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The Matter of Honour

The Leading Urban Elite in Sixteenth Century Cluj and Sibiu

PhD thesis in Medieval Studies

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Introduction

“... the governing elite ... follows on like a river, never being today what it was yesterday. From time to time sudden and violent disturbances occur. There is a flood – the river overflows its banks. Afterwards, a new governing elite again resumes its slow transformation.”
(Vilfredo Pareto, *The Mind and Society: A Treatise on General Sociology*, vol. 3, [New York: Dover, 1935], 1431.)

It is not easy to write about the novelty of elite research that started already in the 1960s or to link a little-researched area to the international scholarship and create a balance between sources and analogies without slipping into the fault of imitation. It is not easy to synthesize or to conduct thorough prosopographical or archontological analysis when the basic investigations (source editions) that opened the way for more complex urban studies, in the second half of the twentieth century in Germany, for instance, are missing. It is not easy to write about Transylvanian towns for an international audience who is not aware of what is obvious and what is not. But it is challenging! And in spite of the difficulties, research on the sixteenth century town elites in Cluj (Kolozsvár, Klausenburg) and Sibiu (Nagyszeben, Hermannstadt) proved to be an interesting, moreover ever-growing, topic that is far from being exploited to the full extent in this dissertation. The present study will open new perspectives.

This thesis is not (only) a review of the institutional history of the town governments, although some historical facts on the developments of urban administration are presented, but it focuses rather on the character of the elites from the perspectives of individuals. Thus, investigating the careers of the office-holders, I try to create a group biography of the urban

leaders and to present the channels through which they grasped, maintained, and transmitted power.

The town administration in early modern Cluj and Sibiu, two important urban centres in medieval Hungary and early modern Transylvania, functioned on a two-tier system. The larger representative body was the outer council or the council of one hundred men (*százférfiak*, *centumviri*, Hundertmanschaft) that had more legislative power than the executive; the town council, a smaller representative unit, consisted of twelve councilors and the town judge (*iudex primarius* in Cluj) or mayor (Bürgermeister in Sibiu), who had juridical and executive authority. This system came into being in the medieval period; in the sixteenth century only the balance of power changed or altered between the two bodies. The balance of power depended mostly on the influence of individuals or interest groups of the elite. During all these changes, the local elite, influenced by the wide or narrow perspectives of the leading political generation, played a significant role.

Definitions

Who were the elite and how are the urban leading elite defined. Elite means a group or groups of people who, by their decision-making activities, exercise a major role in shaping the lives, the perspectives, and the surroundings of the mass population they have risen from. That is the simplest and logical definition. Political science, sociology, and anthropology, however, have created more complex and more sophisticated delimitations and theories that have led to intense debates.

The concept of elite, according to Jean-Pascal Daloz, is a convenient instrument to delineate categories standing at the apex of societies, which, as any other concept, has heuristic

advantages and disadvantages.¹ Accordingly, the definition of elite may come from different aspects and have great diversity of conditions.

Aristotle, for instance, defined individuals belonging to elites as magnanimous, having the capacity to perform extraordinary duties and therefore deserving honour, and magnificent persons who had the correct sense of wealth and power.² Wealth, discipline, and honour were the key concepts in the elite definition of antiquity. The Middle Ages added the idea of humility and that social diversity was of divine providence. Later this was highly combated by humanist thinkers, especially Machiavelli, who argued against the exalted status of humility against glory. In the eighteenth century, enlightened minds (Voltaire, Montesquieu) first accepted, or rather admitted, wealth as a necessity for being part of the elite.³ Scholarly definitions of elite started to appear on a systematic basis in the nineteenth century. One of the first names to mention is Herbert Spencer (1820-1903), who created the approach of so-called “social Darwinism”, who neglected the importance of individuals and their ambitions in determining groups of elites. While his contemporaneous fellow, Gabriel de Trade (1843-1904), stated exactly the opposite, that individuals constitute the basis for social order.⁴

Undoubtedly, Max Weber’s legacy is of the highest importance in this respect, too. Weber was the first to separate status and class, analyzing the two definitions separately. He also reached the conclusion that wealth is not necessarily or exclusively the main source of power, but traditions and knowledge might also place someone in the elite.⁵ Individuals and groups as separate entities of the elite concept and values on their own started to be articulated by Norbert

¹ Jean-Pascal Daloz, *The Sociology of Elite Distinction. From Theoretical to Comparative Perspectives* (New York: Palgrave Macmillan, 2010), 1-2.

² Daloz, *The sociology of Elite Distinction*, 8.

³ Daloz, *The sociology of Elite Distinction*, 10-12.

⁴ Daloz, *The Sociology of Elite Distinction*, 13-16.

⁵ Daloz, *The Sociology of Elite Distinction*, 22-23.

Elias and the Eliasian movement.⁶ Later, Bourdieu put more emphasis on the two actors of elite definitions, highlighting the importance of an upper class built on power to impose its own categories of perception and appreciation upon the lower classes. He introduced the concept of “capital” for determining one’s position within social structure of a given society.⁷

Apparently, defining elites is not as complicated as elite theories make it seem, dating far back to ancient Greece. Plato in *The Republic* divided society into three main categories: the elite (among them the philosopher kings), the auxiliaries (soldiers, civil servants), and the workers (the rest of the population).⁸ This was the first hierarchical conception of society, and the first theory on the relations between the rulers and the ruled and it became the basis of what was called later the *elitism* of the *normative approach* in elite theory.

Trend-setting theorists of this approach were two Italians, Gaetano Mosca (1858-1941) and Vilfredo Pareto (1848-1923), and later their American follower, Robert Michels (1876-1936). The so-called Italian School of Elitism perceived the formation of the elites in towns not as a hereditary process but as competitive rapport between groups which replaced each other over time (Pareto), and this competition was theoretically open to everyone. For delimiting the elites from the rest of the society, Mosca introduced and developed the theory of ruling class, though without reaching a definition of it. Instead, he used a series of synonyms (dominating or ruling class, governing class, upper class, governing minority) which referred to the ruling group. Mosca left this theory in a relatively rough state⁹ and probably that is why Mosca’s concept became strongly connected to Marxist terminology and failed to represent what he had initially planned.

⁶ Daloz, *The Sociology of Elite Distinction*, 31-33.

⁷ Daloz, *The Sociology of Elite Distinction*, 35-36.

⁸ Plato, *The Republic*, Book IV.

⁹ Norberto Bobbio, *On Mosca and Pareto*, (Geneva: Librerie Droz, 1972), 14; Michael Hartmann, *The Sociology of Elites*, (London: Routledge, 2007), 8-15.

Pareto's definition of the elite and of the circulating elite, however, opened a new direction for political analysis.¹⁰ In Pareto's definition, all societies are dominated by elites of various composition and the membership of the elite changes periodically in each society.¹¹ Pareto and most of the elite theorists spoke about dominating and leading elites as two synonymous notions. Alan Harding made a distinction between the two terms, implying important differences between leadership and domination in the level of consent accorded to elites by the rest of the society, asserting further that: "leadership suggests a willingness to follow, whereas domination implies a simple inability to resist."¹²

Political scientists and sociologists usually disregard historical contexts in constructing a social theory, or at best they only go back as far as the beginnings of the modern age and industrialization, although the social phenomena they are arguing about might have started in earlier time periods or different historical places. Even sociologists like C. Wright Mills, who can be placed between the technocratic and elitist movement as an adherent of the critical¹³ stream of elite theories, who had one of the broadest historical approaches, did not go beyond nineteenth-century America when he created the theory of the "power elite", and minimized the importance of history in developing sociological terms.¹⁴ The theory he cultivated and the definition of power elite describing the relationship between political, economic, and military elites, however, might have been valid for other regions and other times. Yet, sociologists or political scientists cannot be reproached for having failed the perspectives of larger historical

¹⁰ John Scott, "Pareto and the Elite", in Vilfredo Pareto: *Beyond Disciplinary Boundaries*, ed. Joseph V. Femia and Alasdair J. Marshall (Farnham: Ashgate, 2012), 9.

¹¹ Scott, "Pareto and the Elite", 10.

¹² Alan Harding, "Elite Theory and Growth Machines", in *Theories of Urban Politics*, ed. David Judge, Gerry Stoker, and Harold Wolman (London: Sage Publications, 1998), 35.

¹³ Harding, "Elite Theory and Growth Machines", 37.

¹⁴ C. Wright Mills, *The Power Elite*, (Oxford: Oxford University Press, 2000), 274. "We study history, it has been said, to rid ourselves of it, and the history of the power elite is a clear case for which this maxim is correct."

analyses, especially when there are no important historical retrospectives and interdisciplinary communication failed.

Paradoxically, although the secondary literature of historical elite research is huge, one hardly finds a clear concept of what a power elite would be in historical terms. Therefore, every scholar tries to make his or her own definition, and consequently there are as many delineations as researchers. The truth is that one can do a general classification that would fit every urban elite before the bureaucratization of urban governing, but the local specificities make every case special.

Aims and Methodology

This dissertation has three main parts: 1) one historical, presenting the historical contexts in which the elites were formed and the social context they arose from; 2) one archontologic and prosopographic part accenting the careers of office-holders, with discussion of statistical facts and the inner structure of the political elite, while the last part 3) focuses more on the social details of the environment created or influenced by the town leaders. The text is followed by a large appendix of archontology and prosopography.

I tried to avoid simply a plain presentation of the sixteenth-century political elite in Cluj and Sibiu in a general historical context. Although the archontological and prosopographical investigations lie at the core of the research, deeper and broader analyses of the historical and social context are introduced for a better understanding of the whole process of elite creation and circulation phenomena. A historical look back to the medieval period, when the municipal governments developed, is the starting point of this study.

It is not merely introductory in scope or chronological guide; I intend to create a link between the medieval period and the sixteenth century, to return a bit to the roots of the urban

governments in the two towns and to reconsider old established theories about the leaders of medieval Cluj and Sibiu. Or better to say, I returned to the sources and tried to find arguments or counter arguments for what was written fifty or one hundred years ago and has been perpetuated in the secondary literature ever since.

Once a picture is established of how the town governments looked and how they functioned in the fifteenth century, is easier to understand, on the one hand, changes that happened in the sixteenth century and, on the other hand, to detect the traditions which the written normative acts of town administration were based. Therefore the core of this research is the archontological analysis of the councilors. It is important to mention here that the investigation extended only to the members of the town council for the period of 1550 to 1600 in the case of Cluj and 1522 to 1600 in Sibiu. The fact that the *centumviri* were not included and that the actual time span of the research differs for the two towns is a consequence of the source realities. In Cluj there are two lists of the aldermen of the larger council, yet too little for quantitative and qualitative research; in Sibiu, however, no catalogue of the *centumviri* has survived.

The beginning dates of, the archontological research, were set by the sources, while the end (1600) of the research period is arbitrary. This does not mean that if the circumstances of a career implied the extension of the time limits the data before and after the set borders were not taken into consideration. The detection of patterns in the frequencies and dates of office-holding was applied only for the period when complete data series are available.

242 individual careers were researched, 108 in Cluj and 134 in Sibiu, plus 25 notaries. The presentation of each would break the limits of this dissertation and would create disproportions between the chapters. Therefore besides the prime judges/mayors and royal

judges only the councilors who had some peculiarity in their office holding will be presented in detail. The detailed archontological and prosopographic data for each councilor is given in the appendix.

Although the archontology of Sibiu, attached, contains the office of the seat judge (Stuhlrichter), in the main text the presentation of this office and its incumbents was omitted because it cannot be considered an urban office, but a regional one. Its presence among the council members can be explained by the regional importance of the town council in Sibiu. For the individual careers, however, this position meant a step forward in the hierarchy, thus it cannot be neglected completely.

The methodology used here aims at a combination of an archontological/prosopographical and a social history approach. The governing elites in Cluj and Sibiu will be presented on the level of individuals, i.e., the careers of the office-holders and also by the characteristics of the political elites as groups. The relations between generations will be analyzed, how old and young cooperated in the town administration or how a “new man” advanced in rank. I made an attempt to combine historical research with anthropology, sociology, and art history in order to give more color to the picture I draw of these honorable men.

Special attention is paid to networks constructed either by marriage or by professional/business interests because this may delineate the character of the elite as a separate group, but it also shows the opportunities for relatively fast changing urban leadership to conserve and bestow political power.

Moreover, I am interested in the role of the elite in creating an urban consciousness and in studying the channels and representative acts that were used for fashioning the self-image of the powerful governing minority. Inscriptions, rituals, and ceremonial feasts, moreover, the

discourse of the elite are research subjects that enable further comparative approaches and which are presented in the last part of the thesis.

Such a complex and diverse topic implies many kinds of research questions. Through some of them I tried to discern the leading political groups in Cluj and Sibiu. I was curious to explore the significance of wealth and income versus tradition and prestige in eligibility for public services, or vice-versa. There were quantitative and qualitative differences in the formation of an elite group: Which was more significant, the persons who represented a certain group or the number of dignitaries belonging to the same branch? Therefore I attempted to discern the character of the new leading elements in the town after the fall of the Hungarian Kingdom and to present (wherever possible) the competition and the dynamics of interests of different groups or individuals. Wherever the existing sources permitted, I investigated the marriage strategies and other family connections on the personal level of the elite through case studies trying to identify patterns through specific examples. Nonetheless, I emphasize the role of the elites in the formation of urban consciousness and places of self-fashioning, trying to portray the legitimization of the incumbent political elites. And, last but not least, I took on the challenge of depicting the portrait of the early modern urban leadership through individual careers.

The answers to these topical questions will give the results and conclusions of all the PhD investigations; still, some features of the town elites in Cluj and Sibiu can be foreseen. Although I do agree with Alan Harding's rejection of elite domination, the urban development of Cluj and Sibiu from the Middle Ages until the sixteenth century shows exactly the transformation of what was at first the domination of a small group of powerful men of the community into a leading group of empowered citizens who grasped authority gradually as town

autonomy grew. This case deals only with the political elite, although on the level of individuals interaction among early modern economic and intellectual elites was inevitable. Thus, one cannot speak of a *technocratic* elite, as Max Weber has defined ruling groups generated by the extended division of labor who ruled on a meritocratic basis, even though one may find some elements of merit even in the early modern urban leadership.

The empirical research on political elites of early modern Cluj and Sibiu shows two groups of leaders that exercised power through wealth and prestige, but who were entrusted with power by the masses. Whether it was real control of the townspeople or just a *de iure* legitimatization, or whether they dominated or just governed, are some of the topical questions that this dissertation puts in perspective.

There are some features, such as translation of the terminology and the usage of place and personal names that need elucidation in advance. Due to the uneven availability of the sources some disparities in the presentation and comparison of the two towns may occur. The sources on Cluj are much better for such an elite analysis and are more accessible than in Sibiu. Secondly, I myself have given more attention to Cluj, it being the core model of this research; Sibiu is the “control case” of the analysis.

Given the multiethnic character of the region, toponyms and personal names might create confusion. Moreover, the irregularity of the family names might be misleading, too. Therefore I use the actual (Romanian or other state) place names, indicating the historical Hungarian and German names, too, at the first mention. The the situation of the personal names of the office-holders is more complicated. In the sixteenth century family names were still used in various ways and one and the same person might have had several “by-names” that distinguished him from rest of the community. For instance, the mayor of Sibiu, August Hedwig, appears in the

documents under four different names (Pellio, Szűcs, Kürschner), while Martin Weisz is often referred as Poldner or Sartor, too.

In Cluj the bilingualism created even more confusing cases, when only thorough research could elucidate the same identity of Johann Lang and János Hosszú, for instance, or of Hannes Mann and János Ember. Belonging to the Hungarian or Saxon nation was not solely an option of identity; it was the legal framework for representing one of the two factions. Such misleading incidences might increase the hazard rates of the research; therefore, I have carefully analyzed the career and nationality of each council member in order to eliminate any possible overlapping cases. In order to eliminate separate explanatory notes on nationality I use the first names according to the ethnic affiliation of the person and the second name as it appears in the sources. There are cases in Cluj when the townsmen show up in documents with “Magyarized” or Hungarian family names even though they have belonged to the Saxon community. Thus, in such cases as, for instance, Johann Bornemissza or Caspar Herceg, the first name will indicate the nationality. When a family or a person is indicated in sources inconsistently with Saxon and “Magyarized” names, I indicate both forms (e.g., the Barát/Münich family). The names of kings, princes and other state dignitaries will be given in English if conventional translations exist. Terminologies will be given in Latin and italics if they cannot be translated into English or the translation might be misleading, as in the case of the *centumviri* or *comes*, for instance. Whenever necessary such terms will be explained in a note. The ilizable or small figures will be provided with QR codes that can be scanned with a smartphone and visualized in real size. For assistance and QR code reader download see

<https://play.google.com/store/apps/details?id=me.scan.android.client>

The Sources

Unpublished primary sources

The fundamental research is based mostly on unpublished primary sources. Most of them are in the collections of the Romanian National Archives in Cluj¹⁵ and Sibiu, but finding aids and manuscripts in the Hungarian National Archives or libraries were also consulted. The main documents were the council protocols of Cluj and Sibiu. These were recorded in two different types of books; in Cluj the council minutes of the *centumviri* are available and in Sibiu the books with the resolutions of the town council have survived. The *Protocols of the Centumviri* (1557-1849) (*protocollum electae centumviralis communitatis; protocollum centumvirale; száz férfiak gyűléseinek jegyzőkönyve; választott polgári közönségnek jegyzőkönyve; közgyűlési jegyzőkönyv*) in Cluj, written in Latin and Hungarian, begin in 1557 and continue scantily until 1612 on around 1000 pages in five volumes.¹⁶ They encompass the minutes of the council meetings, in particular the resolutions adopted during their assemblies. Various cases are recorded here from tax regulations, guild statutes, town disputes, and delegations to the various important royal or princely courts of the time and administrative issues in the town's self-government. One may follow through the pages the whole legislative system of the town and see how the two representative units of the town related to each other. Further, it is important that these records also contain lists of dignitaries for (almost) each year from 1557. Thus, these documents are the main source for the archontology, similarly to the *Protocols of Town Council* in Sibiu, which also provides a list of office-holders from 1522 until 1600.¹⁷

¹⁵ Henceforth the RNA abbreviated form will be used in the references.

¹⁶ *Protocols of the Centumviri in Cluj* (Protocollum centumvirale, tanácsülési jegyzőkönyvek) Romanian National Archives Cluj, Fond no. 1, I/1-I/5. (henceforth TanJkv.)

¹⁷ *Protocols of the town council in Sibiu* (Ratsprotokol) (Protocoalele de sedinta a magistratului Sibiu), Fond no. 1. Vol. 1 (1521-1565, 1601, 1607), vol. 2 (1566-1637)(henceforth Ratsprotokol).

The two volumes, written in Latin and German, encompass the resolutions that were adopted at the meetings of the town council and which are, similarly to the *centumviri* decrees in Cluj, of various kinds covering many aspects of town life: taxation matters, town regulations, public discipline, and economic matters. The characters of the two sources reveal the differences in the power balance in the two towns; in Cluj the *centumviri* had more control while in Sibiu the council held concentrated power.

Although jurisdiction is not the topic of this dissertation, the *Court-hearings* (*protocollum iuridicum*; *protocollum iudiciale*; törvényes jegyzőkönyv)¹⁸ recorded before the town council in Cluj (1516-1849) are the main source for detecting marriage relations between the council members. Certainly, the occurrence of useful information is incidental, but still one may find enough information to identify the patterns that worked in the marriage strategies of the elite.

The court hearings of the sixteenth century (more than 3000 pages) are structured in eight volumes. Besides the first volume, which also contains some resolutions of the *centumviri*, lawyers' letters and written testimonies, all the volumes contain the testimonies of court cases noted down by the town notary, thus this source is a real gold mine for studies on mentality, everyday life, etymology, and ethnography, and also historical psychology and sociology (including interesting data on witchcraft and public deviance).

The *Liber civitatis* (the whole title: *Liber decreta huius civitatis de necesariis ac utilibus negotiis communibus dominorum senatorum ac centumpatrum suffragiis confirmata, perpetuisque semper futuris temporibus inviolabiliter observanda continens*) in Cluj is a town book that starts in 1583 and contains various entries until 1887. As the entire Latin title also points out, the register was begun to note down the resolutions of the town council and of the

¹⁸ *Court-hearings* [Törvénykezési jegyzőkönyvek]([Protocoale de judecată], RNA Cluj, Fond no. 1. II/1-II/8. (henceforth TJkv)

centumviri concerning the functioning of the town. Since most of the regulations were adopted by the *centumviri* and entered in their protocols, running a separate book only for the internal normative acts might have been an extra duty for the town notary. Thus, the followers of Gergely Diósi, the town clerk who initiated this book, neglected to write/copy the entries into this record, and until 1586 there are only 11 pages completed with the regulations on selling wine, instructions for the market judges, limitation of prices, and directives for the quarter captains and the *decuriae* (the chiefs of ten houses) and for the master of the St. Elisabeth hospital. From 1587 until 1614 the book was reserved for registering new citizens. The later entries from the seventeenth and eighteenth centuries are mostly legal matters concerning the rights and debts of citizens.

Among the old documents of the town of Cluj several unpublished charters are to be found in the *Charter Collection*.¹⁹ Divided into 19 fascicles, the 447 charters are grouped on subjects according to the order established in 1592 in the *Index privilegiorum*, another important source for sixteenth-century Cluj that was used in this dissertation as an inventory of once-existing documents and also as a testimony of the early modern concern for the glorious past and self-fashioning through the knowledge of the town notary.²⁰

The fourth kind of urban documents are various economic registers of the towns. In Cluj, the first sixteenth-century account book dates to 1550, while that in Sibiu dates to 1501. In Cluj there are books with the detailed incomes and expenses of the town as managed by the town stewards, the so-called partial accounts that are a synthesized version of the town accounts, the tax lists with what each citizen owed, the accounts of several institutions and economic units of the town, and the accounts of the church wardens.

¹⁹ *Charter collection* (Acte si privilegii) RNA Cluj. Fond no. 1. Fasc. A-Div. (henceforth Fasc.).

²⁰ *Index privilegiorum*, RNA Cluj, Fond no. 1.

The sixteenth-century accounts of Sibiu were more structured. One of the main account records were the book-keeping figures of the mayor (Konsularrechnungen). The accounts of the mayor are the most important in the accounts of the town, the seat and Sibiu district, and in some cases of the whole *Universitas Saxonum* as well.²¹ The first book dates to 1504 and goes with some gaps until 1700. Each subject of account had a separate series of books like in Cluj. For example, taxation matters, revenues, and expenses were separate fascicles. Other important economic serial documents are the accounts of the steward (Stadthannenrechnungen). Similarly to Cluj, these are the book-keeping records of the everyday expenses and regular incomes of the town. Ten such books have been preserved from the sixteenth century, the first from 1501 and the last from 1578. They present the financial situation of the mills, bakeries, breweries, etc. and provide mostly information on the wages of public servants.

In early modern Sibiu there was a money box for the needy, called Almosenrechnungen, that had separate account records.²² Starting from 1555 the alms-box accounts provide data on pious donations and allocations for the hospitals, poor, and students of the town. Thus, it also gives information on aid given to notaries, their training, and their ties to the towns.

Edited documents

Besides the unpublished archival sources, several edited documents and collections were used during this research. The most frequently cited here are two editions for Cluj and Sibiu.

Compiled more than 100 years ago, the three-volume chartulary attached to the *History of Cluj* by Elek Jakab has remained the prime resource among the research tools for the history of

²¹ Ratio civitatis ac sedis Cibiniensis; Ratio septem iudicum; Ratio almae universitatis.

²² *Town Accounts* – Alms-box Accounts (Socoteli economica ale orasului –Socotelile milelor) RNA Sibiu. Fond no. 1., Inv. 689. (henceforth Almosenrechnungen).

Cluj.²³ It contains various kinds of documents, charters, statutes, and resolutions. The history of this work reaches back to 1863, when the town council of Cluj launched a call for applications for the history of Cluj from the antiquity until 1848. The call did not contain too many requirements, but there was a special request that applicants had to provide a chartulary with the text. The competition for the 1000-florin stipend, which was finally raised to 1555 florins, was won by Elek Jakab, although he had submitted only the first volume by the deadline. Still, the committee was overwhelmed by the impressive opus and placed every confidence in Jakab for the rest of the work.

The enthusiasm of the nineteenth-century town elite for this project was enormous. When the name of a winner was announced at the council meeting, the councilors broke into vociferous cheers.²⁴ I have not touched upon this anecdote by chance. There are many similarities between the attitude of the nineteenth-century and sixteenth-century town leaders towards the history and the historical documents of the town. In 1592, the town council commissioned the town notary, Gergely Diósi, to compose an inventory of the privileges that the town had received and kept in the archive. The *Index privilegiorum* proved to be more than a list of written documents; it is also a review of the town's medieval history. Jakab's historical synthesis, and especially the chartulary, also came into being on the initiative of the town government and soon the volumes, similarly to Diósi's work, became instruments for scholars. The enthusiasm of the town leaders in this matter can be related to the historical contexts of two periods; the sixteenth and the nineteenth century were peaks of town development and consequently of urban consciousness.

²³ Elek Jakab, *Kolozsvár története* [History of Cluj], vol. 1-3, (Buda-Budapest: Királyi Egyetemi Könyvnyomda, 1870–1888; idem, *Oklevéltár Kolozsvár története első, második és harmadik kötetéhez* [Chartulary to the History of Cluj volumes one, two, and three] vol. 1 (Buda: Királyi Egyetemi Könyvnyomda, 1870), vol. 2-. (Budapest: Királyi Egyetemi Könyvnyomda, 1888).

²⁴ Excerpt from the council meetings. see Jakab, *Kolozsvár története*, vol. 1., 10.

Especially for the medieval period, the other frequently noted charter collection is the seven-volume *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*. It is an ongoing, or better said, temporarily suspended, serial work that started in 1892; the last volume was published in 1992. So far, it covers the historical period between 1191 and 1486. Similarly to Elek Jakab's work, the *Urkundenbuch* was also the fruit of the nineteenth-century turn towards local history. Not the town council this time, but the main study center of the Transylvanian Saxons, the *Verein für Siebenbürgische Landeskunde* initiated this pilot project. The *Verein* was founded in 1840 and functioned until 1947 with small gaps as the "citadel of science" especially, but not exclusively, of Transylvanian Saxon scholarship.²⁵ Its periodical, the *Archiv des Vereins für siebenbürgisches Landeskunde* became one of the most prestigious journals in Transylvania where many studies on urban history have been published.²⁶ These two sources are indispensable for all urban historical research on Cluj and Sibiu.

The background of the topic

Research on the elite, maybe because it has a specific character, has a broad and vast literature. Broad in the sense that several methodological approaches of urban historical studies have been applied to basic archontological investigations. Thus, social and economic historians as well as anthropologists have profited from archontological research.

Although systematic research on the elite started after the Second World War²⁷, especially in Germany, the roots go back to the turn of the nineteenth century, to Max Weber²⁸

²⁵ *Statuten des Vereins für siebenbürgische Landeskunde*, 1842. http://books.google.hu/books?id=FrIAAAAcAAJ&printsec=frontcover&source=gbs_v2_summary_r&cad=0#v=onepage&q&f=false. Accessed 11.08.13. Zsigmond Jakó, "Másfél évszázad az erdélyi honismeret szolgálatában" [Serving Transylvanian history for one and a half centuries] *Erdélyi Múzeum* 54, no. /1-4 (1992):150-155.

²⁶ For a list of the published studies see <http://landeskunde.adatbank.transindex.ro/>.

²⁷ E.g., Hans Planitz, "Studien zur Rechtsgeschichte des städtischen Patriziats", in *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 58 (1950): 317–335; Alfred Otto Stolze, *Der Sünfzen zu Lindau. Das Patriziat einer schwäbischen Reichsstadt* (Lindau: Jan Thorbecke Verlag, 1956).

and Henri Pirenne²⁹, when a new kind of urban historiography started to unfold focusing on long-term trends of history that influenced the social and economic developments of towns. Although some German scholars (Transylvanian Saxons, too) conducted historical analyses on “patricians” or leaders of the town as early as the nineteenth century, those works cannot be perceived as marks of a trend; they were rather sporadic and incidental investigations or linked more to genealogical research. Yet, these early works are important contributions, and no wonder that some of them were reprinted when urban history began to be institutionalized in the 1960s and 1970s.³⁰

The essence of this conscious shift in urban history was that the town was no longer treated as a single standing unit, but as a component of a network and instead of analyzing the main structures of a single town, scholars turned to research focusing on different groups of town society. The main subject of interest, however, did not change much and scholars kept focusing mainly on free imperial cities and the patriciate.³¹

The real break-through in applied archontological and prospographic investigations in research on the elite was the *Deutsches Patriziat* volume in 1968.³² Apparently on the same patrician topic, but in fact on more patriciate-related issues, this volume shows a social history approach in which the leading factions of the towns were seen as acting groups held together by economic interests, marital bounds, and prestige. The book, edited by Helmuth Rössler, contains

²⁸ Max Weber, *The City*, ed. Don Martindale and Gertrud Neuwirth (New York: Free Press, 1966).

²⁹ Henri Pirenne, *Medieval Cities: Their Origins and the Revival of Trade*, trans. Frank D. Halsey (Princeton: Princeton University Press, 1948).

³⁰ Karl Heinrich Roth von Schreckenstein, *Das Patriziat in den deutschen Städten, besonders Reichsstädten, als Beitrag zur Geschichte der deutschen Städte und des deutschen Adels* (Tübingen: Verlag der H. Laupp'schen Buchhandlung, 1856), repr. 1970 (Aalen: Scientia Verlag, 1970) and is available in reprint even today by print-on-demand from Amazon (Charleston: Nabu Press, 2011).

³¹ Ruth Elben, *Das Patriziat der ehemaligen Reichsstadt Rottweil. Von den Anfängen bis zum Jahre 1550*, (Stuttgart: Kohlhammer W., 1964); Alfons Dreher, *Das Patriziat der Reichsstadt Ravensburg. Von den Anfängen bis zum Beginn des 19. Jahrhundert* (Stuttgart: Kohlhammer W., 1966); Kuno Müller, *Das Patriziat von Luzern*, (Luzern: Eugen Haag Verlag, 1959.);

³² *Deutsches Patriziat 1430-1740*, ed. Rössler Hellmuth (Limburg/Lahn: C. A. Starke, 1968).

fifteen studies and none of them resemble any others. This is not, or not only, because of the genuine differences among the towns discussed, but because the different approaches the authors adopted. Besides the historical presentation of town patriciates there are also comparative analyses of the elites of several towns³³ and comparison of town patriciates and other leading groups³⁴ or elites in a political context,³⁵ or even the relation between town architecture and elites.³⁶ Further, the authors also made attempts to analyze characteristics of leading elites such as marriage strategies³⁷ or council eligibility.

The interlocking of research on the the power eliteh and prosopography resulted in a large number of studies and books that would be impossible to overview for introductory purposes, thus only some landmark publications will be presented. One may delineate three main streams in German research on the elite, closely linked to research institutions/schools or topics. Studies on free imperial cities and bishops' seats are preponderant. This cannot be perceived as a specific German trend; it is, or was, more a matter of circumstance that those towns had the best sources and the proper legal status in the medieval and early modern eras where the a local specific power groups had a more or less undisturbed development.³⁸ Furthermore, the major projects on the elite were also linked to important urban centers of the German territories and

³³ Albrecht Rieber, "Das Patriziat von Ulm, Augsburg, Ravensburg, Memmingen, Biberach", *Deutsches Patriziat*, 299-252.

³⁴ André Marcel Burg, "Patrizier und andere städtische Führungsschichten in Hagenau", *Deutsches Patriziat*, 353-376.

³⁵ Robert van Roosbroeck, "Niederländische Patrizier im Exil (1585-1600)", in *Deutsches Patriziat*, 209-230.

³⁶ Günther Grundmann, "Patriziat und bildende Kunst", *Deutsches Patriziat*, 419-434.

³⁷ Hermann Mitgau, "Geschlossene Heiratskreise sozialer Inzucht", *Deutsches Patriziat*, 1-26.

³⁸ Wolfgang Zorn, "Die politische und soziale Bedeutung des Reichsstadtsbürgertums im Spätmittelalter", *Zeitschrift für bayerische Landesgeschichte* 24 (1961): 460-480; Peter Eitel, *Die oberswaebischen Reichsstädte im Zeitalter der Zunftherrschaft. Untersuchungen zu ihrer politischen und sozialen Struktur unter besonderer Berücksichtigung der Städte Lindau, Memmingen, Ravensburgs und Überlingen* (Stuttgart: Müller & Graeff, 1970); Ingrid Bátori and Erdmann Weyrauch, *Die bürgerliche Elite der Stadt Kitzingen, Studien zur Sozial- und Wirtschaftsgeschichte einer landesherrlichen Stadt im 16. Jahrhundert. Spätmittelalter und Frühe Neuzeit*, (Stuttgart, Klett Cotta, 1982). A whole bibliography has been edited on the elite in Nürnberg: Gunther Friedrich, *Bibliographie zum Patriziat der Reichsstadt Nürnberg* (Nürnberg: Vereins für Geschichte der Stadt Nürnberg, 1994).

prestigious research centers.³⁹ The outcome of such projects was, for instance, an impressive prosopographic volume on the elites of Augsburg in the sixteenth century⁴⁰, and several dissertations that were conducted as “branch lines” of the main project, for example, a thorough analyses of the *Teilprojekt I “Augsburg 1478-1660”* it by Katarina Burens-Sieh⁴¹ and the *Teilprojekt II “Ravensburg 1500-1660”* by Wolfgang Schütze.⁴²

The University of Vienna also played a major role in promoting elite and prosopographic research and became one of the most important schools.⁴³ Thanks to the fundamental research of doctoral candidates, Vienna is probably the only historical town where complete biographies are available for each office-holder from the medieval period up to the eighteenth century.⁴⁴

The third important center of urban historical studies, and implicitly of the research on the German urban elite, is the Institute for Comparative Urban History (Institut für vergleichende Städtegeschichte) in Münster. The research topics of the affiliated scholars or the books published there are not strictly in the main stream of the elite (patriciate) research or prosopography, but rather focus on the social historical connotations, sociography, sociology or historical anthropology of the elites and apply the findings of prosopography and archontology in

³⁹ E.g., research on the elite in DFG projects in the late 1970s: “Probleme der Sozial und Verfassungsgeschichte des Heiligen Römischen Reiches im späten Mittelalter und Frühen Neuzeit (13-18. Jahrhundert)” or “Oligarchische Verflechtung und Konfession in oberdeutschen Reichsstädten”.

⁴⁰ *Augsburger Eliten des 16. Jahrhunderts. Prosopographie wirtschaftlicher und politischer Führungsgruppen, 1500-1620*, ed. Wolfgang Reinhard (Berlin: Akademie Verlag, 1996).

⁴¹ Katarina Sieh-Burens, *Oligarchie, Konfession und Politik im 16. Jahrhundert. Zur sozialen Verflechtung der Augsburger Bürgermeister und Stadtpfleger 1518–1618*, (Munich: Ernst Vögel Verlag, 1986).

⁴² Wolfgang Schütze, “Oligarchische Verflechtung und Konfession in der Reichsstadt Ravensburg: 1551/52-1648: Untersuchungen zur sozialen Verflechtung der politischen Führungsschichten” PhD dissertation, (Augsburg, 1981).

⁴³ Felix Czeike, “Ratsbürger und Honoratioren im 15. Jahrhundert”, *Jahrbuch des Vereins für Geschichte der Stadt Wien* 12 (1956): 97-129; Richard Perger, *Die Wiener Ratsbürger 1396 bis 1526. Ein Handbuch* (Vienna: Deuticke, 1988); Johanne Pradel, “Die Wiener Ratsbürger im ersten Drittel des 17. Jahrhunderts” PhD dissertation *Vienna., 1972.

⁴⁴ István H. Németh, *Kassa város archontológiája. Birák, belső és külső tanács, 1500-1700* [The Archontology of Kosice. Judges, Smaller and Larger Councils, 1500-1700] (Budapest: Szentpétery Imre Történettudományi Alapítvány, 2006), 29.

this trend. Therefore one finds various titles on group identity and political discourse through symbols, not only on imperial cities but also for small towns.⁴⁵

Anglo-Saxon and French scholarship, although not as intensively as the German, started to turn towards urban research on the elite at almost the same time.⁴⁶ The peak of it came much later, in the 1980s and 1990s, but then it advanced spectacularly.⁴⁷ In line with the investigation of the elite, prosopography was also a trend. In 1980 a journal for medieval prosopographic research was launched at Western Michigan University that proposed to open a new venue for reporting the new trend in social history that focused on individual or group biographies from late antiquity until the sixteenth century. Although *Medieval Prosopography* was not specifically an urban history journal, important contributions on towns have appeared there.⁴⁸ Moreover, it was not meant to be a journal for research on the elite, yet most of the studies deal with the powerful rather than the powerless. The greatest contribution of the journal was that it opened a

⁴⁵ *Städtische Führungsgruppen und Gemeinden in der werdenden Neuzeit*, ed. Wilfried Ehbrecht (Cologne: Böhlau, 1980); *Bürgerliche Eliten in den Niederlanden und in Nordwestdeutschland. Studien zur Sozialgeschichte des europäischen Bürgertums im Mittelalter und in der Neuzeit*, ed. Heinz Schilling and Herman Diederiks (Cologne: Böhlau, 1985); Uwe Goppold, *Politische Kommunikation in den Städten der Vormoderne. Zürich und Münster im Vergleich* (Cologne: Böhlau, 2007).; *Verwaltung und Politik in Städten Mitteleuropas. Beiträge zu Verfassungsnorm und Verfassungswirklichkeit in altständischer Zeit*, ed., Wilfried Ehbrecht (Cologne: Böhlau, 1994); Michael Hecht, *Patriziatsbildung als kommunikativer Prozess. Die Salzstädte Lüneburg, Halle und Werl in Spätmittelalter und Früher Neuzeit* (Cologne: Böhlau, 2010).; Dietrich W. Poeck, *Rituale der Ratswahl. Zeichen und Zeremoniell der Ratssetzung in Europa (12.–18. Jahrhundert)* (Cologne: Böhlau, 2003); Antje Diener-Staeckling, *Der Himmel über dem Rat. Zur Symbolik der Ratswahl in mitteldeutschen Städten* (Halle: Mitteldeutscher Verlag, 2007).; On social topography see Karsten Igel, *Zwischen Bürgerhaus und Frauenhaus. Stadtgestalt, Grundbesitz und Sozialstruktur im spätmittelalterlichen Greifswald*, (Cologne: Böhlau, 2010.)

⁴⁶ One of the first pieces of research on the elite after World War II was Sylvia L. Thrupp, *The Merchant Class of Medieval London*, (Chicago, The University of Chicago Press, 1948).

⁴⁷ Jacques Heers, *Family Clans in the Middle Ages. A study of Political and Social Structures in Urban Areas*, (Amsterdam: North Holland, 1977); Jacques Heers, *Parties and Political Life in the Medieval West*. (Amsterdam: North Holland, 1977); Michael J. Bennett, *Community, Class and Careerism: Cheshire and Lancashire Society in the Age of 'Sir Gawain and the Green Knight'* (Cambridge, CUP, 1983); Richard H. Britnell, "Bailiffs and Burgesses in Colchester, 1400-1525", *Essex Archaeology and History* 21 (1990): 103-109; Richard H. Britnell, "The Exercise of Power in English Towns, 1200-1550", in *Poteri economici e poteri politici. Secc. XIII-XVIII*, ed. Simonetta Cavaciocchi (Prato: Mondadori, 1999), 161-184; idem, *Growth and Decline in Colchester, 1300-1525* (Cambridge, CUP, 1986); Julian C. K. Cornwall, *Wealth and Society in Early Sixteenth-century England* (London: Routledge & Kegan Paul, 1988).

⁴⁸ Gerhard Jaritz and Albert Müller, "Medieval Prosopography in Austrian Historical Research: Religious and Urban Communities", *Medieval Prosopography* 7, no. 1, (1986): 57-86; Boyd Breslow, "London Merchants and the Origins of the House of Commons", *Medieval Prosopography* 10, no. 2, (1989): 51-80.

wide range of perspectives in applied prosopography, from political history to military studies. Whether this periodical influenced the course of the research or the research shaped the publication remains a question, but certainly Anglo-Saxon historiography discovered the possibilities of archontology and prosopography in exploring urban social structures in past times and applied it in different fields of research. Only six years after the first issue of *Medieval Prosopography* came out, the first interdisciplinary conference on medieval prosopography was organized in Bielefeld, followed by the volume *Medieval Lives and the Historian: Studies in Medieval Prosopography*, edited at Western Michigan University in Kalamazoo.⁴⁹

The influence that a journal can exercise on historiography is not without parallels elsewhere; French social history in the twentieth century was dominated by a group of historians gathered around the *Annales d'histoire économique et sociale* (1929), commonly known as the *Annales*,⁵⁰ that focused more on history “from below” and shed less light on elites, rather on non-elites and on the mind-sets of commoners.⁵¹ In the vast bibliography of works of the chief representatives of the *Annales*, one find little on leading groups, although the sources might have provided better data on elites than on peasants or wage laborers in what became the hallmark of the Annalists, collective mentalities. In spite of the fact that (urban) elite research has been somewhat neglected, important contributions have appeared, especially starting from the 1970s, fitting into the general tendency of research on the patriciate.⁵²

⁴⁹ *Medieval Lives and the Historian: Studies in Medieval Prosopography*, ed. Neithard Bulst and Jean-Philippe Genet (Kalamazoo: Western Michigan University, 1986).

⁵⁰ “Outsiders”, according to Peter Burke, usually refer to them as the Annales School, asserting their common features, but insiders deny the existence of a school, arguing for the individual approaches within the group, Peter Burke, *The French Historical Revolution: The Annales School, 1929-89* (Stanford: Stanford University Press, 1991), 1.

⁵¹ Peter Burke, *The French Historical Revolution*.

⁵² Guy de Valous, *Le patriciat lyonnais aux XIIIe et XIVe siècles* (Paris: A. et Picard, 1973).

Prosopography was in vogue even among the Annalists.⁵³ The two research trends, however, did not meet until the 1990s, when the first collective volume in French on urban elites (1997) came out.⁵⁴ Jacques Le Goff, the most prolific Annalist of present times, pointed out the importance of prosopography in historical research in the concluding study of the volume, asserting that although prosopography has its limits, it also has advantages that make this approach impossible to omit in constructing research on the elite.⁵⁵ The fact that this link between a research topic and a methodology was created by a prominent figure of the Annales tradition shows an important shift of the paradigm in French historiography.

The medieval and early modern elite research and prosopography in the Carpathian basin had and still has important time-lags compared to Western European results. Important headway was made mainly during the last two decades. Although studies related to urban leaders, especially individual case studies, came earlier,⁵⁶ András Kubinyi's article in 1966 about the family networks of the burgher families in Pest and Buda can be seen as the zero point in research on the Hungarian urban elite. The study that became the main inspiration for scholars dealing with urban leadership has its strong points in the contextual approach to social history, in seeing the whole through the particular. Its other strong point is that Kubinyi successfully applied a methodology elaborated by German historians not long before.⁵⁷ Furthermore, Kubinyi

⁵³ Chastagnol, A., "La prosopographie, méthodes de recherche sur l'histoire du Bas-Empire", in *Annales E.S.C.* 25 (1970): 1229-35

⁵⁴ *Les élites urbaines au Moyen Âge: XXVIIe congrès de la S.H.M.E.S.* (Rome, 1996), (Paris: Sorbonne, 1997).

⁵⁵ Jacques Le Goff, "Tentative de conclusions", in *Les élites urbaines au Moyen Âge*, 455.

⁵⁶ E.g., Ferenc Szakály, *Mezőváros és reformáció. Tanulmányok a korai magyar polgárodódás kérdéséhez* [Borough and Reformation. Studies on early Hungarian urban development] (Budapest: Gondolat, 1995); Zsuzsanna Újvári, "Egy kereskedőcsalád metamorfózisa. A mezőszegedi Szegedi család", [The metamorphosis of a merchant family. The Szegedi family from Mezőszeged] in *Óra, szablya, nyoszolya* [Clock, Sabre and Bed], ed. Zimányi Vera (Budapest: MTA, 1994).

⁵⁷ András Kubinyi, "Budai és pesti polgárok családi összeköttetései a Jagelló-korban", [The Family Network of the Burgher Families in Buda and Pest in Jagellonian Period] *Levéltári Közlemények* 37 (1966): 227–291; idem, "Soziale Stellung und Familienverbindungen des deutschen Patriziats von Ofen in der ersten Hälfte des 14. Jahrhunderts," *Archiv für Sippenforschung* 35 (1970): 446–454.

implemented a new approach to prosopography by using individual biographies in reconstructing or completing the history of an institution where and when written sources were not available.⁵⁸

In the past ten years there has been a real “boom” in elite and prosopographic research on medieval and early modern Hungarian towns. The medieval and early modern leaders of Sopron (Ödenburg)⁵⁹, Banská Bystrica (Besztercebánya, Neusohl),⁶⁰ Košice (Kassa, Kashau)⁶¹, and Bratislava (Pozsony)⁶², have recently been investigated in PhD or postdoctoral projects. The research findings of these projects have been compiled in a common database.⁶³

Transylvanian urban historiography put down its early roots at the beginning of the nineteenth century. However, the topic of the urban patriciate as such only started to unfold in the last decades of the twentieth century. Early works focused either on romantically perceived

⁵⁸ Andreas Kubinyi, “Die Nürnberger Haller in Ofen. Ein Beitrag zur Geschichte des Südosthandels im Spätmittelalter”, *Mitteilungen des Vereins für Geschichte der Stadt Nürnberg* (1963–1964): 80–128; idem, “Egy üzletelő és diplomata várúr Mohács előtt: Ákosházi Sárkány Ambrus” [A Merchant and Diplomat Castellan before Mohács: Ambrus Ákosházi Sárkány], in *Gerő László nyolcvanötödik születésnapjára: Tanulmányok*, [Studies on the Occasion of László Gerő's 85th Birthday], ed. Nóra Pamer (Budapest: Országos Műemlékvédelmi Hivatal 1994), 263–289.

⁵⁹ Károly Goda, *A soproni városvezető réteg a 15-16. században. A polgármesteri és városbírói tisztség összehasonlító társadalomtörténete*, [The leading elite of Sopron in the fifteenth and sixteenth centuries. The comparative social history of the mayor's and town judge's role] PhD dissertation, (Budapest, 2011); idem, “A városi igazgatás szerkezete Sopronban a középkor végén” [The Structure of the Urban Leadership in Late Medieval Sopron], *Soproni Szemle* 61 (2007): 255–271; idem, “Generations of Power: Urban Political Elites in Sixteenth-Century Sopron”, in *Generations in Towns: Succession and Success in Pre-Industrial Urban Societies*, ed. Finn-Einar Eliassen and Katalin Szende (Cambridge: Cambridge Scholars Press, 2009), 232–256; idem, “A hatalom szociológiája: közéleli városvezető csoportok a 15–16. századi Sopronban” [The sociology of power: Leading groups in fifteenth and sixteenth-century Sopron], *Urbs. Magyar várostörténeti évkönyv* 3 (2008): 33–53; idem, “A város élén. Sopron polgármesterei a 15–16. század fordulóján”, [On top of the town. The mayors of Sopron at the turn of the sixteenth century], *Soproni Szemle* 58 (2004): 308–328.

⁶⁰ Dóra Kuzma, *Besztercebánya szabad királyi város politikai elitjének összetétele és városirányító tevékenysége (1500-1605)* [The composition of the political elite in Banská Bystrica and its town-governing activity, 1500-1605] PhD dissertation, (Pécs, 2008).

⁶¹ István H. Németh, *Kassa város archontológiája* [The archontology of the city of Kassa]; idem, “Pre-Modern State Urban Policy at a Turning Point in the Kingdom of Hungary: The Elections to the Town Council,” in *Urban Election and Decision-making in Early Modern Europe, 1500-1800*, ed. Rudolf Schögl (Cambridge: Cambridge Scholars Press, 2009), 276–299; idem, “Városi tisztújítások a királyi Magyarországon a 16–17. században” [Urban council elections in the Kingdom of Hungary in the sixteenth and seventeenth centuries], *Arrabona* 45, no. 2 (2007): 57-96.

⁶² Judit Majorossy, “Egy tekintélyes pozsonyi polgár: Friedrich Voyt” [An influential burger from Pozsony: Friedrich Voyt], in *Redite ad cor. Tanulmányok Sahin-Tóth Péter emlékére*, ed. Lilla Krász and Teréz Oborni (Budapest: ELTE, 2008).

⁶³ OTKA project K 68914. *The Role of the Elite in Early Modern Urban Leadership and the Social Network of its Members, Fifteenth to Seventeenth Century*

concepts such as urban freedom as examples of equality (Gleichheit)⁶⁴ or touched upon the history of an urban community in the framework of an ethnic history.⁶⁵ Socio-political investigations into late medieval urban communities were partially taken up by local historians and important information can be found even today in many of their works, although the approaches of these works are often outdated.⁶⁶

The roots of the archontology and prospography in Transylvanian historical research dates even further back. The first such inquiry was made by Johann Seivert, a parish priest but an eager investigator of the Transylvanian Saxons' past, especially the intellectuals.⁶⁷ He published several studies that can be catalogued as prospographical contributions, some of them on the political leaders of Sibiu.⁶⁸ Seivert can be considered the forerunner of urban archontology and prosopography in Transylvania. Seivert's followers, Gustav Seiwert and Franz Zimmermann, continued his archontology of the officeholders in Sibiu,⁶⁹ but posterity made no use of it and a synthesis on the urban office-holding in Sibiu was never written. At that time town monographs (also termed urban biographies) were en vogue. Some of these town monographs, due to the large amount of archival data they contain, are still important reference works for modern

⁶⁴ August Ludwig Schlözer, *Kritische Samlungen zur Geschichte der Deutschen in Siebenbürgen*. Unveränderter Nachdruck der Ausgabe Göttingen 1795-1797, ed. Harald Zimmermann (Cologne: Böhlau, 1979).

⁶⁵ G.D.Teutsch, *Geschichte der Siebenbürger Sachsen* (Hermannstadt, 1899).

⁶⁶ Richard Schuller, "Das Patriziergeschlecht der Polner in Schäßburg. Zur Kultur und Geschichte der Siebenbürger Sachsen in dem Zeitalter der Auflösung des ungarischen Reiches", *Archiv des Vereins für Siebenbürgische Landeskunde* 27 (1897): 344-407, Gustav Seiwert, "Chronologischer Tafel der Hermannstädter Plebane, Obrichter und Notare", *Archiv de Vereins für Siebenbürgische Landeskunde* 12 (1875): 189-256; Albert Berger, "Verzeichnis der Bistrizer Obrichter auf Grunf urkundlicher Quellen," in *Festgabe der Stadt Bistritz*, (Bistrița, 1879), 81-100; Friedrich Stenner, "Die Beamten der Stadt Brassó (Kronstadt) von Anfang der Städtischen Verwaltung bis auf die Gegenwart", in *Quellen zur Geschichte der Stadt Kronstadt in Siebenbürgen* 7 (Brasov: Zeidner 1916); Franz Zimmermann, *Chronologische Tafel der Hermanstädter Plebane, Oberamtern und Notare in dem Jahren 1500 bis 1884*, (Hermannstadt: W. Karft, 1885).

