regarding the historical study of this par excellence early modern phenomenon in Transylvanian contexts, Mária Pakucs-Willcocks conducted groundbreaking research. She traced the forms of this conception of political order and its Saxon urban manifestations throughout the development of the Sibiu administration. She demonstrated that in the text of the statutes of Transylvanian towns, the term *gute Policey* appeared expressis verbis for the first time in 1581 in Sibiu, in the *Pollicey und Zuchtordnung vnd straffen allerley handtwerkßknechten vnd studenten auch kauffknechten ihñ der Hermannstadt*, in which the authorities ordered a series of disciplinary measures.⁹ The emergence of the term in Transylvanian Saxon towns, and its subsequent, albeit not simultaneous, implementation was, naturally, not unprecedented. The model spread from German-Roman territories and imperial cities, and it is no coincidence that the first Transylvanian examples emerged in Saxon urban centers, given the linguistic and customary law affinities. Nevertheless, the term it denotes first appeared in 1537 in the Upper Hungarian mining town of Kremnitz.¹⁰

The Hungarian equivalent of the term also appeared in Cluj in 1590 as *jó rendtartás* (good order),¹¹ and a few years later, we encounter it in the Szekler town of Târgu Mureş. The intention was to adopt the same model as that provided by the union of 'well-ordered towns' (i.e., those belonging to the Saxon University), in order to establish civil conditions in the settlement.¹² However, the term's later emergence in Transylvania does not negate the fact that the concept of political order and its iterations were similar to, and contemporaneous with, the realities experienced by urban communities in Germany and Western Europe.¹³ There are numerous documents showing that the Transylvanian town councils developed their own large-scale norms. Already at the beginning of the sixteenth century, we find regulations (at the level of urban and regional representation), which already formulate some typical prohibitions—no swearing, gambling, excessive drinking at baptisms and weddings—, but the statutes of the guilds and especially of the guild fraternity also contain numerous prescriptions regulating the behavior at festivities and on the streets.¹⁴ By the end of the sixteenth century, the range of measures taken in response to specific problems had broadened to cover almost the entire thematic realm of public order. This included the regulation of markets, public safety measures, tavern keeping, feast day celebrations, luxury and excess, the avoidance of work, the prohibition of gambling and fornication, nighttime curfews, price controls and wage limits, the standardization of weights and measures, public health and sanitation measures, and street cleaning. However, subject-specific regulations, such as those relating to luxury, clothing, neighborhoods, weddings and burials, only emerged in Transylvanian towns from the second half of the seventeenth century onwards (the neighborhood regulations of Sibiu and Sighişoara date from 1652 and 1665 respectively, the Braşov *Lohn-, Kleider-, Leichen-, Hochzeits- und Wein-Ordnung* of 1667 was already in circulation in printed form, the wedding limitations of Sibiu of 1685 and the Policeordnung of 1697 are also notable).¹⁵ With the consolidation of the Habsburg administration and the adoption of a more sophisticated official language, comprehensive regulations also emerged (1723 and 1741: *Kleider Ordnung* and *Nachbarschafts Artikel* in Orăştie, 1752: *Kleyder und Policey Ordnung* in Sibiu, 1755: *Neü Stabilierte Kleider und Pollizey Ordnung der Stadt Schüz-Burg*, etc.).¹⁶ Due to the limited number of provisions relating to *oeconomica* that have survived in the council minutes, it is impossible to determine the exact number of similar regulations. However, countless records of this type are found in court minutes, guild registers, account books and church documents, sometimes in the form of marginal notes. These rules were enforced by the authorities, and violations were punished. The town government implemented its social security and welfare policies through repeated disciplinary measures.

Like the adoption of imperial German laws, the Reformation had a most significant impact on the creation of urban public order norms, especially with regard to public morality and disciplinary measures. Mária Pakucs-Willcocks demonstrated that the *Kirchenordnung aller Deutschen in Siebenbürgen* (the 'Church Order of all Germans in Transylvania'), an ecclesiastical ordinance compiled by Johannes Honterus and adopted by the Saxon University in 1547, influenced the political discourse and activity of town councils. A new political language emerged as a result of the cooperation between the political and ecclesiastical authorities of the Transylvanian Saxons—the language of political responsibility, in which the town leaders assumed their governmental role and divine mission for governance.¹⁷ Lutheran towns elsewhere experienced a similar and comparable scenario. The

articles of the 1546 Synod of Prešov, convened by the towns of Upper Hungary, clearly state that the town council should be the true guardian of divine law.¹⁸ In accordance with the new teachings, church administration (supervision of ecclesiastical property administration), poor relief, and school affairs came under the control of the town councils—the town’s account books preserve numerous traces of these tasks. The process culminated in 1572 with the adoption of the *Formula Pii Consensus*—a document that created the consolidation of Lutheran identity (the establishment of a unified Lutheran confession) for the Transylvanian Saxons—which invested political authorities with the task of implementing the new teachings in practice.¹⁹ Implementing religious change greatly increased the town council’s governmental power. Since Protestant legal thinking viewed unbridled behavior and disobedience as breeding criminality, the prohibitions covered a wide range of behaviors and actions. Regulations concerning public morals, which aimed to curb fornication, idleness, gambling, and nighttime revelry, commonly appeared in the ecclesiastical ordinances (*Kirchenordnungen*) of the last third of the sixteenth century.²⁰ At the same time, the two authorities—the secular and the ecclesiastical—issued ordinances on similar topics jointly (*Burzenländer Zucht, Ehe- und Erbbordnung*, 1572, *Gemeinsame Artikel der Generalkirchenvisitation*, 1577).²¹ The secular authorities punished and imprisoned those who violated moral norms,²² while pastors proclaimed the town council’s measures from the pulpit. Daniel Conrad of Engether, a preacher at the Sibiu hospital church, for example, would later record the sumptuary regulations of 13 July 1736, which he had read aloud from the pulpit, in his diary-like chronicle.²³

The self-aware Saxon elite were interested not only in practical matters, but also in the theoretical aspects of secular and ecclesiastical governance. ‘Good governance’ was a popular topic of public discourse, and participation in public affairs attracted considerable attention. In his sermons recorded between 1554 and 1578,²⁴ Damasus Dürr (1535/1537–1585), a former preacher in Sibiu and priest in Apoldul de Jos, gives voice to the ideal that wise, just and reasonable governance can only arise from a public official who holds divine laws in high regard.

God goes into the council house with righteous judges, and sits within at the side. He sees their deeds and hears their words. God remains with those who act rightly according to his will. He governs their hands and counsels them, giving them wisdom and understanding so that the land and its people are preserved from enemies and harm.

He holds a similar view on the administration of justice. “In all well-ordered governments—he says—an equal custom is maintained in defense, judgement, accusation and condemnation.” Secular authorities must act strictly when investigating crimes, and fornication and adultery must be punished.²⁵ At the same time, Dürr strongly condemns the abuse of power, the arrogance and exploitation of local leaders, and a manner of governance that is satisfied with mere appearances at all official levels, which are not aligned with God’s law.²⁶

The way in which Dürr links virtues and laws when explaining the profile of a public official resonates with patterns that dominated public discourse in other Lutheran urban communities in the former territories of the medieval Kingdom of Hungary. Leonhard Stöckel (1510–1560), a school rector and reformer in Bardejov, wrote school dramas, commentaries and sermons about the manner of governance, the tasks and responsibilities of the council, and the effective exercise of power, published in this period (1578).²⁷ Ad-

hering to the teachings of Melancthon, he defines the city council as a divinely ordained authority to which subjects must be obedient according to natural law. From this point onwards—as Barnabás Guitman explains—the magistracy, which derives its legitimacy from being elected by the citizens, could ascribe a more decisive divine origin to its office than ever before. In practice, this dual legitimization gave town councilors a powerful tool with which to exercise power effectively. After all, in keeping with this line of reasoning, anyone who disobeys the divinely ordained authority is disobeying God.²⁸ It cannot yet be demonstrated that Dürr was familiar with Stöckel's ideas. However, his private library that ended up in the Brukenthal Museum could provide good reference points for researching possible intellectual influences.²⁹ During his academic pilgrimage to Wittenberg, Dürr was accompanied by Christian Schesaeus (1535/1537–1585), who had previously been Stöckel's student in Bardejov,³⁰ and who compiled the most detailed information about Stöckel's life into an elegy (1563).³¹

In terms of the legitimacy of political governance, the town magistrates adopted the arguments of the reformers, incorporating the Protestant theological justification of political power into public consciousness. “Just as the divine testimonies bear witness that authority is an institution and order of God, so too should the annual installation and election of the same be conducted according to the will of God, who loves order and concord”—states the preamble to the 1555 statute of the Braşov Town Council. The town council's article book, the *Decretale Coronensium*, which was prepared during the judgeship of Johann Benkner (?–1565) in Braşov,³² was specifically drafted to cover statutes relating to urban governance.³³ The ordinance ‘On the Annual Election of Authorities or Council in Braşov’ (*Von der jährlichen Erwählung der Obrigkeit oder Raths in Kronstadt*) reiterates and supplements the city's old regulations, which were framed in line with the new governmental communications.³⁴ The decision to compile a book containing the city's fundamental laws is thus justified in the preamble to the council election decree:³⁵

*Holy and human laws and writings tell us that the primary duty of worldly authority is to establish good laws and to uphold and protect those that have been found useful, applying prudence and justice to serve everyone equally. It is also fitting that an authority should provide the people with a law or statute that they can understand and live by. Therefore, not without good counsel, one has wished to make and establish this article or ordinance concerning the manner and form of annually installing new councilors at the customary time as a beginning of this city decree book or common city ordinances. For it is also known and evident from experience that a God-fearing, united, and blessed beginning is followed by a praiseworthy and good government, with a just administration for the common good and the rights of all.*³⁶

That urban authorities kept separate books for preserving the city's fundamental laws can also be documented in Sibiu. The booklet established for this purpose, begun in 1541, was titled *Statuta ader Ordnungk der statt Hermanstatt* by the city's then clerk, and it also begins with a statute regulating the jurisdiction of the town council.³⁷ The 22-folio booklet also served representational purposes, as evidenced by its ornate parchment cover, indicating the intention to give the norms recorded here a special status compared to the other town books or protocols.³⁸ Only two other statutes were added to this Sibiu booklet later: the 1589 town constitution, which explicitly contains the wording *gute Ordnung und*

Policey, and the 1631 statute.³⁹ The city's two main representative institutions—the town council and the council of the Hundred, which provided broader representation of the citizenry—unanimously and irrevocably adopted all these statutes as binding regulations.⁴⁰

As well as the mandate received from the townspeople, other narratives supported the legitimacy of power by providing a theoretical basis for good governance. As evidenced by the political goals outlined in the preambles to town statutes—considered fundamental laws—alongside the constitutional meaning of legitimate governance, attention increasingly turned to the substance of governance. It was considered good when the authorities enacted laws that were 'good' and 'useful,' also in a moral sense. Enacting good laws was one of the primary duties of every town council, and in establishing 'common ordinances' (*gemeine Satzung*) the ideal and the practice of governance were not separated. In this regard, the council's mandate should also be viewed as an act of encouragement, given that the preamble to the 1555 *Decretale Coronensium* addresses local leaders in this way:

*For your common estates to flourish, for the government to be just and prosperous, and for internal or civil discord, which leads to the ruin of the common estate, to be avoided and prevented, so that a common union may be maintained, much will depend on you, yes, on you, who fulfil God's and the common duties and responsibilities.*⁴¹

The town leaders therefore take responsibility for maintaining the city's order through legislation. Political texts from Sibiu also emphasize the town council's role in enacting useful laws for this purpose. The Sibiu statute of 1589 sets out the complex theory of the urban policy in a lengthy preamble. It emphasizes the role of law in enabling the free development of society, and consequently in maintaining economic prosperity. Good public order fosters unity among citizens, and the establishment of good law and order is viewed as a political decision made for the benefit of the polis.⁴² Thus, the legislative power and latitude of the town leaders is considered an indispensable condition for the citizens' well-being, as the statute explains: "For he who does not use his freedom and privileges, misuses the same. Qui non utitur, abutitur."⁴³ According to Mária Pakucs-Willcocks, we should recognize Albert Huet (1537–1607), the royal judge of Sibiu and Transylvanian Saxon *comes*, as the intellectual author of this charter, who played an outstanding role in introducing the new political terminology of good governance.⁴⁴ Presumably thanks to his long chancellery practice at the Habsburg court, his arguments feature the imperial principles of good governance more prominently than the usual Protestant theological ideas regarding the divine origin of the exercise of power. Outlining the ideal city, the text of the statute presents legal-political arguments. It identifies two conditions that underpin the unity of the Saxon nation: possession of royal land ("this German land"), granted by ancient kings and emperors in exchange for the loyal and courageous service of past generations (here, Huet is undoubtedly referring to the *Diploma Andreanum*);⁴⁵ and the upholding of old and useful laws and customs developed by the community. It lists the virtues that the authorities boasted of: they built towns, boroughs, and villages, which in some places were fortified, and they maintained good order, for which they received confirmation from the kings. In its interpretation of custom, the text of the statute links the concepts of good and old: a custom was good because it was old and had been practiced for a long time, and its long use proved that it met the expectations of society; it was

old because it was good, because if it had not been good, it would not have been used.⁴⁶ However, the Sibiu statute emphasizes the importance of passing on good customs “from father to son, from the beginning and from now on from heir to heir,” and good customs ensure the preservation of this transmission, thanks to which the town, which is the capital of the other Saxon cities, “remained in peace and unity.”⁴⁷ In this sense, good customs are part of the city’s own heritage, which entitles the legislator to adopt rules that ensure their protection, thus avoiding divisions among citizens. Such a determination of guidelines for urban governance was probably necessary because it incorporated a politically sensitive (and theologically inconclusive) issue into the regulatory ordinance, thereby making it a matter of public policy: the regulation of the situation of foreign settlers residing in the town. The statute made the settlement of non-citizens in the town dependent on the council’s approval and prohibited them from acquiring or disposing of urban real estate (particularly those with noble privileges and tax exemptions).

Regardless of the town ruler’s intentions, the spread of arguments and political narratives is also demonstrated by Damasus Dürr, in the examples used in his sermons. Speaking out against the arrogance and abuses of authorities and giving voice to the Protestant teaching that the government is not fulfilling its duty, and that God should be feared more than men, he states:

*Judges and officials burden subjects with extraordinary taxes, peculiar city privileges with harsh interest rates, and taxes on citizens and settlers. But, to ensure that no one smells the roast, they have something built in the city, repairing gates and walls so that one sees a purpose for which the money has been invested. Many councilors go diligently to church, hear sermons and partake in the holy sacraments, but are meanwhile skinners and oppressors of the poor; their own benefit rests more in their mind than the common good.*⁴⁸

Conclusions

Scholarly literature unanimously agrees that, although the term ‘police’ appeared relatively late in Transylvania, the Saxon towns, similar to the German-populated towns in the medieval Kingdom of Hungary, adopted the political ideal of public order indicated by the early modern imperial concept of *Gute Ordnung und Policey*, together with its governmental elements and political instruments, almost simultaneously. At the same time, the process of establishing urban social norms was influenced by the Protestant reformers’ ideas about the divine origin of town council power. The literate elite also played a significant role in promoting new ideas for governmental purposes. Many of them later became holders of high town offices and maintained relations with the imperial administrative circles—Albert Huet, royal judge of Sibiu and Saxon *comes*, is a particularly noteworthy example. Comprehensive urban statutes and constitutions were formulated in the urban chancelleries and entered into separate town books. As well as regulating emerging administrative issues, these articles reviewed, systematized, rewrote or reframed old regulations in accordance with new governmental objectives. The books containing the most important statutes of the towns were bound in ornate covers and preambles were written before articles as a sign that normative power was seen as a means of exercising authority.

Dating from an early period, two such town books reflect this governmental and political intent, as both began with the recording of statutes that regulated the authority and election of the town council. The analysis of the preambles preceding the comprehensive regulations demonstrates that town councils adopted Protestant theological arguments regarding the divine origin of exercising power to justify council election rules. However, when political decisions had to be justified, they turned to the legal-political toolkit of *Gute Policey* narratives. An example of this is Sibiu's 1589 statute, which regulated the settlement and property ownership of foreigners. The argumentation of the regulations also found resonance in other spheres that shaped public discourse. Damasus Dürr, a priest in Apoldu de Jos, often referred to the governmental narratives of urban authorities in his sermons, formulating their local, and by extension ecclesiastical, critique. □

Notes

1. Wolfgang Wüst, "Policeyordnungen," *Südwestdeutsche Archivalienkunde*, URL: <https://www.leo-bw.de/themenmodul/sudwestdeutsche-archivalienkunde/archivaliengattungen/texte/rechtstexte/policeyordnungen> (Stand: 24.01.2017. No. 267 PDF).
2. *Die Reichspolizeiordnung vom 9. November 1577. Der Römischen Keyserlichen Maiestat reformirte und gebesserte Policey Ordnung / zu befürderung gemeines guten, bürgerlichen wesen und nutzen / auff Anno Domini M. D. LXXVII. zu Franckfort gehaltenem Reichs Deputation tag verfast und auffgericht.*
3. For the current edition, which also provides an overview of the history of imperial police regulations and their printing, see: Matthias Weber, *Die Reichspolizeiordnungen von 1530, 1548 und 1577. Historische Einführung und Edition* (Frankfurt am Main: Klostermann 2001).
4. Wüst, "Policeyordnungen," 1.
5. Karl Härter, "Statut und Polizeyordnung: Entwicklung und Verhältnis des Statutarrechts zur Polizeygesetzgebung zwischen spätem Mittelalter und Früher Neuzeit in mitteleuropäischen Reichs- und Landstädten," in *Von der Ordnung zu Norm. Statuten in Mittelalter und Früher Neuzeit*, edited by Gisela Drossbach (Paderborn: Schöningh, 2010), 127–152, 127.
6. Karl Härter, "Security and 'gute policey' in early modern Europe: concepts, laws and instruments," *Historical Social Research* 35, 4 (2010): 42. DOI: 10.12759/hsr.35.2010.4.41-65.
7. Härter, "Security and 'gute policey,'" 42; Wüst, "Policeyordnungen," 5.
8. Wüst, "Policeyordnungen," 5.
9. Mária Pakucs-Willcocks, *Sibiul veacului al XVI-lea. Rânduirea unui oraș transilvănean* (Bucharest: Humanitas, 2018), 58. For the edition including the regulations, see: Franz Zimmermann, "Das Register der Johannes-Bruderschaft und die Artikel der Hermannstädter Schusterzunft aus dem 16. und 17. Jahrhundert," *Archiv des Vereins für Siebenbürgische Landeskunde* 16, 2 (1881): 415–416.
10. Béla P. Szabó, "Polizei in Ungarn und Siebenbürgen im 16.–18. Jahrhundert," in *Europäische Impulse in der Entwicklung der Rechtskultur im Karpatenbecken. Ausgewählte Studien*, edited by Béla P. Szabó (Budapest: Gondolat, 2023), 387.
11. Júlia Derzsi, "A városi statútumok és a közrendészeti szabályalkotás kapcsolata az erdélyi városokban a 16. század második felében," in *Certamen I. Előadások a Magyar Tudomány*

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12. Árpád-Botond György, "A Szekler Town in Transylvania: The Statutes and Town Book of Târgu Mureș in the Seventeenth Century," in *Towns between Empires Good Governance and "Police" in Case Studies from Transylvania, Wallachia, and Moldavia, 1500s–1800s*, edited by Mária Pakucs-Willcocks and Julia Derzsi (Budapest–Vienna–New York: CEU-Press, 2025), 163.
 13. Pakucs-Willcocks, "Sibiul," 60.
 14. Julia Derzsi, *Delict și pedeapsă. Justiție penală în orașele săsești din Transilvania în secolul al XVI-lea* (Cluj-Napoca: Egyetemi Műhely Kiadó, Bolyai Társaság, 2022), 73–75.
 15. One such document, for example, was published in Brașov in 1677: *Schluss und Edict eines Ehrsahmen Fürsichtligen und Wohl-Weisen Senats in Kron-Stadt. Wie man sich in der Stadt und auff dem Lande des Burzenländischen Reviere, in gewissen Umständen, die Lohn-Kleider- Leichen- Hochzeit- und Wein-Ordnung betreffend verhalten soll dafern man ungestraft bleiben will. Von der löblichen Hundertmannschafft erwählten Stadt acceptieret und bewilliget. Gedruckt 1677 Kron-Stadt*.
 16. *Corpus Statutorum Hungariae Municipalium*, vol. I, edited by Sándor Kolosvári and Kelemen Óvári (Budapest: MTA Történelmi Bizottmánya, 1885), 607, 614, 616, 626.
 17. Mária Pakucs-Willcocks, "Honterus Reformációskönyve és ennek hatása az erdélyi városi magisztrátusokra," *Kelet-Közép-Európai Történelmi Tanulmányok* 2, 1 (2024): 39–55. DOI: 10.46438/ECEHS.2024.1.39.
 18. Barnabás Guitman, "A magisztrátus kötelességei és feladatai Leonhard Stöckel államelméletének tükrében," *URBS: magyar várostörténeti évkönyv* 15 (2020): 92.
 19. It was based on the unaltered version of the Augsburg Confession, edited by Philip Melancthon in 1530. According to Article XVI of the *Formula*, the main duty of a pious political magistrate was to preserve peace and order and defend the faith. Ulrich Andreas Wien, "Rezeption der Wittenberger Theologie in Siebenbürgen: Die Formula Pii Consensus 1572," *Zeitschrift für Siebenbürgische Landeskunde* 38 (2015): 37–47.
 20. Martin Armgart and Karin Meese, ed., *Die evangelischen Kirchenordnungen des XVI. Jahrhunderts, 24. Siebenbürgen. Das Fürstentum Siebenbürgen. Das Rechtsgebiet und die Kirche der Siebenbürgen Sachsen* (Tübingen: Mohr Siebeck, 2012)
 21. Armgart, *Die evangelische Kirchenordnungen*, 326, 414.
 22. For specific examples, see: Pakucs-Willcocks, "Sibiul," 142.
 23. *Wegen allzugroßer Kleider-Pracht ist folgendes öffentlich. Cantzel der Hermannstädtischen großen Kirche Dominica 7. Trinitatis abgelesen werden. Fortsetzung der Chronik von Johann Seivert*. Serviciul Județean al Arhivelor Naționale (Romanian National Archives, hereafter SJAN) Sibiu, Colecția Brukenthal, DD3, No. 173, 128–129.
 24. Albert Amlacher, *Damasus Dürr: Ein evangelischer Pfarrer und Dechant des Unterwälder Kapitels aus dem Jahrhundert der Reformation* (Hermannstadt: Joseph Drotleff, 1883), 33–34. A complete critical edition of Damasus Dürr's sermons is forthcoming. For more information about this work, see: Martin Armgart, "Die Edition der Predigten von Damasus Dürr," in *Common Man, Society and Religion in the 16th Century / Gemeiner Mann, Gesellschaft und Religion im 16. Jahrhundert*, edited by Ulrich A. Wien (Göttingen: Vandenhoeck & Ruprecht, 2021): 323–336.
 25. Amlacher, *Damasus Dürr*, 35.
 26. "However, where ambitious, self-serving loudmouths sit in office and do not have God's commandments and laws before their eyes, one might think that Almighty God has

- withdrawn from such rulers. They care little for justice and act like the tyrant who said: Sic volo, sic jubeo. ‘Thus I will it, thus I command: as I think, so shall it be. I now hold the mace, and it shall be as I will. When another comes into office after me and seizes the mace, let him also do as he pleases.’ When wealthy lords obtain offices and sit on high benches on carpets, they often become defiant and arrogant, thinking they are the wisest people in the world and that whatever they do is right and well done.” Amlacher, *Damasus Dürr*, 34. An analysis of Damasus Dürr’s sermons in relation to the relationship between the Church and the secular authority can be found here: Ulrich A. Wien, “Supervision of ‘Authority’ and ‘Community’ by the Church as a warden of order The Positioning of Damasus Dürr between demand and reality,” in *Common Man, Society and Religion in the 16th century / Gemeiner Mann, Gesellschaft und Religion im 16. Jahrhundert*, edited by Ulrich A. Wien (Göttingen: Vandenhoeck & Ruprecht, 2021): 363–381.
27. Barnabás Guitman, “Politiae Sunt Opera Dei—Leonhard Stöckel’s Doctrine of the Government,” *Acta Universitatis Sapientiae, European and Regional Studies* 15 (2019): 47–61, 57.
 28. Guitman, “A magisztrátus kötelességei,” 89.
 29. Gustav Gündisch, “Die Bibliothek des Damasus Dürr,” in *Aus Geschichte und Kultur der Siebenbürger Sachsen*, edited by Gustav Gündisch (Cologne, Vienna: Böhlau Verlag, 1987), 340–350.
 30. Thomas Nägler, “Christian Schesäus,” in *Taten und Gestalten. Bilder aus der Vergangenheit der rumäniendeutschen*, edited by Dieter Drotleff (Cluj-Napoca: Dacia Verlag, 1983), 114–116, 114.
 31. Christianus Schesaeus, *Oratio Describens Historiam Vitae Praecipvam Clarissimi Viri Leonharti Stöckelij, Rectoris Scholae Bartphensis, fidelissimi, qui obiit Die VII. Iunii, Witebergae, Iacobvs Lucius Transylvanus, 1563*: Barnabás Guitman, *Hit, hatalom, humanizmus. Bártfa reformációja és művelődése Leonhard Stöckel korában* (Budapest: Szent István Társulat, 2017), 209–219.
 32. Gernot Nussbächer, “Johann Benkner,” in *Aus Geschichte und Kultur der Siebenbürger Sachsen*, edited by Gustav Gündisch (Cologne, Vienna: Böhlau Verlag, 1987), 85–90, 87.
 33. The article book has not survived in its original form, only in a copy made by Marcus Tartler in 1723 (*Decretale Coronensium hoc est Liber Senatus consultorum seu Plebiscitorum Civitas Coronensis, per Senatum et Centumviros retractatorum 1555*). This manuscript was part of Josef Franz Teutsch’s rich collection (IV.E1.Tq.101, 41–76) in the archives of the Black Church in Braşov (Honterus Archive). In the 924-page set, we find various other materials on the local history of Braşov (*Collectana zu einer Particulär-Historie von Cronstadt, ca. 1340–1850*), including a large number of police regulations in seventeenth or eighteenth-century copies or printed editions. SJAN Braşov, Manuscrise II/8, Inv. 15, f. 41–76. For more information about the collection, see: Rainer Kramer, “Die Handschriften-Sammlung Trausch,” *Zeitschrift für Siebenbürgische Landeskunde* 29 (2006): 1–19.
 34. Further passages of the statute state that, at a meeting held on 12 January 1555, the town council, the judge, the jurors and representatives of the Council of Hundreds—a broader representation of the town’s citizens—decided to renew this article, adopted in 1520 and reconfirmed in 1529.
 35. As the original book of articles has not survived, it is not possible to determine who prepared the records. However, in 1555, the town clerk of Braşov was Matthias Fronius, who had studied in Wittenberg in 1543. During his tenure, another town book was cre-

- ated in 1558, in which judgements of the Braşov court (the town council) in cases involving the town and district residents were recorded. Fronius supplemented and published the Transylvanian Saxons' legal code collection, *Statuta iurium municipalium Saxonum in Transylvania (Das Eigen-Landrecht der Siebenbürger Sachsen)*, which was granted privileged status by Stephen Báthory, Prince of Transylvania and King of Poland, in 1583. For more information, see: Júlia Derzsi, "Párhuzamos életrajzok: Thomas Bomelius és Matthias Fronius. Értelmiségi pályák a közösség szolgálatában," in *Hivatalnok értelmiségi a kora újkori Erdélyben*, vol. 1, edited by Zsolt Bogdándi and Tamás Fejér (Kolozsvar: Erdélyi Múzeum-Egyesület, 2016), 43–61.
36. "Es berichten uns die heiligen und der Menschen Gesetze und Schriften, daß der weltlichen Obrigkeit fürnehmste Ämter sorgen nutzbare Gesetze insgemein stiften, und die, so zuvor nützlich gemacht durch anführen der Fürsichtigkeit und Erachtung der Gerechtigkeit einem jeden ohne Ansehn der Person dienen laßen, sie handhaben und schützen, dieweil es auch billig ist, daß ein Obrigkeit ein sehendes und lebendiges Recht oder Gesetz dem Volk sorgen soll, hat man nicht ohne guten Rath diesen Articul oder Satzung von der Weise und Form jährlich neue Rathe zu gewöhnliche Zeit einzusetzen, einen Anfang dieses Stadtdecretalbuches oder gemeinen Stadtsatzungen sorgen und setzen wollen. Denn es auch aus Erfahrung kund und offenbar ist, daß einem gottesfürsichtigen, einträchtigen und glückseligen Anfang auch ein löbliches und glückliches Regiment als gemeinen Nutzes und der Rechte eine billige Verwaltung nachfolget." *Abschrift in J. Trausch. Collectanea zu einer Partikulär-Historie von Cronstadt*, vol. 2, 36–66. SJAN Braşov, Manuscrise II/8, Inv. 15, f. 46.
37. SJAN Sibiu, Magistratul oraşului și scaunului Sibiu, Colecția de documente medievale, U IV, 595. The 1541 charter was not signed by the clerk, but the handwriting of Lucas Trapoldinus, town and provincial clerk of Sibiu, is recognizable, as well as the title written on the cover. He was a student at the University of Cologne from 1519 to 1520, notary of Sibiu from 1530 to 1545, elected to the town council in 1546 and died in 1547. Trapoldiner's activities in Sibiu coincided with the Reformation, he founded the Sibiu printing house, one of the first published works of which was Sebastian Pauschner's (Baussner) *Book of Plague* in 1530. For more information about it, see: Julia Derzsi, "Notarii oraşeneşti la saşii din Transilvania în secolul al XVI-lea," *Analele Ştiinţifice ale Universităţii "Alexandru Ioan Cuza" din Iaşi. Istorie LXVI* (2020): 119–120. The town statute written by him is the first one that comprehensively regulates the duties and the remuneration of the mayor, the judges, the town council and the minor offices of the town hall. Connected to him is the display of senators' names in the form of shields in the Sibiu town book from 1542. According to Mária Pakucs-Willcocks, this reflects the symbolic self-representation of the council and the officials of Sibiu in what appear to be strictly administrative documents. Pakucs, "Sibiul," 67.
38. The cover of the parchment-bound booklet bears the coat of arms of the city of Sibiu in the corners (the old coat of arms in the upper right and lower left corners, the three lily leaves in the upper left and lower right corners), and in the center the modified family coat of arms of the already deceased King John Szapolyai, which has survived only on two products of the Braşov printing house of Johannes Honterus. See Gedeon Borsa, "Johannes Honterus a könyvillusztrátor," *Gutenberg Jahrbuch* (1986): 35–36, fig. 15.
39. SJAN Sibiu, Colecția de documente medievale, U IV, no. 595, f. 1–4v (*Statuta ader ordnungk der königlichenn stat Hermanstat durch Namhafftig weyß herrenn, purgermaster, Richter, unnd ganczen Radt unnd auch dj hundert man der erlychen gemeyn, genanter*

königlicher Stat Hermannstadt ejntrechtlichenn beschlossenn, unnd auch unfferrucklych zu halten angenommenn. Gescheenn in der Hermanstat, jm gemejnym Radthawß, Am tag der Beschnejdungk des Herrenn, Im Jar 1541), f. 6–14v (*Folgen etliche gemeine Statuta und Ordnungen diser kön. Herrenstadt, von einem Ers. w. Radt und der ganczen Erb. Gemein im Jahr 1589 den 28 tag Januarj, eintrechtiglich beschlossenn: Do. Joanne Baier Juniore, eiusdem Civitatis Consulem, et Do. Alberto Huet Regio Judicem existentem, et eidem Civitati fideliter praesidentem*), f. 15r–18v (*Statuta specialia liberae ac Regia Civitatis Cibiniensis unanimes consensu Amplissimi Senatus dominorum ... Centumvirorum conclusa die 13 Martij Anno sexcentesimo et trigesimo primo supra Millesimum, 1631*). Several copies of the statute booklet were later made, with further additions. One copy is from the end of the 17th century, which adds a 1687 amendment to the 1541 statute. Another is from the beginning of the 18th century, all three containing the statutes of the *Statuta* booklet with additions (the first page of 1589 is missing). And there is yet another copy of the *Statuta* booklet from the same period, but in addition to the first one, it also contains the *Constitutiones et Statuta Reipublicae Cibiniensis* from 1698, written in the heat of the dispute over the election of the Royal Judge of Sibiu, at the beginning of the Habsburg era. This latter constitution, originally recorded in the minutes of the city council, in fact collected the old rules of order, systematized the articles on the duties of the royal judge, mayor, and councilors, defined the relationship between the comes and the mayor, and gave a new form to the oath of the royal judge. SJAN Sibiu, Documente medievale, U V, no. 1680, f. 1r–1v (1541); U V, no. 1, f. 1r–2r (1541), f. 2r–4r (1589), f. 4r–5v (1631); SJAN Sibiu, Colecția de acte fasciculate, M. Administrație, no. 1, f. 3r–5r (1541), f. 5 (1549 3 July), f. 6r–10r (1589), f. 10v–14f (1631), f. 15r–22v (*Constitutiones et Statuta Reipublicae Cibiniensis. ab Anno 1698*); SJAN Brașov, IV. E 50/2 (*Statuta oder Ordnungen der k. Stadt Hermannstadt von 1541 und 1631*).

40. The fact that the most important town statutes were preserved in an ornate book can be found later in Hungarian towns as well, including Târgu Mureș. György, “A Szekler Town,” 174.
41. “Darum daß euer gemein Standen grüne, daß das Regiment huldig und glücklich sey, daß die innerlichen oder bürgerliche Zwietracht, welche des gemeinen Standes Verderbniß sind, vermeidt und gesteuert sind und eine gemeine Einbracht erhalten werde, wird viel an Euch, ja an Euch, die ihr Gottes und der gemeine Amt und Stande erfüllet, gelegen seyn.” SJAN Brașov, Manuscrise II/8, Inv. 15, f. 45.
42. Derzsi, “Delict și pedeapsă,” 75.
43. “(...) den wer sein Fraitumb und Privilegia nicht gebraucht, der miszbrauchet dasselb.” The 1589 constitution of Sibiu was published in *Corpus Statutorum*, 542–548.
44. Pakucs-Willcocks, “Sibiul,” 63.
45. This argument is even more apparent in other places: “Furthermore, in order to safeguard the dignity of the Most Illustrious Prince and Royal Majesty, who are at the pinnacle of the affairs of the fatherland, we request that our most gracious Prince, along with his councilors and lords devoted to His Grace, maintain their dignity and power undiminished, and remain ours in all ways. All the kings of Hungary and Poland since Géza, as well as the princes of Transylvania, have not only preserved the privileges of our Saxon nation, especially those granted by King Andrew II of highly praiseworthy and blessed memory, Each one has also most graciously confirmed and validated them, up until the recently deceased Stephen Báthory, King of Poland. To all of these kings and princes, our nation has always rendered proper obedience, honor and loyalty, and shall continue to do

so in the future.” *Corpus Statutorum*, 544. For the *Diploma Andreanum* (1224) and its impact on the history of the Transylvanian Saxons, see: Béla P. Szabó, “Az erdélyi szászok arany szabadságlevele (1224) és annak hatása a közösség hetedfél százados történetére,” in *Az Aranybulla a jogtörténetében*, edited by Barna Mezey (Budapest: Mádl Ferenc Összehasonlító Jogi Intézet, 2022), 195–225. DOI: 10.47079/2022.mb.aranybulla.1_8 m Szabó.

