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# On the Social Structure of the Kingdom of Hungary According to the Records of the *Regestrum Varadinense*

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## Keywords

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## Abstract

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The current paper concerns several elements of social structure as defined within the records of the Oradea Register (*Regestrum Varadinense*). This collection, known in the literature for almost five centuries, has been studied as a source of legal proceedings, ordeals or substantive law of the high Middle Ages in the Kingdom of Hungary. It was later explored as a source of topography, personal names and Hungarian and Slavic elements in medieval Latin. In the 19<sup>th</sup> century, the collection also became an important source on the history of medieval Hungarian society and administration. As such, social structure and social relations are not based on class definitions only. Records of the Oradea Register show interesting differences between men and women in law; while in legal proceedings, there were not any substantiated important differences, in substantive law, we find a different structure of delicts related to women. For many reasons, the Oradea register became an important role for studying societal stratification (*udvornici, iobagiones, castrenses, servants, dusnici*, et al.). In reflection with other diplomatic material from the Kingdom of Hungary in the first third of the 13<sup>th</sup> century, we are witnesses of a society on the verge of great changes, before the completion of the nobility and before the creation of medieval towns.

The Oradea Register (*Regestrum Varadinense*) is one of the most well-known collections of legal documents from the Kingdom of Hungary. Its records come from the years 1208–1235,<sup>1</sup> that is, from the period of the reign of one of the most important Hungarian kings, Andrew II, who is mentioned many times in the collection. The most telling feature of the register is the very frequent use of a red-hot iron court as the so-called ordeal before the Chapter of Oradea (Hung. *Várad*, Slovak *Varadín*), i.e., a means of evidence to

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- 1 The work was preserved from a written edition dating back to 1550. Further editions (by Matthias Bel, Stephan Ladislaus Endlicher and Kabos Kandra) were based on this initial one, and only the critical edition by János Karácsony and Samu Borovszky brought innovation by arranging the records in chronological order, which was not preserved in the first four editions. In the 1903 edition, they justified the difficult task of chronological arrangement in detail with references to previous attempts by György Fejér. *Regestrum Varadinense examinum ferri candentis ordine chronologico digestum, descripta effigie editionis A. 1550 illustatum sumptibusque Capituli Varadinensis Lat. rit (VR)*. Edited by Joannes Karácsonyi and Samuel Borovszky. Budapest : Typis Victoris Hornyánszky, Typographi Regii, 1903, pp. 63–104.

find the “truth”<sup>2</sup> in a dispute. The source first captures the course of court proceedings in a very brief form and compared to other sources of the 13<sup>th</sup> century, provides important supporting evidence in reconstructing the principles of the court process at that time.

In reality, however, the Oradea Register is very complex work, also providing significant knowledge in the area of local names, personal names and social relationships. In the following study, we will primarily take into account those facts that are important for the study of the social structure of the population. The Oradea Register captures medieval Hungarian society on the threshold of significant change, one of the key milestones of which was the publication of the Golden Bull of Andrew II for “royal servitors” (*servientes regis*) in 1222.

The social structure itself must be approached in a much more complex way, however, since the object of research cannot be only the division of the population into the then social and legal strata, and their mutual relations. We can start with the first interesting segment, which is a natural division into men and women. From a theoretical point of view, this split played an important role in law deep into the 20<sup>th</sup> century. As such, this high medieval register holds a significant place in the research of this question. In general, it can be summarized that the vast majority of cases recorded in the register concerned men, as both plaintiffs and defendants. Although the number of cases concerning women is lower, the difference is evident in several aspects. While the authors of individual records in the Oradea Register did not record the progress of the dispute in exhaustive detail, the names of people from the individual disputing parties as well as the names of judges and auxiliary personnel—in this case most often the so-called *pristaldi*<sup>3</sup>—were always listed in detail. However, in one group of records, women were marked without a name and identified only as someone’s wife in court proceedings; the wife of Lawrence,<sup>4</sup> the wife of Teleguen,<sup>5</sup> the wife of Simon,<sup>6</sup> etc. for example.<sup>7</sup>

2 In this source, the Slavic term “truth” appeared several times in the form *pravda* or *provda*, which is a synonym for the Latin phrase *iudicium ferri candentis*. Compare RAUSCHER, Rudolf. *O regestru Varadinském. K dějinám božích soudů v Uhrách (Rozšířený zvláštní otisk z časopisu Učené Společnosti Šafaříkovy »Bratislava«, ročník 3, číslo 2)*. Bratislava : Nákladem vlastním, 1929, p. 20. For ordeals in general, compare LEESON, T. Peter. Ordeals. In *Journal of Law and Economics*, 2012, vol. 55, no. 3, pp. 691–712. For ordeals in Slovak historiography, see: LAMPART, Filip. *Boh spravodlivosti–Boh milosrdenstva: ordál ako skúška božej vôle*. In *Historica Olomucensia*, 2016, vol. 51, pp. 29–55. LAMPART, Filip. *Ordály a súdne súboje v stredovekom Uhorsku*. Olomouc : Univerzita Palackého v Olomouci, Filozofická fakulta, 2023.