⁶⁷ Johann Seivert, *Die Sächsischen Stadtpfarrer zu Hermannstadt* (Hermannstadt: Johann Barth, 1777); idem, *Nachrichten von Siebenbürgischen Gelehrten und ihren Schriften* (Pressburg: Weber und Korabinsky, 1785).

⁶⁸ Johann Seivert, "Die Grafen der sächsischen Nation und Hermannstädtischen Königsrichter im Grossfürstenthum Siebenbürgen", *Ungrisches Magazin* 2 (1782): 261-302, 3 (1783): 129-163, 393-432; idem, "Die Provinzialbürgermeister von Hermannstadt im Grossfürstenthums Siebenbürgen," *Siebenbürgische Quartalschrift* 2 (1791): 154-206; idem, "Chronologische Tafel der Provinzialbürgermeister, Stuhlrichter und Stadhhannen in Hemrnannstadt," *Siebenbürgische Quartalschrift* 2 (1791): 55-83.

⁶⁹ See footnote no. 62.

scholarship.⁷⁰ Such scholarly works only tackle the issue of the town elite tangentially, in the context of important events (royal/princely visits to the town, town sieges, wars, epidemics, or matters concerning town institutions) which took place in the town.

One direction of lasting value in the historiography of this period should be mentioned, however: source editing, which was begun at that time. Some of these projects are still going on today.⁷¹ Without these source editions (already discussed above) research on the urban elite of Transylvania would be even more difficult.

Little progress was made in research on the elite in the inter-war period of the twentieth century, important contributions were still produced, which should still be read, albeit critically.⁷² The same issue was often interpreted differently by German and Hungarian scholars, who stressed the supremacy of one nation or the other, sometimes enlarging the importance of ethnicity at certain historical moments.⁷³ Increasing openness towards social and economic topics in urban history⁷⁴ marked the commencement of research on urban elites.

Gustav Gündisch was the first historian to undertake detailed work on the elites leading the towns of Transylvania,⁷⁵ addressing this topic in several articles.⁷⁶ His ideas attracted two important adherents, his son, Konrad Gündisch,⁷⁷ and Maja Philippi.⁷⁸

⁷⁰ Jakab Elek, *Kolozsvár története*, idem., *Oklevéltár Kolozsvár története II kötetéhez* (Charters for Volume 2 of the History of Cluj) (Buda-Budapest: Magyar Egyetemi Könyvnyomda, 1888).

⁷¹ Besides the Urkundenbuch mentioned above, the *Quellen zur Geschichte der Stadt Kronstadt in Siebenbürgen*, Vol. 1 (1503-1526); Vol. 2 (1526-1540); Vol. 3 (1541-1550) (Braşov: Aldus Verlag, 1876, 1889, 1896).

⁷² Roderick Gooss, *Die Siebenbürger Sachsen in der Planung der deutschen Südostpolitik. Von der Einwanderung bis zum Ende des Thronstreits zwischen König Ferdinand I. und König Johann Zápolya* (1538) (Vienna: Adolf Lufer Verlag, 1940).

⁷³ Grete Lang, *Die Nationalitätenkämpfe in Klausenburg im ausgehenden Mittelalter* (Munich: Südostinstitut, 1941); László Makkai, "Társadalom és nemzetiség a középkori Kolozsváron" [Society and Nationality in the Medieval Cluj], *Kolozsvári Szemle* no 2 (1942): 87–111, 190–215.

⁷⁴ Elemér Mályusz, "Geschichte des Bürgertums in Ungarn," *Vierteljahrschrift für Sozial – und Wirtschaftsgeschichte* 20 (1928): 356-403. Idem. "A magyarság és a városi élet a középkorban" [The Hungarians and the Urban Life in the Middle Ages], *Századok* 78 (1944): 36-62.

⁷⁵ Gustav Gündisch, "Gab es ein sächsischen Patriziat?" *Karpatenrundschau* 38/20 (September 1974): 6.

In communist Romania, to publish scholarly works dealing with the elite was difficult and not very constructive from the perspective of building a scholarly career.⁷⁹ That is why only these three historians took up this challenge. Gustav Gündisch, Konrad Gündisch, and Maja Philippi divided the four major towns of medieval Transylvania among themselves: Gustav Gündisch usually dealt with Sibiu, his son mainly investigated Cluj and Bistrița, and Maja Philippi researched the social history of Brașov. Have these important scholars left any work to do?

The medieval period, that is, the period up to Mohács, has been researched, but the period after this historical turning point has been almost completely neglected, not just from the perspective of urban elite research, but in the whole urban history of Transylvania.⁸⁰ Only the

⁷⁶ Gustav Gündisch, *Aus Geschichte und Kultur der Siebenbürgen Sachsen. Ausgewählte Aufsätze und Berichte*, (Cologne: Böhlau, 1987); idem., “Zur Geschichte und Genealogie siebenbürgisch-sächsischer Geschlechter,” *Siebenbürgische Familienforschung* 1 (1984): 2-14.

⁷⁷ Konrad Gündisch, “Cu privire la începuturile patriciatului răsănesc medieval la Bistrița,” [On the beginnings of the patriciate in Bistrița], in *Sub semnul lui Clio. Omagiu Acad. Prof. Ștefan Pascu* [Under the sign of Clio. Festschrift in the Honor of Prof. Acad. Ștefan Pascu] (Cluj: Universitatea Babeș-Bolyai, 1974); idem., “Patriciatul orăsenesc medieval al Bistriței până la începutul secolului al XVI-lea” [The urban patriciate in Bistrița until the beginning of the sixteenth century], *File de istorie* 4 (1976): 147-193; idem., “Die Führungsschicht von Klausenburg (1438-1526),” in *Forschungen über Siebenbürgen und seine Nachbarn. Festschrift für Attila T. Szabó und Zsigmond Jakó*, ed. Kálmán Benda (Munich: Dr. Rudolf Trofenik Verlag, 1987), 67-92; Idem., “Jacob Bulkescher,” in *Taten und Gestalten. Bilder aus der Vergangenheit der Rumäniendeutschen*, ed. Dieter Drotleff, (Cluj-Napoca: Dacia, 1983), 25-27 (hereafter *Taten und Gestalten*); idem., “Johannes Bulkescher,” in *Taten und Gestalten*, 28-33; idem., “Wolfgang Forster,” in *Taten und Gestalten*, 47-48, idem., “Peter Kretschmer,” in *Taten und Gestalten*, 21-24.

⁷⁸ Maja Philippi, “Cives civitatis Brassoviensis. Untersuchungen über der soziale Struktur des Bürgertums von Brasov im 14. Und 15. Jahrhundert.” *Revue Roumaine d'histoire* 15 (1976): 11-29, eadem, “Die Sozialstruktur Kronstadts im Mittelalter,” in *Beiträge zur Geschichte der Stadt Kronstadt in Siebenbürgen*, ed. Paul Philippi, (Cologne: Böhlau, 1984), 157-178 (henceforth *Beiträge Kronstadt*); eadem, “Die Bevölkerung Kronstadts im 14. und 15. Jahrhundert,” in *Beiträge Kronstadt*, 91-155.

⁷⁹ There is a scantiness of urban historiography for this period, see *Bibliografia istorică a României* [Bibliography of Romanian Historiography] (Bucharest: Editura Academica, 1970-2000), 1-9, or the *Bibliografia istorică a orașelor din România* [Bibliography of Urban History in Romania], ed. Vasile Ciobanu and Anda-Lucia Spânu (Bucharest: Editura Academiei Române, 2007). See also Judit Pál, “Város történeti kutatások Erdélyben a második világháború után” [Urban History Articles from Transylvania], in *Erdélyi város történeti tanulmányok* [Urban History Articles from Transylvania], ed. Judit Pál and János Fleis, (Csíkszereda: Múltunk, 2001), 9-19.

⁸⁰ An exception to the rule are the studies of András Kiss on the different aspects of town life in Cluj that marked and inspired the research directions of the younger generation urban historians. See the two volumes of studies: András Kiss, *Források és értelmezések* [Sources and Interpretations], (Bucharest: Kriterion Könyvkiadó, 1994); idem., *Más források – más értelmezések* [Other Sources – Other Interpretation] (Marosvásárhely: Mentor Kiadó, 2003); idem., Kiss András *Boszorkányok, kuruzslók, szalmakoszorús paráznák* [Witches, Charlatans, Succubae with Straw Wreath] (Kolozsvar: Kriterion Könyvkiadó, 2004).

last two decades have brought important advances in this respect, especially through the new generation of historians. Instead of town monographs, specific segments of urban life were taken to research and important contributions published on legal authority⁸¹, power structures and elites⁸², economy⁸³ and crafts⁸⁴ in medieval and early modern Cluj and Sibiu.

This dissertation on urban elites in early modern Cluj and Sibiu completes the series, although one cannot consider this topic fully researched. There are as many new questions as old questions were answered and topics that are indispensable for completing the biographies of the elites. Such issues are inquiries into the economic backgrounds of office-holders and the social topography of the elite, which would not only show the location of elite houses in the urban landscape, but also the shifts of owners, the mobility of the elite within the dwelling system, the

⁸¹ László Pakó, “A városi közügyigazgatók (direktorok) Kolozsvár 16. század végi bírósági gyakorlatában” [The Inquisitors in the Court Practice of Cluj at the End of the Sixteenth Century], *Erdélyi Múzeum* 3 (2012): 88-102.; idem, “Városi polgár – vármegyei nemes? Nemesek ingatlansterzése Kolozsváron a fejedelemség korában” [Burghers – County Nobles? The Acquisition of Estates by Nobles in Cluj during the Period of Principality] in *A reneszánsz Kolozsvár* [The Renaissance Cluj], ed. Gyöngy Kovács Kiss, (Kolozsvár: Kolozsvár Társaság, 2008); idem, “Hatalmi konfliktus vagy testületi összefogás? A kolozsvári százférfiak tanácsa és a városi igazságszolgáltatás a 16. század második felében” [Conflict of Power or Corporative Bond? The Assembly of the Centumviri and the Jurisdiction of Cluj in the Second Half of the Sixteenth Century] *Erdélyi Múzeum* 3-4 (2010): 73-87;

⁸² Ágnes Flóra, “Nobilis vagy cliens? Mathias Armbruster, egy 16. századi nagyszebeni nemesedő polgármester”, [Noble or client? Mathias Armbruster, a nobilizer mayor from Sibiu], *Korunk* 1(2007): 75-81; eadem, “Polgári karrier – polgári lét Kolozsváron a reneszánsz korában”, [Burger career – burger life in Cluj during the Reformation period], *Történelmi Szemle* 4 (2009): 481-501; eadem, “‘Amely ebet ez előtt mostál, most is azont mosd.’ Egy 16. századi fürdőházi jelenet érdekességei” [‘Wash the dog you have formerly washed.’ The details of sixteenth-century scandal in the public bath], *Korunk* (2010/10): 22-27; eadem, “Symbols, Virtues, Representation. The Early Modern Town Hall of Kolozsvár as a Medium of Display for Municipal Government”, *Hungarian Historical Review* 1 no. 1-2 (2012): 3-21; eadem, “A Portrait of the Urban Elite of Kolozsvár in the Early Modern Period”, in *Studies in the History of Early Modern Transylvania*, ed. Gyöngy Kovács Kiss (New York: Columbia University Press, 2011), 455-56; eadem, “From Decent Stock. Generations in Urban Politics in Sixteenth-Century Transylvania”, in *Generations in Town*, ed. Finn-Einar Eliassen and Katalin Szende (Cambridge: Cambridge Scholars Press, 2009), 214-18; eadem, *Prestige at Work. Goldsmiths of Cluj/Kolozsvár in the Sixteenth and Seventeenth Centuries*, (Saarbrücken: VDM, 2009).

⁸³ Mária Pakucs, “Gute Ordnung und Disziplin: Patterns of Social Discipline in Sibiu (Hermannstadt) in the Sixteenth Century,” *New Europe College Yearbook* 11 (2003–2004): 173–206; eadem, “Comerțul cu mirodenii al orașelor Brașov și Sibiu în prima jumătate a secolului al XVI-lea [The trade in spices of Brașov and Sibiu in the first half of the sixteenth century]”, *Studii și materiale de istorie medie* 20 (2002):73-88; eadem, “Erdély délről érkező fűszerforgalma a 16. század első felében (Brassó és Nagyszeben szerepe a távolsági kereskedelemben)[The southern spice trade of Transylvania in the first half of the sixteenth century. The role of Brasov and Sibiu in long-distance Trade],” *Sic itur ad astra* 1 (2002): 46-64, eadem, *Sibiu-Hermannstadt. Oriental Trade in Sixteenth Century Transylvania* (Cologne: Böhlau, 2009);

⁸⁴ Annamária Jeney-Tóth, *Míves emberek a kincses Kolozsvárott : iparostársadalom a 17. századi Kolozsváron*, [Craftsmen in Cluj in the Seventeenth Century] (Kolozsvár: Erdélyi Múzeum Egyesület, 2004).

rise and eventual decline of elite families. The basics have been provided; the archontology and prospography of the office-holders in Cluj and Sibiu are real instruments for further research on urban life and institutions.

1. Respublica – *res publica*

1.1. Historical background of medieval Transylvanian town governments

One cannot analyse the history of sixteenth-century urban governments without reviewing the medieval period, the beginnings of town autonomy and self-government. Therefore, the following two subchapters are mainly dedicated to the fifteenth-century history of town administration in Cluj and Sibiu.



Fig. 1.1. Central and Eastern Europe

1.1.1 Cluj (Klausenburg, Kolozsvár)

According to the standard/commonly accepted approach encountered in most of the secondary literature, the development of urban governance started with the charter issued by King Charles I of Anjou (1308–1342) in 1316. The document which granted the free election of the judge and the parish priest was issued at the request of the parish priest of the town and canon of Alba Iulia, Benedictus, and *comes Tark iudex de eadem Kuluswar*. It has survived in a

later copy, from 1336.⁸⁵ The historiography of this topic marks this charter as the beginning of the free election of judges and thus the beginning of urban self-government, although privileges were never the starting points of a development, but the written documents set the norms of an existing, functioning mechanism or tradition. *Comes* Tark already bore the title of *iudex* when the charter was issued; thus, some kind of election/nomination process for judges was probably customary by that time. The 1316 charter, however, explicitly mentions the *villicus* (*villicum inter se libere eligent*) office, not the *iudex*. It would be difficult to demonstrate that it was in fact a free election, as is stipulated in the charter, or some kind of election of the leading group with the consent of the overlord.⁸⁶

One of those who requested the reinforcement of the 1316 charter in 1336 was *Petrus magnus villicus seu iudex civitatis*, a person who bore both titles, but without having the status of a *comes*. Some clarification in this matter is provided by a charter granted in 1331, which basically granted free status to the town by exempting it from the jurisdiction of the palatine, the voivode and other authorities, and gave their own judges charge over the local jurisdiction. The text makes reference to the office of the *iudex* and the title of *comes* in the same context, which hints that both offices had similar duties but different legitimacy. This duplicity probably did not change after 1331, only that the *iudex* elected by the community became more important, and gradually “prevailed” over the actions of the *comes*. Thus, *Petrus magnus* in 1336 was the elected *villicus* and the judge of the town, while the *comes* probably remained the representative of the king in the town. These are the first signs of the delineation of urban offices, but there was still a long way to a functioning elective system of self-government.

⁸⁵ Romanian National Archive Cluj County Department (henceforth RNA Cluj) *The Town Archive of Cluj* (Fond no. 1) *Acte si privilegii* (Collection of Charters) no. 152.

⁸⁶ Erik Fügedi, “Középkori magyar városprivilegiumok” [Medieval Hungarian Urban Privileges], in idem, *Kolduló barátok, polgárok, nemesek. Tanulmányok a Magyar középkorról*, [Mendicants, Burghers, Nobles. Studies on Hungarian Medieval History] (Budapest: Magvető Könyvkiadó, 1981), 281.

The roots of the town judge (*iudex*) role can be sought in the so-called *Andreanum*, the privilege granted to the Saxons by King Andrew II in 1224.⁸⁷ The *goldener Freibrief*, as it is called in German scholarship, the *Andreanum* was a corporate privilege granted to the German *hospites* settled by King Andrew II in the southern region of Transylvania.⁸⁸ Although this privilege was not expanded generally to the whole community of Saxons until 1486,⁸⁹ it can be asserted that some of its disposals found their way into the customary law of the Saxon communities beside the privileged territories as well, and after a while towns with Saxon populations beyond the southern region tried to acquire the same privileges individually. One sees a transfer from a regional privilege to a town privilege, from Landrecht to Stadtrecht, in this case.⁹⁰

The *Andreanum* in itself was not an innovative law; it fits well the general tendencies of the so-called *hospites* laws, which were brought with the incoming settlers, no matter what their origins.⁹¹ Thus, the Latini of Potok, for example, already had the privilege of electing their own judge, among other rights, in 1201, as an element of a corporate law granted to guests.⁹² In the

⁸⁷ The original charter has not survived, but it was re-issued by most of the kings of the medieval Hungarian Kingdom, Ub. I., 33-35., 322-323.

⁸⁸ Regarding the *Andreanum* see László Blazovich, “Az Andreanum és az erdélyi szászok az etnikai autonómiák rendszerében a középkori Magyarországon,” [The *Andreanum* and the Transylvanian Saxons in the system of ethnic autonomies in medieval Hungary] *Erdélyi Múzeum* 3-4 (2005): 6-17 (henceforth Blazovich, “Az Andreanum...”); Dirk Moldt, *Deutsche Stadtrechte im mittelalterlichen Siebenbürgen: Korporationsrechte, Sachsenspiegelrecht, Bergrecht*, (Cologne: Böhlau, 2009), 42-52.

⁸⁹ In 1486, King Matthias Corvinus expanded the articles of the *Andreanum* to the whole community of Saxons, no matter place and region, creating thereby the *Univeritas Saxonum*, the powerful self-governance of the Saxon community until 1876. Until 1486 the *Andreanum* referred only to the territory of southern Transylvania, called Königsboden, Ub. VII, 412-413.

⁹⁰ On this topic see Gerhard Dilcher, “Landrecht – Stadtrecht – Territoriales Recht”, in *Statuten Staedte und Territorien zwischen Mittelalter und Neuzeit in Italien und Deutschland*, ed. Giorgio Chittolini and Dietmar Willoweit (Berlin: Duncker & Humblot, 1992), 49-52; Katalin Gönczi, *Ungarisches Stadtrecht aus europäischer Sicht: die Stadtrechtsentwicklung im spätmittelalterlichen Ungarn am Beispiel Ofen*, (Frankfurt/Main: Klostermann, 1997), 213-230.

⁹¹ András Kubinyi, “Einige Fragen zur Entwicklung der Städtenetzes in Ungarn im 14.–15. Jahrhundert.” In (Hg.) *Die mittelalterliche Städtebildung im südöstlichen Europa*, ed. Heinz Stoob (Cologne:Böhlau, 1977), 168.

⁹² András Kubinyi, “Zur Frage der deutschen Siedlungen im mittleren Teil des Königreiches Ungarn (1200-1541)” in *Die deutsche Ostsiedlung des Mittelalters als Problem der europäischen Geschichte*, ed. Walter Schlesinger, (Sigmaringen: Jan Thorbecke, 1975), 529.

1316 charter the same principle appears; it was issued for the *hospites and Saxones* of *Kuluswar*, so it can be stated that it was a privilege for new settlers that became at the same time an important town regulation.

The 1316 charter – surviving in a transcript from 1336 – is in fact a confirmation of King Stephan V's privilege (issued between 1270 and 1272) granted to the *hospites* settled in the settlement. Accordingly, the dwellers initially must have had the right to elect their own judge from the *prima fundatione et congregatione ipsius Civitatis*.⁹³

Later this election process must have changed, probably after the village (*villa Kuluswar*) was subordinated to the landownership of the Transylvanian bishopric in 1275,⁹⁴ and in 1282 the settlement came under the jurisdiction of the bishop. Hence, the right of appeal was transferred from the court of the voivode and any other lay body to the ecclesiastical institution.⁹⁵ The status of Cluj changed from *villa* to *civitas* between the two dates, 1275 and 1316. In 1313, when the chapter of Alba Iulia issued the copy of the donation charter of King Ladislaus IV from 1275, the place-name still appeared in the form of *villa Kuluswar*, with the additional adverb *quondam*, which might denote the transformation that the settlement had gone through, and which appears as *civitas* in the 1316 charter of King Charles I. However, the terminological phrasings of medieval clerks were not standardized.

Much has been written also about the leading elite in the fourteenth century -- the so-called *comites* or *Grafenpatriciat* – and it is difficult to go beyond the *topoi* created by the over-interpretation of some historical facts. There are indeed very few documents about the elite of the town in the thirteenth and fourteenth, and even in the fifteenth, century, thus one must be cautious when drawing a profile of the leading group(s). Most of the scholarly works have

⁹³ JakabOkl I, 32.

⁹⁴ JakabOkl I, 22.

⁹⁵ JakabOkl I, 25.

created a melodramatic picture of two competitive leading groups fighting for the leadership of the town based on a single conflict case. In 1340, Voivode Thomas issued a letter of judgement regarding the clashes of the kin of Peter, son of Felician, Bartholomew, son of Heneng, and Peter Magnus and the kin of *comes* Stark and Zekul, between 1327 and 1338. Differences that turned into armed conflict were interpreted by some scholars as a bloody reckoning for the leadership between two lineages of the town: those with official roles and those without.⁹⁶ This may have been the case, but the charter does not refer to such things; instead it appears to be an *actus majoris potentiae*, often encountered in the Middle Ages between two groups of town dwellers. Several causes may have contributed to . One thing, however, should be considered: Cluj being a fief of the Transylvanian bishopric (at least until 1331) and the *comites* being appointed by the king, access to the governing seat of the town probably could not have been resolved solely within the town, not even by force. Therefore a local clash for ruling power seems hardly possible.

Theoretically, it was possible for a new leading group to emerge within the town, since the citizens had the right to elect the judge from among themselves. The existing documents, however, show that in most of the cases the *comes* bore the *iudex* function as well.⁹⁷ This phenomenon – present in other towns as well – shows that the institutions of an urban government were not functioning yet, either because of ties to the overlord or because of the low level of urban development. Moreover, an overlord could have appointed a *comes* to different locations simultaneously, as, for example, in 1317 Magister Joannes stood in the role of *comes* de Bistrița, Cojocna (Kolozs), and Cluj at the same time,⁹⁸ thus demonstrating once again that the

⁹⁶ Goda, *A soproni városvezető réteg a 15-16. században*, 121.

⁹⁷ Comes Bartholomeus Judex (1352), Comes Tark Judex (1316). JakabOkl. I.

⁹⁸ JakabOkl. I, 38. King Charles I exempted from taxes the inmoving people to the properties of Gallus royal notary and put those people in protectionem Magistri Joannis, comitis de Beztercze, de Kulus et Kulusvar.

comes role, as far as it can be considered a public function, was more due to appointment than election.

Before turning to the most important episode in the development of town autonomy, the year 1405, two privileges from 1331 and 1377 have to be mentioned as intermediate steps in the completion of the urban self government. Issued in Visegrád in 1331, the privilege of King Charles I, referred to above, gave the town immunity from superior lay and ecclesiastical jurisdiction, i.e., the voivode's and bishop's courts, and cases involving the citizens of the town were judged from then on by their own judge and the *comes* appointed by the king.⁹⁹ Thus, the two main offices of the town government through the centuries were established: the judge, who had full authority within the town walls, and the judge of the king, who assured the presence of the central power in the town. These might have been the prefigurations of the later offices of the *judex primarius* and *judex regius*. By the appointment of these two offices the principle of the division of power reached completion.

In 1377 the town received another important privilege from King Louis I, in which the king granted the town the right to use its own authentic seal with *imago trium turrium* on documents concerning their own matters.¹⁰⁰ This was not only an important step in the development of urban literacy and the establishment of a local chancery, but it also represented one step forward towards the free status of the town, i.e., direct subordination to the king.

The free and highest status of Cluj was established with the charter granted to the town in 1405 by King Sigismund of Luxemburg,¹⁰¹ by which Cluj not only joined the group of free royal towns, but received a "constitution" of town government, too, since the charter contains the first

⁹⁹ JakabOkl I. 41. Ub. I, 443-444. EO I, 264. Károly Goda uses the term *judex regius* instead of *comes*, although this role did not exist at that time. Goda, *A soproni városvezető réteg a 15-16. században*.

¹⁰⁰ JakabOkl I. 83.

¹⁰¹ JakabOkl I. 123-126.

written regulations for town elections. Moreover, this was the first mention of the body of councilors; even their number (12) is stipulated.¹⁰²

It is hard to determine how many *iurati* (*cives*), which appeared in the sources after the second half of the fourteenth century were freely elected by the townspeople.¹⁰³ It is hard to say whether there was already an elected administrative body in the town with a certain number of seats. In 1380 the extant fragment of the first *liber civitatis* contains the formula *ceterique iurati de consilio honorabilis viri Nicolai plebani nostre civitatis* after the enumeration of seven burghers and the judge, which complicates the question even more. What kind of council did the parish priest preside over? Was it an ecclesiastical body elected by the citizens or were the *honorabiles viri domini Nicolai “familiares aulae”*? Although it is hard to give a relevant answer, the fact that the formula *iuratus civis* in the charters remained unchanged after 1405 shows that this office was already an established one, the charter only affirmed the existing situation.

The *iurati* term appears for the first time in a letter issued by the town in 1362,¹⁰⁴ while *iurati cives* idiom appears in a perambulation charter in 1366.¹⁰⁵ It logically generates the assumption that this body probably came into existence as a concomitant element of the development of local jurisdiction. Its administrative character must have developed later, along with the evolution of town autonomy.

Most scholars,¹⁰⁶ even the latest research¹⁰⁷ dealing with this moment of urban development, have adopted László Makkai's idea¹⁰⁸ that 1405 represented not only a change in

¹⁰² The procedure of the council election and its symbolic value will be discussed below in detail.

¹⁰³ 1368: Ladislaus filius Laurentii juratus cives. 1377-1402: Brustul Juratus. 1397: Thomas dictus Wember juratus civis. JakabOkI I.

¹⁰⁴ DL 29068

¹⁰⁵ JakabOkI I, 56.

¹⁰⁶ Jenő Szűcs, *Városok és kézművesség a XV. századi Magyarországon* [Towns and Crafts in fifteenth-century Hungary] (Budapest: Művelt Nép, 1955).

the status of the town, but was a turning point in the structure of the urban society as well. The old lineage of the warrior-landowners was replaced by a commercial elite when judge Mün was elected from this new group in 1404.¹⁰⁹ The judge Mün has been seen in the secondary literature as the intercessor for the privileges that the town received in 1404-1405, as the initiator of these changes, and the leader of mercantile society.

Nicolaus Mün (Mwn, Muwn) appears in most of the charters granted to the town in the period between 1404 and 1405, but only once in the role of town judge,¹¹⁰ in the rest of them – including the charter of free royal town status – Mün’s name is followed by the adjective *civis*.¹¹¹ None of the mentions reveal his profession. I would reconsider this historical topos and abandon the idea that 1404 was the cusp of social change in the medieval town of Cluj, not only because there is no clear evidence of this, but also because this kind of change should be considered as part of the development of the town, not a sudden change. Moreover, recent studies on the urban policy of King Sigismund have proven that not only Cluj did acquire several privileges during his reign, but most towns were encouraged to improve their economic situation by having their privileges reissued or reconfirmed.¹¹² It was fundamentally in Sigismund’s interest to enlarge the income of the state. Mün must have been a well qualified person to represent the town before the king.¹¹³ He did it successfully, as the number of privileges shows, but seeing him as a spear-head of urban social change would be an oversimplification. This phenomenon started much earlier

¹⁰⁷ Goda, A soproni városveztő réteg a 15-16. században.

¹⁰⁸ László Makkai, “Társadalom és nemzetiség a középkori Kolozsváron” [Society and nationality in medieval Cluj], *Kolozsvári Szemle* 3 (1943): 87-111.

¹⁰⁹ JakabOkl. I.

¹¹⁰ JakabOkl. I. 113.

¹¹¹ JakabOkl. I. 116, 119, 121, 123, 127.

¹¹² Katalin Szende, “Between Hatred and Affection. Towns and Sigismund in Hungary and in the Empire”, in: *Sigismund von Luxemburg. Ein Kaiser in Europa*, ed. Michel Pauly and Francois Reinert (Mainz/Rhein: Philip von Zabern Verlag, 2006) (henceforth Szende, “Between Hatred and Affection”).

¹¹³ Szende, “Between Hatred and Affection”, 203.

than Mün appeared in the town government; the 1405 charter is only the written evidence of its completion.

Thus, one must take into consideration that social changes took place not only in towns in Transylvania, but elsewhere in Hungary, too, in the fifteenth century. Moreover, it was a time when a strong urban society might have developed, even if not so unified and strong as in other parts of Europe.¹¹⁴ The first and strongest manifestation of the growth of urban society was the lawsuit against the chapter of Várad over the customs in 1476-1478 and 1496.¹¹⁵ This legal action, in which Cluj and Sibiu both participated along with other Hungarian towns, should thus be regarded as a *terminus ante quem* for the new town elites' development, which was different from the former urban leadership in their economic activities. The diversification of urban production and the shift from a mainly agrarian society based on barter trade with the hinterland towards money-based long- or medium-distance trade enabled these social changes. Hence, as Elemér Mályusz and later András Kubinyi have already asserted, the fifteenth century was the peak of the rise of the medieval municipal elite.¹¹⁶

The 1405 charter fits these tendencies and marks a stage of urban development. This statement gains even more emphasis when one sees it in the larger context of King Sigismund's urban policy; this charter came in addition to the king's decree from 15 April of the same year

¹¹⁴ András Kubinyi, "A városi rend kialakulásának gazdasági feltételei és a főváros kereskedelme a 15. század végén" [The Economic conditions in the development of urban strata and the trade of the capital city in the fifteenth century], in *Tanulmányok Budapest középkori történetéből*, vol. 1 (Budapest: Budapest Főváros Levéltára, 2009), 307. (henceforth Kubinyi, "A városi rend kialakulásának gazdasági feltételei...")

¹¹⁵ About the lawsuit see Kubinyi, "A városi rend kialakulásának gazdasági feltételei...", 308-312.

¹¹⁶ Mályusz Elemér, "Társadalmi viszonyok," in *Magyar Művelődéstörténet* 2, ed. Sándor Domanovszky et alii. Budapest: Arcanum CD-ROM, 2003; Kubinyi, "A városi rend kialakulásának gazdasági feltételei...", 307;

and shows Sigismund's commitment to supporting the towns and treating them alike.¹¹⁷ In one sentence, the circumstances were ripe for requesting a higher status for the town.

Moreover, even if one accepts that there was a shift of lineages in 1404/1405, it is apparent that many things survived, and a *de iure* participation of the whole community in the elections was not yet in operation. Judge Mün, like the leaders of the former lineages, "founded a dynasty" at the top of the town; his son, Jacobus, became judge of the town between 1430 and 1450, and his grandson was the town notary. The election of Jacobus was somewhat irregular; some citizens and *jurati cives* gathered at the house of Paul Zenner, where Jacobus Mün read a letter of the king issued on his behalf and asked those present whether they would obey the letter. Complying, the gathering elected Jacobus judge of the town in 1438. Not much is known about the circumstances. Apparently Mün came into conflict with the townspeople and was arrested, probably for violating town laws, since the electors had explicitly asked him to respect the laws of the town as his father had.¹¹⁸ The case between the town and Mün was mediated by the *comes* of the Szeklers, an important person in the state apparatus. If it was just a quarrel between the town and Mün, why was the *comes* involved? Does it show somehow a difference in Mün's status among the other citizens? The following year, however, in 1439, the nobleman judge Sebastianus Olaz led the city.¹¹⁹ Olaz's example and the fact that Jacobus Mün acted contrary to the oldest and basic privilege of electing a judge, from 1316 and 1405, shows once again that the real power was in the hands of a narrow, noble-like old lineage which might have shifted its

¹¹⁷ Katalin Szende, "Between Hatred and Affection", 200. On the decree see Friedrich Fahlbusch B., "König Sigismunds Dekret von 1405 April 15. Einleitung und Übersetzung," *Zeitschrift für Siebenbürgische Landeskunde* 4 (1983): 61-73.

¹¹⁸ *A kolozsmonostori konvent...*, 93.

¹¹⁹ *A kolozsmonostori konvent...*, 140. Jakab Okl I, 178. Nobilem virum Sebastianum Olaz dictum Judicem seu Officialem Magnifici Desew de Losonch waivode Transylvani.

professional profile, but remained interested mainly in real estate and pledging activities. At the same time, this lineage remained a closed circle. Meanwhile, the human hinterland altered.

The 1405 charter granted the town the royal free town status, one of the highest ranks in the urban hierarchy of medieval Hungary. According to the results of recent scholarship, the new grouping of free towns differentiated between royal free and free royal towns.¹²⁰ Cluj fits the criteria of a royal free town, however, there is still hesitancy in ranking it in this category.¹²¹ This is because, on one hand, the main source of late medieval Hungarian legal history, the law compendium of István Werbőczy (1514), is quite laconic in pointing out the statuses of towns.¹²² On the other hand, three categories of town were defined arbitrarily: *Personalsstädte*, mining towns, and Transylvanian Saxon towns.¹²³ Cluj, however, did not fit wholly into any of these, thus in most cases the town is referred to as an exception, along with Zagreb. From the point of view of the research here, this grouping has little relevance since it focuses on internal urban transformations and the town's relation with the other towns of the region. Nevertheless, one can assert that Cluj had a particular development during the Middle Ages and early modern times and this peculiarity became a mark of the town. By the 1405 charter, Cluj became legally equal with the Saxon towns and this was the main advantage of the privilege on the state level.

¹²⁰ The scholarly literature lately makes a distinction between the free royal towns and royal free towns. The free royal towns were the so-called seven, later eight, tavernical towns (Bratislava, Sopron, Buda, Pest, Trnava, Košice, Bardejov, Prešov) whose course of appeal was the master of treasury. The royal free towns were the rest of the towns that had royalty as their overlords (e.g., the *Personalsstädte*, the mining towns in Upper Hungary, today Slovakia, and the Saxon towns in Transylvania) which had one of the main judges, the *Personalis*, as their forum of appeal. For further information see György Bónis, "Die ungarischen Staedte am Ausgang des Mittelalters", In *Die Stadt am Ausgang des Mittelalters*, ed. Wilhelm Rausch, (Linz/Donau: 1974), 79-92; András Kubinyi, *Városfejlődés és városhálózat a középkori Alföldön és az Alföld szélén* (Szeged: Csongrád Megyei Levéltár, 2000). András Kubinyi, "Szabad királyi város" – "Királyi szabad város"? in: **Urbs. Magyar Várostörténeti Évkönyv I** (Budapest: Budapest Főváros Levéltára, 2006): 51-61 (henceforth Kubinyi, "Szabad királyi város").

¹²¹ Kubinyi András. "Szabad királyi város": 58-59.

¹²² *The customary law of the renowned Kingdom of Hungary, a work in three parts, the Tripartitum* = *Tripartitum opus iuris consuetudinarii incltyti regni Hungariae*, ed. Stephen Werbőczy; ed. and trans. János M. Bak, Péter Banyó, and Martyn Rady; with an introductory study by László Péter (Idyllwild, CA: Charles Schlacks, Jr., Publisher, 2006) Pars III. Decr. Ung. Tit. VIII., 500

¹²³ Kubinyi, "Szabad királyi város", 61,

As far as the internal development is concerned, the year 1405 was undoubtedly an important step in the growth of urban government; for the first time the charter stipulated that the council election take place on the first Sunday after New Year's Eve or the feast of Circumcision of Christ (January 1st)¹²⁴. The council of *iurati* as a governing body of the town appears for the first time and the number of the members (12) is mentioned.¹²⁵

Granted to the whole town, i.e., *civibus hospitibus et incolis*, the charter explicitly marks that the council members are elected from those eligible to participate in the annual elections – *seniores et homines possessionates*. This sentence extended the range of voters significantly, but left enough space for different interpretations. Undoubtedly, the legal obstacle was removed from the equal representation of town dwellers in the town government, since every house owner of the town became enfranchised. This was probably against the leading elite's wishes and reflects more the principles of King Sigismund's urban policy. The town governance became the subject of animated discussions between the leading population of mainly German origins, which exercised power according to the ancient laws of the town, and the new financial elite of mostly Hungarian citizens. This question was raised first in the secondary literature as an ethnic, or even "national," issue or controversy.¹²⁶ In fact, this was a pure social conflict (similarly to the conflict between the Germans and Hungarians in Buda), and the fact that two different ethnic groups were competing is just a consequence of the historical facts. The hinterlands of the town were noble properties, from which mostly Hungarian peasants moved into the town after King

¹²⁴ For a more detailed description of council elections see below.

¹²⁵ JakabOkl I, 124

¹²⁶ Grete Lang, "Die Nationalitätskämpfe in Klausenburg in ausgehende Mittelalter," *Veröffentlichungen des Südostinstituts München* 23 (1941):104-109; László Makkai, "Társadalom és nemzetiség a középkori Kolozsváron" [Society and Ethnicity in the Middle Ages in Cluj], *Kolozsvári Szemle* 2-3 (1943): 87-111, 190-215.

Louis I granted free movement to Cluj in 1370.¹²⁷ Thus, the demographic reinforcement of the town came mostly from these groups. The new town dwellers gradually built up a network of crafts that was more and more prosperous in the fourteenth and fifteenth centuries. Thus, a new lineage of powerful craftsmen emerged and required a say in the affairs of the town. Moreover, it would be mistaken to assert that Hungarian families were totally excluded from town leadership, since one finds non-Saxon leaders among the *comites* and among the later judges as well. The Hungarian community, however, was not equally represented either demographically and or from the perspective of economic power. In order to solve the accumulated tension, both communities addressed a letter to the governor John Hunyadi in 1452.¹²⁸ One may wonder why so late, almost a half century after the 1405 privilege.

A clear answer is hard to formulate, but some hints are relevant. Firstly, one should not forget that King Sigismund had a well-defined urban policy encouraging the economic potential and growth of towns. Thus the “awakening” of a new generation of townspeople after almost 50 years might be the consequence of the economic growth generated by the favourable political conditions. Secondly, the town lost its privileges after it joined the peasant uprising in 1437 and regained them only in 1441. Thus, there were no favorable circumstances for “civic movement”. Thirdly, by the mid-fifteenth century not only a new economic elite had grown up, but literates, who could literally interpret the charters and their legal content. It is not surprising, therefore, that one of the “gonfalonieri” of the Hungarian community was Ambrosius Literatus.¹²⁹ The solution to the conflict did not come in 1452, as John Hunyadi warned the parties to keep the

¹²⁷ JakabOkl I, 66-67. Ub. II. 347. “iobagiones..., qui habita licentia [iusto]que terragio et debitis eorum persolutis ad praedictam civitatem nostram de tenutis et possessionibus ac honoribus vestris causa commorandi se transferre voluerint, libere et absque omni impedimento abire permittatis.”

¹²⁸ László Makkai, *Kiadatlan oklevelek Kolozsvár középkori történetéhez* [Unpublished Charters to the Medieval History of Cluj], (Kolozsvár, Minerva, 1947), 24-25.

¹²⁹ *A kolozsmonostori konvent...*, 970. DL 3643 p. 58 no. 2. Ambrosius Literatus became judge in 1460. *A kolozsmonostori konvent...*, 1474.

status quo until the king decided.¹³⁰ The final decision came from Governor Mihály Szilágyi in 1458, when the system of parity governance, the so-called *union*, was introduced.¹³¹

This type of divided urban governmental system was applied in cities in which various ethnic groups lived together or played a significant role in the commercial life of the community. In medieval Hungary, parity-based municipal bodies functioned in Zagreb, Žilina (Zsolna, Sillein), and Buda.¹³² Other European cities adopted similar measures to prevent and resolve conflicts.¹³³ The basic premise was the principle of equal representation. The judge was elected in a system of yearly rotation from the Hungarian and Saxon communities and the number of the council seats was equally divided, and further, doubled on every public role. This way the two communities were fully represented on each level of urban self-government.

The 1458 *union* was one of the most important milestones in the development of the self-government of Cluj, which not only ended a dispute and defined the functioning of the town for centuries, but became the most respected code of rule among the burghers. Although this system cannot be considered literally a “union,” it came to be referred to as such because it was a commonly accepted procedure, i.e., a unitary form of governance that the parties agreed on. This fact was mentioned in the charter, too – *sponte et libere confessi sunt* – and symbolized by the equal number of delegates before the governor.

One may assert that the charter only recorded a preexisting verbal agreement that was already functioning. The four envoys sent for this charter included the actual judge of the town

¹³⁰ Ub.V. 338.

¹³¹ JakabOkI I. 192-193; Ub. V., 2-3.

¹³² András Kubinyi, “Németek és nem-németek a középkori magyar királyság városaiban” (Germans and non-Germans in the Towns of the Medieval Hungarian Kingdom). In *Verfestigung und Änderung der ethnischen Strukturen im pannonischen Raum im Spätmittelalter* (Eisenstadt: Amt der Burgenländischen Landesregierung, 1996), 145–158.

¹³³ In Stockholm the Germans and the Swedes formed municipal bodies based on parity. See Sofia Gustafsson, *Svenska städer i medeltidens Europa. En komparativ studie av stadorganisation och politisk kultur*, (Stockholm:Stockholms Universitet, 2006), 212 (henceforth Gustafsson, *Svenska städer*...).

representing the Hungarian community and a former judge, Stephan Bertram, representing the Saxons. Bertram held this role in 1448 and around 1458, probably in 1457, and was elected again in 1459.¹³⁴ Thus, every odd year Bertram was in charge, while the Hungarians, Egidius Szabó (1458) and Ambrosius Literatus (1460), occupied this role every even year.¹³⁵ Accordingly, it was already a system in practice when the charter was requested and the even and odd yearly rotations remained unchanged until modern times.

The 1458 charter specifies for the first time the council of 100. This public body was not an innovation; it must have existed prior to 1441, when *sextaginta consules* are mentioned.¹³⁶ The number of seats must have changed due to the demographic growth of the town. Accordingly, the seats of the *centumviri* were also split between the two nations. The privilege from 1458 was confirmed by King Matthias in 1468 without any change. That means that the procedure was working without any major failures. After that, however, something happened that led to a new disagreement around the election of the councilors.¹³⁷ The problem was that the principles existed, but the rules were still missing, therefore King Matthias granted the town the same regulations on council elections as was practiced in Buda, which was sent in a transcript by the Buda town council in 1488.¹³⁸ Henceforth, the articles of the Buda town regulations became the “constitution” of the town.

¹³⁴ JakabOkl I., 183; *A kolozsmonostori konvent...*, 1421.

¹³⁵ JakabOkl I., 192; *A kolozsmonostori konvent...*, 1474.

¹³⁶ Ub. V. 81; *A kolozsmonostori konvent...*.

¹³⁷ “Varios rumores clamoresque et prope sediciones concitari.” JakabOkl I., 275.

¹³⁸ JakabOkl. I. 275, 281. Ub. VII. 424-425. On the system of parity see András Kiss’ findings; see an overview by Mária Lupescu Makó, “Der Ausgleich von Klausenburg 1458”, in *Klausenburg. Wege einer Stadt und ihrer Menschen in Europa*, ed. Ulrich Burger and Rudolf Gräf, (Cluj-Napoca: Presa Universitară Clujeană, 2007), 39-50. Concerning the multilingual aspect of the parity see Katalin Szende, “Integration through Language: The Multilingual Character of the Medieval Hungarian Towns”, in *Segregation, Integration, Assimilation: Religious and Ethnic Groups in the Medieval Towns of Central and Eastern Europe*, ed. Derek Keene, Balázs Nagy and Katalin Szende (Farnham: Ashgate, 2009), 215, 223.

The council of the *centumviri* (*electi, centum homines, centumpatres*) – called also upper council – was the quorum of the larger urban representation. Its members were elected on a territorial basis from the different quarters and *decuriae* of the town, and an occupational basis, each craft had to be represented by three or four craftsmen. The second principle, i.e., the corporate representation of various occupations, was introduced together with the implementation of the Buda town regulations in the election procedures in 1488. The importance of this rule has rarely been pointed out, although it meant not only a change in the composition of an elected body, but in the long term changed the structure of the leading elite and gave the craftsmen s superior advantage over other occupations in the sixteenth century.¹³⁹ Although it developed later than the council of the twelve judges, the assembly of the one hundred men had taken over the most important purviews in the town government by the end of the fifteenth century. It functioned both as a legislative and jurisdictional body in the town government and as the electoral body for the inner council.¹⁴⁰

Summung up, the letter sent by the Buda town council in 1488 can be seen as the moment of full-fledged development of the urban self-government of the town. The later sixteenth century changes to the town regulations were just adjustments made to the local demands and realities, but did not affect the structure of the town leadership or the nature of the town elite. Thus, the institutional self-government of Cluj was a bipolar government consisting of two representative bodies, i.e., the inner council of the 12 *jurati* presided by the prime judge (*judex primarius*) and the council of the *centumviri*. The basic principle of election was the so-called

¹³⁹ See Ágnes Flóra, *Prestige at Work. Goldsmiths of Cluj/Kolozsvár in the Sixteenth and Seventeenth Centuries*, (Saarbrücken: VDM Verlag, 2009) (henceforth Flóra, *Prestige at Work*).

¹⁴⁰ On the jurisdiction of the *centumviri* see Pakó László, “Hatalmi konfliktus vagy testületi összefogás? A kolozsvári százférfiak tanácsa és a városi igazságszolgáltatás a 16. század második felében” (Conflict of power or corporate bond? The assembly of the *centumviri* and the jurisdiction of Cluj in the second half of the sixteenth century) *Erdélyi Múzeum* 3-4 (2010): 73-87 (henceforth Pakó, “Hatalmi konfliktus vagy testületi összefogás?”).

union between the two nations, Saxons and Hungarians, and accordingly the number of offices was split or doubled in order to have equal representation of both sides.

1.1.2. Sibiu (Hermannstadt, Nagyszeben)

Studying the development of urban government in Sibiu has even more blank spots than Cluj, in spite of the fact that it was a more important town than Cluj in the Middle Ages and its history is fairly well researched. Since the inhabitants of Sibiu enjoyed the legal advantages of the *hospites* right from the beginning, there was little “struggle” for particular privileges. Thus, it is more difficult to follow the evolution of urban self-government.

On the *Ostsiedlung* of the Germanic population much has been written¹⁴¹, thus only a brief summary will be presented. According to the present stage of research, the first *hospites* came to Transylvania in the twelfth century. The migration process – as Erik Fügedi asserted – was a bilateral agreement between the Hungarian Kingdom and settlers and was determined by demographic, economic, and political conditions.¹⁴² The “guests” received a number of

¹⁴¹ Thomas Nágler, *Die Ansiedlung der Siebenbürger Sachsen*, (Bucharest: Kriterion, 1979); Harald Zimmermann, *Siebenbürgen und seine Hospites Theutonici*, (Cologne: Böhlau, 1996); *Zur Rechts- und Siedlungsgeschichte der Siebenbürger Sachsen* (Siebenbürgisches Archiv 8) (Cologne: Böhlau, 1971); András Kubinyi, “Zur Frage der deutschen Siedlungen im mittleren Teil des Königreichs Ungarn (1200–1541)”, in *Die deutsche Ostsiedlung des Mittelalters als Problem der europäischen Geschichte, Vorträge und Forschungen*, Sigmaringen 18, ed. Walter Schlesinger, (Sigmaringen: Jan Thorbecke, 1975): 527–566; Elek Benkő, “Erdélyi szászok” [Transylvanian Saxons], in *Korai magyar történeti lexikon* (9–14. század) [Encyclopedia of Early Hungarian History], ed. Gyula Kristó (Budapest: Akadémiai Kiadó, 1994), 618; Erik Fügedi, “Befogadó: a középkori magyar királyság” [The host: The medieval Hungarian Kingdom], *Történelmi Szemle* 2 (1979): 355–376 published also in Idem, *Kolduló barátok, polgárok, nemesek. Tanulmányok a magyar középkorról* (Budapest: Magvető Kiadó, 1981), 398–418 (henceforth Fügedi, “A befogadó”); Konrad Gündisch, *Siebenbürgen und die Siebenbürger Sachsen*. Studienbuchreihe der Stiftung Ostdeutscher Kulturrat 8. (Munich: Langen/Müller, 1998); Gyula Kristó, *A korai Erdély* (895–1324) [Early Transylvania 895–1324], Szegedi Középkortörténeti Könyvtár 18 (Szeged: József Attila Tudományegyetem, 2002), 157–172, 173–189; Ferenc Maksay, “A szászság megtelepülése”, in *Erdély és népei*, ed. Elemér Mályusz (Budapest: Pázmány Péter Tudományegyetem, 1941), 87–103; Dirk Moldt, “Unus sit populus et sub uno iudice ...”. Bemerkungen zum “Goldenen Freibrief” der Siebenbürger Sachsen”, *Zeitschrift für Siebenbürgische Landeskunde* 22, no. 2 (1999): 197–216; Karl Kurt Klein, “Geysanum und Andreanum. Fragmentarische Betrachtungen zur Frühgeschichte der Deutschen in Siebenbürgen”, in *Zur Rechts- und Siedlungsgeschichte der siebenbürger Sachsen*. Siebenbürgisches Archiv 8. (Cologne: Böhlau, 1971), 54–62.

¹⁴² Erik Fügedi, “A befogadó”, 401; Idem, “Das mittelalterliche Königreich Ungarn als *Gastland*”, *Die deutsche Ostsiedlung des Mittelalters als Problem der europäischen Geschichte: Reichenau-Vorträge 1970–1972*

privileges in return for their services and loyalty. The first wave of German settlers was settled exclusively on royal property, either on extensive contiguous land areas like the Königsboden¹⁴³ in Transylvania or in dispersed communities as in Cluj. The smaller communities had fewer privileges than those living in larger areas.¹⁴⁴ This fact is reflected in the later development of town autonomy as well.

The legal status of the Saxon community in Königsboden was set by the *Andreanum*, issued in 1224 by King Andrew II.¹⁴⁵ The charter first determined the borders of the land where the legal dispositions became operative.¹⁴⁶ In exchange for their full loyalty and services to the king, the communities on this territory gained several autonomous rights: the inhabitants were exempted from any superior jurisdiction other than the king's court and appointed the *comes* of Sibiu as their own higher jurisdictional forum. Elected by the locals, however, he had to be presented to the king.¹⁴⁷ It was a sort of conditional free election. Although in the secondary literature one often finds the presumption that the *Andreanum* also granted the free election of judges and local representatives¹⁴⁸, it does not appear explicitly in the text of the privilege.¹⁴⁹ Possibly it was a system already working according to customary laws of the *hospites*.