46. Derzsi, “Delict și pedeapsă,” 75. For the argumentation, regarding old customs, see: István Tringli, *A magyar szokásjog és a protestáns természetjog magyarul. A Hármaskönyv első magyar fordításai és a Lex politica Dei*, (Debrecen: Alföldi Nyomda, 2021), 3.
47. The following is the translation of the relevant section: “After, by the grace of Almighty God, our beloved elder fathers of the Saxon nation, through their loyal service and chivalrous deeds, received this German land from the ancient kings and blessed emperors and built on land cities, markets, and villages, and also fortified it in many places with castles, as their own property! Just like this Herrmannstadt, named after Captain Herrmann, was built and is not only endowed and enriched with good order and police, but is also inspected and confirmed with respectable and ancient privileges, as well as with its useful goods and customs.” *Corpus Statutorum*, 543.
48. “Richter und amtleütt plagen die untertanen mit ungewenlichen bürden, mit selzamer Stadtgerechtikeit, mit asper zinss, mit burger und Sedlerzins. Damit aber niemand mög den braten riechen, so lassen sie etwas an der Stadt bauen, zufallen thüren und mauren, das es einen namen hab, wohin das geld is angelegt worden. Mancher Radtherr geht vleissig zur kirchen, hört predigen, braucht die hochwirdigen Sacrament, und ist dieweill ein schinner, ein unterdrücker der armen, den sein eigen nutz mehr im sinn schweimt, als der gemeine nutz.” Amlacher, *Damasus Dürr*, 34.

Abstract

Public Discourse and Political Content. The Narrative of ‘Good Governance’ in Transylvanian Saxon Towns in the Second Half of the Sixteenth Century

From the latter half of the sixteenth century century, the Transylvanian Saxon towns also embraced the political ideal of public order embodied by the early modern imperial concept of ‘Gute Ordnung und Policy’, along with its regulatory elements and legal-political instruments. Both the literate secular and ecclesiastical elites played a role in promoting ideas about good governance. This study examines how the local authorities argued for individual measures within more comprehensive urban statutes and what governmental principles and political content the normative texts conveyed. Referring to a prominent example that influenced contemporary public discourse, such as the sermons of Damasus Dürr, a Lutheran pastor from Apoldu de Jos, it also illustrates the manner in which these governmental narratives were criticised.

Keywords

urban statutes, good governance, public discourse, Transylvanian Saxon towns, sixteenth century, Damasus Dürr

Urban Governance and Battling the “Evil of Contagion”

Measures Against the 1738–1739 Plague in Sibiu/Hermannstadt

OANA SORESCU-IUDEAN

THE PRESENT analysis follows the evolution of plague ordinances between roughly June 1738 and late December 1739, based on protocols kept by the urban authorities in Hermannstadt/Sibiu, and on other related documentation, both civil and military in origin.¹ Building on the efforts to understand the complexities of plague-handling institutions in the urban Transylvanian milieu,² and complementing recent works dealing with the direct economic costs incurred at the community, household, and individual level following the early eighteenth-century plague outbreaks in Sibiu,³ the study examines the main spheres of action envisaged as a means to contain the spread of the epidemic and root it out from the urban landscape. It provides a chronological and topical overview of isolation and quarantine measures and procedures; limitations imposed on commercial activity, certain trades, or the circulation of individuals; ordinances concerning the recording and reporting of plague occurrences; finally, measures pertaining to upholding public hygiene and carrying out the disinfection of urban spaces. In chronicling the complex ways of tackling the epidemic, the paper emphasizes the interactions between levels of government in matters of healthcare management, as a window into the subsidiary interests of each public authority, and into how these interests meshed with the higher need to ensure that the plague was contained and the community survived.

AN ILL-ADMINISTERED city meant that contagious illnesses such as the plague could find the opportunity to wreak havoc on the urban population. By the beginning of August 1738, a little over a month since the first symptomatic plague death had been reported, the sickness had entrenched itself in the freshly minted capital of Transylvania. Over 80 lives had been claimed in July, with 12 deaths reported on the day of July 31 alone. Although more than half of the deceased had been ascribed to the category comprising “young individuals and children of male and female sex,” which included both the offspring of city inhabitants and employees, such as house servants or apprentices, the

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plague had already claimed 17 members of the corps of full-rights, propertied citizens.⁴ This was an especially terrible omen, as from the mercantile perspective of the Habsburg state as well as that of the Transylvanian Saxon authorities, the plague's most important casualty were the provincial taxpayers; with the passing of each propertied individual, the community's potential to cover the remaining fiscal burden diminished, as minor heirs or widows could hardly replace an abled craftsman in terms of generated income.⁵

Around mid-July 1738, a mixed commission *ex militari, camerali, politico, civili und medico zusammen*, presided over by Graf von Formentini as commander of the city garrison, began to formulate a clearer response to the challenge presented by the plague, based on earlier policies. The outlined measures drew on the notion that one should, if possible, flee from the plague, even after its presence had been confirmed within the city walls. Flight had been a traditional response to plague epidemics, advocated widely in plague treatises and by Transylvanian medical and political authorities. During the 1709–1710 and 1717–1720 pestilential outbreaks, the urban leadership and the citizens of Sibiu had retreated from the path of disease. The military sought refuge in the county's villages that had not yet been afflicted.⁶ At this point, the “biopolitics of movement” that underscored the administration of public health began to be increasingly visible at the intersection of urban and provincial plague policies.⁷ The military authorities emphasized the need to control the circulation of individuals, even while advocating the relocation of those who had the opportunity to do so. Certain groups of individuals were not merely advised but compelled to leave the city. While Sibiu began to close itself off to the county in July 1738, the military authorities also ordered that “all masterless individuals, who do not have a settled (*hausseßige*) craft or trade, [who] are not in someone's employ must betake themselves outside the city or expect to be subject to severe expulsion.” Any citizen who had such an individual living in their home was likewise bound to report their presence to the authorities or face “serious reprimand.” Likewise, no *gepfügte* Wallachians were to be admitted into the city, reinforcing the notion that they were highly likely to bear the contagion.⁸

While one could flee from the plague, the issue needed to be approached in an orderly, controlled manner. In mid-July 1738, citizens who wished to “retire” from the path of the plague could still do pending an inspection of their health status by the appropriate authority and obtaining a “certificate” to that effect. Those who owned gardens outside the city could choose to relocate there; the other option were villages in the seat which the infection had not yet reached.⁹ Such measures paralleled those regulating cross-border population movement: health passes had to be issued by the proper authorities and presented at the city gates; temporary closure of half of the city's entryways likewise mirrored the closure of provincial borders. Though it was not as heavily militarized as the Transylvanian or Banat borders, the boundary between the city and the territory that laid outside it was nevertheless subject to the joint control of both military and civil authorities. Compared to the earlier bout of sickness, the measures prescribed in 1738 are informed by a more impersonal, military-like perspective on the urban inhabitants, which betrays the emergence of the plague prevention system at the province's borders under Charles VI.¹⁰ Flight continued to be strongly advocated until the middle of August, when citizens were notified “repeatedly and for the last time” that those who were found to be in good health “should depart,” as no one else would be provided with passes afterwards. The flow

of people through the city gates would thereafter be restricted to those fulfilling military service or to "reliable citizens."¹¹

Measures focusing on the control of population movement and those that prescribed how isolation and quarantine were to unfold also reflected a wider tendency to achieve a so-called *Parzellierung* of the social body, which implied clearly framing a fluid population within a "tabular space."¹² This tendency underscored efforts to obtain a systematic view of the population remaining in the city, how and where it lived, and whether certain groups or households could pose a problem for further plague prevention efforts. Surveillance in the city increased over time, paralleling the rising number of plague cases, and mirroring the surveillance which occurred at border crossing points. As was the case for other urban milieus in early modern Europe, within the boundaries of the city itself, the main entity whose activity and movements were "policed" was the household, rather than the individual.¹³

The surveillance and monitoring of those who remained in the city began in earnest following the final wave of "withdrawal" (*Retirade*). The same mid-August ordinance prescribed that all remaining persons, be they *bürgerlich*, foreigners, or "individuals lacking employ" be conscribed, to ascertain to what extent they would be able to subsist on their provisions.¹⁴ This ensured that the city would not be overburdened with providing for high numbers of (especially foreign) individuals without means, in the event it had to lock itself down for an extended period of time.

Written records resulting from the urban authorities' surveillance of the city's population in Sibiu are abundant and detailed, compared to other Transylvanian cities. The importance of appropriately recording the occurrence of plague cases was underlined by the military and the government health commissions. On 19 August 1738, an ordinance issued to the urban Directorate outlined that a daily report on the progress of the disease needed to be submitted to both the Sanitary Commission and the Commander; every week, a general table—comprising presumably a list of all plague deaths, identified by name and neighborhood—was likewise to be submitted by the urban administration to the Commission.¹⁵ The difficulties in ensuring unitary and time-sensitive record-keeping can be clearly seen in the reports issued by the Government to other counties and cities in the province. Around mid-September 1738, the authorities of Cluj/Kolozsvár were censored for their lack of diligence in sending the weekly reports. The Government's representatives argued that the lack of proper reporting is imputed by the Viennese court to its Sanitary Commission, rather than to failings in local-level reporting. Urban and county-level authorities only needed to "conscribe how many are dead, dying, sick or infected" and "where there is still no plague, it will be enough to write this down." This task was not regarded as an especially cumbersome one, but rather mere "child's play" if it had not been left aside for too long.¹⁶

Maintaining the flow of information between institutional actors, while monitoring the flow of individuals inside and outside the city, was supported by measures designed to ensure the survival of those who had not yet fled their homes to seek refuge elsewhere. As the military authorities acknowledged, because providing the numerous persons in the city with their necessary victuals would be impossible to achieve *in privato*, market days still needed to be held despite the risk of contagion they presented. As in previous epidemics, both weekly and daily wood markets were originally envisaged to be held in a specially

designated area outside the Heltner Gate, which had been surrounded by palisades and thus made it easier to control the flow of people.¹⁷ Less than a week later, on August 23, further provisions concerning the organization of market days were formulated: the military command was to provide, if possible, two individuals to be of assistance to the citizens, “to defend them from all inconveniences,” during market hours; within the palisaded area, no cattle-drawn wagons were to be allowed due to the “uncleanliness” that they caused; finally, no individuals who had come from Wallachia nor any who lived in the nearby villages would be admitted to the market space, as the market was held “solely to the benefit of the local citizenry.”¹⁸

The next ordinance pertaining to holding markets was issued on 14 September 1738, likewise by the military authorities.¹⁹ It sparked a heated debate between the military and the urban sanitary Directorate, betraying different ways of understanding the common good that both were meant to serve. During the roughly three weeks that passed between August 23—when the prior ordinance had been passed—and September 14, a staggering number of 189 plague deaths were recorded, comprising almost 20% of the total number of souls taken by the plague. Two thirds of confirmed cases had died in their own homes, with only 42 having been relegated to the city’s *Lazareth*. Spreading from the neighborhoods of the Lower City, mainly inhabited by craftsmen, the plague had also started to engulf the Upper City, making victims among the elite households in the Great and Small Squares, the Sporer and Heltner streets.²⁰ The situation appeared increasingly dire.

At this point, the Obrist Graf von Formentini proposed a complex plan that would reduce the potential of contagion during market days, when individuals invariably gathered in greater numbers. This involved both temporal limitations as well as specific accommodation for different categories of citizens. Sundays were to be spent in “prayer and supplication,” and no one would be allowed to leave the city; excepted were those citizens who had retreated to the gardens and the *Mayerhoffen*, who would be allowed to move freely in order to procure their own necessary foodstuff and fuel, for two hours during the afternoon. Likewise, those citizens who owned gardens but had remained in the city would also, in case of great need, be allowed to collect their harvests, even if it meant leaving the city.²¹ Mondays and Thursdays would be established as market days for purchasing kindling and wood; mornings were reserved for those who had remained in the city proper, while afternoons were limited again to citizens who had relocated to the gardens.²² Tuesdays and Fridays were designated as market days for foodstuffs and fruit; each “German” (*Teütsche*) family—likely meaning both those who held the burgher franchise, as well as individuals who were only living as settlers (*Inwohmer, Sedler*) or tenants—was to dispatch a “reliable man” to purchase provisions. On Wednesdays and Saturdays, citizens who had fled the city and were located “in the countryside” were allowed back into the city, and, depending on their passes, could go back to their homes to obtain provisions, under the careful watch of the military. Excepted from all these limitations were members of the clergy, the members of the city Directorate, the city physician, and any member of the Small Council, all of whom could pass through the city gates and travel to their own gardens and return at will. Those who had fled to their gardens could also dispatch one of their “people or *Mayrer*” to fetch them provisions from the markets. Penalties were instated for individuals who misused or exceeded these timeframes or had spent the time slots they had been allocated for “congregating and cackling” (*Zusammenkünffte oder Gelach*).²³

Formentini's ambitiously detailed plans would not, however, materialize as quickly as one could have expected. The city Directorate had sought advice—and approval—from the Sanitary Commission, and proposed several changes to the original ordinance. Firstly, markets would be held in two separate locations just outside the city—near Heyden Mill and across from the garden owned by the Abraham family—, spaces in which only 50 persons would be allowed at a time, thus preventing “that a too great mixing might arise.” Plans to hold separate market days for victuals vs. burning wood were scraped, “as this might give rise to confusion.” Finally, the members of the urban sanitary council argued that they be allowed an extra day to handle their own affairs.²⁴

Despite the provincial government's intervention through its Health Commission, the arguments of the urban authorities for a somewhat laxer regulation for population movement did not produce substantial results in their favor. A reply from the local military commander cites orders from General Commander Prince von Lobkowitz “that in the future no one, without exception, be allowed to enter the city, or worse, leave it.” While the weekly markets were to be held as previously outlined, traffic to and from the gardens surrounding the city would only be permitted in strict moderation, as provisions relating to this circulation had not been properly observed. Rather than the “heaps” of people “coming in and out” of the city, only one person from each household would be allowed to travel to the gardens, and all precautions had to be taken to ensure that the city's inhabitants did not use this occasion “to take a stroll.” Anyone travelling to their garden to stock up on provisions was advised that no spontaneous gatherings should take place, and that they were compelled to return to their homes “without tarrying.”²⁵ Only the Franciscan friars in Sibiu were allowed greater leeway in terms of circulation, as they “were bound by necessity to seek most of their provisions outside” and thus were permitted “a moderate entry and return” to the city, provided that “they or their underlings did not travel to suspicious places.”²⁶ By the final autumn months, the circulation between city and its outlying gardens would be firmly prohibited; citizens would be given one week to bring any “greens” from their gardens or *Mayerhoffen*, after which they would no longer be allowed travel to this intermediary space, outside the proper control of the authorities. All purchases of firewood, grains, and hay would be done by a specially-appointed commissioner, who would at first settle the purchase from the urban treasury, and then re-sell these as needed, for a “low price” and “payment in cash.”²⁷

Beside market days and the circulation to and from the suburban gardens, other avenues of potential contagion were opened by the need to secure the appropriate provisioning of the city's inhabitants. In their proposal for a comprehensive plague response of September 26, the military authorities urged the City Directorate to have more ovens (presumably public bakeries) built in the city, so that the inhabitants “might bake their bread more conveniently” and put an end to all the congregating which took place under the “pretext that they must gather for the purpose of baking.”²⁸ In 1720, according to an earlier conscription of all taxpaying households, some 96 privately owned ovens existed in the city already, most which belonged to the full citizens. In addition, at least two public bakeries—the *pistrina civitatis*, and the *pistrina Lutsiana* (belonging to the Lutsch family)—covered the baking needs of the city population. This meant that fewer than 5% of households were prepared to bake their own bread in the event they were not allowed to leave their homes.²⁹ The Small Council was quick to reply, arguing that the process of

bread baking was thusly arranged “that the most able individuals know how to prepare the bread, and to direct the fires burning in the ovens.” In addition, “the smallest part of the houses in the city is thus situated, so as to be able to build baking ovens”; should more be built, then the danger of fire would be much greater, not to mention that “double the amount of wood would be needed.” Citizens would be urged to take great care to avoid “mingling” in the city’s bakeries.³⁰

Various kinds of victuals were also regarded with suspicion by the military authorities, feeding into the miasmatic understanding of disease transmission. According to Formentini’s own observations, fruit from the gardens in the suburbs was often carried into the city or sold during market days. This practice had to be halted immediately.³¹ Selling fruits in the city had already been addressed in late August, when the city garrison commander had argued against selling watermelons because “this fruit, as is well known, can cause many other diseases.”³² In its reply of late September—early October, the Directorate would acknowledge that “the noxious fruit, such as melons” had fallen out of season, but that “the current winter fruit is needed for subsistence and provides a much needed refreshment to the sick,” and it would therefore be necessary to keep gathering it.³³

It was likely not the fruit itself that elicited such great suspicions, but rather its tendency to befoul the environment and leave behind various residues. Within the same framework of understanding the sources of disease, cattle were likewise regarded as a potential vector of plague. Both the cattle themselves and the meat resulting from butchering posed a problem for the maintenance of the city’s cleanliness. As the military authorities proposed in late September 1738, enough cattle were to be slaughtered outside the city walls, and only what was necessary to provide the daily consumption of the urban population was to be delivered inside. Herding the cattle in and out of the city every day only served to increase the “stench and foulness, through which the *Malum* (plague) could only gain in strength.” The city was already suffering from an excess of muck and filth (*Mist und Unflath*), which needed to be collected and carried out as soon as possible, by means of “clean wagons” requisitioned from the nearby villages.³⁴ The urban authorities were quick to reply to the issues signaled by the military: “his Excellency the Obrist supposes that outside the gates, there are cattle from the city grazing about [...]; the cattle were counted today in the early morning when they passed through the gate: all in all there were 2 bulls, 57 cows, and 5 goats.” These contributed very little to the stench in the city, as they were mainly kept for milking; there was nary one head of cattle for every 20 households in the city, which surely caused very little damage. The cleanliness in the city was “for the time being, good,” and could be improved upon quite quickly; in 8 days, a few wagons could ensure that the entire city was cleaned anew.³⁵

Butchering and the resulting trade in meat had a high potential of transmitting the disease. As in other European cities, restrictions were placed on this trade and attempts were made to ensure that provisioning the city with meat did not contribute to the spread of contagion.³⁶ In this respect, both the urban and the military authorities were in agreement: slaughtering and selling meat had to follow pre-set guidelines, and any cross-contamination, for instance between blood and the money used for payment, was to be avoided. In September, Formentini proposed that butchers’ stalls—relocated outside the city—make use of a plate filled with vinegar, placed at an appropriate distance, into which money would be placed and thus disinfected. The same procedure could also be

employed during market days, to limit direct contact between individuals.³⁷ Later on, this measure would be supplemented by the building of a special "cupboard" into which the meat would be deposited by the butchers, and then claimed by the customers, without any contact.³⁸ It was not only beef that was regarded as a potential carrier of disease; pigs and pork were likewise deemed suspect. Suggesting the persistence of humoral beliefs, a late military ordinance issued in November deplored the fact that citizens of Sibiu traveled to the *Mayerhoffen* (under false pretenses), where they contacted peasants from nearby villages, from whom they would purchase pig's meat. Because of this great "mixing" of individuals and the "excessive" consumption of pig's meat, the plague persisted. Thus, the urban population was reminded that the purchase and sale of pig's meat were strictly prohibited, and that any who were found with such victuals in their possession would be subject to severe penalties, as well as having their meat confiscated. Even purchasing beef from the butchers' stalls was to be heavily regulated: individuals needed to form an orderly line, where they would wait separately and distanced from one another for the butchers to prepare their purchases.³⁹ In addition, other trades that involved working with "porous wares,"⁴⁰ such as wool or animal hides, were temporarily prohibited; no wool was to be spread out or left to dry on the streets, while wool dyers and tawers were not allowed to ply their trades within the city walls, because the wool "increasingly spreads the evil of contagion."⁴¹

Despite the proposal of overarching measures to combat the spread of the plague, and the military authorities' emphasis on a unitary policy to ward off contagion, differences in enforcing anti-plague policies persisted. Different groups, even apart from the greatly suspected Wallachians or the inhabitants of the suburbs, required special treatment and became a thorn in the relationship between the Habsburg and Transylvanian Saxon authorities. The records of those individuals who had remained in the city as well as the reports of the urban council betray the unease felt by the city leadership in managing a confessionally and politically diverse population during the stages of the epidemic. In August, soon after the plague had begun to ravage the city, urban authorities expressed their distrust towards the local inhabitants who were not under its control and had not properly settled in the city. The Directorate required that no one be allowed to linger outside the city walls, "roaming about here and there," but rather that everyone be compelled to go to their respective quarters, so that their health status might be investigated and properly observed. The assistance of the military was explicitly requested to deal with any "German individuals among this group who resist" the implementation of quarantine and isolation measures.⁴² A later reply from the Directorate underlined that the same categories of individuals "insist on remaining here by force and have declared themselves one by one to be well-provisioned" although that was not the case. The town council feared that the first shortages would be felt during late autumn, when fuel would no longer be readily available once the city closed its gates. What is more, the Directorate repeatedly complained that the same foreign persons were blatantly disregarding market regulations, rushing to purchase everything of good quality before the allotted timeframe, thus depriving respectable citizens of their due.⁴³

Confessional adherence also created a fault line in plague policies, especially in terms of caring for individuals of Catholic denomination, who were largely in the minority in the city itself, but whose fates were under the attentive gaze of the Habsburg military. Al-

ready in mid-August, the Sanitary Commission included on the list of “points to be jointly observed by the interims-Commander and the city Directorate” the need to ensure that if the contagion should reach any Catholics, these would be relocated to the Lazareth but treated separately from their Protestant counterparts. The urban authorities, who bore the costs of this enterprise, were assured that everything spent on the Catholic subjects’ medical care and food would be covered from dedicated funds, which the Commission itself would make sure to secure from the Court. What is more, Catholic citizens’ goods should be appropriately cared for and securely returned, should they recover from the sickness, or if they should perish, all personal items that did not require disinfection by fire would be kept “bona fide” for any surviving heirs. However, if these individuals did not behave as it was requested of them in the best interest of the entire urban community, then the military assistance provided by the interims-Commander would be necessary.⁴⁴

By the time the epidemic had made its way through the city, the focus of the authorities seemed to shift again to one of unease in the matter of the poor inhabitants in the city, suggesting the conceptual salience of the notion of “civic pride” as part of the moral economy of urban plagues.⁴⁵ Already in refuge in late September to the nearby village of Cislădie/Heltau, the town council ordered that the poor remaining in the city be provided with firewood, money, and victuals, to be covered from the city’s chest, “so that they would not be compelled to seek accommodation in the houses of rich citizens or infected persons”; likewise, “should any needful Germans exist, they would also be provided with money or other necessities.” In the latter case, such short-term grants were to be paid back to the city treasury.⁴⁶

The expectation that the city would care for its own during such an epidemic buttressed the inhabitants’ faith in the resilience of community, and in the notion that urban authorities were ready to assume a non-negligible and wide array of costs in relation to the protection of its inhabitants’ health status. Early on during the epidemic, “the beloved citizenry which is in good health” was “amicably reminded of the poor sick persons in the Lazareth and in the city, as well as of those in need of help and nourishment,” namely, asked to “spring to their aid” and have their servants bring necessary victuals or items to two commissioners who had been especially appointed for this purpose.⁴⁷ The overall costs of caring for the sick population who had been relocated to the Lazareth reached high sums, of over 138 Hungarian florins for medical care, 164 Hungarian florins for their burial, as well as other communal expenses related to this category of individuals.⁴⁸ Plague costs were so high in 1738–1739 that the urban community needed to borrow significant sums of money, not in the least because the quartering of the army required a steady and regular inflow of cash. Thus, loans were secured by the urban administration, mainly from some of the Transylvanian Saxon leading political families (von Baussnern, von Vieland), as well from various great Hungarian nobles. More significant in this sense and an exceptional example of how quickly civic pride caught roots among the non-Transylvanian Saxons who lived in the city were the significant donations made by an emigrant German widow, who lent the city the sum of 1200 Hfl; two Austrian exiles to the province also managed to collect the sum of 500 Hfl, which they then donated *als ein pium opus pro publico*.⁴⁹

Finally, the most vivid display of civic pride likely came from the scribe of the Sanitary Directorate, Samuel Dobosi, who offered to leave the generous sum of 6000 Hfl to the city as a temporary loan in capital, which could become a legate should he or all his

surviving his relatives perish, and their name die out completely within the next decade.⁵⁰ Unfortunately, in 1748, the urban authorities decided against maintaining this legate to the benefit of the common good (*lößlichen Publico*).

Conclusions

THE QUARANTINE at the province’s borders was very strict, and all those who wished to enter Transylvania had to submit to the same cumbersome procedures regardless of status or provenance.⁵¹ In the city, things stood somewhat differently. Groups that were regarded as suspicious due to their weak ties to the urban milieu—and the Transylvanian Saxon political realm—were under stricter monitoring, their lives during the epidemic depending much on the willingness of the Habsburg military to ensure their protection. Moreover, the need to monitor the population intersected with a tendency to create exceptions for elite members of the urban leadership, or for special economic or commercial activities. While far from mirroring the strong debates concerning the economic effects of the quarantine line at the provincial borders, some contrary opinions arose as to the other urban based economic activity, such as market days. Both military and civil authorities, regardless of their background, vacillated between the potential pathways of contagion, attempting to identify avenues of “uncleanliness” while at the same time wishing to retain various leisure activities, such as strolling through the gardens outside the city. Despite the apparently contrary attitude displayed by the urban authorities in their exchanges with the interims-Commander, the limited number of cases in the city, as well as the highly detailed sources that resulted from monitoring the occurrence of plague within the city walls suggest that a preoccupation for keeping the city alive—covering tenants, Germans, and Catholics alike—was nevertheless evident. □

Notes

1. Another wave of plague had hit Hermannstadt in 1710–1711 but was less extensively documented by the urban authorities. See Heinrich Herbert, “Der Haushalt Hermannstadts zur Zeit Karls VI. Die Bürgermeisterrechnungen. Mittheilungen aus den Hermannstädter Magistratsprotocollen” *Archiv des Vereins für siebenbürgische Landeskunde* Neue Folge 24, no. 1 (1892): 226.
2. Oana Sorescu-Iudean, “Keeping the City Alive: Managing Public Health Crises in the First Half of the Eighteenth Century in Sibiu,” in *Towns between Empires: Good Governance and “Police” in Case Studies from Transylvania, Wallachia, and Moldavia, 1500s–1800s*, edited by Mária Pakucs-Willcocks, Julia Derzsi (Amsterdam: CEU Press, 2025), 227–46.
3. Oana Sorescu-Iudean, “Bearing the costs of epidemic: remaining households in Hermannstadt/Sibiu during the 1719-1720 and 1738-1739 plague outbreaks,” *The History of the Family*, forthcoming.

4. Figures drawn from a dataset compiled by the author, based on the 1738-1739 register of plague deaths for Hermannstadt, Sibiu County Branch of the Romanian State Archives (hereafter abbreviated as SJAN SB), Colecția de acte fasciculare (hereinafter AF), H-Sănătate, doc. no. 54.
5. Herbert, "Haushalt Hermannstadts," 167-168. On the Habsburg concern with maintaining a stable taxpaying population and the resulting impulse to prevent the spread of plague, see Sabine Jesner, "Habsburg border quarantines until 1837: an epidemiological 'iron curtain'?", in *Medicalising Borders: Selection, Containment and Quarantine since 1800*, edited by Sevasti Trubeta, Christian Promitzer, Paul Weindling (Manchester: Manchester University Press, 2021), 31-55, here 32.
6. Paul Binder, "Epidemiile de ciumă din Transilvania în secolul al XVIII-lea (1709-1795)" [Plague epidemics in Transylvania during the eighteenth century], in *Retrospective medicale: Studii, note și documente*, ed. Gheorghe Brătescu (Bucharest: Editura Medicală, 1985), 174-175, 179.
7. Janna Coomans, *Community, Urban Health and Environment in the Late Medieval Low Countries* (Cambridge: Cambridge University Press, 2021), 219.
8. SJAN SB, AF, H-Sănătate, folder 50, unnumbered document dated 19 July 1738, fol. 21v.
9. SJAN SB, AF, H-Sănătate, folder 50, unnumbered document dated 19 July 1738, fol. 21v.
10. Jesner, "Quarantine," 37.
11. SJAN SB, AF, H-Sănătate, folder 50, "Pest Ordnung den 14ten August Anno 1738 von der Kayl. Commission und Stadt Directorio entworfen," fol. 25v.
12. Ramon Reichert, "Auf die Pest antwortet die Ordnung. Zur Genealogie der Regierungsmentalität 1700:1800," *Österreichische Zeitschrift für Geschichtswissenschaften*, 7(3), 1996, 327-357.
13. Coomans, *Community, Urban Health and Environment*, 225.
14. SJAN SB, AF, H-Sănătate, folder 50, "Pest Ordnung den 14ten August Anno 1738 von der Kayl. Commission und Stadt Directorio entworfen," fol. 25r.
15. SJAN SB, AF, H-Sănătate, folder 50, unnumbered document, "Puncta welche der Interims Commandant mit dem löbl. Stadt Sanitäts Directorio gemeinschaftlich zu observieren haben," 19 August, fol. 29r.
16. Order issued by the Government (located in Mediaș) on 18 September 1738, to the leadership of the city Klausenburg/Kolosvár, published in Alexandru Lenghel, *Istoricul ciumei la Cluj la 1738/39* (Cluj: Tipografia "Corvin," 1930), 98-99. [*The History of Plague in Cluj during 1738/39*]
17. SJAN SB, AF, H-Sănătate, folder 50, "Pest Ordnung den 14ten August Anno 1738....," fol. 25v.
18. SJAN SB, AF, H-Sănătate, folder 50, "Gemäßliche Verzeichnüß ein und anderer Puncten was so wohl bey den mehreren praecautio[n] der eingeschlichenen leidigen Soiche ferner zu beobachten seyn mögte," fol. 32r-32v.
19. SJAN S, AF, H-Sănătate, folder 50, unnumbered document entitled "Unvorgreifliche Gedencken zu beßeren Einschrenckung des häufigen zusammenlauff und alzugroßen Communication der Leütte, auf denen Marcktagen," fol. 39r-40v.
20. Figures drawn from a dataset compiled by the author, based on the 1738-1739 register of plague deaths for Hermannstadt, SJAN SB, AF, H-Sănătate, doc. no. 54.

21. SJAN SB, Acte fasciculare, H-Sänätate, folder 50, “Unvorgreiffliche Gedencken zu beßeren Einschrenckung...,” fol. 39r.
22. SJAN SB, AĒ, H-Sänätate, folder 50, “Unvorgreiffliche Gedencken zu beßeren Einschrenckung...,” fol. 39r-39v.
23. SJAN SB, AĒ, H-Sänätate, folder 50, “Unvorgreiffliche Gedencken zu beßeren Einschrenckung...,” fol. 39r-40r.
24. SJAN SB, AĒ, H-Sänätate, folder 50, unnumbered and untitled document, fol. 49r.
25. SJAN SB, AĒ, H-Sänätate, folder 50, unnumbered and undated document, likely issued in the second half of September 1738, fol. 50r-51v.
26. SJAN SB, AĒ, H-Sänätate, folder 50, unnumbered and undated document, likely issued in the second half of September 1738, fol. 50r.
27. SJAN SB, AĒ, H-Sänätate, folder 50, unnumbered document, “Verhaltensordnung von der vorzunehmenden Sperr entworfen von dero Kayl. Sanitaets Commission, d 29ten 9ber 1739,” issued on 29 November 1738, fol. 59r.
28. SJAN SB, AĒ, H-Sänätate, folder 50, unnumbered document, “Puncta worüber der Herrmannstädter Löbl. Magistrat ihre weitere Veranstaltung zu machen hat,” issued 26 September 1738, by Baron Obrist von Formentini, fol. 41r.
29. Figures drawn from a dataset compiled by the author based on the 1720–1721 conscription. See Oana Sorescu-Iudean, *Dividing society, dividing estates. Probate and will-making in Herrmannstadt, 1720-1800: a social, economic and administrative perspective*, PhD, University of Regensburg 2021, https://epub.uni-regensburg.de/52856/1/1_h_Dissertation_Sorescu-Iudean.pdf (accessed 24 March 2025).
30. SJAN SB, AĒ, H-Sänätate, folder 50, unnumbered document, “Unvorgreiffliche Gedanden des hiesigen Stadt Directorii, über die Puncta des Titl. Herren Obristen Baron von Formentini,” undated, fol. 44r.
31. SJAN SB, AĒ, H-Sänätate, folder 50, unnumbered document, “Puncta worüber der Herrmannstädter Löbl. Magistrat...,” fol. 41v.
32. SJAN SB, AĒ, H-Sänätate, folder 50, unnumbered document, “Gemäßliche Verzeichniß...,” fol. 32r.
33. SJAN SB, AĒ, H-Sänätate, folder 50, unnumbered document, “Unvorgreiffliche Gedanden des hiesigen Stadt Directorii, über die Puncta des Titl. Herren Obristen Baron von Formentini,” undated, fol. 43v.
34. SJAN SB, AĒ, H-Sänätate, folder 50, unnumbered document, “Puncta worüber der Herrmannstädter Löbl. Magistrat...,” fol. 41r-41v.
35. SJAN SB, AĒ, H-Sänätate, folder 50, unnumbered document, “Unvorgreiffliche Gedanden des hiesigen Stadt Directorii...,” fol. 43r.
36. Carole Rawcliffe, “‘Great Stenches, horrible sights, and deadly abominations’: butchery and the battle against plague in late medieval English towns,” in *Plague and the City*, ed. Lucas Engelmann, John Henderson, and Christos Lynteris (Abingdon: Routledge, 2017), 18-38.
37. SJAN SB, AĒ, H-Sänätate, folder 50, unnumbered document, “Puncta worüber der Herrmannstädter Löbl. Magistrat...,” fol. 42r.
38. SJAN SB, AĒ, H-Sänätate, folder 50, unnumbered and undated document, likely issued in the second half of September 1738, fol. 50v.
39. SJAN SB, AĒ, H-Sänätate, folder 50, unnumbered document, “Verhaltensordnung von der vorzunehmenden Sperr entworfen von dero Kayl. Sanitaets Commission, d 29ten 9ber 1739, fol. 58r – 59v.