3 In Slovak literature, the Latinized term *pristaldi* is also used for their designation. It was a group of auxiliary court personnel. In the Oradea Register, they are most often the persons accompanying the disputing parties to procedural acts. NAGY, Aladár. *A pristaldusok*. In *Századok*, 1876, vol. 10, pp. 337–343; ÉRDUJHELYI, Menyhért. *A pristaldokról*. In *Századok*, 1897, vol. 31, pp. 266–272; LUBY, Štefan. *Dejiny súkromného práva na Slovensku*. Bratislava : Iura edition, 2002, p. 49; SOKOLOVSKÝ, Leon. *Prehľad dejín verejnej správy na území Slovenska 1: Od počiatkov do roku 1526*. Bratislava : Metodické centrum mesta Bratislavy, 1995, p. 29; ĎURČO, Marek. *Postavenie pristaldov a kráľovského človeka (homo regius) v uhorskom právnom systéme s osobitným zreteľom na hodnoverné miesta*. In *Medea: Studia mediaevalia et antiqua*, 2000, vol. 4, pp. 43–49; ROHÁČ, Juraj. *Protokol–Liber memorabilium rerum–hodnoverného miesta Bratislavskej kapituly*. In VALO, Ján (ed.) *Štúdie o činnosti hodnoverných miest na Slovensku. Zborník štúdií*. Bratislava : Univerzita Komenského v Bratislave, 2016, pp. 66–67.

4 VR, p. 183, no. 83 (309).

5 VR, p. 186, no. 95 (321).

6 VR, p. 197, no. 122 (184).

7 VR, pp. 175, 197–198, 203, 212, 220, 225, 233, 249, 252, 261, no. 57 (153), 123 (185), 126 (275),

In this regard, it is interesting that in one proceeding, the judge was a woman, namely Mrs. Eufemia (*domina Eufemia*).<sup>8</sup> Her position in the upper echelons of medieval Hungarian society is evident not only from the designation of *domina*, but also from the fact that she had her own “curial counts” (*curialis comites*)<sup>9</sup> and her son Paul became a count.<sup>10</sup>

The rarity of a female judge must not lead us to the impression that there was an equality of access to ranks and offices, though it is worth noting that women could still hold such a position in society, although exceptionally. From this perspective, it would be not at all surprising if women could undergo the so-called judgment of a red-hot iron (*iudicium ferri candentis*), if certain circumstances did not prevent them from doing so.<sup>11</sup>

In the case of women as participants in the proceedings, special attention must be paid to the subject of individual cases. In general, the resolution of cases in the Oradea Register—without attempting a more precise quantification at this point—related to issues such as determining ownership, determining social status, determining the personal status of persons—suing that a certain group of persons belonged to a specific social stratum for example—but we also rarely find records by which parties confirmed a certain legal act. Many records also refer to different delicts. As far as the position of women, it is very interesting that they are most often mentioned in this collection among the records of delicts, specifically under delicts called *veneficium*. This Latin term has many meanings and it is not quite easy to determine exactly what the authors of the individual Oradea Register entries had in mind. In the literature, it is most often translated as “poisoning,”<sup>12</sup> which comes from the original Roman meaning of preparing a love potion or preparation of magic potion. From there, it was only a small step to enchantment as well as poisoning. However, the meaning of this term as poisoning is likely not completely accurate in this case since in the Oradea Register, killing caused by poisoning is phrased differently, namely “*occisio per potionem*.”<sup>13</sup> In the translation of the Oradea Register by Kabos Kandra, we then come across the meaning of “curse” (in Hungarian *rontás*).<sup>14</sup> The editors of the *Erdély okmánytár* collection translated *veneficium* as witchcraft (*boszorkányság*)<sup>15</sup> and in this sense, they also translated the term *venefica*

140 (240), 164 (244), 183 (68), 197 (82), 215 (2), 257 (189), 264 (13), 287 (102).