As stated in the founding myth of the town, the foundation of the settlement was directly connected to a certain *locator* Hermann who mediated the whole settling process and became the founder of the *villa Hermani* that later became the town of Sibiu (Hermannstadt).¹⁵⁰ Some are

(Sigmaringen: J. Thorbecke, 1975), 471-507, re-printed in idem, *Kings, Bishops, Nobles and Burghers in Medieval Hungary*, ed. János Bak (London:Variorum, 1986).

¹⁴³ Königsboden or Fundus Regius (in Hungarian Királyföld) was the historical royal territory between the Olt and Tarna rivers, in the southern part of present-day Transylvania, massively populated by Saxon communities.

¹⁴⁴ Fügedi, "A befogadó", 402.

¹⁴⁵ Ub. I. 34.

¹⁴⁶ incipiens a Waras usque in Boralt cum terra Syculorum terrae Sebus et terra Daraus, Ub. I. 33.

¹⁴⁷ Ub. I. 34. Blazovich, "Az Andreanum...", 7.

¹⁴⁸ Blazovich, "Az Andreanum...", 7.

¹⁴⁹ Only the free election of the parish priest is mentioned.

¹⁵⁰ Villa Hermani appears for the first time in a charter from 1223, Ub. I. 26-28.

still arguing over whether it is a mere legend or a real scenario of the start of Sibiu as a settlement. What the historical facts show is that the village was founded around the year 1150, and by the Mongol invasion in 1241 had reached a population of c. 600.¹⁵¹ A nearby provostry, functioning independently from the bishopric of Transylvania, was founded in 1191. This institution definitely influenced the later development of the town, not only becoming the juridical and administrative seat of the region, but also the religious center.¹⁵²

The first mention of the governing body of *iurati* appears in a charter from 1292, when the community of *villae Cibiniensis* handed over the local hospital to the Order of the Holy Spirit.¹⁵³ This charter, at the same time, indicates an advanced stage of urbanization, in spite of the fact that Sibiu is referred as *villa*.¹⁵⁴ In the fourteenth century it is still mentioned with the name of *villa Cibiniensis*,¹⁵⁵ although the existence of local self-governance, the presence of religious orders, and the establishment of a local hospital are some of the key elements indicating the urbanization level.¹⁵⁶ Therefore, Sibiu was probably already an urban settlement and any confusion is created by the inconsistency of terms in this period.¹⁵⁷ Besides the existence of the

¹⁵¹ Harald Roth, Hermannstadt t. Kleine Geschichte einer Stadt in Siebenbürgen (Cologne: Böhlau, 2009), 7-8 (henceforth Roth, Hermannstadt).

¹⁵² Roth, Hermannstadt; Ub. I. 2-3.

¹⁵³ Ub. I. 192. DF. 244566. This was quite an unusual practice, more frequently towns took over the hospitals founded by the church. See Judit Majorossy and Katalin Szende, "Hospitals in Medieval and Early Modern Hungary", in *Europäische Spitalwesen. Institutionelle Fürsorge in Mittelalter und Früher Neuzeit. Hospital and Institutional Care in Medieval and Early Modern Europe*, ed. Martin Scheutz et alii (Vienna: R. Oldenbourg, 2008), 409-454.

¹⁵⁴ villa Cibiniensis, Ub. I. 192; DF. 244566. The same term appears in 1322, too, Ub. I. 360-361.

¹⁵⁵ Ub. I. 360-361.

¹⁵⁶ András Kubinyi, *Városfejlődés és városhálózat a középkori Alföldön és az Alföld szélén* [Urban development and the urban network on the Great Hungarian Plain and its margins] (Szeged: Csongrád Megyei Levéltár, 2000), 13-15; Idem, "Központi helyek a középkor végi Abaúj, Borsod, heves és Torna megyékben," *Herman Ottó Múzeum Évkönyve* 37 (1999): 502-503.; Erik Fügedi, "Koldulórendek és városfejlődés Magyarországon" (Mendicant orders - an urban development in Hungary) in Idem, *Kolduló barátok, polgárok, nemesek. Tanulmányok a Magyar középkorról* (Budapest: Magyarvető, 1981), 57-88. On the ambiguity in the usage of medieval Latin terms see Erzsébet Ladányi, "Libera villa, civitas, oppidum. Terminologische Fragen in der ungarischen Städteentwicklung" *Annales Universitatis Scientiarum Budapestinensis de Rolando Eötvös Nominatae / Sectio linguistica* 16 (1985):3-43.

institution of *iurati*, not much is known about its scope of action, members or legitimacy. Presumably, it was a body of jurors in addition to the *comes* of Sibiu.

The formula – *iudices, iurati ac tota communitas* – (or its variations) was in common use and also appears in the same form in the charters granted to the town of Cluj. This term in itself does not provide any information about the election procedure of the office-holders. The noun *iudex*, however, appears in the plural form, i.e., it refers to at least two incumbents. Often there were more *comites* in charge. Until the mid-fourteenth century, the development of local government in Sibiu shows much conformity with the urban self-government in Cluj: there were two (or even more) judge offices, a body of jurors and the electing community of town-dwellers; and the titles of *comes* and office of *iudex* were often combined.¹⁵⁸ The town was probably operating in the framework of the location “contract” as a result of the assumed negotiations between the locators and the king or his representatives and there was no need for further privileges. The *Andreanum* only established the geo-political framework of local administration

After the administrative reform of King Charles I, in the 1320s, the administration of the Königsboden region also changed. There was a need for changes not just because of a general crisis in the kingdom, but also because the development of the Saxon self-government required legal improvements. The disposition of the *Andreanum* regarding the single jurisdiction over the whole region of the *comes* of Sibiu became obsolete. According to the reforms, similarly to the noble counties, deputies of the central power, royal judges (Königsrichter), were appointed at the top of each Saxon seat and the superior authority of the Sibiu *comes* became only nominal. Saxon autonomy, however, did not alter the appointment of royal judges from the two

¹⁵⁸ Ub. I. 522-523.

communities.¹⁵⁹ The structure of the administration changed; but the power still remained in the hands of the old lineage of the *comites*.

The *comites*, also called *Graf or geréb*¹⁶⁰, were the offspring of the first leaders of the Saxon settlers, who had a similar status to the nobility of the realm.¹⁶¹ However, they were not overlords and had no feudal rights over the land or community, but bore the title lifelong, and had the opportunity to create a significant economic profile. Problems occurred within the community when the assigned royal incumbents started to pass their power on to their heirs and curtailed the privileges of the community.¹⁶² This situation was ended by King Matthias in 1464, when Sibiu received the privilege of electing its own *iudex* or *comes regius*.¹⁶³ This right was extended over the seven seats in 1469, taking one step forward by the intercession of Thomas Altemberger, mayor of Sibiu, towards what became the *Concilium Transylvania Saxonicum*, (Nationsuniversität), when King Matthias confirmed the former privileges of the Saxons in the Königsboden and extended them over the districts of Braşov and Bistriţa as well in 1486.¹⁶⁴

¹⁵⁹ József Deér, “A szászok jogállása” [The legal status of the Saxons], in *Erdély* (Budapest: Magyar Történelmi Társulat, 1940); Roth, Hermannstadt., 17.

¹⁶⁰ “...comite vulgo greb dicto...” 1364, Ub. 2. 207.

¹⁶¹ “...Saxones Transilvani predia tenentes et more nobilium se gerentes, Ub. I. 174.

¹⁶² Georg Daniel Teutsch, *Geschichte der Siebenbürgen Sachsen für das saechsische Volk*, vol. 1. Von den ältesten Zeiten bis 1699 (Hermannstadt: W. Frafft, 1899), 55ff.; Konrad Gündisch, *Das Patriziat siebenbürgischer Städte im Mittelalter*, *Studia Transylvanica* 18 (Cologne: Böhlau, 1993), 102 (henceforth Gündisch, *Das Patriziat*...); see also Thomas Naegler, “Wesenszüge des saechsischen Graeftums in Siebenbürgen”, *Muzeul Bruckenthal. Studii si comunicari arheologice-istorie* 19 (1975): 94 ff.; Franz Zimmermann, *Zur siebenbürgisch-deutschen Geschichtsschreibung, besonders über die Besiedlungsfrage* (Innsbruck: Wagner, 1901), 719 ff.; Friedrich Schuler von Libloy, *Siebenbürgische Rechtsgeschichte*, vol. 2. (Hermannstadt: Buchdruckerei der v. Closius’schen Erbin, 1868), 57.

¹⁶³ “...iudicem seu comitem regium in medio ipsorum eligendi et constituendi liberam facultatem et potestatem habeant. Ub. VI. 171.

¹⁶⁴ Ub. VII. 412-413. On the Universitas Saxonum see *Gruppenautonomie in Siebenbürgen. 500 Jahre siebenbürgisch-saechsische nationsuniversitaet*, ed. Wolfgang Kessle (Cologne: Böhlau, 1990); Georg E. Müller, “Die saechsische nationsuniversitaet in Siebenbürgen: ihre verfassung- und verwaltungsrechtliche Entwicklung: 1224-1876: ein rechtsgeschichtlicher Beitrag zur Geschichte der ältesten organisierten Minderheit der Gegenwart”, *Archiv des Vereins für siebenbürgische Landeskunde* 44, no. 2 (1928): 227-424; Sándor Vogel, “Szász autonómia Erdélyben,” [Autonomy in Transylvania], *Provincia* 2 (2002): 11-12; *Geschichte der Deutschen auf dem Gebiete Rumaeniens*, vol. 1, ed. Ludwig Binder, Carl Göllner and Konrad Gündisch (Bucharest: Kriterion, 1979).

Thus, the sentence from the *Andreanum*, *unus sit populus*, became a legal principle. The head of the united Saxon community became the mayor of Sibiu.

The *mayor* (*magister civium*, Bürgermeister, proconsul) of the town is mentioned for the first time along with the *comes* of Sibiu in 1366.¹⁶⁵ By that time, the society of Sibiu must have reached a stage of development when there was a need for an elected incumbent. The *mayor* was the head of administration, with some juridical functions and became the legitimate representative of the community.¹⁶⁶ A fragment from the 1464 town regulations says explicitly that a royal judge could not be elected mayor of the town, ensuring the control of the community over this office. The same document stipulates for the first time the circumstances for electing a mayor.

The office of the mayor appeared in German town governments (the most suitable analogies for Transylvania) also in the fourteenth century and had similar administrative, diplomatic or military duties.¹⁶⁷ The existence of the mayor's office or its non-existence in different towns can be explained by the inner social structure, the local seigniorial power, and the importance of the town within a region. In Transylvania this function was not a commonly encountered position in the town administration. Besides Sibiu, one finds a mayor as the head of the council in Sighisoara (Segesvár, Schässburg). Although sporadically the sources relate the existence of the mayor's office in Braşov (1415) and Sebes (Szászsebes, Mühlbach) (1419) as well, it may have been only an ephemeral role, or a terminological mistake in the sources.¹⁶⁸ In

¹⁶⁵ Ub. II. 269. Jacobus Hentzmanisse magister civium civitatis Cibinii, comes Cunradus Cibiniensis

¹⁶⁶ Friedrich Teutsch, *Die Siebenbürger Sachsen in Vergangenheit und Gegenwart*, (Hermannstadt: W. Kraft, 1924), 25.

¹⁶⁷ Eberhard Isenmann, *Die deutsche Stadt im Spätmittelalter, 1250-1500. Stadtgestalt, Recht, Stadtrecht, Kirche, Gesellschaft, Wirtschaft* (Stuttgart: E. Ulmer, 1988), 133-134 (rev. ed. Eberhard Isenmann, *Die deutsche Stadt im Spätmittelalter, 1250-1500*. (Cologne: Böhlau, 2012) (henceforth Isenmann, *Die deutsche Stadt im Spätmittelalter*) On the development of the Bürgermeister office in German and Austrian towns see Goda, *A soproni városvezető réteg a 15-16. században*, 30.

¹⁶⁸ Gündisch, *Das Patriziat...*, 95.

Cluj this office never existed. The mayor of Sibiu, like most of the public offices, had power that went over the border of the town, and had a regional purview.¹⁶⁹ Besides the wish of the local community to have an elected leader besides the representative of the crown, the diversification of legal and administrative duties and the direct influence of German examples probably also contributed to the appearance of this urban office.¹⁷⁰

An important further step in the progress of urban self-government in Sibiu was the establishment of the office of *steward* (*villicus*, Stadthann). It was also an elective office, thus of major importance in the process of self-organization, and its holder was in charge of the economic and administrative life of the town.¹⁷¹ The *villicus civitatis* office is mentioned for the first time in a charter from 1346.¹⁷² One may assert that by the end of the fourteenth century there were four important offices at the top of urban self government: the royal judge, the Stuhlrichter/seat judge, the mayor, and the Stadthann/steward.

1.1.3. The urban leaders of the fifteenth century

As far as the constituency of the urban elites is concerned, one may define two categories both in Cluj and in Sibiu. First there was the generation of the *comites*, which gradually transformed and shifted towards mercantile and investment activities in the mid- fifteenth century, and were mostly local wealthy people or from the nobility; and the other group consisted of new merchants and wealthy craftsmen, who had risen from the ranks of the local inhabitants or were burghers from abroad.

¹⁶⁹ The mayor of Sibiu was often called Provincialbürgermeister, was in charge of the finances of the town, and controlled the seal of the region, too. Gündisch, *Das Patriziat...*, 97. Müller, *Stühle und Distrikte*, .

¹⁷⁰ Starting from the fourteenth century Sibiu had intense commercial connections with Central and Western Europe, Vienna, where the Bürgermeisteramt appeared as early as 1282, was among the favourite destinations of merchants from Sibiu, Mária Pakucs, *Sibiu-Hermannstadt. Oriental Trade in Sixteenth Century Transylvania* (Cologne: Böhlau, 2009), 9-10 (henceforth Pakucs, *Sibiu-Hermannstadt*);

¹⁷¹ Müller, *Stühle und Distrikte*, 45.

¹⁷² Ub. II. 35.

The sources unfortunately do not allow portraying the character of the early elites. One may assume, however, that the generation of the *comites* was a group of wealthy people, with noble-like status within the town, that proceeded to public service on a formal elective basis with the agreement of the overlord. Starting from the fifteenth century, especially after 1405 in Cluj, the revenues of the town's ruling elite came from credits and pledging activities. *Judex primarius* Johan Markos, for example, acquired four important countryside properties in 1484 and 1485 through his pawnbroking activity.¹⁷³ Johann de Longocampo (Hosszúmezei), *iudex primarius*, took a property in Sumurducu (Szomordok) in pledge for 125 gold florins.¹⁷⁴ The sources are silent about mercantile activities of the town elite. Short-distance (regional) trading might have been among their income-earning possibilities; long distance commerce, however, required accumulation of significant capital and was more typical of foreign investors.

The presence of foreign merchants in the town elite was greater in Sibiu than in Cluj. First there were the Italian, mostly Florentine, merchants, then German entrepreneurs, who entered the elite mainly by marriage. Matheus de Waldo (Bardi) was the first Florentine to set up a business in Sibiu. He was a member of one of the influential Florentine families that built up a strong mercantile and banking company to become an influential business in Europe in the thirteenth and fourteenth centuries. Matheus Bardi came to Transylvania, probably through the agency of Filippo Scolari (Pipo Spano de Ozora) and became the *comes* of the salt chamber in Ocna Sibiului, where he performed laudable service (*ad commendabilis famae titulos erexit sine querela adeo*).¹⁷⁵ He received citizenship in Sibiu by marrying the daughter of the mayor, Jakob,

¹⁷³ A kolozsmonostori konvent.... I., 2494, 2501. II. 2509. DL. 36395. p. 105. no. 1. p. 112. no. 1.

¹⁷⁴ A kolozsmonostori konvent...., I. 1078. DL. 36403. p. 83. no. 2.

¹⁷⁵ Ub. III. 460, officiolatum camerariatus salifodinae de Wyzakna nostro scilicet et aliorum comitum camerarum salium regalium nostrorum” 1408. apr.8. On the activity of Italian merchants in the Hungarian Kingdom see Krisztina Arany, “Siker és kudarc – Két firenzei kereskedőcsalád, a Melanesi-k és Corsini-k Budán Luxemburgi Zsigmond uralkodása (1387–1437) alatt” [Success and Failure – Two Florentine Merchant Families, the Melanesi and the Corsini in Buda during Sigismund of Luxemburg's Reign], *Századok* 141, no. 4 (2007):943-966; Andrea

and buying a house on the main square of the town.¹⁷⁶ By this marriage he entered the leading elite of the town; however, he never accessed public roles, probably because of his major involvement in mining enterprises.¹⁷⁷ His compatriot, Christophorus Italicus de Florencia, who ran the minting house in Sibiu along with Nicolaus de Wagio¹⁷⁸ and the Bürgermeister Oswaldus Wenzel in 1456, followed a similar career.¹⁷⁹ He owned a house on the main market square of the town, among the wealthiest burgers of the town, but never entered the council in spite of his great social capital. Moreover, due to better professional possibilities, he moved first to Cluj, then to Baia Mare (Nagybánya).¹⁸⁰ From the known Italian families only the second generation Zanolii (Proll) were present in the town leadership. Nicolaus Proll, who ran the mint of the town and was the head of salt mining in Transylvania, became first Stuhlrichter in 1494-1495, then Bürgermeister of Sibiu in 1498 and 1499.¹⁸¹ Italian merchant families appeared in Cluj as well, but also without important direct impact on the composition of the town leadership. In only one case (Sebastianus Olaz) was a person of Italian origin elected *judex primarius*.¹⁸²

Although the Italian merchants integrated into the local communities, mostly by marriage, they did not get further involved in urban life, most of all because their professional

Fara, "Italian Merchants in the Kingdom of Hungary in the Late Medieval Ages and Early Modern Period (XIIIth-XVth Centuries)", in *Italy and Europe's Eastern Border (1204-1669)*, ed. Iulian Mihai Damien, Ion Aurel Pop, and Alexandru Simon (Frankfurt/Main: Peter Lang, 2012), 119-134; idem, *La formazione di un'economia di frontiera: La Transilvania tra il XII e XIV secolo* (Naples: Editoriale scientifica, 2010).

¹⁷⁶ Gustav Gündisch, "Die Oberschicht Hermannstadts im Mittelalter", *Aus Geschichte und Kultur der Siebenbürger Sachsen*, Schriften zur Landeskunde Siebenbürgens 14. (Cologne: Böhlau, 1987), 189.

¹⁷⁷ Bardi owned houses in Abrud and Aiud, i.e., close to the iron mining territories in the Carpathian mountains, which according to Gündisch might be a clear sign that he had interests in iron mining, too. Gustav Gündisch, "Patriciatul din Sibiu în evul mediu", [The patriciate in Sibiu in the late medieval period], in idem, *Transilvania și sasi ardeleni în istoriografie* [Transylvanian and the Transylvanian Saxons in historiography] (Sibiu: Hora, 2001), 135. Investments in real estate and mortgage transactions, however, were frequent activities of the elites in the Middle Ages, thus Bardi's provincial assets might have come from similar business.

¹⁷⁸ Nicolaus de Wagio was possibly Matheus Bardi's son. Gündisch Gustav. "Patriciatul din Sibiu în evul mediu," 135; Gyöngyössi Márton, *Pénzgazdálkodás és monetáris politika a késő középkori Magyarországon*, [Money economy and monetary policy in late medieval Hungary] (Budapest: Gondolat, 2003).

¹⁷⁹ Ub. V. 548.

¹⁸⁰ Ub. VI. 341.

¹⁸¹ *Cronologische Tafel*, 112.

¹⁸² *A kolozsmonostori konvent*, vol. 2, 140. DL.36390, Ub. V. 17. JakabOkl. I. 178.

and business careers were connected to fields which were royal monopolies, i.e., mining and minting.¹⁸³ They were not driven to Transylvanian towns by the hope of new markets, but came mostly through their attachment to the royal court. Many of them were *familiaris regis* and aimed at noble titles more than urban citizenship. The boom of Italian merchants faded with their plotting against King Sigismund in 1401, when the merchants supported János Kanizsai's party, and with the activity of Sigismund's financial adviser Markus de Nürenberga.¹⁸⁴ It is not surprising, thus, that from then on the German, especially the Nürnberg, merchants had advantages. Their prevalence only grew during the reign of Albert of Habsburg (1437-1439).

The foreign German merchants, or rather contractors, coming to Transylvania from German (mainly from Franconian) territories or Bohemia (after the Hussite wars), however, got involved in the public life of the towns more actively, especially in Sibiu. Their way into the town elite was similar to that of the Italian merchants; they arrived with important economic capital, invested mostly in mining and minting, and acquired social capital by marriage.

Although there are only sporadic pieces of information about the origins of the important town leaders, the available information conveys an image about the importance of foreign merchants in the public life of Sibiu. Accordingly, between 1405 and 1499, 6 out of 14 mayors came from German/Bohemian and one from Italian towns, and one royal judge was also of foreign origin.¹⁸⁵

¹⁸³ The Italians present in medieval sources appear almost exclusively in administrative mining roles.

¹⁸⁴ Mályusz Elemér, "Zsigmond király központosítási törekvései Magyarországon," *Történelmi Szemle* 3 (1960): 172ff. On Markus de Nürenberga see Stromer Wolfgang, "Die auslaendischen Kammergrafen der Stephanskronen – unter den Königen und den Häusern Anjou, Luxemburg und Habsburg – Exponenten des Grosskapitals", *Hamburger Beiträge zur Numismatik* 27/29 (1973/75): 93.

¹⁸⁵ On the German merchants in Sibiu see Gündisch, *Das Patriziat...*, 246-253; Gündisch, "Patriciatul din Sibiu...", Gündisch, "Die Oberschicht Hermannstadts im Mittelalter", 183-200.

<i>Name</i>	<i>office</i>	<i>years in office</i>	<i>origins</i>
Johann Ferl/Verl	Bürgermeister	1405-1411	
Andreas (?)	Königsrichter	1411-1430	
Jacob Goldschmidt	Bürgermeister	1413-1415	
Anthonius Trautenberger	Bürgermeister	1416-1417, 1440-1441, 1446	Franconia (Nürnberg?)
	Königsrichter	1431-1433	
Niklas Pfeffersack	Bürgermeister	1418-1422, 1430-1431	
Thomas Trautenberger	Bürgermeister	1423 (vice gerens), 1432.	Franconia (Nürnberg?)
Jacobus	Bürgermeister	1424-1429, 1433-1435, 1442-1443, 1449-1453.	
Georgius Hecht	Bürgermeister	1444, 1490- 1492, 1495	Danzig (Gdansk)
Johann Lemmel	Königsrichter	1444, 1448-1455	Bamberg/Nürnberg
Sigismundus mauricius	Königsrichter	1448	
Oswaldus Wenzel	Bürgermeister	1454-1458	Bohemia
Petrus de Veresmot	Königsrichter	1456-1460, 1466-1467	
	Bürgermeister	1465-1466	
Michael Zekel	Königsrichter	1462-1463	Szeklerland(?)
Stephanus Hederfa	Königsrichter	1462	Idrifaia(Héderfája, Ederholz)
Nicolaus Ziegler	Königsrichter	1464 (vice gerens)	
Ladislaus Henlin	Bürgermeister	1463-1464, 1466	
	Königsrichter	1469-1480, (1466)1467-	
Nicolaus Russe Aurifaber	Bürgermeister	1470	Thorn (Toruń)
	Königsrichter	1468 (vice gerens)	
Ladislaus Hann/Kakas	Königsrichter	1467-1468	
Thomas Altemberger	Bürgermeister	1470-1479, 1481-1481,	
	Königsrichter	1481, 1491	
Laurencius Sartor/Hann	Königsrichter	1487-1499	
Johann Agotha	Bürgermeister	1493-1494	
Nicolaus Proll	Bürgermeister	1498-1499	Florence

Fig. 1.1. The origins of the mayors and royal judges in Sibiu (1405-1499)

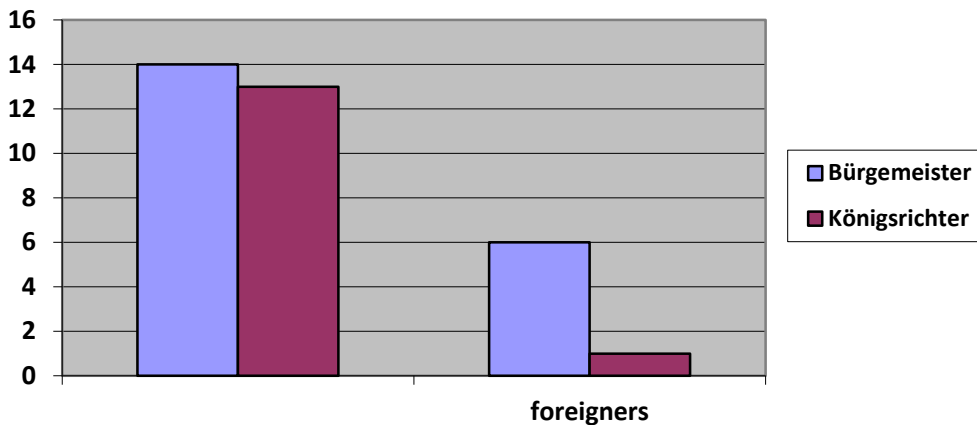


Fig.1.2. The numbers of foreigners in the offices of mayor and royal judge in Sibiu (1405-1499).

The success of the foreign investors was partly based on the economic capital they brought with them, partly on the social network that they built up locally, and also on good relations with the royal court. The process of building up social capital within the town walls reveals in many ways the features of the local elite they integrated into.

Marriage was most probably the best way to achieve integration. It not only made it easier to obtain citizenship, but conferred public esteem and reliability on both parties involved. For the local families, a marriage with a wealthy foreigner was first financial security but also a growth in prestige, since most of the foreigners, especially those in state commissions involved in mining and minting, had direct relations with the court. Thus, they had also great lobbying potential for the town, and vice-versa, the court could exercise some influence on the town through them.

Matheus de Waldo (Bardi) married one of the daughters of the mayor Jakob, and thereby not only became a member of an old and respected family, but the brother-in-law of a future town leader, Thomas Trautemberger. Christophorus Italicus' brother, the head of the mint and

bullion office in Cluj, was a brother-in-law of the mayor of Sibiu, Nikolas Aurifaber.¹⁸⁶ The assimilation process went quickly. If the family remained in town and was not absorbed into the nobility, the second generation foreigners were no longer alien and participated more actively in the public life of the town. Nicolaus Proll, for example, besides running the mint in Sibiu, being the *comes* of salt mining in Transylvania, and trading cloth from Mechelen and Nürnberg,¹⁸⁷ but also held important positions in the town: Stuhlrichter in 1494-1495 and Bürgermeister in 1498-1499.¹⁸⁸

Besides their successful assimilation, the foreign town dwellers were also mobile. Johann Lemmel came to Sibiu through Vienna and Buda. The Trautembergers went first to Sebes (Szászsebes, Mülbach) and then to Sibiu.¹⁸⁹ Christophorus Italicus started his career in Sibiu and moved later to Cluj and Baia Mare.¹⁹⁰ Although not numerous, the impact of the foreigners on the local elite was considerable; both professionally, as business partners, and also as lobbyists on different state levels they became influential persons in the town.

To sum up, one may profile the medieval (fourteenth and fifteenth centuries) urban elite in Cluj and Sibiu as follows. Both being founded towns, the first elite of Cluj and Sibiu had risen from the ranks of German *hospites*, which had close relations with the overlord of the town. Thus the early elite was a thin “layer” based more on individuals than on social groups. The real development of town autonomy and, in consequence, of self-governing, started in the fourteenth century and matured in the fifteenth century due to the urban policies of the kings and economic growth that created a new, more ambitious and self-conscious urban elite. The creation of town

¹⁸⁶ Gündisch, *Das Patriziat...*, 240-243; Gyöngyössi, Pénzgazdálkodás és monetáris politika.

¹⁸⁷ Gündisch, “Die Oberschicht Hermannstadts im Mittelalter”, 190-191.

¹⁸⁸ *Cronologische Tafel*, 122.

¹⁸⁹ Gündisch, “Die Oberschicht Hermannstadts im Mittelalter”, 191.

¹⁹⁰ Ub. VI, 341. Gündisch, *Das Patriziat...*

offices with well-defined scopes of action not only secured a better functioning of the town, but gave the *meliores* of the towns perspectives on public careers.

By the fifteenth century the composition of a distinct upper class shifted from the old lineages of town dwellers towards groups pursuing mercantile activities, new lineages of the craftsmen who had risen to affluence, and foreign merchants and investors who had the social, political, and economic capital to integrate successfully into the local community. The fifteenth century elite might be perceived as a well-defined circle of town dwellers who accessed political power mainly through the economy. By the end of the fifteenth century, the system of urban self-governance, both in Cluj and Sibiu, had reached completion; the sixteenth century only refined it.

1.2. *The town governments in the sixteenth century*

Two major events marked the sixteenth century in Hungary – the battle of Mohács (1526) and the Reformation movement – also influencing directly or indirectly the course of urban development. The catastrophe of Mohács shocked the public opinion of the time, as is expressed by Hieronymus Ostermayer, a chronicler from Braşov, who saw the defeat as the decay of Hungary and Transylvania.¹⁹¹ The following decades were indeed years of commotion; the medieval kingdom of Hungary fell apart, two kings were rivals for the remnants of the country, and the new state of Transylvania was in the making.

At the beginning of the civil war the role of the towns increased and there were moments when the towns paid attention to state matters, too, besides the general safeguarding their own privileges. After 1526 the towns again appeared at the diets. Town representatives had been invited to the diets occasionally until 1508, but after that they were completely absent until

¹⁹¹ “Chronik des Hieronymus Ostermayer”, in *Deutsche Fundgruben der Geschichte Siebenbürgens*, vol. 1, ed. Joseph Kemény (Kolozsvár, 1839).

1535.¹⁹² Later, however, the two pretenders, Ferdinand I and John Szapolyai, needed the towns' financial support for their campaigns, therefore they also turned to them, which increased the importance of the urban centres temporarily.¹⁹³ These were auspicious times for urban societies to rise and become the fourth estate, though it never happened and the towns did not manage to have a lasting influence on state matters.

After Mohács, the urban centres in Upper Hungary and Transylvania joined the party that supported John Szapolyai, although under different circumstances. Being *supremus et perpetuus comes Scepusiensis*,¹⁹⁴ i.e., the highest official of Spiš (Szepes, Zips) county and the largest landowner in the region, in 1527 Szapolyai attained the support of the Pentapolis, i.e., the League of Upper Hungarian Towns, as their overlord¹⁹⁵, in spite of the fact that the mostly German-

¹⁹² István Tringli, *Az újkor hajnala* [The Dawn of Modern Age] (Budapest: Vince Kiadó, 2003), 43; András Kubinyi, "Középkori országgyűléseink és a városok" [Medieval assemblies and towns], *Századok* 141, no. 2 (2007): 475. A long scholarly debate unfolded between András Kubinyi and József Gerics on the role and presence of towns at the general assemblies. See András Kubinyi, "Rendelkeztek-e országrendiséggel a magyar királyi szabad városok a középkorban?" [Did the Hungarian free royal towns have a role of an estate?], in *Egy emberöltő Kőszeg szabad királyi város levéltárában. Tanulmányok Bariska István 60. születésnapjára*, ed. László Mayer and Tilcsik György (Szombathely: Vas Megyei Levéltár, 2003), 55-70; idem, "A városok az országos politikában különös tekintettel Sopron szabad királyi város 725. évéről" [Towns in state affairs with special regard to 725 years free royal town of Sopron], in *Sopron térben és időben : Sopron kapcsolatrendszerének változásai*, ed. Éva Turbuly (Sopron: Győr-Ménfőcsanak-Sopron Megyei Levéltár, 2002), 29-53; idem, "Zur Vertretung der Städte im ungarischen Reichstag bis 1526", in *Städte und Ständestaat. Zur Rolle der Städte bei der Entwicklung der Ständeverfassung in europäischen Staaten von 13. bis 15. Jahrhundert*, ed. Bernhard Töpfer (Berlin: Akademie Verlag, 1980), 215-246; idem, "A magyarországi városok országrendiségének kérdéséhez (különös tekintettel az 1458-1526 közti időre)" in *Tanulmányok Budapest múltjából* 21 (1979) 7-48; József Gerics, "Középkori országgyűléseink és az európai jogfejlődés: A római jog hatása Magyarországon" [Medieval assemblies and European legal development: The influence of Roman law], *Századok* 139, no. 2 (2005): 354-366; idem, "A képviselői középkori országgyűléseken", (Representation at medieval assemblies) in *Studia professoris – Professor studiorum. Tanulmányok Érszegi Géza hatvanadik születésnapjára*, ed. Tibor Almási, István Draskóczy and Éva Jancsó (Budapest: Magyar Országos Levéltár, 2005), 119-132; idem, "Az 'ország tagja (membrum regni)' és az 'ország része (pars regni)' kifejezés középkori magyarországi használatáról," in *Jubileumi csokor Csapodi Csaba tiszteletére. Tanulmányok*. Festschrift zu Ehren von Csaba Csapodi, ed. Marianne Rozsondai (Budapest: Argumentum, 2002), 81-89.

¹⁹³ The importance of the towns was augmented in crisis also in the Middle Ages, see András Kubinyi, "Középkori országgyűléseink és a városok", 475.

¹⁹⁴ About this function see Imre Hajnik, *Az örökös ispánság a magyar alkotmánytörténetben* [The hereditary office of comes in the history of the Hungarian constitution] (Budapest: Magyar Tudományos Akadémia, 1888); Erik Fügedi, *Ispánok, bárók, kiskirályok* [Bailiffs, barons, oligarchs] (Budapest: Magvető, 1986).

¹⁹⁵ Six Upper Hungarian towns (Kassa, Eperjes, Lőcse, Bátfá, Késmárk, Késszeben) created a league for better advocacy, see István H. Németh, *Várospolitika és gazdaságpolitika a 16-17. századi Magyarországon* [Urban policy and economy in sixteenth- and seventeenth-century Hungary], vol. 1-2 (Budapest: Gondolat – Magyar Országos Levéltár, 2004), 71-207 (henceforth H. Németh, *Várospolitika és gazdaságpolitika*).

populated towns were pro-Ferdinand at heart. At that time, however, Ferdinand's power was weak in the region and the towns feared losing their privileges by standing up against Szapolyai.¹⁹⁶ Thus, this alliance was a fleeting one.

Szapolyai's support among the Transylvanian towns was stronger, however. He was the voivode of Transylvania, i.e., the governor of the province from 1510 until 1526. His relation with the towns there was completely different than with the Upper Hungarian towns, since Szapolyai's properties in Transylvania did not interfere with the interests of the major towns and he did not act as their overlord, but was still a familiar face. Although the population of the influential towns was German, still Ferdinand needed extra effort to turn them to his allegiance and yet could not wholly persuade each community. Thus, Ferdinand chose a native Transylvanian, Georg Reichsdorfer, as his agent in order to win the Saxons over to his side.

Reichsdorfer was born in Sibiu, son of Andreas Reichsdorfer who had the position of *cursor capituli Cibiniensis*.¹⁹⁷ He must have had a good example for humanist schooling when around 1520 he attended the university in Vienna and possibly Padova, where he probably studied law, since he returned to his hometown as a public notary¹⁹⁸ and became town notary in 1522.¹⁹⁹ In 1525 he was already in Queen Mary's service,²⁰⁰ who recommended him later as secretary to her brother, Ferdinand, in 1527.²⁰¹ The fast ascent of his political career not only culminated in this role, but he quickly became one of the most influential persons on Ferdinand's

¹⁹⁶ About the tense relations between Szapolyai and the towns around his assets see. H. Németh, *Várospolitikai és gazdaságpolitika*, vol. 1. 83-103.

¹⁹⁷ Official sworn messenegr of the chapter.

¹⁹⁸ He was a public notary invested both with apostolic and imperial authority.

¹⁹⁹ He bore this office probably until 1525, but the records for these years are incomplete.

²⁰⁰ DF. 245854. Johann Karl Schuller, *Georg Reicherstorffer und seine Zeit* (Vienna, Kais. Königl. Hof- und Staatsdruckerei, 1859), 10; Bernhard Capesius, "Der Hermannstädter Humanist Georg Reicherstorffer." *Forschungen zur Volks- und Landeskunde* no.10. (1967): 37; Orsolya Réthelyi, *Mary of Hungary in Court Context*, PhD Dissertation (Budapest: 2010), 104.

²⁰¹ Franz Schuller, "Urkundliche Beiträge zur Geschichte Siebenbürgens von der Schlacht bei Mohács bis zum Frieden von Grosswardein," *Archiv des Vereins für Siebenbürgisches Landeskunde* 26 (1898): 256; Réthelyi, "Mary of Hungary," 104.

policy. He undertook a diplomatic trip to Moldova and went to “convert” the Saxon towns of Transylvania. His mission started in Braşov, where, with the help of the incumbent steward, Lukas Hirscher, he convinced the council and the burghers at an open air gathering to denounce their allegiance to John Szapolyai and join Ferdinand.²⁰²

Reichersdorfer’s success was supported by his situational awareness. Although the “converting” story was linked to the Ottoman threat and the possible alliance of John Szapolyai with the Porte, it is hardly possible that this would have been enough to convince the towns to switch sides. Reichersdorfer knew that the best way possible to act upon urban dwellers is by constructing a menace to their (economic) privileges. And this threat was the possibility of losing the lease of the twentieth to the voivode.²⁰³ The customs in Transylvania were farmed out in the sixteenth century, and earlier, by the three Saxon towns (Sibiu, Braşov, and Bistriţa), which split the incomes from customs. Braşov owing to the leading position in trade, received the largest amount of money. As the documents tell, the farming out of the twentieth needed extra diplomatic efforts and the voivodes were important rivals of the towns in this matter.²⁰⁴

Although there was common support for the “deutsche Sache”, there was still a certain resistance coming from the town elites, thus Reichersdorfer knew that he had to win the burghers over to his side. He paid special attention to this in Braşov and in Sibiu. Surprisingly, winning of Sibiu’s loyalty for Ferdinand was more difficult than one might have expected. When

²⁰² “Eodem Anno ist vom König Ferdinand geschickt worden durch die Moldau ein Mann namens Georg Reichersdörfer, ein Siebenbürger, gegen Cron um dieselbigen dem Joanni abzuwenden, und welches, da er Edelleut und Zekler dahingebracht, ist er von Cronen in die Hermannstadt und hat die selbigen auch auf des Ferdinand Seiten gebracht.” “Chronik des Hyeronimus Ostermayer, 1520-1560,” in *Deutsche Fundgruben der Geschichte Siebenbürgens*, ed. Joseph Kemény (Klausenburg: J. Tilsch und Sohn Buchhändler, 1839), 11.

²⁰³ Capesius, *Georg Reicherstorffer*, 38.

²⁰⁴ In 1483 the mayor of Sibiu, Thomas Altenberger, sent a letter to Brasov urging them to act as promptly as possible to farm out the customs because the voivode had intervened at court to obtain the lease of them. *Intimavit etiam praedictus dominus thesaurarius, quod dominus noster vaivoda valde instaret apud maiestatem regiam pro dicta tricesima pro se habenda sed ipse apud maiestatem regiam secrete declarasset, quod vestris amicitii et nobis magnum gravamen inde evenire posset,*” Ub. VII. 349.

Reichersdorfer arrived at the gates of the town with an army, the town council forbade him to enter the town. Moreover, he had an open conflict with the royal judge. Markus Pemflinger, a well-known pro-Habsburg.²⁰⁵ Why the town did not want to obey Ferdinand is still a question, especially since Sibiu was later became the last stronghold of the Habsburgs in Transylvania. It may well be that the council or some councilors in Sibiu had personal dissensions with Reichersdorfer and the fact that he arrived with an army equipped mainly by the town of Braşov created further repugnance. Towns generally manifested reluctance to army lodgements of any nature.²⁰⁶ On the pressure of the citizens, the town council soon yielded. Although this attitude must have had several sides, one sees here the town interests prevailing over the political conviction of the elites, and it also shows the pressure that the community could exercise over the council.

By the end of 1527, most of the towns and the Saxon *Universitas* obeyed Ferdinand as a consequence of Reichersdorfer's powerful campaign. Cluj, however, held on to John Szapolyai and avoided Reichersdorfer's mission. Why Ferdinand's agent omitted the town from his itinerary leaves room for further speculation. Cluj had little political potential at that time from Ferdinand's point of view. No longer part of the Saxon *Universitas*, it had less influence at the state level. Being surrounded by properties of noblemen, Cluj exercised little influence outside the town. Within the walls there was a mixed population of Hungarians and Germans and the leading elite was split into two factions, thus the commitment to the so-called "German cause" was not strong, although it must have existed. The presence of foreign German merchants was

²⁰⁵ Capesius, *Georg Reicherstoffer*, 39.

²⁰⁶ István H. Németh, "Kassai polgárok és katonák a 16. században" (A hadsereg beköltözésével járó társadalmi és közigazgatási jelenségek a felső-magyarországi városok életében a Mohácsot követő évtizedek során) [Burghers and soldiers in Kassa in the sixteenth century. [The impact of the army's presence on the social life and administration of the towns in Upper Hungary after the Battle of Mohács], *Levéltári Közlemények* 68, no. 1-2 (1997): 143-144.

weak. Furthermore, the town's loyalty to Szapolyai was different from the obedience voted for by the Universitas of the Saxons.

The good relations between Cluj and Szapolyai had deeper roots than the particular situation after Mohács would have created, and this can be traced back to the repression of the peasant insurrection in 1516. The town faced the threat of ravage when the insurgent army encamped around the town walls. The story recorded in the charter issued by King Wladislaus II tells us how this crisis was handled by the governing elite. Fearing the rebels, the town council let in a group of insurrectionists and tacitly agreed with the devastation of the noble properties in town. Later the town handed over rebels to the Voivode Szapolyai. By this duplicity the town elite not only safeguarded the town but proved their loyalty to the crown.²⁰⁷ However, the collective memory of the town recorded Szapolyai as the protector of the town in this event, a legend that must have been vivid among the citizens, since they marked this event even on architectural details.²⁰⁸ Furthermore, the nobility, which had more influence on Cluj than on other major towns, was genuinely pro-Szapolyai. Hence, in the anarchical period between 1527 and the treaty of Oradea (Várad, Grosswardein)²⁰⁹ in 1538, an alliance existed between

²⁰⁷ JakabOkI I. 340.

²⁰⁸ An epigraphil inscription from a ledger for the Platea Pontis has remained: Tempore Secte Cruciate Do. Johan Zapolya Voivode Triumphanti Fauste. Bernardus Piktör LVXIII, Jakab, Kolozsvár története, vol. 2., 609.

²⁰⁹ According to the Treaty of Oradea, signed on 24 February 1538, John Szapolyai acknowledged Ferdinand as king of the Hungarian Kingdom, and accordingly after King John's death the territories under his reign passed to Ferdinand. The Habsburgs' right of inheritance over the Hungarian crown was also recognized. The treaty, however, worked only partially. King John married the daughter of the Polish king, Izabella, who gave birth to a boy shortly before John's death, in 1540. Thus, King John had a heir, and that changed a great deal. George Martinuzzi (Fráter), diplomat of King John, who had a crucial role in signing the Treaty of Oradea, abjured the agreement, which was followed by the recurrence of the conflict. In 1541 the army of the Porte occupied Buda, and this date is considered the date of the Hungarian Kingdom breaking into three parts: the middle part became part of the Ottoman Empire, the eastern territories functioned separately as a vassal of the Porte, and the remained territories of the Hungarian Kingdom were ruled by Ferdinand. It was not yet the beginning of the Transylvanian Principality, legally speaking, but it was the start of this process. Presenting the creation of the new state of Transylvania would go beyond the scope of this thesis; for more on this topic see Zsolt Trócsányi, *Erdély központi kormányzata*; Gábor Barta, *Az erdélyi fejedelemség születése* [The Birth of the Transylvanian Principality] (Budapest: Gondolat Kiadó, 1979); Gábor Barta, *Vajon kié az ország?* [To Whom does the country belong?] (Budapest: Helikon 1988); Gábor Barta, *A Sztambulba vezető út, 1526–1528* [The road to Istanbul] (Budapest: Magvető Kiadó, 1983); Teréz Oborni, "The Country Nobody Wanted: Some Aspects of the History of Transilvanian Principality," in *Specimina Nova Pars*

Szapolyai and Cluj. The incumbent town elite took a risk when they kept supporting the voivode's party, although the Transylvanian towns joined Ferdinand. Apparently their strategy worked well and there were no serious consequences when Szapolyai left Transylvania in 1528.²¹⁰ The short period of Ferdinand's rule over Transylvania passed unmarked in the history of Cluj. The charters preserved in the archives of the town include hardly any documents from Ferdinand. The scarcity of documents might have been caused by destruction or loss, however, it is hardly possible that every charter granted by Ferdinand has perished while the rest remained in reasonably good condition. Moreover, the inventory of the charters from 1592 does not mention such documents either.²¹¹ The silence of sources may reflect a silence in the diplomatic affairs of the time. The town probably did not cherish any relations with the Hungarian king while Ferdinand was too busy with the permanent Ottoman threat and the different theatres of operation to be preoccupied with a town of little influence.

Conversely, Szapolyai left an important "footprint" in the history of Cluj. Between 1526 and 1540, in only 14 years, the town received 12 privileges, letters, and confirmations from him, some of them of major importance. In one of them a sentence explicitly refers to the loyalty of the town.²¹² The phrasing of it was probably the work of the elite, since the privilege from 1527 was issued in Cluj on the 28 October, thus only a few days after Sibiu left Szapolyai's alliance and joined Ferdinand. The leaders of Cluj knew very well that this was a prosperous moment for

Prima. Sectio Mediaevalis II. Pécsi Tudományegyetem Középkori és Koraiújkorai Történeti Tanszékének történeti közleményei (Pécs, PTE, 2003), 101–108, "From Province to Principality: Continuity and Change in Transylvania in the First Half of the Sixteenth Century", in *Fight Against the Turk in Central-Europe in the First Half of the 16th Century*, ed. István Zombori (Budapest. METEM, 2004), 165–180; Pál Fodor, *A szultán és az aranyalma: tanulmányok az oszmán-török történelemről* [The sultan and the golden apple: Studies on the Ottoman-Turkish History] (Budapest: Balassi Kiadó, 2001), 392–398.; Gábor Kármán, "Transylvania Between the Ottoman and Habsburg Empires", in *Statehood Before and Beyond Ethnicity: Minor States in Northern and Eastern Europe, 1600–2000*, ed. Linas Eriksonas, Leos Müller (Brussels: P.I.E.–Peter Lang, 2005), 151–158.

²¹⁰ Géza Pálffy, *A Magyar Királyság és a Habsburg Monarchia a 16. században* [The Hungarian Kingdom and the Habsburg monarchy in the sixteenth century], 50–147.

²¹¹ *Index Privilegiorum*, 1592.

²¹² *Soli ciues et incole Ciuitatis huius nostre Coloswariensis inter omnes Ciuitates Saxonum inventi sunt. Qui non precio, non promissis, non persuasionibus, non motu, non denique ullo calamitatis terrore.* JakabOkl I., 368.

stressing their fidelity and acquiring new advantages. Szapolyai's presence in the town in those days, however, might not have been propitious at all, but he wanted to counterbalance Reichersdorfer's action in the Saxon towns.²¹³ Without going into detail one may assert that the commitment of the towns to political actors was more influenced by their economic interests than national sympathy or wider political events or state affairs. Safeguarding and enlarging their privileges was the most important task of the serving urban leaders. Thus, the positions of Cluj and Sibiu in the throne fights was determined by the geo-economic circumstances and the leverage the competing parties had over the town elites.

There was no direct intervention in the structure of the leading groups or no violation of the election procedures during the period after the battle of Mohács. Moreover, there are only two cases when such interventions were recorded; one happened before Mohács in Sibiu in 1522, when King Louis II overruled the free election of the royal judges in Sibiu by appointing Markus Pemflinger to this position. The second case occurred in Cluj in 1603, when Ferdinand II forced the council of the *centumviri* to elect a Catholic to the top of the town. In the period between these events, town councils functioned according to the established medieval models; the sixteenth-century additions only perfected the functioning of the town governments.

1.2.1. The legal background of the town governments

The town administration of Cluj functioned according to the Buda town regulations starting from 1458, when the council of Buda sent a letter with the copy of some articles. Later the whole book of the Buda town law (Ofner Stadtrecht) was copied and, according to the present state of research, this copy (referred to in the secondary literature with the abbreviation

²¹³ For a more detailed analysis of the relations between court and town, see the chapter 3.

Bp.) still exists in the holdings of the Budapest Municipal Library.²¹⁴

The law book is a compilation of different German laws and the privileges granted to medieval Buda and was edited by three hands between 1403/1404 and 1421.²¹⁵ It touches upon the eligibility of the town leaders, the election of the councilors and the administration of the town, upon trading, upon the norms of inheritance, family and property law, private and penal law and jurisdiction. Thus, this extensive compendium of town regulations helps in many respects to reconstruct the functioning of the early modern town of Cluj, since the Buda town law remained the main guiding principle of the town at least until 1660, when the town lost its free royal status. Certainly, when needed the articles were adjusted to the local conditions and needs through new council resolutions.

Three such resolutions, i.e., town regulations are known in Cluj in the sixteenth century. The first one was adopted by the council of the *centumviri* in 1513. It has 11 articles and refers mainly to juridical matters, but it also stipulates the tax exemption of the judges and councilors and the conditions when *centumviri* were excluded from the council.²¹⁶

The second set of regulations was larger and more extensive than the previous one.²¹⁷ Implemented in 1537, on the occasion of the annual judge and council election, the document contains 45 articles and bears the characteristics of a “council-brainstorming” without a clear concept and without following a certain order of topics. It may well reflect the order in which the problems were discussed and adopted, which are predominantly connected to the election, work and behaviour of office-holders, taxation matters, town properties, and a few articles dealing

²¹⁴ Szabó Lőrinc Library, *Budapest-gyűjtemény* [The Budapest collection] B 0910/60.

²¹⁵ András Kubinyi, “Budapest története a későbbi középkorban Buda elestéig (1541)” [The History of Budapest in Later Medieval Times until the Fall of Buda (1541)], in *Budapest története a késő középkorban és a török hódoltság idején*, ed. László Gerevich and Domokos Kosáry (Budapest: Budapest Főváros Tanács, 1973). Mollay set the date between 1403-1439. Mollay, *Das Ofner Stadtrecht*.

²¹⁶ Fasc A. no. 8.