40. Erna Lesky, “Die Österreichische Pestfront an der k.k. Militärgrenze“, *Saeculum*, Vol. 8 (December 1957), 82-106, here 82.
41. SJAN SB, AF, H–Sănătate, folder 50, unnumbered and undated document, likely issued in the second half of September 1738, fol. 50r.
42. SJAN SB, AF, H–Sănătate, folder 50, unnumbered document, fol. 27r-27v.
43. SJAN SB, AF, H–Sănătate, folder 50, unnumbered document, “Unvorgreifliche Gedanken des hiesigen Stadt Directorii...,” fol. 46-47r.
44. SJAN SB, AF, H–Sănătate, folder 50, “Pest Ordnung den 14ten August Anno 1738 von der Kayl. Commission und Stadt Directorio entworfen,” fol. 26r.
45. Lorenzo Coccoli, “The Moral Economy of Epidemics: Emergency, Charitable Institutions and Poor Relief in Early Modern Italian Plague Regulations,” in *Reassessing the Moral Economy: Religion and Economic Ethics from Ancient Greece to the 20th Century*, edited by Tanja Skambraks, Martin Lutz (Springer International Publishing/Palgrave Macmillan, 2023), 137-154, here 143.
46. SJAN SB, AF, H–Sănătate, folder 50, unnumbered document dated 29 September 1738, issued by the Imperial Sanitary Commission in exile in Heltau, fol. 51r.
47. SJAN SB, AF, H–Sănătate, folder 50, unnumbered document dated 21 August 1738, fol. 21r.
48. Herbert, “Haushalt Hermannstadts,” 33-34.
49. Herbert, “Haushalt Hermannstadts,” 132-133.
50. Herbert, “Haushalt Hermannstadts,” 133.
51. Jesner, “Quarantine,” 37-38. The duration of quarantine depended on where the individuals in question were traveling from.

Abstract

Urban Governance and Battling the “Evil of Contagion”: Measures Against the 1738–1739 Plague in Sibiu/Hermannstadt

The present analysis looks at how plague ordinances evolved between roughly June 1738 and late December 1739, based on protocols kept by the urban authorities in Hermannstadt/Sibiu, and on other related documentation, both civil and military in origin. It examines the main spheres of action envisaged as a means to contain the spread of the epidemic and root it out from the urban landscape: measures and procedures for isolation and quarantine; limitations imposed on commercial activity, certain trades, or the circulation of individuals; ordinances concerning the recording and reporting of plague occurrences; finally, measures pertaining to upholding public hygiene and carrying out the disinfection of urban spaces. In chronicling the complex ways of tackling the epidemic, this section emphasizes the interactions between levels of government in matters of healthcare management.

Keywords

plague, eighteenth century, urban governance, Sibiu/Hermannstadt, epidemics

Genealogy of the Lviv Elite Families in the Late Middle Ages

The Question of the Change of Urban Elites

BOHDANA PETRYSHAK

TRACING THE change of elites in the town of Lviv over an extended timeframe is long-term complex research that requires the recourse to a variety of primary sources and a follow-up study of numerous genealogical lines of townspeople. Quite a few researchers did this in the case of Lviv, among them Józef Skoczek,¹ Hugo Weczerka,² Aleksander Czołowski,³ and Władysław Łoziński.⁴ Several works have been written about individual representatives of the elite—burgomasters, councilors of the later period—such as the works of Korneli Juliusz Heck on Bartłomiej Zimorowicz, of Mieczysław Gębarowicz on Stanisław Anserin, or of Stepan Tomashivskyi on Samuel Kazimierz Kushewicz, to mention only the most significant contributions.⁵ In the recent generation, Myron Kapral and Olha Hul have written interesting investigations about crisis and conflicts within the town's political elite in the sixteenth century.⁶ The example of Prussian cities in numerous works of Polish researchers offers further models and avenues of research for the genealogy of the city elites in the early modern period.⁷

The first question to ask is what constitutes an elite in the case of Lviv in the late Middle Ages. In short, the elite includes representatives of one authority, namely, the town council (*Ratmann*), which managed the city together with the mayor (*burgomaster*, *magister civium*) and other nominal authorities.⁸ The structures of urban government in Lviv in the late fourteenth century were: the town court (bench), headed by the *advocatus* (*Vogt*), and the town council with its burgomaster. Can this situation be extrapolated to the fifteenth century? Lviv was a dynamic city which was developing rapidly at that time, attracting many families to settle here from abroad. The newcomers were quickly integrated into the political elite of the city but disappeared from sources just as rapidly. Therefore, this study will try to give an answer to the question above by reviewing the genealogy of these families and following them up into the sixteenth century. The main sources for this investigation are the town books of Lviv, partly published in the 1920s, alongside the latest one, from 2020.⁹

The protocol book of the Lviv city council with records for the years 1460–1506 remains the only codex of this institution extant from the Middle Ages.¹⁰ The fire at the town hall in 1381 affected the preservation of the oldest city documents, after Lviv took up the Magdeburg law in 1356.¹¹ Chronologically the first such document to be preserved to our day is the council and court register of 1382–1389, containing decisions of the council, as well as rulings of the city court.¹² Other published town and account books from the town archives

include the financial registers from the beginning of the fifteenth century¹³ and the protocol book of the town court from 1441–1448.¹⁴

Before analyzing the sixteenth century genealogical dynamics of the Lviv political elite, it is worthwhile reviewing the evolution of the town elites in the fourteenth century. The overview includes all representatives from the “circle of power,” not only the councilors. My approach is supported by the fact that the following urban institutions of self-government appeared in this century: the office of the hereditary *advocatus*, which later became an urban office, the *aldermen* who provided the members of the town council, as well as the office of the Armenian *advocatus* as a representative of this ethnic community.¹⁵

The researched period can be divided into two chronological sections, namely, 1350–1370s and 1382–1404. Based on published and unpublished sources, a total of 43 persons are identified with documented participation in the government of the city.¹⁶ Single documents, concerning the years 1350–1370, indicate the importance of the hereditary *advocatus*, who was appointed by the king and held all administrative and judicial power. The Sztecher (Stecher) family, who provided the *advocatus* in Lviv, was part of the city council until the end of the fourteenth century.¹⁷ By the end of this century, a constant number of members of both colleges gradually emerged, i.e., between 7 to 10 *aldermen* and 6 councilors, who were elected every year on the feast of the Cathedral of St. Petrus (February 22). This period is characterized by a significant level of mobility within this group. The average length of an individual’s stay in office was 2–3 years, with few exceptions, such as members from the Eisenguttel, Sommerstein or Kiseling families, whose longest tenure amounts to 30 years. This situation can be explained by the general trends of the city’s development in the fourteenth century. During this time, to the detriment of German colonists, a new community took shape, composed of traveling merchants (from Silesia, Lesser Poland, Kraków) and, on account of internal migration, from the surrounding towns on the territory of the Crown of Rus. Being elected to the town court or *bench* was one of the prerequisites for membership in the city council, although it was not exclusive. Councilors and aldermen were usually merchants and tradesmen, engaged in local and international business. The *bench* included former craftsmen as well, but a certain exclusivism of the town council can be observed in their admissions to the circle of the city patriciate.

Membership in the *bench* shows certain common features. For almost half of aldermen, duty in the *bench* paved the way to a higher career. It can be ascertained that some of them had no better financial status and standard of living than peasants. The majority came from outside Lviv, probably from Kraków families, but there are also people from the Crown of Rus. The surnames of the aldermen indicate their previous profession as craftsmen, although in fact all of them were engaged in trade. An important feature that distinguishes this collegiate office from the town council is that none of the families of Lviv aldermen was part of the circle of patrician families of the city.

As for the patricians, they were the group of ruling councilors, dominated by persons of German origin, who in fact were not local. Most of the councilors owned significant real estate in the best neighborhoods of the city (houses and shops, workshops, ponds, land plots, stockyards, etc.) and in the suburbs, were engaged in commerce, in production of alcoholic beverages, in cloth production, actively building and buying real estate.

Ascension to positions of power was facilitated by the office of alderman: eight councilors out of twenty-eight were aldermen beforehand. In the 1350s, the city council still

had a representative from the craftsmen and the guilds, but in the 1380s most of the councilors were merchants, involved in the profitable East-West commercial exchanges. The office of councilor was occupied for life, and a vacancy opened for new election only with the death of one member of this institution.¹⁸ Table 1 contains some of most renowned people in the political elite of Lviv at the end of the fourteenth century:

TABLE 1: TOWN OFFICIALS IN LVIV IN THE FOURTEENTH CENTURY¹⁹

Some of these names, such as Bolcz, Czedlicz, and Stynaw, are documented in the first half of the fifteenth century, but it is difficult to establish the relationship between them. In the

Name	Councilor	Alderman	Advocatus
Amen (Aman) Joann	1387–1388	1382–1387	1382–1383
Eisenguttel Peter	1388–1407		
Folmar Peter	1399–1410		
Kiseling Nicolas	1359–1388		
Smithaws Gerko	1387–1399		
Sommerstein Johann	1399–1419	1386–1388	
Stecher Peter	1396–1407	1382–1385	1388
Worst Johann	1388–1417	1385–1388	

absence of church registers or last wills, the genealogy of the families cannot be followed up systematically for the fourteenth century. These types of records came into use in Lviv from the middle of the fifteenth century onward, allowing in turn for a better insight into the kinship relations within the town council. Despite the scarce sources, a few connections and conclusions can be made for the earlier period. For example, the well-known Eisenguttel family (most likely of German origin) cannot be traced in further records. J. Skoczek assumed that the couple Eisenguttel Peter and his wife was childless, because his estate was transferred to the hospital of the Holy Spirit in Lviv on 15 February 1403.²⁰ Contrary to this opinion, I argue that they had a daughter, since the tax register for 1408 shows one “Eyssenhutels daughter” next to Peter’s house,²¹ although it is possible that she was the daughter of Leonard Eisengutel, who is also listed in the oldest town book.²²

For the fifteenth century, the available sources are richer in detail, as account books, protocols of the judiciary and the town book are still extant. The data extracted from these documents is presented in table 2.

TABLE 2: TOWN OFFICIALS IN LVIV IN THE FIFTEENTH CENTURY

Name	Advocatus	Alderman	Councilor	Burgomaster
Abrek Mikołaj		1441–1443	1443–1481	
Arnesti Mikołaj		1483–1484	1484–1509	1494
TTempel (alias Biłyk) Michael			1434–1477	
Tempel Mikołaj		1402–1413		

Continued on next page

Table—*Continued*

Name	Advocatus	Alderman	Councilor	Burgomaster
Lindner Lucas	1472	1472–1474	1474–1487	
Lindner Petrus		1464	1464–1491	1485
Hanel Bartolomej		1474–1477	1477–1492	
Caden Clemens the younger			1438–1480	1446
Caden Clemens the elder			1439–1443	
Bruch Augustinus	1452, 1470	1445–1471	1471–1472	

The years of office for each of the political figures included in table 2 illustrate the possibilities and potential for a career in the government of Lviv in the fifteenth century. A closer insight into the lives of two families from Lviv's elite will be discussed in the following section.

One of the most prominent families of medieval Lviv were the Sommersteins (or Zommerstein), whose memory is preserved in the name of the Zamarstynivska street. Johann Sommerstein (see table 1) began his career in 1386 as alderman and then was a city councilor until 1419. We know that Johannes died around the year 1423.²³ He left behind a widow, Katarzyna, and a son, Jan the younger, but he died three years later. Jan the younger's widow, Jadwiga (died 1469), remarried Mikolaj Scholtis (died 1466). Jan the younger's daughter, Anna Zommerstein, married her mother's stepson, also named Mikolaj. *Secundo voto* she married another councilor, Marcin Burza. Anna and Marcin had three children together: Stanislav (deceased before 1470), Mikolaj (married Margarita Steinkeler, died in 1480) and Katarzyna (married Peter Lindner).²⁴ Untangling the history of this family, with its genealogical complexity, is almost a historical detective story. Thus, the Sommersteins continue with the Scholtis, who at the end of the fifteenth century were related to other well-known elite families of Lviv, namely, the Steinkelers and the Lindners. The power was transferred from Johann Sommerstein to his grandsons.

Another family from the end of the fourteenth century that continued into the fifteenth was that of the Szellers/Hanels. Bartolomej Hanel married Ursula Mikula, the daughter of the rich merchant Mikolaj Mikula.²⁵ They had three daughters (Barbara, Dorota, and Sophia) and three sons (Michal, Marcin, and Bartolomej). Only Marcin and Bartolomej continued the history of family, as the first son Michal became physician to King Wladyslaw III in Buda. Hanel's family successor, Sophia Hanel, is known from the little church of Saint Sophia (*Sofiivka*), today near Stryjski Park in the suburbs of the town.²⁶

The Gobels appeared in Lviv at the end of the fourteenth century,²⁷ when the old families of the Stechers, Zommersteins, Brigers, Rademunczes, Worsts, and Schelers gave way to the Czornbergs, Zindrichs, Steinkelers, Niemands, and Sternbergs, only to disappear from the city records a century later. Following the genealogy of the Gobel family, we can distinguish three generations of Georgy Gobels. If we take the age of 50 as the average lifespan of a person, their line of descent would look approximately as follows:

- 1385–1440—Georgy Gobel I;
- 1420–1480—Georgy Gobel II;
- 1460–1510—Georgy Gobel III.

It is known that Georgy Gobel I was already an advocatus in 1412 (and in 1421, 1430), later an alderman (1422), a councilor (1410–1432), and burgomaster (1423). During his

terms in the highest offices of urban government, he participated in several notable events. For instance, in 1414 the city welcomed Prince Sigismund Korybut, a participant in the Battle of Grunwald, the future governor of Bohemia and Prague, and supported the visit with the help of Georgy Gobel. In 1420 and 1426, together with Jan Tlumach, Gobel acted as an envoy to the king in Sandomir on city affairs. In public service, he was the custodian of the funds of the cathedral in Lviv (this person was chosen by the townspeople to manage the funds donated to the church).²⁸

In 1480, his son, also named Georgy (the second), the city clerk, was already mentioned as deceased.²⁹ Georgy's family was mentioned in the city books for a long time after his death. For example, since 1482, we have mentions of the children of Gobel III and Kateryna, who were the owners of a tenement house on the corner opposite the cemetery near the cathedral, next to the tenement house of Jacub Kolazek. Two years later, the son sold this tenement building to Michal Hasner, the alderman, under unknown circumstances. Presumably, he (or his namesake) was elected as a governor in 1505–1508.³⁰ The later fate of the clerk's family remains unknown.

There are also references to Michael Gobel, a Lviv burgher who served as councilor in 1507, 1512, and 1519,³¹ who was apparently also related to the family of Georgy. In 1521, after his death, his widow Sophia divided the acquired property (a tenement house on the corner of Rynok Square, near the cathedral) between her children Franciszek and Valentin. The younger son, Valentin, to some extent continued his father's administrative career: from 1524 to 1538 he was elected as councilor in Lviv.³²

Instead, from the last third of the sixteenth century, we have only references to individual burghers with this surname (it is difficult to clarify the nature of their relationship). Thus, in 1571, Maciej Gibel and his wife Dorothea, Martin's brother, acknowledged their debt to their nephew Wojciech, who had renovated a house in the Galician suburbs for his share.³³ In 1582, a certain Paweł Giblowicz from Lviv married a girl named Barbara Penczura in the cathedral church.³⁴ So here we are dealing with another case when the family remains in the city but ceases to be part of its elite. The members of this family increasingly fade into the background, the descendants of once famous councilor don't even enter the ranks of alderman, selling the real estate purchased by their parents, they move to poorer and more neglected streets and suburbs.

A representative of the extinct elite of the second half of the 15th century can also be considered Augustyn Bruch (Bruges),³⁵ a Wrocław burgher who was a long-time Lviv alderman and councilor in 1471–1472. His wife was Sofia Augustinova, who remained a widow for quite a long time, mentioned as late as 1504.³⁶ However, nothing is known about the children of this couple. We assume that the line ended with him.

Moving on to the next period, we can speak of a "different time" of changes in the city council, as was the case in other cities in Poland.³⁷ For example, at the end of the fifteenth century, Kraków already had a well-established council of eight members, which, having defeated all civic rebellions, took control of the community. In Lviv, such a crisis occurred only in the 1520s. This long break between the end of the fourteenth and the beginning of the sixteenth century is characterized by the development of the bureaucratic apparatus accompanying the city hall, the governing structure, and the increase in the number of councilors (in this period we already have 93 councilors), including those of local origin (Tyczka, Burza, Mużyło, etc.).³⁸

The structure of power in the sixteenth century, until 1519, consisted of six standing councilors and an unknown number of so-called “old councilors” (*rajcomie starzy*). After the 1519 introduction of the lifelong occupancy of magistracies by the councilors, the group of councilors counted twelve people until the end of the period discussed here, and consisted of two councils. Within a year, since this was the timespan for the term of office, the first council consisted of six men forming the “on-duty council,” and the second was the so-called “old council.” The Lviv councilors were a group of people who distinguished themselves from the other inhabitants by their similar activities, economic significance in the city, vast wealth, and social exclusiveness. Drawing on the analyses of Olga Hul, we have data on the lives and activities of 80 people, members of the city council, coming from 60 families. It is worth mentioning that 44 people from this group obtained the office of councilor without having any ancestors in this magistracy. In contrast, only the representatives of 5 families (from the 60 that were researched) had representatives in the city council for three generations, 12 families were councilors for two generations, while the remaining 43 families were represented in the council only for one generation.³⁹

There were situations, similarly to the fifteenth century, when a family began to appear in historical sources under a different surname, which was also noted by Hul. Thus, the ancient family of the Tempels transferred their estates through the last representative, Dorothy, to her relative, councilor Mikołaj Tyczka.⁴⁰ The members of the power elite usually had prestigious professions in the city, allowing them to amass huge fortunes throughout their lives. The Lviv power elite of the sixteenth century was interlinked by numerous kinship relations and affinities. Often enough, the appropriate marriage with the daughter of a councilor or a juror, or their widows, simplified access into the ranks of this social group, or enhanced the earlier achieved position. Even though most of the representatives of the power elite were from Lviv, 18 councilors came from a group of newcomers to this city. The members of the Lviv elites had numerous connections with the cities of the Polish Commonwealth and Central-Eastern Europe. They sought to obtain a higher education, and the majority attended courses at the University of Kraków. Thus, the interesting phenomenon of “intelligence of the ruling class” can be observed. Since Lviv had no university, many of its youth, members of the ruling elite, went abroad for their education, but returned to their hometown with a set of skills and the maturity needed for office in the urban government. The migration to Lviv of certain professionals, such as lawyers, notaries, writers, schoolteachers, can be traced, which undoubtedly had an impact on the formation of the intellectual elite of Lviv. They became part of the group ruling the city during the first decades of the sixteenth century.

Looking at what professions shaped the urban elite of Lviv, we see that it was represented by wealthy merchants, and rarely by rich craftsmen (goldsmiths, swordsmiths, or butchers). However, compared with other European cities, the lack of large capital and financial turnover on a large scale, perhaps for reasons of commercial risks, is noticeable in the eastern trade. A relatively secure capital investment, on the other hand, was the purchase of houses in the city or in the suburbs and landed estates. Having a title of nobility, however, was not within the aspirations of townspeople for a long time.

Conclusions

TRACING THE change of individual families in the elite of the city of Lviv during the long Middle Ages, based on the local historical sources, has enabled us to distinguish several temporal cycles and several common scenarios of accession into the echelons of power. The first route, albeit not sustainable for many families, as the examined cases reveal, was the presence for several centuries and an active participation in urban life. Among such families, we can mention the two or three generations: usually a rich merchant or banker who arrived in Lviv became the first to acquire high office, followed by his sons/son/son-in-law. Vivid examples of such families are the Gobels, the Cadens, the Lindners, and the Sholtys. The third scenario was the extinction of the family and the transfer of properties to side branches or to the city itself. Examples of this situation are the Eisenguttels or the Bruchs.

Various factors shaped the development of family stories. There were legal factors (i.e., inheritance of property), economic (such as the orientation and other types of trade, availability of capital), and organizational (the old council had a greater influence on the selection of new members). Therefore, it would be hazardous to assume that the change in the elite in Lviv took place in a single direction. It depended on the history of a particular family whether it continued to be at the top or disappeared from the city records. □

Notes

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26. Lucja Charewiczowa, *Mieszczka lwowska XVI w. Zofia Hanłowa* (Zofia Hanłowa, a 16th-century Lviv townswoman) (Lviv: Pierwsza Związkowa Drukarnia, 1935), 24.
27. You can read about this family more in: Богдана Петришак, “Родина Гобелів (Гебелів) в інтелектуальному середовищі Львова періоду пізнього середньовіччя” (The Gobel (Gebel) family in the intellectual atmospheres in Lviv at the period of the late Middle Ages), *Архіви України* no. 5–6 (2015): 76–85.
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31. TsDIAUL, coll. 52, descr. 2, file 9, p. 260.
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35. In some records he was written as “Augustinus de Bruch”: Капраль і Петришак, *Расцька книга міста Львова*, 50.
36. Капраль і Петришак, *Расцька книга міста Львова*, 662.
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Abstract

Genealogy of the Lviv Elite's Families in the Late Middle Ages: The Question of the Change of Urban Elites

Lviv has always belonged to the category of great medieval cities, so we can apply the same theories of exchange elite as in cities such as Kraków, Vilnius, Poznań, and Gdansk. However, compared to these centers, Lviv shows particular social traits. The period analyzed in this study can be divided into two time periods: the first covers the fourteenth century and the first half of the fifteenth century, when the mobility of the group of Lviv officials is very high, and the second spans from the last decades of the fifteenth century to the beginning of the sixteenth century, when the combination of economic and political factors led to the formation of a new model of elite group. The number of councilors expanded to twelve (rather than six) and membership became lifelong. Such re-organization made the council of Lviv a closed oligarchic institution. Tracing various cases of family development in Lviv, we can understand that there are several most common scenarios.

Keywords

Lviv, genealogy, elite, councilor, alderman, advocatus

A Church-Building Community in Teiuş in the Second Half of the Sixteenth Century

EMŐKE GÁLFI

THE MARKET town of Teiuş/Tövis, located to the north of Alba Iulia/Gyulafehérvár, the seat of the Principality of Transylvania, played an important economic role on the territory of the princely estate established in the second half of the sixteenth century. Before the secularization of the possessions of the Catholic Church (1556), the settlement was part of the estate of the Diód Castle of the Balassa family, which Queen Isabella had allowed to remain in the possession of her follower Menyhárt Balassa, even after she returned from Poland to the country in 1556.¹

After Balassa switched sides (1561), King John II destroyed the castle of Diód and gave in donation the possessions of the castle,² and also most probably annexed Teiuş to the estate of Alba Iulia in 1562. In the title register written around 1560, Teiuş was not recorded as a possession in Alba/Fehér County;³ it only appeared in the 1587–89 register, where it was mentioned that it belonged to the Alba Iulia Court,⁴ therefore we can conclude that it was a princely possession.

During the Middle Ages, Teiuş became a market town, which was mostly due to its location on the trade route going north-west. As its charter from the year 1468 has been preserved, we know that Teiuş was included into the collective database of medieval Hungarian market towns, scoring 12 points based on its urban indicators. On the basis of this, it was ranked on the fifth level, that of partial-function market towns, of the seven levels set up by András Kubinyi.⁵ After 1556, this market town had to fulfil its role in the new Transylvanian state and within it on the estate of Alba Iulia, under new circumstances.

After the fall of the castles in the Banatul de Câmpie (Temesköz) region—Timișoara/Temesvár and Lipova/Lippa—in the mid-sixteenth century, a large number of Serbian (i.e., *rác* in Hungarian) and Romanian refugees moved to Teiuş, escaping from Ottoman domination. There are indications that the refugees were settled there by the Serbian lord Nikola Cserepovith/Crepović and Gianbattista Castaldo, the governor of Transylvania.⁶ As a military leader of the Serbs, Crepović had asked Castaldo already during the siege of

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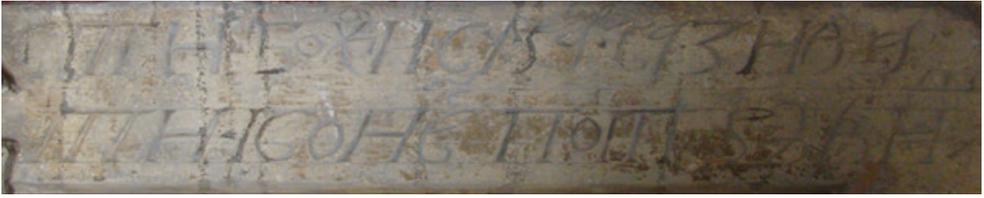


FIG. 1B. INSCRIPTION ON THE ENTRANCE LINTEL IN THE CHURCH OF TEIUȘ

Since there is a coat of arms in the middle of the inscription, which does not match the coat of arms of the person mentioned in the inscription, I asked my colleagues from Serbia, historians Neven Isailović (Institute of History, Belgrade) and Milena Davidović (Institute for Balkan Studies of the Serbian Academy), to decipher and re-translate the inscription:

Њ(К)О ПЛО(Д)ОРОДИ РАЦ(Ь) МИХАИ • МИЛОСТИЮ • БОЖИЮ • С(Ь) ХРАМЬ •
 САЗИДА
 ЗА ИМЕ • Г(ОСПОД)Ь • Б(ОГ)А • РЕЧ(Е) • Б(ОГ)Ь • ДА ПРОСТИ • КОИ ЕС(ТЬ)
 ПОТРУДИ(ВЬ)Ш(Ь)

ЊА(К)О ПЛО(D)ОРОДИ РАЦ(Ь) МИХАИ • МИЛОСТИЈУ • БОЏИЈУ • С(Ь)
 ХРАМЬ • САЗИДА
 ЗА ИМЕ • Г(ОСПОД)Ь • Б(ОГ)А • РЕЧЬ(Е) • Б(ОГ)Ь • ДА ПРОСТИ • КОИ
 ЕС(ТЬ) • ПОТРУДИ(ВЬ)ШЬ(Ь)

*I (/When) Plorodi/Plodorodi Rac Miha(i) built this church by the grace of God, in the name of Our Lord God. May the Lord forgive the one who invested himself (or: made the effort).*¹⁷

Before moving on to the reasons behind the confusing differences in the inscription, first we will introduce the person mentioned in it, Mihai Racz, to whom the first construction work on the church can be attributed.¹⁸ It is apparent that there are no major differences between the interpretations of Iorga, on the one hand, and those of Isailović and Davidović, on the other hand, except for Mihai Racz's nobiliary particle. He appears in the sources with the nobiliary particle *Pródi/de Prod*, as he and his family had their origins in Pród, a village near (Hajdú)Böszörmény, in the medieval county of Szabolcs, a territory under Ottoman occupation.¹⁹ In 1572, according to the Ottoman treasury *defters*, there were 18 heads of family living in Pród, most of whom (ten or eleven) were Serbs.²⁰ Another confirmation of the family's origins in Pród in Szabolcs County is the fact that they were related to Petru Racz of Dorog,²¹ and Dorog is also located near Böszörmény and Pród.

Probably, Mihai Racz was an experienced soldier under the command of both John II and Stephen Báthory and made his fortune with his sword. Giovan Andrea Gromo described him as a tried and tested soldier of John Sigismund in 1566, when he was one of the commanders of the king's personal guard and had over 300 horsemen in his unit.²² As a reward for his merits, John II left him a sword with a silver sheath and 100 gold pieces in his will.²³

In the light of his later career, we put forward that Mihai Racz was held in high regard among the Szekler soldiers, which is why, in a trial between Szekler noblemen, Stephen Báthory appointed him as a judge on 28 October 1571, alongside court master (*magister curiae*) Menyhárt Margay and councilor György Bánffy.²⁴ Racz accompanied Stephen Báthory to Poland, where he commanded 100 men as a captain in 1576, and was still in the king's army in 1581. After the siege of Pskov (Plescovia),²⁵ in reward for his faithful service and upon his intervention, on 16 October 1581 Stephen Báthory granted nobility to three of Mihai Racz's brothers: Ioan, Caspar and Ladislau, and granted them a coat of arms as a sign of their nobility (fig. 2 and fig. 3).²⁶ Mihai was already a nobleman by then.²⁷



FIG. 2. THE NOBILITY CHARTER OF STEPHEN BÁTHORY ON BEHALF OF THE RACZ BROTHERS

Meanwhile, he was captain of Várhegy castle in Transylvania from the spring of 1578²⁸ to the spring of 1580,²⁹ and probably held also the connected office of royal judge of the Szekler seats of Háromszék (Sepsi, Kézdi, Orbai), but evidence in this respect only exists from 1579.³⁰ For his services, Mihai Racz was granted a partial estate at Petreni in Hunedoara/Hunyad County,³¹ and in 1578 Christopher Báthory granted him one third of the tithes of the village of Jidvei/Zsitve in Târnava County, in perpetuity.³² In 1582, in his old age and in poor health, he complained that he had lost his eyesight, therefore he could not manage the estates gained through his services. Since he had no children, Mihai Racz sold his part of in the estate of Jedd/Livezeni (Iedu) in Mureş/Maros Seat to the prefect of Făgăraş castle, Kozma Petricević Horváth, for 1500 florins.³³ Mihai Racz appeared for the last time in sources in 1585 with the nobiliary particle *de Olábszűlvás*, when, having no descendants, he bequeathed his part in the estate of Nagylak/Noşlac, Alba County to his brother's daughter, Teodora.³⁴

After his death in Teiuş on 28 June 1589, Mihai's goods were divided into five parts by his relatives,³⁵ so that each of them received 110 florins' worth of minted gold coins, the same amount in cash, and various clothes. The document containing the division of

Mihai Racz's estate also reveals that original name of the family was Olaiosić. Nevertheless, unlike the rest of the family members, Mihai Racz seems to have been attached to Teiuș, because he ordered in his will that his silverware worth 150 florins should be used to build a Serbian stone church in town (*ad aedificationem delubrei Rasciani in eodem oppido Teowis lapidibus extracti*).³⁶ These are therefore the beginnings of the Orthodox (now Greek Catholic) church of Teiuș.³⁷ This document is also important for the history of the church because it indicates the starting date of the construction work. The expenses for the building of the church were certainly not covered by the sum left in Mihai Racz's will, therefore they had to be covered from other sources. This brings us to the coat of arms on the inscription in the church.



FIG. 3: DETAIL SHOWING THE COAT OF ARMS OF THE RACZ FAMILY

The coat of arms of the Racz family of Pród, as shown in figures 2 and 3, is a dagger rising from a crown with two naked crossed swords, but the inscription from Teiuș shows the coat of arms with an arm embowed in the shield, holding a sword that pierces the head of a Turk (Fig. 4). This is none other than the coat of arms of the Racz family of Gâlgău/Galgó,³⁸ whose first known member was Petru Racz of Teiuș. So, we have in fact an inscription which refers to Mihai Racz as the builder, and a coat of arms which belongs to a different family.



FIG. 4: COAT OF ARMS ON THE DOOR LINTEL IN THE CHURCH IN TEIUȘ

Apart from Mihai Racz, the literature lists Petru Racz and his wife, Zamfira Logofăt, as the ktetors and builders of the church. Petru Racz, who appears in sources as Petru Racz of Teiuș, was extraordinary envoy in 1575, 1581, 1588 and 1591, and permanent envoy (*kapitula*) to the Porte in 1587.³⁹ Several data indicate that because of his proficiency in many languages, Petru Racz was sent as an envoy to Moldavia in 1581, 1583 and 1585,⁴⁰ and in 1595 to Wallachia as well.⁴¹ The list of this missions is probably not complete, but the data on Petru Racz shows that throughout his life he was one of the diplomats to the East for the Báthory princes. The first donation we know he was granted came also in reward for his services in 1579, when Christopher Báthory donated to him a part of possession at Tăuți/Tóalja in Alba County for his activities as an envoy to the Porte.⁴² Since he was described as being around 35 years old during an interrogation in 1586, he must have been only 24 years old in 1575, when his first mission as a Transylvanian envoy was mentioned.⁴³ Petru Racz's possessions in Teiuș are first mentioned in a charter from 1583, when Sigismund Báthory gave him a two-wheeled mill on the Teiuș river, on the territory of the market town, as a reward for his faithful services at the Porte.⁴⁴ Some years later, before 6 July 1597, the prince took the mill back and returned it to the Franciscan monks whom he had called back to Teiuș in the meantime.⁴⁵ At the same time, Petru Racz was compensated with a quarter of the title of the Dobârca possession in the Saxon seat of Miercurea Sibiului for the rest of his life, without paying rent for it.⁴⁶ It is likely that Racz received his nobiliary land and house in Teiuș in 1587 for his services as a princely envoy.⁴⁷

His acquisitions indicate that Petru Racz was in close contact with the princely envoys at the Porte. In 1585, Ilona Csuka, widow of the late Miklós Kusdi of Ciugud,⁴⁸ also of Serbian origin and also an envoy at the Porte till the end of his life, mortgaged her part of the Henig possession to Petru Racz for 500 florins.⁴⁹ At that time, Petru Racz was already married to the daughter of Ivan/Ioan Logofăt de Pitești,⁵⁰ Zamfira. The family of Ivan Logofăt was of noble extraction and is well-known in Romanian historiography.⁵¹ Nevertheless, the family's history was researched only until 1600, although two of Ivan Logofăt's daughters, Velica and Zamfira, lived well into the seventeenth century. Ivan Logofăt's wife, Stanca, was the daughter of Wallachian Voivode Mircea the Shepherd (*Ciobanul*), while he was the chancellor of Peter the Younger before his exile to Transylvania.⁵² Ivan Logofăt is also known to have converted to Catholicism towards the end of his life (he was already dead before 7 June 1599),⁵³ having been entrusted by Sigismund Báthory to convert Wallachia to Catholicism. Logofăt married off his other daughter Velica to a Catholic nobleman, Fabio Genga.⁵⁴ In the light of this familial context, Zamfira's role in the building of the church of Teiuș becomes all the more interesting.