8 VR, pp. 181–182, no. 75 (301), 79 (305). Eufemia is also mentioned in the record no. 97 (323), pp. 187–188.

9 VR, pp. 187–188, no. 97 (323).

10 VR, pp. 216–217, no. 174 (34). He is mentioned as “Paulus comes, filius Eufemiae.” The trial took place before the court of the Count of Bihar Mika. However, Paul is not more precisely identified in the register, nor of which county he was the Count. It thus comes into consideration that it could have been the county of Csanád or Ugocsa. See: ZSOLDOS, Attila. *Magyarország világi archontológiája 1000–1301*. Budapest : História; MTA Történettudományi intézete, 2011, pp. 146, 215.

11 In the record VR, p. 233, no. 215 (2). *Uxor* Cheka could not participate in the test of the red-hot iron due to her old age, so the ordeal was performed on her behalf by an appointed representative.

12 Rudolf Rauscher translated *veneficium* as poisoning. See: RAUSCHER 1929, p. 10. Likewise, see: ĐURČO 2000, p. 44.

13 VR, p. 184, no. 88 (314).

14 *A Várad Regestrum*. Edited by Kabos Kandra. Budapest : Kiadja a Szent-István-Társulat, 1898, pp. 103, 179, 277, 313, 357, 383, 439, 503, 509, 513, no. 2, 68, 151, 193, 236, 255, 257, 320, 371, 376, 382.

15 *Codex diplomaticus Transsylvaniae. Diplomata, epistolae et alia instrumenta litteraria res Trans-*

as witch (*boszorkány*).<sup>16</sup> Rather, we accept the second translation of the term *veneficium* and in accordance with it, understand it as a term denoting sorcery. It is significant that this type of accusation was linked to women and not men, so it was in this sense a “female crime,” and *venefica* was a witch.<sup>17</sup>

A charge of the tort known as *maleficium* (also meaning witchcraft) also appears in the register. In record no. 76 (302), a man named Micicu was accused of it and in record no. 124 (273), a certain female Deduha with her daughter Pena and son Pous also.<sup>18</sup> Such a small sample of cases does not allow for more extensive interpretation regarding the possible difference between *veneficium* and *maleficium*. However, this kind of “witchcraft” is most often interpreted in the literature as the action of magical forces through symbolic or real poisoning, and was also related to the use of medicinal plants as medicinal agents.<sup>19</sup> Though, the possibility that the Hungarian *maleficium* and *veneficium* meant such practices as we know from Western Europe in the 11<sup>th</sup> and 12<sup>th</sup> centuries in the form of the bewitchment of cattle or sexual bewitchment cannot be completely ruled out.<sup>20</sup> The second-to-last mentioned possibility could be indirectly indicated by the accusation of *maleficium*, which was related to the sale of horses.<sup>21</sup>

Regarding the position of women in court proceedings, it is interesting not only what type of disputes dominated, but also the types of cases we do not encounter. One of the most common subjects in the Oradea Register is disputes over the determination of the social status of individual castles or royal people. We will briefly return to these disputes later, but here we shall note that this subject of litigation is typically “male” and we do not find any women involved. This is confirmed by the fact that a women’s social status was derived from their men—first from their fathers, later from their husbands after marriage.

To summarize briefly the position of women from the records of the Oradea Register, it seems that they appear in the processes in a similar way as men. For they were capable of suing and being sued, just as men could take part in a trial with a red-hot iron, their statements apparently had the same evidentiary value as the testimonies of men. The main difference was only in the substantive level, that is, in the subjects of the dispute.

The social status of the population was defined in the Oradea Register by two factors: belonging to a specific locality or belonging to a specific socio-legal group. The importance of belonging to a location was expressed in

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*sylvanas illustrantia 1, 1023–1300* (CDT). Edited by Sigismundus Jakó. Budapest : Academiai Kiadó, 1997, pp. 136, 142, 145, no. 45, 71, 84.

16 CDT 1, p. 146, no. 86.

17 VR, p. 208, no. 156 (236).

18 VR, pp. 181, 198, no. 76 (302), 124 (273).

19 For more detailed analysis, see: UHRIN, Dorottya. A *Váradi Regestrum* veneficiummal és maleficiummal kapcsolatos esetei. In GÁL, Judit et al. (eds.) *Micae mediaevales III. Fiatal történészek a középkori Magyarországról és Európáról*. Budapest : ELTE BTK Történelemtudományok Doktori Iskola, 2013, p. 145.

20 SCHMITT, Jaen-Claude. Čarodějnictví. In LE GOFF, Jacques – SCHMITT, Jean-Claude (eds.) *Encyklopedie středověku*. Praha : Vyšehrad, 2002, p. 84.