²¹⁷ JakabOkl I.

with jurisdiction, guilds, and trading. The Latin text was translated into Hungarian in 1587, probably for better use in everyday life.²¹⁸

The *Leges Consuetudinariae seu constitutiones publicae* from 1588, combined as its title also shows, the customary and constitutional laws of the town. Basically, it reflects the process when the customary law of the town was integrated into written law and denotes a high stage of urbanization and self-government where there was a need for precisely set norms and this need went beyond the secular traditions of a community. These regulations contain only juridical articles on legal summons, the parties in litigation, the legal process, premises and proofing procedures, testimonies, the deliberation of sentences, appeals, and executions.²¹⁹

The three town regulations in the sixteenth century thus implicitly reflect an evolutionary span over the century. They started with a document containing a few articles, followed by a more extensive one, but still randomly edited, and by the end of the century well defined rules of juridical procedures had been compiled and adopted *pro bono et utilitate Civitatis*. In between, ad hoc by-laws were added in council meetings, mostly regulating one matter at a time. In 1586 the *centumviri* decided that the date of the election of the *centumviri* should precede the election of the town council and the two judges in order to give enough time for the newly elected members to prepare for the council election.²²⁰

The development of urban laws in Sibiu was closely related to the legal development of the Saxon nation. The first codified set of laws, the so-called *Altemberger-Codex*, was compiled in the fourteenth century with additions in the fifteenth, and bears the name of Thomas Altemberger, the mayor of Sibiu between 1470 and 1490, who brought it to the town from

²¹⁸ JakabOkl II., 133-137.

²¹⁹ JakabOkl II., 144-159

²²⁰ TanJkv. I/5. 20.

abroad.²²¹ The richly illuminated law compendium, elaborated maybe in Vienna or Buda, or Italy, according to recent findings, became the town's point of reference and also a symbolic object of sixteenth-century council elections. The councilors pledged the oath with their hands on it. It consists of three parts: passages from the *Swabenspiegel*, the Magdeburg law and the *Iglauer Recht*.²²² Thus, similarly to the Buda town law applied in Cluj, it had no specific local features, but created a legal standard for implementing the customary habits into the legal procedures of the town council. The local peculiarities were later adapted to it, thus the tradition of election was not included, but normalised separately in council resolutions.

Such a normative document was also created besides the *Altenberger Codex*. In 1464 a local statute was adopted of which only a fragment remains.²²³ It was probably written in a *Stadtbuch* which perished or was thinned and only this page was kept by the later incumbents, since it may have been the first council resolution electing officeholders. It has a similar random character as the local statutes in Cluj and follows the order of the discussions held in the council meeting where it was adopted. Thus, the resolutions referring to the election, i.e., an issue that affected the governing of the town, was preceded by a resolution concerning the obligation of each citizen to participate in the communal work in the town.

Accordingly, it was established that a mayor could not be seated (*setzen*) or elected for

²²¹ Dirk Moldt, *Deutsche Stadtrechte im mittelalterlichen Siebenbürgen. Korporationsrechte – Sachsenspiegelrecht – Bergrecht*, (Cologne: Böhlau Verlag, 2009), 215-216.

²²² Text edition Gustav Lindner, *Der Codex Altenberger, Textabdruck der Hermannstädter Handschrift*, (Koložsvár: EME, 1885) rev. ed.: *Der Swabenspiegel bei den siebenbürger Sachsen*, ed. Gustav Lindner and Karl August Eckhardt (Aalen: Scientia, 1973); Deeper analysis by Ludwig von Rockinger, "Der sogenannte Schwabenspiegel als Nürnberger Rech," in *Sitzungsberichte der historischen Klasse der Münchener Akademie der Wissenschaften* (Munich: Akademie Verlag, 1894), 124-147; Radu Constantinescu, *Codicele Altenberger* [The Altenberger-Codice] (Bucharest: Meridiane, 1988). This book should be consulted with due caution because of the forced interpretations and mistakes.

²²³ Ub. vol. 2., 170-171.

more than two consecutive years²²⁴, a resolution that clearly was not adhered to, since as will be discussed below, there is no example of regular two-year terms alternating among incumbents on the top of the town.²²⁵ Moreover, such resolutions or practices are not known from other Transylvanian towns nor in Western European contexts. It would be interesting to find out if the formula “*setzen oder erwählen*” in the text was just a rhetorical construction or the order of the words, whether the use of this formula meant a kind of duality in the electing procedures. Was not every incumbent of this office elected?

The seating of the mayor and the council was a separate investiture act after the council election. Whether the scribe referred to this act or not is impossible to discern at this distance of time. However, the fact in itself that the council tried to limit the power of the mayors by trying to impose alternating two-year terms in this office and that this phrase appears in this way might well denote that there were malfeasances and misuses of power in this office or in the other offices, since the two-year term in office was introduced for the town judge’s and steward’s offices as well. There is only one reference to the office of the royal judge, since at that time it was not a freely electable office. According to the resolution, a royal judge could not be elected or raised to the office of mayor since it was against the customs of the town²²⁶ and might have created a threat to the town’s autonomy. Election could be declined and was required of the designated person; otherwise he was heavily fined. This not only applied to the high offices of the mayor, town judge, and steward, but also to the members of the outer council (*Genannten*).

²²⁷ In 1548 another statute was adopted concerning the election of the mayor, but unfortunately

²²⁴ “Item keyn burgermeyster sal vber czwey iar burgermeyster sein nocheinander, albeger vber czwey iar sal man ein newen burgermeyster seczen ader erwelen auff das der rath des lands vnd der statt nicht vorgessen werd vnd auch dy recht.” Ub. vol. 2. 171.

²²⁵ See the archontology of Sibiu between 1522-1600 in the appendix. For the medieval period *Cronologische Tafel*.

²²⁶ “...wenn es ist von altersher nicht recht gewest” Ub. vol. 2. 171.

²²⁷ “...der sal das nicht turren wider reden, es wer dann gross sach sub pena funff markz sylber,” Ub. vol. 2. 171.

this document is no longer extant, thus the changes in the election process are not known.²²⁸

At the request of the Saxon Universitas, in 1560 Thomas Bomel assembled a set of laws in 30 articles called *Statuta iurium municipalium Civitatis Cibiniensium, reliquarumque civitatum et universorum Saxonum Transsilvanicorum*, which remained in manuscript and was completed and published later by Matthias Fronius. The *Statuta iurium municipalium Saxonum in Transylvania* was edited in Braşov in 1583 after it was confirmed by Stephen Báthory, prince of Transylvania.²²⁹ The law book, structured in three parts (books), covers the legal procedures in private, family, and criminal law. The articles of the first title (*De electione et officio iudicum*) define some general principles for the election and office of the judges. This was only general, since the *Statuta* did not pertain only to Sibiu, but to the whole Saxon Universitas (*universi Saxones in Transsilvania, civitatum scilicet septemque et duarum sedium*) and mentions that each community elected its leaders according to its own customary laws (*approbata vetus consuetudo*).²³⁰

Summing up, one may assert that in spite of some differences the development of the legal system in medieval and early modern Cluj and Sibiu was rooted in German urban laws transferred into an Eastern European context and privileges granted by the Hungarian kings.

²²⁸ *Protokollbücher der Sächsischen Nationsuniversität*, vol. 5 (cca. 1547-1665), 17. *Index in Hermanstadt und Siebenbürgen. Die Protokolle des Hermanstädter Rates und der Sächsischen Nationsuniversität (1391-1705)* (Sibiu: Honterus Verlag, 2007), 174.

²²⁹ *Statuta iurium municipalium Saxonum in Transylvania*. Opera Matthiae Fronii (Corona: Greus, 1583); Friedrich Schuler von Libloy, *Statuta iurium municipalium Saxonum in Transsilvania. Das Eigen-Landrecht der Siebenbürgischen Sachsen I.* (Hermannstadt: Joseph Drotleff, 1853); Felix Sutschek: *Das deutsch-römische Recht der Siebenbürger Sachsen (Eigen-Landrecht). Aus der Rechtsgeschichte Siebenbürgens*. Stuttgart: Selbstverlag, 2000.

²³⁰ 1: ... Suos magistratus, magistrum nempe Civium, Iudices et villicos, singularis annis post festa nativitatis domini, per libera et communia suffragia, ex ipsorum juratis „eligant“, cetero veri jurati per recens electum Magistratum pro antiqua cuiuslibet loci consuetudine eligantur tales, qui rebus publicis ipsorum indonei et utiles fore videntur, atque post anni decursum, muneribus defuncti, administrationis suae honestam Senatui rationem reddere possint. 2: Necessarium et utile visum est, ut in electionibus certi observentur gradus, nam honorem sustinenti, munus imponi non debet munus veri sustinenti honor deferri potest. Maioribus enim honoribus functos ad minores revocari non oportere rationis est, hoc addito, ut approbata vetus consuetudo, pro loci et temporis ratione, cuique salva permaneat, Schuler von Libloy, *Statuta iurium municipalium Saxonum in Transsilvania*, 19.

Thus, it fits the general legal development of urban settlements, not only in Hungary or Transylvania, but in many countries of Western Christianity.²³¹ The structure of the inner governance then was adjusted to the local needs and circumstances, The urban administration and jurisdiction evolved keeping the medieval traditions that were only burnished in the sixteenth century in spite of the great political and religious turmoil, which had no major impact on them.

There were no important gaps between the legal development of the urban self-governing and jurisdiction of the two towns, even though they had different courses of growth. This may lead to the assertion that the implementation of codified laws and the use of literacy in town administration reflected a stage of development of urban mentalities rather than the advance of urban status or economic growth. Cluj became a free royal town in 1405; Sibiu had this status from its foundation, and yet the maturity of town autonomy in both places can only be detected in the second half of the fifteenth century and its completion in the sixteenth century.

Although of great importance, additional town rules did not change the set-up of the town governing systems. The two-tier administration and jurisdiction was based on the representative bodies of the town council (inner council, lower council, council of the twelve jurors, Stadtrat) and the larger council of the *centumviri* (council of one hundred, Hundertmannschaft) all of which had medieval origins.

²³¹ The topic of Ostsiedlung and the transfer of so-called German-law to an East European context has a vast bibliography. For an overview see Katalin Gönczi, "Städte des Magdeburger Rechts in Osteuropa" in *Städtische Räume im Mittelalter*, ed. Susanne Ehrich and Jörg Oberste (Regensburg: Schnell & Steiner, 2009), 181-193; Olga Kozubska-Andrusiv, "Ius Theutonicum Magdeburgense in Ruthenian Privileges in the Fourteenth and the Fifteenth Century," in *European Cities of Magdeburg Law: Tradition, Heritage, Identity* (Cracow: Muzeum Historyczne Miasta Krakowa, 2007), 154-158; Olga Kozubska-Andrusiv, "German Law in Medieval Galician Rus (Rotreussen)," *Zeitschrift des Max-Planck instituts für europäische Rechtsgeschichte* 13 (2008): 25-46.; *Historiographical Approaches to Medieval Colonization of East Central Europe: A Comparative Analysis against the Background of Other European Inter-ethnic Colonization Processes in the Middle Ages*, ed. Jan M. Piskorski (New York: East European Monographs, 2002); *Studien zur Geschichte des sächsisch-magdeburgischen Rechts in Deutschland und Polen*, ed. Dietmar Willoweit and Winfried Schich (Frankfurt am Main: Peter Lang, 1980).

1.2.2. The structure of the town governments

1.2.2.1. The council of the *centumviri*

Based on the town privileges, the community of the town dwellers approved the legitimacy of the town council, the executive body of the town, at least theoretically.²³² Or, as Edith Ennen put it, the town council and the community were subordinate to each other.²³³ Whether the election of the councilors was in the hands of a small group of privileged citizens or the whole community participated depended on the rank, social and economic status of the town.²³⁴ Thus, the extent and structure of the electing body – called *commune* (Gemeinde, község) in most cases or the *assigned burgers* (Genannten) in both Western and Eastern contexts – differed from town to town and consequently the enfranchisement of the townspeople varied. In Western Europe, especially in the German towns, the composition of the elective bodies changed considerably after the guild riots (Zunftkämpfe) of the fourteenth and fifteenth centuries, and consequently the guild members became important decision-makers in urban governing for longer or shorter periods.²³⁵ In some urban centres the commune meant verbatim the whole community (e.g., Berlin) or the larger part of the unentitled “inferiors” (Untertanenschaft) (e.g., Münster, Zürich), while in other places it was restricted mostly to the wealthiest merchants or craftsmen of the town (e.g., Minden, Augsburg, Regensburg, Ulm).²³⁶ In scholarly terminology the phenomenon of turning from a community as a spectator of town governance to a politically active commune has been called *communalism* (Kommunalismus) by

²³² Isenmann, *Die deutsche Stadt*, 136.

²³³ Ennen Edith, *Die europäische Stadt des Mittelalter,s* (Göttingen: Vandenhoeck and Ruprecht, 1972), 105.

²³⁴ Ennen, *Die Europäische Stadt*, 106.

²³⁵ On this matter see Peter Blickle, *Unruhen in der ständischen Gesellschaft 1300-1800*, (Munich: Oldenbourg Wissenschaftsverlag, 1988), 7; Wilfried Ehbrecht, “Hanse und spätmittelalterliche Bürgerkämpfe in Niedersachsen und Westfalen,” *Niedersächsisches Jahrbuch für Landesgeschichte* 48 (1976): 77-105.

²³⁶ Eberhard Isenmann, “Obrigkeit und Stadtgemeinde in der frühen Neuzeit”, in *Einwohner und Bürger auf dem Weg zur Demokratie. Von den antiken Stadtrepubliken zur modernen Kommunalverfassung*, ed. Hans Eugen Specker (Ulm: Kommissionsverlag W. Kohlhammer, 1997), 74-126.

Peter Blickle. Communalism is meant to define the influence the townspeople exerted in an institutional form over the leaders of the town. Notwithstanding, the involvement of the commune happened to different extent in each town; from practically non-existing involvement in Nürnberg to full control in Augsburg or Münster. The institutionalization of communalism started with the appearance of the so-called outer or larger councils. These aldermen were the assigned burghers (*Genannten*) of the whole community. In most cases these bodies were simply referred to according to the number of seats. The most common was the council of 100 aldermen (*centumviri*), but there are examples of larger councils (in Zürich and Vienna until 1522 the *gremium* had 200 members) or smaller ones (in Vienna after 1522 the number of seats was reduced to 76; in Košice the number reached 60).²³⁷ In the smaller Transylvanian towns (e.g., Oraştie/Szászváros, Sebedş/Szászsebes) usually 60 councilors were elected.²³⁸

In the Transylvanian towns of Cluj and Sibiu the institutionalization of the larger representation must have happened in the fifteenth century. The first mention of an outer council in Cluj is from 1441 in the form of *sexaginta consules*.²³⁹ A corporate body besides the town council must have existed earlier, too, and it is often referred as the whole community – *tota communitas* – corresponding to the *Gemeinde* of the German towns.²⁴⁰ This institution, although it guaranteed the legitimacy of the town council, probably had little direct say in the governing of the town. Similarly to the German towns, there was probably a body of *Genannten* of assigned burghers among the commune who determined the election process. In 1405 this group of

²³⁷ Uwe Goppold, *Politische Kommunikation in den Städte der Vormoderne. Zürich und Münster in Vergleich*, (Cologne: Böhlau, 2007), 46; H. Németh István, *Kassa város archontológiája. Bírák, belső és külső tanács. 1500-1700* [The Archontology of Kosice. Judges, Inner and Outer Council] (Budapest: Szentpétery Imre Történettudományi Alapítvány), 2006.

²³⁸ Müller, *Stühle und Distrikte*, 76.

²³⁹ ...sexaginta consulum, alio vocabulo sexagenariorum ipsius civitatis Clwswar pro cuncta ipsius civitatis communitate emmisso, Makkai, *Kiadatlan oklevelek*, 22; Ub. vol. 5, 81.

²⁴⁰ 1493, 1370, 1404.

“electors” is defined as *seniores et homines possessionati*.²⁴¹ Thus, there was a council of elders which probably assured the continuation of the local customs and controlled the legality of the election. Participation in the elections was allowed only for those who owned property in the town, citizens of the town. The existence of a council of elders is attested much earlier, in 1369, when it appears in the formula *iurati et universi seniores Coloswariensis*.²⁴² It probably functioned as an advisory board to the town council, which formed the outer council (of 60 persons in 1441) from among the citizens of the town. Although the electoral council existed in 1441, the rules of participation were not yet set; the exact procedure of the election was still undefined and open to fraud and manipulation. Still, there was a clear need for a larger representation, since the town had grown significantly not only in demographic terms but also in economic power. Moreover, the election of judge Jacob Mün in 1438 depicts a completely different picture than one might assume after the 1405 charter had been issued. Mün was elected by the members of the town council (*iurati cives*) and by some citizens (*hospites*) gathered at the house of Paulus Zenner.²⁴³ Thus, not only the principle of free election neglected, but the town council acted here as electoral body. Moreover, the charter mentions only the *hospites* besides the council members, not the community of townspeople. Historians have defined this term (in the 1314 charter *hospites et Saxones*) as the community of the old colonists plus the *populi castri* at the time of settlement the thirteenth century).²⁴⁴ The fact that this term persisted through the Middle Ages and other terms were simply joined to it extending the resolution of the charters to the whole community, demonstrates once again that there was a powerful old group that controlled the inner politics of the town. The case from 1438 shows that voting was

²⁴¹ JakabOkl. I. 124.

²⁴² JakabOkl I. 63.

²⁴³ DL 36390, 3. no. 2.

²⁴⁴ Makkai, “Társadalom és nemzetiség a középkori Kolozsváron”, 108-110.

restricted to a certain group of citizens and the greater participation of the commune stipulated in 1405 was not functioning. The situation started to change with the introduction of the parity system in 1458, when the number of seats was raised to one hundred – and from then on it remained unchanged until modern times – and was equally split among the Hungarian and Saxon citizens. By this measure Cluj joined the most important towns – Sibiu, Braşov, Bistriţa, Mediaş and Sighişoara – in this respect.²⁴⁵

The 1458 charter, however, not only marked the end of a period, but made clear once again the ethnic composition of the old group, which was mixed, not only of Saxon origin, as has been asserted many times in the secondary literature; here the term *hospites Hungari* appears explicitly. Although the legal framework for a shift in the social structure of the town elite was created, in practice it happened after the town received the right to use the Buda town law (1458) in the administration of the town and started to implement it (1488). Accordingly, the body of the *centum electi* became the real electoral body of the town; its members were recruited from the quarters (the administrative units of the town) and from the guilds.²⁴⁶ The access of the craftsmen to the political life of the town demonstrates the existence of powerful crafts and craftsmen and marked a change in the composition of the town elite. After 1504 the term *hospites* disappeared from written documents.

An elected *centumvir* had to be *paterfamilias* with a good economic background (*bone conditionis*), a good reputation (*fame laudabilis*), and decency (*honeste vite*) and considered by the town council to be of service to the town.²⁴⁷ The mandate was for life-long membership and only in special cases could an elected *centumvir* be replaced. Such circumstances were the afflictions of old age, the inability to demonstrate legitimate birth, or actions against the

²⁴⁵ Müller, *Stühle und Distrikte*, 76.

²⁴⁶ JakabOkl I. 282.

²⁴⁷ JakabOkl I. 282.

privileges of the town or the good reputation of the council.²⁴⁸

As the most important representative body of the town, the council of *centumviri* not only elected the town council and legitimated its functioning by conveying the wishes of the townspeople, but determined the whole administration of the town. It was the legislative body of the town; every change in the existing laws and procedures had to be adopted by the *centumviri*. Thus, the outer council had indirect influence on the jurisdiction of the town council as well by creating the legal framework defining illicit actions or infraction of laws.²⁴⁹ Sometimes the loopholes in the law created by particular cases had deeper implications for the course of justice; when members of the town council were the victims or the offenders, the *centumviri* become involved. Thus, when dissent was growing inside the town council, the *centumviri* played the role of peacemakers. Resolutions concerning their own activity were also adopted in the meetings of the *centumviri*. The mutual election of the *centumviri* and the town council, however, created some kind of inner control over one over the other.

The *centum electi* not only adopted new town statutes or created special by-laws; their duty was also to ensure the observance of the privileges. In 1570 there was a discussion between the town council and the *centumviri* over the scope of action of the two councils in case the privileges were violated. At that point the *centumviri* shunned this task, but later practice shows that this matter remained under their charge. Special attention was paid to forbidding the import of foreign wine and to deter selling real estate to nobles.²⁵⁰

The council watched the interests of the town closely. They gave a free hand to the town

²⁴⁸ In 1578 two elderly men were deposed who were ill and could not serve the town, TanJkv. I/3. 179. The town statute in 1537 disposed the expulsion from the council the members who could not prove their decent origins.

²⁴⁹ At this point I cannot agree with László Pakó, who asserted that the council of the *centumviri* and the town council together exercised the law in the town, the town council being the equitable forum while the *centumviri* were more flexible in their decisions. In my view, the council of *centumviri* had a pure legislative duty, and the occasional juridical implications were rather covering jurisdictional loopholes. László Pakó, "Hatalmi konfliktus vagy testületi összefogás?"

²⁵⁰ TanJkv. I/5.95.

council to sue debtors of the town²⁵¹ and to recover estates in abeyance of deceased citizens.²⁵² To safeguard the good image of the town and the security of the citizens, the council ordered punishments for actions breaking the peace and identified beggars in the town.²⁵³ Besides the particular and accidental cases, among the regular tasks of the centumviri was imposing public dues (*designatio tributorum publicorum*). The aldermen decided on the amount of money that equalled one dash (tally mark) (*dica*).²⁵⁴ This process was complex, starting at the request of the judge of the town according to the needs of the administration, occasional expenses or requests coming from the court. The *centumviri* decided whether there was a real demand for imposing extra taxes or whether the town had sufficient resources to cover the imminent expenses. Each year the elected *revisitores dicae* established the dashes for each taxpayer and revised the *cartulae* (notes) with the debts of the town to the citizens.

Although there are no sources about the duties and rights of the *Hundertmannschaft* in Sibiu, I assume that it had similar authority in appointing urban office-holders such as the hospital master (isptálymester, Spitalsvater), market judges (vásárbíró, Marktrichter), and church vergers (egyházfi, Kirchengvater). There is only one later example of duplication of offices in Sibiu (i.e., that an office was held by two persons simultaneously). It can be assumed, however, that for more transparent functioning, the offices for especially taxation or other important matters of town resources were doubled as they were in Cluj, even if this was not a regular practice in Sibiu.²⁵⁵

²⁵¹ TanJkv. I/5. 134, 255v; Pakó “Hatalmi konfliktus vagy testületi összefogás?”, 77.

²⁵² TanJkv I/5. 220.

²⁵³ Much ado was created each year by the nightly carousers, card-players, foulmouthed persons and even the carnivalers. TanJkv I/3. 143. 1/4. 3. 15. I/5.2, 3, 6, 21v.-22, 35v, 49v, 61v, 63-64, 105-106, 198.

²⁵⁴ Each house-owner paid his taxes according to the value of his assets and wealth. Most common was the half or one dica.

²⁵⁵ There is only one piece of data that between 1631 and 1634 every office related to the twentieth was doubled (Zwanzigherren, Zwanzigschreiber). *Hermanstaedter Lokal-Statuten*, ed. Gustav Seivert (Hermannstadt: Steinhausen, 1869), 46; Müller, *Stühle und Distrikte*, 84.

Being the legitimating body of the town council, the *centumviri* also had the duty to oversee the proper functioning of the council and other offices of the town. In 1571 and 1575 they mediated in a conflict between the councilors and the town judge, admonishing obedience and execution of duties before the divergences came to the community's knowledge.²⁵⁶ Such controversies made it necessary to adopt preventive resolutions by consolidating the authority of the judges over the town council.²⁵⁷

The decisions of the *centumviri* were compulsory for the judges and the town council. Although there were feeble attempts to influence the decision-making process, the outer council of the town kept its dominance firmly over the governing. Moreover, it controlled the municipal policy towards the king of Hungary or the prince of Transylvania, too, by electing the envoys to court and establishing the matters the emissaries had to negotiate on.

The population of the town had no direct contact with this council, but their problems could be brought in front of the 100 men through the town council; the citizen addressed his problems (in written form) to the town council which mediated it forward.²⁵⁸ Complementary offices were also controlled by the *centumviri*, since they appointed the office-holders according to the principle of parity and elected the parish priest of the town.²⁵⁹

The role of the *centumviri* in the self-governing of Sibiu was in all likelihood not as strong as in Cluj. This supposition is based on at least two observations. First, the town council/magistrate was also the main quorum of the Saxon University, so it had power that went beyond the town walls; second, the surviving town book with the resolutions of the magistrate shows that matters which were adopted by the *centumviri* in Cluj were controlled by the

²⁵⁶ TanJkv. I/3. 39. 115v, 116v, 118-119.

²⁵⁷ TanJkv I/3. 1572, 1585, 1592.

²⁵⁸ TanJkv I/2. 44.

²⁵⁹ The complementary office will be discussed separately below.

magistrate, i.e., the twelve councilors, in Sibiu.²⁶⁰

The weak power of the *centumviri* in Sibiu might have misled Antal Verancsics (1504-1573), the royal governor, diocesan and humanist writer, who did not mention the existence of a council of *centumviri* in Sibiu in his short summary about the urban self-governments in Transylvania.²⁶¹ The importance of the *Hundertmannschaft* grew proportionally with the fading of the political importance of the magistrate on state matters and by the middle of the

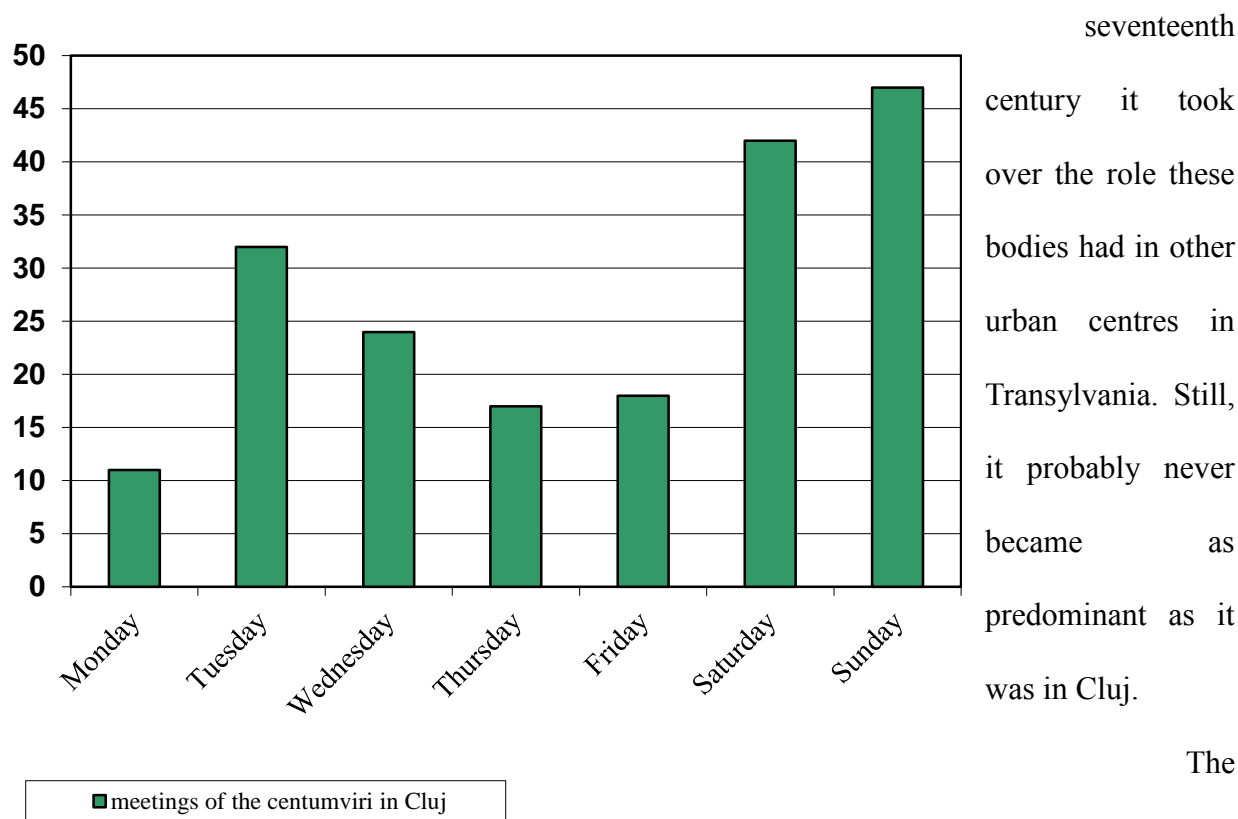


Fig.1 3. The frequency of the council meetings by days between 1570 and 1580.

larger representative body of the town of Cluj took place in the upper room of the town hall. The regular meetings met once a month, or every two weeks if there were too many questions to

²⁶⁰ Matters regarding poor-relief, schoolmaster election, public buildings and supervision, acquisitions of houses, marriages, were on the agenda of the town council in Sibiu, while such matters in Cluj were exclusively controlled by the centumviri.

²⁶¹ Verancsics Antal, "Magistratu sepm. Civitatum Transylvanarum", in Verancsics Antal, *Összes munkái*, (Opera omnia), ed. László Szalay and Gusztáv Wenczel (Budapest: MTA, 1875), 35-37.

debate.²⁶² A closer analysis however, revealed that the *centumviri* were often called together twice in a month, but never more than four times. The most suitable days were the weekends, Saturday and Sundays, but many gatherings were also called for Tuesdays. On a monthly scale the meetings were more frequent between January and March and in December, while during the months of spring field work, grain or grape harvest, the *centumviri* met less often or not at all. Although similar investigations are not possible for Sibiu, a similar pattern must have applied there, too. Agriculture was one of the main sidelines of the urban community in Sibiu too, thus the meetings of the town were probably adjusted to the calendar of the field work.

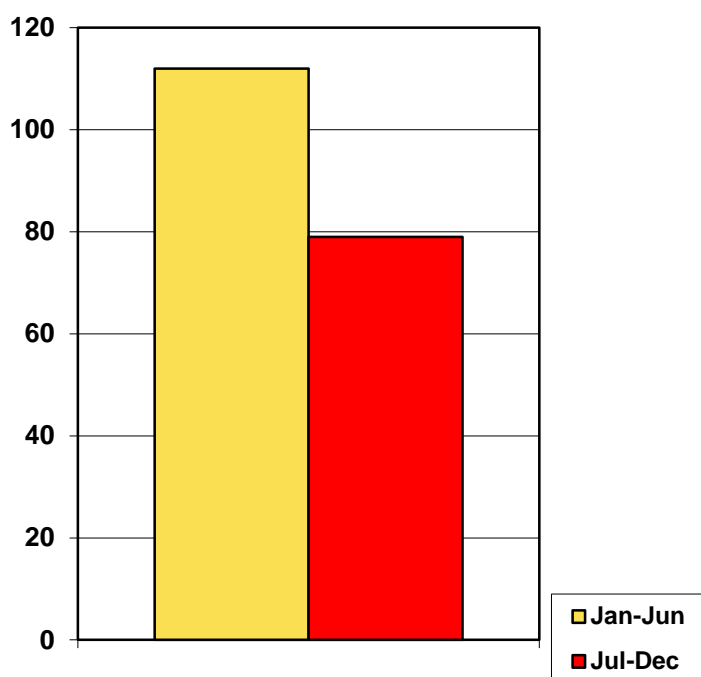


Fig.1.4. The frequency of the meetings in Cluj (1570-1580).

The course of the meetings started with the calling of the *centumviri*. The aldermen of the larger council in Cluj were notified in writing in advance on short scripts that were distributed by

²⁶² TanJkv I/4. 16.

the town servants.²⁶³ Since no such script has survived, one can only suppose what they could

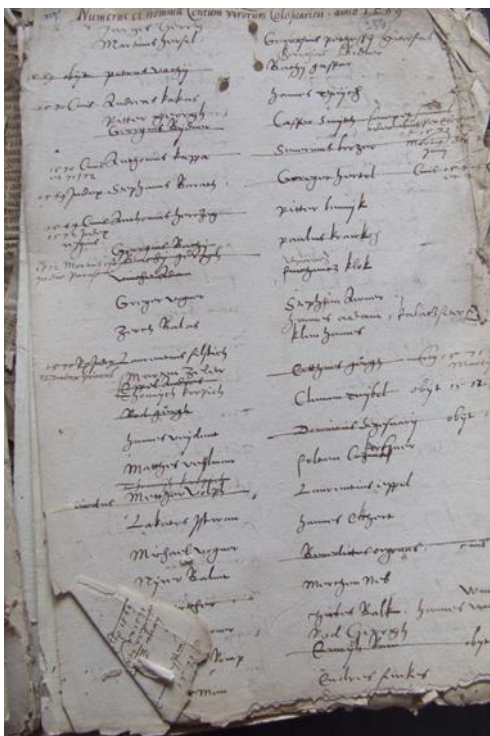


Fig.1.5. The catalogue of the centumviri (1569).

have been about.

Afterwards the tolling of the bells marked the beginning of the meeting. The aldermen had one hour from the first tolling to prepare for the gathering. Latecomers, absentees or improperly dressed men were harshly fined.²⁶⁴

Even if the meeting usually had no festive character, the beginning of each gathering was marked by a peculiar routine that had both symbolic and legal meanings. The *centumviri* had to take their seats in a row so that there was always a Saxon next to a Hungarian.²⁶⁵ Although reading the source one may infer that the seating order was according to one's free will and this condition was the only rule the aldermen had to obey, the real order of seating was pre-set according to one's status, age or position within the community. The written evidence of this

²⁶³ SzámKv 6/XVIa. 113. "Attam Balogh Tamásnak, hogy a Száz Uraim begyűjtésére a cédulát hordozta. d. 10." (I [steward] gave Tamás Balogh 10 denars for handing over the meeting callscripts to the centumviri), SzámKv 4/VI. 51. Boldisar hordá el az Cedolát az Száz urainknak attam d. 10 [I [steward] gave Boldisar 10 denars for carrying the scripts.]

²⁶⁴ TanJkv I/2. 31.

²⁶⁵ JakabOkl I, 282.

ranking is the catalogue of the *centumviri*, which can be interpreted from several perspectives. First it can be seen as an attendance list that was called by the town notary at the beginning of the meeting starting with the mightier; when the *centumvir* heard his name he had to rise and say: “I am here” in his mother tongue.²⁶⁶ The voicing of one’s presence in his own language was not a test of linguistic proficiency, but a kind of pronounced declaration about one’s basic condition in representing the Hungarian or Saxon community.²⁶⁷ The alternating seating of Hungarians and Saxons was, on the one hand, another way of uttering the principle of parity used in the town, but on the other hand it can be also perceived as a measure against ethnic cliques. Reading the names of the mightier first was not only a sign of prestige and ranking; their presence in the meetings was fundamental and if too many of them were missing there was no quorum.²⁶⁸

The course of the meetings, the scenario of the debates and the decision-making process are not or are only partially reflected by the council minutes. According to the regular or extraordinary character of the gathering, the problems brought before the council were presented either by the judge of the town or by members of the council. There is no evidence for the existence of an *orator* who proclaimed the agenda of the meeting. Although there is hardly any strong evidence, certain duties of an orator might have been performed by the town notary, but it is hardly plausible that the town clerk carried out entirely the tasks of a spokesman. Certainly, there had to be one person who kept direct contact with the town council, conducted the meeting, and calmed the spirits if necessary, since in heated discussions tempers might run high among the

²⁶⁶ JakabOkl I. 282; Fasc. J. no. 2....ibidem ordinatim consedere debeant, ita ut semper inter duos Hungaros Alemannus medium locum teneat et e converso Quibus ita consedentibus Notarius Civitatis nomina Centum Hominibus ordinatim pronunciabit, incipiendo a potioribus, quorum singulus suo lingwagio respondebit assum.

²⁶⁷ Katalin Szende, “Integration through Language: the Multilingual Character of Late Medieval Hungarian Towns”, in *Segregation – Integration – Assimilation*, 216.

²⁶⁸ TanJkv I/2. 6v. In 1570 most of the elderly centumviri were missing from the gathering called by the town judge, either because they were sick or away on business. The meeting was suspended and the agenda had to be rescheduled.

councilors.²⁶⁹ Whether the first *centumviri* was this person, as the examples of other towns show, is hard to tell.

The position of the *orator* or *Hundertmannwortmann* appears in the sources of the main Saxon towns in Transylvania in the middle of the sixteenth century. This office is mentioned for the first time in documents from Bistrița in 1543 and Sibiu in 1555.²⁷⁰ In the Upper Hungarian towns, which resembled the Transylvanian urban administrations most closely, the orator (Fürmender) was the first man in the larger representative body. It was an elected office with great political influence on the local level, thus the incumbents of this position were from among the most experienced aldermen.²⁷¹

Regular meetings were probably long sessions of debates and often some issues had to be postponed for lack of time. Every decision was made according to a voting system either by secret ballot or collective vote. The secret voting, phrased in the sources as “walking to the table”, was applied usually when new incumbents were elected to certain offices and it was an individual expression of preferences. In 1570 the balloting for the new market judges ended in tie votes for the Hungarian nominees, thus the final decision was left to the town judge. Since this is the only example of a hung vote it is difficult to tell whether it was a general practice that the decision making was left to the town judge or whether it was just one incidental resolution.

²⁶⁹ In 1578 the council adopted an agreement that the aldermen would be respectful to each other and speak properly. TanJkv I/3. 169.

²⁷⁰ Müller, *Stülhe und Distrikte*, 88; Richard Schuller, “Andreas Beuchel. Ein Beitrag zur Bistritzer Stadtgeschichte in dem Zeitalter des Thronstreites zwischen Ferdinand I. und Zapolya”, *Archiv des Vereins für siebenbürgische Landeskunde* 23 (1890): 29.; Martin Reschner, *Diplomatarium*, vol. 9, 79. Manuscript in the Bruckenthal Collection RNA Sibiu, Ms. B no. 59.

²⁷¹ For more details on the position of the orator in Košice see István H. Németh, “A hatalom dinamikája. A kassai városvezető elit általános jellemzői (16–17. század)” [The Dynamics of Power. The general characteristics of the leading elite in Kosice, sixteenth and seventeenth centuries] in *Város és társadalma. Tanulmányok Bácskai Vera tiszteletére* [Town and Society. Festschrift for Vera Bácskai], ed. István H. Németh, Erika Szívós and Árpád Tóth (Budapest: Hajnal István Kör-Társadalomtörténeti Egyesület, 2011), 311.

Collective votes were expressed by tables.²⁷² There is no data about the number of tables the *centumviri* were seated at, but there were definitely different rankings among them. The “prime men” sat at the “prime table”, which apparently was the main opinion-shaping group, but how it actually worked remains an open issue for further research.

In Sibiu the one hundred men had little influence, yet their role should not be underestimated, since it could have exercised influence upon the town council even in the sixteenth century. When the townspeople decided to let Ferdinand’s army into the town, the term “townspeople” should not be understood verbatim, but as the gathering of the Hundertmannschaft in the name of the citizens. Further, the election of officeholders was the duty of this body,²⁷³ too, thus, they had a say in the composition of the leading faction as well, although sometimes the central authority overrode their decisions.

As far as the composition, the election and nomination process of the *centumviri*, are concerned, there were no important differences between the two towns. The members were elected in equal number from the quarters of the town (four in Sibiu) and from the guilds.²⁷⁴ From the examples of other Saxon towns, it appears that ownership of a house, decent origins, and being married were the conditions one had to meet before being nominated.²⁷⁵

The scholarly literature barely deals with this urban institution of Sibiu. The only article published about it appeared in 1979 and gives little information about the functioning of this administrative body in the early modern era.²⁷⁶ This lacuna is not a lack of attention, but is

²⁷² TanJkv I/5. 30v. “Továbbá az két vásárbírák is letévén tisztöket és asztalonként szolván ő kegyelmék városul a választáshoz, ugyan azon két uraimat hattak helyen” [Later the two market judges put their services down and their honors [centumviri] expressed their voting by tables, and re-elected the two).

²⁷³ Ratsprotokoll

²⁷⁴ Müller, *Stühle und Distrikte*, 77-78.

²⁷⁵ In Medias house ownership was main condition in the seventeenth century. Being married appeared also in Brasov in the seventeenth century. Müller, *Stühle und Distrikte*, 78, 81.

²⁷⁶ Domnica Avriganu, “Contribuții la cunoașterea institutului centumvirilor din orașul Sibiu (1495–1876)” [The institution of the centumviri in Sibiu (1495–1876)], *Revista Arhivelor* 47, no. 1 (1970): 22–32.

caused by the lack of sources and the impossibility of reconstructing wholly the functioning of the outer council in Sibiu.

The standpoint of the secondary literature concerning the beginnings of the *centumviri* council in Sibiu is 1495. Formerly, in the early period of urban development, the sources referred to the whole community (*tota communitas*), as the legitimizing body of the town council, which then appeared as the community of the “chosen people” (*Genannten*). This must have been a smaller representative body which elected the town council and acted as a consultative board for it. Not much is known about its constitution or about the number of aldermen, but one may think of it as similar to Vienna during the Middle Ages, where the *Gennanten* were the electoral body of 200 men appointed by the town council.²⁷⁷ Thus a close circle was formed among the privileged group of the electors who elected the council in the name of the whole community (*Gemeinde*) and the town council. The number of the *Genannten* in Sibiu must have been smaller, since the town had a much smaller population than Vienna. The later council of the *centum electi* was probably established by a fusion of the two legitimizing quorums: the *Gemeinde* and the *Genannten*.²⁷⁸ The only data about the existence of the *Genannten* is the statute fragment from 1464 when its members were obliged to participate in communal work along with the other office-holders of the town.²⁷⁹

In conclusion, the town council in Cluj was totally subordinated to the council of the *centumviri*, still, being among the “elected ones” was the highest prestige one could aspire to. In Sibiu, being a member of the town council meant a position with an importance that went beyond the town walls. Two different perspectives yet similar ambitions – the drive for prestige –

²⁷⁷ Perger Richard, *Die Wiener Ratsbürger, 1396-1526: ein Handbuch* (Vienna: Deutike, 1988); Csendes Péter, *Geschichte Wiens*, 48.

²⁷⁸ On this see chapter. 1.1.

²⁷⁹ Ub. vol. 2., 170-171.

led the elite towards the highest offices of the town.

1.2.2.2. The town council

The institution that embodied the ultimate step of town autonomy and administration was the town council. Its formation must be seen as a gradual and continuous process in the urban development of the local community closely related to the town's economy since the members of the councils were the burghers who could afford to be involved in the administration of the town besides running their own businesses. They formed the elite of the town.²⁸⁰

In the European context the first *consilia* were formed around 1200; Basel, Strassburg, Worms and Lübeck were early examples.²⁸¹ In Transylvania such urban quorums came to existence in the fourteenth century and at the beginning the council had mainly juridical duties and assisted the jurisdiction of the town judges.

The first regulation in Transylvania regarding the election of the town council dates to 1366 in Bistrița, when King Louis I set the principles of the elections. Accordingly, the whole community of citizens and “guests” (*hospites*) elected the judges and the jurors (*iurati*) from among themselves each year. These jurors became later the *iurati cives*, i.e., the councilors of the town, who had administrative functions besides jurisdictional duties.²⁸² Not much is known about their number, status or eligibility.

Most commonly the number of the elected *iurati* was 12, although at this incipient stage of town autonomy, the number could have varied according to particular local features of the town administration. In Brașov, for example, the early data about the councilors shows 16

²⁸⁰ *Städtisches Leben im Mittelalter*, ed. Evamaria Engel and Frank-Dietrich Jacob, (Cologne: Böhlau, 2006). 40.

²⁸¹ *Städtisches Leben im Mittelalter*, 39. Engel, *Die deutsche Stadt im Mittelalter*.

²⁸² Ub. II. 250. ...civitatis cives et hospites de communi eorum consensu et pari voluntate iudicem et iuratos de sui medio eligendi plenariam singulis annis habeant facultatem.

aldermen, which, according to Georg Müller, reflected the tax districts in the town.²⁸³

The town council in Cluj also developed around the mid-fourteenth century. The first reference to it as a representative body survived in a charter from 1366 in the formula *presentia iudicis et iuratorum civium*. This function probably dated back to the privilege of King Stephan V and the *hospes* privileges awarded by the king.²⁸⁴ The council probably became an elected body later, with juridical and consultative powers. The term town council (tanács) and references to this body as such appeared relatively late, along with the widespread use of the vernacular (Hungarian) in the town administration.

Only indirect sources tell about the real functioning of the town council in the sixteenth century, since no protocols of this body have survived in Cluj, if such documents ever existed at all. *Scilicet*, control of the *centumviri* over the town council in the second half of the sixteenth century, was so strong that almost every administrative issue was discussed in the general assemblies of the town together with the town council and the resolutions were recorded in the books of the *centumviri*. Moreover, the diversification of the town administration and increased reliance on literacy brought the introduction of diverse town books. Thus, the town council probably produced, besides the court hearings protocols, specific books such as an index of new citizens, a series of account books that contained the books of the taxes, the expenses and the incomes of the town, the reckoning of the hospitals, of the parish clerks, etc., but did not consistently keep records itself.²⁸⁵ Although one register with the council resolutions still survives, the *Liber civitatis* kept between 1516 and 1668 gives some hints about the problems the town council dealt with. The town council was the main mediating and testimonial body in the matters brought before it by the citizens. Thus, the book contains mainly (solved) private law

²⁸³ Müller, *Stühle und Distrikte*, endnote no. 752.

²⁸⁴ JakabOkI I, 37-38. Fasc. J. no. 1.

²⁸⁵ For a more detailed description of the sources see the introductory chapter.

cases that had to be written down in order to become effective and prevent legal consequences by omission (*Sed tamen huiusmodi inhibitionem ad librum civitatis non curasset, ... in ius attraxisset ... obhoc premissa protestatione dixit prefatus dominus... ut super piscinam edificare foret.*)²⁸⁶ The book also contains resolutions referring to setting the price of goods and services, regulations concerning the activity of the merchants²⁸⁷ or other rules adopted by the council, which were written down, sometimes with a year's delay, similarly to the agreements between citizens, for reasons of authenticity.²⁸⁸ Thus, one may assert that the town council was a kind of *locus credibilis* where transactions gained legal force.

The town councils in Cluj and Sibiu had three main spheres of action: legal jurisdiction, internal administration and diplomacy. Jurisdiction was one of the first and most important attributes of the towns. Although the town of Cluj received the privilege to elect its own judge in 1316, judicial autonomy in 1331, and full jurisdiction over the citizens in 1405, in 1458 King Mathias still had to reinforce the juridical domains of the town council after the introduction of the parity system in the same year. Accordingly, the charter granted the town the right to judge both criminal and civil cases, except for the nobles.²⁸⁹ One year later the power of the town council was strengthened by requiring the citizens to obey its decisions. Disobedience was punished with beheading and forfeiture of property.²⁹⁰ These interventions strengthened the authority of the council evenmore and consequently its prestige grew as well. Sixteenth-century court hearings already show developed legal procedures with set legal norms and customary

²⁸⁶ TJKv I/2. 43.

²⁸⁷ TJKv I/2. 13.

²⁸⁸ Kiss, "Kolosvári városi könyvek", 183.

²⁸⁹ „universos et singulos, cuiuscumque status et condicionis homines, demptis duntaxat nobilibus, in quacumque causa civili vel criminali... iudicandi habeant facultatem.” Fasc. J. no. 18; JakabOkl I. 195; Ub. vol. 6, 16.

²⁹⁰ Qui vero ex civibus et hospitibus eiusdem civitatis nostrae Koloswar memoratis iudici et iuratis civibus, ut moris est obedire nollent aut non curarent, hii in amissione capitem rerumque et bonorum suorum contra nostram maiestatem convincantur eo facto immo prorogamus praesentium testimonio mediante. Fasc. J. No. 19. JakabOkl I. 202. Ub. VI. 60.

jurisdiction in internal matters.

The town judge and council had full jurisdiction over the internal litigation of citizens in Cluj in two instances; the first instance was in front of the chief and royal judge, and the second was before the twelve councilors. The court of appeal was first the council of Bistrița until 1481, then the council of Sibiu until the mid-sixteenth century.²⁹¹ Afterwards appeals had to be lodged with the princely court.²⁹² However, collaboration in legal matters between the two towns was kept and in complicated cases the councilors in Cluj often turned for advice to the town council in Sibiu.²⁹³

There was no need for separate privileges for the citizens and elite of Sibiu to implement their jurisdictional rights granted by the *Andreanum* in 1224. The autonomous court of the town developed along with the autonomy of the Saxon community. The judiciary practice of the town of Sibiu was divided between the judges (royal judge, seat judge), and the steward of the town. The council here had little juridical authority. Moreover, the jurisdiction of the town and of the seat of Sibiu overlapped in the sixteenth century, thus it is difficult to make a clear-cut distinction between the two. Their development shows the interrelation of the two courts. At first municipal jurisdiction was controlled by the royal judge and the town judge (*iudex civitatis*, town judge, Konsistorialrichter).²⁹⁴ By the sixteenth century, the judge of the burghers became the judge of the seat. That means that his attributions changed and his office became transitional between town and seat. However, later the incumbents were elected by the town. The royal judge and seat judge formed a collegial court that had jurisdiction both over the citizens of the town and of the

²⁹¹ JakabOkl., 266; Fasc. A no. 3; Ub. vol. 7, 281-282.

²⁹² JakabOkl II. 88.

²⁹³ TanJkv I/3. 83, 84v-85.

²⁹⁴ Müller, *Stühle und Distrikte*, 29.

seat.²⁹⁵

The jurisdiction of the town steward also changed in the sixteenth century. Minor offences up to one florin fell under his juridical power until the end of the sixteenth century. The new statute of the Transylvanian Saxon towns in 1583 does not mention any kind of court role for the steward, although Thomas Bomel's initial manuscript noted the delimitation of his legal actions.²⁹⁶ It might well be that the variety of administrative tasks a steward had to perform overcame his juridical duties or that this lower court, although still in existence, became more and more dispensable because cases were brought forward to higher courts. Still, there are places where this office remained an important court in the town.²⁹⁷ In Sibiu, however, there are no written sources that define the jurisdiction of the steward in the sixteenth century.

Besides jurisdiction, the town councils as institutions and the members of the councils individually filled administrative jobs of various kinds: economic, moral or policing. The coordinator of such actions was the prime judge in Cluj and the steward in Sibiu. However, the prime judge in Cluj had little space for initiative; most of the time the *centumviri* decided how and to what extent the judge and the council had to intervene in certain matters. Usually, they discouraged innovations coming from the judge and the town council by referring to the old customs of the town.²⁹⁸ Thus, the *centumviri* kept their full control over the council and precluded individual initiatives from becoming a frequent phenomenon. In Sibiu the town council had not only the power but also the right to initiate legal actions or new regulations for the town; the *centumviri* were probably only acknowledged them. The protocols of the town

²⁹⁵ See the most recent overview of the two functions in Júlia Derzsi, *Delict și pedeapsă. Funcționarea jurisdicției penale în orașele din Transilvania în secolul al XVI-lea* [Crime and Punishment. The Criminal Jurisdiction in the Transylvanian Towns in the Sixteenth Century] (PhD Dissertation) (Sibiu, 2012), 80.