Around 1580,⁵⁵ however, Ivan Logofăt was certainly still Orthodox, since an inquiry from 1585⁵⁶ shows that Bishop Ghenadie was living in his house in Sebeș/Szászsebes at the time, and that he had received valuable relics from Zamfira, daughter of the late Voivode Moses of Wallachia. Moreover, the witnesses told that the daughter of Voivode Moses had given an icon to Ivan Logofăt's daughter, Zamfira, which they described as a foldable winged altar.⁵⁷ The interrogation also sheds light on the close contact between the envoys to the Porte,⁵⁸ since the story told here claimed that Zamfira, the daughter of Voivode Moses, Ivan Logofăt and his entire family,⁵⁹ Petru Racz presumably included, all attended the wedding of Miklós Kusdi at Ciugud (who had died since), held before 1580. The daughter of Voivode Moses even gave a small mantle (*mentéske*) as a gift to Zamfira

Logofăt,⁶⁰ one that she had worn at the wedding. The description of the piece of clothing suggests that Zamfira must have been young at the time, almost a child.⁶¹

Returning to the estates acquired by Petru Racz, it is important to note that the first source about his possessions at Gâlgău in Inner Solnoc County comes from 1585,⁶² when his son Ádám built a house most likely after the turmoil of the Fifteen Years War. The place gave the family's nobiliary particle: Racz of Galgó, or Racz de Galgo. In 1588, as a further reward for Petru Racz's services as an envoy, Sigismund Báthory granted him half of the estate of Odverem/Vadverem in Alba County.⁶³ An interesting detail about the donation is that the other half of the estate was inherited by the second husband of Zamfira, Ioan Bálintitt, as a paternal inheritance. Because of his duties at the princely court, Petru Racz had to spend time in the Transylvanian capital every once in a while, so he also owned a house on Vinc Street in Alba Iulia.⁶⁴ He managed to expand his estate in Gâlgău in 1591 by exchanging his share of the Tăuți property for the prince's share in Gâlgău. The last time he appeared in the sources as being alive was in 1597, but on 7 June 1599, before the battle of Șelimbăr, both he and his father-in-law were already mentioned in the sources as "the late."⁶⁵

His widow, Zamfira, married again some time before May 1602, but not later than 1601, since in May 1602 she had already had a daughter named Eva with her second husband.⁶⁶ Her second husband was the abovementioned János Bálintitt, a Serbian native whose father, Teodor Bálintitt, was also an envoy to the Porte in the 1560s and 1570s.⁶⁷ The Fifteen Years' War left its mark on the life of the family as well. In 1602, Zamfira claimed that she had spent 3000 florins of her husband's money for her own needs, which she could not pay back. Therefore, she pledged to her husband, János Bálintitt, half of her paternal possessions in Târlîșua/Kisilosva in Inner Solnoc County and in Cetea and Tăuți in Alba County for 1500 florins, possessions bought with her own money from her brother and sister. In the event of the death of her son, Adam Racz, without descendants, she pledged the remainder of the said possession together with its benefits and accessories, for 3000 florins. Out of her love for her daughter Eva Bálintitt, born to the second husband, she pledged the other part of her property in Cetea to her for 700 florins.⁶⁸ On the same day, according to another deed, Adam Racz and János Bálintitt mutually pledged their estates to each other.⁶⁹ It should be noted here that Zamfira redeemed the share from Târlîșua from her late brother Petru, and her share of Cetea first from Petru and then from her sister Velica.⁷⁰ Later records (1614 and 1616) show that the family managed to keep their possessions in Cetea, Odverem, Târlîșua, and Teiuș, although they had also suffered heavy losses during the war.⁷¹ In a charter dated 1616, Zamfira claimed that she had suffered a great loss of property as a result of the war and destruction of Transylvania: her valuables, which she had moved to Sebeș, were destroyed by the soldiers of Voivode Michael, while her goods taken to Cluj/Kolozsvár were destroyed by the plundering troops of Giorgio Basta. Her current husband, however, not only protected the estates of her late husband, Petru Racz, at his own expense, but also, out of sincere conjugal love, gave a share of his own estates to her son from her previous marriage, Adam Racz.⁷² In January 1617, Zamfira claimed that, because of the perilous times, she could not get hold of her late father's possessions in Wallachia, bequeathed in his testament.⁷³ At the same time, Zamfira also inherited the assets of her younger sister, Velica Logofăt,⁷⁴ who had died a couple of days before, but due to the long distance, the difficulty of the journey and her fe-

male feebleness, she was unable to get hold of these personally. Consequently, Zamfira authorized her husband, János Bálintitt, to recover the movable and immovable Wallachian properties inherited from her father and younger sister.⁷⁵ In 1628, both spouses were still alive, and in addition to Adam Racz, Zamfira had three more children by her second husband, two daughters, Eva and Zsuzsanna, and a son, György.⁷⁶ She made her will on 17 December 1638.⁷⁷ Although there were many wills written in Hungarian during this period, this one was written in Latin, so we can assume that Zamfira's will was originally written in Romanian or Serbian. Being a widow after her second husband at that time, in old age and poor health, but with a clear mind, Zamfira bequeathed her property and possessions to her children as follows: the entire estate of Târlișua, which she had bought from her beloved brother, the late Petru Logofăt, for 600 Hungarian florins, was bequeathed to her son György Bálintitt and her daughter Zsuzsanna Bálintitt, widow of the late Márton of Szombathely, but in such a manner that György and Zsuzsanna had to pay half the value of the estate, which amounts to 300 forints, to their brother Adam Racz and sister Eva Bálintitt. Should they both die without heirs, the estate would be inherited by Adam Racz and Eva Bálintitt. The share in the Cetea estate, which she had inherited from her father, and a part of which she had bought from her younger sister Velica Logofăt, she ordered to be divided equally among her four children. Zamfira did not leave it unsaid that she gave Adam Racz his due share of all her belongings, even a little more than to her other children. She ordered that if any of her children failed to act according to her last will or broke it, they should be deprived of their share of both estates mentioned. She stipulated that her children could not sell the possessions left to them without each other's knowledge. Zamfira probably died shortly afterwards, as she was no longer alive in 1643.⁷⁸ She was buried next to her first husband in the church she had patronized in Teiuș.

To conclude, the research presented in this study has reexamined the inscriptions and the coat of arms found in the (now Greek Catholic) church of Teiuș. Based on extant Transylvanian archival material, our investigation has shown that the coat of arms of the ktetor mentioned by name in the inscription was not identical with the coat of arms on the plate of the same inscription on the church door lintel. The differences in the layout of the two coats of arms clearly indicate that we are dealing with two separate families. Since the inscription bears the name of Mihai Racz of Pród, the most likely version is that the building of the church was started around 1589 with the money that Mihai Racz of Pród had left for this purpose in his will, and was completed by 1599 thanks to Petru Racz of Teiuș and his wife, Zamfira Logofăt. Since the coat of arms of the Bálintitt family, whose member János was Zamfira's second husband, does not exist in the church, we can assume based on our current knowledge that the church must have been finished by 1599, at the time of the death of Péter Rác, all the more so since he was buried there. Thus, the two main patrons of this church were these two unrelated families, the Racz of Pród and the Racz of Teiuș, who nevertheless had a similar background and careers.



Notes

1. Emőke Gálfi, *Gyulafehérvár és uradalma a 16. század második felében* (Alba Iulia and its estate in the second half of the 16th century) (Erdélyi Tudományos Füzetek 295) (Cluj-Napoca: Erdélyi Múzeum-Egyesület, 2021), 117–118.
2. E.g., the possession of Cetea/Csáklya or Meșcreac/Meggykerék in 1562. Serviciul Județean al Arhivelor Naționale (The National Archives of Romania) (SJAN) Cluj. Fond familial Bálintitt (Archive of the Bálintitt family), no. 31., 85.
3. SJAN Sibiu. Episcopia Bisericii Evanghelice C. A. din Transilvania. Colecția de documente episcopale. (Bishopric of the Transylvanian Lutheran Church A. C. Collection of episcopal documents.) No. 173.
4. Zsigmond Jakó, *Adatok a dézsma fejedelemségkori adminisztrációjához* (Data on the administration of the tithe in the age of the Principality) (Cluj-Napoca: Erdélyi Múzeum-Egyesület, 1945), 24.
5. András Kubinyi, *Városfejlődés és vásárhálózat a középkori Alföldön és az Alföld szélén* (Urban development and fair networks in medieval Alföld and the borders of Alföld), (Dél-alföldi évszázadok 14), (Szeged: Csongrád Megyei Levéltár, 2000), 15.; Bálint Lakatos, *Mezővárosi oklevelek. Települési önkormányzat és írásbeliség a késő középkori Magyarországon, 1301–1526.* (Charters from the market towns. The self-government of settlements and literacy in Late Medieval Hungary, 1301–1526) (Budapest: Bölcsészettudományi Kutatóközpont Történettudományi Intézet, 2019), 14, 609.
6. Nikola Crepović was one of the main military leaders of the Serbs living in the Temesköz area from around 1542 to the fall of Temesvár and Lippa (the summer of 1552). His epitaph calls him *capitaneus Alfeldensis*. After the return of Queen Isabella, he was a councillor probably until his death (1556–1562), in 1559 he was Ban of Lugoj and Caransebeș. Nenad Lamajić, “The Serbian Population of the Banat and the Western Mureș Basin in the 15th and 16th Centuries (and its Local and Military Leaders),” in *The Cultural and Historical Heritage of Vojvodina in the Context of Classical and Medieval Studies* Novi Sad (2015): 212–213. Adrian Magina: *Nikola Crepović. A Serbian Nobleman and His Family in 16th-Century Transylvania.* ИСТОРИЈСКИ ЧАСОПИС, КЊ. LXXII (2023): 320–329. Florin Nicolae Ardelean, “Foreign Mercenaries and Early Modern Military Innovations in East Central Europe. The Army of Castaldo in Transylvania and the Banat 1551–1553,” in *Mozgó Frontvonalak. Háború és diplomácia a várháborúk időszakában 1552–1568.* (Moving frontlines. War and diplomacy in the time of castle wars, 1552–1568.) (Studia Agriensia 35), edited by Györgyi Bujdos Pap, Ingrid Fejér, H. Ágota Szilasi (Eger: Dobó István Vármúzeum, 2017), 119.
7. 8 July 1552. “Nicolaus Cherepwith mihi scribit circa duo rascianorum millia cum ux-
oribus et familiis servasse et versus Lippam duxisse, ubi munitionem arcis non parum
adiuvant, *pro quibus petit aliquem locum in regno isto ubi habitare possunt.*” Österreichisches
Staatsarchiv (=ÖStA), Hungarica, Fasc. 66. Konv. A. f. 58.v. Conf. Magina, “Crepović,”
326.
8. He claimed the number of fleeing Serbs with their wives and children was around 100000 (centum mille), escaping in 13000 carts. ÖStA, Hungarica, Fasc. 66. Konv. B. f. 23–24. Contemporary sources from this period attest to the large-scale flight not only of the Serbian inhabitants, but of the Southern Slavic population in general. Florin Nicolae Ardelean and Neven Isailović, “From Croatia to Transylvania: War, Migration,

- and Adaptive Strategies in the Case of the Perušić Family (15th-17th Centuries)” *Povijesni prilozi*, no. 60 (2021): 213–256.
9. Emőke Gálfi, “A gyulafehérvári Lippa fertály és a lippai menekültek a 16. század közepén (The Lipova district of Alba Iulia and refugees from Lipova in the mid-16th century),” in *Testimonio litterarum*, edited by Veronka Dáné, Mária Lupescu Makó and Gábor Sipos (Cluj-Napoca: Erdélyi Múzeum-Egyesület, 2016), 143–150.
 10. *Az erdélyi káptalan jegyzőkönyvei 1222–1599* (Protocols of the Transylvanian Chapter 1222–1599), (Erdélyi Történelmi Adatok VIII. 1.) (= ErdKapJkv VIII. 1.), published in excerpts with indexes and annotations by Zsolt Bogdándi and Emőke Gálfi, (Cluj-Napoca: Erdélyi Múzeum-Egyesület, 2006) 1. no. 850, 818, 842; *Az erdélyi káptalan jegyzőkönyvei 1600–1613* (Protocols of the Transylvanian Chapter 1600–1613), (Erdélyi Történelmi Adatok VIII. 2.) (= ErdKápJkv VIII. 2.), published as excerpts with indexes and annotations by Emőke Gálfi (Cluj-Napoca: Erdélyi Múzeum-Egyesület, 2016) no. 227; Magyar Nemzeti Levéltár Országos Levéltára (The National Archive of Hungary=MNL OL) Protocolla (F 2) III, 211–213.
 11. *Az erdélyi fejedelmek Királyi Könyvei I. Báthory Zsigmond Királyi Könyvei (1582–1602)* (Royal Books of Transylvanian Princes I. The Royal Books of Zsigmond Báthory). (Erdélyi Történelmi Adatok. VII. 3.) (=ErdKirKv VII. 3.), published as excerpts with indexes and annotations by Fejér Tamás, Rácz Etelka, Szász Anikó (Cluj-Napoca: Erdélyi Múzeum-Egyesület, 2005) no. 1336, MNL OL Protocolla (F 2.) V, 343.
 12. A few examples of Serbian families living in Teiuș: Ivancović (Iwankowit), Racz/Olaisiőc (Olaisiőth), Racz/Zteoliőc (Zteolyt), ErdKápJkv VIII. 1. no. 275, 390, 520, 647, 649, 818, 854; ErdKirKv VII. 3. no. 676, 1207, 1222–23, 1225.
 13. Ardelean, “Foreign Mercenaries,” 118–120; Magina, “Nikola Crepoviőc,” 320–329; Lamajiőc, “The Serbian Population,” 210–216.
 14. Klára Jakó, “Mihály vajda magyar secretariusairól (On the Hungarian secretaries of Voivode Mihai),” *Erdélyi Múzeum* 77, 1 (2015): 116–124; Klára Jakó, “Sources and officials of the Transylvanian Principality’s Eastern foreign policy in the Báthory-era,” forthcoming.
 15. Ileana Burnichioiu, *Biserici parohiale și capele private din comitatele Alba și Hunedoara 1200–1550* (Parish churches and private chapels in Alba and Hunedoara Counties), (Cluj-Napoca: Mega, 2018), 278.
 16. Nicolae Iorga, *Scrisori și inscripții ardelenene și maramureșene II. Inscriptii și insemnări* (Letters and inscriptions from Transylvanian and Maramureș II. Inscriptions and notes), (Studii și documente cu privire la istoria Românilor XIII., Studies and Documents on Romanian History XIII.) (Bucharest, 1906), 192.
 17. The transcription and English translation of the inscription is the work of Neven Isailović and Milena Davidović, for which I am thankful.
 18. More on him in Emőke Gálfi, “Báthory István kísérete 1572. évi szászöldi látogatása idején. (Egy fölöttébb szükséges kora újkori archontológia margójára) (Stephen Báthory’s entourage during his visit to the Saxon towns in 1572. Towards a much-needed early modern archontology),” *Erdélyi Múzeum* 86, 1 (2024): 79–80.
 19. Today Hajdú-Bihar County.
 20. István Győrffy, *Hajdúböszörmény települése* (The settlement of Hajdúböszörmény), (Szeged: Szegedi Városi Nyomda és Könyvkiadó, 1927), 6.
 21. ErdKápJkv VIII. 1. no. 828.

22. Giovan Andrea Gromo, *Compendium di tutto il regno posseduto dal re Giovanni Transilvano et di tutte le cose notabili d'esso regno* [Descrierea mai amplă a Transilvaniei (Broader description of Transylvania)], in *Călători străini despre țările române* (Foreign travellers about the Romanian countries), vol. II, edited by Maria Holban, (Bucharest: Editura Științifică, 1970), 368.
23. Gusztáv Heckenast, “János Zsigmond végrendelete (1567) (The last will of John Sigismund [1567]),” *Keresztény Magvető* 111. 4 (2005): 323.
24. Károly Szabó, ed., *Szekely oklevéltár* (Charter collection of the Szeklers), vol. III. (Cluj-Napoca: A Magyar Történelmi Társulat Kolozsvári Bizottsága, 1890), no. 655.
25. Today Pskov (Псков), Russian Federation.
26. Description of the coat of arms: “Scutum videlicet triangulare coelestini coloris in cuius ima parte corona regium decus gemmis unionibusque ornata conspicitur, per quam mediam mucro capulotenus transacta eminet, mucronique duo gladii incurvi nudi transversim positi cohaerent.”
27. MNL OL, Kolozsmonostori Konvent Országos Levéltára (The Archive of the Convent of Cluj-Mănăstur), Protocolla, libri regii et stylionaria (F 15), Protocollum (maius) Balthasari Rakosi III. 1694–1717, 409–410. and MNL OL, Kolozsmonostori Konvent Országos Levéltára (The Archive of the Convent of Cluj-Mănăstur), Armales (F 21) R. no. 2. <https://adatbazisokonline.mnl.gov.hu/imgview/cimereslevel-adatbazis/3042/1> and <https://adatbazisokonline.mnl.gov.hu/imgview/cimereslevel-adatbazis/3042/4>
28. In March 1578, the captain of Várhegy was János Cseffey, but on 15 May it was already Mihai Racz. Károly Szabó, ed., *Szekely oklevéltár* (Charter collection of the Szeklers), vol. IV. (Cluj-Napoca: A Székely Történelmi Pályadíj-alap Felügyelő Bizottsága, 1895) no. 698–699.
29. Lajos Szádeczky, ed., *Székely oklevéltár* (Charter collection of the Szeklers), vol. V. (hereinafter SzOkl V.) (Cluj-Napoca: A Székely Történelmi Pályadíj-alap Felügyelő Bizottsága, 1896) no. 979.
30. SzOkl V. no. 977.
31. SJAN Cluj, Fond familial Barcsay (Archive of the Barcsay family), no. B. 15.
32. Elek Jakab, “Kocsárdi Gálffy János és a Báthorik (János Gálffy of Kocsárd and the Báthoris),” *Századok* 29. (1895): 790.
33. SJAN Cluj, Colecția de documente, cu peceti atârnată (Document collection with pendant seals), Series 1, no. 25.
34. ErdKÁP]kv VIII. 1.doc. no. 412.
35. ErdKÁP]kv VIII. 1. doc. no. 649.
36. ErdKÁP]kv VIII. 1. doc. no. 649.
37. For the construction history of the church, see I. Burnichioiu, *Biserici parohiale*, 277–278.
38. Siebmacher’s großes und allgemeines Wappenbuch, Bd. 4 (Habsburgermonarchie), 12. Abt. Der Adel von Siebenbürgen, (Nürnberg, 1898), 210 ff. Taf. 147.
39. Vencel Biró, *Erdély követei a portán* (Transylvanian envoys at the Porte) (Cluj-Kolozsvár: Minerva Irodalmi és Nyomdai Müintézet Részvénytársaság, 1921) 115.
40. Eudoxiu Hurmuzaki, ed., *Documente privitoare la Istoria românilor* (Documents regarding the history of Romanians), vol. XI. (= Hurmuzaki, *Documente* XI.) (Bucharest, 1900), 821, 826, 830. See Gorgeta Totoiu, “Rolul Logofătului Ivan Noroccea în viața politică a Țărilor Române în a doua jumătate a sec. al XVI-lea (The Role of Logofăt Ivan Noroccea

- in the political life of the Romanian Principalities in the second half of the 16th century),” *Studii – Revistă de istorie* 16, 2 (1963): 418.
41. SJAN Cluj. Colecția generală. Series I. -ANR, II. Documente, no. 196.
42. “(...) attentis et consideratis fidelitate et fidelibus serviciis egregii Petri Racz, aulae nostrae familiaris quae ipse nobis et huic regno in obeundis legationibus ad excelsam portam potentissimi Imperatoris Turcarum (...)” SJAN Cluj, Fond familial Balintitt (Archive of the Balintitt family), no. 80.
43. For this reason, he is definitely not the Petru Racz who was mentioned in 1557 as an envoy sent to Pătrașcu the Good. Hurmuzaki, *Documente* XI, 867, 869. Conf. Totoiu, “Rolul Logofătului,” 418.
44. SJAN Cluj, Fond familial Balintitt, no. 80, 103. ErdKirKv VII. 3. 297.
45. The Franciscans were chased away again in 1610, when they lost the monastery in Teiuș. Szilágyi Sándor, ed., *Erdélyi országgyűlési emlékek: Monumenta comitialia regni Transsylvaniae*, vol VI. (Budapest: Magyar Tudományos Akadémia, 1880) 34, 170–173.
46. SJAN Cluj, Fond familial Balintitt, no. 173.
47. Balázs Orbán, “Tövis és környéke” (Teiuș and its surroundings), *Századok* 20. (1886): 311.
48. In 1584 Nicolae Kusdi received a donation from Sigismund Báthory as a reward for his services as envoy to the Porte, and he was certainly related to the Serbian diplomat mentioned by the name Gheorghe Guzdsi, who was also an envoy to the Porte in the service of George Martinuzzi. ErdKirKv VII. 3. 519.; Bartha Gábor, *Vájon kié az ország?* (Who does the country belong to?) (Budapest: Helikon, 1988) 121.
49. ErdKápJkv VIII. 1. 409.
50. The literature refers to him as Ivan/Ioan Noroceca de Pitesti, but the Transylvanian sources mention him as Ioan Logofăt de Pitesti or de Szaszsebes (Sebeș). E.g.: SJAN Cluj, Col. cu peceți atârnate. Series I. ANO. No. 5–6.; SJAN. Cluj. Fond fam. Balintitt, no. 186.
51. A not comprehensive list: Ștefan Meteș, *Satul ardelean Cetea și logofătul Ioan Noroceca din Pitești* (The Transylvanian village of Cetea and the Logofăt Ioan Noroceca of Pitești), (Cluj, 1933), 4–42.; Totoiu, “Rolul Logofătului,” 409–428; Dorel Țuinea, “Dregători și dregătorii. Evoluția componenței sfatului domnesc al Țării Românești în timpul domniei lui Mihai Viteazul” (Court offices. The evolution of the composition of the Princely Council of Wallachia during the reign of Michael the Brave), *Revista Istorică*, serie nouă, tomul 28, 5–6. (2017): 425–427; Ștefan Andreescu, “Boierii lui Mihai Viteazul” (Michael the Brave’s Boyars), *Studii și materiale de istorie medie* 12 (1994): 69–71; Radu Mărza, “Public și privat la sfârșitul secolului al XVI-lea. Logofătul Ivan Noroceca și fiica sa Velica – contemporanii lui Mihai Viteazul” (The public and the private at the end of the 16th century. Logofăt Ivan Noroceca and his daughter Velica – contemporaries of Michael the Brave), in *Studii de istoria Transilvaniei. Omagiu profesorului Pompiliu Teodor* (Studies on the history of Transylvania. Festschrift for Professor Pompiliu Teodor), edited by Valentin Orga and Ionuț Costea, (Cluj-Napoca: Accent, 2000), 301–304; Andrei Kovács, “Date privind viața Zamfirei, fiica lui Moise-vodă” (Data on the life of Zamfira, daughter of Voivode Moise), *Anuarul Institutului de Istorie și Arheologie*, 27 (1986): 352.
52. SJAN Cluj, Colecția cu peceți atârnate. Series I. ANR, no. 6.; MNL OL Protocolla (F 2.) V. 143–144.
53. SJAN Cluj, Fond fam. Balintitt, no. 186.

54. Mârza, “Public și privat”, 303-304.
55. The date was established based on the death of Zamfira, the daughter of Voivode Moses. Ioan Pușcariu, “Două Zamfire domnițe române din secolul XVI. trecute în Transilvania” (Two Romanian princesses named Zamfira in the 16th century who moved to Transylvania), *Analele Academiei Române*, Series II. Tome 29 (1906–1907): 588–589; Kovács, “Date privind viața Zamfirei,” 349, 353, 355.
56. ErdKÁPJkv. VIII. 1. 417; Kovács, “Date privind viața Zamfirei,” 349–374.
57. Kovács, “Date privind viața Zamfirei,” 352.
58. Klára Jakó: *Sources and Officials*.
59. Ioan Pușcariu discusses the two aristocratic ladies separately from each other, in parallel. Pușcariu, “Două Zamfire,” 587–592.
60. ErdKÁPJkv VIII. 1, 417.
61. Probably Péter Rácz was Zamfira’s first husband, whom she probably married at around 14 years of age, as was customary at the time. Our first evidence of this is from 1585, so at this point Zamfira could have been 14 or somewhat older. Based on these calculations, in 1579 or 1580 she was at least eight years old, or a little older, which corresponds to the small size of the piece of clothing described in the source. On the early marriage of girls, see *Werbőczy István Hármaskönyve (Tripartitum)* (Werbőczy István’s Hármaskönyv [Tripartitum]), trans. and ed. Sándor Kolosvári and Kelemen Óvári (Budapest, 1897), Partis I. Tit. 111, 194–96; Zsuzsanna J. Újvári, “Polgári szokások és erkölcs a 16–17. századi Magyarországon” (Townsppeople’s customs and morals in 16th-17th century Hungary), in *Amor, álom és mámor* (Cupid, dreams and pleasure), edited by Géza Szentmártoni Szabó (Budapest: Universitas, 2002), 71, 80–81.
62. SJAN Cluj, Fond fam Kornis I, Documente medievale (Archive of the Kornis family I, Medieval documents), no. 219.
63. ErdKirKv VII. 3, 783.
64. ErdKirKv VII. 3, 1219; ErdKÁPJkv VIII. 1, 755.
65. SJAN. Cluj, Fond fam. Balintitt, no. 186.
66. 4 May 1602. ErdKirKv VII. 3. 1926.
67. SJAN. Cluj, Fond fam. Balintitt, no. 42., 50; Klára Jakó: *Sources and Officials*.
68. ErdKirKv VII. 3. 1626.
69. ErdKirKv VII. 3. 1627.
70. SJAN Cluj, Fond fam. Balintitt, no. 186.
71. MNL OL Protocolla (F 2.) V, 91.
72. MNL OL Protocolla (F 2.) V, 109–110.
73. MNL OL Protocolla (F 2.) V, 143–144.
74. The meaning of Velica’s name is ‘great,’ although she was Zamfira’s younger, not older sister, as emphasized in the document: “soror sua quaedam minor natu generosa Velika Logofeth”. MNL OL Protocolla (F 2.) V. 143.
75. Although Zamfira was the granddaughter of Mircea Ciobanul, she called herself in the charter the daughter of the late Ioan Logofeth, chancellor of the late Petru, son of the late Voivode Mircea of Wallachia, probably because she held estates inherited from her father: “Generosa domina Zamphira Logofeth, filia generosi quondam Joannis Logofeth, alias tempore illustrissimi quondam Petri, filii olim Myrceze vaivodae Transalpinensis summi in regno Transalpinensi cancellarii.” MNL OL Protocolla (F 2.) V, 143.
76. MNL OL Protocolla (F 2.) VI, 80. v.

77. MNL OL Protocolla (F 2.) XI, 29v.-30v.

78. MNL OL Protocolla (F 2.) IX. 150r-v.

Abstract

A Church-Building Community in Teiuș in the Second Half of the Sixteenth Century

After the fall of Timișoara and the surrender of Lipova in 1552, many refugees arrived in Transylvania from Banat. The refugees were a mixture of Serbs, Romanians and Hungarians, who settled mainly in southern Transylvania. The market town of Teiuș was one of the host settlements, and the Serbian- and Romanian-speaking population became the majority in Teiuș. This community, owing to its size and its leaders who faithfully served the princes of Transylvania, managed to build an Orthodox church in Teiuș by the end of the sixteenth century. The study presents the ktetors of the church and clarifies the erroneous information on the noble families who patronized the building of the place of worship.

Keywords

market town, Teiuș, ktetors, Serbian nobility, Romanian nobility, Transylvania

The Convent of Cluj-Mănăştur in the Second Half of the Sixteenth Century and the Remarkable Career of One of its Archivists

BOGDÁNDI ZSOLT

FOLLOWING THE return of Queen Isabella and her son from Poland to Transylvania in the autumn of 1556, it became apparent that the political setup previously considered temporary would endure for an extended period. Consequently, the institutional foundations of the new administration needed to be established:¹ that was the moment when the organization of a new state, later to be known as the Principality of Transylvania, had begun. This reorganization clearly followed medieval models, applying the traditions of the former medieval Hungarian court to the realities of the Transylvanian society of the mid-sixteenth century.

The places of authentication that functioned under the jurisdiction of the elected king John Sigismund, i.e., the chapters of Alba Iulia and Oradea and the Convent of Cluj-Mănăştur, underwent a particular transformation in the mid-sixteenth century.² After several attempts at their reorganization and mostly as a consequence of the secularization of the properties of the Catholic Church, a specific Transylvanian institution was created, that of the *requisitores* or letter-searchers. Their main task was to issue and keep legal documents, which were essential for the preservation of the privileges and domains of the nobility. Following this reorganization, the Convent of Cluj-Mănăştur once again became one of the most important institutions for issuing charters in Transylvania, alongside the princely chancellery and the places of authentication in Alba Iulia and Oradea. The location of these institutions influenced their activity of issuing and preserving charters. In the case of the Convent of Cluj-Mănăştur, its relocation to the town of Cluj gave it a more “urban” character as compared to its previous trait of being a typically noble institution.³ In this paper, I will show how this urban character was manifested in the functioning of the place of authentication, and how the urban community used this institution, reorganized on a secular basis, to promote its own interests. I will exemplify this particular relationship with the career of one of the appointed letter-searchers (*requisitores*) who lived in the main square of the town.

Following the Reformation that swept across Transylvania beginning with the 1520s, the sole function of the former Benedictine abbey of Cluj-Mănăştur deemed valuable,

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particularly to the nobility, was serving as a place of authentication. After 1556, the last notary of the Benedictine monastery, János Óvári, ensured the continuity of the issuing of documents until the establishment of the *requisitores* (1575).⁴ The Transylvanian estates, despite the changing times, tried to ensure the preservation and the use of the old archival material kept in the monastery's sacristy, which held an important part of their personal and familial privileges. The Diet of 1557 decided to entrust the archives of the Chapter of Alba Iulia and those of the Convent of Cluj-Mănăştur to trustworthy nobles who, in addition to the custody of the archives, were tasked with drawing up and issuing authentic copies of the documents. However, in the case of the Convent, the appointment of these noble letter-searchers did not take place. As an ad-hoc solution the Convent's archives from the sacristy of the church of Cluj-Mănăştur were assigned to the custody of the magistrate of Cluj until 1575. Thus, whenever documents kept in the archive were needed for a lawsuit or for any other reasons, the *mandatum (requisitoria)* for the letters was addressed to the town magistrate as "searchers of the letters kept in the sacristy of the monastery."⁵ Essentially, the royal free town took over part of the duties of the place of authentication by issuing these transcripts. In the period between 1560 and 1573, it was the notary of the Convent and of Cluj County János Óvári, accompanied by citizens of the town, who, following the letter-searcher mandate, went to Cluj-Mănăştur and searched for the requested document.⁶ Those in charge of carrying out the procedure unlocked and then locked again and sealed the door of the sacristy, copying on the spot the requested text on the back of the mandate or took the original with them and brought it to Cluj, where they issued the document in a transcript in the name of the town magistrate endorsed with the town's greater seal.

The place of authentication of the Convent was radically reorganized as a secular institution, with the Instructions issued in the autumn of 1575.⁷ The appointed three *requisitores* mainly performed the same tasks (recording transactions, performing the *statutiones* and *attestationes* and other legal tasks, issuing all kind of undertakings—*fassiones* that carried legal authority, registering the issued charters in the protocols) as the previous *loca credibilia*. Although the clergyman Bálint Somogyi was appointed head of the lay staff, the lay archivist-letter searchers in charge of preserving and issuing documents were all closely connected with the town of Cluj, considering that they were all ennobled citizens.

Since the Middle Ages, many of the educated inhabitants of Cluj were employed at the Benedictine abbey's *loca credibilia*, and a significant number of the notaries of the Convent also originated from the neighboring town.⁸ This tendency intensified after the secularization, especially after the relocation of the Convent's archives to the town, so that more than half of the known *requisitores* until the end of the seventeenth century were natives of Cluj and held at the same time important positions in the town government. We note that among the sixteenth century *requisitores*, Miklós Zalánkeményi came into office as notary of the town, and the conservator or the chief-requisitor Márton Kolozsvári, as well as Mátyás Kövendi, were all elected *centumpaters*, members of the greater town council.⁹

In addition to the fact that the *requisitores* became members of the urban community, the Convent's new location also contributed to its urban character. With the secularization, the monastery's buildings and estate became the property of the Transylvanian

treasury, and later came into the possession of different nobles. As a consequence, the archives of the Convent could no longer be kept in the sacristy of the church, as all the appointed requisitors lived within the town walls. It is highly probable that the relocation of the archives and, with it, of the place of authentication happened after the appointment of the new requisitors in June 1575. At that time, we can suppose that the archives were temporarily kept in the town hall in Cluj, and from then until the first part of the eighteenth century, the Convent archives had no permanent place of preservation in the town.¹⁰ This reality would explain the fact that in a document from 1648, the house on Farkas Street (today Str. Kogălniceanu) belonging to István Pálfi, who was conservator of the Convent in the mid-seventeenth century, served as the “sacristia” of the place of authentication (*domum... quae... pro sacristia sive conservatorio conventus Colosmonostrensis reputaretur*).¹¹ Clearly we can assume that the archives were kept in the same way in the earlier period. From the sporadic data at our disposal it seems that the Convent’s archive was divided into two categories: the current material was kept *domestice* by the archivists in their own houses, while the old archive was stored most likely in rented locations (e.g., in the mid-seventeenth century in the house of the orphans of protonotary István Kassai).

The change of location naturally had a significant impact on the activity of issuing charters. In the Middle Ages, if a nobleman wanted a document to be issued, he would go in person or send his servant to the abbey on Monastery Hill in Mănăștur. The situation, however, changed after 1575 following the reorganization of the place of authentication and the transfer of the Convent’s archive to the town. As the issuance of charters was entrusted to the requisitors who lived in their houses in different parts of Cluj, in order to obtain a document a person had to go to the home of the three archivists, where the letter-searcher in question would briefly write down the testimony, and the authentic charter could only be issued and sealed if at least two requisitors were present. If one of them was away—which could happen due to the increasing number of princely mandates to be executed—they could be replaced by citizens of Cluj. This happened, for example in the seventeenth century, when Miklós Váradi and Péter Huszár, citizens of the town, wrote down the will of Elisabeth Borsvai instead of the requisitors, who were busy in the service of the prince.¹² In addition to this example, we can also deduce from the petition of the conservator István Pálfi addressed to the prince in the mid-seventeenth century that there was no permanent *conventualis locus* in Cluj, and that the testimonies were recorded and the charters issued in the residences of the requisitors.¹³ More rarely, if the parties were unable to travel or were of high social standing, the letter-searchers themselves traveled to record their testimony. In 1601, for example, the Convent’s archivists (*requisitores*) János Kibédi and Mátyás Kövendi went to the smaller church on the town’s main square and recorded the testimony of the estates assembled there in the Diet that János Gyerőfi had given an account before them of the expenses for the maintenance of the army.¹⁴ This example demonstrates that the new location of the place of authentication, the town of Cluj, also largely satisfied the needs of the interested individuals, i.e., the nobility who often gathered there during the diets or for the octave sessions of the judiciary. It should also be noted here that from the mid-sixteenth century onward, the nobility of the Cluj County held their congregations in town, too, and the judicial seat of the county court also functioned here.