21 VR, p. 181, no. 76 (302): “Micicu de villa Bogus cum diceret se fideiussorem Rufdonis in venditione equi, qui furto sublatus esse dicebatur domini Rufdonis, Dursa dixit esse maleficium iudice Compolto, archidiacono de Carazna, pristaldo Buda de villa Bogus. Micicu portato ferro iustificatus est.”

the records of the Oradea Register by numerous expressions of villagers (*villani*) and co-residents of the village (*convillani*), and repeated in almost every record. At the beginning of the 13<sup>th</sup> century, these villages were still just skeletons of medieval Hungarian settlements. In the case of the northern part of the Kingdom of Hungary, to which only a small part of the records is linked, this settlement base of villages is the result of a combination of partial continuity of a settlement from the 9<sup>th</sup> century and new settlement impulses provided by the arrival of the Hungarian population.<sup>22</sup> The settlement structure appearing in the Oradea Register does not yet record a later phenomenon, namely the legal creation of cities. For example, if the clerk marked the location of Ráb as *civitas*,<sup>23</sup> in this case *civitas* should be understood as a castle (or castle county).<sup>24</sup> The records of the Oradea Register capture the structure (or typology) of medieval Hungarian settlements precisely in its form, which was coming to an end at the beginning of the 13<sup>th</sup> century. City-type settlements are not yet recorded, and counties, which the records call *provinciae*, had not yet managed to complete their transformation into noble seats as the process began only from the second half of the 13<sup>th</sup> century.

The diversity of medieval Hungarian society was also furthered by ethnic diversity, which is reflected in the Oradea Register not only through the variety of personal names of Hungarian or Slavic origin, but also by biblical, German and other names. In some cases, nationality was put into context precisely with the socio-legal status of such a person. For example in one of the records, a certain Pous claimed that he was: “free and from the lineage of Germans.”<sup>25</sup> The Germans (*Teutonici*) are also mentioned in connection with ten villages in the territory of the Abaújvár county, who complained about the unauthorized detention of their village representatives.<sup>26</sup> The German guest (*hospes*) of the Hungarian Queen Gipolt even acts as a special judge.<sup>27</sup> The national and religious diversity of the population is complemented by Ishmaelites from Nyír<sup>28</sup> and unmarried guests of “Latin” origin,<sup>29</sup> who could have either Italian, Walloon or Franco-Gallic origins.<sup>30</sup>

In the records of the Oradea Register, we have the opportunity to encounter the consequences of the opening wave of resettlement of the country, which was also manifested by the arrival of foreigners coming mainly from

22 KUČERA, Matúš. *Slovensko po páde Velkej Moravy: Štúdie o hospodárskom a sociálnom vývine v 9.–13. storočí*. Bratislava : VEDA, Vydavateľstvo Slovenskej akadémie vied, 1974, pp. 47–59; SOKOLOVSKÝ, Leon. *Správa stredovekej dediny na Slovensku*. Bratislava : Academic Electronic Press, 2002, pp. 37–72.

23 VR, p. 254, no. 270 (19).

24 This conclusion can be observed in older Hungarian literature (e.g. BOTKA, Tivadar. A vármegyék első alakulásáról és őskori szervezetéről. In *Századok*, 1871, vol. 5, no. 5, p. 298). In Slovak one, see especially: LYSÁ, Žofia. *Bratislava na ceste k privilegiu 1291: Štúdie k dejinám Bratislavy v 13. storočí*. Bratislava : Historický ústav SAV; Prodama, 2014, pp. 54–63.

25 VR, p. 199, no. 127 (276): “Ille autem dixit se esse liberum et Teotonicum genere.”

26 VR, pp. 249–250, no. 259 (116). Part of these Germans appear also in the record no. 292 (48), p. 263.

27 VR, p. 234, no. 218 (5).

28 VR, pp. 229, 276, no. 209 (41), 326 (38).

29 VR, pp. 165–166, 202, no. 31 (253), 137 (286).

30 *A magyarországi középkori latinság szótára* 6. Edited by Miklós Maróth. Budapest : Argumentum Kiadó, 2017, p. 59.

German-speaking communities in the countries surrounding the Kingdom of Hungary. While the differences in the domestic population (Hungarians, Slovaks or other Slavs) did not play a special role in the social structure as they were simply governed by domestic law, the German population guarded its special right of guests.