²⁹⁶ Derzsi, *Delict și pedeapsă*, 108.

²⁹⁷ E.g., in Brașov the stewards judged minor cases up to 10 florins at the beginning of the seventeenth century. Müller, *Stühle und Distrikte*, 44; Derzsi, *Delict și pedeapsă*, 109-110.

²⁹⁸ TanJkv 1570 7v.

council meetings are full of decisions and cases which were under the authority of the *centumviri* in Cluj.

A main issue in the administrative activity of the town council, if not the most important one, was the collecting of receipts. Taxation was a key, yet problematic, issue in every urban community. A constant negative demographic balance, calamities, and permanent extra dues demanded by the central power put the town governments under constant pressure. The taxpayers, often stricken by natural forces or economic decline, delayed payment as long as they could. The *centumviri* in Cluj thus often summoned the town judge and the town council to force payments, even with arrests or coercion if necessary.²⁹⁹ In Sibiu, the collection of overdue taxes raised similar problems.³⁰⁰ The accumulated debts not only created financial difficulties, but impeded the keeping of tax books, too.

The taxation system in Cluj and Sibiu was based on property value and wealth. The amounts were recalculated each year according to the re-assessment of the properties, the fortunes of the taxable citizens, and how the *centumviri* defined the monetary value of one *dica* (dash) for that year. The re-evaluation and setting the value of the dashes was the duty of the eight *revisitores dicae* assigned in Cluj. Four of them were elected from among the *centumviri* and four were appointed from the town council, respecting the parity principles of equal office divisions between Hungarians and Saxons. These were binding commissions on the appointed

²⁹⁹ “Az polgár uraim az adószedésben ilyen rendet tartsanak, hogy mikor az adót három vasárnap eljárják és aki meg nem akarja adni negyedik vasárnap, megfogják és úgy megvegyék rajta” [If someone is still unwilling to pay his taxes after the exactors have collected the dues three consecutive Sundays, on the fourth Sunday he should be caught and and compelled to pay the debt], TanJkv I/5. 29b.

³⁰⁰ *Hermannstadt und Siebenbürgen: Die Protokolle des Hermannstädter Rates und der Sächsischen Nationsuniversität 1391-1705*, ed. Käthe Hientz, Bernhard Heigl and Thomas Şindilariu (Hermannstadt: Honterus Verlag, 2007), 186.

persons, and anyone who refused to take the office was fined 25 florins.³⁰¹ Before they started their work, the *revisitores* had to swear an oath, a fact that only stresses the importance and responsibility of this office.³⁰² It was an unpaid office; the incumbents received only a daily allowance and wine while they were performing the fieldwork of plot assessments.³⁰³ The updated lists of the taxpayers from each quarter were drawn up by the notary, for which he usually received some remuneration.³⁰⁴

After the calculations of the yearly taxes, the administration of tax collection and accountability for it moved completely under the authority of the town council in Cluj. Two councilors were responsible for the accounting, and eight tax collectors were appointed from among the *centumviri*.³⁰⁵ They had no authorization over the sums they collected, which had to be handed over to the two councilors assigned to the book-keeping. The tax collector councilors passed the money to the stewards who were responsible for the town finances.

In Sibiu the taxation process was similar. Here the reference unit was the *Loth*³⁰⁶, not the *dica*, and its value was established by the town council together with the *centumviri*. Eventual exemption from paying taxes was at the discretion of the town council.³⁰⁷ Tax collection was the duty of the twelve councilors. The four quarters of the town were divided into three smaller units of twelfths (*Zwölftel*), and each councilor received one unit to collect the taxes from.³⁰⁸ The delimitation of these units cannot be traced back in time, but it might have been based on twelve

³⁰¹ András Kiss, “Kolozsvár város XVI. századi adókönyveinek forrásértéke” [The source value of the sixteenth century tax books in Cluj], in *Más források – más értelmezések* [Other sources – other interpretations], idem. (Marosvásárhely: Mentor, 2003), 205.

³⁰² Jakab, *Kolozsvár története*, vol. 2, 198.

³⁰³ The visting process lasted around eight days; the town provided the office-holders food and drink. SzámKv 4/I.

³⁰⁴ SzámKv 3/V. 6.

³⁰⁵ In 1572 the town council proposed reducing the number of tax collectors from eight to four, but the *centumviri* refused to change the old regulation. Moreover, they convened to appoint two persons from each quarter, which would have meant ten tax collectors. This resolution was not adopted since the number remained eight. TanJkv I/3. 71.

³⁰⁶ 1 *Loth* = one yard (*Hof*) and four houses. Müller, *Stühle und Distrikte*, 333.

³⁰⁷ Müller, *Stühle und Distrikte*, 71.

³⁰⁸ Müller, *Stühle und Distrikte*, 71.

decuriae, i.e., one hundred twenty houses. It was roughly the same amount of work as the exactors in Cluj had. Recalling the request of the town council in Cluj for halving the number of the people involved in the tax collecting, it can be asserted that walking around one hundred and twenty or thirty houses was not a very demanding service. Another explanation may be that the town council tried to cut the expenses by reducing the number of tax collectors.

In spite of the fact that the tax collecting service was performed by the town council, there are few entries regarding taxation matters in the council protocols in Sibiu between 1522 and 1600 that would create the impression that matters of assessments were debated and regulated by the *centumviri*, similarly to Cluj. Despite the numerous similarities between the taxation systems in Cluj and Sibiu, there was one important difference. In Cluj the prime judge had no or little authority over the income of the town, while in Sibiu, the mayor had control of the finances.³⁰⁹

Besides taxation, the town council in Cluj had weaker authority in supervising other economic activities of the town as well. The markets, mills, forests, and land, i.e., features and assets that provided income, were controlled by the *centumviri* or they exercised joint power with the designated councilors. In Sibiu similar offices were assumed by the members of the town council.³¹⁰ There were significant differences in the range of duties one member of the council could have in Cluj and Sibiu. Duties that were assigned to the steward in Sibiu (e.g., supervising construction, maintaining the streets, gutters, and water facilities of the town, etc.) were performed by the *centumviri* in Cluj,³¹¹ either through elected officers or by delegating the tasks to the town judge or selected councilors.

The third important role of the town council was the town's diplomacy. In sixteenth

³⁰⁹ See *Konsularrechnungen*

³¹⁰ Roth, *Hermannstadt*, 107.

³¹¹ Müller, *Stühle und Distrikte*, 45-52.

century, Transylvania diplomacy was a key issue for every urban community. There were two types of diplomatic occasions: regular and extraordinary. A regular diplomatic act was performed at the beginning of every year when the town sent New Year's gifts to the prince and high state officials. The envoys of the towns, regularly the town judge, the notary, and the designated *centumviri* or councilors, took advantage of the occasion and presented the situation of the town and asked for new privileges or mitigation of existing burdens. In Cluj the agenda of the envoys was set by the *centumviri*.³¹² Moreover, the *centumviri* called attention to the unity the delegation had to present before the prince, in general assemblies or before other authorities.³¹³ In Sibiu there are no sources about such control, but certainly the one hundred men also had a say in the diplomatic missions to the court, especially on extraordinary matters.

Extraordinary diplomatic journeys were also of two types: when new or old regulations or norms had to be approved by the ruler or when extraordinary things had happened in the town administration or among the town dwellers. In 1582, for instance, the town of Sibiu sent a special delegation to Cracow, to Stephen Báthori, prince of Transylvania and king of Poland, with the *Eigenlandrecht* compiled by Thomas Bomel (1560) and completed by Matthias Fronius. The presentation of the law compendium and its validation by the king must have been a festive diplomatic act with special discourse. Sibiu delegated two dignitaries, Albert Huet, the incumbent royal judge, and Michael Hann, councilor.³¹⁴

Discordances within urban communities often reached the court and created inconvenience for the town leaders. In 1558, for example, a conflict had broken out between a councilor, György Túri, and the council, which came to Queen Izabella's knowledge. The conflict seems to have been about former vineyards of the Benedictine monks. In 1557 Queen

³¹² TanJkv I/1. 23.

³¹³ TanJkv 1581, 245.

³¹⁴ Sutschek, *Statutele municipale...*, 157.

Isabella donated the vineyard of the black friars to the town of Cluj as an aid for the students of the town. In the same year, the town sold the assets to György Túri.³¹⁵ The transaction must have been a dubious affair; Túri accused the council of fraud and the council arrested him for defamation.³¹⁶ The council found itself in difficulty and had to make diplomatic efforts to balance the situation. On other occasions the town made a diplomatic approach for the freedom or safety of its citizens. In 1558 the town judge of Cluj went to the court of Queen Isabella in Alba Iulia (Gyulafehérvár, Karlsburg) to intervene for a captive townsman.³¹⁷

The most frequent cases, however, were situations when the privileges and liberties of the town were violated either by citizens or by foreigners or the town tried to reduce taxes. The success of diplomacy in such cases depended greatly on the confronting sides, their rank and prestige, and the interest of the central power in negotiating a solution to the conflict. In 1531, for instance, the town of Cluj made extra efforts to reduce the tenth of the Transylvanian Bishop, but the influence of the incumbent prelate, John Statileo (1528-1542) on the state level was too important and the town failed in spite of having good relations with King John I. The bishop admonished the town for approaching the king.³¹⁸ Conversely, in 1538 the town managed to reinforce its exemption from paying customs at Oradea although the judge of Oradea tried to abolish it.³¹⁹

Whether it was a regular or special delegation, diplomatic missions were expensive visits. Besides the travel expenses and provisions, the offerings (including New Year's gifts) for the prince or the royal court/family were costly.³²⁰ In 1526, when Markus Pemflinger was on a

³¹⁵ Fasc. I.

³¹⁶ TanJvk I/1.

³¹⁷ TanJkv I/1. 23.

³¹⁸ JakabOkl I. 375. *Nimia enim curiositas solet iniicere suspitionem.*

³¹⁹ JakabOkl I, 383–384.

³²⁰ In 1588 the town spent 268 florins and 56 denars for goldsmiths' work for the New Year's gifts. SzámKv 4/I.

mission to Buda, he complained of the high costs, the capital being so expensive that “one should rather eat (czeren) in Jerusalem than in Buda”.³²¹

Theoretically every male citizen who had a possession/house in the town, was married, and came of decent stock could accede to high municipal offices. In reality, the eligible persons were those who had a powerful material background, a good reputation, and a wide social network. Another condition was holding a position as a *centumvir*, since the members of the town council were elected from among the “one hundred men”.³²²

Starting with the introduction of the parity system (1458), the seats of the town council were split equally among the Hungarian and Saxon aldermen. The election, however, remained in the hands of the whole community of the *centumviri*, not in the hands of its ethnic factions. This was an important issue, since the nominees had to be respected and accepted by both parties, influential men with high esteem in the town. The sixteenth century did not bring any substantial changes in the functioning or composition of the town council in Cluj; the medieval patterns were perpetuated and applied to the realities of the time.

Although it was far from being a democratic system of power division, still one may assert that the town council was the executive and judicial body of the urban policy in Cluj, while the larger council of the *centumviri* had the legislative rights. In Sibiu, however, the town council concentrated more power and assumed many functions that belonged to the *centumviri* in Cluj and also in other important Saxon towns, such as Braşov or Bistriţa. The imbalance of forces was due to the role of the town council in the whole administration of the Saxon community, and many times the matters of the town and the Sibiu seat overlapped. Town legislation often coincided with the laws of the Universitas, thus, the *centumviri* in Sibiu had less

³²¹ “Unnd Yn dreien Tagen hunder gulden in Neuer Münsz auffgeen, Es scholl einer lieber zu Jerwsalem czeren als hie...” Fabritius, *Pemfflinger Márk*, 155.

³²² About the conditions of the election and careers in the council see chapters 2 and 3.

work to do in this sense; laws and regulations were usually adopted in the assemblies of the Saxon community. Investigating the division of power between the governing units of the towns one cannot overlook the political power the council in Sibiu had in the sixteenth century. The town council of Sibiu was mentioned for the first time in 1292, when the *iurati* of Sibiu, along with the judges, and with the consent of the whole community, handed over the hospital of the town to the crusaders of the Holy Spirit order.³²³ From this time on, the town council gradually evolved to a body consisting of twelve magistrates.

The composition of the town councils in Cluj and Sibiu differed to a great extent. The only identical feature was the symbolic number of twelve councilors. But even here there were important differences; in Cluj the royal judge and the two stewards were included among the twelve men, in Sibiu those two roles, plus the mayor, the seat judge, and the notary were not included in the number of councilors. That means that the actual headcount in the town council was seventeen. In Cluj the town judge was the thirteenth member of the council and the notary was never listed together with the councilors.

This difference leads to the argument that the top offices of the town administration in Sibiu were more important than similar positions in Cluj, and the incumbents there – as will be presented in the following chapter – were politically influential “statesmen”, while the top dignitaries in Cluj were simply the most prominent members of the local community.

1.2.2.3. The urban chancery and the role of the notaries

In 1967 Fritz Rörig eloquently comprised the essence of the notary in the town administration in one sentence:

The council, as a whole, and the special committees all had their paid officials. The highest was the town clerk, a high respected official who was the head of the

³²³ Ub. vol. 1., 192.

municipal chancery, keeper of the court books and records, and finally ambassador of the town.³²⁴

One can instantly understand the complexity, difficulty, and speciality of such service, but also the possibilities that such a position might have brought its holder.

A generally acknowledged fact is that literacy and the use of the written word emerged at the same time as the social and economic (and in the end also political) development of the medium in which it started to be used.³²⁵ The more a town rose the more the chances grew for establishing a chancery.³²⁶ However, one cannot speak about established urban chanceries before the notaries appeared as permanently employed in town service, since the simple issuing of individual documents concerning urban matters did not necessarily entail the presence of an established chancery.³²⁷ Nor did the presence of a notary in the administration imply his right to issue official documents. The development of pragmatic literacy and urban chanceries are closely related both to the development of town authority and the right to use the seals. The seal was the key to the development of urban *loca credibilia*.

The town of Cluj and Sibiu, despite having the same free royal town status, differed to a certain extent in political prominence and social development; as far as literacy is concerned, however, it seems that the development of literate mentalities did not differ essentially between them.

The Transylvanian towns started to receive seal-granting privileges during the reign of King Louis I of Hungary as a consequence of the royal urban policy to enlarge the autonomy of

³²⁴ Fritz Rörig, *The Medieval Town*, (Los Angeles: University of California Press, 1967), 162.

³²⁵ On the introduction of literacy in this region see Anna Adamska, "The Introduction of Writing in Central Europe (Poland, Hungary and Bohemia)" in *New Approaches to Medieval Communication*, ed. Marco Mostert, (Turnhout: Brepols, 1999), 165-190.

³²⁶ Walter Prevenier, "Urban Chanceries in the Low Countries from the Twelfth to the Fourteenth Century. The European Context", in *Stadt, Kanzlei und Kultur im Übergang zur Frühen Neuzeit. City Culture and Urban Chanceries in an Era of Change*, ed. Rudolf Suntrup and Jan R. Veenstra (Frankfurt am Main: Peter Lang, 2004), 3.

³²⁷ Jenő Házi, "A városi kancellária kialakulása Sopronban" [The Development of the Town Chancellery in Sopron] *Soproni Szemle* 10 (1956): 202.

the towns. In 1377 Cluj received the right to use the seal on documents concerning internal matters.³²⁸ The request for a seal-granting charter reflects the beginning of a new level of urban pragmatic literacy and denotes the growth in importance of written materials in the economic, social, and legal life of the urban community. Moreover, in this period notaries began to appear consistently in the sources for various duties, reflecting the need for legally valid written documents to meet the preconditions for qualified personnel, although at this stage notaries were not necessarily or exclusively producers of written sources. In Cluj, Magister Reymarus, the first-mentioned notary, for example, not only appears as a charter issuer, but even more as a representative of the town.³²⁹ As is reflected in his title (*magister Reymarus notarius*), he was a man of erudition and qualified in law.

In 1378 another literate, Stephanus Literatus, was engaged in urban services. He is mentioned in a *reambulatio terram ac territorium* as a *notarius et procurator*, which shows that the legal duties of the notaries were even more important than just producing written materials.³³⁰

The fact that notaries did not emerge first only in the capacity issuing documents appears to have been a general phenomenon in the fourteenth century and may have had two causes. First, the administration itself required less written material than one hundred years later when the town autonomies increased. Second, and mostly because there was not a settled chancery within the town administration – at least there are no signs of it – notaries were nominated to this position mostly to represent the town, to be familiar with legal issues, and to keep, interpret, and

³²⁸ JakabOkl I, 83.

³²⁹ JakabOkl I., 34, 49,

³³⁰ JakabOkl I, 91. The third town notary who appears in the documents of the fourteenth century, Henricus, also appears in the context of representing the town beside the officials.

foster the existing privileges. The scattered written sources they created, valid only within the town walls, had little chance of survival.³³¹

The slow development of town chanceries, however, was not so much due to the activity of the public notaries as to the authentication traditions of *loca credibilia authentica* in the medieval Hungarian kingdom. Hosted by ecclesiastical institutions, these places warranted the legal validity of testimonies, the *reambuatio metalis*, or any other issues of law. Documents released by an ecclesiastical body, besides those of the royal chancery, had the highest validity. The importance of a *locus credibilis* stemmed not only from the legal services it provided, but also from the safeguarding of the issued documents in the archives of the institution, and consequently the possibility of creating duplicates or copies.³³²

The second half of the fourteenth century can be accepted as the period when urban chanceries began. This was the period when the notary appeared as a permanent employee in most towns. Whether it was an occupation with restricted services for the elites or was already an office accessible to townspeople as well is difficult to say. It is most likely, however, that fourteenth-century notaries did not run a whole chancery, but rather provided the councilors assistance in diplomacy. The first notary of Cluj who appears as a permanent town clerk is the aforementioned *Reymarus magister*, but he never appears in the role of scribe; instead, he

³³¹ In 1388 the school rector from Baia Mare (Nagybánya, Neustadt) who was formally a rector in Brasov, asked for testimony about his good behavior from his former employers. The testimony letter recorded in the stuba maiori of the church in Brasov, is authenticated by a notarius publicus, the parish priest of the small village, called villa Rosana. At that time Brasov had already a town notary, who is also listed in this charter among the witnesses, but apparently when it came to matters that went beyond the borders of the town the town notary was no longer credible enough, even though, as this case shows, the person who asked for this authentication was a former town dweller. Ub. vol. 2, 628.

³³² The history of the *loca credibilia* in the medieval Hungarian Kingdom is well researched and has a vast secondary literature. Some of the most important titles are: Ferenc Eckhart, "Die glaubwürdigen Orte Ungarns im Mittelalter", *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 9 (1913/1915): 395-558., László Solymosi, "A bencés konventek hiteleshelyi oklevéladásának kezdetei", in *Mons Sacer 996–1996. Pannonhalma 1000 éve*, vol. 1., ed. Imre Takács (Pannonhalma: Pannonhalmi Főapátság, 1996), 481–498, [Szovák Kornél](#), "A pannonthalmi konvent hiteleshelyi működésének kezdetei (1244–1387)" [The beginnings of the *locus credibilis* at the Pannonhalma abbey] in *Mons Sacer*, 422–462.; Kumorovitz L. Bernát, "A leleszi konvent oklevéladó működése," [The charter issuing activity of the abbey in Lelesz] *Turul* 42 (1928): 1–39; *A kolozsmonostori konvent...*, vol. 1-2.

appears as a town representative. Similarly, Sibiu and the other the Saxon towns also began to appoint notaries for long term employment in the fourteenth century.³³³

In the fifteenth century, along with the expansion of town autonomy in Transylvania, the town notaries started to act with more authority, and then town chanceries issued documents which regulated internal town matters. In 1478, the town notary in Cluj edited an agreement between the parish priest in Cluj, Gregorius Schlewnig, and Ambrosius Szabó, later town judge, regarding a gutter between the parish house and Szabó's dwelling. The agreement, which is a *littera autentica*, is authenticated by the notary's signature.³³⁴

The sixteenth century opens a totally new perspective on the literacy research. Due to the source realities, on the one hand, but also on the political and spiritual changes (mainly the Reformation) on the other hand, the role of the literates, notaries, and town clerks became more varied.

According to the oath the notary pledged in front of the community of Cluj in the sixteenth century, he had to serve the town government faithfully, keep the secrets of the council, and be dispassionate in legal matters, and write and interpret as correctly as his aptitudes allowed him to do.³³⁵ Even the text of the pledge makes it clear that a notary was much more than a clerk in an office. Moreover, the text of the oath only incidentally mentions the main activity of a notary – writing. More emphasis is laid on legal counselling, discretion, and loyalty. One may think of two reasons for this when analysing this text. First, the text of an oath is a ceremonial and solemn text that would likely omit the more technical details and focus on what sounded more significant. Emphasis on writing and reading would not be necessary – they were pre-

³³³ Seiwert, "Cronologische Tafel...", 209.

³³⁴ The importance of his signature is revealed by a nineteenth-century inscription on the back side of the charter, where the zealous clerk noted that at that time this agreement did not require stamp-duty. JakabOkl. I, 258.

³³⁵ The text of the oath is published in Jakab, *Kolozsvár története*, vol. 2., 199.

conditions. However, one cannot neglect empirical text interpretation, which denotes the high status of the notary among the ranks of the town's leading elite. The simple fact that he had a separate oath confirms this.

The notary's presence in the town administration may be perceived more as the head of the chancery than his role as the scribe. In Sibiu this superiority is eloquently shown by the notary's appellative *oberster Notar*.³³⁶ Moreover, the notary apparently ranked higher than the last senator in the council even though the position of a notary constituted wage labour rather than a divine vocation as was the case of councilors.³³⁷

In Cluj the notary is not listed among the councilors even though he served the council directly, as can be seen in a resolution of the *centumviri* in 1596.³³⁸ In the town's account books he appears among the town servants along with the pedestrians (*peditus*), trumpeter (*tubicinator*), organist, bell-ringer, and the priest of St. Peter's parish. According to the list, the notary lived on Magyar/Longa Street on the same plot with the schoolmaster and the St. Peter's parish priest. This information reflects the notary's prominence in the town; apparently, he was as respected as the priest or schoolmaster. Their intermediate status between councilors and *literati* (see below) is clearly illustrated by the special services the town commissioned them to perform. Besides being the envoys of the town in political matters,³³⁹ notaries also participated in important religious debates,³⁴⁰ or could be assigned to procure books for the town library from abroad.³⁴¹

³³⁶ Müller, *Stühle und Distrikte*, 57 In Sighișoara it was called Hauptnotar.

³³⁷ Müller, *Stühle und Distrikte*, 57; H. Heinrich, "Der innere und äussere Rat Hermannstadts zur Zeit Karl VI.," *Archiv des Vereins für siebenbürgische Landeskunde* no. 17 (1883): 408.

³³⁸ TanJkv. I/5. 139

³³⁹ SzámKv. 3/XVIII. 119 v.

³⁴⁰ Thomas Bomelius, 1557; István Keul, *Early Modern Religious Communities in East-Central Europe: ethnic Diversity, Denominational Plurality, and Corporative Politics in the Principality of Transylvania* (Leiden: Brill, 2009), 96.

³⁴¹ RNA Sibiu. Almosenrechnungen. 20.

These activities were not a matter of daily routine and they reveal the diversity of duties a notary could be asked to provide besides running the local chancery.

Continuing the medieval tradition, notaries in the early periods of town administration were mostly commissioned to safeguard the legality of actions involving the town. This side of their duties did not end once real urban chanceries were established and remained among the requirements of the office throughout early modern period. Not only the responsibilities of the notaries came from medieval practice; the whole sixteenth-century urban chancery was built on a pre-existing model. The more regulated normative background of the town administration of the sixteenth century can be better observed thanks to the availability of better sources.

The activities of the urban chancery can be divided into two categories, those of a *scriptorium* for copying documents and those of a service that ensured writing and reading facilities for the town administration. Although the head of this institution was the town notary, it is hardly plausible that the reproduction of documents was his exclusive duty. More likely this was a task of the so-called *literati* (deák) who appear from time to time in the town accounts.³⁴² The role of the *literati* in the town administration is hard to define, especially because it may have run according to customs and not municipal laws. Further, there is no proof that every person who appears in the sources with this name was actually employed in town service.³⁴³ In Cluj the notary could hire one helper, one *literati*, the only criterion being that he had to be from the other nation. If he was Hungarian he needed to hire a German scribe and vice versa.³⁴⁴

³⁴² SzámKv. 1565. 116. Albert deáknak adtam (I gave to scribe Albert) fl. 4, 1564; János deáknak adtam (I gave to scribe János) fl. 2. 1581 3/II. 8. 1581 ... az deáknak való fizetés (... the salary of the scribe) fl. 20. SzámKv. 3/IV. 1581. Az magyar deákoknak irattunk egy éneklő könyvet kiért fizettünk az deáknak érette fl. 2. (We comissioned a psalm for the students for which we paid the scribe 2 florins)

³⁴³ András Kubinyi, "Polgári értelmiség és hivatalnokrétege Budán és Pesten a Hunyadi- és Jagello-korban" [Intellectual Burghers and Burocrats in Buda and Pest in the Corvinian and Jagellonian Period] *Levéltári közlemények* 2 (1968): 211.

³⁴⁴ If he was Hungarian rather than a German scribe, or vice-versa. TJKv. II/1. 1582, 186. On the parity system of town government in Cluj see Kiss, "Kolozsvár város önkormányzati fejlődése...",

In the other functions of the chancery the notary's tasks are clearer and more easily detectable. When issuing documents the the notary's handwriting was a form of warranty for authenticity. Especially in the case of documents concerning internal matters on which neither the town nor any other seal was applied, the notary's *manu propria* guaranteed their validity.³⁴⁵ The importance of the notary's own hand is also apparent in the case of the town records, where legality had to be closely watched.³⁴⁶

Reading texts aloud does not necessarily come to mind when thinking of town services. Knowledge of reading was much more widespread than knowledge of writing and there were many who could read but possessed no writing skills.³⁴⁷ Rendering of reading services to the town administration was a particular and complex element. In the meetings of the *centumviri* it was the duty of the notary to call out the *catalogus* with the names of the council members and to take note of any absences. This was not only a question of reading, since there were probably plenty of councilors who could have read the lists, but it was a matter of impartiality, especially since those who arrived after their names had been called would owe a fine.³⁴⁸

A distinction must be made, however, between reading service in administrative matters and reading documents in the council meetings. Rendering a charter, town statute, or even a princely letter for the council needed good qualifications in Latin and law as well. Such duties

³⁴⁵ Such documents were, for example, the so-called *cedulae*, which were a sort of proof to recognize the duties or responsibilities of the citizens towards the town or vice versa; e. g., SzámKv. To this category might be added agreements between the town and town dwellers that did not go beyond the town, such as donation letters, e.g., JakabOkl. I. 392-393; TJkv. IV/1. 300a.

³⁴⁶ In the cases of accounts and tax collection these requirements were apparently not so strict, since literates (*deák*) also participated in walking through the town collecting the taxes and completing the tax books. SzámKv. 1559. "Mind az Nótáriusnak és az egyéb deákoknak adtam harmincnyolc járásban fl. 4." (Both for the notary and the scribes I gave for thirty-eight walks fl. 4)

³⁴⁷ Jakó Zsigmond and Manolescu Radu, *A latin írás története* [The history of Latin script] (Budapest, Európa Könyvkiadó: 1987), 95.

³⁴⁸ TanJkv I/2, 1571, 32.

made the difference between a simple literate man and the town notary. Still, writing and issuing documents were the main duties of the town clerks.

The services were not *pro bono*; each type of issued document appeared in a table of charges settled by the municipality. The most expensive were copies with seals on them.³⁴⁹ The notary was entitled to only one third of the money received.³⁵⁰ This position, however, was not an unpaid office. The yearly salary of the notary reached 100 fl,³⁵¹ and in addition he received a subsidy for rent³⁵², firewood, and living condition improvements³⁵³. Writing tools were provided by the town, but on special occasions, when the normal writing tools were not suitable, the notary also supplied writing materials.³⁵⁴

Besides being present at the court hearings, the notary of Cluj gave juridical assistance to litigants, an action that might have influenced the decision-making process; therefore, in 1582, in the new *decretum notarii*, the town prohibited notaries from legal counselling and preparing testimonies, and they were bound to silence during the hearings.³⁵⁵ But assistance to litigants had not been the main duty of the notaries in court and their role could still have been crucial for the outcome of the litigation, as kept both the protocol of the court hearings and issued final verdicts. It is not surprising that the absence of a notary could create legal problems in a town even in the

³⁴⁹ TJKv II/1. 1582, 186-188. The copy of a *patens perceptoria* d. 8, of *novum iudicium* d. 12. For copies with a seal of testimonies, for the first folio d. 25, then d. 10 for each folio, for a power of attorney d. 12, for a copy with a small/secret seal on a succession letter, d. 24, copies of letters with the great seal when written on two sheets d. 50, for parchment the sum was not settled, it was due to direct negotiations with the notary according to the difficulty of the work, for testimonies before the judge of the prosecution, if it was written down d. 2, a note about a protestatio and other minor notes d. 2, a copy of a recorded interrogation for the first folio d. 8, for the whole text d. 32, for the transmissionales for the first folio d. 51, for the rest of the folios d. 25 each. For the verdict the winning part paid d. 2, etc.

³⁵⁰ TJKv. II/1. 1582, 188.

³⁵¹ SzámKv. 3/XXX. 1583, 45.

³⁵² SzámKv 3/X. 1583 . 9 Az nótáriusnak házbérbe fl. 10. (To the rent of the notary fl. 10)

³⁵³ SzámKv 1559, ad domus Notarii unam claven fecit d. 12" ad edificationem domus fl. 1 d. 25

³⁵⁴ In the sixteenth century parchment was rarely used for issuing documents, thus in such cases the writing material appears as separate entry in the accounts. SzámKv 1559 Dni Notario pro pergamenno fl. 1. Az Nótáriusnak fizette(m) az Regestr(um) czynalassara pappyrostra f 6 [Kv; Szám. 3/XXII. 80]. Usually, normal writing paper was provided by the town, SzámKv. 1591. 5/I., 5.

³⁵⁵ TJKv. II/1 186.

sixteenth century, since he was the one who not only conducted the council meetings, drew up the minutes, and recorded court cases, but also monitored the law during town gatherings.³⁵⁶ As has been asserted already, the sources are silent about the existence of an orator or advocate in the council meetings. This could be due to the augmented role of the notary at these gatherings – perhaps this was more clearly among his duties than one might imagine.

Although it was an intellectual job, when necessary the notary in Cluj had to perform everyday town services, such as tax collecting in cases when one of the two collectors could not perform his duty.³⁵⁷ The chief literate of the town also had an important role in the council election ceremony, which included saying the text of the oath on behalf of the councilors.

The town notaries of Sibiu had even more complex duties, since the town council of the town was at the same time the administrative body of whole Saxon self-governing system, the Universitas. Here the strong connection between council and notary is also clearly shown by the simple fact that the notary is listed each year next to the elected councilors.³⁵⁸

1.2.2.4. Subsidiary offices

Urban administrations had and have a large, “faceless” apparatus that made the system work. What today would be called managers in medieval and early modern towns were the town servants. They provided various kinds of public services pro bono, for pre-established remuneration, or non-regular pay.

The quarter captains (*capitaneus*, *fertálykapitány*) in Cluj or the *Thorhauptmaener* in Sibiu and their subordinates, the *decurioni* (*tizedes*) or *Zehntmäner*, offered their services for the good and safety of the community, and by the trust of the community and theoretically without

³⁵⁶ TanJkv 1582. I/3, 152v.

³⁵⁷ JakabOkl I., 380.

³⁵⁸ Ratsprotokoll

pay, although they had complex and diverse duties. Moreover, they had a double role in mediating between the council and the townspeople.

The five quarters of Cluj were divided into 111 *decuriae* (tized), i.e., the five quarter captains were liaisons between the top administration of the town and citizens through the 111 decurions.³⁵⁹ One *decuria* consisted of ten houses.³⁶⁰ In Sibiu, according to Franz Zimmermann, the “ten-house” units were delimited according to the four main gates of the town, and were supervised by the gatemen (*Thorhauptmaener*).³⁶¹ The number of the *decuriae* in the sixteenth century is not known and different demographic estimations make this question even more complicated. According to Georg Müller, in the eighteenth century there were 75 *decuriae*, which means 750 taxable units, and it is hardly plausible that in the sixteenth century their number would have been higher. At the same time, Samuil Goldenberg approximated the chargeable items at 1311, which appears more plausible.³⁶² Gustav Gündisch stated that one fifth of the townspeople were not citizens, i.e., did not own a house, although they paid taxes.³⁶³ That might be an answer for the discrepancies between the numbers of the *decuriae* and the taxable units.

³⁵⁹ TanJkv 1596

³⁶⁰ On the institution of the “ten houses” see Andor Csizmadia, *Tizedesek a régi Kolozsváron*, [Decurions in Old Cluj] (Kolozsvár: Kolozvár Város, 1942); András Kiss, “Kolozsvár településrendszere a XVI. században: fertályok, tizedek” [The dwelling system of Cluj in the sixteenth century: Quarters, decuriae] in idem, *Más források – más értelmezések*, 193-202.

³⁶¹ Franz Zimmermann, “Die Nachbarschaft in Hermannstadt. Ein Beitrag zur Geschichte der deutschen Stadtverfassung und -Verwaltung in Siebenbürgen”, *Archiv des Vereins für siebenbürgische Landeskunde* 20 (1885): 48-50. The four gates were the Heltauertor, Sagtor, Elisabethtor, and Burgertor. Apparently there were no quarter captains (Viertelmeister) in the town connected with the “ten-house” administrative units, which was relatively rare.

³⁶² Samuil Goldenberg, “Urbanization and Environment. The Case of Medieval Towns in Transylvania” in *Urbanization and Human Environment: Social and Historical Studies* [compiled on the occasion of the International Colloquium on “Urbanization and Human Environment”, Bucharest, Sept. 12 - 16, 1973] (Bucharest: Centre of Information and Documentation in the Social and Political Sciences, 1973), 16.

³⁶³ Gustav Gündisch, “Peter Haller: Bürgermeister und Sachsengraf, 1490?–1569”, *Deutsche Forschungen im Südosten* 3 (1944): 66.

The role of the “ten-houses” in Sibiu was restricted mainly to safeguarding the town. Fire prevention, law enforcement, and communal work were under the control of the neighborhoods (*vicina*, *Nachbarschaft*).³⁶⁴ In Cluj, where the neighborhood organization did not exist, the *decuriae* and their leaders had more complex duties and responsibilities. The town of Cluj had no bellringer to herald the resolutions of the town, the laws of the country or news of public interest. That job was done by the quarter captains together with the *decurions*.³⁶⁵

The captains and the *decurions* were important links between the administration and the town in keeping public order as well. According to a resolution adopted in 1590, a *decurion* was compelled to visit his *decuria* two times a week and to report every anomaly, misconduct or danger to his superior captain who in turn informed the town judge.³⁶⁶ This included identifying tax fraudsters,³⁶⁷ immoral conduct or behaviors that were against the rules of the town,³⁶⁸ jeopardizing the safety of the town by setting fires in dangerous places or in dangerous ways,³⁶⁹ or neglecting nightly or daily guard duty or communal work.³⁷⁰

They also had the important mission of collecting taxes, where they acted like helpers of the tax collectors and made substantial contributions to restraining delinquencies and capturing the offenders.³⁷¹ In minor law breaking the captains acted as commissioners of the peace and in such cases they received one third of the fines.³⁷² There were not many cases when the captains or *decurions* received payment and usually such cases were for extra duties such as in the case of

³⁶⁴ Zimmermann, *Die Nachbarschaften...*; Mária Pakucs-Wilcocks, “Alle die so jnn und kreiß der Mauren wonen werden hermanstädter genannt”: Neighbours and Neighbourhoods in Sixteenth-Century Sibiu”, *Colloquia* 18 (2011): 51-67.

³⁶⁵ Liber civitatis, 15.

³⁶⁶ Kiss, “Koložsvár településrendszere”, 199.

³⁶⁷ Tax avoiders were usually the tenants and young townsmen who refused to marry and thus become citizens of the town. Csizmadia, *Tizedesek*, 18; Kiss, “Koložsvár településrendszere”, 200; TanJkv I/5, 195.

³⁶⁸ The captains and the *decurions* were empowered to fine those who created disturbances in the town, where a wine-shop was open after eight o’clock or did not keep the streets of the town clean. Liber civitatis, 16;

³⁶⁹ Liber civitatis, 15.

³⁷⁰ Liber civitatis, 15-16.

³⁷¹ Liber civitatis, 17.

³⁷² Kiss, “Koložsvár településrendszere”, 197.

war, when they carried out jobs for the safekeeping of the town.³⁷³ If cases when the *decurion* broke a minor law the captain fined him one florin and was entitled to keep half. When the captain himself was the miscreant his fine was two florins.³⁷⁴ Being a captain or a *decurion* might not have been a service people were grateful for; these appointed men were often insulted or their authority disregarded.³⁷⁵

In Sibiu, a major part of these duties were among the tasks of the town steward and implicitly of his helpers.³⁷⁶ Since it was impossible for a single office-holder to cover so many so diverse obligations, many town servants assisted the stewards in Sibiu and the captains and *decurions* in Cluj.

Such servants were, for instance, the trumpeter, who had important safeguarding tasks. He had to signal any danger coming to the town or starting in the town (e.g., fire) and he was also responsible for signaling the assembly of the guard by drumbeat.³⁷⁷ The trumpeter(s) were among the well-paid servants; for one year their remuneration was 70-75 florins in Cluj, with an assistant receiving 12.³⁷⁸ Moreover, the towns provided them living subsidies (often in kind).³⁷⁹ Although no information is available about the employment conditions of trumpeters, they might have been people from abroad; at least the names of one trumpeter and his assistant in Cluj, Antonin and Friedrich, seem to support this statement.³⁸⁰

Although it might seem strange at first, maintenance men in sixteenth-century towns were highly esteemed, with authority to keep the town in order and clean. They were not simple

³⁷³ Jakab, *Kolozsvár története*, vol. 2, 127.

³⁷⁴ TanJkv I/5, 62v.

³⁷⁵ Liber civitatis, 15; Kiss, “Kolozsvár településrendszere”, 199.

³⁷⁶ Müller, *Stühle und Distrikte*,

³⁷⁷ TanJkv I/5, 61v.

³⁷⁸ SzámKv 4/III, 87; 3/II. 12. For reference, the town notary received 100 fl.

³⁷⁹ The trumpeter in Sibiu regularly received firewood in compensation. Toma-Cosmin Roman, *Sibiul între siguranță și incertitudine în zorii epocii moderne* [Sibiu between safety and uncertainty at the dawn of the modern age] (Sibiu: Hora, 2007), 114, 192.

³⁸⁰ SzámKv 4/III, 87;

rubbish men who provided cleaning services for the town; moreover, their job was not the cleaning but the supervision of the streets, public places or and building sites. Sometimes they acted like foremen during construction, sometimes as loaders.³⁸¹

A resolution of the *centumviri* in Cluj from 1580 presents well the position the maintenance men had among the servants of the town. Called “scavenger judges”, which implied some authority in itself, they had the power to fine those who did not keep the streets clean (usually the tanners and cobblers), but if they were not doing their jobs properly, their punishment was not a fine as in the case of other important town servants, but three rod strikes in front of the town hall. The use of a physical penalty indicates the lower prestige of this function, which was similar to the trumpeter, wage labor, as a full time employee of the town, but still it did not imply any extra skills or implements. Whether they had an annual remuneration or were paid by the occasion is not clear, but if the town leaders were satisfied with the work, such a man might have received an extrasubsidy.³⁸²

For a well-functioning town, there was a need for further servants, who appear only scarcely in the sources and who were employed by the town government when needed. They were the so-called “four term” (*cantoros szolgák*) servants hired from one to three months according to need. The mechanism of public administration, no matter how well defined it was, was operated by the individuals involved. Therefore, without a particular investigation of the men who ran the town it is hard to understand the whole system of urban governing in sixteenth-century Cluj and Sibiu.

³⁸¹ SzámKv 6/XVIIa, 242., 3/XXX, 22.

³⁸² In 1595 the maintenance man received money for hairwash . SzámKv 6/XVIIa, 242.

1.3. *Threats to an urban government: Factors that (might have) generated conflict*

Karen Lambrecht has identified four important elements that could potentially cause conflict in a town: the central power, the university, the church, and the multiethnic character of the town.³⁸³ I will present the factors that might have created difficulties and implicitly threatened the power of the elites in Cluj and Sibiu.

1.3.1. Town – court relations

The relationship between a town and the central authority was always rather brittle and subject to change. It was changeable because the central power itself changed from time to time and was influenced by general political tendencies. Privileges, new advantages, were always issues of negotiation and success hinged on the interests of the sides. The more the goals of a town overlapped with the interests of the royalty/prince, the better were the chances of having new privilege-granting charters issued. Before getting to a deeper analysis on what the sources reveal about these interrelations, one issue should be kept in mind. Even if there were differences in the attitudes of the ruler towards the towns in different periods, one matter was always critical: money. The central government, in times of stability and especially in times of financial crisis, treated the towns and the citizens as sources of income and not as political factors in the administration of the country. Thus, when speaking of violating or extending the urban privileges in different ways, one certainly has to consider financial issues.

These points did not apply to Cluj and Sibiu to the same extent. Sibiu enjoyed the advantages of collective Saxon privileges, most of them granted by the Hungarian kings. Thus, every attempt by the court to violate their privileges or impose extra duties was combated by the

³⁸³ Karen Lambrecht: “Zentrum und Kommunikation. Ostmitteleuropäische Metropolen im Vergleich.” *Comparativ. Leipziger Beiträge zur Universalgeschichte und vergleichende Gesellschaftsforschung* 8, no. 5 (1998):26.

communal lobby of the Saxons. Therefore, Sibiu's town-court affairs regarding, can better be perceived as a partnership relation with ups and downs rather than a permanent state of negotiation. In default of narrative or descriptive sources the only way to depict the town-court relations is to review the contents of the existing charters, to analyze the circumstances in which they were issued, and to read between the lines of the records. Sometimes simply the absence of documents is a telling source.

The sixteenth-century economic upswing in Cluj was due to geopolitical changes and to good relations with the Szapolyais. The most eloquent written evidence of the alliance between town and King John I is a charter from 1527, when the mint and the bullion office were transferred from Sibiu to Cluj. The charter contains, beyond the legal facts, a formula that reveals several pieces of background information. The king's interest in transferring the mint might have had monetary motivations in the first place. The autonomous coinage in Transylvania was a key issue for the competing throne pretenders. It not only strengthened the importance of the central power, but was also significant in covering war expenses.³⁸⁴ Thus, it might have been relevant for Szapolyai where his golden florins were struck, especially in this period when inflation was high. Therefore, transferring the mint from pro-Habsburg Sibiu to his ally Cluj must have had a strategic element besides the economic one, and the town might have perceived it as a reward.

The economic advantages of the 1527 charter are evident even if the town enjoyed them for only a short period. Above all, the goldsmiths were the main beneficiaries of the mint transfer. The political stage of sixteenth-century Cluj, as this dissertation emphasizes, was dominated by goldsmiths, tailors, and to a certain extent by leather workers.³⁸⁵ Hence, behind the acquisition of this important charter there was a combination of common and group interests of

³⁸⁴ Lajos Huszár, Ferenc Pap, and Judit Winkler, *Erdélyi éremművesség a 16-18. században*, [Coinage in Transylvania in the sixteenth and eighteenth centuries] (Kolozsvár: Kriterion Könyvkiadó, 1996), 18.

³⁸⁵ Flóra, "Polgári karrier – polgári lét Kolozsváron...", 483; Flóra, *Prestige at Work*.

the town elite that recognized the opportune moment to consolidate its economic and political power. Moreover, King John I gave another important privilege in the same year that banned foreign merchants from trading in ready-made clothes in town, creating an important advantage for the local tailors.³⁸⁶ Thus, the two most important crafts in the town received major benefits at the same time.

The charter about the mint transfer has a nicely put phrase praising the faithfulness of the town.³⁸⁷ One has to be aware of the circumstances under which these words were introduced in the text and it needs to be pointed out that the charter was issued in the town, so the town elite might have lobbied for it, but still such formulas are not common in the written official documents of the time and definitely would not have been noted down if the town's loyalty had not been important to Szapolyai. The good relations between John I and Cluj dated back to 1514, when the town was close to being devastated by the rebellious peasants.³⁸⁸ Szapolyai was considered the savior of the town at that time.³⁸⁹ This must have been a solid basis later good relations.

The period between 1540 and 1570, i.e., the rule of the Szapolyais (Isabella and John II Sigismund) proved to be a fruitful episode in the town's history and especially in the relationship between town and court. The town received forty-five charters granting new privileges or

³⁸⁶ JakabOkI I, 367.

³⁸⁷ Soli ciues et incole Ciuitatis huius nostre Coloswariensis inter omnes Ciuitates Saxonum inventi sunt. Qui non precio, non promissis, non persuasionibus, non motu, non denique ullo calamitatis terrore..." JakabOkI I. 368–369.

³⁸⁸ In April 1514, Tamás Bakócz, archbishop of Esztergom, recruited mainly peasants for a crusade that was finally given up; the disappointed armed men turned against the nobles of the country. The short but bloody rebellion was stopped in June with the significant help of the Transylvanian voivode, John Szapolyai, see Gábor Barta, *1514*, (Budapest: Ifjúsági Lapkiadó Vállalat, 1974); idem, *Keresztesek áldott népe* [The Blessed of Crusades] (Budapest: Móra Ferenc Könyvkiadó, 1977); Gábor Barta and Antal Fekete Nagy, *Parasztháború 1514-ben* [The Peasant's War in 1514] (Budapest: Gondolat, 1973); Gabriella Erdélyi, "A Dózsa-felkelés arcai: tabuk és emlékezet 1514 mítoszaiban" [The faces of the Dózsa rebellion: Taboos and remembrance in the myths of 1514] *Történelmi Szemle* 4 (2009): 461-480.

³⁸⁹ For more details see Ágnes Flóra, "Kolozsvár és a központi hatalom kapcsolata a Mohács utáni évtizedekben" [The relations between Cluj and the central power after Mohács], *Urbs* 8 (2013) (forthcoming).

enforcing old ones, enlarged its hinterland and possessions significantly, and received the staple right and a series of pious donations. In return, Cluj financed the expenses of the court to a great extent.³⁹⁰ Thus, successful town diplomacy that met the needs and interest of the court must have lain behind the friendly terms. That was the key element that moved any relations between the central power and Cluj throughout the sixteenth century. The situational awareness of the leading elite was what determined it, but their success depended also on the general political situation.

During the short reign of Ferdinand I (1551-1556) the town apparently kept a distance from the court – at least that seems the most plausible explanation for the total absence of charters from these years in the town archive. The 1592 inventory of town privileges does not list any documents issued by Ferdinand, which makes it clear that such documents did not perish through the centuries but never existed. This short period was still a setback for Cluj; the mint and bullion office were returned to Sibiu.³⁹¹

After the consolidation of the new Transylvanian state and in the subsequent rule of the Báthoris the power relations changed. Towns lost their temporary importance once the struggle for the throne ended. This shift in the interaction of town and court can be seen in the records after the death of John Sigismund (1571) and the coming to the throne of Stephan Báthori, even if it was not a radical turn. The declining relations with the prince created a more difficult governing situation for the town elite, which wielded less power over the citizens. The records reflect these changes, although in a rather laconic way.

First of all, the number of extraordinary missions to the prince increased, a change that might suggest greater diplomatic efforts of the town elite to safeguard the privileges. Moreover, these missions were not only initiated by the centumviri, but the council and the judge himself

³⁹⁰ Flóra, “Kolozsvár és a központi hatalom...”.

³⁹¹ Teréz Oborni, *Erdély pénzügyei I. Ferdinánd uralma alatt 1552-1556*, [Finances during the reign of Ferdinand I in Transylvania, 1552-1556] (Budapest: Szentpétery Imre Történettudományi Társaság, 2002), 63-66.

asked for permission to negotiate with the prince. Such instances had not occurred before, and might denote a change in the prince's attitude towards the town.

Citizens started to contest their tax duties at the princely court and ennobled persons wanted to take advantage of their privileged status to avoid tax duties. Even if such exemptions did not turn into a mass phenomenon, it affected one of the most sensitive issues of town administration, the collection of taxes. Taxation in the town was one of the most autonomously settled institutions, adjusted to internal and external needs. At the same time, it was normally the most unpopular institution and people often contested their obligations in this system. Before the 1570s it was only an internal matter of the town and eventual minor conflicts around taxation could have been easily deflected by the governing elite. But when social discontent was willingly or unwillingly encouraged by the only authority to which the town was responsible, it could create important damage in the governing system. The situation apparently became critical at a certain point, since in 1572 the tax collectors refused to do their job because being attacked by citizens.³⁹²

The *centumviri*, too, admitted that they were helpless against this “rush to the prince”, and even admonished the court that financial requests coming from the prince were also paid from the taxes, thus the exemptions he gave would backfire.³⁹³ In the long run this would have happened, but in short term it did not. First, a person who requested personal exemption paid the services of the court for issuing the grant of nobility, and when the town contested this act, they probably also paid for eventual concessions. Second, the prince might have had more influence on the town through people who had received some benefits from him. The princely (indirect)

³⁹² TanJkv. 1572 71.

³⁹³ TanJkv. I/3. 1573. 79v. „... ő Nagysága ne háborítsa meg az dologban való Rendtartást, mert ő Nagysága parancsolatjának is az adóból kell meglenni.” [Your Highness should not interfere with the regulations in that matter (i.e., taxation) because your Highness' orders (i.e., financial requests) are paid out from the dues.]

intervention in internal matters not only adversely affected the image of the powerful elite, but also contested the authority of the council and the whole ideology of *concordia*. Well-being, equity, and even justice were compromised.

Personal privileges had an effect on the institutional social care in the town, too. Some activities that were designated solely to benefit the hospitals in town were contested in this period. For example, beer brewing for sale was a privilege of the hospitals which could supplement their incomes by selling beer in the town. After the council refused Márton Seres' request to change this custom, he went to the prince and acquired a dispensation.³⁹⁴ Beer brewing, however, did not surpass the wine production and sale, thus did not upset the economy of the town, but it probably had an effect on the incomes of the hospital.

The charity institutions were important bodies of the urban administration and the elite was always sensitive about them because public charity was one way they could demonstrate their pious behavior and take care of their afterlife at the same time. It was also an easy way to display morality. The mid-sixteenth century brought alarming changes in this matter. A nobleman from a nearby village donated his assets to the St. Elisabeth hospital and Queen Izabella made several donations, too.³⁹⁵ Thus, the 1570s were a setback in this respect and it might have been a serious loss of prestige for the town elite.