As regards the relationship and attitude of the townspeople towards the institution moved within the walls of the town, we can observe how this change is reflected in the output of the requisitors, i.e., in the documentary material, in the protocols, and in the charters issued. We have already talked about the fact that Cluj provided both the location and the staff for the newly created institution, the appointed requisitors being at the same time citizens of the town as well as officials appointed and ennobled by the princes. Before the secularization, the citizens of Cluj rarely registered their testimonies concerning their possessions in the town or in the counties before the Convent. In addition to the town law, Werbőczy's *Tripartitum* also forbade them from do so, stating that testimonies concerning town property could only be made before the town magistrate. Following the secularization and the change of location the practice changed in this respect as well. The sentence of the princely table of March 1577 is significant in this respect: under the seal of the town of Cluj, the town magistrate could appoint procurators/attorneys, but in these cases the citizens of the town had to apply to the places of authentication (*in loco credibili constitui debere*).¹⁵ From the middle of the seventeenth century, even the magistrate appointed procurators before the Convent, who represented the town in the various lawsuits with the nobility of the county.¹⁶ According to our calculations, about 20% of the documents and testimonies in the Convent's protocols between 1576 and 1590 refer to Cluj, i.e., the person giving a testimony was a local, the testimony refers to real or movable properties in Cluj.¹⁷ This number clearly indicates the increasing trust of the townspeople in the Convent, showing at the same time the process of urbanization of the institution. For historians, the protocols became a significant source regarding the history of the town.

This statement is supported by several illustrative examples. The Convent played an important role in recording various transactions related to the acquisition of possessions and other goods by the town or its citizens. Thus, when the town council requested it, the requisitors were able to record in the town hall the declaration of a freed serf from Hungary. This particular individual had been bound as a serf of the town and had been placed in the town's estate of Apahida, in exchange for which he received a sum of money and a few measures of wheat.¹⁸ The records of this kind show how the town acquired its possessions in the counties, but it also demonstrates the methods by which it tried to populate them. In any case, the relationship between the landowner—in this case the town—and the serf was much more complex, involving responsibilities for both parties. The serf was entitled to be protected by the landowner and sometimes, especially in times of calamity, even received material aid from the landowner.¹⁹

The town council would address the requisitors of the Convent whenever it needed written proof of its various transactions with the nobility of the neighboring counties. Based on these dealings, we can trace the way in which the citizens acquired their estates in the counties and the numerous transactions with the nobles, who were always in need of money. In 1608, for example, János and András Sándor pledged their estate in Ciumăfaia (Dăbâca county) for the sums they borrowed from the royal judge of the town, Caspar Schemel.²⁰ As a result of these financial transactions, not only various estates, but also valuable movable property could end up in the hands of the townspeople. We mention here only two examples dated around 1608, when the senator Johann Stenczel received gold valuables from Mihály Bánffy for a total debt of 300 florins, while in another case

Druzina Kálnoky gave her dress, valued at 500 florins, to Johann Bek, a citizen of the town, to redeem the debt of her deceased husband.²¹

The town magistrate also addressed the requisitors if written testimony was considered necessary for the financial transactions of the town. At the beginning of the seventeenth century, the town granted a substantial loan of 5000 florins to the imperial commissioners for the expenses of the army and of the chancellery.²² Later, town officials financed László Gyulaffy, the captain-general of Prince Stephen Bocskai, by lending him a large sum for the payment of mercenaries, for which the town received in return the neighboring possession of Florești/Szászfenes, Cluj County, as collateral.²³ In 1630, the prominent citizens of the town, among them one of the judges, appeared before the Convent to declare that if Prince István Bethlen failed to pay the price of the marble tomb of Gábor Bethlen and Zsuzsanna Károlyi, they would pay the debt to the sculptors Antonio and Andrea Castello up to the sum of 9000 Polish florins.²⁴

IN THE following section I will exemplify the strong connections between the Convent and the town of Cluj described above by presenting the career of one of the sixteenth century convent requisitors, who owned a house in the main square of the town. He was Márton Kolozsvári or Martinus *litteratus*—as he appears in documents—who was presumably of Saxon origin, as his predecessors resided in the Old Town (Óvár) of Cluj, a neighborhood inhabited mainly by the German-speaking Saxons.²⁵ We can only suppose that the last notary of the Benedictine Convent, János Óvári or János deák, could have been his father, considering the similarities of their clerk careers (they were both employed as notaries at the Convent and at the county). If our supposition is correct, Martinus *litteratus*/Márton Kolozsvári must have been born around 1550, because when the Convent was moved in 1575, he is already mentioned as the notary of the county and one of the appointed requisitors.²⁶ He probably remained in this office until his death (1600) considering the fact that in 1595 he was still mentioned as the clerk of Cluj County.²⁷ Thus, it is a fact that Kolozsvári was simultaneously requisitor of the Convent (from 1592 with the title of conservator as the ruler of the *loca credibilia*), notary of the Cluj County (from 1575), and sworn assessor of the Princely Table (from 1593).²⁸ In the latter function he served as one of the twelve so-called “sons of the Judicial seat” (in Hungarian: *tábla fia*), who judged in the trials together with the protonotaries. Although we do not have any information on Márton Kolozsvári’s education, he must have been very versed in the judicial practice of the court, otherwise he would not have reached the peak of his career as a protonotary in 1597.²⁹ In the second half of the sixteenth century, two protonotaries were appointed as principal judges of the princely court of justice. They had charge of the judicial seals of the prince and this entitled them to issue all kinds of charters and correspondence in the name of the ruler (the so-called “small chancellery”). In the contemporary vernacular, they were called “sentencing masters” (*ítélőmesterek*). While he filled all these other offices, Kolozsvári remained the head of the *locus credibilis* until his death and sometimes he even played a role in the financial administration of the state.³⁰ If he is the same person with the Martinus *litteratus* sent to Constantinople by Prince Sigismund Báthory, then he also played a role in Transylvania’s diplomacy.³¹

Given the lack of documentary sources, it is difficult to draw conclusions about the kinship or wealth of Márton Kolozsvári/Martinus litteratus and his family. However, we do know that he owned a house on the north side of the main square, where the most respectable and the wealthiest citizens had their homes.³² He also possessed a bakery in the Old Town which came from his wife, Katalin Bek.³³ The house in the main square of Cluj is mentioned in a document from 1586, when the *requisitor* Martin is mentioned as a neighbor during an institution to property or *statutio*. This house must be one of the buildings that appear in the late nineteenth century painting of István Sárdi of Renaissance houses in the main square, and considering the fact that Kolozsvári was the Convent's archivist, the county's notary and the country's protonotary at the same time, his house must have been from 1597 the headquarters of all these "institutions."³⁴ In any case, we can be sure that the archives of the Convent (or a part of them) were kept in this house, as well as the county archives (the judicial protocols of the county and other documents). When Márton Kolozsvári became a protonotary in 1597, this house occasionally served as the *domus iudiciaria*, a building where the adjudication of the court cases took place when the judicial term (the so-called octave) was held in Cluj and even the place where the small chancellery of the princely court functioned, when the protonotary was at home together with his scribes.

Although Márton Kolozsvári /Martin literatus came to hold important functions in the town government (he was centumvir from 1577) and in the central administration of Transylvania as an ennobled citizen, he failed to purchase many properties outside his hometown. We only have scant information on his owning small plots of land in Rediu and Boju in Cluj County,³⁵ interestingly in the same location where another requisitor of the Alba Iulia Chapter, Péter Lippai, had a small possession.³⁶ Márton Kolozsvári's extraordinary career and his life during which from a simple townsman he rose to one of the most important offices in the state ended in the first half of 1600. He is the only archivist of the former Convent whose fragmentary tombstone has been preserved and is still kept in the archway of the nowadays Museum of History in Cluj. The tombstone was discovered during the excavations for the restoration work on the church on Farkas Street in 1911.³⁷ At the time of Kolozsvári's burial, the church was in the possession of the Jesuits, a fact which proves conclusively that he was a Catholic with close ties to the Order. In this regard, we can also mention the account of the rector of the Jesuit college in Cluj, Leonardus Rubenus, in which Márton Kolozsvári is mentioned as a fervent Catholic with the right to have his burial in the Jesuit church, who publicly declared that he was and would remain a Catholic.³⁸ Therefore, it is not surprising that Kolozsvári and his assessor colleague at the princely judiciary, István Kakas,³⁹ who was also his neighbor, owning two houses in the main square in Cluj, both took under their protection the Jesuit college in 1586, during the plague outbreak, when it was menaced by furious and mainly Unitarian townsfolk.⁴⁰

IN CONCLUSION, following the move of the Convent archive from Mănăştur within the town walls, both the Convent's functioning and its patrons underwent important changes to the extent that in the seventeenth century sources, the institution is sometimes referred to as the Convent or Chapter of Cluj. Márton Kolozsvári/Martin

litteratus, one of the prominent inhabitants of the central square of Cluj, began his career in this transformed place of authentication (*locus credibilis*). His career shows the importance—both local and regional—of this office, as well as the fact that legal education and experience became the main factor in filling important offices in the administration of the Principality.



Notes

1. Regarding the birth of the new state see Gábor Barta, *Az Erdélyi Fejedelemség születése* (The birth of the Principality of Transylvania) (Budapest: Gondolat, 1983); Teréz Oborni, *Udvar, állam és kormányzat a kora újkori Erdélyben. Tanulmányok* (Court, state and administration in premodern Transylvania. Studies) (Budapest: ELTE, 2011); Teréz Oborni, “Entre deux grandes puissances: le royaume hongrois des Szapolyai” (Between two great powers: the Hungarian kingdom of the Szapolyais), *Histoire, économie et société* 42 (2023): 46–64.
2. About this transformation see Emőke Gálfi, *A gyulafehérvári hiteleshely levélkeresői (1556–1690)* [The Requisitors of the place of authentication from Alba Iulia (1556–1690)] (Cluj-Napoca: Erdélyi Múzeum-Egyesület, 2015); Zsolt Bogdándi, *A kolozsmonostori konvent a fejedelemség korában* (The Convent of Cluj-Mănăștur in the period of the Principality) (Cluj-Napoca: Erdélyi Múzeum-Egyesület, 2012); Idem, “A váradi hiteleshely a szekularizációt követően” (The place of authentication from Oradea after the secularization), *Erdélyi Múzeum* 73 (2011): 104–116.
3. Zsolt Bogdándi, “A kolozsmonostori konvent és Kolozsvár a fejedelemség korában” (The Convent of Cluj-Mănăștur and Cluj during the Principality), *Urbs. Magyar Várostartörténeti Évkönyv* 15 (2021): 123–136.
4. On this reorganization: Bogdándi, “A kolozsmonostori konvent,” 29–50.
5. National Archives of Hungary (Magyar Nemzeti Levéltár Országos Levéltára), Budapest (henceforth: MNL OL), Collection of pre-1526 charters (Diplomatikai Levéltár, henceforth: DL), DL 36957 (1563), DF 255030 (1568).
6. MNL OL DL 28003, DL 74362, DL 36957, DF 253576.
7. Sigismund Jakó, “Instrucțiunile arhivistice ale oficiilor din Transilvania, 1575–1841. Problema reorganizării arhivelor vechi din Transilvania” (The archival instructions of the Transylvanian offices, 1575–1841. The issue of the reorganization of the old archives in Transylvania), *Revista Arhivelor* 1 (1958): 54–56; Attila Sunkó, “A Gyulafehérvári Káptalan és a Kolozsmonostori Konvent Levéltárának működésére vonatkozó iratok” (Documents regarding the functioning of the archives of the Chapter of Alba Iulia and the Convent of Cluj-Mănăștur), *Lymbus. Magyarágtudományi forrásközlemények* (2003): 79–87.
8. *A kolozsmonostori konvent jegyzőkönyvei I. (1289–1484)* (The minutes of the Convent of Cluj-Mănăștur I. 1289–1484), Zsigmond Jakó, ed. (Budapest: Akadémiai 1990), 121.
9. Bogdándi, “A kolozsmonostori konvent,” 72–76, 78. For the institution of the *centumpaters* (*centumviri*) see László Pakó, “Defending the Town’s Interest: The Council of the *Centumviri* and the Administration of Justice in Early Modern Cluj,” in *Towns between Empires. Good Governance and “Police” in Case Studies from Transylvania, Wallachia, and*

- Moldavia, 1500s-1800s*, ed. M. Pakucs-Willcocks and Julia Derzsi (Amsterdam: Amsterdam University Press, 2025), 33–51.
10. Bogdándi, “A kolozsmonostori konvent,” 157–164.
 11. Bogdándi, “A kolozsmonostori konvent,” 158.
 12. MNL OL, A kolozsmonostori konvent levéltára (The archive of the Convent of Cluj-Mănăştur), Protocolla (F 15), XXXII. fol. 36.
 13. Bogdándi, “A kolozsmonostori konvent,” 100–102.
 14. MNL OL, A kolozsmonostori konvent levéltára (The archive of the Convent of Cluj-Mănăştur), Protocolla (F 15), XV. fol. 50v–51r.
 15. *Oklevéltár Kolozsvár története második és harmadik kötetéhez. Második kötet.* (Cartulary to the second and third volume of the history of Cluj. Second volume), Elek Jakab, ed. (Budapest: Magyar Királyi Egyetemi könyvnyomda, 1888), 101–103.
 16. MNL OL, A kolozsmonostori konvent levéltára (The archive of the Convent of Cluj-Mănăştur), Protocolla (F 15), XX. fol. 180, XXIII. fol. 34v.
 17. *A kolozsmonostori konvent fejedelemség kori jegyzőkönyvei I. 1326–1590.* (The minutes of the Convent of Cluj-Mănăştur in the period of the Principality I. 1326–1590), Zsolt Bogdándi, ed. (Kolozsvár: Erdélyi Múzeum-Egyesület, 2018).
 18. Bogdándi, “A kolozsmonostori konvent,” 117.
 19. Bogdándi, “A kolozsmonostori konvent,” 117–118.
 20. MNL OL, A kolozsmonostori konvent levéltára (The archive of the Convent of Cluj-Mănăştur), Protocolla (F 15), XIII. fol. 86v–87r.
 21. MNL OL, A kolozsmonostori konvent levéltára (The archive of the Convent of Cluj-Mănăştur), Protocolla (F 15), XIII. fol. 66r–66v.
 22. MNL OL, A kolozsmonostori konvent levéltára (The archive of the Convent of Cluj-Mănăştur), Protocolla (F 15), XVI. fol. 83v.
 23. MNL OL, A kolozsmonostori konvent levéltára (The archive of the Convent of Cluj-Mănăştur), Protocolla (F 15), XV. fol. 243v.
 24. MNL OL, A kolozsmonostori konvent levéltára (The archive of the Convent of Cluj-Mănăştur), Protocolla (F 15), XXIV. fol. 51v–52r.
 25. Bogdándi, “A kolozsmonostori konvent,” 74–76.
 26. Mentions of his offices in Cluj County: Bogdándi, “A kolozsmonostori konvent,” 67.
 27. Arhivele Naționale ale României, Serviciul județean Cluj al Arhivelor Naționale (Cluj County Branch of the Romanian National Archives), Cluj-Napoca (SJAN CJ), Colecția generală de documente (General collection of documents), no. 200.
 28. On this office see Zsolt Bogdándi, *Az erdélyi fejedelmi tábla a 16. század második felében* (The judicial seat of the Transylvanian princes in the second half of the 16th century) (Budapest: HUN-REN BTK Történettudományi Intézet, 2025), 217–219.
 29. MNL OL, A kolozsmonostori konvent levéltára (The archive of the Convent of Cluj-Mănăştur), Protocolla (F 15), X. fol. 369r; Tamás Fejér, “Kancelláriai jegyzetek az erdélyi fejedelmi kancellária okleveles gyakorlatában a Báthoriak korában (1571–1602)” (Chancellery notes of the princely chancellery in the period of the Báthorys 1571–1602), *Turul* 88 (2015): 94.
 30. Zsolt Trócsányi, *Erdély központi kormányzata 1540–1690* (The central administration of Transylvania 1540–1690) (Budapest: Akadémiai Kiadó, 1980), 316.
 31. Zsolt Bogdándi, *Az erdélyi fejedelmi tábla*, 218.
 32. SJAN CJ, Colecția generală de documente, no. 136.

33. Zsolt Bogdándi, *Az erdélyi fejedelmi tábla*, 218.
34. A copy of this painting has been published lately by Melinda Mihály, “A kolozsvári Bácsi–Münich-ház” (The Bácsi–Münich house in Cluj), In *Közösségben közösségért. Tanulmányok Kiss András születésének századik évfordulójára* (In the community and for the community. Papers on the 100th anniversary of the birth of András Kiss), ed. Ágnes Flóra and László Pakó (Cluj-Napoca, Budapest: EME–HUN-REN BTK Történettudományi Intézet 2023), 206.
35. SJAN CJ, *Colecția generală de documente*, no. 200.
36. MNL OL, A kolozsmonostori konvent levéltára (The archive of the Convent of Cluj-Mănăștur), *Protocolla* (F 15), X. fol. 298r–298v; XVI. fol. 99r.
37. Bogdándi, “A kolozsmonostori konvent,” 76.
38. *Monumenta antiquae Hungariae III. (1587–1592)*, ed. Ladislaus Lukács, (Romae: 1981), 247.
39. István Kakas became protonothary in 1600, after Márton’s death or as his fellow in the office.
40. Klára Jakó, *Az első kolozsvári egyetemi könyvtár története és állományának rekonstrukciója 1579–1604* (The history of the first university library in Cluj and the reconstruction of the collection 1579–1604) (Szeged: Scriptum, 1991), 17.

Abstract

The Convent of Cluj-Mănăștur in the Second Half of the Sixteenth Century and the Remarkable Career of One of its Archivists

The Convent of Cluj-Mănăștur underwent a significant transformation in the second half of the sixteenth century, as a consequence of the changes that took place in the emerging state of Transylvania. Following the return of Queen Isabella to Transylvania in 1556, the Convent was gradually transformed into a secular institution primarily responsible for issuing legal documents. After the appointment of the lay *requisitores* (letter-searchers) the Convent’s relocation to Cluj further reinforced its urban character, integrating it into the town’s legal and administrative framework. Over time, most of the Convent’s archivists were Cluj citizens, holding important positions in the city administration. Among them, Márton Kolozsvári was a key figure, serving simultaneously as a *requisitor*, county notary, and later protonotary. The townspeople increasingly relied on the Convent for issuing legal documents, leading to its urbanization. The Convent facilitated transactions between nobles and citizens, reinforcing the economic and political influence of Cluj. This transition highlights the merging of medieval religious institutions with early modern secular governance.

Keywords

Principality of Transylvania, Convent of Cluj-Mănăștur, *locus credibilis*, secularization, archives

Regulations Related to Town Defenses in Guild Statutes of Cluj and Sighișoara (Fifteenth to Seventeenth Centuries)

IZSÁN CSABA

Preamble

WHEN WALKING through the still standing fortifications of historical towns, one cannot help but wonder about the difficulties in defending those structures many centuries ago. The role of guilds in town defense and in the maintenance of fortifications is a well-known topic among historians specialized in medieval and early modern urban history, and it is also widely-known by the general public. However, there are certain research questions which need to be asked. What did the defensive regulations exactly demand from the guilds? Do we have extant regulations from Transylvanian towns? Were the regulations modernized or updated with the constant development of firearms and defensive structures in the seventeenth century? I have dedicated a major chapter of my doctoral thesis to the role of guilds in the town defenses of sixteenth-seventeenth century Cluj/Kolozsvár, Sighișoara/Segesvár/Schässburg, Brașov/Kronstadt, and Sibiu/Hermannstadt.¹ The present study examines and discusses in detail the regulations of the guild statutes regarding the defensive obligations of the craftsmen from fifteenth-seventeenth century Cluj and Sighișoara, while complementing the source material with analogies from Sibiu and Brașov.

A considerable number of defensive regulations have survived in earlier guild statutes, dating to the fifteenth-sixteenth centuries, but only quite few from later periods. Annamária Jenei-Tóth has formulated a hypothesis regarding this situation, arguing that the texts of the regulations were so well-known in the period that they were written down only when significant changes took place.² One of the aims of the study is to confirm or amend Jenei-Tóth's hypothesis.

The Formation of Guilds and Their Numbers in the Middle Ages

THE PROCESS of guild formation in the medieval Kingdom of Hungary and implicitly in Transylvania can be traced back to the fourteenth century. In the case of certain German towns, the guilds were emerged from local establishments (called

Trinkstube), created with the purpose of defending their neighborhood.³ In the Kingdom of Hungary however, shared rules of craftsmanship and the promotion of commonly practiced crafts were the main factors behind the guilds.⁴ Earlier historiography suggested that the idea of guilds was brought to Hungary by German settlers (*hospes*).⁵ However, more recent research results seem to confirm that the guilds emerged either from religious fraternities/confraternities, or, as Renáta Skorka and other historians have considered, the formation of guilds was the result of economic competition between craftsmen practicing the same profession.⁶ Researching and analyzing the earliest guild statutes from Transylvania, Lidia Gross has warned that separating the guilds from the religious confraternities is a difficult task; a confraternity did not necessarily precede the formation of a guild.⁷ For the fourteenth-fifteenth centuries, Gross has considered that nearly all of the guilds had connections to confraternities, and certain guilds can be linked to more than one confraternity.⁸ Elek Csetri also suggested that there are considerable differences between the guilds and associations or confraternities, however some of the functions of the guilds coincided with the roles and functions of the cooperatives.⁹

The establishment of guilds in medieval Hungary was catalyzed by the discovery of new gold mines in the first half of the fourteenth century, which led to the rapid development of the mining industry. Thus, at the end of the Angevin period, Hungary provided eleven-twelfths of the annual output of European gold mining.¹⁰ However, certain documents attesting to the formation of the first guilds and dating from the early fourteenth century Hungary have been proven to be fake. The first official confirmation of Transylvanian guilds happened in 1376, when King Louis I of Hungary approved the decision of the Assembly of the Seven Saxon Seats, which confirmed the statutes of 19 guilds from Sibiu/Hermannstadt, Sighișoara/Schäßsburg, Sebeș/Mühlbach, and Orăștie/Broos.¹¹ In the same year, the butchers, shoemakers and bakers from Bratislava/Pozsony obtained guild privileges as well.¹²

Tracing the early stages in the formation of the first guilds of Cluj/Kolozsvár and Sighișoara is a difficult task and exceeds of the scope of our investigation. However, if we wish to quantify the number of guilds functioning in the towns of Cluj and Sighișoara in the medieval and early modern period, we can use the results of a relatively recent research project, titled *Erdélyi Céhes Adattár I and II*, of which I was a member (as junior research fellow) between 2018 and 2019.¹³ The project has delimited the medieval period at the year of the fall of Buda in 1541, and the early modern period with the treaty of Szatmár in 1711. Drawing on the results of the project, the existence and activity of 22 guilds of Cluj: the goldsmiths/jewelers, shoemakers, bootmakers, belt-makers, baize-trimmers, saddle-makers, tanners, tailors, German tailors, baize-makers, weavers, wool weavers, skimmers/furriers, heel-makers, locksmiths, rope-makers, coopers, butchers, wheelwrights, carpenters, chariot-makers, stonemasons, and three from Sighișoara (smiths, belt makers, shoe- and bootmakers) can be attested for the medieval period. The leader of the research group, Enikő Rüszt-Fogarasi, has previously documented the activity of 20 guilds in Cluj for the time of the battle of Mohács.¹⁴ Beside the aforementioned medieval guilds of Cluj, the guilds of button-makers, German skimmers/furriers, Hungarian butchers (*hentellérek*—an archaic form of the Hungarian word *hentes*), millers, barbers, soap-makers, book painters/ornament makers (*képirok*) were formed, plus the stonemasons (*kőfaragók*) separated from the guild of ordinary masons (*kőművesek*), forming their own guild. In early mod-

ern Sighisoara, the activity of the guilds of shoemakers, bootmakers, tailors, belt-makers, rope-makers, hat-makers, tanners, weavers, carpenters, and butchers can be attested. On the other hand, the crafts of barber, goldsmith/jeweler, skinner/furrier, miller, cooper, brazier, locksmiths, tanner, wheelwright and glove-maker were practiced outside the guild system. Thus, an increase to 30 guilds in Cluj and 10 in Sighișoara respectively (plus the existence of 11 other crafts, practiced by non-guild members) could be confirmed for the early modern period based on the results of the abovementioned project. For an adequate comparison (without naming the exact guilds) the same research project has confirmed the activity of 16 medieval guilds in both Brașov and Sibiu, and 30 and 32 guilds for the early modern period, respectively, as listed in the table below.

TABLE 1. NUMBER OF GUILDS ACTIVE IN MEDIEVAL AND EARLY MODERN BRAȘOV, SIBIU, SIGHIȘOARA, AND CLUJ

Town	Number of guilds	
	Middle Ages	Early modern period
Brașov	16	30
Sibiu	16	32
Sighișoara	3	10 + 11 crafts practiced by non-guild member citizens
Cluj	22	30

The Towers Maintained by the Guilds

AS WE have already mentioned, it is common knowledge that the towers and bastions of medieval towns were maintained by guilds, which in turn gave their names to the fortifications. In certain cases however, the guild responsible for the maintenance of a tower changed on several occasions during the centuries. Consequently, the names of those towers also changed to reflect the profession of their new keepers. This practice explains the multiple names of the still standing towers preserved in the vernacular languages. The process can be traced back to different economic aspects. Certain (once important) craft associations *lost their tower* as the relevance of their products declined, and they were required by the town to provide the upkeep of another segment of the fortifications, together with the members of another guild. We wish to illustrate this process with two case studies, reflecting considerably distinct examples. The once important bowyer craftsmen of Sibiu gradually lost their relevance, as with the rapid spread of firearms in the late fifteenth-early sixteenth century the demand for their products declined continuously. Finally, the bowyers lost their status as an independent guild in 1545, forming a new guild alongside the arrowsmiths, fletchers, comb makers, and armorers.¹⁵ The barbers of Sighișoara were faced with a completely different situation, as their tower was demolished in 1631. Thus, the town council ordered the barbers to help maintain the tower of the tanners.¹⁶

Listing the towers of Cluj for the period between the great fires of 1629 and 1655 (the later destroying all but 6 towers of the town), starting from the south-western corner of the city walls, the guilds were as follows: the shoemakers, goldsmiths/jewelers,

weavers, wool weavers (*Wollenweber* in German, *szűrtakácsok* or *gyapjúszövők* in Hungarian), butchers, coopers, potters, tailors, locksmiths, stonemasons, beltmakers, grinders/copers (*csiszárok*), carpenters, smiths and furriers/skinners (*szűcsök*).¹⁷ The tower of the wool weavers guild is an interesting case. The archaic Hungarian expression *szűrtakács* can be translated into English as the craftsmen who were responsible for making the typical Hungarian baize coats called *szűr*. The craft can be considered similar to the German *Wollenweber* (wool weavers), however earlier historiography suggested that the *szűrtakács* craftsmen were members of the tailors' guild.¹⁸ From archival sources we can only confirm the maintenance of a tower by the *szűrtakács* craftsmen for the 1640s, and we were unable to find documents belonging to a separate guild of the wool weavers. For example, the 1643 gunpowder accountings of Cluj contain an inventory of towers where gunpowder was stored, and the tower maintained by the *szűrtakács* craftsmen appears to sit between the tower of the weavers (transformed in the nineteenth century into the still standing fire-fighters tower) and the tower of Hungarian butchers (*hentellérek*), most probably alongside the Malomárok (mill canal).¹⁹

In seventeenth century Sighișoara, starting from the Várhegy/Dealul Cetății and going along the western side of town walls, the guilds in charge of towers were: goldsmiths/jewelers, rope makers, butchers (they maintained a tower and a separate bastion), furriers/skinners, weavers, tailors, shoe and bootmakers, locksmiths, coopers, barbers (until their tower was demolished in 1631), smiths, stonemasons and pewterers (*ónöntők/Zinngiesser*).²⁰

Defensive Obligations for the Guilds of Cluj

THE CASE of Cluj can be considered a fortunate one, as a quite high number of defensive regulations have survived. We have to differentiate the regulations issued by the local authorities from the inner guild rules regarding the town defenses, found in the statutes. An appropriate example for the first category can be considered the 1558 privileges gained by Cluj from Queen Isabella Jagiellon. The majority of the privileges entailed economic benefits, however a regulation related to town defenses was also included in the document. The members of the guilds had to guard the gates and towers of the city, had to provide ammunition for the *ballistae* (bolt throwers) and cannons at their own expense and finally, during wartime, they had to guard the walls continuously.²¹ The magistrate of Cluj further issued certain resolutions regarding the defensive role of the guilds. In March 1563, after the defeat of the Transylvanian armies at Hodod/Hadad, the guilds had to provide guards for the town at all times and had to equip their towers with firearms and to supply those with gunpowder. The guilds were also warned that those supplying insufficient gunpowder to their tower would suffer serious consequences.²² Seven years later, on 25 March 1570, the Cluj magistrate issued a resolution regarding those guilds which could not construct their own towers. It was decided that they should benefit from the help of another guild, and if that was not enough, they should ask for help from a third guild.²³ The regulation can be interpreted as ordering a helping hand in the construction of towers, but also as support for the reconstruction and renovation works. In the

case of damaged fortifications, in September 1606 the magistrate ordered an inspection of the towers of the smiths, stonemasons and other guilds. If the craftsmen needed financial support for the renovation works, it had to be provided from the income of the salt mine at Cojocna/Kolozs.²⁴ A few months earlier, in May 1606, the guild of tailors had already received 400 salt blocks in support of the renovation work on their tower.²⁵

After the regulations issued by local authorities, we have to take a closer look to the defensive regulations found in the guild statutes, the earliest ones surviving from the later decades of the fifteenth century. In the second oldest surviving statute (1481) of the Cluj shoemakers we read: “*Magistri artis sutoriae turrim atialem in antiquo castro versus portam et turrim Rapularum sitam (...) cum armis bellicis, defendiculis, balistis, bombardis (...) decorarunt.*”²⁶ The formula can be translated as: the masters of the shoemaking crafts, whose tower is situated in the Old Fortress and sits opposite the gate tower of Mănăstur/Monostor Street, had to outfit their tower with war weapons, *ballistae* and *bombards*.²⁷ The formula is similar to the regulation found in the 1479 statute of the furriers guild, who were maintaining the abovementioned gate tower on Mănăstur Street: “...*magistri turrim in platea rapulorum sitam per eorum sollicitudines cum armis bellicis, defendiculis, balistis, bambardis, necnon aliorum armorum ingeniis diligentius appositis partim eorum expensis et laboribus muniendo et fulciendo decorarunt.*”²⁸ We have to underline the last segment of the obligation, which highlights the fact that the guild had to defend, provide with weapons, and also to maintain the gate tower with their work and on their own expenses. The 1475 statute of the tailors and clothmakers (*posztócsimálók*) guild ordered the artisans to guard the city walls in cases of emergency and to help in its defense with firearms: “...*cum armis et pixidibus pulueribus.*”²⁹

Continuing the chronological review of the defense-related guild regulations from Cluj for the sixteenth century, we should take a closer look to the renewed statute of the tailors' guild. In the renewed statute from 1561, a detailed description regarding the defenses was written down. The article highlights the fact that tailor masters had been responsible for the maintenance of their tower (found on the southern corner of the town walls) for generations. For provisioning the tower with bullets, gunpowder and all the necessary equipment, those who wanted to become guild master had to pay six Hungarian florins for the upkeep of the tower and also had to organize a feast with an appropriate meal.³⁰ On the other hand, if an accomplished craftsman came to Cluj and wanted to join the guild but would only be offered the position of journeyman, which he would be ashamed or unwilling to take, he had to make an agreement with the masters of the guild regarding the price of the service, and the sum of money was spent on the upkeep of the tower.³¹

The guild of the butchers also renewed their statute in 1561. One of the articles of the new statute highlights that boys who wanted to learn butchery had to pay six florins to join the guild, because the guild had to maintain their tower located “on Middle-street,” and to supply it with weapons. On the other hand, the slaughterhouse also had high expenses.³² Similar regulations can be found in the 1525 and 1589 statutes of the stonemasons and also in the statutes of goldsmiths/jewelers.³³ As an interesting analogy, the smiths guild from Sibiu ordered in 1514 that the new members had to donate a firearm to the guild upon admission, and also if they married into the master's family.³⁴ On the other hand, the fines paid by the craftsmen were kept for the maintenance of their tower, like in the case of other guilds. Regarding the fines for not respecting the defensive regulations,

we should take a look at the 1477 statute of the smiths' guild of Cluj. The guild threatens those craftsmen who did not defend the tower with their own weapons during sieges or during revolts with losing their guild membership: *Item siquis magistrorum tempore disturbiorum et obsidionis ciuitatis huius cum ipsorum armis bellicosis, causa defensionis, ad ipsorum Turrim necessitate.*³⁵

Defensive Regulations in the Guild Statutes of Sighișoara

THE EARLIEST surviving defensive regulations from Sighișoara date back to 1484, and are found in the statute of the skinners/furriers guild. The nineteenth article of the statute orders the craftsmen who were not members of the guild to help transporting the munition for the firearms to the tower.³⁶ The text is considered by Gernot Nussbächer and Paul Niedermaier as being the earliest known mention of the walls and towers of Sighișoara and, on the other hand, the earliest known defensive regulation from Transylvania which mentions not only the guild members, but also the craftsmen outside the association.³⁷

Unfortunately, little is known about the regulations dating before 1676, a year when a great fire broke out in the town and caused massive destruction of buildings and archived documents.³⁸ The inventories of weapons stored in the towers of Sighișoara (written down by the town clerk, Johann Krempe in 1680–1681) after the finished reconstruction works after the great fire constitute an important source for our research. Krempe himself had personal ties to the guilds through his son, also called Johann Krempe, who was the apprentice of barber master Christian. The younger Krempe joined the guild in 1684 and the decorated preface to his apprentice book was written by his father.³⁹ In the inventories of Krempe we find important details regarding the town defenses. As an example, the inventory of the tower of tanners and barbers suggests that the members of the two guilds kept their weapons separately in the tower.⁴⁰