If we move to the social pyramid of the population, it is evident that the so-called *servi* and *ancillae* were at the lowest level. Terms that are usually translated into Slovak as either slaves or servants are a remnant of classical Latin, and the decision made by the translator of these terms influenced the way we think about these social classes.<sup>31</sup>

If anything connected the *servos* and *ancillas* of the Oradea Register with traditional slavery, it was undoubtedly the way they were handled. Servants and maidservants<sup>32</sup> could be set free (*manumissio*),<sup>33</sup> they could be bought<sup>34</sup> or sold,<sup>35</sup> or they could be donated or left to the church as *dusnici*.<sup>36</sup> The special release to freedom was formulated in an interesting way in the records of the Oradea Register, since in addition to the Latin term *manumittere*, these strict texts mostly did not forget wording that the freedman “may remain freely where he wants.” The importance of the written confirmation of such exemption from release was apparently high, because the—apparently—prevailing verbal granting of freedom from release could cause complications. This is evidenced by Vutuk’s freedman Figoz, who married an unmarried woman. For this reason, Vutuk then faced a lawsuit for her kidnapping and Figoz was sued for an indecent marriage.<sup>37</sup>

With regard to the above-mentioned facts, it can be agreed that *servi* and *ancillae* had the status of property, even movable property (*bona mobilia*)<sup>38</sup> and were perhaps included among the belongings (*res*) of the landlord (secular or ecclesiastical).<sup>39</sup> But let us remember that the term *bona* should have a wider meaning than *res*, which at least in Roman law, were supposed to be the material objects of the world,<sup>40</sup> while *bona* will no doubt have a wider meaning. On the other hand, it is very questionable to what extent the differences between *res* and *bona*, which we see in the documents of the Árpád period, were really perceived so consistently from a practical point of view. That the position of these *servi* and *ancillae* is different from classical slavery can be seen in several important points.

31 For general study of the problem see: SUTT, Cameron. *Slavery in Árpád-era Hungary in a Comparative Context*. Leiden; Boston : Brill, 2015.

32 These probably acquired their social status hereditarily, sometimes also because of a debt. See: VR, pp. 205–206, no. 150 (293).

33 Release was often tied to a condition and only took place after the death of the master (or mistress): VR, p. 175, no. 58 (154).

34 E. g. VR, p. 305, no. 384 (137).

35 The value of the servant, his wife and son was estimated by a Bihar *iobagio* named Us at six marks and one cow. See: VR, p. 288, no. 353 (342).

36 VR, pp. 288, 294, no. 352 (341), 364 (353). Something similar was the appointment of a servant as the bell ringer (*pulsator*) of the Oradea Church in the will. See: VR, p. 292, no. 360 (349).

37 VR, p. 177, no. 66 (162).

38 *Servi* and *ancillae* were called *bona mobilia* in the charter of Belo IV from 1269. *Codex diplomaticus Hngariae ecclesiasticvs ac civilis 4/3*. Edited by György Fejér. Budae : Typis Typogr. Regiae Vniversitatis Vngaricae, 1829, p. 518.

39 SUTT 2015, pp. 109–119.

40 REBRO, Karol – BLAHO, Peter. *Rímske právo*. Bratislava : Obzor, 1991, pp. 195–196.

First of all, the Hungarian *servi* and *ancillae* could be sued,<sup>41</sup> they could also open lawsuits<sup>42</sup> and they were also able to acquire subjective property rights.<sup>43</sup> So it was not slavery as we know it from ancient Rome with an almost completely limited ability to act legally. Hungarian *servi* and *ancillae* maintained, among the general characteristics of slavery, the fact that they could be treated as property. However, just as in Rome, either under the influence of philosophers and Christianity or for economic reasons, the status of slaves was gradually softened; the *servi* and *ancillae* of the Oradea Register resembled a transitional state, which was definitely not just an object of rights, but also a person with capacity for legal action.<sup>44</sup> Interpretation of the term *servus* is ambiguous; it is a person in a service or economically dependent position. To answer the question once raised as to how the service of such a person differed from that of a soldier or a cleric,<sup>45</sup> first of all, the fact that a soldier could perhaps serve the king but could also have his own *servus* or *ancilla*. However, these could no longer have their own servants due to the nature of the matter. In turn, they will be distinguished from the later subjects mainly by the fact that these servants could be the direct object of a legal transaction (purchase, sale, donation, etc.).

