

Urban liberties and citizenship in the Carpathian Basin in pre-modern times

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This paper discusses the development of the practice of granting urban liberties to settlements in the medieval and early modern Kingdom of Hungary, and its changing meaning for the towns as communities and for the individuals living in them. During the last decades, Hungarian historians, in accordance with the tendencies of international urban research, have turned away from the legalistic approach to the definition of towns, emphasizing instead the centrality in performing economic, cultural and administrative functions as the main criterion. This has resulted in a significant broadening in the range of settlements as objects of urban research. Traditional investigations concentrated on the group of 25-30 free royal towns, consisting of the main merchant towns, mining towns and the towns of the Transylvanian Saxons; recent works by Vera Bácskai, Erik Fügedi, András Kubinyi, György Székely and others have also taken seigniorial towns of secular and ecclesiastic landowners, market towns (*oppida*), and transitional forms between urban and rural settlements into account. The town charter granted by the king ceased to be the sole distinctive element when defining the urbanity of a place.

What is then the justification for addressing the issue of urban privileges time and again in modern Hungarian urban research? Among several possible reasons, I would like to point out three:

1. Urban privileges are much more than schematic legal documents: besides defining the legal status of a given settlement, they offer a wide range of comparable information on their economic connections, social setup and ecclesiastic standing. Town charters often describe the boundaries, the military obligations, the trade network, the taxation system and many more specific features of the given place and thus can be used as sources of economic, environmental, social and military history. This point, however, is beyond the main concern of the present discussion.
2. Urban liberties were not isolated phenomena within the boundaries of the Carpathian Basin, but can be compared, and indeed connected to similar privileges in Europe. The question of influences and borrowing is especially relevant when discussing the origins of chartered towns in Hungary. Several elements of the charters granted by the kings in increasing number from the 1230s onwards, such as the exemption from the authority of the county administration, the right to elect a local leader (termed *villius*, *maior villae*, or *iudex*) and council, and the right to be judged by their own court with the involvement of witnesses of the same standing had been cornerstones of urban autonomy for centuries in towns of Western Europe, and were now, for the first

time, introduced in connection with Hungarian towns as well. Many points of the town privileges originate from the franchises given to settlers (*hospites*) coming both from abroad (*Latini* from the Romance-speaking territories, *Theutonici* and *Saxones* from German-speaking lands) and from within the country. In their entirety, however, the royal charters given to towns do not follow specific external patterns, but were created with respect to the local conditions, and often absorbed elements of local customary law. No explicit reference is made to *ius Theutonicum* or any specific German laws (e.g. Magdeburg or Lübeck laws) as the source of liberties given to Hungarian towns. This feature distinguishes privileges given to Hungarian towns from those accorded to urban foundations in other parts of East Central Europe.

3. Since the majority of town charters were granted by the king, urban liberties, together with their confirmations and extensions by the subsequent rulers of the country, were characteristic elements of royal urban policy. Modern research has pointed out that these documents are not one-sided declarations of royal grace, but should rather be understood as contracts between the settlers and the ruler, with rights and obligations for both parties. The allowances granted by the king (or exceptionally by other overlords) represented a common denominator between the expectations of the townsfolk and the endeavours of the seignior to make a more profitable use of his land by having a town there than by traditional forms of cultivation. In Hungary, a country with traditionally strong and centralized royal power in the Middle Ages, the kings always had the means to control and exploit the financial resources of their towns. In return, they offered an increased level of juridical and financial autonomy to those towns which proved to be the most lucrative enterprises for the crown. This policy of promoting the strongest can be followed not only when the kings founded new towns, but also when they negotiated with existing settlements. The long reign of King Sigismund of Luxembourg (1387–1437) is perhaps the best example of such an attitude.

In the politically and financially more troublesome sixteenth and seventeenth centuries the pressure on the resources of the towns increased, which fundamentally transformed the medieval system of *do ut des* relationship between the rulers and their towns. As new research by István H. Németh has convincingly demonstrated, the turning point was the financial catastrophe of the Fifteen years' war (1591–1606), after which the kings applied two, seemingly contradictory measures. Firstly, they played off the politically and militarily more important landed nobility against the towns and supported the claims of the former, for instance concerning trading privileges. Secondly, they set no limits to increasing the number of free royal towns, granting (or rather selling) this title to fairly small and insignificant places as well. As a consequence, the adjective "free" beside "royal" became more and more illusory. By the end of the seventeenth

century it rather meant that the ruler was “free” to interfere in any possible way into the internal affairs and economy of the towns, which he considered as his own property. This absolutistic power was especially strongly exercised after 1670, when the fiscal interests of the royal chamber were imposed on the towns hand in hand with the control of the local elections in the spirit of Catholic restoration.

The internal autonomy of the most important towns and their economic and juridical independence from local authorities was matched with their right for representation in country-wide politics only from the late Middle Ages onwards. It is still debated to what extent Hungarian towns in the fifteenth century formed a “fourth estate”. Their presence or absence at the diet depended partly on the intentions of the rulers to invite them – a decision motivated both by financial and political considerations –, and partly on the willingness of the towns themselves to attend – which was by no means obvious either. This attitude changed gradually from the first decades of the sixteenth century, in a period of increasing insecurity due to the Ottoman advance. From then onwards, both the rulers and the towns deemed it necessary to secure the presence of urban representatives, but this prerogative was restricted to free royal towns. This also implied collective nobility for the settlement, since only noble persons were entitled to attend the diet. In the coming centuries, when the economic privileges of the towns were repeatedly curtailed, it was exactly this chance to participate in the affairs of the country that made this rank so attractive for major and minor centres alike.

The privileges of their towns naturally had an impact on the status of the individual inhabitants as well. Only burghers of the given settlement could enjoy the economic, juridical and administrative advantages provided by the charters. The connection was, however, not automatic: it was part of the urban autonomy to define the criteria for accepting people among the rank of burghers according to the needs of the civic authorities. Beside property ownership (usually in form of a plot and a house), legitimate birth, proper conduct and the payment of an admission fee formed part of the necessary preconditions. Local case studies show that in order to reach a desired constituency of burghers, town governments could modify the obligations, even on an individual basis. Data from the late fifteenth century onwards also indicate that the status of a burgher could be a burdensome one which some eligible persons rather tried to avoid. The presence of noblemen and the military among the urban population further complicated the categorisation of the townsfolk.

The meaning and relevance of civic liberties thus calls for a differentiated investigation, both in time and in the relationship of communities and individuals, a task for which recent research on medieval and early modern Hungary can provide new inputs.