A 1704 regulation regarding the defenses of Sighișoara has survived. The town, fearing a potential attack by Kuruc troops, issued detailed defensive regulations for certain parts of the fortifications. From earlier inventories we can conclude that the butchers guild had the financial possibilities to maintain both a tower and bastion, the later one built in front of their tower in the sixteenth century.⁴¹ The bastion had to be defended by 17 craftsmen according to the regulations from 1704, which was the same number of defenders as in the case of the tower of skinners, standing near the butchers tower.⁴² In the butchers' tower were stored 5 arquebuses, a double barrelled arquebus in better condition, a musket, bullets for firearms, and a quintal of gunpowder.⁴³ Fortunately, the tower of the skinners is also listed in the inventory from 1680, when 2 great arquebuses, another 15 arquebuses in average condition, a small cannon/piece of ordnance (*ein erzenes Stückel*), 8 big spears or pikes, 1 halberd, 5 tons (barrels) of gunpowder, a full barrel of lead bullets, 5 cannonballs, 5/4 lead, several other, middle sized cannonballs and a big mortar/howitzer-ball were stored in the tower.⁴⁴ The resolution from 1704 ordered that the tower of the coopers had to be defended by 19 craftsmen, under the command of old

master Martin Schenker and young master H. Danielis, plus 8 other craftsmen who were under the command of Hannes Kreischer.⁴⁵ The coopers also had to provide men for the defense of gates, being the guild with the highest number of requested defenders by the magistrate.⁴⁶ Another interesting detail from the document is that the carpenters and belt makers kept their weapons in the tower of the goldsmiths/jewelers guild.⁴⁷ The number of guild members requested by the 1704 regulation exceeds the numbers appearing in earlier documents of the same type. For an earlier analogy we can use a list from Brașov, from the middle of the sixteenth century. As indicated by the table (2) below, none of the guilds of Brașov had to provide more than 8 firearm-bearing men for the defense of the town.⁴⁸

TABLE 2. NUMBER OF FIREARM BEARERS (*Pyxe Schyczen*) SUPPLIED BY THE GUILDS OF BRAȘOV IN 1542

Guild	Number of required mobilized members
Tailors (Schnayder)	4
Skinners/Furriers (Kyrchner)	4
Tanners (Ledderer)	8
Shoemakers (Schuester)	8
Weavers (Weweer Czech)	6
Wool Weavers (Wellewewer)	3
Rope-makers (Zoeler)	4
Smiths (Schmit)	2
Goldsmiths/jewellers (Goltschmit)	2
Belt-maker (Remner)	5
Locksmiths (Schlosser)	2
Butchers (Flescher)	4
Braziers (Kesler)	2

Practicing with Firearms

EVEN IF the towers were equipped with defensive weapons, the members of the guilds had to learn the use of firearms. The earliest source mentioning the practice with ranged weapons in Sibiu dates back to 1469, when the magistrate ordered the practice of shooting arrows for the citizens (or for the members of the magistracy, depending on the interpretation of the primary source).⁴⁹ From the fifteenth century city accounts of Sibiu, 13 occasions can be attested when ranged weapons were used inside the city, and on 6 later occasions, firearms were used.⁵⁰ Not all of these occasions can be regarded as shooting practice, but those which clearly were entailed either shooting at fixed targets (*ad/pro tharschen/tarczan*) or at birds (*pro ave/ad avem*).⁵¹ The same practice is also referenced in the 1522 account books of Sighișoara.⁵² The specialist literature considers that on

those occasions more accurate weapons were used.⁵³ The *czil armbst* donated by Mathes Engel to the Saint Sebastian fraternity of Bratislava can provide evidence for this theory.⁵⁴ A firearm analogue of the mentioned *czil armbst* could be the *czyl puchsen* mentioned in the inventory of the bowyers guild of Sibiu.⁵⁵ Elek Benkő considered that the “*czehis sagittariis cum pixidibus*” mentioned in the 1507 account book of Sibiu cannot be considered as a shooters guild, more likely it was shooting practice organized inside the guild system, for which the magistrate offered 1 florin, and the practice was repeated the following year.⁵⁶

The firearm practice of the guilds of Cluj is also attested by the sources. The existence and location of a shooting range after 1519 can be proved. As mentioned by Gyöngy Kovács-Kiss, the shooting range was situated opposite the Bridge Street gate tower, over the Saint Elisabeth Almshouse and its mill, in the vicinity of the vineyards below the *Klmal*.⁵⁷ The accounts of the goldsmiths/jewelers from 1563–1567 prove that the guild spent two florins during each Easter time on shooting practice.⁵⁸ A different source from 1574 also confirms the use of bows and arrows during shooting practice in Cluj.⁵⁹ The practice can also be confirmed for later centuries. During Pentecost in 1639, the members of the tailors guild spent two days doing shooting practice: “...*ad locum sagitantem vulgo czylstbath*.”⁶⁰ Learning the use of firearms was not only for the craftsmen, but also for common soldiers. The sixteenth century military treatise *Consillium rationis bellicae* written by the Polish military theoretician and commander Jan Tarnowski states: “Infantry captains are expected to train soldiers in shooting and to teach them how to use guns during a battle, because it is very necessary, since we in Poland have few veterans, and every unit has many inexperienced novices; therefore they should be taught how to shoot.”⁶¹

Conclusions

DRAWING FIRM conclusions on such a complex topic is a daunting task. As we have already mentioned, the texts of the few surviving defense regulations are quite similar, and we have to accept Annamária Jeney-Tóth’s hypothesis, with a few additions. We can suppose that the texts of the regulations were so well known that these matters were written down only in the earliest statutes, or in cases when significant changes were applied to them. In cases of emergency, the guilds had to guard the town walls, prepare and supply with gunpowder their weapons stored in the towers. The guilds with the highest economic potential had to contribute 8–18 members to the defenses of the town. These numbers decreased proportionally to the capacity and membership of the guilds. The craftsmen were also obliged by the local authorities to learn the use of firearms. The study was not meant to determine the decline in importance of certain guilds, however those processes can also be observed from researching the primary sources related to town defenses in early modern Transylvania.



Notes

1. Dissertation titled “A kora újkori erdélyi városvédelem újabb szempontjai. Védművek, céhes városvédelem és a darabontok szerepköre/Aspecte noi ale apărării urbane în Transilvania premodernă. Sistemele de apărare, breslele și rolul trabanților orașenești” (New Aspects of Town Defenses in Early Modern Transylvania. Defensive Structures, Guilds and the Duties of Town Guards). Babeș-Bolyai University, Faculty of History and Philosophy, Graduate School “History. Civilization. Culture,” date of public defense: 29.04.2024, coordinator: Dr. Enikő Rüzš-Fogarasi.
2. Annamária Jeny-Tóth, *Műves emberek a kincses Kolozsvárott. Iparostársadalom a 17. századi Kolozsváron* (Craftsmen in Cluj. Artisanal Society in 17th Century Cluj) (Cluj-Napoca: Erdélyi Múzeum-Egyesület, 2004), 108–110.
3. Endre Veress, *Az erdélyi ipari céhek élete* (The Life of Transylvanian Industrial Guilds), (Kolozsvár: Lengyel és Mayer Könyvnyomda, 1929), 13; Géza Kovách and Pál Binder, *A céhes élet Erdélyben* (Guild Life in Transylvania), (Bucharest: Kriterion Könyvkiadó, 1981), 7–8.
4. Veress, *Az erdélyi ipari céhek élete*, 13; Kovách and Binder, *A céhes élet Erdélyben*, 7–8. Elek Csetri, “A szövetkezeti gondolat régmúltjából Erdélyben” (The History of the Idea of Cooperatives in Transylvania), *Közgazdász Fórum* 6, no. 6 (2003): 13–14.
5. Lajos Szádeczky, *Iparfejlesztés és a céhek története Magyarországon I.* (Industrial Development and the History of Guilds in Hungary, vol. I), (Budapest: Ranschburg Gusztáv Könyvkereskedése–Az Országos Iparegyesület Kiadása, 1913), 12–13.
6. Renáta Skorka, “A céhrendszer kibontakozása” (The Development of the Guild System), in *A magyar kézművesipar története* (The History of the Hungarian Craft Industry), ed. János Szulovszky (Budapest: Magyar Kereskedelmi és Iparkamara, 2005), 117; András Kubinyi, “A középkori budai mészároscéh” (The Medieval Butchers Guild of Buda), in *A budai mészárosok középkori céhkönyve és kiváltságlevelei* (The Medieval Guild Book and Privileges of the Butchers of Buda), ed. István Kenyeres (Budapest Fővárosi Levéltára–Budapesti Történeti Múzeum, 2008), 15.
7. Lidia Gross, *Bresle și Confraerii sau despre pietatea urbană în Transilvania medievală (secolele XIV–XVI)* (Guilds and Confraternities or Urban Piety in medieval Transylvania [14th–16th centuries]), (Cluj-Napoca: Argonaut, 2014), 119–121.
8. Lidia Gross, *Confraeriile medievale în Transilvania (secolele XIV–XVI)* (Medieval Confraternities in Transylvania [14th–16th centuries]), (Cluj-Napoca: Presa Universitară Clujeană, 2004), 261.
9. Csetri, “A szövetkezeti gondolat régmúltjából Erdélyben,” 14.
10. Skorka, “A céhrendszer kibontakozása,” 119.
11. Kovách and Binder, *A céhes élet Erdélyben*, 8; Csetri, “A szövetkezeti gondolat régmúltjából Erdélyben,” 14; *Comerț și meșteșuguri în Sibiu și în cele șapte scaune 1224–1579/Handel und Gewerbe in Hermannstadt und in den Sieben Stühlen 1224–1579*, eds. Monica Vlaicu et. alii (Heidelberg–Sibiu: Societatea de Studii Transilvane–Editura Hora, 2003), 67–70; *Codex diplomaticus Transsylvaniae. Diplomata, epistolae et alia instrumenta litteraria res Transylvanas illustrantia. Erdélyi okmánytár: Oklevelek, levelek és más írásos emlékek Erdély történetéhez*, vol. V ed. Zsigmond Jakó, Géza Hegyi, and András Kovács W. (Budapest: A Magyar Országos Levéltár, 2021), 111–113.
12. Skorka, “A céhrendszer kibontakozása,” 119.

13. Details on the research project in *Erdélyi Cébes Adattár I.* (June 2018–March 2019) and *Erdélyi Cébes Adattár II.* (June 2019–December 2019) Domus Szülöföldi Csoportos Kutatási Pályázatok, 4039/16/2018/HTMT. Leader of the research group: Dr. Enikő Rüsz-Fogarasi.
14. Enikő Rüsz-Fogarasi, *Privilegiile și îndatoririle orașelor din Transilvania voievodală* (Privileges and duties of towns in voivodal Transylvania), (Cluj-Napoca: Presa Universitară Clujeană, 2003), 193.
15. The town magistrate of Sibiu confirming the statute of the new guild in January 1545: *Comert și meșteșuguri*, 354–357.
16. Paul Niedermaier, *Contribuții privind istoria orașelor/Beiträge zur Städtegeschichte Völ/Band II. Atlas istoric al orașelor din România/Städtegeschichteatlas Rumäniens, Seria/Reihe C, Transilvania/Transylvanien, Fasc./Lieferung 1, Sighișoara/Schässburg.* (Bucharest–Sibiu: Editura Enciclopedică–Editura Honterus, 2000), 14–15; Gernot Nussbächer, *Aus Urkunden und Chroniken- Beiträge zur siebenbürgischen Heimatkunde. 9. Band Schassburg* (Braşov: Aldus, 2010), 150–151.
17. Csaba Izsán, “A zsoldos darabontok számadásai és a város védműveinek javítási költségei Kolozsvár 17. századi számadáskönyveiben” (The Accounts of the Guardsmen and the Costs of the Fortification Repair Works in the Seventeenth Century Accounting Books of Cluj), in *Ezerarcú Erdély. Politika, társadalom, kultúra*, ed. Áron Tötös (Cluj-Napoca: Erdélyi Múzeum Egyesület, 2019): 347; Radu Lupescu, “Kolozsvár második középkori erődítése az írott források tükrében” (The Second Medieval Fortification of Cluj in the Light of Sources), in *Album Amicorum. Tánulmányok Sipos Gábor születésének hetvenedik évfordulójára* (Studies on the Seventieth Birthday Anniversary of Gábor Sipos), ed. Zsolt Bogdándi, Veronka Dáné, Makó Mária Lupescu (Cluj-Napoca: Erdélyi Múzeum-Egyesület, 2021), 443–445.
18. Géza Rajka, *A kolozsvári szabó céh története a XV–XVII. században* (The History of the Tailors Guild of Cluj in the 15th–17th Centuries), (Cluj-Napoca: Stief Jenő és Társa Könyvsajtója, 1913), 41–42.
19. Storing 2 barrels (containing 322 Cluj pounds) of gunpowder at the time. Serviciul Județean al Arhivelor Naționale Cluj (National Archives of Romania, Cluj County Branch, hereinafter: SJAN CJ), F584- Primăria Municipiului Cluj (The Archives of Cluj), Colecția Socolile Orașului Cluj (The Accountings of Cluj Collection), rola de microf. (microfilm roll) no. 56, 24/IV.
20. Niedermaier, *Contribuții privind istoria orașelor*, 14–15; Nussbächer, *Aus Urkunden und Chroniken*, 149–175.
21. Jency-Tóth, *Míves emberek a kincses Kolozsvárott*, 108–110.
22. The original formula in Hungarian: “Egybegyűlvén 1563. márcz. 6-n a száz-férfiak, a király hadának Hadadvárnál leveretése s a vár megvétele szomorú hírétől megilletődve végezték: „Mind-en éjre a város nagyobb tornyába [közép kapu] az örök közül kettő rendeltessék, a kik szorgalmasan vigyázzanak s a kürtösnök az őrzésben segítségül legyenek. A czéhbbelieknek a bíró és senatorok hagyják meg, hogy minden toronyban éjjel-nappal örököt tartsanak, a tornyokat és erődöket ágyukkal, taraczkokkal s minden hadi eszközökkel készítsék fel, különösen porról gondoskodjanak. A mely czéhnek nem lesz pora, a bíró keményen büntesse meg...” Elek Jakab, *Kolozsvár története. Második kötet oklevéltárral. Újabb Kor. Nemzeti fejedelmi korszak (1540–1690)* (The History of Cluj. Second Volume with Archives of Documents. Newer Period. National Principal Period, 1540–1690), (Budapest: Magyar Királyi Egyetemi Könyvnyomda, 1888), 119–120.

23. The original formula in Hungarian: “*a mely czéh tornyát megépíteni nem képes, adjanak mellé más czébet, ha az sem elég, harmadikot*” Jakab, *Kolozsvár története. Második kötet oklevéltárral*, 118; Lupescu, “Kolozsvár második középkori erősítése,” 444.
24. Jakab, *Kolozsvár története. Második kötet oklevéltárral*, 437; Jeney-Tóth, *Míves emberek a kincses Kolozsvárott*, 109.
25. Jakab, *Kolozsvár története. Második kötet oklevéltárral*, 437; Jeney-Tóth, *Míves emberek a kincses Kolozsvárott*, 109.
26. *Urkundenbuch zur Gesschichte der Deutschen in Siebenbürgen*. vol. VII, ed. Franz Zimmermann, Gustav Gündisch, et al. (Berlin-Bucharest: Akademie Verlag, 1991), 261–262; Lupescu, “Kolozsvár második középkori erősítése,” 441–442.
27. For the exact location of the tower see: Lupescu Radu, “Kolozsvár történetének buktatói” (Pitfalls in the History of Cluj), *Erdélyi Múzeum* LXVII, 3–4 (2005): 66.
28. Elek Jakab, *Oklevéltár Kolozsvár története első kötetéhez* (Archives of Documents on the History of Cluj, first volume) (Buda: Magyar Királyi Egyetemi Könyvnyomda, 1870), 263; Szabolcs László Kozák-Kígyóssy, “Céhes városvédelem Nagyszebenben a XV–XVI. Században” (The Defensive Role of the Guilds in 16–17th Century Sibiu), *Hadtörténelmi Közlemények* 131/4 (2018): 840; Lupescu, “Kolozsvár második középkori erősítése,” 441.
29. SJAN CJ, F54: Colecția Bresle (Guilds Collection), 164, doc. no. 54–55.
30. The original formula in Hungarian: “*Es nyert hogy az zabo mestereknek az cehbelieknek en-nem kel-segekkel es munkaiokkal az regi megy holt iambor eleyneknek uegezesebol es rendelesebol Porral golyobissal mynden fele oltalmazo zersamokkal es ugygasokkal [igy] haborusagnak ideien egy tornyot kel tartanyok Melly delfeol az uaras keritesenek egy zegelethyn uagyon fel epitue. Az okert mynden az ky mesterre akar lenny tartozzek az cebbe hat forintot fizetny. An-nak felette mykoron annak ydeye uagyon tartozek zolgalni az egez cebbeli mester tarsasagnak egy ebedetis tisztessages etkekkel kezytettet adnya.*” Elek Jakab, *Oklevéltár Kolozsvár története második és harmadik kötetéhez* (Archives of Documents on the History of Cluj, second and third volumes), (Budapest: Magyar Királyi Egyetemi Könyvnyomda, 1888), 61–62; Lupescu, “Kolozsvár második középkori erősítése,” 440.
31. The original formula in Hungarian: “*Hogy ha ualamelly effele Mester erre az uarasra masu-natt kerített auuagy penig mezew uarasbol ualamy okokbol indultatuan ide az uarasra ione az cebbe akarna allani ha az elewt is cebbeli mester uolt es polgarsagot uagy ualamy egyeb tisztet uiselt uolna mel dology mya az yffiw mestersegbe illendo zolgalatot nem akarna auuagy zegellene fel uenny es eluiselny. Tehat effele mester effele zolgalatert penzbe megy zerezwdhessenek az celmesterekkel Effele penzis penyg az Thoroni segitsegere ualo legyen...*” Jakab, *Oklevéltár Kolozsvár története második és harmadik kötetéhez*, 61–62.
32. The original formula in Hungarian: “*mely ifjú a mészáros mesterséget meg akarja tanulni, 6 forintot fizet, azért, mert a Középutcza felett levő bástyatornyot a czéhnek kell hadilág felszerelni s jó állapotban tartani, e felett a mészárszékre is sok a költség.*” Jakab, *Kolozsvár története. Második kötet oklevéltárral*, 144; Lupescu, “Kolozsvár második középkori erősítése,” 442.
33. Jeney-Tóth: *Míves emberek a kincses Kolozsvárott*, 108.
34. Serviciul Județean al Arhivelor Naționale Sibiu (National Archives of Romania, Sibiu County Branch, hereinafter: SJAN SB), F32: Documente de breaslă Z.U. (Guild Documents), I. pack, doc. no. 33. Partially published in: Kozák-Kígyóssy, “Céhes városvédelem Nagyszebenben,” 835.
35. Jakab, *Oklevéltár Kolozsvár története első kötetéhez*, 257; Csaba Miklósi-Sikes, “Kolozsvár bástyái és városfalai. Adatok a középkori Kolozsvár katonai jellegű építkezéseihöz” (The

- Bastions and Towers of Cluj. Data Related to the Medieval Military Type Constructions of Cluj), *Művészettörténeti Értesítő* 50, 3-4 (2001): 283.
36. “Die auswendig der Zach sind, die sollen Schoss und Los tragen am Gewehr zu dem Turm.” Nussbächer, *Aus Urkunden und Chroniken*, 173.
 37. Nussbächer, *Aus Urkunden und Chroniken*, 172–173; Niedermaier, *Contribuții privind istoria orașelor*, 3–4.
 38. The fire broke out on April 30, and the reconstruction works of the fortifications lasted almost four years, as we can read in the inventories of Johann Krempe. Nussbächer, *Aus Urkunden und Chroniken*, 173.
 39. Nussbächer, *Aus Urkunden und Chroniken*, 177.
 40. The original text in German: “Barlbier haben einen schönen Toppelhacken, einen mittelmässigen vndt einen kleinen Hacken, 75 Pfundt Pulwer; ein wenig Bley (lead) vndt, ein wenig Kuglen. Eben daselb haben die Ldrer einen schönen Toppel-vndt einen anderen guten Hacken, ein Muschquet, einen halben Centner (quintal) Pulwerm vndt ein wenig Kuglen.” Nussbächer, *Aus Urkunden und Chroniken*, 177. In the inventory a clear separation can be observed between the weapons of the tanners and the ones of the barbers.
 41. Niedermaier, *Contribuții privind istoria orașelor*, 7, 14–15; Nussbächer, *Aus Urkunden und Chroniken*, 166–174.
 42. Nussbächer, *Aus Urkunden und Chroniken*, 166, 174.
 43. “5 Haacken, vndtner welchen ein schöner Toppel-Haacken (mit zwei Läuſen) ist, ein Muschquet, etwas Kuglen, ein Zentner Pulwer.” Nussbächer, *Aus Urkunden und Chroniken*, 166.
 44. The original text in German: “Auf dem Kürschner-Turm sind 2 Doppel-Hacken, 15 gemeine Hacken ein erzenes Stückel, 8 große Spieße, eine Hellebarde. 5 Tönnen Pulver; eine ganze Tonne voll bleierne Kugeln, 5 Stückkugeln, 5 Viertel Blei, etliche andere Stückkugeln mitelmäßige, eine große Mörserkugel.” Nussbächer, *Aus Urkunden und Chroniken*, 174.
 45. Nussbächer, *Aus Urkunden und Chroniken*, 150.
 46. Nussbächer, *Aus Urkunden und Chroniken*, 150.
 47. Nussbächer, *Aus Urkunden und Chroniken*, 154.
 48. Serviciul Județean al Arhivelor Naționale Brașov (National Archives of Romania, Brașov County Branch), F1: Primăria Brașov (Archives of the City of Brașov), Colecția de documente Stenner (Stenner collection), seria slavă (Slavic series), doc. no. 315. Published in Gernot Nussbächer and Elisabeta Marin ed., *Documente de breaslă 1420-1580. Documente privind istoria orașului Brașov*. Vol. IX (Guild Documents 1420–1580. Documents Relating to the History of the City of Brașov, vol. IX), (Brașov: Editura Aldus, 1999), 190–191.
 49. The original formula: “Item dem bogenschwätzen von der herren geheys. flor. auri. 1.” The citizens or members of the magistrate depending on the interpretation of the word Herren. Kozák-Kígyóssy, “Céhes városvédelem Nagyszebenben,” 845.
 50. *Rechnungen aus dem Archiv der Stadt Hermannstadt in der Sächsischen Nation. Quellen zur Geschichte Siebenbürgens aus Sächsischen Archiven I. 1380–1516* (Sibiu: Ausschuss des Vereins für Siebenbürgische Landeskunde, in Commission bei Franz Michaelis, 1890), 148, 179, 197, 224, 253, 351; Kozák-Kígyóssy, “Céhes városvédelem Nagyszebenben,” 845.
 51. Kozák-Kígyóssy, “Céhes városvédelem Nagyszebenben,” 845.
 52. “Sagittaribus balistarum pro ave sagitantibus iussu dominorum consulum. flor. 1. et asp. 30.” Zsolt Simon, “Die Schässburger Rechnung von 1522,” *Zeitschrift für Siebenbürgische Landeskunde*, no. 35 (2011): 177.

53. Kozák-Kígyóssy, “Céhes városvédelem Nagyszebenben,” 846.
54. Katalin Szende, *Otthon a városban. Társadalom és anyagi kultúra a középkori Sopronban, Pozsonyban és Eperjesen* (At Home in the Town. Society and Material Culture in Medieval Sopron, Pozsony/Bratislava and Eperjes/Presov), (Budapest: MTA Történettudományi Intézete: 2004), 209; Kozák-Kígyóssy, “Céhes városvédelem Nagyszebenben,” 846.
55. *Comerț și meșteșuguri*, 245–246; Kozák-Kígyóssy, “Céhes városvédelem Nagyszebenben,” 846.
56. “*czehis, quae cum pixidibus iussae sunt sagittare flor. I*”; “*Eisdem chehis (...) sagittarunt flor. I.*” *Rechnungen aus dem Archiv der Stadt Hermannstadt*, 487, 543; Elek Benkő, *Erdély középkori harangjai és bronz keresztelomedencéi* (Budapest: Polis Könyvkiadó, 2002), 127; Kozák-Kígyóssy, “Céhes városvédelem Nagyszebenben,” 846.
57. “...*a Hídkapuval átellenben, a Szamoson túli Szent Erzsébet ispotály – és annak malma – felett, a Kómál alatti szőlőskertek szomszédságában feküdt, és itt állították fel a lövőfát is.*” Gyöngy Kovács-Kiss, “A játékos város. A társadalmi érintkezés, a gondúzás és a játékok néhány színhelye a 16. századi Kolozsváron,” (The Playful Town. The Scenes of Social Intercourse, Carousing and Games in 16th Century Cluj) *Korunk* 3. X/12 (1999): 47.
58. Kovács-Kiss, “A játékos város,” 47; Szabolcs László Kozák-Kígyóssy, “Fegyverkészítés és céhes önvédelem a 15–16. századi Kolozsváron” (Weapon Production and Guild Participation in the Self-Defense of Kolozsvár (Klausenburg/Cluj) in the 15th–16th Centuries), in *Micae Mediaevales IX. Fiatal történészek dolgozatai a középkori Magyarországról és Európáról* (Papers by Young Historians about Medieval Hungary and Europe), ed. Enikő Kovács et alii (Budapest: ELTE BTK Történelemtudományi Doktori Iskola, 2020), 140.
59. Kovács-Kiss, “A játékos város,” 48; Jeney-Tóth, *Míves emberek a kincses Kolozsvárott*, 111.
60. Kovács-Kiss, “A játékos város,” 48; Jeney-Tóth, *Míves emberek a kincses Kolozsvárott*, 111.
61. Aleksander Boldyrev and Karol Łopatecki, “Volley Fire in Europe in the Mid-16th Century,” *Studia Slavica et Balcanica Petropolitana*, 30, no. 2 (2021): 7.

Abstract

Regulations Related to Town Defenses in Guild Statutes of Cluj and Sighișoara (Fifteenth to Seventeenth Centuries)

The role of the guilds in town defense and in the maintenance of fortifications is a well known topic among historians specialized in medieval and early modern urban history. On the other hand, there are certain research questions which need to be asked. What did the defensive regulations exactly demand from the guilds? How many of those regulations from Transylvania have survived? Were the regulations modernized or updated with the constant development of firearms and defensive structures in the sixteenth and seventeenth centuries? The study focuses on presenting and discussing in detail the regulations of the guild statutes regarding the defensive obligations of craftsmen in fifteenth to seventeenth century Cluj and Sighișoara, completing the analysis with the use of primary source analogies from Sibiu and Brașov.

Keywords

Guilds, guild statutes, town defenses, early modern period, Transylvania, Cluj, Sighișoara

A “Town” on the Move

Regulating Camp Life and Logistics in the Army of the Principality of Transylvania (Seventeenth Century)

FLORIN NICOLAE ARDELEAN

Introduction

Early modern armies and towns were faced with the same needs and threatened by similar dangers. Fernand Braudel characterized the armies of the sixteenth century as “towns on the move,” vulnerable to all the problems which affected areas with high population density.¹ Space management, population mobility, food scarcity, and especially epidemics were common issues for both military camps and urban settlements. From a military point of view all these aspects and a few additional ones fall into the general category of logistics. This particular branch of military science has been defined and redefined throughout the ages. While Byzantine Emperor Leon VI (the Wise) used the term when referring to supply in general, modern authors and historians have added new meanings to the concept of logistics like: quartering, marching, administration, financing and sanitation.²

Although there is no consensus regarding a definition of logistics, military historians dealing with the medieval and early modern age have focused on three key aspects: supply (food and equipment), quartering and marching.³ The purpose of logistics was thus to ensure the survival of campaigning armies and garrisons, especially in the long intervals before and after battle. Providing sustenance for large numbers of soldiers, camp followers, war horses and other draught animals was one of the most pressing issues for military leaders. The process was far from being centralized in the seventeenth century, but the most common solutions to the issue of food and fodder supply were: transportation of supplies with the baggage train of the army, foraging (using the resources of the land through raiding, requisitions or trading), and the so called system of food stores and resupply lines. Usually, all three methods were employed by the armies of the early modern age, although it has been argued that the first two methods (transportation and foraging) were never sufficient and the most advanced way of providing supplies for an army on campaign was to organize an efficient system of food stores (magazines) along marching routes.⁴ The organization of military supply networks was in an early stage of development in the seventeenth century and there are only a few notable successful cases. The Spanish had organized such a network of depots (*étapes*) along the “Spanish Road” during the Eighty Years War (1568–1648), but it proved to be a very costly endeavor.⁵ In France, war ministers Michel Le Tellier and Louvois developed a similar system of

pre-established marching routes and food stores (*magasins généraux*) which facilitated the deployment of troops inside the borders of the kingdom.⁶ The Ottomans also relied on a well-organized system of supply stations (*menzil-hane*) within the boundaries of their empire, but were exposed to food scarcity when they ventured far beyond the reach of this supply network.⁷

Logistics has been re-interpreted by the scholarly literature of the last few decades as a fundamental aspect of early modern warfare and a decisive factor in the success or failure of military campaigns. The main objective of this article is to identify and analyze the logistical problems mentioned in two military regulations issued in seventeenth century Transylvania. The first document was drawn up in 1616 by Prince Gabriel Bethlen on the occasion of the campaign and siege of the rebel fortress of Lipova, which was later surrendered to the Ottomans. The second regulation was issued in 1683, by Prince Michael Apafi I, before the departure of the Transylvanian army for the siege of Vienna. Both historical sources highlight important, and partially neglected, aspects of military organization such as: the organization of military camps, the most common methods of supply, the marching order, the organization of the baggage train, the role of camp followers and the distribution of logistical tasks and responsibilities among officers.

The Size of the Transylvanian Army in the Seventeenth Century

THE EVOLUTION of early modern military logistics was strongly connected to the significant increase in the size of European armies. The armies of the Thirty Years War, for example, were often comparable in size to major urban settlements. However, it is important to note that in many cases the number of camp followers exceeded the number of fighting soldiers.⁸ This situation was typical for armies dominated by mercenaries who often travelled with their families and meagre belongings.

The Transylvanian army was in many ways a medieval army, relying mostly on local levies and only to a lesser extent on mercenaries (locals and foreigners). The rulers of the principality did not campaign too far from home, or for extended periods, and therefore the structure of their armies was somewhat different, with a smaller number of camp followers compared to other European armies of that period. Data regarding the actual strength of the Transylvanian army is scarce and often questionable, because it is mainly provided by narrative sources. The number of soldiers and camp followers mobilized for a certain expedition depended on the political context and on the strategic objective set out by the prince. Sometimes a few thousand men were considered enough to deal with minor threats inside the border of the principality. Such was the case of the siege of Lipova in 1616, although Prince Gabriel Bethlen considered that his presence was necessary to solve this delicate border dispute with the Ottomans.

In 1619, 18,000 men were gathered in camp near Cluj when Gabriel Bethlen departed for the first expedition against the Habsburgs in the Thirty Years War.⁹ In this context, the Transylvanian Prince relied on the support and goodwill of the Protestants in Hungary and thus his army was not faced with particularly challenging logistical issues. Neverthe-

less, the army was divided in two columns and advanced along different marching routes to reduce the pressure on local resources.¹⁰ In the following years the number of troops mobilized from Transylvania was limited because it was much easier to recruit mercenaries in the Hungarian counties. For example, at the beginning of 1620, the Transylvanian military contingents were reduced to 7,300 men: 3,000 *hajdú* from the western borderlands of the principality, 600 Székely cavalry, 500 Saxon infantry and a mixed contingent of 3,200 troops from the Transylvanian counties.¹¹ During the second campaign (August 1623–May 1624) the strength of the army was raised to 10,000 men, and during the third it reached 20,000 soldiers because the prince decided to recruit a higher number of *hajdú* mercenaries from the western Transylvanian counties and Upper Hungary.¹² Bethlen was capable of raising large armies because in addition to Transylvania he also counted on the resources of the Hungarian counties. He also relied to a greater extent on paid military service, a fact reflected in the unprecedented military expenditure reaching up to 400,000 florins per year.¹³

The military strength of the Transylvanian princes was significantly increased while they also controlled the seven counties in Upper Hungary. This situation is clearly reflected in the capacity of George Rákóczi I to mobilize 15,000 men in 1644. Among them at least 2,000 were recruited on the Hungarian estates of the Rákóczi family.¹⁴ Although George Rákóczi II lost most of the territories in Hungary, he was also able to raise an army of similar strength. 12,000 men were mobilized for the campaign in Wallachia against the *seimen* rebellion in 1655.¹⁵ The size of the Transylvanian army had reached an unprecedented size during the Polish campaign of George Rákóczi II in 1657. The number offered by chronicler Georg Kraus, 60,000 men,¹⁶ appears to be exaggerated but it is possible that he referred to the total strength of the coalition army under Rákóczi's command which also included Cossacks, Wallachians, and Moldavians. A more realistic estimation (23,000 men) is provided by the Swedish commander, von Sternbach, although it is unclear if it includes the allied detachments or not.¹⁷

During the reign of Prince Michael Apafi I (1661–1690) the strength of the Transylvanian army was significantly diminished, mainly because of the territorial losses occurred between 1658 and 1660. In 1681, 8,000 soldiers were mustered for the campaign organized against the Habsburgs in Hungary¹⁸ and for the Ottoman expedition concluded with the conquest of Fiľakovo (Füleke) in 1682.¹⁹ During the siege of Vienna in 1683, the size of the Transylvanian army was further decreased to 6,000 men who arrived late at their destination and were assigned minor strategic tasks.²⁰

The Marching Capacity of the Transylvanian Army in the Seventeenth Century

MARCHING CAPACITY and the movement speed of armies have always been regarded as fundamental aspect of military logistics. In practice, an average marching speed is very hard to assess, because the mobility of early modern armies was influenced by various factors such as weather conditions or even the availability of food and fodder supplies. Nevertheless, historians have approached the issue and compiled the

available data to offer an average estimate of 20 km/day.²¹ Some particular case studies seem to validate this estimation. For example, the average travel speed of Ottoman armies along the well-supplied routes inside the boundaries of the empire was 22 km/day.²² On the Spanish Road, the average speed of an army was 12 miles/day (almost 20 km) but exceptionally it also reached 23 miles/day (37 km).²³

The Transylvanian army had a similar marching capacity, although there are some specific aspects which need to be considered, like the high proportion of cavalry, the limited number of heavy artillery pieces and the fairly short travel distances.²⁴ In 1616, when Gabriel Bethlen realized that he would have to take the fortress of Lipova by force in order to surrender it to the Ottomans, he summoned some of his troops in camp near the fortress of Deva. The distance between the two fortifications along the Mureş valley is roughly 130 km. The small army was already gathered on 20 May when the regulation was issued, and its articles were communicated to those who participated in this expedition. According to narrative sources, Bethlen arrived with his troops under the walls of Lipova on the first day of June,²⁵ meaning that his army had marched for eleven days, with an average of only 12 km/day. The real traveling speed might have been higher because it was customary to rest for an entire day after a few days of marching, especially to replenish supplies.