Báthori not only gave private privileges in financial matters, but in court matters, too. In 1573, the town leadership was puzzled by a decree (*compulsoria*) that limited/stopped the town's control over interrogations.³⁹⁶ Such direct encroachments on urban autonomy were rare in the sixteenth century. The rhetoric of the council minutes reflects the decline in the town-court

³⁹⁴ TanJkv I/3. 1573. 78. By limiting the output of brewing, the town elite also wanted to protect their incomes from wine production.

³⁹⁵ Flóra, "Kolozsvár és a központi hatalom...".

³⁹⁶ TanJkv. I/3. 1573.

bilateral relations. There are often references to the dead prince (i.e., John Sigismund), a fact that shows a kind of comparison of the two eras on local level and at the same time reflects the wish of the council to have these rights unchanged or reissued. Diplomatic efforts in such circumstances must have been demanding. In 1573 the council asked for release from certain duties due to their great work in “serving” the prince and the law.³⁹⁷

In the turbulent period at the end of the century the court and town “rediscovered” the need for each other. The nephew of Stephan Báthori, Sigismund Báthori, was a controversial figure who had as many opponents as supporters among the estates of the country.³⁹⁸ His relation with Cluj almost resembled the period of the Szapolyais. Sigismund Báthori was always in financial difficulties and the town became one of his most reliable creditors in return for several important privileges and concessions. The town received new possessions, took the salt mines from Sic and Turda in pledge, and received the right to establish an office for the thirtieth tax collection in the town.³⁹⁹ This loyalty towards the prince later took its toll. The prime judge of the town was tortured and executed by the Habsburgs for supporting Sigismund Báthori.⁴⁰⁰

Although each period had particular events that influenced the affairs between town and court, some general features emerged through the research inquiries. First, it could be observed that there was no consistent urban policy in this period, no matter who ruled the country. Decisions that brought advantages to the town(s) had a haphazard character. Second, good relations between the town and central authority were shaped greatly by the interdependence of the two institutions: the more royalty or the prince was in need of support, the more chances the

³⁹⁷ By “serving” they probably understand their relation with the prince. TanJkv. 1573.

³⁹⁸ For a good analysis of Sigismund Báthori, his education, and the general political milieu, see Ildikó Horn, *Báthory András*, (Budapest: Új Mandátum Könyvkiadó, 2002).

³⁹⁹ András Kiss, “Kolozsvár és a Báthoryak: Zsigmond és Gábor” [Cluj and the Báthorys: Sigismund and Gabriel], *Szabolcs-Szantmár-Bereg Megyei Levéltári Évkönyv* vol. (2006): 329-330.

⁴⁰⁰ See chapter 2.2.1.

urban elite had to conduct successful diplomacy. The loyalty of the town elite was a more complex question. The incumbent councilors pledged fidelity to the king/prince of the country on oath, an act that made this issue axiomatic to certain extent. Yet, the intensity of this loyalty depended to a great extent on the king's or prince's attitude and policy towards the town.

In spite of the fact that the sixteenth century had several periods of political turmoil and towns were involved in the conflicts, the central power did not interfere with the internal functioning of the urban governments or at least it was a not trend. The court did not wish to disturb urban affairs or to keep the towns under permanent control. Unlawful events that were hallmarks at the beginning of the seventeenth century, for instance, when the privileges, customs of both Cluj and Sibiu were broken by the prince, did not occur during the sixteenth century. Still, the central power remained a conflict factor that could exercise pressure on town governments in several ways on different issues, even through the church.

1.3.2. The church in town

The modern historiography of the Reformation splits the research on historical paradigms into two main streams. One considers the most outstanding feature of the Reformation the fact that it was mainly an urban event. The strong scholarly interest in this phenomenon raised several arguments for this assertion in the framework of urban social historiography in the last three or four decades. Earlier urban studies focused on the introduction of the new religion by reformed preachers, their theological doctrines, the acceptance of a new faith, and church ordinances, emphasizing the theology and politics of the movement. Lately, historians have attempted to connect what was happening in the churches with what was happening in the streets, and how people perceived and adopted new faiths, i.e., how the confessionalization process went.

Berndt Moeller argues that through social tensions the urban sense of community had been disrupted in the fifteenth century, and by adopting the Lutheran Reformation the cities were able to restore a sense of communal identity.⁴⁰¹ Thomas Brady's argument that the decision to adopt Protestantism was mainly a resolution of the patricians and merchants' coalition, which realized that their power position could be maintained only by alignment with the Reformation, advances a second theory.⁴⁰² The third explanation for the appeal of Reformation in urban communities, put forward by Steve Ozment, was supported by the doctrine of justification by faith⁴⁰³.

Was then the urban Reformation a kind of revolution from above or from below? A great deal has been written on the social discipline of Protestantism.⁴⁰⁴ This is another path of Reformation research, the movement generated by the masses. Without entering into deeper analyses, one can argue that the spreading, adoption of or conversion to Protestantism in different towns was strongly determined by the status of the particular urban community within the particular political and social realities of the incorporating state. The pattern in which the lower middle urban classes brought effective pressure on the city authorities characterized the embracing of the reform, for example, in Zurich, Hamburg, in the northern Hanseatic cities, Constance, Nürnberg, Basel, and northwest Germany. In Peter Blickle's idiom this was the so-called *Gemeidereformation*, the opposite of the *Ratsreformation*, in which cases the city councils were able to handle and direct the implementation of the new liturgy. Usually the utter goal of the governing elite was to restrict the power of the mendicant orders and to strengthen their own

⁴⁰¹ Berndt Moeller, *Reichstadt und Reformation* (Gutersloh: G. Mohn, 1962). Partial English translation in *Imperial Cities and the Reformation*, ed. H. C. Eric Midelfort and Mark U. Edwards, Jr. (Philadelphia: Fortress Press, 1972).

⁴⁰² Thomas A. Brady, *Ruling Class, Regime and Reformation at Strasbourg, 1520 – 1555*. (Leiden: Brill, 1972).

⁴⁰³ Stephen Ozment, *The Reformation in the Cities* (New Haven: Yale UP, 1975).

⁴⁰⁴ Philip S. Gorski, *The Disciplinary Revolution. Calvinism and the Rise of the State in Early Modern Europe*, (Chicago: The University of Chicago Press, 2003).

positions by using Protestantism, as happened in Nördlingen, Cologne, Heilbronn, Erfurt, and Zwickau.

Although there is an abundance of secondary literature on the different theories of the reformation movement, the historical parading of confessionalization⁴⁰⁵ is relatively recent and started to develop in the 1970s and 1980s.⁴⁰⁶ Its consideration in an East Central European context came much later, but has started to produce extensive scholarly references.⁴⁰⁷ Yet, this trend of finding political and social perspectives on the formation of religious denominations is far from being a single well-defined and pre-structured research line, and its concepts vary according to the individual cases and research methods, or as István Keul formulated, it depends on the application of paradigms.⁴⁰⁸ One should be circumspect when applying the

⁴⁰⁵ Confessionalization means, beside denominational formation of religious communities, a fundamental social process that influenced a wide range of issues from state organization down to local public or personal levels. Confessionalization research is an extension of the historical dimensions of Reformation research.

⁴⁰⁶ The political, cultural, and social dynamics of Reformation were first labeled as “confessionalization” by Wolfgang Reinhard, “Konfession und Konfessionalisierung in Europa”, in *Bekenntnis und Geschichte. Die Confessio Augustana im historischen Zusammenhang*, ed. Wolfgang Reinhard (Munich: Vögel, 1981): 165-189; see Heinz Schilling, “Die Konfessionalisierung im Reich. Religiöser und gesellschaftlicher Wandel im Deutschland zwischen 1555 und 1620,” *Historische Zeitschrift* vol. no. (1988): 1-45, although with different perspectives. As Schilling put it, Reinhard referred more to the “confessionalization of the church” while Schilling to the “confessionalization of society.” Heinz Schilling, “Die Konfessionalisierung von Kirche, Staat und Gesellschaft”, 3-4. On the development of this concept, debates, periodization, and other issues see Thomas A. Brady, Jr., “Confessionalization – The Career of a Concept,” in *Confessionalization in Europe, 1555-1700: Essays in Honor and Memory of Bodo Nischan*, ed. John M. Headly, Hans J. Hillerbrand, and Anthony J. Papalas (Aldershot: Ashgate, 2004), 1-20; Ute Lotz-Heumann, “Conceptul de ‘confesionalizare’ – o dezbatere a paradigmei istoriografice” [The concept of “confessionalization”. A debate on the historiographical paradigm], *Studia UBB* 1-2 (2008): 15-32; eadem, “The Concept of “Confessionalization”: a Historiographical Paradigm in Dispute,” *Memoria y Civilización* 4 (2001): 93-114; Gábor Kármán, “A konfesszionalizáció hasznáról és káráról: Egy paradigma margójára” [The advantage and disadvantage of confessionalization: Notes on the margins of a paradigm], in *Felekezeti társadalom – felekezeti műveltség: A Hajnal István Kör 2011. évi győri konferenciájának kötete* [Denominational Society – Denominational Culture: The Conference Volume of the Hajnal István Society of Social Sciences] (Budapest: Hajnal István Kör, 2013), 27-40.

⁴⁰⁷ 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, 2009); *Religion, Ethnie, Nation und Aushandlung von Identität(en). Regionalen Religionsgeschichte in Ostmittel- und Südosteuropa*, ed. István Keul (Berlin: Frank&Timme, 2005); Krista Zach, “Konfessionelle Pluralität, Stände und Nation, ” *Ausgewählte Abhandlungen zur südosteuropäischen Religions- und Gesellschaftsgeschichte*, ed. Joachim Bahlcke and Konrad Gündisch (Muenster: Lit Verlag, 2004), 5-16, 71-102.

⁴⁰⁸ “When confessionalization was linked with the theory of the development of early modern statehood and Gerhard Oestreich’s theory of social disciplining, it required the status of a key concept that extends far beyond mere denominational consolidation and the construction of collective identities,” István Keul, *Early Modern Religious Communities in East-Central Europe*, 6.

confessionalization paradigm to a multiethnic and multi-confessional society like early modern Transylvania, where pre-established models could not be implemented without qualifications.⁴⁰⁹

The whole confessionalization process of early modern Transylvania goes far beyond the framework of this dissertation. Therefore, the Reformation process will be presented here only in its relation to the political development and system of the towns and to the political identity of the elite. How did the confessionalization process affect the composition of local governing elite, if at all? To what extent did confessional and political (elite) identity mingle in this period? Were denominations braced by politics, or was local polity structured by denominational support? How did the town councils manage the whole process of adhering to a “new faith” and how did they control social conflict? How did they combat pressures coming from outside?

The dawn of the Reformation in Transylvania was in October 1542, when the first Lutheran church service was held in the parish church of Braşov. The event described, by Hieronimus Ostermayer, the organist of the church, seems to have been a well-prepared and premeditated action that had the consent of the local elite and townspeople alike. The confessionalization of the urban population, however, was not so quick and easy; the whole process, from the first dissemination of reformation thought to the establishment of a reformed/Lutheran denomination, lasted more than a decade.⁴¹⁰ It started as a collaboration among the laity, the parish priest of the town, and the town elite, among them the judge of the town, Johann Fuchs, and Johann Honter, the “Church father” of Transylvanian Protestantism, a town councilor. In 1543 the town council even published a “handbook” (edited by Honter) on the introduction of reformed thoughts in public administration and in other spheres of life. The *Reformatio Coronensis ac totius Barcensis provinciae (Reformationsbüchlein)* created a

⁴⁰⁹ Evelin Wetter, “Formierung des konfessionellen Raumes in Ostmitteleuropa. Einführung,” in *Formierung des konfessionellen Raumes in Ostmitteleuropa*, ed. Evelin Wetter (Stuttgart: Franz Steiner Verlag, 2008), 16.

⁴¹⁰ “Chronik der Hieronimus Ostermayer,” in *Deutsche Fundgruben*, vol. 1, 27.

justification for adopting the ideals of the new faith in the spiritual and social life of the community, in education, poor relief, and common morality.⁴¹¹ In one sentence, the strong urban character of the reformation in Braşov and elsewhere was a mixture of spiritual change and administrative remodeling. In this process the secular authority and clergy collaborated, not only to help the leading elite hold their positions, but also to prevent social conflicts or religious clashes within the towns and in their hinterlands. That is why even the clearing away of Catholic liturgical artifacts that had the consent of the local government (*mit Willen der Obrigkeit*), did not turn into violent iconoclasm.⁴¹²

The adoption of reformed thought in Sibiu had a similar scenario. In 1543 Matthias Remser had already decided about turning towards Melanchtonian beliefs, but for some reason he wanted to have the consent of the greatest reformers before pastoring the congregation according to the new norms. Thus, he sent for Honter's handbook about the introduction of the new faith to Luther and Melanchthon.⁴¹³ Whether he was in doubt about Honter's way or he just wanted receive special attention, nobody knows, but certainly Luther's positive answer that came shortly thereafter, gave him extra power for conducting the town's turn to Lutheranism. He was knocking on open doors with his mission. The most influential politicians of the town (Pemflinger, Haller, Hecht) were already drawn to reformed thought. The transition from Catholicism to Lutheranism went smoothly without any apparent social dissent.

The theology of the reformation movement in Braşov, Sibiu, and later in the whole Saxon community, presented a combination of Lutheran and Zwinglian orientation, as happened in

⁴¹¹ Edit Szegedi, "Reforma în Transilvania. Constituirea identităților confesionale" [The Reformation in Transylvania], in *Istoria Transilvaniei* [History of Transylvania], vol. 2, ed. Ion-Aurel Pop, Thomas Naegler, and András Magyar (Cluj-Napoca: Academia Română, 2007), 238.

⁴¹² "Chronik der Hieronimus Ostermayer", 29.

⁴¹³ Karl Reinert, *Die Gründung der evangelischen Kirchen in Siebenbürgen*, (Cologne: Böhlau, 1979), 129; Keul: *Early Modern Religious Communities*, 70.

many other urban centers in Europe, and kept the forms of a non-radical, in fact, Melanchthonian reform.⁴¹⁴ Philip Melanchthon's influence on the Transylvanian Reformation came on two paths: indirect influence from peregrinations to Wittenberg, and the influence he had through direct contacts with the main actors of the Transylvanian Reform. Melanchthon was enthusiastic about the direction the church in this furthestmost region of Western Christianity, and this eagerness must have been stimulating for the leaders of the Reformation movement in Transylvania.⁴¹⁵

The dissemination of the new faith among the Saxons was supported by the "official" standpoint of the community that decided in the general assembly of the *Universitas* in 1544 to introduce Lutheranism in the Saxon towns, and one year later the resolution was extended to the villages, too. In 1547 a church order was issued containing the *modus operandi* of the Reformation. The *Kirchenordnung aller Deutschen in Siebenbürgen* was legally enacted in 1547 and by that one action of the Transylvanian Principality the *natio Saxonica* became officially Protestant.

The fast spread of the Reformation was not just a consequence of a well-organized "action plan" in the Saxon community, but also of a favorable political and social milieu. The formation period of the Transylvanian Principality and that of Reformation coincided, and the malleable relations of this period gave more space for new ideas. Nonetheless, the towns that were the cradles of the Reformation had stronger regional or even state influence than before or even after the sixteenth century. Nobles adhered to new denominations (especially Calvinism) in great numbers, converting masses of people on their estates. Moreover, the state policy was conceded certain church matters, and the same attitude characterized the Ottoman control.

⁴¹⁴ Szegedi, "Reforma în Transilvania", 238.

⁴¹⁵ Heinz Scheible, "Melanchtons Beziehungen zum Donau-Karpaten-Raum bis 1546", in *Luther und Siebenbürgen. Ausstrahlungen von Reformation und Humanismus nach Südosteuropa*, ed. Georg Weber and Renate Weber (Cologne: Böhlau Verlag, 1985), 52 (henceforth *Luther und Siebenbürgen*).

Habsburg rule over Transylvania would not have tolerated the wide unfolding of Reformation thought. The challenges of the political instability during the short period of Ferdinand's domination (1551-1556) set aside religious matters, although even so there were attempts at Catholic restoration.

Protestantism in Transylvania received its legal framework with the decisions of the diets between 1566 and 1571, the most important being the Diet of Turda in 1568 when freedom of thought and religion were declared for four “received” religions (Catholic, Lutheran, Calvinist, Antitrinitarian).⁴¹⁶

Graeme Murdock has seen the 1568 decree as the estates’ will surmounting the weak central power.⁴¹⁷ Although this statement is correct in certain respects – the religion of the ruler did not become the faith of the state and the choice of the prince in religious matters was of little significance – the real political and social background that resulted in the legal acceptance of the four religions has to be considered in greater detail.

How weak or how strong the rule over a country is is connected to the wider political situation and this dissertation does not have the capacity to go into such details, thus only some remarks are offered here. The Ottoman suzerainty over Transylvania limited the power of the king/prince, but not with regard to religious matters. The decision-making power of the estates also curtailed the central power, but that was of medieval tradition and not a consequence of the sixteenth-century transformations or eventual loss of the royalty’s power. Moreover, the reign of

⁴¹⁶ See Mihály Balázs, “ ‘A hit ... hallásból leszön.’ Megjegyzések a négy bevett vallás intézményesüléséhez a 16. századi Erdélyben” [‘Faith ... comes from Hearing’ Remarks on the institutionalization of the four received religions in sixteenth-century Transylvania] in *Tanulmányok Szakály Ferenc emlékére*, [Studies in memory of Szakály Ferenc] ed. Pál Fodor, Pálffy Géza and István György Tóth (Budapest:MTA, 2002), 52-73.

⁴¹⁷ Graeme Murdock, “Calvinist Catechizing and Hungarian identity,” in *Confessional Identity in East-Central Europe*, ed. Maria Crăciun, Ovidiu Ghitta and Graeme Murdock (Aldershot: Ashgate, 2002), 81. (henceforth *Confessional Identity...*)

John II (Sigismund) does not seem to have been less powerful than that of the following Báthoris', and what is more, during his rule Transylvanian statehood was fully established.

It would be more reasonable to approach the 1568 decree as a political decision in a real sense, with its strategy and realism, and consider it as the culmination of a process that had started already in the state policy of the 1540s. In 1542 the bishop of Transylvania, John Statilius, died, and a new prelate was not appointed, although at that time George Martinuzzi (Fráter), the powerful cardinal, controlled the politics of Transylvania. He would have had both political and ecclesiastical power to put someone on the vacant seat of the bishopric. The political reasons, however, overcame the religious ones. Martinuzzi became more influential in the absence of a bishop. The Catholic Church in Transylvania remained without a leader when Reformation thoughts reached more and more believers. The estates and the episcopal palace in Alba Iulia (Gyulafehérvár, Kalrsburg) were secularized and gradually the new court of the Transylvanian Principality was installed there.⁴¹⁸ The first steps on the way towards a Protestant principality (although not consciously yet) were made at that point.

In the 1560s Transylvania had just emerged from a period of political turmoil and entered a phase of stability. Thus, new conflicts either of religious or social incentives would have hindered the development of the principality, but most of all the consolidation of power of the Szapolyais. As Ágnes R. Várkonyi put it, the 1568 decree was a peacebuilding event *pro quiete regni*.⁴¹⁹ Strong opposition to the Reformation would have been almost impossible in 1568, when the majority of former Catholic communities had already turned towards new beliefs. It should also be kept in mind that John II (Szapolyai) had great sympathies towards reformation

⁴¹⁸ See Teréz Oborni, "Izabella királyné erdélyi udvarának kezdetei (1541-1551)" [Queen Izabella's court at the beginning], *Történelmi Szemle* 1 (2009): 21-44. Re-published in eadem, *Udvar, állam és kormányzat a kora újkori Erdélyben* [Court, state and government in Early Modern Transylvania] (Budapest: ELTE, 2011), 30-51.

⁴¹⁹ Ágnes R. Várkonyi, "Pro quiete regni – for the Peace of the Realm. The 1568 law on religious tolerance in the Principality of Transylvania," *The Hungarian Quarterly* 34 (1993): 265-266.

(Antitrinitarian thoughts) even if he, according to the present stage of research, did not convert to any reformed confession. Thus, the prince probably offered little resistance during the debates of the 1568 diet.

The multi-ethnic character of Transylvania, which often coincided with religious identities was genuinely more tolerant towards diversity than in many other countries of Western Christianity. Here the medieval Western Catholic Church's intolerance took less violent forms.⁴²⁰ Thus, the 1568 act of religious tolerance had historical traditions and was not a purely innovative law.

The 1568 decree also had wider perspectives. It established the framework of a Protestant principality that can also be seen as a reaction against Habsburg claims to Transylvania. Although there were attempts at Catholic restoration coming either from Vienna or the initiative of the Báthoris, Transylvania remained a protestant state until the end of the eighteenth century. Thus, the introduction of religious freedom in Transylvania can be seen as an episode of a political strategy rather than defeat of a central power.

The 1568 *Religionsfrieden* was the second such act in Europe after the Augsburg decree in 1555, but it went beyond that by recognizing not only two but four religions. It played a major role in the situation that in these closed urban communities Catholics, Lutherans, Calvinists, and Anti-trinitarians (later Unitarians) lived together in peace.

1568, though, was far from the end date of the confessionalization process. The formation of confessional identities did not evolve following clear-cut theological thought or accepted denominations, but this process rather displayed a mixture of local and personal influences, a mingling of new faith and local traditions as well as personal beliefs. The success of

⁴²⁰ Kálmán Benda, "Az 1568. évi tordai országgyűlés és az erdélyi vallásszabadság" [The diet of Turda in 1568 and the freedom of religion in Transylvania], *Erdélyi Múzeum* 3-4 (1994): 3.

confessionalization and the development of new (local) religious identity relied heavily on the theological training of the parish priests or preachers of the various communities; parish priests were significant mediators between the centers and local communities.⁴²¹ Their devotion in this “channelling” was crucial in shaping the character of communal and confessional identity; therefore, among the Transylvanian Saxons one may find sacramentarian or crypto-Calvinist communities which nevertheless considered themselves Lutherans.⁴²² Moreover, as Maria Crăciun has asserted in her studies, pre-Reformation liturgical art and adornments were only moderately mentioned among *adiaphora*, although Saxon Lutheranism abolished artifacts from the churches in 1545. She also reached the conclusion that well-established medieval traditions were drawn upon in the confessionalization process of the sixteenth century, especially in the smaller communities.⁴²³ Iconoclasm was more intense in urban environments, although it rarely became violent, and town governments tried to prevent turmoil either by controlling the removing of paintings and sculptures (e.g., in Braşov) or by reinterpreting religious imagery as decorative and educational tools of faith (Sibiu).

Keeping social order in mono-ethnic and mono-religious communities was less challenging than in urban settlements where not only multiple ethnicities but also different confessions lived. Although the town government in Cluj controlled the conversion of the townspeople, it was much more demanding than in Sibiu, for instance, where only the outbreaks of small groups of more radical believers had to be stopped.⁴²⁴ While Sibiu and most of the

⁴²¹ Maria Crăciun, Ovidiu Ghitta, and Graeme Murdock, “Religious Reform, Printed books and Confessional Identity”, in *Confessional Identity ...*, 4.

⁴²² Edit Szegei, “Confessionalizarea”, in *Istoria Transilvaniei*, vol. 2, ed. Ioan-Aurel Pop, Thomas Naegler and András Magyari (Cluj-Napoca: Academia Română, 2007), 250.

⁴²³ Maria Crăciun, “Rural Altarpieces and Religious Experience in Transylvania’s Saxon Communities”, in *Cultural Exchange in Early Modern Europe*, vol. 1, ed. Heinz Schilling and István György Tóth (Cambridge: CUP, 2006), 192.

⁴²⁴ The artifacts of the parish church in Sibiu, and according to some views in Braşov, too, were damaged by a radical group. Their influence apparently was not significant and town elites were able to control violent actions.

Saxon urban centers kept the Lutheran faith, and only a few communities adhered to the sacramentarian wing of Calvinism, Cluj changed denominations three times in around twenty years. The most turbulent transition was that from Lutheranism to Calvinism. At this stage the town council was firm in restricting the town from new theologies.⁴²⁵ The German population continued in Lutheran worship while most Hungarians embraced the theology of Calvin. The frequent clashes between the Lutheran parish priest and the Calvinist preacher made trouble for the town council.⁴²⁶ The town turned to Antitrinitarianism around 1567.

Antitrinitarianism was the most revolutionary branch of the reform in Transylvania, yet only in theological sense. The name itself came from the understanding that God is one, not three beings coexisting consubstantially as one. Further the doctrines maintained that Jesus was the son of God, but not God himself and teaching resferred only to text of the Bible. The followers of this belief rejected not only the existence of Trinity, but denied the existence of original sin and predestination. It was not an austere religion. Its members did not reject arms and fighting in the army, like the Anabaptists, and did not adopt severe dress codes like radical Calvinists. Moreover, it was one of the most liberal denominations of the time, probably the only one that appreciated the values of religions other than Christianity.⁴²⁷

Antitrinitarianism came to Transylvania through Poland-Lithuania, but it developed into a denomination in Transylvania, in Cluj thanks to Ferenc Dávid, or as he was originally named, Franz Hertel. He was born in Cluj in a Saxon tanner's family around 1510. He attended the universities in Wittenberg and Frankfurt am Oder between 1545 and 1551. After a few years of

⁴²⁵ Jakab, *Kolozsvár története*, vol. 2, 98, 101-102.

⁴²⁶ Jakab, *Kolozsvár története*, vol. 2., 171.

⁴²⁷ On antitrinitarian theology see Antal Pirnát, *Die Ideologie der Siebenbürger Antirnitariet in den 1530er Jahren*, (Budapest: Akadémiai Kiadó, 1961); Mihály Balázs, *Early Transylvanian Antitrinitarianism (1566-1571): from Servet to Palaeologus*, (Baden-Baden: V. Koerner, 1996); Edit Szegedi, "Klausenburg als Modell? Reformation und Konfessionalisierung in einem ethnisch und konfessionell gemischten Kontext", in *Kulturen in Begegnung*, ed. Matthias Theodor Vogt, Jan Sokol, and Eugeniusz Tomiczek (Wrocław-Görlitz: Oficyna Wydawnicza ATUT, 2004), 275-334.

ministry in Bistrița, Dávid returned to Cluj, became first the rector of the school, then the preacher of the town. In 1557 he was elected bishop of the Hungarian Lutheran community, but soon he turned towards sacramentarian thoughts and the congregation followed him. King John II (Sigismund) called him to serve at the court, where he learned about the antitrinitarian theology. Dávid became the first bishop of the Antitrinitarian (Unitarian) denomination in Transylvania.

Although the conversion to reformed confessions and especially the adoption of antitrinitarian thought was en masse and institutionalized phenomenon led by the elite, the transition to the new liturgy and faith on the level of individuals was much more reluctant. In 1568, the council of the *centumviri* urged the town council in Cluj to summon the widow of Zsigmond Literatus to remove the idolatrous images from her house, to stop the practice of confession, and to abstain from hosting papist clerics and monks in her house.⁴²⁸ This was probably not a single case when people retained their stance in religious traditions, yet the special attention paid to it shows the intention to block every channel rival confessions could follow. These kinds of measures, however, suggest caution in the interpretation of the freedom of religion after 1568, and especially its implementation.

When politics and religion interacted, tolerance depended on the political intentions.⁴²⁹ No matter if one speaks of imperial, state or local levels, religious tolerance was very much in the hands of the political actors. What one can certainly assert, no matter of what the theory, is that the (urban) Reformation was not purely religious in character; social, economic, and political grievances were also present. What has emerged from all the theories and their

⁴²⁸ Jakab, *Kolozsvár története*, vol. 2., 173.

⁴²⁹ Katalin Péter, "Tolerance and Intolerance in Sixteenth-Century Hungary," in *Tolerance and Intolerance in the European Reformation*, ed. Ole Peter Grell and Bob Scribner (Cambridge: CUP, 1996), 250; Mihály Balázs, *Az erdélyi antitrinitarizmus az 1560-as évek végén* [Transylvanian Antitrinitarianism at the end of the 1560s] (Budapest, Akadémiai Kiadó, 1988), 190.

application is that in adopting the Reformation urban regimes remained relatively unchanged. This suggests that the town councils were able to respond to popular demands or pressure for change. In fact, the town magistrates controlled the whole *modus operandi* of adopting Protestantism and they aimed to prevent any eventual disorder caused by gifted neologist orators who could turn the masses against the elite. Social turmoil was always a threat to the government.⁴³⁰ This assertion is supported by a resolution of the *centumviri* in 1565, when it was decided that every new preacher who came to the town had to prove his views through the Bible and by confronting the town's priest, i.e., the *sola scriptura* formal principle of Protestantism appeared in the official discourse of town administration.⁴³¹ This proves once again that the religious tolerance in a town was greatly conditioned to the spiritual beliefs of the elite.

As a consequence of the *Ratsreformation*, in both Cluj and Sibiu, the composition of the governing elite remained unchanged.⁴³² The incumbent elite remained in position by turning to Protestantism. Afterwards they tried to keep their positions with rules of exclusion; in Cluj only antitrinitarians could acede to high offices. It was a sort of local translation of the *cuius regio eius religio* concept of the 1568 *Religionsfrieden*, which in the town context turned into the principle of *cuius officium eius religio*.

Excluding the non-antitrinitarians from the town government was also a way of forcing the elite to remain united by adhering to the same religion. This, of course, did not mean that

⁴³⁰ Lorna Jane Abray, "Confession, Conscience and Honour: The Limits of Magisterial Tolerance in Sixteenth-century Strassburg," in *Tolerance and Intolerance in the European Reformation*, 95-96.

⁴³¹ Quia contra verbum Dei et eius puram et sinceram veritatem multi consumerunt oblitterare[!] et falsa commentare ob quorum malignitatem et insolentiam etiam predicatorum in hac civitate perseverare abhorrent et indignantur, TanJkv.I/1, 130; "... akárki ... az Isten ígéjével ellenkező véleményeket és hitcikkeket hirdetni merészkedik, a bíró és senatorok tudják meg a prédikátortól, s szólítsák meg, hogy menjen fel a szószékbe, álljon a közönség elé, s vallását hirdesse nyilván és mellette vitatkozzék meg a prédikátorral, és ha vallását a szentírásból meg tudja bizonyítani, jó, ha nem, vagy szószékben előállani nem akar, az illet ingre és gatyára vetkeztetve, a városból üzzék el." (.. anyone... who dares to spread ... and articles of faith other than the words of God, should be asked to stand forth to the pulpit and prove his says through the Bible. Who cannot or does not want to do so, should be stripped of robes and cased out of town); Jakab, *Kolozsvár története*, vol. 2, 178.

⁴³² Archontology research does not show any rupture in the structure of the leading elite.

every eligible man left his former beliefs and converted to antitrinitarianism just to have access to power, but this could have affected decisions on whether to adhere to a denomination or not.

The fast transition of the elite from one confession to another was reinforced by the interlocking with the spiritual elite. Ferenc Dávid's wife, Kata Barát (Münich), came from one of the most influential families in the town. Stephan Barát (Münich), Dávid's father-in-law, was the prime judge of the town (1549, 1555, 1557, 1561 and 1569); Peter Barát (Münich), Dávid's brother-in-law reached similarly high positions in the town government (prime judge in 1587, 1591). In 1592, the election of the superintendent was delayed because Peter Barát (Münich) was out of town.⁴³³

The interlocking of the political and spiritual elites of the town had advantages but also carried great potential for failure. Religious conflicts that were fuelled from outside the town by a superior authority were more difficult to control than disciplining internal matters. Cluj encountered this kind of threat after John Sigismund died and the fervent Catholic, Stephan Báthori, came to power. In 1575 the town faced significant mobilization of the Catholics in the town for the first time, which prefigured the assault on the town elite that happened in the 1580s, when Báthori and the Jesuits established a college in Cluj.

1.3.3. The university

One of the most prestigious and oldest universities, Cambridge University, was founded by scholars fleeing from Oxford University, where a violent clash between town and gown took place in 1209. In the same way, Oxford grew after the exodus of students from Paris in 1167, again after a religious conflict. Great tensions between town and university happened in Bologna, too, and a group of masters and students who left the town founded the university in

⁴³³ TanJk I/5, 102v.

Padua.⁴³⁴ A brief look at the history of the most important university centers in Europe reveals a picture of resurgent conflicts and tensions in the urban centers of learning.

The liberties and privileges of the universities over towns granted by charters have often fuelled dissent between town and gown. Townspeople were irritated by the presence of “outlandish” scholars who not only became part of their daily life, but sometime infringed on the freedoms of locals and were exempt from town jurisdiction.⁴³⁵ Moreover, universities were institutions of the Church’s secular power backed by the crown, which might also have annoyed the local elite.⁴³⁶

By the 1580s Jesuits turned their attention towards education, and for that they sought allies among Catholic rulers. When Stephan Báthori, king of Poland and prince of Transylvanian, and the Jesuits in Vilna (Poland; today Vilnius, Lithuania) drew up the first concept of a Jesuit College in Cluj in June 1579⁴³⁷, the Society of Jesus in Transylvania was already acting with force to convert the “heretics” in Transylvania. Antitrinitarians, as the correspondence between the Báthori and the Jesuits in Transylvania also shows, were especially targeted.⁴³⁸ Thus, it was no coincidence that Cluj was their main choice for establishing their college.⁴³⁹

This institution, meant to host and train twenty young students in theology, philosophy, rhetoric, and grammar, was established first in the former Benedictine monastery near Cluj, in Cluj-Mănăştur. The town council of Cluj, although recogniz the imminent threat from the Jesuits,

⁴³⁴ Olaf Pedersen, *The First Universities. Studium Generale and the Origins of University Education in Europe*, (Cambridge: CUP, 1997), 160-161.

⁴³⁵ Samuel K. Cohn, jr., *Popular Protest in Late Medieval English Towns*, (Cambridge: CUP, 2013), 271.

⁴³⁶ *Ibid.*, 271.

⁴³⁷ Endre Veress, *Epistolae et acta Jesuitarum Transylvaniae temporibus principum Báthory - Erdélyi jezsuiták levelezése és iratai a Báthoryak korából (1571-1613)* (The correspondence and documents of Transylvanian Jesuits during the Báthoris) (Budapest: Athenaeum Irodalmi és Nyomdai RT, 1911), vol. 1, 76.

⁴³⁸ Endre Veress, *Epistolae et acta Jesuitarum*, 98-99, 113,

⁴³⁹ The Jesuits paid special attention to the important Protestant centres, see Ronnie Po-Chia Hsia, *The World of Catholic Renewal 1540-1770* (Cambridge: CUP, 2005). In the same year, Báthori conferred the title of university on the Jesuit college in Vilna, another town where Antitrinitarians had some influence.

did not react to the opening of the new college. Only one or two sanguine preachers raised their voices against it, for which Báthori reprimanded the town.⁴⁴⁰ At that point, the town elite hoped to maintain the status quo and made efforts to keep good relations with the prince. When Báthori sent a Catholic preacher to the town, the council summoned the rector of the school to discipline the pupils for addressing him with improper words.⁴⁴¹

The timing of the college foundation was not by chance. In 1579, Ferenc Dávid, the leader of the Antitrinitarians was imprisoned for life for breaking the “innovation” law from 1574 that prohibited any further development of confessional doctrines.⁴⁴² Dávid was accused of the non-adoration of Christ, which was a new element among Antitrinitarians that generated conflict even within the same denomination.⁴⁴³ This conflict put Transylvanian antitrinitarianism on a downturn that was deepened by the death of Ferenc Dávid, a charismatic leader, in November 1579.

Báthori, or rather the Jesuits around him, had a perfect reading of the situation and did not defer the strikes against the center of Antitrinitarians in Transylvania. Only two months after Dávid’s death, the town council of Cluj learned about Báthori’s intention to move the Jesuit college into the town.⁴⁴⁴ In spite of diplomatic efforts, the town council failed. In April 1580 the council minutes reflect a desperate inertness:

.. as far as the building of the Jesuits is concerned, their Honours have decided that the judge of the town should go to his Highness, our Prince, and beg him to

⁴⁴⁰ TanJk I/3.1579.188.

⁴⁴¹ TanJk I/3.1579. 192v.

⁴⁴² *Monumenta Comititalia Regni Transylvaniae. Erdélyi Országgyűlési Emlékek*, vol. 3, ed. Sándor Szilágyi (Budapest: Athenaeum Irodalmi és Nyomdai RT, 1877), 203.

⁴⁴³ Antal Pirnát, “Kolozsvár Dávid Ferenc idejében” [Cluj during the time of Ferenc Dávid] *ELTE Évkönyv* (1955): 103-121, idem, *Die Ideologie der Siebenbürger Antitrinitarier in den 1570er Jahren* (Budapest: Verlag der Ungarischen Akademie der Wissenschaften, 1961), 161-187; Jakab, *Kolozsvár története*, vol. 2, 169-194.

⁴⁴⁴ TanJk I/3. 1580. 208.

do not bring the Jesuits in the town because it might cause dissent, commotion and the privileges of our town are in danger.⁴⁴⁵

Although it might seem a naive question, one should consider why they feared the opening of the Jesuit university so much? Why do they refer to it as threat to town privileges? As has been asserted before, confessional life, identity, and the town administration were linked by many ties, thus every change in either religious or secular matters affected the entire elite.

Besides, the governing elite of Cluj was well aware that the death of Ferenc Dávid had created a chasm in the top leadership of the Antrinitarian denomination that was difficult to bridge; it took more than ten years to find a new charismatic leader.⁴⁴⁶ Dávid was not only the founder of the Antitrinitarian church in Transylvania, but also its main preacher and theologian. The leaders of Cluj knew that there was no qualified person to combat the Jesuit propaganda and challenge. The Jesuits knew that and they came to Cluj well-prepared with a polemic of thirty-one entries. The original text has not survived, but a later reflection on it, edited by Péter Laskai Csókás,⁴⁴⁷ shows that it contained a series of complex theological and philosophical matters, and gave no chance for the challenged party to prepare a defense in such a short time. The town

⁴⁴⁵ TanJk I/3. 1580. 217. "az mi az Jezsuiták épületit nézi, penig végeztek ő kegyelmék hogy bíró uram ő kegyelme találja meg Urunkat őnagyságát és könyörögjön, hogy őnagysága ne szállítaná közünkbe ide az városba, mert nagy egyenetlenségtől, háborgástól félő az dolog sőt varosunknak es szabadsága kezd veszedelembbe miatta forogni." (as far as the building of the Jesuits is concerned, the judge his Honour should find the prince and beg him not to bring the Jesuits among us, because it would bring trouble and stir and nonetheless the privileges of the town are under threat.) The last sentence of this entry reflects eloquently the despair of the town elite: „ő Nagyságának nem jó helyen vagyon Monostor is, a hun efféle scholát építhet?” (why is it unsuitable for his Highness to build a school in Cluj-Mănăstur?).

⁴⁴⁶ In 1592 György Enyedi was elected bishop of the Antitrinitarians; he managed to restore the order and prestige of the denomination. He was reputed as the Unitarian Plato, János Káldos, "György Enyedi – The Unitarian Plato," in *György Enyedi and Central European Unitarianism in the 16-17th Centuries*, ed. Mihály Balázs and Gizella Keserű (Budapest: Balassi Kiadó, 2000), 99-105; Elek Jakab, "Enyedi György élete", [The Life of György Enyedi], *Keresztény Magvető* 25, no. 3 (1890): 131-141, no. 4 (1890): 211-244.

⁴⁴⁷ Peter Lascovius (Laskai Csókás Péter), *Theorematum de puro et expresso Dei verbo, tam scriptis quam viva voce tradito, et pari utriusque autoritate nuper in gymnasio Claudio Jesuipolitano in Transylvania a novis Societatis Judae monachis propositorum, examen et refutatio* (Geneva: Jacques de Chouet, 1584) http://www.e-rara.ch/gep_g/content/titleinfo/1752260?lang=it.

council and the church leaders were absent from the public debate that was held along with a play. Jesuits gave what the mob wanted: Spectacle and entertainment.

The re-conversion to Catholicism was probably more successful on the outskirts of the town, where the town elite was less present, and where the “simple folk” had more inclination towards spectacular preaching. Moreover, that also explains the probably exaggerated report that the Hungarian Jesuit István Szántó converted about 400 Hungarian heretics in 1581, against only 40 by his German fellow, Wolfgang Schreck.⁴⁴⁸ Thus, the town council mobilized the St. Peter’s parish priests to perform two worship services on Sundays (similarly to the Jesuits) in the outskirts, so that the people “would not feel obliged to run to the Jesuits”.⁴⁴⁹

The loss of religious influence was not the only concern of the town elite. A Jesuit college was an institution that was autonomous from the town administration, and imminently brought foreigners, moreover noble foreigners, to town,⁴⁵⁰ over whom the town council had little or no power. At first, the town firmly rejected the intention of the Jesuits to buy a house for their campus.⁴⁵¹ A house exempt from taxes and housing nobles might have set a dangerous precedent, which town leaders wanted to prevent. But they failed. Their arguments were not considered and in only two weeks, through Báthori’s pressure, the town itself decided to buy a house for the Jesuits rather than let one fall into foreign hands.⁴⁵²

⁴⁴⁸ Christine Peters makes a totally misleading assertion about this fact, following the idea that Saxons had more resistance towards re-Catholization because of the feast day doctrines of their Lutheran faith, which kept them away from mass. Peters forgets the most important issue: most of the Saxons, and the elite definitely, were anti-Trinitarians and not Lutherans, and they were more resistant to the Jesuit mission because of the influence of the governing elite, Christine Peters, “Jesuits, Confessional Identities and Landlordship in God’s Transylvanian Vineyard”, in *Communities of Devotion*, 206.

⁴⁴⁹ TanJkv I/3, 248.

⁴⁵⁰ The Jesuit colleges generally attracted middle-class nobles. Hsia, *The World of Catholic Renewal 1540-1770*, 32.

⁴⁵¹ TanJkv I/4. 5v.

⁴⁵² “Minemű nagy és utolsó szükség kényszergette ő kegyelmét tanácsával egyetemben az Zabo György házának örök áron meg vételre,... holott másképp Lengyel királynak ő felségének haragja forgott volna következni ez szegény városra. De az ház árának az az ezer forintnak meg léte bizonytalan...” [What a huge and last distress was on His Honour and the town council to buy György Zabó’s house for its real value ... otherwise the Polish king’s

Conflicts between town authorities, residents, and the Jesuits were constantly on the agenda of the council meetings. They acted against the laws of the town, breaking the prohibitions on carrying guns and selling wine.⁴⁵³ These actions have been interpreted in the secondary literature as incitements, which might be so.⁴⁵⁴ In sixteenth-century Cluj tap-house debates on faith often turned into fights,⁴⁵⁵ thus the Jesuits might have carried firearms for self-defense in a generally hostile milieu. This might also show that the town council had no or little power over privileged groups.

The Transylvanian Jesuits, who considered neither the social nor the religious realities of the country, often propagated aggressive and hostile propaganda. They had set the goal of quick and spectacular conversion. The foreign fathers of the Society of Jesus were not aware of the local state of affairs and they invested great effort to turn influential protestant noblemen to the Catholic faith, but neglected the pastoral care of the masses. Moreover, they also wanted to involve themselves in political decision-making, which brought the indignation of the estates and finally led to their expulsion in 1588.⁴⁵⁶

The temporary lagging of the Jesuits can be seen in the town records of Cluj, which draw a calm and non-confrontational image of the relationship between the town and the Jesuits in 1586 and 1588. The Jesuits did not come up as a diplomatic issue in decisions on the New Year's gifting procedure in this period. Circumstances might have created this short relief for the town council. Locally, the plague that devastated the town in 1585 and 1586 might have been a significant element in the battle against the Jesuits. It is probable that the antitrinitarian preachers

displeasure would have been incurred by our poor town. But the existence of the purchase price of the one thousand florins is doubtful.]

⁴⁵³TanJkv I/3. 1583.6.

⁴⁵⁴ Kelemen Gál, *A kolozsvári unitárius kollégium története (1568-1900)* [The History of the Unitarian College in Cluj], vol. 1 (Kolozsvár: Minerva Irodalmi és Nyomdai Műintézet, 1935), 37-38.

⁴⁵⁵ András Kiss, "Ante Claram Boci (Egy 1565-beli ismeretlen kolozsvári boszorkányper)" [Ante Claram Boci. An Unknown Witchcraft Trial in Cluj], in idem, *Más források – más értelmezések*, 302-305.

⁴⁵⁶ Ildikó Horn, *Báthory András*.

used the pale horse allegory as a symbol of plague, which was often linked with the papacy in Protestant rhetoric.⁴⁵⁷ This was the second important plague pandemic during Báthori's reign and after the restoration of Catholic faith in 1573, and after a relatively long period when the deadly disease had not occurred in the town. The greatest strike against the Transylvanian Jesuit mission was the death of their greatest patron, Stephan Báthori, in 1586. The Protestant estates also took a strong stance against them. The news of the possible expulsion of the Jesuits from the country created a more hopeful atmosphere among the town elite. Well before the diet of Medias (December 1588), the town council nominated the delegates and set the key principles for the judge's speech.⁴⁵⁸ This was only one battle that the town elite won, the war was still going on. The Jesuits did not leave Cluj entirely and members of the community returned from time to time and continued to preach to the townspeople.⁴⁵⁹ Finally, in 1603, their college was severely damaged by local residents.

Although the rule of Sigismund Báthori brought a reliable status quo in religious matters, the Calvinist princes who followed broke the antitrinitarian hegemony in Cluj, but not so quickly as to overturn the structure of the elite, which itself changed considerably during the seventeenth century. The conflict between the town elite and the Jesuits reveals several insights into the elite's power and vulnerability. It demonstrates once again that the political resources of a town

⁴⁵⁷ Ole Peter Grell and Andrew Cunningham, *The Four Horsemen of the Apocalypse. Religion, War, Famine and Death in Reformation Europe* (Cambridge: Cambridge University Press, 2000), 274-294.

⁴⁵⁸ "Látván az Úristen kiváltképpen való ajándékát melyet hatalmason ... az országbeli három nemzetnek nyújtott, szívükbe be oltott az bálványinak ki irtásába, tetszett városul, hogy mi is vigyázzunk, sőt a mi nagy szenvedésünkről szólhassunk. ... Az mikor pedig az idő el jő, ő kegyelme Bíró uram elsőbe Istenhez és az ő szent tiszteletéhez, annak utána az városhoz való szerelmiért úgy mutogassa meg az egész ország előtt fájdmát, nyomorúságot, az város szabadságának romlását az Jezsuiták miatt, hogy kit ő kegyelmék városul jó néven vehessenek, és meg emlékezhessenek városul az ő kegyelme szorgalmatos gondviseléséről, fáradtságáról." [Seeing the great gift of God ... given to the three nations (i.e., the estates) of the country, that He had planted to our hearts to eradicate the idolatry, ... the town had agreed that we should be aware too, moreover, we should expose our sufferings... Thus when time comes (i.e., the Diet in Medias) the town judge, His Honour, in accordance to his loyalty towards God and towards the town, should present the grief, misery and deprivation of town privileges caused by the Jesuits in front of the whole country in such a way that the town can appreciate it and will remember his Honour's the providence and plod towards the town.]

⁴⁵⁹ TanJkv. I/5. 1589. 51, 1591. 22v.

that had no institutional background support (i.e., the Saxon *Universitas* or the backing of the estates) were ineffectual against powerful pressure from outside. Furthermore, control over the beliefs of the townspeople and thus control of political power was vulnerable and exposed to attacks. The overlap of communal and confessional identity might not have been so definite outside the elite; town governance controlled the confessionalization process, but did not dominate it.

1.3.4. The multiethnic town and the presence of foreigners

Multiethnicity was also grounds for possible conflicts in a town when the different ethnic groups were not represented proportionally on the governing level. Monolithic ethnic elites often felt threats to their power when the settlement of foreigners of different ethnicities tended to become a mass phenomenon or when the status of new-comers ranked higher than the old elite's. Towns were diligent in keeping their privileges as strongly as possible and controlling any influx of new settlers who might curtail the advantages of the established residents. The problems of ethnic groups and foreigners has to be interpreted in such a context.

“Ethnicity” and “foreigners” should not be understood only semantically, but in a larger context of meanings in the sense of “situational construct”, as Patrick Geary puts it, in defining medieval “nations” as group identities of elites.⁴⁶⁰ Ethnic groups and foreigners might have appeared in the town in many forms: as merchants or craftsmen coming from different countries, refugees or members of other urban or rural communities of the country, adherents of different/other beliefs, landed nobility from the hinterland or from distant places of the country. Indigenous and alien relations were always defined on the spot and the attitude of the towns

⁴⁶⁰ Patrick J. Geary, “Ethnic Identity as Situational Construct in the Early Middle Ages”, *Mitteilungen der anthropologischen Gesellschaft in Wien* 113 (1983): 15-26; idem, *The Myth of Nations. The Medieval Origins of Europe* (Princeton: Princeton University Press, 2002), 19.

towards foreign dwellers differed according to the interests of the urban center and the ruling elites, although it also depended on the behavior, goals, and adaptability of new settler(s).

The urban governments adopted protectionist measures for the welfare of the citizens⁴⁶¹ or restrictions on acquiring citizenship. The town council in Sibiu conditioned house purchase, thereby citizenship, to German natives only in 1541,⁴⁶² followed by several restrictions applied to guilds that were prohibited from employing Hungarians who had no possessions in the Saxon region (*Sachsenboden*).⁴⁶³ These kinds of restrictions were not without precedence, and guilds also made prohibitions according to their interests, but when bans on ethnic or commercial criteria were adopted by town decree they became more radical. The goldsmiths were the most exclusionist. After excluding the sons of weavers, in 1560 they banned the sons of barbers from the goldsmiths' craft, and in 1573 they refused to take Hungarian goldsmith journeymen in the guild. This last decision led to a strike by young apprentices in Cluj and later to a lawsuit between the two guilds, finally won by the masters in Cluj.⁴⁶⁴ Although ethnicity was explicitly evoked in these guild conflicts, there were more commercial motifs than ethnic ones in the background. Craftsmen acted (not too fairly) against strong competition coming from ambitious or well-trained young aspirants.

The restrictions applied by the town were less against non-German, i.e., Hungarian townsmen from other urban settlements, than against nobles fleeing from occupied Ottoman territories that might have created specific problems for the town elite. With this measure Sibiu

⁴⁶¹ Foreigners were banned from purchasing wheat at the Wednesday market. TanJkv I/2. 243.

⁴⁶² Emil Sigerus, *Chronik der Stadt Hermannstadt* (Hermannstadt: Honterus Verlagsanstalt der evangelischen Landeskirche A. B., 1930), 7.

⁴⁶³ Ratsprotokol, I, 1546. 197.