Much less prominent is the frequent term “royal servitor” (*serviens regis*), which could mean a member of the nascent nobility. “Royal servitors” thus represented the nascent nobility and the aforementioned term, in contrast to the word *nobiles*, was intended to emphasize a relationship to the monarch.<sup>46</sup>

In the records of the Oradea Register, there are also *iobagiones* (Hung. *jobbágy*s). This linguistic Hungarianism, which commonly appeared in Latin-written texts of Hungarian origin, referred to a member of the highest social class and later predominantly a “free peasant or tenant”, i.e. a person in a subordinate position or who was in economic dependence to a landlord in the 11<sup>th</sup>–12<sup>th</sup> centuries. The meaning changed especially during the 13<sup>th</sup> century, and such a spectrum of meanings is shown comprehensively by the records of the Oradea Register. In addition to the *iobagiones castri*, i.e. “castle warriors” (Hung. *várjobbágy*s),<sup>47</sup> the term *iobagiones* is found adjacent to a variety of persons such as the *iobagio* of Stephan,<sup>48</sup> the *iobagio* of Cosma,<sup>49</sup> the *iobagio* of

41 VR, pp. 168, 175, 184, 186, 196, 219, 228, 242, 264, 267, no. 38 (270), 57 (153), 87 (313), 95 (321), 118 (180), 182 (67), 205 (90), 237 (107), 294 (212), 303 (221).

42 VR, p. 204, no. 144 (197).

43 E.g. pledge: VR, p. 190, no. 102 (328).

44 The problems with how to understand Hungarian slavery in the Árpád period can be clearly seen in KUČERA 1974, pp. 279–282 and elsewhere. Matúš Kučera struggled a lot with the terminology of the time and was aware of how uncertain it can be to identify the term *servus* with a pure object of rights. More significant differences, but without direct references to specific sources, were revealed by ACSÁDY, Ignác. *Dejiny poddanstva v Uhorsku*. Translated by Štefan Janšák. Bratislava : Vydavateľstvo Slovenskej akadémie vied, 1955, pp. 10–12.

45 Implicitly KUČERA 1974, pp. 291–292.

46 *Glossarium mediae et infimae Latinitatis regni Hungariae*. Edited by Antonius Bartal. Lipsiae; Budapestini : Teubneri; Societatis Frankliniae, 1901, pp. 610–611; VARGA, János. A királyi serviens. In *Levéltári közlemények*, 2006, vol. 77, no. 3, pp. 1–103.

47 VR, pp. 158, 165–166, no. 9 (379), 31 (253), 32 (254).

48 VR, pp. 158–159, no. 10 (380).

49 VR, p. 159, no. 11 (381).

Jordan,<sup>50</sup> the *iobagio* of John,<sup>51</sup> the *iobagio* of Caesar,<sup>52</sup> etc. Several times there were *iobagiones* of the Holy King (*iobagiones sancti regis*)<sup>53</sup> even called “born” *iobagiones*.<sup>54</sup> We also find *iobagiones* of the church<sup>55</sup> or *iobagiones* removed from *castrenses* (i.e. castle folk).<sup>56</sup>

The complexity of the term *iobagio* stands out when compared to the Golden Bull of Andrew II from 1222, which was issued practically at the same time. In this document, the *iobagiones* are seen as a class that was clearly expected to perform military duty for the king.<sup>57</sup> At the same time, the bull states that the *iobagiones castri* should live according to the freedom granted to them by Stephen I. It is noteworthy that the highest officials of the kingdom are also explicitly mentioned as “*iobagiones*,” namely the palatine, ban and “curial count” (*curialis comes*) of the king and queen.<sup>58</sup> All of them could hold other positions in addition to the mentioned ranks.<sup>59</sup> It follows from the above that *iobagio* was a relatively general term and could include the most important dignitaries of the country as well as “castle warriors.” It is therefore not possible to consider them as a single social class in the 13<sup>th</sup> century.<sup>60</sup>

Although the *iobagiones* of the Holy King are very often mentioned in the Oradea Register as well as in other sources, this term appears in written sources for the first time only in the course of the 12<sup>th</sup> century. The question therefore remains to what extent the terminology of documents from the 12<sup>th</sup> and the first half of the 13<sup>th</sup> century is compatible with sources from the period of the creation of the castle (or castle county) system from the time of Stephan I.<sup>61</sup> It is possible that the derivation of legal status and—relative—freedoms from the authority of the first of the Hungarian king aimed precisely at creating a barrier for royal power over the population belonging to the castle.<sup>62</sup> In his work, Attila Zsoldos examined a relatively large amount of data on *iobagiones* in the analysis of several examples, based on which he divided the castle population hierarchically into:

- 1) sons of *iobagiones* of the Holy King
- 2) sons of *iobagiones* bound by fees/*iobagiones* exempted from *castrenses*
- 3) *castrenses*.<sup>63</sup>

50 VR, pp. 159–160, no. 14 (384).

51 VR, p. 160, no. 15 (385).

52 VR, p. 161, no. 18 (388).

53 VR, pp. 172–173, no. 51 (147).

54 VR, pp. 181–182, 196–197, no. 78 (304), 121 (183).

55 VR, pp. 184, 216, no. 87 (313), 172 (32).

56 VR, pp. 193–194, no. 112 (174).

57 *Codex diplomaticus et epistolaris Slovaciae 1* (CDSI). Edited by Richard Marsina. Bratislava : VEDA, 1971, p. 200, no. 270: “Si quis iobagio habens honorem in exercitu fuerit mortuus, eius filius vel frater congruo honore sit donandus.”