In 1683, when Apafi was ordered to join the army of Grand Vizier Kara Mustapha under the walls of Vienna, the small Transylvanian army travelled with variable speed and often spent whole days in camp waiting for favorable weather or gathering supplies. The starting point of this campaign was Apahida. After only two days of marching, the army had already reached the village of Creaca (Kariká), situated 80 km away (meaning an average of 40 km/day). However, the speed was reduced considerably during the following phases of the march and it took 46 days for Apafi and his troops to reach the Ottoman camp, from 8 July to 22 August.²⁶ In light of this information the average marching capacity of the Transylvanian army on this particular occasion was 18 km/day.

Early Modern Military Regulations and Logistics

EARLY MODERN states made constant efforts to increase control over their armed forces in order to raise efficiency on the battlefield and to mitigate the negative social and economic impact of armies. Regulations (sometimes called edicts or ordinances), dealing with various aspects of discipline and military organization were issued with increased frequency throughout Europe. Venice was among the first states which provided their armies with a unified and homogenous set of rules in the fifteenth century,²⁷ and were soon followed by the kings of England who issued “ordinances of war” at the beginning of major military campaigns.²⁸ Lazarus Schwendi had a similar initiative in the Habsburg army with the *Artiklerbrief* first published in 1570 and completed in the following decades.²⁹

In the Principality of Transylvania military regulations were usually issued on the eve of major military expeditions, mostly during the seventeenth century. These documents dealt with a wide variety of problems such as: discipline, judicial procedure, punishment, moral standards, chain of command, supply management, marching order and camp life in general.³⁰ All these aspects were strongly interconnected, because a significant proportion of crimes committed by soldiers on campaign were in fact related to foraging activities.³¹

The research of military logistics is based, to a large extent, on the analysis of quantitative data. Nevertheless, military regulations (better suited for a qualitative analysis) can offer some valuable insights on the management of supply, quarters and marching in early modern armies. These historical sources reflect the expectations of central authorities (prince, council, diet) regarding the behavior of soldiers, on and especially outside the battlefield, and indicate what were the most important and common logistical problems faced by an army on campaign.

The Military Regulation for the Transylvanian Army During the Siege of Lipova (1616)

DURING THE first years of his reign, Gabriel Bethlen was faced with many political challenges.³² One of the most pressing matters in his relation with the Ottomans was the surrender of Lipova fortress, which Transylvanian troops had taken in 1595.³³ Because the garrison and some of the local nobility refused to leave the fortification and the surrounding villages, Bethlen was forced to organize a military campaign against the rebels. The size of the armed force mobilized for this expedition was modest; the travelling distance was rather short and therefore the logistical problems raised by this campaign were expected to be minor. Nevertheless, the prince took great care to provide his troops with all the necessary things for a successful campaign and to avoid antagonizing the local population any further. The army was gathered in camp near the fortress of Deva, roughly 130 km away from their destination. On 20 May, the prince issued a regulation consisting of 24 articles. Among them, 14 articles deal exclusively or refer to matters of logistics and camp life. It was also rather common for one article to refer to more than one topic. The most important aspects which fall into the general category of logistics were: marching order (six articles), camp organization (five articles), the distribution of logistical responsibilities among high ranking officers (three articles), provisioning (three articles), weapons and other equipment (two articles), camp followers (two articles), and the organization of the baggage train (two articles). Speed was of the essence in this small expedition if we look at the high number of articles dealing with marching and the political context in general. However, as we have seen in the previous section, the average marching speed (12 km/day) was below the standards of the age. The prince wanted to make sure that his troops would travel in the designated order. Blocking the road, mingling between companies and banners, and overcrowding the narrow passes along the road were strictly forbidden. The prince himself took on the responsibility of supervising the march of the cavalry, while the other branches of the army were entrusted to high ranking commanders. When setting up camp, each company or banner had to keep its carriages at the rear. The camp was expected to have a circular form, with the carts and carriages forming a "defensive wall" around the tents of the soldiers. Two chief quartermasters³⁴ (*főtábornester*) were designated to oversee this process (Farkas Novák³⁵ and Gergely Kállai). Another officer was appointed to organize the camp guards (sentinels) who, among other things, had the obligation to keep a very detailed register with all those who left or entered the perimeter of the camp, soldiers and servants alike. The

articles referring to food and fodder seem to indicate that, for this particular expedition, the main methods of supply were foraging and the transportation of provisions with the baggage train. It would seem that the soldiers had brought a significant number of cattle and the chief military magistrate (*fő hadi bíró*) organized a market within camp where all merchants were expected to bring their goods for sale at pre-established prices to avoid haggling and quarrels.³⁶

The Military Regulation for the Transylvanian Army During the Siege of Vienna 1683

WHEN THE Ottomans decided to attack Vienna in 1683, the Prince of Transylvania was called to fulfil his duties as vassal of the sultan. Michael Apafi was in no position to refuse such a request and mobilized a modest army of 6,000 soldiers. This expedition was far more challenging from a logistical point of view because of the long travelling distance (roughly 850 km). The regulation prepared on this occasion was more detailed, containing 40 articles.³⁷ A significant number of rules deal with crime and punishment by death, prescribed for no less than 18 transgressions.³⁸ There are also 22 articles (55%) which approach various logistical aspects: marching (eight articles), camp organization (eight articles), provisioning (eight articles) the distribution of logistical responsibilities among officers (five articles), weapons and equipment (three articles), camp followers (three articles) and the baggage train (two articles). The main logistical issues were the same as in 1616, although the conditions of the military expedition were different. Once again, soldiers were expected to march under their own banners and flags and carry their own weapons. Those who were found marching with the baggage train were initially punished by flogging and sentenced to death for the second offense. If the army was attacked while on the march each company and banner should maintain their position until ordered otherwise. The organization of the camp was seen as an equally important aspect. A quartermaster (*tábornester*) was appointed at the beginning of the campaign and his most important duty was to oversee the distribution of camping sites for the various units of the army. Life in camp was governed by very strict rules. The mobility of soldiers and servants inside and outside the perimeter of the camp were carefully observed by their superior officers. Nobody was allowed to leave camp before the morning prayer, while music, shooting and drinking were forbidden after the evening prayer. A few articles dealt with some of the most common dangers that threatened the lives of those living in a military camp. For example, leaving unattended fires inside the camp was strictly forbidden and severely punished. The importance of logistics for the Transylvanian army is underlined by the significant number of officers assigned to logistical duties. While some of them had to deal first and foremost with such tasks like the quartermaster, the market overseer (*vásárbíró*) or the master gunner (*artellariae magister*), ordinary captains and lieutenants were also responsible for various issues regarding the marching, camping and provisioning of their own soldiers. The issue of food and fodder supply was, as expected, treated with great care. The largest part of the journey took place away from the Transylvanian border but through friendly territory (Ottoman Hungary and the lands controlled

by Imre Thököly). Some of the articles specifically forbade unauthorized plunder raids, and if such incursions were approved by the prince, soldiers were forbidden to attack poor people, noble estates, mills, churches and schools. Other forms of foraging mentioned by the edict were trading with the local population and hunting.³⁹ In spite of all these efforts and precautions, Apafi's troops suffered greatly from the lack of provisions, especially on the return journey. A critical point was reached during the first weeks of October, when they were camped in the vicinity of Buda, together with a large part of the Ottoman army, and it was very hard to find sources of clean water for men and horses. It is estimated that only half of the soldiers were able to return home in early November, while the rest died mostly of hunger and illness.⁴⁰

Conclusions

MILITARY REGULATIONS are valuable historical sources because they shed light on the most important principles of "good governance" in matters of warfare and army organization. However, as I mentioned at the beginning of this article, the regulations represent an ideal, a standard for moral and practical behavior in the army. The efficiency of these regulations, the practice of enforcing rules, the application of punishment for the various transgressions mentioned in these documents and their overall impact on the conduct of soldiers are topics which require further examination.

The importance of logistics for early modern armies has been clearly underlined in historiography because of obvious reasons. During a military expedition fighting occurred only occasionally while soldiers, camp followers and horses were often on the move and they needed food and shelter every day.⁴¹ Our case study (Transylvania) shows that general European trends have limited relevance and they should be analyzed in the specific political and cultural context of each region. In both campaigns discussed in this article, the size of the army was adjusted to the importance of the political and strategic objective, but resource management was also an important factor taken into consideration. Marching speed was also influenced by various factors, including the political context. In 1683, for example, Michael Apafi was not very motivated to reach the siege of Vienna because he was already considering aligning himself with the Habsburgs, and therefore the marching speed of his army was below average, although he was not encumbered by heavy artillery or a large baggage train.

According to the two regulations examined in this study, the most important methods of securing provisions were through transportation with the baggage train and foraging. There is no conclusive evidence regarding a system of food depots and resupply lines. This situation is confirmed by some narrative sources such as the autobiography of Nicholas Bethlen, who described the diverse and large quantities of supplies he took for himself and his retinue of 40 servants when he participated in a campaign in Upper Hungary in 1681. These provisions were transported on eight carriages (of various sizes) and two pack horses.⁴²

Both regulations were focused on maintaining good order while the army was stationary (in camp) or on the move. They also show that logistics was strongly intertwined with

discipline and moral standards because most crimes committed by soldiers on campaign, amongst themselves or against the local population, were in fact connected to the struggle to find food and shelter.



Notes

1. Fernand Braudel, *The Mediterranean and the Mediterranean World in the Age of Phillip II*, trans. Sian Reynolds (New York: Collins, 1972), 334.
2. For a brief overview of the changing definitions of logistics with particular emphasis on ancient Rome, see Jonathan P. Roth, *The Logistics of the Roman Army at War (264 B.C.-A.D. 235)* (Leiden: Brill, 1999), 1-5.
3. Lawrence W. Marvin, "Logistics and Transportation," in *The Oxford Encyclopedia of Medieval Warfare and Technology*, vol. II, ed. Clifford J. Rogers (Oxford: OUP, 2010), 513-17; Frank Tallett, *War and Society in Early Modern Europe, 1495-1715* (Abingdon: Routledge, 2016), 54-58; Géza Perijés, "Army provisioning, logistics and strategy in the second half of the 17th century," *Acta Historica Academiae Scientiarum Hungaricae* 16 (1970): 25-26.
4. Perijés, "Army provisioning," 19-25.
5. Geoffrey Parker, *The Army of Flanders and the Spanish Road, 1567-1659: The Logistics of Spanish Victory and Defeat in the Low Countries' Wars*, (Cambridge: CUP, 2004), 90-101.
6. Tallett, *War and Society*, 63; Jeremy Black, *Warfare: Renaissance to Revolution 1492-1792*, (Cambridge: CUP, 1996), 91.
7. Murphey Rhoads, *Ottoman Warfare, 1500-1700* (London: UCL Press, 1999), 70-71, 97-99.
8. For example, in 1648 the total strength of the Imperial-Bavarian army was estimated at 40,000 soldiers, plus about 60,000 camp followers, Tallett, *War and Society*, 54.
9. *Chronicon Fuchsio-Lupino-Oltardinum sive annales Hungarici et Transsilvanici*, vol. I, ed. Josephus Trausch, (Braşov: Johannes Gött, 1847), 294.
10. János B. Szabó, "Gábor Bethlen's Armies in the Thirty Years War," in *The Princes of Transylvania in the Thirty Years War*, ed. Gábor Kármán (Leiden: Brill Schöningh, 2022), 59-61; Ödön Olchváry, "Bethlen Gábor első támadása II. Ferdinánd," [Bethlen Gábor's first attack on Ferdinand II] *Hadtörténelmi Közlemények*, III (1890): 333-60.
11. *Török-Magyarokori Állam-Okmánytár I. Török-Magyarokori történelmi emlékek. Okmánytár*, [Turkish-Hungarian State Archives I. Historical monuments of the Turkish-Hungarian period. Diplomataria,] vol. III, eds. Áron Szilády, Sándor Szilágyi (Budapest: Eggenberger, 1868), 218.
12. Florin Nicolae Ardelean, *The Army of Transylvania (1613-1690): War and Military Organization from the 'Golden Age' of the Principality to the Habsburg Conquest* (Birmingham: Helion & Company, 2024), 102-106.
13. István Kenyeres, "The Fiscal Capacity and War Expenses of Transylvania and the Habsburg Monarchy during the Rules of Gábor Bethlen and Ferdinand II: A Comparison," in *The Princes of Transylvania in the Thirty Years War*, 112-30.
14. István Czigány, "The 1644-1645 Campaign of György Rákóczi I," in *The Princes of Transylvania in the Thirty Years War*, 86-112.

15. Miron Costin, *Opere*, [Works] ed. Petre P. Panaitescu (Bucharest: Editura pentru Literatură, 1965), 172.
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23. Parker, *The Army of Flanders*, 96-97, 280.
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28. Steven Gunn, David Grummitt, Hans Cools, *War, State and Society in England and the Netherlands, 1477–1559* (Oxford University Press, 2007), p. 253, 273; Raymond James, *Henry VIII's Military Revolution: the Armies of Sixteenth-Century Britain and Europe* (London: Tauris Academic Studies, 2007), 72.
29. Géza Pálffy, "Un penseur militaire alsacien dans la Hongrie au XVI^e siècle Lazare baron von Schwendi (1522–1583)," in *La pensée militaire hongrois à travers les siècles*, ed. Hervé Couteau-Bégarie and Ferenc Tóth (Paris: Economica, 2011), 41–61; Zoltán Péter Bagi, "The Life of Soldiers during the Long Turkish War (1593–1606)," *Hungarian Historical Review* 4, no.1 (2015): 396.
30. Florin Nicolae Ardelean, "Military Justice, Regulations and Discipline in Early Modern Transylvanian Armies (XVI-XVII centuries)," *Studia Universitas Cibiniensis, Series Historica* VIII, no.1 (2011): 183-189; Florin Nicolae Ardelean, "Piety, morality and discipline in the military regulations of the Transylvanian principality (1577–1683)," in *Common Man, Society and Religion in the 16th Century/Gemeiner Mann, Gesellschaft und Religion im 16. Jahrhundert Piety, Morality and Discipline in the Carpathian Basin/Frömmigkeit, Moral und Sozialdisziplinierung im Karpatenbogen*, ed. Ulrich A. Wien (Berlin: Vandenhoeck & Ruprecht, 2021), 263-75.

31. This was the case with the Polish-Lithuanian army participating in the Khotyn campaign in 1621. Many violent conflicts within the army or with the local population occurred because of the scarcity of food supplies, see Przemysław Gawron, “Dyscyplina w szeregach armii polsko-litewskiej na terenie Małopolski i Rusi Czerwonej w czasie przygotowań do wyprawy chocimskiej w 1621 r.,” [Discipline in the Polish-Lithuanian Army in Lesser Poland and Red Ruthenia during its preparation for the expedition of Khotyn in 1621] *Czasopismo Prawno-Historyczne*, Tom LXXI, no. 2 (2019): 89-111.
32. The election of Gabriel Bethlen in 1613 marked the end of a political crisis represented by the despotic rule of Gabriel Báthory (1608-1613), which threatened the existence of the autonomous principality. On the rule of Gabriel Bethlen (1613-1629), interpreted as a “golden age” of the Principality of Transylvania, see Dénes Harai, *Gabriel Bethlen: Prince de Transylvanie et roi élu de Hongrie (1580-1629)* (L’Harmattan, 2013); Katalin Péter, “The Golden Age of the Principality (1606-1660),” in *History of Transylvania*, vol. II, ed. László Makkai and Zoltán Szász (Columbia University Press, 2002), 1-231.
33. On the importance and development of Lipova as a border fortification, see Adrian Magina, “Lipova at the beginning of the 17th century. Documentary contribution,” in *Iimerarii istoriografice: Studii în onoarea istoricului Costin Feneşan*, ed. Dumitru Ţeicu and Rudolf Gräf (Cluj-Napoca: Academia Română Centrul de Studii Transilvane, 2011), 297-321; Oana Toda, Florin Mărginean, “The fortification structures from Lipova at the end of the Middle Ages and in the Ottoman period. A reassessment of the available sources,” *Caiete ARA (Arhitectură. Restaurare. Arheologie)*, 14 (2023): 105-131.
34. The quartermaster was the person in charge of logistical aspects in military campaigns. He is first mentioned in the sixteenth century and became an important figure in the following period. He was in charge of setting the camp, planning the march, reconnaissance and eventually supply of food and equipment, Perijés, “Army provisioning,” 33-34.
35. In 1610–1611, while Transylvania was ruled by Gabriel Báthory, Farkas Novák held the office of supreme captain of the Szekler Seat of Arieş (*Volfgangus Novák capitaneus sedis Siculicalis Aranyos*). He maintained this position under Gabriel Bethlen, see *Monumenta Comititalia*, vol. VI, 188, 554; *Monumenta Comititalia*, vol. VII, 258.
36. *Bethlen Gábor fejedelem levelezése* [The correspondence of Prince Gabriel Bethlen], ed. Sándor Szilágyi (Budapest: Magyar Tudományos Akadémia Kiadása, 1886), 55-59.
37. *Monumenta Comititalia*, vol. XVIII, pp. 136-141.
38. Ardelean, *Piety, Morality and Discipline*, 272-273; Ardelean, *The Army of Transylvania*, 69-72.
39. In particular articles 9, 11, 31, 32, 36 and 39, *Monumenta Comititalia*, vol. XVIII, 136-141.
40. Szabó, “Splendid Isolation,” 329-330.
41. Perijés, “Army provisioning,” 26
42. Nicolae Bethlen, *Descrierea vieţii sale de către el însuşi*, [The description of his life by himself] trans. Francisc Pap (Cluj-Napoca: Casa Cărţii de Ştiinţă, 2004), 170-172.

Abstract**A "Town" on the Move: Regulating Camp Life and Logistics in the Army of the Principality of Transylvania (Seventeenth Century)**

Early modern towns and armies shared many common features and were faced with similar logistical issues. Recent research in the field of military history has emphasized the importance of logistics and in particular the aspects of supply (food and fodder), marching and quartering. This article analyses the logistical aspects approached by two military regulations issued for the Transylvanian army during the seventeenth century. The first was issued by Prince Gabriel Bethlen (1613–1629) in 1616, on the eve of the expedition set to conquer the rebel fortress of Lipova (Lippa), while the second regulation was prepared in 1683 by Prince Michael Apafi I (1661–1690) on the occasion of the Ottoman siege of Vienna. Both documents deal to a large extent with various logistical problems faced by the army on campaign. A significant proportion of articles (more than half in both cases) approach issues such as: marching order, camp organization, the distribution of logistical responsibilities among high ranking officers, provisioning, weapons and other equipment, camp followers, and the organization of the baggage train.

Keywords

military logistics, mobility, provisioning, warfare, Transylvania, Gabriel Bethlen, Michael Apafi I

Transnational Book Trade in Times of Peace and War

The Correspondence between Karl W. Hiersemann
and Ioan Bianu, 1903–1917

BOGDAN POPA

IN THE second half of the nineteenth century, book trade evolved into a truly transnational capitalist business. Though dependent on the knowledge, imagination, and personal agendas of different authors, an intricate web of local, regional, and international networks was established by publishers, booksellers, and commissioners. They thus provided prints for individuals and institutions throughout the entire world. Romania was not an exception.

Entangled Regulations in Publishing and Book Trade. Introduction

I SHALL explore in the following pages the business relations between antiquarian and publisher Karl W. Hiersemann (1854–1928) and Ioan Bianu (1856–1935), the librarian of the Romanian Academy of Sciences. Available in the Manuscript Section of the Library of the Romanian Academy, Hiersemann's letters span two very different decades, from 1903 to 1917.¹ Even if Bianu's replies are, at least for the time being, unavailable for research, draft answers are to be found on several of Hiersemann's missives.

The letters sent by Hiersemann to Bianu were not included in the admirable edition of the latter's correspondence.² It is also true that these were part of an institutional, business-oriented type of communication. It was not, at any point, a personal exchange of news, information, or ideas. The only topics of discussion were the negotiation of prices, delivery conditions, and payments. Even if this would allow for a presentation by way of a thematic approach, a standard, chronological analysis is actually significant for the history of book trade in times of peace and war.

Much of this correspondence is centered around the trailblazing work of Alexandru Odobescu (1834–1895), *Le Trésor de Pétroussa. Historique-Description. Etude sur l'Orfèvrerie Antique*, Paris, Jules Rotschild Editeur, 1896–1900. When Hiersemann and Bianu started to discuss the terms of sale for the edition, both its author and publishers were already dead. I do not normally hold the 'perennial value' of a book or author as defining for its market success or failure, for book trade was also a capitalist venture. This is not the case

here. The titles sold by Hiersemann or bought by Bianu were relevant in terms of their scientific and bibliophile value.³

I have started from the assumption that this is a case study on the mechanisms of transnational book trade. Different internal and international regulations played an important role, even if not always mentioned. This was the case especially during the First World War, as I shall further point out. The fact that business was made or proposed between opposing parties in the war provides useful insights on the actual impact of the conflict on the well-established transnational business networks and transportation routes of the continental book trade. Also, even if this is more of a case-study than exhaustive research, the Hiersemann-Bianu correspondence allows for an analysis into how national and international regulations impacted on the circulation of books between Romanian and foreign vendors or buyers.

This article consists of three parts. The first is an overview of the Romanian book trade during the second half of the nineteenth century, underlying its quick but insufficient connections to the transnational book market. The second part discusses the involvement of the Romanian government in printing Odobescu's work in France. The third and final part is the actual analysis of the Hiersemann-Bianu correspondence. I argue that the study of the impact of transnational economic networks on the actual dissemination of knowledge may be better understood by setting relevant case studies in broader contexts.

Book Trade in Modern Romania. An Overview

THERE IS, certainly, an eternal caveat to applying all possible theoretical approaches to Romanian history. Book trade in modern Romania, however, cannot be understood in isolation from the continental, transnational, capitalist frameworks.⁴

A type of capitalist venture blending nation-building and profit alike, book trade may be seen as both an agent as well as a sign of modernization within the Romanian society. Readers, foremostly of aristocratic (i.e., boyar) lineage, corresponded with sellers abroad and bought Western or Eastern European books for their private libraries since the eighteenth century. Bookstores and publishing houses started to emerge in Wallachia and Moldavia during the 1840s–1850s, yet they never fully gave up on selling stationery, toys, wines, or other wares in order to survive financially in a slow-growing market. The staggering rates of illiteracy in the country were one cause for this. The Romanian economy was overwhelmingly agrarian, hence prone to crises generated by poor harvests and unfavorable international developments.⁵ The crises of the years 1899, 1901–1902 and 1903 stand out,⁶ for only amid such a general setback did a large number of booksellers finally understand the importance of having a functional professional organization. Yet this was only achieved in 1903. A distinct publication was created as a place for debating fair competition rules as well as the impact of labor legislation, i.e., the 1897 Law of Sunday Rest or the 1902 Law of Professions.⁷ At the beginning of the 20th century, therefore, the legal requirements of the book trade were doubled by widely acknowledged professional, or internal, regulations. In quantitative terms, there were roughly 200 booksellers active in Romania.⁸

From the very beginning, booksellers were connected to the continental networks of the trade. The major player on the book market, Ioan V. Socec (1830–1896) had a network of correspondents and did business with partners in Berlin, Brussels, Constantinople, Leipzig, London, Paris, or Vienna. This was rather an exceptional case. One should note that far more titles, of all possible qualities, were imported than exported. Throughout the second half of the nineteenth century and early twentieth century, an important buyer of prints, manuscripts, and antiquities was the Romanian Academy of Sciences, founded in 1866. The learned society worked with local (foremostly Socec in Bucharest and Șaraga in Iași) and foreign (Gauthier-Villars of Paris, Gerold of Vienna, Raphael Friedländer&Sohn of Berlin, Otto Harrassowitz of Leipzig) companies in order to distribute its own and also acquire materials for its library.⁹

At times, foreign-based publishers and antiquarians approached the Romanian Academy of Sciences in a direct manner, bypassing existing networks and thus creating new business relations. This article deals with such a case.

Publishing as a State Affair.

Alexandru Odobescu and His French Publishers

ALEXANDRU ODOBESCU is considered one of the founding fathers of Romanian archaeology and celebrated as the first professor to lecture on the subject at the University of Bucharest. The object of Alexandru Odobescu's book, the so-called Pietroasa Treasure, was a trove of gold and precious stone pieces. It was found accidentally in 1837 by two peasants, who did not grasp its historical and esthetical value. Hence Odobescu came into contact with the Pietroasa Treasure not as its discoverer, but as an archaeology enthusiast and governmental commissioner for Romania's participation in the World Fair in Paris (1867) and an exhibition in London (1868).¹⁰ The tumultuous history of the artefacts¹¹ as well as the interpretations given by amateur or professional archaeologists and historians alike are known.¹² At least as spectacular as the Pietroasa Treasure, the publishing history of Odobescu's book was itself not deprived of dramatic and uncanny twists.

What had begun as a personal endeavor for Odobescu turned into a governmental, state-funded enterprise. Odobescu believed that no Romanian publisher or printer would be able to put into practice his vision of a large book, written in French and meticulously illustrated. Odobescu had many of his other literary and historical works printed with different publishers in Bucharest—and this proves his interest in making the Pietroasa Treasure internationally known.

Odobescu petitioned the Ministry of Religious Denominations and Public Instruction in 1874 and explained that such a book could also become a diplomatic gift for the government and be donated to universities and learned institutions worldwide. In return for the expenses paid by the Romanian state, 500 copies of the book and all the chromolithographs and xylographs commissioned in Germany would become the property of the said Ministry. Odobescu initially wished for 150 copies for his own use.¹³

In order to ease the process of finding the kind of publisher able to fulfil his desiderata, Odobescu obtained a minor diplomatic position in Paris.¹⁴ Politics, or political reasons not short of personal and intellectual rivalries, also played a role in Odobescu's financing efforts. Several bitter disputes occurred after the initial funding was cut, only to be reinstated after a short period of time.¹⁵ Besides, Odobescu seemed always to need more time to finish the manuscript. A friend and colleague at the Paris legation, George Bengescu, wrote that Odobescu had bought all the possible bibliography available on the matter of ancient art and archaeology, regardless of the price or place of provenance.¹⁶

There was also a certain amount of sheer bad luck. A contract with V. A. Morel's publishing house was signed in 1882, but two years later it went bankrupt. New negotiations were undertaken by the diplomats of the Romanian legation in France and another Parisian publisher, Jules Rotschild (1838–1900), took over the contract in 1885, basically continuing to print what Morel had begun.¹⁷ In keeping with Odobescu's intentions, Morel and Rotschild owned publishing houses specialized in large, lavishly illustrated volumes.

The Romanian Ministry of Religious Denominations and Public Instruction paid both publishers. Without the involvement of the Romanian Legation in Paris and a certain favorable political context at home, the work would have been delayed even more. Odobescu was not ready by the time Rotschild became his publisher. According to the final contract, 500 copies were meant for sale, 150 on Colombier paper for official purposes, and 15 on Japanese paper were at the disposal of King Carol I (1866–1914), to whom the book was dedicated.¹⁸

Whilst printing the volumes, Rotschild also started to promote the book. He carefully let the Romanian government know of his steps in this direction, i.e., he had asked archaeologist W. Fröhner to write a review. This was supposed to be sent, after being printed, to several journals and newspapers in France, Germany, Great Britain, Italy, and the United States of America.¹⁹ Even so, several other difficulties occurred until the printing was ready. Gheorghe Ionescu-Gion was entrusted with the proofreading, as Odobescu's health deteriorated. His relations with Rotschild were rather conflictual and once more necessitated the mediation of the Paris legation.²⁰ Odobescu and Rotschild were dead by 1900. The already printed copies became the property of the Romanian Ministry of Religious Denominations and Public Instruction, with no clear arrangements on their distribution.

Book Trade as a Business, Book Trade as Building Up a Library

IT IS at this point that Karl W. Hiersemann and Ioan Bianu come into the picture. Both were important names in their respective fields. Whilst Bianu was already familiar with Odobescu's work, it is still unclear how Hiersemann's attention originated. A perusal of catalogues reveals that other works published by Rotschild in Paris were already sold by the Leipzig commissioner.²¹

By 1903, Karl W. Hiersemann was already a successful and experienced antiquarian and publisher, with a keen interest, among other, in manuscripts, the history of arts, and

first editions of books. Hiersemann started his own Leipzig-based company in 1884, after years of apprenticeship, and quickly became an important name in the book trade, with excellent connections in Europe and North America.²² Just like any other player on this highly specialized market, Hiersemann published several hundreds of thematic catalogues.²³ For the book traders this was the norm, not an exception. Leipzig was the main European hub of the so-called “commission-based book trade” (*Kommissionsbuchhandlung*), connecting sellers and buyers worldwide on a daily basis.²⁴

Ioan Bianu was the librarian of the Romanian Academy of Sciences in Bucharest. He owed the appointment to Dimitrie A. Sturdza (1833–1914), an influential liberal politician, collector of books and antiques, and historian.²⁵

If Hiersemann was mainly interested in making money from the trade in rare or important titles, Bianu made the growth of the library he actually led a life goal and matter of personal pride. Bianu, who also held a literature chair at the University of Bucharest, struggled to apply the 1900 Romanian Law of the Legal Repository. He also negotiated the acquisition of manuscripts, prints, series, and historical objects from local and foreign commissioners and antiquarians. Contemporaries were keen to praise Bianu’s flair for the acquisition of valuable books for the Library of the Romanian Academy,²⁶ a talent which he also displayed in relation to Hiersemann.

The first letter presently available for research, dated 12 May 1903, was a very tempting business proposal, made by Hiersemann to the Romanian Academy of Sciences. It was typewritten on a paper featuring the caption “Vertreter für Deutschland der Smithsonian Institution, Washington, D.C.” under a stylized Phoenix, the logo Hiersemann’s company. The Leipzig-based antiquarian and librarian requested a 15 years monopoly on the sales of Alexandru Odobescu’s *Le Trésor de Pétroussa. Historique-Description. Etude sur l’Orfèvrerie Antique*, published in Paris by Jules Rotschild Editeur between 1896 and 1900. Bianu was quick to ask the government to answer in a positive manner to Hiersemann’s idea. The Romanian Ministry of Religious Denominations and Public Instruction, on 17 June 1903, agreed to the terms offered by Hiersemann. The commissioner bought 50 copies of *Le Trésor de Pétroussa* on his own expenses. The rest were to be sold ‘by commission,’ meaning an arrangement on payments was to be made between him and the Romanian counterparts. All the volumes had to be sent to Leipzig “in the cheapest way.”²⁷

On 15 September 1903 Hiersemann proudly inserted in *Börsenblatt für den Deutschen Buchhandel* a half-page announcement of his acquisition of the rights to Odobescu’s three-volume work, bound together in one sleeve and adorned with 16 chrome tables and 356 text illustrations. The price was 120 German imperial marks, with certain facilities for cash payments and orders within the following two weeks. Besides commercial information and a short description of the treasure (“ein Unikum in der Geschichte der Kunst”), the publisher included a interesting piece of information on the prospective buyers. These included, besides the expected university libraries, archaeological institutes, archaeologists, and museums, also collectors of images and fine arts, goldsmiths, silversmiths, and art schools (“Kunstgewerbeschulen”).²⁸ The fact that Hiersemann acquired the rights explains why several library catalogues list Odobescu’s *Le Trésor de Pétroussa* as published in Leipzig in 1900.

1903 was a year of crisis and adjustment for the book traders in Romania. Contemporary observers decried the disappearance of several Bucharest high-street bookstores, either following bankruptcy or the departure for less fashionable areas of the city—yet

without changing the daily display of luxury in the said commercial areas.²⁹ Besides, publishers and booksellers had to contend with the general difficult economic situation and also adjust to a new labor legislation, as mentioned above. Whether Hiersemann seized the moment and made an offer for a valuable book is an open question. But based on Odobescu's initial vision, the 1903 crisis might not have played a role in the decision. Nevertheless, the exposure to a worldwide market was too tempting. A Leipzig commissioner had infinitely more connections than a Bucharest bookseller, and Hiersemann was exceptionally well-connected. It was a pragmatic approach, but at the same time one may rightly consider that Bianu followed into Odobescu's patriotic vision of making the unique Pietroasa Treasure better known abroad.

Karl W. Hiersemann became a new foreign commissioner to work on behalf of the Romanian Academy of Sciences, hence highlighting the fluidity and amplitude of the pre-1914 transnational book trade. The relations grew slowly, not always in a mutual lucrative manner. Two opposite examples illustrate this. On 25 September 1908, another proposal came from Hiersemann. This time, he offered Bianu a "wenig flecking" (slightly spotty) copy of *Aviso venido por via de Roma...*, a rare Spanish print from 1599. The price for the Spanish language news of Michael the Brave's (1593–1601) campaign south of the Danube in 1599 and the contemporary raid of a Florentine fleet on the Aegean Island of Chios was 580 Reichsmarks, with a 10% discount.³⁰ Bianu proved to be a tough negotiator, for Hiersemann rejected the counteroffer of 100 Reichsmarks. That was motivated by the state of the print, repaired, according to Hiersemann, by a bookbinder. The final price was 400 Reichsmark. Had Bianu decided not to buy at that price, he was offered the choice of other books from Hiersemann's Catalogue 354.³¹ Once more a sense of patriotic duty prevailed, and the print was acquired by the Library of the Romanian Academy.³²

However, the initial partnership on Odobescu's book was less profitable. On 5 March 1913, Hiersemann let Bianu know that all the 50 copies of *Le Tresor de Pétroussa* bought by him had been finally sold. The safe and well-established pace of the Leipzig book trade hub was apparently not always quick. No commission-based copy was sold, which meant 380 were still available. 12 of the Japan paper printed books were also placed on the market in Leipzig. The only copy sold was actually counted as a loss: it was bought but unpaid for by S. C. Brown Langham & Co. of London.³³ Such a rate of sale over ten years for an expensive and highly specialized publication might not have been unusual. This letter is of particular interest due to a note on its verso. Bianu had had a life-long habit of sketching or copying answers to official letters on the verso. On this 1913 letter, a note dated 2 February 1917 was written, in Romanian and German.