⁴⁶⁴ Farkas, Deák, *A kolozsvári ötvöslegények strikéja 1573-ban és 1576-ban* [The strikes of the goldsmith journeymen in 1573 and 1576], (Budapest: Akadémiai Kiadó, 1886), 1-57; Dana Dâmboiu, *Breasla aurarilor din Sibiu între secolele XV-XVII*, [The goldsmith's guild in Sibiu in the fifteenth and seventeenth centuries] (Alba Iulia: Altip, 2008), 53-54; Erhard Wolff, "Die geschichtliche Entwicklung der Hermannstadter Goldschmiedezunft", in *Studien zur Geschichte und Landeskunde Siebenbürgens*, ed. Paul Philippi (Cologne: Böhlau Verlag, 1968), 109-110.

wanted to overcome its own demographic deficit by encouraging reinforcements coming from the Saxon villages in the town's hinterland. This was one way for the elite to curtail the influx of potential rivals. Nobles might have created rivalry in the towns and were perceived as foreigners.

Nobles are not listed by Karen Lambrecht among conflict generators, although tensions between commoners and nobles could appear on the agenda in towns and city-states across Europe in early modern times. But, they were not. According to the definition of an eighteenth-century ambassador from Košice (Kassa, Kaschau), there were three types of nobles living in towns: first, ennobled persons who were not citizens; second, noblemen who were fellow-citizens (*conclavis*), and, third, noble citizens who owned property. Their relation with the town authorities depended on individual agendas, social rank, and the political situation.⁴⁶⁵

After the battle of Mohács, fleeing nobles were on the move, looking for places to live in towns outside the occupied territories. Conflicts started when they tried to live according to their rank and privileges, ignoring the internal rules of the town. Therefore, urban governments made efforts to combat the settling of nobles in large numbers. Restricting house purchase within the town walls was one of the most efficient measures, yet not always easy to control.

When the town council in Sibiu has restricted buying houses to native Germans (1541) they probably feared a new wave of (noble) refugees after the capital Buda had fallen to the Ottomans in the same year. One may ask, what did they fear when the Saxons had rights and liberties just as the nobles of the country and many nobles or ennobled burghers were already living in the town? The difference between the “old” nobles and the potential “new” nobles was that the former, although they were considered members of the nobility, were subject to town authority, while new nobles might have made use of their rank to escape from duties that would

⁴⁶⁵ István H. Németh, “Polgár vagy nemes? A városok nemesi rendű lakosainak problematikája a felső-magyarországi városszövetség tevékenysége tükrében” [Burgess or noble? The subject of ennobled town-dwellers within the Union of the Upper Hungarian Towns]. *Korall* 9 (2002):79.

have created much trouble for the local government. Neither the town, nor the Saxon *Universitas* had any jurisdiction over the nobles of the country.

The same reasons lay in the background of similar restrictions in Cluj. Ethnic criteria would not have applied here because of the multiethnic character of the town. The town government explicitly banned citizens from selling their dwellings to noblemen and clergy,⁴⁶⁶ but they could not wholly prevent nobles from acquiring property.⁴⁶⁷ Moreover, townspeople even used this problem to blackmail the council.⁴⁶⁸

Even under the close watch of town leaders, abuses of noblemen against town privileges or refusal to pay taxes were frequent issues in council meetings in the sixteenth century.⁴⁶⁹ In 1573, András Kakas, formerly town councilor, refused to pay his dues, referring to his noble status and a tax exemption received from the prince.⁴⁷⁰ Besides such refusals affecting town revenues, noble citizens might abuse their special situation, declaring themselves either nobles or burghers according to their current interests.⁴⁷¹ More distressing were the situations when the town had no jurisdictional instruments to control noble citizens.

There must have been a general mistrust of nobles in towns. In 1588, when János Gyulai was elected among the *centumviri*, he had to take a separate oath that he would not use his noble privileges against the interest of the town, as formerly his father did.⁴⁷² Actions against nobles are understandable, since their presence might have generated conflict among the citizens of the

⁴⁶⁶ JakabOkI 1537

⁴⁶⁷ Against the repeated prohibitions, townspeople often tried to sell their properties to nobles, even councillors did. Gergely Bonchidai, councilor and later prime judge of the town, intended to sell his part of a house to a noble. Nobles often took houses in pldege from citizens who were in desperate need for money. They also inherited them by marriage or as princely donations. Pakó, “Városi polgár – vármegyei nemes?”, 229-230.

⁴⁶⁸ Pakó, “Városi polgár – vármegyei nemes?”, 228.

⁴⁶⁹ Most often nobles broke the prohibition on selling foreign wines in the town. For many examples see Pakó László, “Városi polgár – vármegyei nemes?”, 222-255.

⁴⁷⁰ TanJkv 1/3, 79v.

⁴⁷¹ Menyhárt Németh declared himself noble or burgher according to the reasons for his lawsuits. Pakó, “Városi polgár – vármegyei nemes?”, 227.

⁴⁷² TanJkv I/5, 48.

town or set the town officials to constant diplomatic acts to safeguard the existing privileges of the settlement. The goal of wealthy citizens or ambitious literates was to eventually achieve ennoblement either by merit, marriage or services to the court. When a man received a coat of arms personal benefit overwrote the common good. This ambiguity made this situation even more complicated.

Conflicts fuelled by ethnic diversity had different patterns, although mass migrations were their basis, too. Towns founded by “guests” that later could not fill the ranks of their population from similarly colonized hinterlands had to face massive arrivals of different populations that might have differed in language, habits, and customs, but most of all full of ambitions that made them serious rivals to the old lineage of the town, especially after they gathered sufficient financial power to counterbalance the traditional rule of the incumbent elite. When claims for rights of the new, not necessarily ethnically homogenous, lineages turned into a growing militancy among them, conflicts surfaced. Political clashes ended when the parity system between Hungarians and Saxons was introduced in the governing system of the town.⁴⁷³ Religious integration of the Hungarian community, however, was delayed for more than a century. The royal decree in 1568, presented above, synchronized the political system through use of the main church, as Hungarian and Saxon communities celebrated their masses there on a biannual basis.

The new regulation solved an old issue, but created new quarrels among townspeople. In 1583, after fifteen years, such a dispute was brought before the *centumviri*. István Péchi, a well-known goldsmith and *centumvir* of the town, made a complaint against the Saxon community (in fact probably against one family) that obstructed him from seating in the place he used to in the

⁴⁷³ See a detailed presentation in chapter 1.1.

church because a Saxon family claimed that seat as an inheritance from their forebears.⁴⁷⁴ One has to see in these conflicts not a refusal to make political decisions, but resistance to changes that might have affected secular traditions in a family. It must have been difficult for a prestigious person or family to give up the seat that they had been using for generations to someone else every second year and to take a less prominent chair in the church. The Sunday mass was not just an event for divine devotion; it was also the main event for personal display. The seating order had hierarchical and traditional meanings, thus it was probably hard change.

Usually conflicts that had some sort of ethnic connection remained personal affairs and did not generate communal distress. According to the records, the sixteenth-century town administration had few, almost no, tasks connected to ethnic disagreements, and it seems that this issue was less challenging for the incumbent elite.⁴⁷⁵

Sibiu had even less potential for such disagreements, its population being almost exclusively Saxons. Immigrants of other origins, potentially competitors of the elite, were few in number and they were rapidly assimilated. The resolution from 1541 inhibited even the premise of a massive settlement of new ethnicities.

Knowing all these details, one may conclude that the greatest challenges to the sixteenth-century town elites in Transylvania came from the central power. Even though significant conflicts did not occur between town and court, there was always the threat of the direct or indirect involvement of state authority that might have created major disorder within the walls. Conflicts that were imported were more difficult to control than the “domestic” fights of the

⁴⁷⁴ TanJkv I/4. 12. The Saxon community, and vice-versa the Hungarian community, was not prohibited from mass when the other nation was using the church, and as the entry shows, Saxons and Hungarians attended mass no matter the parity system, albeit, they had to give priority to the nation in charge in taking available seats.

⁴⁷⁵ There is only one case recorded in the town protocols when ethnic diversity generated a minor protest. The Saxon community felt offended by a Hungarian public inscription that had no German version. The council of the centumviri adopted a regulation about the compulsory bilingual character of inscriptions on public memorials (monumentum). The Hungarian engraving was removed and replaced with a bilingual one. TanJkv. I/3. 228.

citizens or disputes that did not go beyond the town walls. Sibiu in this respect was more protected than Cluj because any usurpation intended against its privileges was contested by the whole Saxon community. The elite of Cluj in such cases had to mobilize its own forces to combat threats to *concordia*.

2. *Magistri rei publicae*

2.1. *Eligibility*

“Council-eligibility” (Ratsfähigkeit) is not only a technical term of research on the elite, but a real and unavoidable research topic that can have as many definitions and aspects as there are towns. From strictly restricted admissibility (Nürnberg, Dubrovnik) to rather flexible conditions (Wroclaw) and even permissive clauses (Vienna) a great variety of eligibility factors lay behind the general legal term of “council-suitability”, which meant that the various conditions an urban dweller had to meet in order to be eligible for the town council. The real definition of council-eligibility, however, differed from town to town since the setting of norms for determining one’s suitability for election was at the discretion of the towns or the overlords, and both had probably adjusted the rules to their interests.

One’s worthiness for council membership was a key issue in determining whether the leading elites have the characteristics of a hereditary patriciate, a *conditio sine qua non* for an urban settlement to be entitled to be a “Patrizierstadt”, as Ingrid Báthori put it.⁴⁷⁶ The research on this issue has been channeled mostly towards research on patriciates and concentrated mainly on the legal and economic backgrounds that certain families, crafts or groups of town dwellers made use of to preserve their power over generations.⁴⁷⁷ “Council-eligibility”, however, goes beyond the determination of patriciate factors; it mirrors the inner economic structure, the demographic balance, and in certain cases even the national policies of the towns. Moreover, in the case of the Transylvanian towns, “council-suitability” alone does not tell much about the strength, monopoly or character of the leading elite, since legally every citizen might become the town

⁴⁷⁶ Ingrid Báthori, “Das Patriziat der deutschen Stadt. Zu dem Forschungsergebnissen über das Patriziat besonders der süddeutschen Städte”, *Die Alte Stadt. Zeitschrift für Stadtgeschichte, Stadtsoziologie und Denkmalpflege* 2 (1975):1-30. (henceforth Báthori, “Das Patriziat der deutschen Stadt.”)

⁴⁷⁷ *Deutsches Patriziat 1430-1740*, ed. Rössler Hellmuth (Limburg/Lahn: C. A. Starke, 1968).

leader. In these cases, Max Weber's definition of "office-eligibility" (Amtsfähigkeit)⁴⁷⁸ seems to be a more suitable term in defining local political elites.

The way to the town councils or to public office was long and staged by several prerequisites. The first precondition, if not the most important, was citizenship (Bürgerrecht).

2.1.1. Citizenship: The legal condition for a public career

The evolution of citizenship as a legal term for marking town dwellers with rights and duties towards the community was a long process rooted in antiquity. In medieval Europe citizenship meant a privileged status in a town, not in a state.⁴⁷⁹ The criteria for gaining the right of belonging to a specific urban community – in the case of free (royal) towns – were set by the local government.⁴⁸⁰ In the beginning, burgers were defined by urban development and the acquisition of privileges through which town dwellers became of higher status than the populace of the surrounding settlements. Privileges, the economic potential or specific advantages of town life attracted new people who the towns in their turn needed to balance demographic downturns. In order to reconcile both groups, towns, on the one hand, had to restrain the circle of newcomers by imposing some principles, on the other hand, towns tried to make their urban settlement attractive to newcomers.⁴⁸¹ Citizenship was a condition that met both the desires of the newcomers and the towns.

⁴⁷⁸ Max Weber, *Wirtschaft und Gesellschaft*, (Tübingen:J.C.M. Mohr, 1922), 561,567, 708.

⁴⁷⁹ Derek Heater, *The Brief History of Citizenship*, (Edinburgh: Edinburgh University Press, 2004), 42.

⁴⁸⁰ Katalin Szende, "Polgárnak lenni. A polgárjog megszerzésének elvei és gyakorlata a késő-középkori Sopronban" [Being Burgher. The Principles and Practices in the Attainment of Burghership in late Medieval Sopron], *Urbs. Magyar Várostörténeti Évkönyv I.* (2006), 85. (henceforth Szende, "Polgárnak lenni.")

⁴⁸¹ Isenmann, *Die deutsche Stadt im Spätmittelalter*, 93-102.; Gerhard Dilcher, "Zum Bürgerbegriff im spaeten Mittelater. Versuch einer Typologie am Beispiel Frankfurt am Main", in Gerhard Dilcher, *Bürgerrecht und Stadtverfassung*, (Köln:Böhlau Verlag, 1996), 59ff; Szende, „Polgárnak lenni.“, 85-107; Kubinyi András, „A késő-középkori Magyarország történeti demográfiai problémái“, in Tamás Faragó and Péter Őri (eds.), *Történeti demográfiai évkönyv*, (Budapest:KSH, 2001), 105-119; Granasztói György. "A polgári család a középkorvégi Magyarországon" (The burgher family in Hungary at the end of the Middle Ages) *Történelmi Szemle* (1982):605-665.

Acquiring citizenship in Transylvania had preconditions, too. Usual, they were similar to those of the Western European (mainly German) towns: property ownership, clean criminal records, and qualifications in crafts or trade. In several Saxon towns, however, citizenship and the right to move inside the walls were conditioned to German origins, too.⁴⁸²

In 1587, Cluj adopted a new regulation for registering new citizens in the town book.⁴⁸³ This practice must have been developed much earlier, since the text from 1587 also refers to an earlier registry of citizens and probably developed from a customary law right from the beginning, when the circle of citizens coincided with the *tota communitas*. Along with the demographic growth and acquiring of new privileges, belonging to the community of citizens was restricted and conditional. The populace of a town became a society of citizens and non-citizens. Townspeople without citizenship were usually the newcomers and servants, who had to meet several criteria to be allowed to integrate into the citizen's society.

King Louis I's privilege from 1370, which granted free settlement rights to the tenant peasants who paid their debts, proved to be one of the most important moments in the history of Cluj regarding citizenship and "human resource supplies" for the town.⁴⁸⁴ Liberation from the authority of an overlord was a significant step that was a precondition for acquiring citizenship.⁴⁸⁵ The process of this change of status, however, was often obstructed by the

⁴⁸² Teutsch, *Geschichte der Siebenbürger Sachsen*. (Kronstadt: W. Krafft, 1925). 298ff.; Georg and Friedrich Teutsch, *Geschichte der Siebenbürger Sachsen für das sächsische Volk*, vol. 2 (Hermannstadt, Krafft, 1907): 357ff. Roderich Gooss, *Die Siebenbürger Sachsen in der Planung deutscher Südostpolitik von der Einwanderung bis zum Ende des Thronstreites zwischen König Ferdinand I und König Johann Zápolya (1538)*, (Wien: A. Luser, 1940), 62-63. (henceforth Gooss, *Die Siebenbürger Sachsen...*) Müller, *Stühle und Distrikte...*, 101. In 1474 in Sibiu the black friars were let in the town only if the abbot and the majority of the monks were Germans. (Quod concurrentibus pluralitatibus fratrum prior seu praelatus et maior pars fratrum sint Theutoni). Ub. vol. 7., 28.

⁴⁸³ Liber Civitatis. 66-107.

⁴⁸⁴ JakabOkl. I. 66.

⁴⁸⁵ Szende, "Polgárnak lenni.", 95.

landowners, since it would compromise their agricultural workforce if it turned into a massive phenomenon.⁴⁸⁶

Undoubtedly King Louis' privilege launched a new wave of settlers moving to the town. They were different from craftsmen or tradesmen and did not necessarily become full-right citizens of the town. The charter says explicitly that peasants gained the right to move onto anyone's property, i.e., they were not allowed to acquire citizenship directly but became so-called "fellow-townsmen" (Mitwohner) or cottars, referred in the written sources as *concives*, *incolae*, *conhabitatores* or *zsellér*.⁴⁸⁷ They had fewer rights and fewer duties than their burger (*cives*, *hospites*, *homines possessionati*, *örökös*) fellows, but had the perspective of rising socially, which had a few conditions that had to be fulfilled, one of the most important requirements being the ownership of property.

There were three ways of acquiring property rights over real estate in medieval and early modern Cluj and Sibiu: by purchase, by inheritance or by enforcing a lien. The easiest way was through inheritance by either birth or marriage.

Inheriting by marriage apparently was an easier way to get rights over an estate than purchasing it. According to the matrimonial property (customary) law in Cluj and Sibiu, the assets of spouses were joined by marriage and after the termination of conjugal life two-thirds went to the husband and one-third to the wife. In the case of death, the heirs inherited only from the part of the deceased parent: two-thirds from the father's legacy and one-third from the

⁴⁸⁶ In 1465 King Mathias bid the abbot of Kolozsmonostor for obstructing the moving of the villains who paid off their dues. JakabOkl I., 211. In 1478 the king summoned the voivod to protect Cluj's right in settling freed villains. JakabOkl I., 260.

⁴⁸⁷ For example. „...prefatis Ciuibus et Incolis dicte Ciuitatis nostre Coloswariensis.” JakabOkl I., 268. “Communitatum Civibus et Incolis.” JakabOkl I., 282. “Ciuibus, Incolis. et toti Communitati dicte Civitatis” JakabOkl I., 310. “Concives inter se in Communitate” JakabOkl I., 264. “Honesta domina Anastasia Conhabitatrice nostra.” JakabOkl I., 317.

mother's.⁴⁸⁸ Thus, if one arranged an advantageous marriage, he could take a big step towards becoming citizen of the town.

An intriguing case of marriage and remarriage emerges in connection with the history of Thomas Altenberger's house in Sibiu. Altenberger died in 1491 after a long and successful career, leaving behind an impressive fortune.⁴⁸⁹ His wife, Affra, inherited most of his property, including the house that later became the town hall. Historians still debate⁴⁹⁰ how the house became the property of Nicolaus Proll, an important Italian goldsmith whose forebears, the Zanolii, came to Sibiu in the fifteenth century and were in charge of the mint and gold exchange for many generations.⁴⁹¹ A marriage between Proll and Affra poses a possible explanation. What the sources reveal is that in 1499 Proll's widow was a woman named Elisabeth, who, soon after her husband's death, married his business partner, Johann Lulay, one of the most important men in town, with an influential role at court as well. Thus, the house went by marriage to Lulay, whose career started after that. Even if it was not a direct bequest, undoubtedly the house where Altenberger and Proll had lived gave him some prestige. Lulay married three times and, after his death in 1521, his widow, Klara Tóbiási, soon remarried Mark Pempflinger.⁴⁹² Klara died in

⁴⁸⁸ Gyöngy, Kovács Kiss, „A kolozsvári osztóbírák intézménye” [The divisors of Cluj] In Eadem, *Rendtartás és kultúra*, [Law and culture] (Marosvásárhely: Mentor, 2001), 27.

⁴⁸⁹ He was the mayor of the town between 1470 and 1491. Gustav Seiwert, “Chronologische Tafel der hermanstädter Plebane, Oberbeamten und Notare” *Archiv des Vereines für siebenbürgische Landeskunde* (1874/1):212.; (henceforth Seiwert, “Chronologische Tafel...”); Ub. vol. 7. 384–385.

⁴⁹⁰ Petre Munteanu-Beşliu, *Primăria veche din Sibiu* [The old town hall in Sibiu] (Sibiu: Muzeul Brukenthal, 2006), 43. (henceforth Munteanu, *Primăria veche din Sibiu*); Ludwig Reissenberger, “Überreste der Gotik und Renaissance an Profanbauten in Hermannstadt,” *Archiv des Vereins für siebenbürgische Landeskunde* 1888: 461–514. (henceforth Reissenberger, “Überreste der Gotik und Renaissance...”)

⁴⁹¹ Gündisch 1993, 244–245.

⁴⁹² Karl Fabritius, *Pempflinger Márk százsz gróf élete külön tekintettel a reformatió elterjedésére a erdélyi százszok között*. [The life of Márk Pempflinger with special attention to the Reformation among the Transylvanian Saxons] (Budapest: Akadémiai Kiadó, 1875), 163–188. (henceforth Fabritius, *Pempflinger Márk...*); Bedeus, Joseph: “Des merkwürdigen Hermannstädter Königsrichter Markus Pempflinger letzte Lebensjahre und Ende,” *Archiv des Vereins für Siebenbürgische Landeskunde* N.f. 3 (1858): 124–140. András Kubinyi, “Die Pempflinger in Wien und Buda,” *Jahrbuch des Vereins für Geschichte der Stadt Wien* 3 (1978): 67–88.

1523.⁴⁹³ Pempflinger was nominated to the office of royal judge in 1522, after Lulay's death. Pempflinger thus fulfilled at once two criteria for citizenship: property owning and marriage, not to speak of the prestige such a marriage and such a house brought him. Pempflinger had passed away without any heirs; the house was purchased from his widow by the town council and then became the new town hall, ending the chain of transmitting the house through widows. An important detail is that all three (Proll, Lulay, and Pempflinger) were foreigners, thus, the Altenberger house not only gave them prestige and wealth, but helped them to acquire full rights in the town.

Another way to gain ownership was to inherit a house by birthright. An important aspect is that sons did not become burghers until they owned property, although they were treated differently from newcomer hopefuls. They were called "native sons" (ős fiú) and were protected by law as their fathers were, e.g., they were not arrested for minor misconduct, but were fined like the full-right burghers.⁴⁹⁴ In cases when the family could not afford to buy a plot with a house for a child or when children inherited after a parent's death, presumably a co-ownership over the estate was also accepted for citizenship. At least this is what one may infer from the tax lists of Cluj, where often fathers/mothers and sons are listed together on the same plot but with separate amounts of tax.⁴⁹⁵ That means the heirs already had citizenship and were obliged to pay taxes, but were not full-right property owners.

According to the inheritance customs of Cluj, the parental house was bequeathed to the youngest child of the family, while the eldest (son) carried forward the craft and thus inherited

⁴⁹³ Iván Nagy, *Magyarország családai címerekkel és nemzékrendi táblákkal*, [Families of Hungary, with coats of arms and genealogical tables], vol. 9. (Pest: Friebeisz I., 1862), 206.

⁴⁹⁴ "Az éjjeli járás, szitkozódás, szánkózás, kiáltás és egyéb csintalanság felől végeztének, hogy ha nyolc óra után az ilyen vétekben valakik megtaláltnak, ha rideg legény lessen az kalitkába vitettessék, és ha ittvaló örökös vagy ős fiú, avagy házas ember leszen... egy forinttal büntesse Bíró uram" [Upon night ramblings, swearing, sledging, rowdiness and other offenses has been decided that whoever is caught in act of such vices after eight o'clock, should be locked in the cage, if the person is unmarried or fined one florin if he is a local son or married], TanJk I/1. 2.

⁴⁹⁵ See. SzámKv.

his father's tools. Since in most cases workshops were linked to houses, there is still a question of whether the two premises had separate ownership after the father passed away or remained conjoined.⁴⁹⁶ If the property was split, did the title over a workshop entitle the owner to "burghership"? In Sopron, for instance, owning a workshop was enough for citizenship.⁴⁹⁷

Purchasing a house might have been complicated, not necessarily because of money, but because of the internal rules of the town and the close watch of the council over property transactions. A dwelling could change hands after its availability was proclaimed on three consecutive Sundays in order to prevent damaging kinfolk by secret contracts. Relatives had the opportunity to exercise their legal rights or to redeem a house from pawn in 15 days if they were in town, one year and one day if they were out of the town but not far away, and 12 years to present their claims if they were abroad.⁴⁹⁸ Thus, buying a house without knowing its background might have been deceiving a newcomer. Furthermore, for estates in abeyance the neighbors had first choice for buying. Moreover, the town watched the transactions closely and had means to prevent it when it was against the town's interests. In Cluj this happened mostly when burghers intended to sell their properties to noblemen,⁴⁹⁹ while in Sibiu the town magistrate made ethnic German origin the precondition of house purchase.⁵⁰⁰

In Cluj, restrictions referring to nationalities were not applied and nobles were not banned from citizenship, but there were strict and unfavorable conditions that many of them contravened. They had to give up their privileged noble status (e.g., tax exemption, exclusive accountability in front of the royal/princely court) while they were staying in the town, had to share the common burdens, participate in communal works, and obey the decisions of the judge

⁴⁹⁶ Flóra, *Prestige at work.*, 42.

⁴⁹⁷ Szende, "Polgárnak lenni."

⁴⁹⁸ JakabOkl II-III., 67-68.

⁴⁹⁹ see László Pakó, "Városi polgár – vármegyei nemes?"

⁵⁰⁰ Emil Sigerus, *Chronik der Stadt Hermannstadt 1100-1929*, 7.

and council. In Sibiu, the settling of nobles was not an issue at all, since the townsmen themselves belonged to the privileged Saxon community with similar rights to nobles.

In middle-sized towns, such as Cluj and Sibiu were at that time, finding a good property for a newcomer might have been difficult; therefore many lived as tenants in burgher houses and apparently that was also tacitly accepted by the town council for a while since it involved an important issue from the town's perspective: tax payments. Tenants paid taxes as the full-right proprietors did, but smaller amounts. Thus, it would have been a midway solution for newly settled persons to acquire citizenship, and thereby to enjoy the privileges of the town to launch business, and an intermediate solution for the town as well, which got control over the settler and received contributions to the town budget. How long the town leadership accepted this kind of delay is not known, but from other towns' examples or deducing from regulations on the sale of houses⁵⁰¹, the grace period was around one year.⁵⁰²

Although it was not stipulated how large a house had to be owned in order to meet citizenship criteria, a modest dwelling but big enough for decent living was probably accepted by the town council.⁵⁰³ Presumably the lower value of property had to be around 200 fl, since that was the bloodwite of a burgher in the sixteenth century. Taking into consideration that a house *in theatrum fori* was valued at around 1000-2000 florins, a dwelling for 200 florins must have been a cottar house towards the walls, on the extremities of the walled town or in the suburbs. Although the levies were smaller on the outskirts, there were no massive exoduses towards the outskirts to avoid high taxes in either Cluj or Sibiu, as happened in some towns of the medieval

⁵⁰¹ According to the rules the longest period for the heirs to probate their interests was 12 months and one day, thus it must have been the period accepted as delay for new dwellers.

⁵⁰² In Sopron, 12 months was the grace period as well. Szende, "Polgárnak lenni", 95-96.

⁵⁰³ In 1570 in a court testimony the wife of the trumpeter (Trombitásné) said that she bought a small house for which she still owes money. (Trombitásné azt mondta hogy . . . egy házacsát vettem meg kell az árát adnom). TJK II/2. 160

Hungarian Kingdom.⁵⁰⁴ The motivation may have been that the calculation of the taxes added to the property values and wealth.

Taking a house in pledge was also a way to acquire a property it could not be redeemed by the owners/heirs. It was not an orthodox method yet, but was not prohibited by towns except when the houses were pledged to nobles.⁵⁰⁵

Marriage was a condition as important, or even more important, than proprietorship for obtaining “burghership”. The beginning of conjugal life meant much more than the connubial act of two persons; it was the landmark of a young man’s majority, the start of his own independent life, of a respectable way of life. Marriage, besides the legal definition, was a strong means for controlling one’s behavior as well; a married man could not have a rollicking life like an unwed man. Once a man became the head of a family he had to provide a decent living for them. Thus, he had to run a business, a workshop or craft to earn money. Putting it in a prosaic way, a man became a serious and grown-up citizen of the town in economic terms on the occasion of his wedding.

The prelude to the 1578 regulation was that people had abused the earlier procedures for acquiring citizenship by deferring marriage. Apparently there was a grace period for taking a wife. Arranging a marriage took negotiations and time. Presumably, the negotiating positions were hindered by a lack of citizenship in cases when the groom candidate was not rich enough. Thus, an intermittent moratorium in this case was in the interest both of the settlers and the town. The promise to marry was due in one year, yet, this clause was often broken and young men postponed the matrimonial tether as long as they could, living a carefree life with “prurient

⁵⁰⁴ In medieval Sopron for example there were internal conflicts generated by the massive moving out trend. See. Szende, „Polgárnak lenni.”, 90-91. ; Jenő Szűcs, *Városok és kézművesség.*, 304-317.

⁵⁰⁵ In 1578 many burghers pawned their properties to nobles, therefore the town decided to attack these transaction at the princely court. TanJkv. V/3. 176a.

passions” in the town. Therefore the town council decided to cancel the moratorium and suspended the tradition of viva voce promises in this respect.⁵⁰⁶

Although most marriages were of convenience to a certain extent in this period (not necessarily in the bad sense of the word)⁵⁰⁷, there were probably such arrangements for the sake of citizenship, too. Therefore, towns tried to obstruct disparate pacts as far as their authority permitted. The town council of Sibiu, for example, prohibited marriages with great disparity in age; old women (around 50-60 years old) had to pay a fine of 200 florins when marrying a younger man.⁵⁰⁸ Although this measure was not adopted solely to prevent abuses of “burgership” and town laws⁵⁰⁹, still it might have hindered the settling of unscrupulous people in the town who would have married the old ladies of the community for citizenship. Guilds also introduced protectionist regulations against newcomers by restricting the remarriages of craftsmen’s widows. Goldsmiths’ widows were allowed to continue the business of their late husband for one year and three days, but only if they kept the name of their spouse, i.e., did not remarry.⁵¹⁰ The cobblers were even more restrictive; they imposed remarriage within the guild for widows who wished to continue the licence of their husband.⁵¹¹

The society itself also had unwritten norms that regulated matrimony and the access of newcomers to civic rights. There were unwritten rules of moral conduct and social behavior in such cases, too. The fear of gossip was probably was one of the most efficient forces of restraint

⁵⁰⁶ Liber Civitatis. 65.

⁵⁰⁷ Katalin Péter, *Házasság a régi Magyarországon 16-17. század*, [Marriage in old-times Hungary, 16th-17th centuries] (Budapest: L’Harmattan, 200), 141-146.

⁵⁰⁸ Friedrich Schuler von Libloy, *Siebenbürgische Rechtsgeschichte*, vol. 1. (Hermannstadt: Buchdruckerei der v. Closius’schen Erbin, 1867), 135. Ratsprotocoll 1577.

⁵⁰⁹ It was probably a fee of infertility.

⁵¹⁰ RNA Cluj, Collection of Guild documents, Goldsmiths’ Guild. 29.

⁵¹¹ JakabOkI I. 262. see also Enikő Rűsz-Fogarasi, “Mesterözvegyek a XVI. századi kolozsvári céhekben” [Guild Master Widows in the Guilds in Cluj in the Sixteenth Century] in *Emlékkönyv Kiss András születésének nyolcvanadik évfordulójára*, [Festschrift for the 80th Birthday of András Kiss] ed. Gábor Sipos et alii. (Kolozsvár, Erdélyi Muzeum-Egyesület, 2003), 483-484.

within a small community. The power of hearsay is unquestionable. Later, in societies that lacked or had a restricted public sphere, gossip was a medium to expose malfeasance.⁵¹² Thus, marriage arrangements that were against conventional rules were probably already divulged at an early stage.

With a property in his hands and marriage arranged, a newly arrived inhabitant still had to pass another step for citizenship. He had to prove his decent origins. Decent stock meant legitimate birth and Christian faith. Illegitimate origin in the Reformation period was rarely forgiven and became a life-long stigma.⁵¹³ The appropriate origins had to be proven by written documents issued either by the local priest or authority of the settlement he originated from or by the landowner in cases of tenant peasants. Occasionally, in peculiar circumstances, exceptions from the rule were made. Such exceptions were probably cases when fleeing craftsmen came to the town from Ottoman-occupied territories where hostile action hindered the issuing of such documents.⁵¹⁴ When the sons of local burghers applied for citizenship “birth certificates” were probably not required. If the three main requirements – property ownership, marital life and legitimate birth – were fulfilled, the actual administration of the “burghership” adjudication began.

2.1.2. The administration of citizenship

The administrative process of acceding to citizenship had four major parts. First, the candidate had to pay the citizenship fee, one *gira* (approximately one florin). This amount, however, was an overhead price; the actual sum was established on the principle of equity: the

⁵¹² Gyöngy, Kovács Kiss, “Pletyka, becsületsértés, rágalmazás a fejedelemségkori Kolozsváron” [Gossip, slander, defamation in Cluj during the Principality] in eadem, *Megidézett múlt. Tanulmányok, forrásközlések*, [Evoking the Past. Studies, Source editions] (Kolozsvár: Komp-Press, 2008), 41. (henceforth Kovács Kiss, “Pletyka, becsületsértés, rágalmazás...”)

⁵¹³ Peter Gruz, a feared ‘witch hunter’ in Cluj was hunted by the suspicion of illegitimate birth all his life.

⁵¹⁴ Such exception was made by the goldsmith guild after the Ottoman incursion in Hungary regarding the acceptance of new craftsmen. RMA Fond 544.

poor paid less, wealthy people more.⁵¹⁵ There is no evidence that the burgher-candidates gave payment in kind (guns, cloth, wine) instead of paying in cash, as occurred in several other urban centers.⁵¹⁶ It cannot be excluded that among the pawned objects that accumulated in the town hall some were pledged for citizenship, but there were no such town regulations that would have required that new citizens bring certain gifts.⁵¹⁷

Besides the citizenship fee payment, aspirants had to provide two sureties who had the responsibility of guiding young men in such a manner as to avoid unpleasant cases that would have brought “unhappiness, distress and damage both for him and for the town.”⁵¹⁸ The guarantors (regularly three in number) had to be from among the so-called “prime-men”, i.e., *centumviri*. This was probably an extra safety measure for the town, a condition that gave more guarantees for the new citizen behaving properly. Since artisans dominated town life in Cluj, usually the bailsmen were from the same craft as the candidate. Taking into consideration that the requirements for guild membership and citizenship were almost the same and many of the young people started first to learn a craft rather than establish a business, the guild masters sitting in the council of the *centumviri* were the most suitable to stand warrant for the young citizens.

The action of bailing, the sources lead one to infer, must have had a ritual and festivity. First, the candidate was introduced to the council, i.e., presented and described by the bailsmen, asserting that the person was worthy to become a full-right member of the local community. According to the records in the town book, usually there were one to four candidates per occasion. The most frequent days for pledging were Wednesday and Friday.

⁵¹⁵ The principle of equity was a widespread custom not only in Europe. Isenmann, *Die deutsche Stadt*. 94-95.

⁵¹⁶ RNA. Fond 1. Liber civitatis. Diversae III., 66. (henceforth Liber Civitatis) For Sopron see. Szende, “Polgárnak lenni.”, 98-99. Béla Iványi, *A városi polgárjog keletkezése és fejlődése, figyelemmel Buda és Pest városokra*, (Budapest, Budapest Székesfőváros Statisztikai Hivatala, 1936), 12-13.

⁵¹⁷ The town council in Sopron, for example, determined individually the object one had to provide. Szende, “Polgárnak lenni.”, 99.

⁵¹⁸ Liber Civitatis, 66.

The peak of the citizenship investment procedure was the loyalty oath. This festive and

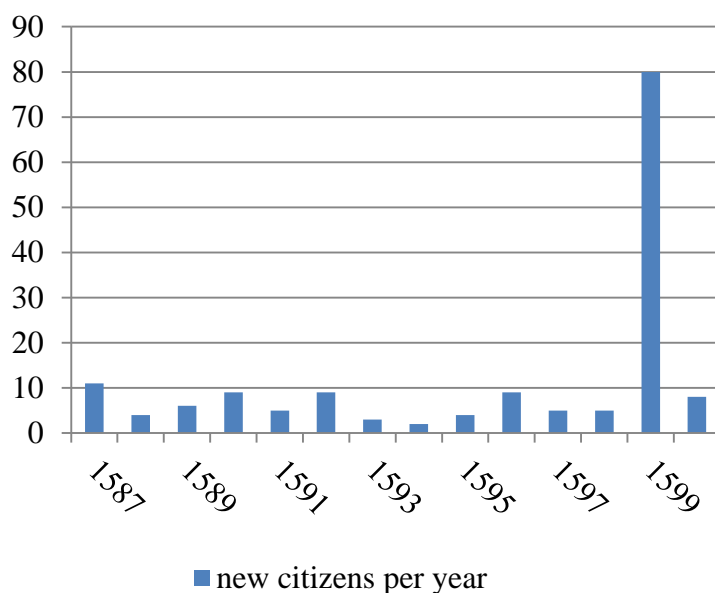


Fig.2.1. New citizens in Cluj, 1587-1599.

legally relevant act had peculiar importance in most European urban settlements. This event had its own course of development through history. From the *coniuratio* of the whole community at the

beginning of urban development to the

loyalty oath, which became the sole inaugurating act for new citizens by the end of the Middle Ages.⁵¹⁹ The key word of the text to be uttered in front of the town council was obedience: To the (royal) prince of Transylvania, to the town judges, and to the council, for better or worse. This was also a general principle in most of the oath formulas – the oath of the new councilors, judges/mayors, town notaries or any other public functions that required a vow, guild membership – in medieval or early modern towns.⁵²⁰ Later the candidate had to promise to keep the laws and rules of the town, to avoid any contact or business with strangers inside or outside the town⁵²¹

⁵¹⁹ Szende, “Polgárnak lenni.”, 87. Wilhelm Ebel, *Der Bürgereid als Geltungsgrund und Gestaltungsprinzip des deutschen mittelalterlichen Stadtrechts*, (Weimar: H. Böhlau Nachf., 1958). (henceforth Ebel, *Der Bürgereid*...)

⁵²⁰ Ebel, *Der Bürgereid*..., 41. Isenmann, *Die deutsche Stadt im Mittelalter*., 91. Szende, “Polgárnak lenni.”, 92-93.

⁵²¹ Liber Civitatis. 66. „Hogy az ország fejedelminek, az kolozsvári bírának tanácsnak, hű és igaz és engedelmes leszen minden személy válogatás nélkül teljes életében mind jó s mind gonosz szerencsének forgásiban. Az bírának, tanácsnak és az városnak jó parancsolatit, végezését és ez hazának Kolozsvárnak minden igaz megállott törvényit, szokását rendtartását szabadságát megh tartia megh őrizi engedelmesen veszi, szenvedti és üzenetit is megtiszteli becsüli az jó szófogadó fiúnak tisztí és hivatallia szerint. Továbbá idegen városbeliekkal, falubeliekkal semmi uton semmi szín alatt nem kereskedik társalkodik és idegeneket vagy azoknak marháit semmi szín alatt az

The final and legally most significant act was the registration of the new citizen in the town book, since it was written evidence of the whole process, the proof that he had been “numbered and weighed” and was considered worthy of being in the urban community. Still, the registration of the new citizens shows some irregularity, in spite the fact that it was an old custom and stipulated by town laws as well. Although is no evidence of citizenship certificates (letters), it seems that on request one could be issued for a new burgher⁵²², and thus registration in the town records become of secondary importance. This assertion is supported by the fact that many entries were introduced periodically regardless of the date of the oath taking.⁵²³

Between 1587 and 1600,⁵²⁴ 167 new names were recorded in the town book of Cluj. Usually less than 10 people settled in the town in one year. The year 1599, however, shows a strikingly high number (85) of new citizens (see fig. 2.1.). This exceptional number might be the result of several factors. First, it might be the fault of the town notaries who had neglected the records. The exceptionally high number, however, obviates this hypothesis. Two or three omissions per year could be considered negligence by the town clerks, but 80 registrations suggest other reasons.

The outbreak of the Fifteen-year War (1591/1593-1606) brought a challenging new period for the town administration. Besides the increased conscription expenses that exhausted

város szabadságával sem vámokon sem egyéb helyeken nem éltet el sem szabadít.” [That he will obey the Prince, the judge of Cluj indiscriminately through his whole life, in better or worse. He will keep the laws, the customs, the regulations, freedoms of the town, will obey the directions, the warrants of the judges, town council and town. Further on he won’t make businesses, he won’t befriend with burghers form other towns or villagers and will not use the freedoms of the town to help them getting through customs with their goods.]

⁵²² At custom gates, where the town the citizens were exempted from taxes, the citizens must have had a document to prove their citizenship.

⁵²³ The entries were authenticated by the town notary with his mpp signature, when more citizens were entered the list regerdless of the date of oath taking, the notary authenticated at the end of the whole entry, not individually. Liber Civitatis. 71, 75, 78.

⁵²⁴ This is a time span of the source.

the internal supplies,⁵²⁵ there was the constant threat of direct armed conflict around the town walls. The political situation was also unpredictable. The fear of war is well illustrated by two resolutions of the *centumviri* in 1593 and 1594, when first they commanded the town council to require the town priests to ring the bells every morning at 4 o'clock and pray for the town, then decided for a joint prayer by the whole community in an open space to mitigate God's resentment.⁵²⁶

Since the expenses of the town were higher than the income, the town council sought for new sources of taxation in order to raise the revenues. Thus, in 1594, it decided to tax farms and crofts⁵²⁷ and forbade townspeople to leave the town; starting from 1595 they taxed the servants as well.⁵²⁸ These measures affected mostly the so-called *concives*, who were not citizens and did not pay taxes, but lived in the town. For them, an independent life within or near the town walls was no longer convenient; they were paying taxes but were not enjoying the rights of citizenship. These actions and the general threat of war might have started a phenomenon of moving into the town and the process of acquiring citizenship might have reached its peak near the end of the century. Still, these measures were not enough and the town treasury had a great deficit later, which led the council to borrow money for the everyday necessities of the town in 1595.⁵²⁹ In the same year, the council made the registration of the new citizens compulsory,⁵³⁰ creating a suspicion that the entries in the town books were quasi-optional and not every new citizen was registered.

⁵²⁵ The town council had to take a loan for the everyday necessities of the town life. TanJkv. I/5.

⁵²⁶ TanJkv. I/5. 110v, 121.

⁵²⁷ TanJkv. I/5.121.

⁵²⁸ TanJkv I/5. 128.

⁵²⁹ TanJkv. I/5. 137.

⁵³⁰ TanJkv. I/5. 128v. The quarter captains had to escort the whole populace of his quarter and every inhabitant was checked if he was inregistered or not in the town book. Andor Csizmadia, *Tizedesek a régi Kolozsváron* (Decurions in Old Cluj), (Kolozsvár: Kolozsvár Város, 1942), 22-23.

In 1597, some concessions were also made to foreign merchants, who had no representative in the town administration, which was always strict with the non-resident traders.⁵³¹ The effects of changing registration practices soon appeared; before 1597 there is only one registration of a tradesman, while at the end of the century (1599-1600) their number increased to 10.

All these circumstances might have been behind the surprising entries in 1599, but what mostly generated this great number can be elucidated by a council resolution in the same year. According to the records, the town was full of foreign people who had fled from the conflict and had been living in the town for two or three years. Due to the good will of the council they were exempted from taxes. The councilors, however, decided to force them to make a choice between leaving the town or staying and applying for citizenship.⁵³²

This short entry in the council minutes about refugees gives two hints at once. It might explain the “rush” for citizenship in 1599, but it also suggests how refugees settled in the towns in the period after Mohács when people left the occupied territories, a phenomenon about which less is known. Only its consequences have been observed. The beneficial effects of the migration process on the town economy starting with the Ottoman occupation is an acknowledged fact in the historiography.⁵³³ Since urban centers usually had a demographic deficit, immigrant craftsmen were welcome in the town and may have received some allowances and equity, as happened with later migrants or refugees.⁵³⁴

⁵³¹ TanJkv. I/5. 150.

⁵³² TanJkv I/5. 173 v.

⁵³³ *History of Transylvania*, vol. I., ed. Béla Köpeczi, (New Jersey: Atlantic Research and Publications, Inc, 2001-2002), 672.

⁵³⁴ Refugees were coming to the town also between these two dates. Two persons came from Nagyarsány (Hungary), who have probably fled because the religious divergences, Nagyarsány being among the few settlements with Antitrinitarian community. In 1574 there has been a bloody clash between Antitrinitarians and Calvinists. Zoványi Jenő, *A magyarországi protestantizmus 1565-től 1600-ig*, [Protestantism in Hungary between 1565 and 1600] (Budapest. Akadémiai Kiadó, 1977), 131-132.

These waves of new citizens not only influenced the economy of the town, but affected the future of the elite as well. Although the first generation usually did not cause direct competition, their heirs had the chance to serve in public offices. Thus, the elite here (mostly in the second half of the century) already bore the imprint of the migration phenomenon after 1526, while the influence of the 1596/1597 wave appeared in the first part of the seventeenth century. Whether it is mere coincidence that these two periods of population increase coincided with the two flourishing episodes of the town or there are connections between the two occurrences is hard to tell.

New settlers may have influenced more than the economy and social structure of the town; they might also have changed the ethnic composition of the urban society. The investigations show a relatively steady pattern in the percentages of the ethnicity of new citizens

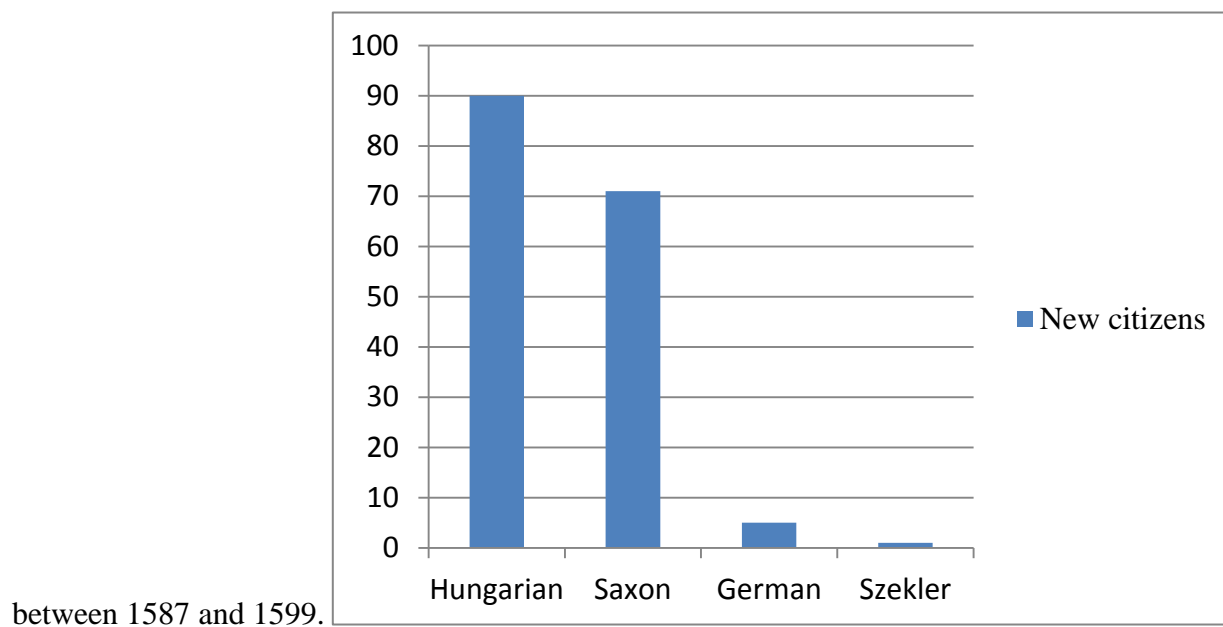


Fig.2.2. The ethnicity of new citizens between 1587 and 1599.

One may still observe a greater fluctuation in the number of the Saxon newcomers, than in the number of the Hungarians.

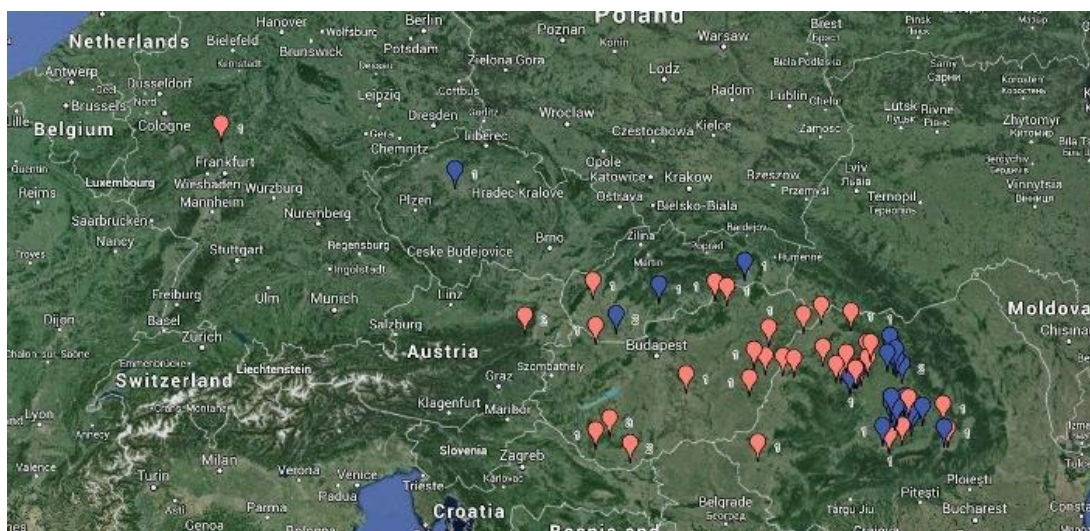


Fig.2.3. The places the new citizens were coming from. ▲ Hungarians, ▼ Saxons

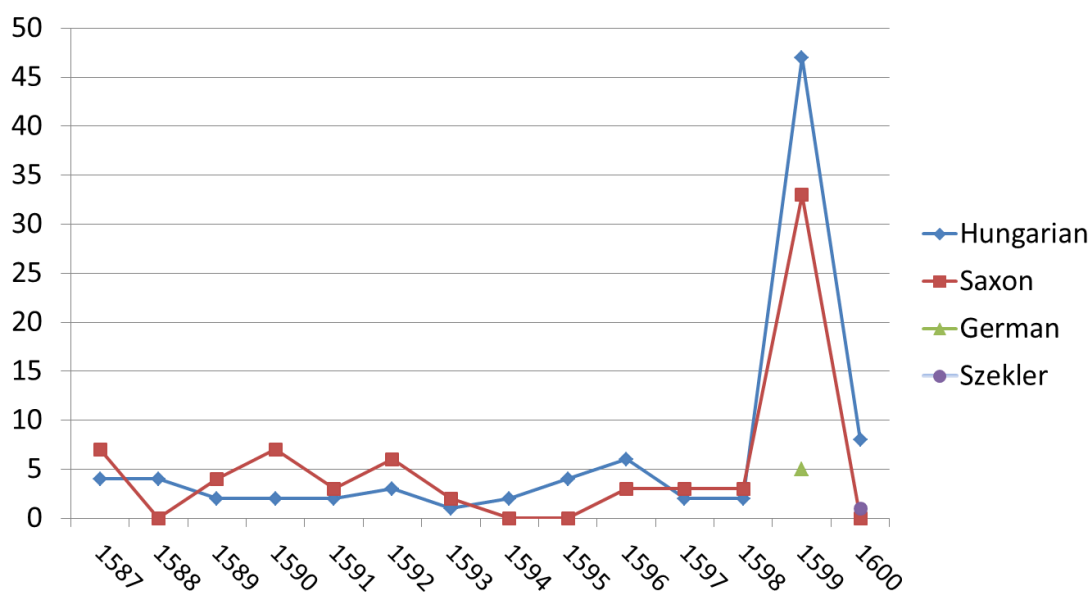


Fig. 2.4. The frequency of ethnicity of new citizens by years.