58 CDSI 1, p. 201, no. 270: “Item preter hos quatuor iobagiones, scilicet palatinum, banum et curiales comites regis et regine, duas dignitates nullus teneat.”

59 Zsoldos’ archontology, and the Oradea Register itself, confirm that one person could hold several ranks; for example, the palatine used to be the count of one of the Hungarian castle county at the same time.

60 *Pramene k vojenským dejinám Slovenska 1/2, 1000–1387*. Edited by Vladimír Segeš and Božena Šedová. Bratislava : Vojenský historický ústav, 2011, pp. 48, 71.

61 See: e. g. ZSOLDOS, Attila. *A szent király szabadjai. Fejezetek a várjobbágyosság történetéből*. Budapest : MTA Történettudományi intézete, 1999, p. 16.

62 ZSOLDOS 1999, p. 34.

63 ZSOLDOS 1999, p. 31. For records in the Oradea Register see: VR, pp. 187–189, no. 97 (323).



We will understand the *iobagiones* of the Holy King as a group of “castle warriors,” which had the highest, full-fledged status. The *iobagiones castri* were one step lower. The difference between these two groups was apparently in their tax obligation,<sup>64</sup> as is shown by the phrase “sons of *iobagiones* bound by fees to the castle count.”<sup>65</sup>

The position of *iobagiones* in the medieval Hungarian system of social relations is revealed interestingly by the terminology of the records of the Oradea Register. When the inhabitants from the castle county of Novohrad (Hung. Nógrád), with the *iobagiones* of the same castle, were suing a certain free man (*liber homo*) named Pét regarding the ownership of the land, he argued that the land belonged to him because he had legally bought it. However, the opposing party (*cives* and *iobagiones*) argued that the land actually belonged to the castle (*dicentes terram esse castri*).<sup>66</sup> The connection of *iobagiones* to the castle (or castle county) system of the Kingdom of Hungary is therefore more than obvious. The nature of these ties is further evidenced by the lawsuit of the *iobagiones* from castle county of Boršod (Hung. Borsod) against their count Demeter due to his unfair judgments and unjustly exacted fees.<sup>67</sup>

A relatively large number of disputes were related to whether a group of people belonged to the *castrenses* residents or the *iobagiones castri*, from which it follows that the *castrenses* had a lower social status.<sup>68</sup> A case from Békeš County (Hung. Békés) also shows how *iobagiones castri* could harm *castrenses*. *Iobagiones* Sab and Sikund were indicted before the Oradea Chapter because they were accused of impoverishing “all the *castrenses*” and of killing three people.<sup>69</sup>

In general, it is assumed that the inhabitants of the castle formed the largest segment of the population subject to the castle and, in addition to their obligation to hand over benefits to the lord, they were obliged to take care of the castle and defend it.<sup>70</sup>

Compared to the previous groups, their direct connection with the king is evidenced by the population group called royal *udvornici* (*udvornici regis*, *udvornici regales*).<sup>71</sup> These were not considered free in the language of the

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Other sources were concerned with the previously mentioned Zsoldos, and it is clear from them that it was more advantageous to belong to the free *iobagiones* of the Holy King than to the *iobagiones* excluded from *castrenses*. Clear evidence points to this VR, pp. 193–194, 196–197, no. 112 (174), 121 (183). See also: RAPANT, Daniel. „*Filii iobagionium* (Deti bojarské).“ In *Slovenská archivistika*, 1974, vol. 9, no. 1, pp. 61–74.