At the outbreak of the First World War, Romania opted for neutrality. Despite a secret treaty with the Central Powers, Romania decided to become part of the Entente alliance in the summer of 1916. After initial successes in Transylvania, powerful counteroffensives from north of the Carpathians and south of the Danube led to the fall of Bucharest in November 1916. Besides the capital, important swathes of territory were occupied by the Central Powers and held under 1918. The government, the royal family, the rest of the army, and numerous civilians found refuge in Moldavia. Several state officials were ordered to stay in Bucharest and deal with daily affairs. Other intellectuals and politicians did not seek refuge. Most of them professed pro-German attitudes, which, in turn, prompted

allegations of treason after 1918. Ioan Bianu was among the Romanian officials ordered to attempt damage-control in the relations with the Central Powers. After the government took refuge in Iași, Bianu was put in charge of the daily dealings of the Romanian Academy in Bucharest. Besides administrative challenges and economic restrictions, he countered different attempts to have parts of the manuscripts and medieval documents collections taken as spoils of war by the enemy forces.³⁴ After the war, Bianu faced accusations of cooperation with the enemy, but he invoked his staunch defense of the holdings of the Library of the Romanian Academy and thus the charges were dropped.³⁵

In the 1917 handwritten note mentioned above, Ioan Bianu requested Karl W. Hiersemann to send four copies of *Le Tresor de Pétroussa* to the German military occupation authorities in Bucharest (two of these on Japan paper).³⁶ After this, the Hiersemann-Bianu correspondence in regard to Odobescu's *Le Tresor de Pétroussa* took a new turn. On 5 March 1917, Bianu, in a rather irritated tone, cancelled his order. Another official letter was sent from Bucharest on 28 March 1917, two new copies being added to the previous order, this time for the Library of the University of Strasbourg. Hiersemann needed another month to reply and decline the request: the volumes of Odobescu, *Le Tresor de Pétroussa*, were considered enemy goods. Hiersemann saw in this predicament another business opportunity. His proposition was to buy all the remaining 375 copies (between 1913 and 1916, five other had been sold). For the Romanian Academy, this would have meant to basically renounce a lucrative "commission account" to Hiersemann. Such an understanding would have unblocked the orders made for the Military Administration in Romania (Deutsche Militärverwaltung) and the Strasbourg University, suggested the bookseller. But—and this was only a post-scriptum to the letter—any "payment can certainly be made only after a peace agreement" between Germany and Romania.³⁷ It is unclear whether an understanding was reached, but in April 1917 the acquisition of Odobescu's *Le Tresor de Pétroussa* by the library of the Royal Museum in Berlin was announced.³⁸

After this point, the correspondence ended abruptly. In the summer of 1917, military operations resumed, although the Romanian army could not capitalize on its field gains. A separate peace treaty was signed but not ratified in 1918.

Trading Books in Peacetime, Trading Books in Wartime. Conclusions

WHY IS the correspondence between a Leipzig antiquarian and bookseller and a Bucharest academic and librarian relevant? What does it say about regulations in a field—transnational book trade—which was in itself dependent on several non-economic factors?

Let us look again at the actors involved, directly or indirectly, in this exchange of business proposals and counter-proposals. First, Alexandru Odobescu gained the support of the government, however not without ups and downs. This led to a series of formal requests, governmental decisions, and negotiations involving a diplomatic representation. Years after an endeavor that required so many formal documents (petitions, contracts, cor-

respondence), Karl W. Hiersemann obviously grasped the chance of gaining profit from a book paid for by the Romanian government. Ioan Bianu, who acted in accordance with the Ministry of Religious Denominations and Public Instruction, saw the chance of disseminating the lifelong work of Odobescu. Both Hiersemann and Bianu could be happy with the arrangements. By signing an agreement with a member of the Leipzig world-connected hub, the exposure gained by Odobescu's book was far greater than what any Bucharest bookseller could possibly provide.

The broader historical context also cannot be ignored. Romanian book trade and publishing industry evolved quickly during the second half of the 19th century, but struggled whenever crises hit the agrarian economy of the country. There were networks in place, but, besides technical limitations, no publisher had the purview and force shown initially by Rothschild and later by Hiersemann.

The outbreak of the Great War limited, but did not halt the book trade. Once more, Hiersemann's networks were instrumental, whereas in Bucharest Bianu had to deal with crisis management and a tough regime of military occupation. This was also the only moment when a regulation was invoked (books as enemy goods). Otherwise, there was an astounding lack of references to national laws or trade bylaws. Both Hiersemann and Bianu seemed to agree, without having to appeal to regulations, on a written agreement, and the actual pace of the book trade (a rather slow one, when involving Romanian writings, even if written in French and printed in Paris) prevailed.

□

Notes

1. Library of the Romanian Academy (hereafter: BAR), Manuscripts Section, S62 (1-2)/CDXCII, S14(1-6)/D.
2. *Scrisori către Ioan Bianu* [Letters to Ioan Bianu], I-V, edited by Marieta Croicu and Petre Croicu (Bucharest, Minerva, 1974-1980).
3. Besides the discussions on the remarkable Odobescu edition, Hiersemann also offered *Aviso venido por via de Roma...*, a rare print published by Nerva Hodoș a few years later, *Vitejiile lui Mihai Vodă* [The Brave Deeds of Voivode Michael] (Bucharest, Carol Göbl, 1913), an account of the 1599 campaign of Wallachian prince Michael the Brave (1593-1601) south of the Danube.
4. Several titles stand out: Gary D. Stark, *Entrepreneurs of Ideology. Neoconservative Publishers in Germany, 1890-1933* (Chapel Hill: University of North Carolina Press, 1981), Robert Darnton, "What is the History of Books?" *Daedalus* (3): 1982; Alisson Rukavina, *The Development of the International Book Trade 1870-1895. Tangled Networks*, (Palgrave Macmillan, Houndmills, Basingstoke, 2010); *Historical Networks in the Book Trade*, edited by John Hincks and Catherine Heely (Abingdon: Routledge, 2017).
5. Bogdan Murgescu, *România și Europa. Acumularea decalajelor economice (1500+2010)* [Romania and Europe. The Accumulation of Economic Gaps, 1500-2010] (Iași, Polirom, 2010) 122.
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Abstract

Transnational Book Trade in Times of Peace and War: The Correspondence between Karl W. Hiersemann and Ioan Bianu, 1903–1917

This study examines the transnational book trade between 1903 and 1917, focusing on the correspondence between Karl W. Hiersemann and Ioan Bianu as a case study in economic, cultural, and regulatory dynamics during times of peace and war. It provides an overview of Romania’s book trade in the late 19th century, highlighting its integration into continental capitalist networks despite local challenges such as illiteracy and economic crises. The article also delves into the Romanian government’s involvement in publishing Alexandru Odobescu’s archaeological work in France, examining how state interests intersected with academia and commerce. Finally, the correspondence between Hiersemann and Bianu helps us analyze the impact of war on established transnational networks, shedding light on how regulations and conflict influenced the circulation of knowledge and scientific literature. This study underscores the importance of contextualizing specific cases within broader frameworks to better understand the mechanisms of transnational book trade and dissemination.

Keywords

transnational book trade, correspondence, regulations, First World War, Pietroasa Treasure.

Report as an Administrative Tool

Case Study: Reports for the Reform of the Bucharest Municipal Laboratory of Chemical and Bacteriological Analysis (1908)

SIMION CÂLȚIA

IN THE decades preceding the First World War, the use of a new tool, the report, became the norm in the Romanian administration. This development was mainly driven by the need for managers to effectively handle the information necessary for decision-making. In the nineteenth century, the amount of information available in society grew rapidly and at an accelerated pace, playing an increasingly important role in the decisions taken by municipal authorities. Advances in science, together with the gradual differentiation of the fields of knowledge and their professionalization, were crucial in this respect. Moreover, the growing amount of technical information became impossible to ignore from the perspective of urban management. Cities rapidly evolved into complex technological systems. Scientific and technological information became intrinsic to the functioning of cities and their management emerged as a daily and fundamental activity of municipalities.

Cities experimented with and implemented many new administrative practices. An increasing number of laws, regulations and ordinances were enacted at the local and national level.¹ All this led to a rapid increase in the legal and administrative information to be managed by municipalities.

Another phenomenon worth mentioning is the much easier circulation of information. Whether it was books and journals coming from the West, or Romanian municipal officials going on fact-finding trips, access to information existing in cities and town halls outside Romania became easier and its use more frequent. In other words, the Bucharest municipal authorities had access to at least a significant part of the information created in the cities of the more advanced European countries.

It is obvious that around 1900 a mayor or a city councilor could no longer master all aspects (some of them highly technical) of the many activities carried out by the municipal services. Even civil servants in knowledge-based services (doctors, engineers, architects, etc.) no longer had the time to keep abreast of new developments and the ability to acquire all the knowledge of rapidly expanding scientific fields. But staff in urban administrations had to make decisions based on the abovementioned knowledge. One of the solutions frequently used at the time was the report: a text written by an expert, which had to provide the reader with all the information on a particular problem in a concise manner, so that the right solutions could be chosen on the basis of this information. Whether we are talking

about ministries, county-level institutions or city halls, the report played a fundamental role in administrative practices in the Romanian Old Kingdom in the decades preceding the First World War.

Today, the report is a primary source for many fields of historical research, as Constantin Bărbulescu demonstrated in his book *România medicilor*, analyzing the sanitary reports from the second half of the nineteenth century.² There was no ministry, city hall, prefecture, or educational, hospital, military, or other institution that did not produce reports in the decades preceding the First World War. With the exception of the aforementioned work, we lack an analytical effort highlighting characteristics and problems specific to this type of source. Our study aims to contribute to this discussion by examining a group of reports produced in 1908 for the Bucharest municipal administration.

Case Presentation

THE REPORTS analyzed here (published by Dr. Botescu)³ were written in a particular context. In 1907, Vintilă Brătianu was elected mayor of Bucharest, and he asked the City Council to elect a person “competent in matters of hygiene and public sanitation” as deputy mayor. The Council chose Dr. Haralambie Botescu.⁴ From the beginning, the mayor and especially the deputy mayor launched a solid campaign to improve the sanitary conditions of Bucharest.

One of the major problems that the new team identified was the unsatisfactory state of sanitary control, and in particular the control of the food sold on the Bucharest market and of the premises where food and drink were served.⁵ In 1907, this control was exercised by the municipal doctors and veterinarians, and by three laboratories. The municipal chemical-bacteriological laboratory, set up in two stages in 1893 and 1898, was the most important.⁶ Its operation left a lot to be desired, as can be seen from the overall number of analyses, that had fallen drastically in previous years.⁷ A second laboratory was intended solely for the control of milk and was subordinated to the veterinary service.⁸ The last laboratory, located in the abattoir, was used to control the meat of the animals slaughtered there, concentrating on tracing specific diseases such as bovine tuberculosis or trichinosis.⁹ This laboratory was planned as a part of the abattoir, and therefore it was not discussed in the reports analyzed in our paper and was not affected by the 1908 reorganization of municipal laboratories.¹⁰

Under these circumstances, in 1908 the City Hall took the first measures for restructuring these institutions. The Municipal Laboratory for Chemical and Bacteriological Analyses and the Laboratory for Milk Control were merged, a new scheme of organization of functions and activity was introduced, the number of specialists increased, a new building was constructed, and the equipment (laboratory instruments, materials, and reagents) was completed.¹¹

This major reorganization entailed addressing a series of issues, most of which required highly specialized scientific knowledge and extensive experience in laboratory work in the field of chemical and bacteriological analysis. Although Deputy Mayor Haralambie Botescu was a physician, the knowledge needed to reform the laboratory was beyond his area

of competence, let alone that of the mayor or the municipal councilors. As it had done in similar cases, in December 1907 the City Hall called in outside experts to write reports.¹²

What makes this case stand out is the large number of reports (seven), which discuss the measures needed to revitalize the work of the laboratory.¹³ Usually, the City requested one or two reports for a single issue. There are also situations when the number of reports is higher, as in 1897 when the municipal authorities had to make a decision on the source from which Bucharest would draw its water supply in the following decades. But that was a very large investment, with long-term effects; more importantly, it required information from different areas of expertise: geology, engineering, chemistry, and bacteriology, which explains the numerous reports.¹⁴

Who Were the Experts Called in for the Municipal Administration?

IN THIS section we discuss the specialists invited to provide their expertise on solving the pending issues and reorganizing the Municipal Chemical Analysis Laboratory. As a first step, the City Hall asked for reports from its own specialists: the three chemists and the bacteriologist who worked in the two laboratories whose reform was under discussion.¹⁵ Further on, three experts from outside the City Hall, all three with extensive experience in laboratory work and chemical analysis, were requested to give their opinion. The first was August Polzer,¹⁶ deputy-director of the University Institute of Chemistry, the main such institute in the country, and a close collaborator of the director of this institute, Dr. Constantin I. Istrati. The City Hall had collaborated with Polzer before, especially in the years 1893–1898, when the nucleus of the future Municipal Laboratory of Chemical Analysis functioned as a “municipal section” subordinated to the University Institute of Chemistry.¹⁷

Another report was drafted by Dr. N. I. Angelescu, a well-known personality of the time, president of the Romanian Pharmacists Society.¹⁸ The third external report was requested from Ștefan Minovici, professor of chemistry at the Faculty of Medicine and Pharmacy, author of works and textbooks in analytical chemistry.¹⁹ It is important to highlight that, with the exception of the laboratory bacteriologist, all invited experts were chemists. This reflects the significantly greater role that chemistry played in food analysis during that period. Additionally, bacteriology was a relatively new science, and in the early twentieth century the number of Romanian specialists in this field remained limited.

The Structure of the Reports

A. POLZER’S succinct report is atypical because it contains basically one idea: in Bucharest there should be only one laboratory (clearly the one where he was deputy director) because he argued that only a large, well-staffed, and well-equipped laboratory with a complete library could be a satisfactory solution to the city’s needs. According to

Polzer, the laboratories set up at the various institutions, which were always small, for financial reasons, could have neither the staff nor the resources and inevitably could not fulfil their mission. Polzer proposed that the city should make the first gesture by providing the University Institute of Chemistry with staff and an annual grant. To give more weight to his ideas, Polzer stated that he had consulted with his direct superior, Dr. Constantin Istrati (one of the most important personalities in Romanian chemistry), and that the latter had supported his position.²⁰ The city of Bucharest did not accept this proposal, which was to be expected given that for the last two decades the efforts of the municipality had been directed in the opposite direction, towards the creation of a chemical and bacteriological analysis capacity directly subordinated to the City Hall and independent of other institutions.²¹

All the other six reports are considerably more extensive and contain more diverse ideas. These ideas can be grouped into three broad categories: appeals stressing the importance of chemical analysis, a criticism of the situation at the time, and measures to redress the situation. The pleas were intended to convince the municipal authorities that they should make more resources available to the laboratory and do more to ensure sanitary food control. The criticisms were to convince the City Hall that it was impossible for the laboratory to continue to operate under these conditions, highlighting the seriousness of the problems and the urgency of radical remedies. The criticisms were almost always accompanied by proposals for solving the problems, which is why we will discuss them together. The reports put forward numerous measures which, according to the authors, could make the future laboratory a model institution.

The pleas and arguments present in the vast majority of the reports emphasized the particularly important role that chemical and bacteriological analysis—and consequently the municipal laboratory—should play in food sanitary supervision and in the work of the municipality in general. The experts appealed mostly to the argument that food hygiene of the population was an issue to which developed countries devoted significant resources, having made rapid progress in recent years, and it was therefore the duty of the Bucharest municipality to align itself with the standards of the civilized world. The work of the laboratory was not to be perceived as a financial burden, but as an investment that was to bring important benefits:

It is today a universally accepted axiom that no expenditure is more productive and more necessary to a nation than that which is made for the improvement of hygiene. This is because it has been established that good hygiene prolongs human life, that it increases a man's strength and therefore his power to work, and that, as it preserves the health of the citizen, it increases his intellectual and moral power.²²

The experts especially emphasized the public health hazards present in the markets, especially concerning the food trade. The absence of a specialized laboratory or its insufficient activity exposed the citizens to significant risks. A number of reports pointed to the frequent cases of poisoning caused by foodstuffs (containing toxic substances) which, in the absence of specialized controls, could be sold freely.²³ Advances in chemistry had made available to unscrupulous traders a wide variety of new, cheap but harmful chemicals that penetrated all areas of human activity. They could only be eliminated from the market by

the sustained control by a chemical analysis laboratory. In his report Gh. Dumitrescu gave various examples of products containing toxic substances, ranging from children's toys to kitchenware and cosmetics.²⁴ Adulterated food and products affected both the consumer and the honest merchant, and the Bucharest merchants even resorted to their own methods of counterfeiting, which were not found in the West.²⁵ Food adulteration was not an accident, but a common and widespread practice, Ștefan Minovici said: "the spread of fraud is not an occasional occurrence, but a constant symptom of the food trade in the current social organization."²⁶ It was therefore imperative that the municipal authorities should also equip themselves with permanent instruments capable of combating increasingly sophisticated falsifications.²⁷

By contrast, the experts constructed a positive image, which highlighted the benefits of an extensive control activity and especially of an efficient chemical-bacteriological analysis laboratory of a size corresponding to the demographic dimension of Bucharest. According to the experts, dishonest traders, once penalized, would have to abandon their practices. Some rapporteurs presented elaborate solutions, which were intended to clean up the trade in frequently adulterated products such as milk, wine, or butter.²⁸ The work of the laboratory was also to have a moralizing role, enforcing "fair trade" and penalizing unscrupulous traders. By ensuring the quality and safety of the products, the control activity made consumers more confident and increased consumption, which led to higher revenues (an argument intended to allay the municipality's fears about the expenditure necessary for running the laboratory). The work of the laboratory protected the poor, who were much more tempted to buy very cheap, often counterfeit and harmful products.²⁹

Identified Problems and Proposed Solutions in the Reports

THE UNIFICATION of the two laboratories subordinated to the City Hall (the Municipal Laboratory for Chemical-Bacteriological Analysis and the Chemical Laboratory for Milk Control) was suggested in all reports. "As far as milk control is concerned we think it absolutely advisable to differentiate the role of the chemist and that of the veterinarian, and consequently to entrust the chemical analysis to the municipal laboratory."³⁰ The need for a single laboratory was supported even by the Director of the Milk Control Chemistry Laboratory, who stood to lose his status as director if his laboratory became a section of a single laboratory for chemical-bacteriological analysis.³¹ The arguments for concentrating all activity in a single laboratory were strong enough to convince the City Hall; moreover, a few years later, a proposal to separate the bacteriological section was rejected by the municipality using the same arguments.³²

In the same logic, there were proposals to create a post of director to lead the laboratory's work. Without a unified management, each section operated as a small independent laboratory, which generated additional costs by duplicating equipment and materials, and thwarted potential savings brought by larger orders. Worse still, the sections were not using the same analytical interpretation rules, sometimes leading to contradictory results and discrediting the profession and the laboratory authority. The most vocal proponent

of a united management of the laboratory was the acting administrator of the municipal laboratory, who was dealing with issues caused by the lack of a general director every day.³³

One question where the opinions were unanimous and quite similar, but the proposed solution divergent, concerned the organization of the laboratory. Some experts envisaged complete structures of the future laboratory, detailing the tasks, staffing and sometimes salaries required for each section. Most of the reports proposed more extensive staffing schemes than the existing one.³⁴ The authors were aware that this would imply an additional budget that the city could not cover with ease. They therefore insisted on the impossibility of carrying out a real control with the existing staff, on the advantages that the larger staff would bring, and last but not least emphasized that the scheme proposed by them brought savings by eliminating duplication, redundancies, and unnecessary expenditure.³⁵ The municipality adopted some of these ideas, as the laboratory structure after the 1908 reorganization was larger than the previous one, even if not at the maximum size proposed in the reports.

Raising the wages of specialized staff was recommended by all the authors,³⁶ but those who were not employees of the City Hall formulated it in a much more categorical manner. Ștefan Minovici described the current salaries as ridiculous and “a real pittance.”³⁷ More importantly, he demonstrated with credible arguments that could be easily understood by non-specialists that the city was losing out by paying too low salaries, which forced these employees to find work elsewhere. As a result, the city increased the wages of the specialists, even if not to the level required by the reports. In order to make these positions more attractive (which required at the time highly qualified staff), some authors also suggested a system of promoting the specialists, or small wage growth every five years,³⁸ which would have encouraged staff stability, giving them a slow but sure way to improve their material situation. The most elaborate promotion system was the one proposed by Dr. Angelescu, which involved written and practical examinations before a committee of specialists.³⁹ This proposal does not seem to have been adopted by the municipality, and it is certainly not to be found in the detailed regulations of the Municipal Laboratory enacted in 1913.⁴⁰

The collecting of samples from traders and their laboratory analyses generated a long list of criticisms, accompanied by multiple and varied solutions. The problems ranged from inadequate transportation (chemists travelled with kits of equipment and vials in which to collect the samples) to the inefficiency of the city’s lawyers when the offenders were brought to trial.⁴¹ One issue that was not resolved and continued to create tensions was the question of who should do the sampling:

*should only chemists belonging to a particular, specialized section of the laboratory, all laboratory chemists, or should the chemists be joined by the City Hall’s veterinary and human doctors? In particular, the human doctors (who dominated the Board of Hygiene of Bucharest) and the chemists of the municipal laboratory viewed very differently the tasks that each should have in terms of control and sample collection.*⁴²

Another proposal presented in several reports and supported by an elaborate argumentation was not implemented with the reorganization of the laboratory in 1908, and would later come up again in the debates of the Board of Hygiene.⁴³ The idea was to create an

anonymous path for the sample, so that the person who checked the trader and harvested the sample did not also analyze it, and the specialist who analyzed it received it anonymized, individualized only by a number.⁴⁴ The purpose of this method (adopted in France, Germany and other countries) was to eliminate any suspicion of bias in the result of the analysis.

The situation of the building of the Municipal Laboratory was criticized by several of the authors. The complaints were numerous: insufficient space, rooms unsuitable for the activities carried out, lack of a pen for the animals used by the bacteriology department and, perhaps with more serious consequences for the results, the lack of “experimental animal isolation rooms.” The laboratory building appears to have been very poorly maintained, with one rapporteur likening it to an abandoned house with a courtyard full of “blisters like a dog’s yard.” The rapporteurs also point out the impossibility of expanding the analysis activity in the current premises.⁴⁵ As we have already seen, this was, together with the unification of the laboratories and the appointment of a single director, one of the first problems solved by the City Hall.

The day to day activity of the laboratory required numerous expenses: equipment, laboratory materials, animals for the bacteriology department, specialized journals, maintenance of the premises and payment of utilities, etc. In the years preceding the reorganization of 1908, the amounts allocated in the annual budget of the City Hall were reduced. The head of the bacteriology department complained in his report that sometimes even this money was not approved “preferring to give budget surpluses,” as he was working on wooden tables that could not be disinfected!⁴⁶

The Laboratory’s Relationship with the Board of Hygiene

THE RELATIONSHIP between laboratory chemists and the doctors on the Board of Hygiene was not always smooth. This is a subject that cannot be addressed in detail in this study. What needs to be mentioned is that all the specialists who discussed the subject supported the need for functional autonomy of the laboratory. They emphasized that chemical analysis is an independent field of activity, with its own specialists, and demanded that the positioning of the laboratory within the City Hall structures should take this into account: “to the doctor the hospital, to the pharmacist the pharmacy and to the chemist the laboratory is an axiom.”⁴⁷ In 1910, according to its director, the laboratory was directly subordinated to the mayor, thus becoming a service similar to the Health Service, with which it was collaborating closely.⁴⁸

The rapporteurs proposed that the director of the laboratory, the assistant director and the bacteriologist should henceforth be members of the Board of Hygiene of the capital, which would allow them to defend their views and the Board to have direct access to expertise that human and veterinary doctors did not possess.⁴⁹ It should be noted, however, that the laboratory administrator, the bacteriologist and at least one of the chemists were also members of the Board of Hygiene before the reorganization of 1908.⁵⁰

Unachieved Projects Concerning the Reorganization of the Laboratory

AS WE have already seen, some of the proposed measures, undoubtedly useful, were not implemented, most probably due to the lack of funds. Examples include the creation of a conference room and a museum, both aimed at educating the public and the traders about the dangers of poor hygiene and food adulterations.⁵¹ Budget constraints were not always the obstacle to reform. There was poor cooperation with the City Hall's lawyers, which meant that the efforts of the laboratory specialists were negated by inadequate representation before the courts that had to try the offenders. The reports offered solutions,⁵² but these were not implemented and were proposed again years later in the reports presented by the laboratory director.⁵³

The Role of the Report as a Tool for Transmitting the Western Model

AT THE BEGINNING of the twentieth century, the Western model was the self-evident path to follow for the Bucharest administration. It was all the more important in the case of a relatively new institution such as the Municipal Laboratory of Chemical and Bacteriological Analysis. The reports we are analyzing here contain numerous examples of Western solutions and best practices proposed to the City Hall. The most modern control and analysis practices were described in them, as well as the organization of laboratories in major European cities. The rapporteurs emphasized the scale of the control effort (number of chemists, number of annual analyses) in cities such as Paris, Berlin, and Brussels.⁵⁴ They emphasized the role played by laboratories in Western cities, where they were essential tools in the authorities' efforts to ensure food safety. In addition to analyzing marketed foodstuffs, municipal laboratories in major European cities had developed rules and standards that underpinned the food controls. The authors of the reports also mentioned the important scientific work carried out in these laboratories.⁵⁵

The rapporteurs did not limit themselves to creating a positive image of the situation in the West, but took concrete elements that they wanted to introduce in Bucharest. The French regulation of 1906 was seen as a model for the way in which the activity of collecting samples from controlled traders should be devised.⁵⁶ The laboratory in Brussels offered models for the education of the traders, through courses held in the amphitheater of the laboratory, and Gh. Dumitrescu (director of the Milk Analysis Laboratory) insisted on the benefits that the introduction of these courses would have had on the milkmen of Bucharest.⁵⁷ Other reports use the Western model to support important organizational decisions, such as the independence of the chemists or the role of bacteriologists.⁵⁸

But the reports go beyond a simple transfer of information. The West was transformed into a role model and a target to be reached for the Bucharest municipal administration.⁵⁹ Conversely, lagging behind neighboring countries was turned into an argument that was supposed to drive the authorities to action. The criticisms of foreigners were emphasized,

such as the chief physician of Prague, who pointed out that the laboratory was far inferior to the one inspected in a neighboring country, to which “we are pleased to consider ourselves [*the Romanians*] superior.” “But since we claim to be the most civilized in Eastern Europe, I believe that in order to deserve this title with which we like to flatter ourselves, we must use all the means that civilized countries use.”⁶⁰ Appealing to the noble sentiments of Bucharest’s authorities, to their patriotic duty, the authors of the reports try to convince the City Hall of the need for substantial investment.

The West plays another role: that of legitimizing the experts called upon to produce those reports. Study trips abroad and visits to laboratories in the major European capitals enabled the rapporteurs to acquire a specialized knowledge that allowed them to make authoritative pronouncements on the reorganization of the Bucharest laboratory.⁶¹

The Report as an Instrument of the Rapporteur

THESE REPORTS were a tool for information management, but at the same time they were also a tool through which the authors could exert influence on the authorities. The case of Polzer’s report is a very good example in this respect: the deputy director of the University Chemical Institute used the opportunity to promote the interests of his own laboratory and to try to concentrate as much as possible of the chemical analysis work carried out in Bucharest under his subordination. His report is worded in categorical terms, ruling out any possibility that an independent laboratory could function properly and bring the expected benefits.⁶² Just two years later, Polzer took a different position. Speaking of the project that was to bring all the chemistry laboratories in one place, he set aside a pavilion for the Municipal Laboratory, but now the proximity was only physical, as from an institutional point of view “is well understood that each is preserving its individuality and character.”⁶³ This radical change of opinion is easy to explain. Shortly after this report was written, Polzer was appointed director of the Municipal Laboratory (while retaining his position as deputy director of the University Chemical Institute), which made him invested in preserving the individuality of this institution and also his freedom of action and the prestige conferred by a leading position.

Lab employees also had their own agenda to promote. The severe criticisms voiced by all the rapporteurs revealed the totally inadequate state of the laboratory in which they had worked in recent years, and which could easily be blamed on them. The laboratory specialists tried to protect their professional reputation. On the one hand, they insisted on the conditions created by the lack of interest from higher authorities and the lack of funds, which prevented them from carrying out their work properly. On the other hand they presented the achievements of the laboratory at length. They emphasized the countless analyses carried out, the scientific work done in the laboratory.⁶⁴ The head of the Bacteriology section emphasized the numerous original scientific studies carried out in this section, appending to the report a list of 44 such researches.⁶⁵

The Rhetoric of the Reports

THE AUTHORS used a variety of discursive techniques in their reports. When data, administrative structures and technical processes were presented, the language was rigorous and free of stylistic effects. Technical expressions, numerical values, tables were used. The expression was concise, revealing people familiar with the scientific language of the time.

When it was necessary to mobilize the City Council, the texts became more rhetorical. Whether their aim was to portray the unacceptable situation of the laboratory in black ink or to emphasize the important role of sanitary control, the authors wrote a much more personal text, which was meant to involve the reader. The reporters frequently drew contrasting comparisons:

*the efforts and progress in the West were contrasted with the worrying situation in Bucharest, the enormous quantities of food and other products traded in Bucharest were contrasted with the very small number of chemists who had to control them.*⁶⁶

From the way the texts were constructed, the City Hall was placed in a position in which, morally, it could not refuse the sums needed to rebuild the laboratory. Thus, Ștefan Minovici contrasted the much greater expenses made annually for the beautification of the city or given as a subsidy to the National Theatre “for the benefit of the rich” with the financial sacrifice of maintaining the laboratory, more modest but essential for the great mass of city dwellers.⁶⁷

Another rhetorical technique, designed to give more weight to the reports, was to emphasize the training and experience that these experts brought to City Hall. The rapporteurs emphasized their study trips abroad, visiting laboratories in Europe, participation in conferences or international committees, original research, and, last but not least, the vast experience gained through long practice.

Conclusions

THE REPORTS analyzed enabled the municipality to manage a complicated problem in a highly specialized and rapidly changing professional field. They helped the City Hall to identify the most important aspects of the laboratory’s work, which was a prerequisite for successful reform. On the other hand, these reports represent only part of the issues that City Hall took into account, as evidenced by the numerous proposals put forward by most of the reports, but which are partially or not at all reflected in the new organization.

The reports are a complex source, and we cannot limit ourselves to seeing them merely as a vehicle for the transfer of information. They create models, propose objectives and standards that the recipients of the report were expected to achieve. By requesting a report, the authority cedes power to the reporter, and, as we have seen, the reporter can use it to his own advantage. Reports are discursive constructions, using various rhetorical means to persuade readers to adopt the suggested measures.



Notes

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5. “Consiliul de Igienă, ședința din 20 mai 1908,” *Monitorul Primăriei București*, 24 (15 June 1908): 344. [Haralambie] Botescu, [no title], *Considerațiuni* (1910): 5.
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8. Gh. Dumitrescu, “Legislația străină relativ la comerțul de lapte” [Foreign legislation on milk trade] (Bucharest: Tipografia G. A. Lazareanu, 1906): 4. “Consiliul de Igienă, ședința din 4 iulie 1906,” *Monitorul Primăriei București*, 29 (30 July 1906): 355-356. “Publicațiune” [no number, no date], *Monitorul Primăriei București*, 18 (4 May 1908): 273-275.
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 20. A. Polzer, [untitled report], *Considerațiuni* (1910): 34-36.
 21. Câlția, “Scientific expertise.”
 22. Minovici, 95-96. Vasilescu, 70-71.
 23. Dumitrescu, 41. Minovici, 95.
 24. Dumitrescu, 43-44.
 25. Popescu, 79.
 26. Minovici, 96.
 27. Popescu, 78. Minovici, 96.
 28. Dumitrescu, 41-42, 44-45.
 29. Minovici, 96-98. Dumitrescu, 38.
 30. Stinghe, 57. Popescu, 80. Angelescu, 87.
 31. Dumitrescu, 39; Stinghe, 52-54.
 32. Câlția, “Scientific expertise.”
 33. Stinghe, 52-54; Dumitrescu, 45; Angelescu, 86-87; Minovici, 107.
 34. Stinghe, 54-56; Dumitrescu, 38-40.
 35. Stinghe, 51, 57-58.
 36. Stinghe, 55-56; Popescu, 81; Minovici, 101-102.
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 52. Dumitrescu, 43.
 53. Poltzer (1911): 257.
 54. Popescu, 75-77; Minovici, 106.
 55. Dumitrescu, 37-38; Stinghe, 46-47; Popescu, 75-77; Minovici, 96-99.
 56. Popescu, 80.
 57. Dumitrescu, 44-45.
 58. Stinghe, 48.
 59. Minovici, 98-99.
 60. Vasilescu, 65 and 70.
 61. Dumitrescu, 37; Minovici, 111.
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 63. [A. Poltzer], "[Report number] VIII," *Considerațiuni* (1910): 113.
 64. Stinghe, 54, 59-61. Popescu, 78-79, 81-83.
 65. Vasilescu, 71-74.
 66. Stinghe, 50-51; Popescu, 78; Angelescu, 86; Minovici, 102.
 67. Minovici, 100, 107; Vasilescu, 66.

Abstract

The Report as an Administrative Tool
Case Study: Reports for the Reform of the Bucharest Municipal Laboratory
of Chemical and Bacteriological Analysis (1908)

The Romanian administration used reports written by specialists to manage various types of information, from organizational models used in the West to scientific knowledge. Bucharest's administration was no exception: mayors and councilors, City Hall employees or external experts

produced reports on many of the problems facing the capital. This important category of sources has been insufficiently investigated by historians. Our study aims to analyze an exceptional case. In the context of the reorganization of the chemical analysis laboratories under the City Hall in 1908, several reports were produced, on the basis of which the municipal administration decided how this sector was to operate in the future. The paper answers several questions. Who were the experts commissioned? How were the reports structured? What were the main problems identified and what measures did the reports propose to improve the situation? Why did City Hall not implement all the measures proposed by the experts? We show that the report is more than a conduit for transmitting information. The report creates models, objectives, and standards for the municipality to achieve. It is also an instrument of the rapporteurs, which use the report to promote their own interests.

Keywords

municipal administration, knowledge management, report, chemical-bacteriological laboratory, food hygiene, Bucharest

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