64 As it seems in the research of ZSOLDOS 1999, p. 37.

65 VR, p. 187, no. 97 (323): “*filii iobagionum descensum comiti persolventium*.”

66 VR, p. 303, no. 380 (133).

67 VR, p. 283, no. 341 (248). The case essentially ended in a reconciliation.

68 Clear evidence is e. g. VR, pp. 172–173, no. 51 (147).

69 VR, p. 230, no. 210 (42).

70 Compare with concrete examples LUKAČKA, Ján. Kontinuität der Besiedlung auf dem Gebiet des Komitats Nitra 9.–13. Jahrhundert. In SEDLÁK, Vincent (ed.) *Beiträge zur ältesten Besiedlung der Slowakei: Studia historica Slovaca 18*. Bratislava : Slowakische Akademie der Wissenschaften, Historisches Institut, 1994, p. 139; GÁLIK, Zdenko. Dejiny Hlohovca po páde Veľkej Moravy do roku 1275 s osobitným zreteľom na polohu hradu Szolagyör. In *Historický časopis*, 2013, vol. 61, no. 2, pp. 270–271. The original freedom of these social classes based on the records of the Oradea Register also assumed KUČERA, Matúš. Sociálna štruktúra obyvateľstva Slovenska v 10.–12. storočí. In *Historický časopis*, 1965, vol. 13, no. 1, p. 29 and footnote 131, p. 40; KUČERA, Matúš. Die Struktur der Bevölkerung in der Slowakei im 10.–12. Jahrhundert. In *Studia historica Slovaca*, 1966, vol. 4, pp. 48, 62, 65.

71 The so-called *udvarnok* or *dvorníci*. From Hungarian *udvar* and Slavic *dvor* (court).

13<sup>th</sup> century.<sup>72</sup> Unlike the above-mentioned groups, they were not part of the castle system, but were settled on properties directly under the king.<sup>73</sup>

The last group that we will come to are the guests (*hospites*), which is generally assumed from the meaning of the designation of this social group to be of foreign origin. In the course of the 13<sup>th</sup> century, however, they often merged with the local population. In this way, others could actually become holders of the right of guests.<sup>74</sup> To analyse the guests in the Oradea Register, a dispute about the social affiliation between the *iobagiones* of Szolnok Castle and a certain Angel from the village of Gió is very interesting. Angel defended himself in this dispute by saying that he is the son of a Latin guest and therefore he is absolutely free (*absolute liberum*).<sup>75</sup> From this case too, it can be seen that the position of the guest was economically and legally more favorable than the position of the *iobagio castri*.

On the contrary, the example of the son of a Latin guest points out that the records of the Oradea Register recognize only people of foreign origin as guests. This also applies to German guests<sup>76</sup> or Czech guests.<sup>77</sup> The common wording “sons of guests” seems to indicate the inheritance of a status resulting from a special legal classification, and thus also the possibility of a social fusion of the domestic and foreign populations.

## Conclusion

Overall, it can be concluded that the social structure of the population according to the Oradea Register captures the older state, as well as the ongoing social transformations from the first half of the 13<sup>th</sup> century which were not yet marked by the two fundamental socio-legal processes of the High Middle Ages, namely the creation of privileged towns and the completion of the medieval Hungarian nobility. Despite this fact, the structure of the company as captured in the Oradea Register is very diverse. It is essentially a rural world of small communities forming social groups based on social, gender and territorial ties.

72 VR, p. 260, no. 285 (100): “Udvornici regis de villa Fonchol impecierunt quosdam de p̄edio Guerus filii Nanę comitis [...] dicentes, quod eorum essent conservi. Illi autem dixerunt se esse liberos et hoc idem dominus eorum contestatus est.” Similarly, see: VR, pp. 261–262, no. 288 (103).

73 KUČERA 1974, p. 366.

74 JAVOŠOVÁ, Erika. Hostia na Slovensku pred Tatárskym vpádom. In *Historický časopis*, 1998, vol. 46, no. 1, pp. 3–11; ŠEDIVÝ, Juraj. Najstarší patriciát v stredovekej Bratislave: šľachtici alebo mešťania? In *Forum historiae*, 2008, vol. 2, no. 2, pp. 1–21; LYSÁ, Žofia. Bratislavskí hostia v 13. storočí. Zvyky, právo a správa. In *Historický časopis*, 2013, vol. 61, no. 4, p. 606. A complex work with references to older literature prepared MAREK, Miloš. „Hospites nostri, dilecti et fideles“. Spoločenská kategória hostov v stredovekom Uhorsku. In MAREK, Miloš (ed.) *Dejiny v pohybe – pohyb v dejinách: Studia Historica Tyrnaviensia 21*. Kraków; Trnava : Towarzystwo Słowaków w Polsce; Filozofická fakulta Trnavskej univerzity v Trnave, 2021, pp. 41–78.

75 The expression “free” (*liber*) in Oradea Register was used, as in other sources, relatively. It means in relation to another, less free group.

76 See: VR, pp. 234, 249–250, no. 218 (5), 259 (116).

77 See: VR, pp. 272–273, no. 316 (367).