The new citizens followed the occupational pattern of the town in their professions, i.e., goldsmiths and members of the clothing industry (tailors, furriers, cobblers, tanners, and

shoemakers) were the most numerous.

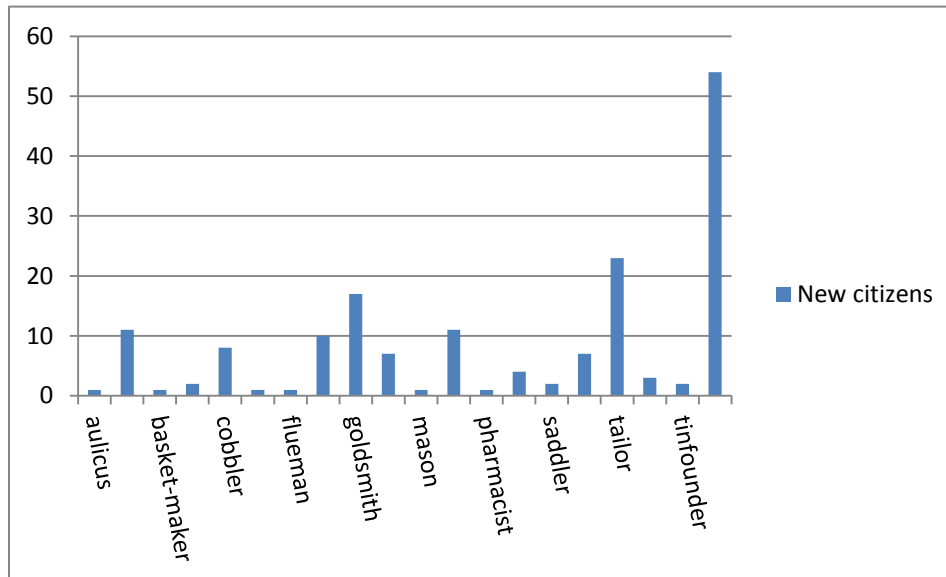


Fig. 2.5. The professions of new citizens.

In ethnic distribution, Hungarians predominated in the goldsmith's craft, while Saxons dominated the clothing professions. These data also underline a pre-existing reality. The two most powerful industries in medieval and early modern Cluj were the metalworking (especially goldsmithing) and clothing professions.⁵³⁵ Normally, these crafts attracted the highest number of apprentices and journeymen, who later became masters of the craft and citizens of the town. An interesting aspect is the high number of barbers, exclusively Hungarians, who applied for

⁵³⁵ Flóra, *Prestige at Work*.

citizenship in this period.

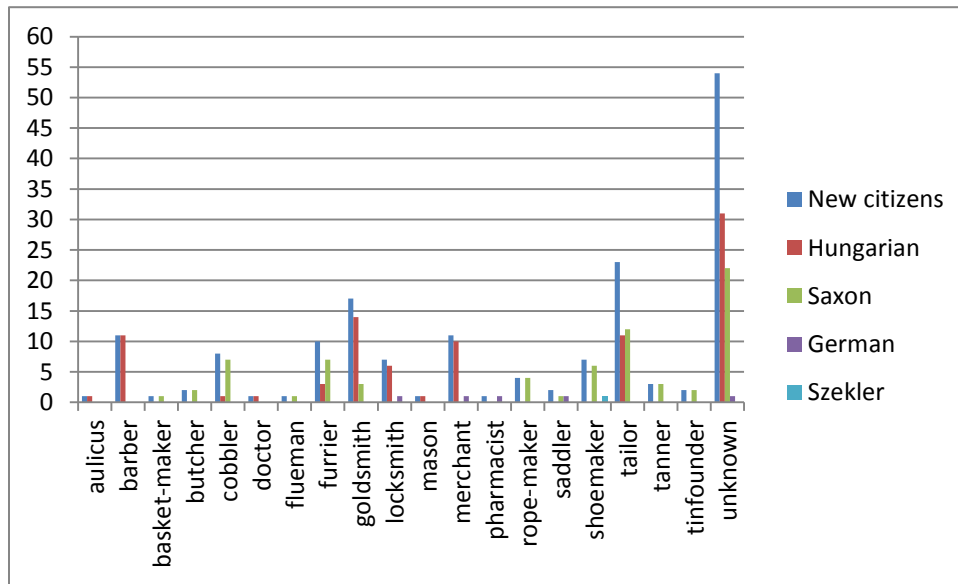


Fig.2.6. The professions and ethnicity of new citizens.

2.1.3. The moral and physical preconditions of a public office

The elected officeholders were entitled to the *circumspectus* and *prudens* title that was a guarantee and commitment at the same time. It was a guarantee of a person's pious, upright, and honest life and a commitment to keeping a good image.

The Buda town Stautes, the normative compendium of the town governance in Cluj, gives short portrayals of the town leaders. The town judge had to be an honored, wise, and powerful person; the council members had to be prudent, diligent, and steadfast and not indolent in any circumstances; the notary had to be an experienced, loyal, wise, and sage man of great learning.⁵³⁶ The same source also mentions the negative properties that exclude someone from public life. Avaricious persons were not suitable because they were greedy; drinkers were not apt because their heads were empty; prodigals were inappropriate because they were considered unfolders of secrets; ignorant persons because they had no brains; the poor because they were distressed; murderers because they were subject of heavy rumors; heretics because they were

⁵³⁶ Mollay, *Das Ofner Stadtrecht*, 66.

indolent towards faith; those who did not fear God because truth was heavy for them; men who agreed with everything because they were adulators.⁵³⁷

These circumstances that made a man unfit for public service and in fact picture the perfect town leader: rich, educated, moderate, purpose-oriented, with a clean record, and true faith. A clean record was crucial since even a hint of law breaking or a violation of social norms, created rumors in the town. Although gossip and gossiping were generally seen as a bad habit, it had a vital function in keeping the unity, the values and morals of the group, and – as Max Gluckmann asserted – it was a “socially instituted customary weapon” that controlled competing cliques and individuals.⁵³⁸ Due to its “institutional” and ever-changing character, gossip was always hard to combat. Thus, it is no a surprise that many defamation cases were brought before the court.⁵³⁹ It is hardly plausible that a man suspected of immorality, rightly or not, could have been elected to the highest or any kind of position in the town administration. Thus, candidates for the town hall had to have an exemplary life that left no room for market chit-chat. Misdemeanors while serving on the council were severely punished no matter what the office’s prestige.⁵⁴⁰

Physical characteristics, however, were not set as conditions for public office, but the general principle of *idoneitas* supposed bodily aptness as well. Afflictions, either by birth or old age, that hindered one’s ability to run town affairs also created circumstances that kept individuals away from the town hall. Two elderly *centumviri* were deposed from their seats in

⁵³⁷ Mollay, *Das Ofner Stadtrecht*, 66-67.

⁵³⁸ Max Glückmann, “Gossip and Scandal”, *Current Anthropology* 4 (1963): 308, 313.

⁵³⁹ Kovács Kiss Gyöngy presents some cases in Kovács Kiss, “Pletyka, becsületsértés, rágalmazás...”

⁵⁴⁰ In 1578 two *centumviri* Gáspár Kappa and Jakab Heinrich were excluded from the council due to adultery charges. In 1582 a court case initiated against the judge of the town, Kálmán Nyíró, similarly for adultery. Kovács Kiss, “Pletyka, becsületsértés, rágalmazás...”, 41. Jakab, *Kolozsvár története*. vol. 2, 237. András Kiss, *Boszorkányok, kuruzslók, szalmakoszorús paráznák* [Witches, Charlatans, Succubae with Straw Wreath], (Kolozsvár: Kriterion Könyvkiadó, 2004), 35-36, 80-96.

the council because old-age infirmities that kept them away from the meetings.⁵⁴¹ Old-age afflictions or long-lasting diseases were one of the reasons for councilmen retiring in Sibiu as well.⁵⁴²

2.1.4. The material conditions of office-holding

The Buda town Statutes explicitly state that poor were not able to lead the town because they were always in need and distressed. The legal principle of the rule of the rich in Cluj was basically set by this one sentence. However, a timocratic political system⁵⁴³ was not implemented by the Buda town regulations, it just strengthened its features. A political system should be imagined as a development process that followed the inner transformations of a town's social structure. The more the new group of people with money and wealth got power, the more they adjusted the urban government towards a "meritocratic" system.

The rule of the upper class had practical reasons as well. Town services were not only time-consuming but also unpaid. As the public functions were fulfilled on a *de jure* volunteer basis, municipal services required a safe financial background to compensate for the lack (or minimal amount) of remuneration.⁵⁴⁴ Although town leaders in Cluj attempted to improve the situation in 1592 by asking for some salary, their plea was rejected by the *centumviri*, which argued that if the councilors had been called on by God to fulfill this duty they should expect payment from the Lord as well.⁵⁴⁵

If cash, however, public offices brought some advantages. The elected leaders, for instance, were exempt from tax duties. This custom was to the disadvantage of the town,

⁵⁴¹ TanJkv. 1578. I/3. 179

⁵⁴² RNA, Sibiu, The archive of the magistrate, Ratsprotokoll 1-2. 2/153. "Petrus Besothner emissus est propter nimie senectutis imbecillitatem"; Blasius Weis emissus est propter continuum morbum."

⁵⁴³ "First, then, I said, let us enquire how timocracy (the government of honour) arises out of aristocracy (the government of the best)" Plato, *Republic*, Book VIII. <http://classics.mit.edu/Plato/republic.9.viii.html>

⁵⁴⁴ David Nicholas, *The Later Medieval City 1300–1500* (London. Longman, 1997), 123.

⁵⁴⁵ TanJkv. I/5. 1592. 90.

however, since the richest people did not contribute to the local budget; therefore in times of great need the *centumviri* decided to reduce the number of *libertini* or to suspend this advantage.⁵⁴⁶ Even so, the exemption from taxes was one of the greatest privileges townsmen could have gotten.

When councilors were assigned for extra duties or appointed to lower offices they received some wages either in cash or in kind. On occasions of annual accountancies or when they left the town for certain duties, the stewards and councilors were entitled to full upkeep while they were working in the town hall or were in the field.⁵⁴⁷

The real profit of a public career, however, could not have been measured in money. Through diplomacy, town leaders could build up a network, social capital either for their own business or for a further public career, even at the county or state level.

2.2. *The leaders of the town*

The archontological comparative analysis of the town leadership in Cluj and Sibiu for the sixteenth century displays 108 (90) and 134⁵⁴⁸ office-holders between 1512 (1550) and 1600 for Cluj and from 1522 to 1600 in Sibiu.⁵⁴⁹ For the same period of time (1550-1600) around 88 names can be identified as in Sibiu. In the case of Cluj, the real focus here is on the period starting with 1550 and in Sibiu starting from 1522.

One may easily assert that in fact the number of the councilors in Cluj for the whole sixteenth century must have exceeded the seated magistrates in Sibiu. This is apparently

⁵⁴⁶ TanJkv. Libertini were called the persons who were exempted from tax payment for their municipal services.

⁵⁴⁷ 1588. When the appointed councilors went to inspect a weir, they have received a supper. SzámKv. 4/III. 5.

⁵⁴⁸ 143 if take into consider those notaries who did not gain council membership after their office in the chancellery expired.

⁵⁴⁹ In the case of Cluj and Sibiu, the dates between 1512 and 1550, respectively 1500-1522 are very scarce and incidental, do not open any possibility to make a quantitative and qualitative analysis for that period. Therefore in both cases there had been selected for deeper analysis the time span when continuous data series are provided. Altogether, the number of office-holders in Cluj must have exceeded the number of the councilors in Sibiu. The numbers implies entails both the top offices (i.e. prime judges, mayors) and the councilors.

accidental information, but, corroborated with further research findings helps to delineate the differences and the similarities between the political elites of the two towns.

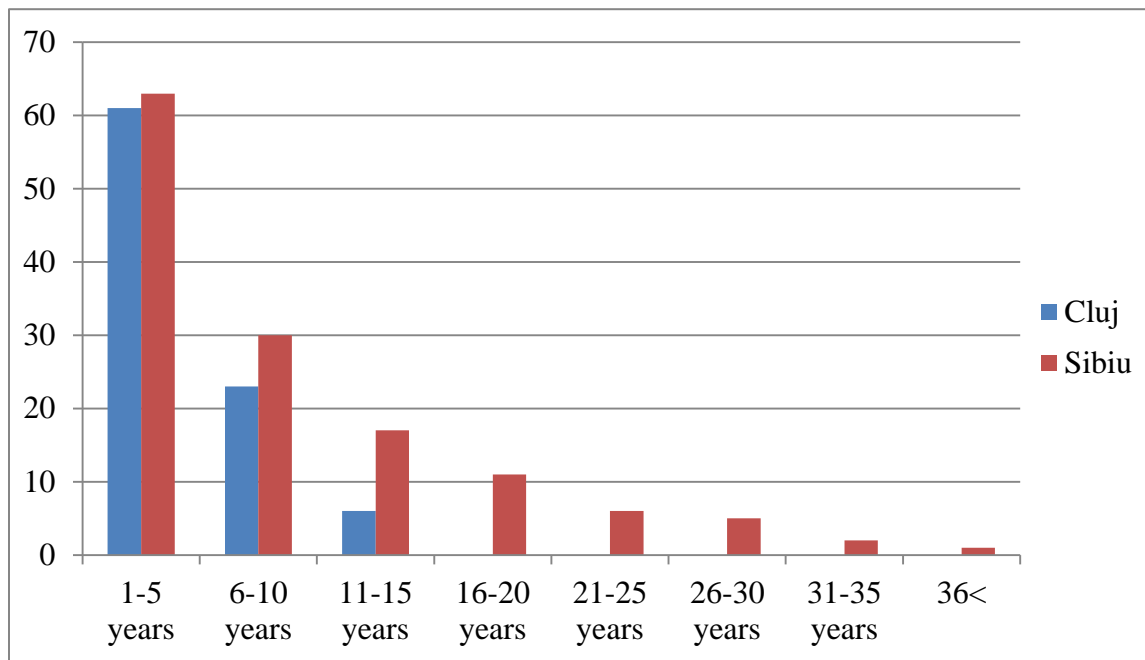


Fig.2.7. The lengths of office-holding.

The time span when one office-holder was present on the stage of town administration shows that although the magistrates of Sibiu were fewer in number, they spent more time in town service (10 to 11 years) than the councilors in Cluj (7.62 years). As far as the actual years are concerned (i.e., the average number of years when the councilors actually had a seat in the council), the numbers show an even higher average in the case of Sibiu (8.96 years) than in Cluj (4.64 years). The longest period of office holding in Cluj was 11 to 12 years, while some magistrates in Sibiu were incumbents for as long as 35 to 38 years.

This means that the position of a magistrate in Sibiu in the town administration was stronger than that of a councilor in Cluj, where the rotation of men was more active. In one sense, for the same period of time, there were more council members in Cluj, but they held their offices for shorter periods than their fellows in Sibiu.

One may find legal and social arguments for these differences between the two towns. First, the parity-based legal system of the town administration in Cluj might have influenced the duration and the frequency of office-holding, especially on the highest level. Prime and royal judges rarely returned to simple council membership after their year of office expired and usually skipped one year of political exposure until the next year when the nation they belonged to was entitled to hold that office again. That also influenced the continuity of one's career and created gaps in it. However, this policy might have been a handicap for new candidates. Thus, competition must have been stronger in Cluj than in Sibiu.

In Sibiu in most cases (10 out of 13) mayors stepped back to council membership when they were no longer governing the town, or in the years when someone else held this office. The royal judges, however, did not follow this pattern; there is not even one case when the person appointed to this office continued his career as a council member. Moreover, only three of them had a career in the town administration before being appointed to the office of royal judge. In the case of the mayors there was an opposite tendency and only one case when a person was elected directly to this office, and even in that case it seems that the person's career started earlier and only the lack of information creates this exception to the rule. In Cluj there are no examples at all of holding either the position of the prime judge or royal judge without having confirmed one's abilities first as a councilor.

The outstanding career longevity of the magistrates in Sibiu was also influenced by the more direct impact of the royal, and later princely, court upon the town. The fact that the royal judges, for instance, were appointed or consented to by the royalty determined the course of this office for a long period, and generally the incumbents held lifelong appointments. In Cluj, this office shows an even more fragmented course than that of the mayor. Here the royal judge was

less influential than in Sibiu, and had basically no political impact at the state level. The occupants of this position even slightly exceeded the mayors in number; there were 22 royal judges and only 18 (20)⁵⁵⁰ prime judges. In Sibiu this ratio was exactly the opposite; here there were 13 mayors and only 7 royal judges. In Cluj, 20% of the total number of office holders were prime judges and 24.4% were royal judges, while in Sibiu, 9.77 % of the total were mayors and 0.60 % were royal judges. There were major differences and only a few similarities between the two towns in the way administrative careers began. It practically never happened that one “jumped” directly to the top of the town hierarchy; in Cluj, in the cases when the whole career can be followed, there are no such examples, while in Sibiu there is only one case. Thus, it can be asserted one could not access the highest positions of the town administration either in Cluj or in Sibiu without having been member of the town council. In Sibiu, there was even a customary law that forbade those who were not serving members of the council at the same time from being elected to the office of the mayor. The election of Johann Wayda in 1581 was highly criticized because previously he had been absent from the council for one year.⁵⁵¹

Membership in the council started with the position of steward (dispensator) in Cluj, while in Sibiu there are only two examples when newly elected council members were appointed to this office (*Stadthann*). Apparently, the first step to the inner town council for most of the *centumviri* in Cluj was holding the office of *dispensator*.⁵⁵² Almost every year, one Hungarian and one Saxon man were elected as stewards. Sixty council members between 1556 and 1600 can be followed from the beginning of their political careers when they entered the council – the board of the twelve most honourable men; 40 of these men, that is, two-thirds of the documented

⁵⁵⁰ In the numerical analysis I do not consider those cases when the person was elected iudex primarius after 1600, but in certain cases these examples will be also presented.

⁵⁵¹ *Chronicon Fucsio-Lupino-Oltardinum sive Annales hungarici et Transilvanici*, Pars. I., ed. Josephus Trausch (Corona: Johannes Gott Typographus, 1847), 73.

⁵⁵² The steward was a member of the council, but was not a juror like the other 10 members of the inner council.

group, were first nominated to the post of steward and only 20 were elected directly as councilors.⁵⁵³ In Sibiu the picture was the opposite. Out of 109 cases, 96 men (88%) were elected councilors the first time they entered the inner town council, and only one had been assigned the post of steward beforehand.

It is interesting to reflect on the fact that in Cluj new members were trusted with the important office of the steward, who handled all the revenues of the town.⁵⁵⁴ In fact, they experience, since during the years they spent among the *centumviri* they were commissioned to perform various tasks related to the finances and economy of the town.⁵⁵⁵

The same practice of electing new men to the post of steward or chamberlain can be found, for example, in Stockholm and Arboga in Sweden, as well as in Oxford, York, and Hull in England.⁵⁵⁶ Once a new person entered the council, the possibility of a high career was (theoretically) open to him.

2.2.1. *Iudex primarius* – Bürgermeister

In Cluj the highest position one could attain in the urban administration was the office of the prime judge (*iudex primarius*). The archontological investigation⁵⁵⁷ in Cluj showed three periods, each hallmarked by three or four prime judges. This delimitation, even if it seems arbitrary, helps identify patterns and also makes comparative analysis possible.

The first group is comprised of men who started their careers around 1550 and served on the stage of local politics until the end of the 1570s. Twenty-three aldermen sat on the town council in this period; six of them reached the highest office of the prime judge.

⁵⁵³ Data collected from the TanJkv. I/2 – I/5.

⁵⁵⁴ “Ut omnes pecunie ex censu colligende in consulatum inducatur. Et ad manus civium dispensatorum assignentur, ut nullus alter nisi dispensatores cives dispensent.” Jakab, *Kolozsvár története*, vol. 1, 380.

⁵⁵⁵ On the control of the *centumviri* over the town economy of Cluj see chapter 1.2.

⁵⁵⁶ Gustafsson, *Svenska städer...*, 109–110.

⁵⁵⁷ The archontological data are from the TanJkv and TJkv. Therefore I will not mention each time the reference to it. The full reference for each office-holder will be given in the appendix.

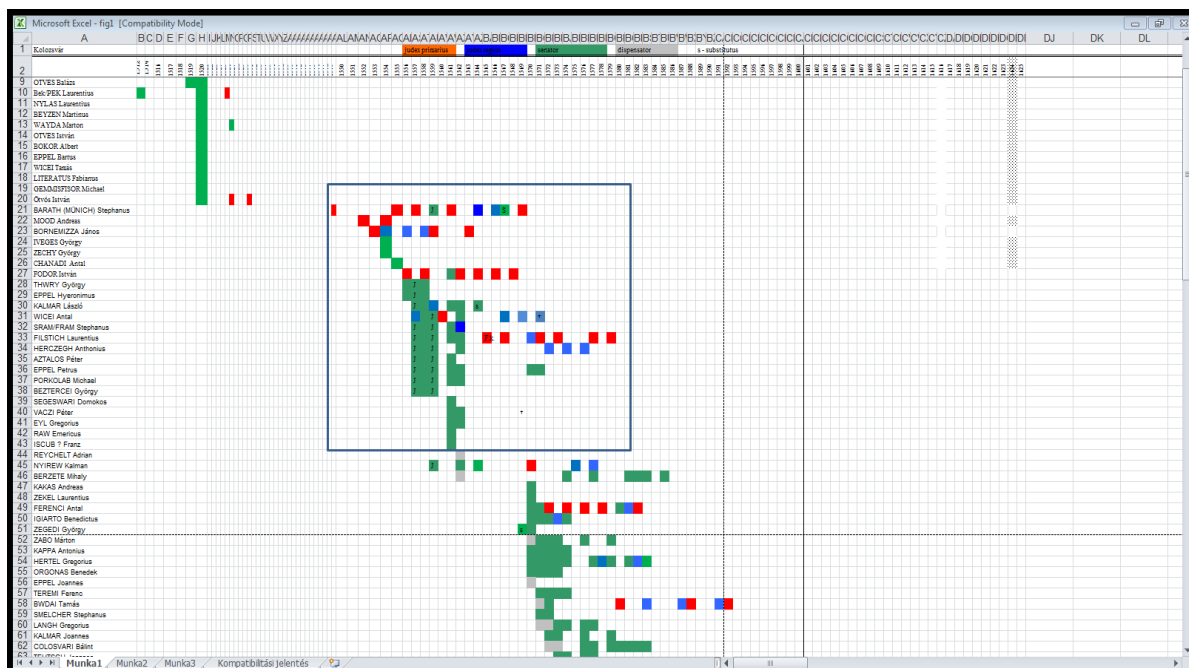


Fig.2.8. The first cluster of office-holders in Cluj between 1550 and 1570s.

Because there are no complete series of data for all six of them, it seems in this case that in the mid-sixteenth century one could reach directly the highest position in the town. However, I would be cautious with such assertions because further information does not support such a hypothesis. Stephan Baráth (Münich), Andreas Mód, Johann Bornemissza, and István Fodor were men whose careers seemingly forged ahead directly (i.e., the first data about them is the prime judge position), but in fact they had their *cursus honorum*, as did Antal Vicei and Laurentius Filschtich. Stephan Barát/Münich⁵⁵⁸ (prime judge in: 1549, 1555, 1557, 1561, 1569),

⁵⁵⁸ The Barát-Münich family was an old Saxon family in Cluj, from the generation of the hospites. In the sixteenth century the family changed the German name Münich/Mönch to Barát, as the Hungarian equivalent of monk (Mönch). In the historical work of Joseph Kemény, Stephan Barát appears with the name Stephan Mönck. Joseph Kemény, *Deutsche Fungruben der Geschichte Siebenbürgens*, (Klausenburg :J. Tilsch and Sohn, 1839), 93. Elek Jakab, the 19th century monographer of the town makes direct connection between Nicolaus and Jacob Mün (1405)

István Fodor (prime judge in: 1556, 1558, 1562, 1564, 1566, 1568), and Lorenz Filstich (prime judge in: 1565, 1567, 1571, 1573, 1577, 1579) held the highest office for a longer period of time (5-6 years), while Andreas Mód, Johann Bornemissza, and Antal Vicei were incumbents for a shorter time. In this period Barát, Fodor, and Filstich dominated the position of the prime judge.

The start of **Stephan Barát/Münich**'s career is not known. In 1549 he appears already in the position of the prime judge, an office that he probably held constantly afterwards, too, until 1555, when more information is available on the course of his public life. Besides the four mandates as prime judge between 1555 and 1569, Barát sat on the council two times, in 1559 and 1567 (being the *iudex substitutus* of Lorenz Filstich), and was nominated royal judge in 1564 and 1566. Barát's direct competitors were Johann Bornemissza and Lorenz Filstich.

Johann Bornemissza, in spite of his Hungarian surname, was a Saxon alderman who occupied the seat of the prime judge in 1552, a position to which he returned in 1559 and 1563, meanwhile holding the office of royal judge three times in a row (1554, 1556, and 1558).

Beyond doubt the most influential Saxon in the generation of the 1550s was **Lorenz Filstich**, who was re-elected to the position of the prime judge six times (1565, 1567, 1571, 1573, 1577, 1579), a performance achieved only by his fellow Hungarian, István Fodor. Incumbency for over five years was exceptional in sixteenth-century Cluj, and although this may sound exaggerated, it represented a high concentration of power, since re-elections were held only every second year; meanwhile one had to keep his influence in local politics. Filstich started his career in urban administration around 1557 and was councilor until around 1562. In his long career he also held the office of the royal judge once (1570).

and the sixteenth century members of the München(Mönch) family. Jakab, *Kolozsvár története*. vol. 1., 427. This assertion cannot be neither proven nor denied; the consonance of names, however, exists.

The Hungarian faction had three prime judges in this period (András Mód, István Fodor, and Antal Vicei). Among them, **István Fodor** appears to have been the strongest leader, being entrusted with this position six times almost in a row (1556, 1558, 1562, 1564, 1566, 1568). Unfortunately there is only one piece of additional data on his career; in 1561 his name appears on the list of the town councilors.

In 1560, **Antal Vicei** stepped into Fodor's place, but it turned out to be only a temporary substitution, not a replacement. Vicei never held the position of prime judge position again. Formerly, in 1557, he had been the royal judge, and a councilor in 1558, 1559, and 1562.

András Mód was Fodor's predecessor in the prime judge's seat in 1552 and 1554. Unfortunately, his full career has lapsed into obscurity.

As far as professional background in concerned, the goldsmiths were clearly the most influential; four out of six prime judges (Mód, Bornemissza, Vicei, and Filstich) were members of the goldsmiths' guild.⁵⁵⁹ One of the judges was a merchant (Barát) and one seems to have been a furrier (Fodor). Hence, the professional division of the top leaders in this period fits the general tendency of craft domination throughout the sixteenth century.

The second cluster includes twenty-one town leaders whose careers started in the 1560s and lasted until the early 1590s.

⁵⁵⁹ Flóra, *Prestige at Work*.

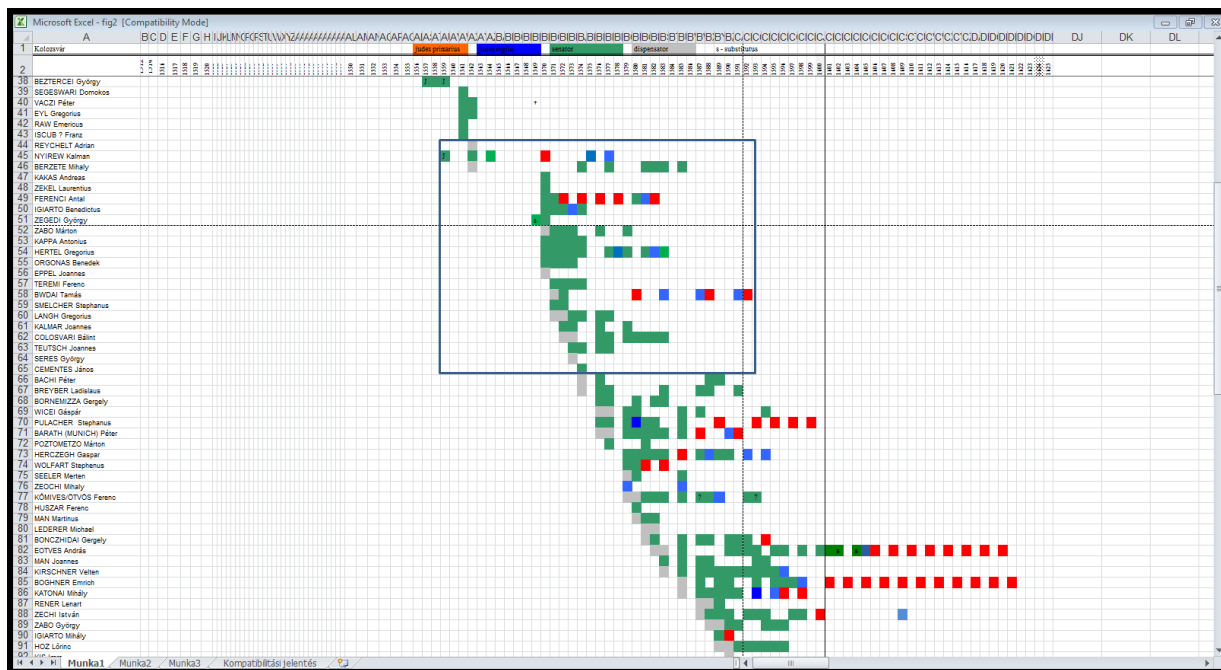


Fig.2.9. Second cluster of office-holders in Cluj between 1560s and 1590s.

Three of them reached the position of prime judge, but none of them kept this position for more than five years. Kálmán Nyíró governed the town for only one year (1570), Antal Ferenci for five years (1572, 1574, 1576, 1578, 1582), while Tamás Budai was the most important person in the town for three years (1580, 1588, 1592). The numbers of prime judges compared to the numbers of councilors in these two chronological units shows a clear dominance of the first group (26%) against the second group (14%), i.e., there were more prime judges in the earlier cluster than in the second. The explanation might be that the powerful aldermen of the 1550s were still in power when the generation of the 1560s started to enter leadership positions.

Kálmán Nyíró's career looks the least of all leaders with only 6 incumbencies in a time span of 19 years. In 1556 Nyíró was already sitting on the council, and held positions in 1562 and 1564. Then, after a gap of five years, in 1570 he was elected prime judge. His one-year

leadership can be seen as a break between the dominance of the two important Hungarian prime judges (István Fodor, Antal Ferenci) of the time. Five years later, in 1575, Nyírő held the office of royal judge and then again in 1577. Rumors that were circulating in the town, which resulted in an adultery court case in 1582, probably influenced the evolution of Nyírő's career.⁵⁶⁰

Antal Ferenci built up his career slowly but effectively. In 1559 he became a *centumvir*, and the first information about him in the town council dates to 1570. As a councilor, he participated in the public affairs of the town in 1570, 1571, and 1580, meantime governing the town for five years (1572, 1574, 1576, 1578, 1582) and achieving the office of royal judge in 1581.

In comparison to Ferenci's slower and gradual ascension, **Tamás Budai**'s career had a more sudden sweep. In 1570 he was nominated *centumvir*, and the next year he was already entrusted with the steward's duties, i.e., already on the town council. His career, however stopped for a while as suddenly as it started, and after 1571, when he was a member of the town council, there was a time gap of seven years when Budai performed only lesser duties (auditor, inspector of mills). Thus, his election to the office of prime judge in 1580 is exceptional, and only his brother-in-law, Stephan Pulacher, had a similar, slower rise in position. Budai was elected to the top office of the town three times, in 1580, 1588, and 1592, and held the office of royal judge in 1583, 1587, and 1591. As one can see, in 1587–1588 and in 1591–1592 Budai held both supreme positions in the town alternately, which means that he clearly dominated the Hungarian faction in those years.

The unusual success of Tamás Budai can only be interpreted in a broader context. Budai had, beside his public service, an outstanding professional career in the goldsmiths' guild and an important state function starting from 1569. According to the *Libri Regii*, Budai was nominated

⁵⁶⁰ Kiss, *Boszorkányok, kuruzslók, szalmakoszorús paráznák*, 80-96. Nyírő was accused of seducing his housemaids.

ad officium separationis auri et argenti due to his loyalty and professional skills.⁵⁶¹ It can be reckoned that Budai not only was a highly professional goldsmith, but also an entrepreneur. Gold separation supposed some investments (and required equipment), but brought profit as well since it functioned in a leasing system of a state monopoly. The reference to loyalty in the text, and the fact itself that Budai received this lease, presumes some kind of relation with the princely court. Whether he had any lobbying activity at the court or whether he had the chance to intervene in political decisions is impossible to tell, but he definitely had the skills of a diplomat and the opportunities to build a backing network.

In 1570 Budai was the guildmaster of goldsmiths.⁵⁶² Judging by his name, he might have come from Buda. He had certainly learned the craft abroad, in a German town.⁵⁶³ Compared to other leaders of the town, relatively much information has been preserved about him. Three testimonies remain, one during a court case between the goldsmiths' guilds in Cluj and Sibiu,⁵⁶⁴ one in a lawsuit he had with his elder daughters⁵⁶⁵ and one testamentary statement in front of the town council before he was sent on a mission to Sibiu in 1578.⁵⁶⁶ All these texts display Budai as an erudite and gifted diplomat who had a sophisticated style and cogency. Thus, it can be asserted that Budai had all the factors one needed for a career inside and outside the town. The goldsmith's craft in itself brought him an economic basis, and that he was not a simple craftsman but a gifted one put him before his fellow guild members. As guildmaster, he later had the

⁵⁶¹ *Az erdélyi fejedelmek Királyi Könyvei* [The Librii regii of the Transylvanian princes], vol. I, 1569-1581. ed. Tamás Fejér, Etelka Rácz, Anikó Szász (Kolozsvár. Erdélyi Múzeum-Egyesület, 2003), 137. (henceforth *Az erdélyi fejedelmek Királyi Könyvei*.)

⁵⁶² TJKv II/5. 1570. 1

⁵⁶³ RNA. Fond 554. nr. 14, 1r.; Endre Veress asserted that Budai was an Italian goldsmith. Endre Veress, *Zalánkeményi Kakas István*, 1558-1603, (Budapest: Magyar Történelmi Társulat, 1905), 15. (henceforth Veress, *Zalánkeményi Kakas István*.)

⁵⁶⁴ About the strike of the goldsmith journeymen in Cluj against the goldsmiths' guild in Sibiu and the lawsuit following it see Flóra, *Prestige at Work*, 10-11; Farkas Deák, *A kolozsvári ötvöslegények strikója 1573-ban és 1576-ban* [The strike of the goldsmith journeymen of Cluj in 1573 and 1576], *Értekezések a Történelmi Tudományok Köréből* 13 (Papers in the Field of Historical Studies), Budapest: Akadémiai Kiadó, 1886), 1-57.

⁵⁶⁵ TJKv. II/1.

⁵⁶⁶ TJKv II/1. 153-154.

opportunity to grasp positions in the town administration and interact with the princely court. His marriage into an influential family (Herceg) secured or strengthened the necessary social capital.⁵⁶⁷

Although Budai's career can be presented only in summary, yet it shows exactly how a successful town leader was created and what elements placed someone before others. The keys to success were apparently money, schooling, and family support.

The following unit of research subjects consists of 16 persons whose political activity started in the early 1570s and lasted until the end of the century.

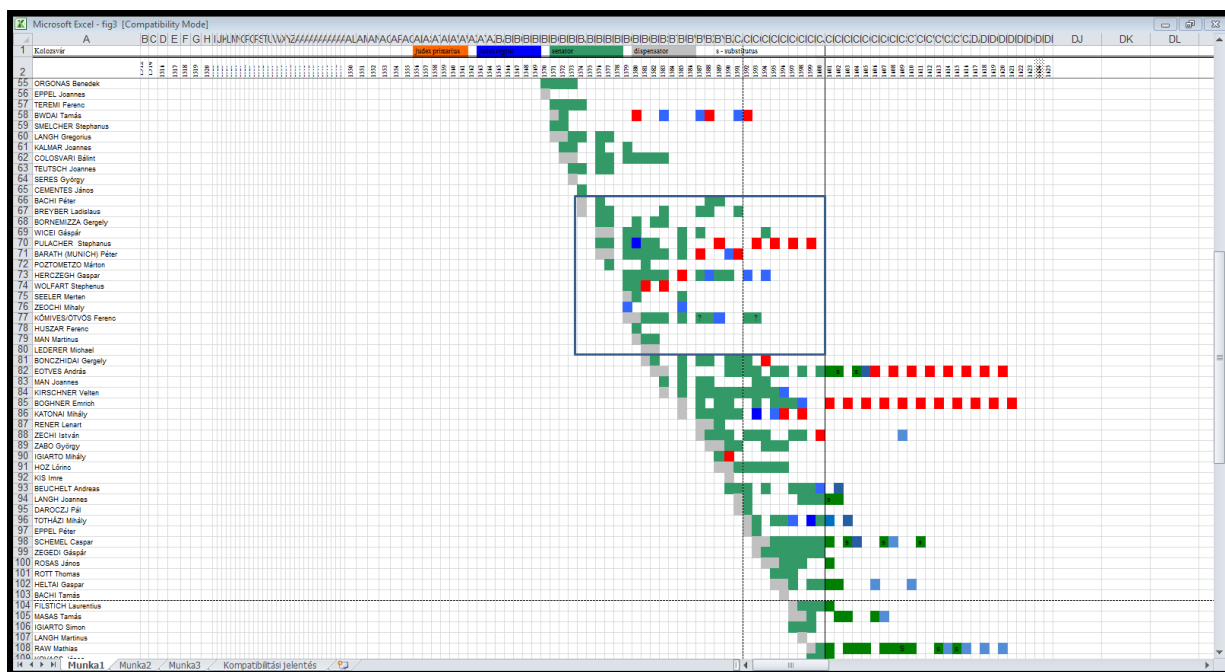


Fig. 2.10. The third cluster of office-holders in Cluj between 1570s and 1600.

⁵⁶⁷ On his marriage see chapter 2.4.2.

Four councilors were elected prime judges, which means 25% reported to the number of the councilors in this cluster. The longest period in office, five years, was held by Stephan Pulacher; the rest were incumbents for only one (Caspar Herceg) or two years (Peter Barát/Münich, Stephan Wolphard).

Stephan Pulacher's life and career had several links to Tamás Budai. They were brothers-in-law through marrying Anton Herceg's daughters. Pulacher's career probably started in 1575 in the position of steward and ended in 1599 in the position of prime judge. In only six years he managed to hold the office of the royal judge in 1580, when his brother-in-law governed the town, and he was elected prime judge in 1589, after a short pause of three years, then re-elected in 1593, 1595, 1597, and 1599. From 1576 to (1578)1579, 1581 to 1582, and in 1585 Pulacher held the position of councilor. Pulacher, along with Budai and Caspar Herceg (his brother-in-law) dominated the period between 1585 and 1599. *Grosso modo*, the top offices were basically interchanged within one family and only one person was able to break their hegemony. This person was Peter Barát/Münich.

The other brother-in-law, **Caspar Herceg**, probably entered the town council in 1578 after his father, Anton Herceg, died, and he held the position of councilor until 1583, then in 1587, 1589, and 1690. Similarly to his father, Herceg was appointed royal judge three times, in 1588, 1592, and 1594; in 1588 and 1592 he formed a "duumvirate" with his brother-in-law, Tamás Budai. Herceg was elected to the top of the town for one year, in 1585.

Péter Barát/Münich, the son of the former prime judge, Stephan Barát/Münich, entered local politics in 1576 according to the custom in Cluj, in the position of steward, an office that he kept in 1577. Afterwards Barát spent eight years in the council (1578-1585) before his first mandate as prime judge (1587). In 1590 he was appointed royal judge and in 1591 prime judge

again, which at the same time marked the end of his public service. Péter Barát and Stephan Wolfard, likewise Pulacher, Budai, and Herceg, were linked by brother-in-law ties.⁵⁶⁸

Stephen Wolphard was undoubtedly one of the most influential people of the 1580s. His name might sound familiar to those who know the architecture of the town, since his name is linked to one of the most famous Renaissance buildings of the town, the Wolphard-Kakas house. The house, which Stephen had extended and refurbished in 1579-1581, was bequeathed to him by his uncle, Adrian Wolphard, the last Catholic bishop of the town. In spite of the strong Catholic traditions in the family, Stephen Wolphard was attracted by the Reformation movement. He was born around 1533-1534. Between 1560 and 1564, Wolphard attended Wittenberg University, where he developed a passion for astrology. The chronicler István Szamosközy (1570-1610) remembered him as an excellent mathematician (i.e., astrologer), who had predicted the extinction of the Báthoris when a comet appeared in 1577.⁵⁶⁹ Wolphard's debut in local politics, besides his already existing social and intellectual capital, was fostered by his marriage to Sofia Barát/Münich, daughter of Stephan Barát/Münich and sister of Peter Barát/Münich. Stephen Wolfart probably entered the town council in 1579, and in only two years climbed to the position of prime judge, being elected twice in a row (1581, 1583). The plague pandemic in 1585/1586 that took his life wrecked one of the most promising careers in sixteenth-century Cluj.

⁵⁶⁸ Stephan Wolfardt married Barát's sister, Sofia. Pál Sebesi, "Újabb adatok Dávid Ferenc családjáról és nemzetségéről," [New Data on Ferenc Dávid's family and kinship], *Keresztény Magvető* 1 (1972): 38.

⁵⁶⁹ *Szamosközy István történeti maradványai* [The Historical Reminiscences of István Szamosközy], ed. Sándor Szilágyi, vol. 4 (Budapest: Magyar Tudományos Akadémia, 1880), 13. (henceforth Szamosközy István történeti maradványai); András Kovács, *Késő reneszánsz építészet Erdélyben 1541–1720* [Late Renaissance architecture in Transylvania 1541–1720] (Budapest-Kolozsvár: Teleki László Alapítvány – Polis Könyvkiadó, 2003), 26, 27, 30-37; András Kovács, "Csillagképek és épületplasztika. Adalékok a kolozsvári reneszánsz épületplasztika történetéhez" [Signs of the zodiac and decorations. Data on Renaissance building decorations in Cluj] *Ars Hungarica* 19 (1991): 157-164; idem., "A kolozsvári Wolphard-Kakas-ház" [The Wolphard-Kakas house in Cluj], in idem., *Épületek emlékezete. Nevezetes épületek Erdélyben* [The recollection of buildings. Famous buildings in Transylvania] (Budapest: L'Harmattan Kiadó, 2007), 201-216; András Kovács, "A humanista plébános, az asztrológus főbíró és a fejedelmi diplomata háza" [The house of the humanist parish priest, the astrologer prime judge and princely diplomat], *Korunk* 17, no. 10 (2006): 11-21.

As a preliminary conclusion it can be inferred that the generation of the 1570s was a triumph for the Saxon brother-in-laws. All four prime judges had close family ties and their careers were like a cog-wheel of the power of two powerful families, the Herceg and the Barát/Münich kin. As far as the Hungarian faction is concerned, this generation was still dominated by the two powerful prime judges (Ferenci and Budai) of the former period.

The fourth group consists of 31 individuals who entered the town administration in the early 1580s and extended their careers into the first decade of the seventeenth century.

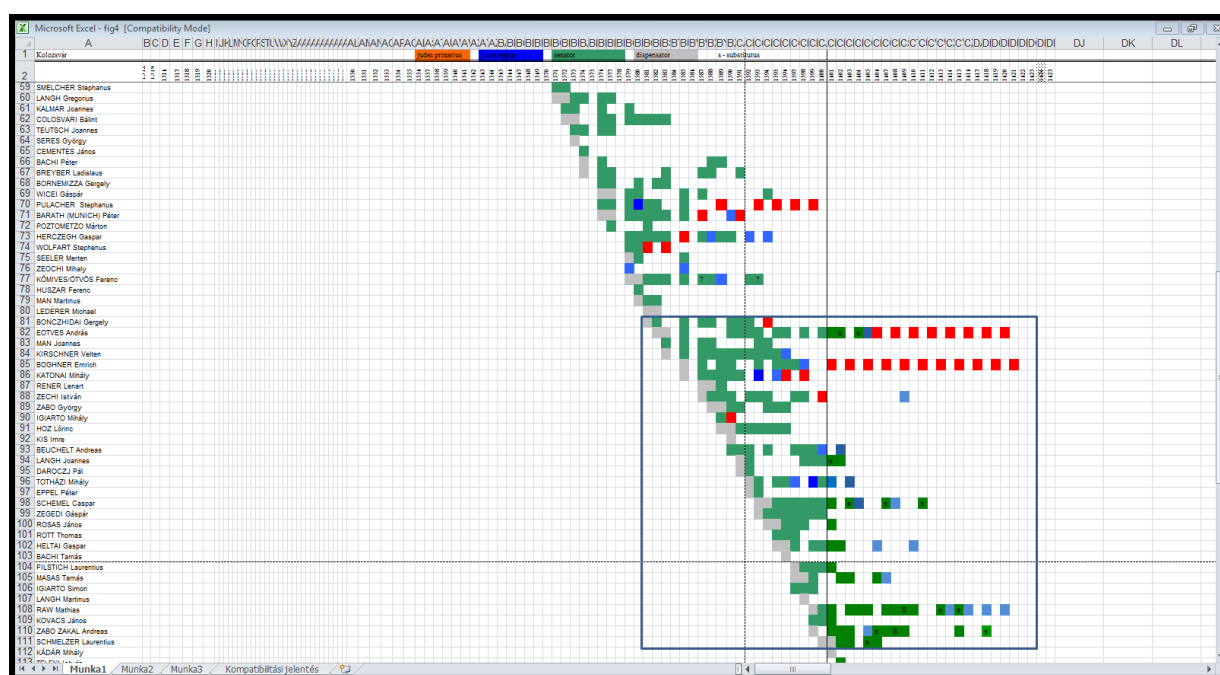


Fig. 2.11. The fourth cluster of office-holders in Cluj between 1580s and 1624.

From this large number of councilors only 6 (19%) were elected to the top of the town. Four led for one (Gergely Bonchidai, István Szécsi, Mihály Ígyártó) or two years (Mihály Katonai) and two of them for eight (András Ötvös) and eleven (Imre Gellyén/Bogner) years.

Ötvös and Gellyén/Bogner reached this position in the seventeenth century, a period that does not fall within the research period of this dissertation, however, their careers started in the sixteenth century, thus one cannot disregard them due to time limits. Before turning to a closer look at their career, three prime judges need to be presented.

Gergely Bonchidai was appointed Hungarian steward in 1581. Between 1582 and 1592 he held the position of councilor seven times (1582, 1585, 1587, 1588, 1590-1592). In 1594 he was elected prime judge. Bonchidai's career lagged behind the office-holding of several prime judges, but he was active in the town administration, with many extra duties and diplomatic missions. In 1577 the *centumviri* appointed him to resolve the divergences in the town council, which shows his good skills as a negotiator.⁵⁷⁰

István Szécsi likewise held the office of prime judge for only one year, in 1600. His career started, as usual, in the position of steward (1587) and continued with eight years of councilorship (1588-1590, 1592-1594, 1597-1598). Szécsi also had family ties with former incumbents of the town leadership; he was married to Tamás Budai's daughter, Anna. Szécsi and his wife were involved in long dowry litigations with Budai. Bonchidai and Szécsi had almost the same course of public service. Both started their careers in the position of steward, were councilors with small gaps for 7 or 8 years, and ended their activity in the top position of the town.

Conversely, Mihály Katonai and Mihály Igiartó followed a completely unusual career path. **Mihály Katonai** entered local politics in 1585, along with Imre Gellyén/Bogner, in the position of the steward. The two careers had a different course of development. After seven years Katonai reached the position of royal judge, (1593, 1595) and in 1596 and 1598 became the prime judge of the town. In 1598, when Katonai served his second mandate as prime judge,

⁵⁷⁰ TanJkv I/3. 140.

Gellyén/Bogner, who had the most impressive career at the turn of the sixteenth century, held only his first major office (royal judge). András Ötvös, Gellyén's counterpart in the first decade of the seventeenth century, who filled eight prime judge mandates, had not gone beyond councilorship at the time when Katonai's promising career ended tragically. Ötvös' career and influence might have looked different if Katonai had lived longer. Katonai's misfortune was the hostilities of the Fifteen Years War. In 1598, *ex officio*, he convoked the council that pledged an oath to Sigismund Báthori, and according to Emperor Rudolf's agents, had secret contacts with the returning prince.⁵⁷¹ For this he was later caught and tortured, then executed in 1600 by Michael the Brave (Viteazul)⁵⁷² although formerly he had received a safe-conduct (*assecuratoria*).⁵⁷³ In spite of the romantic picture created in the secondary literature about Sigismund Báthori's return and Katonai's direct implication, it is hardly plausible that Báthori was called home by the prime judge of Cluj. However, Katonai might have fostered good relations with the prince before his return, as it might be reflected in from a letter issued by Sigismund Báthori in 1590, in which Katonai was promised, for his loyal services, the properties of András Zatmári from Baia Mare in the case of *caducitas*.⁵⁷⁴

Mihály Íjgyártó's career, if it can be considered a career at all, remains a mystery. He stepped into the council right in the councilor position in 1598, against the tradition of being first the steward, and then the next year, in 1590, he took on the highest position of town leadership.

⁵⁷¹ Vencel Bíró, "Kathonay Mihály kolozsvári főbíró esete" [The Case of Prime Judge Mihály Kathonay, in *Kincses Kolozsvár* [Cluj, Town of Treasures], vol. 1, ed. István János Bálint (Budapest: Magvető Kiadó, 1987), 59-67; Jolán Balogh, "Későrenaissance köfáragó műhelyek" (Late Renaissance mason's workshops), *Ars Hungarica* 2 (1974): 275; *Szamosközy István történeti maradványai*, vol. 2, 117.

⁵⁷² Michael the Brave (in Romanian Viteazul) was the Wallachian Prince (1693-1601) who ruled the Transylvanian Principality for a short period of time in 1600. See *History of Transylvania*, vol. 1.

⁵⁷³ Flóra, *Prestige at Work*, 41.; *Jacobinus János erdélyi kancellár formuláskönyve* [The Formulary of the Transylvanian Protonotary János Jacobinus], ed. György Bónis and Antal Valentiny (Kolozsvár: Mineva, 1947), 16-17, 48-49.

⁵⁷⁴ *Az erdélyi fejedelmek Királyi Könyvei*, vol. 2, 351. *Caducitas* means that in case of no direct heirs the assets passed to the prince.

And at this point, Íjgyártó's name vanishes from the sources; there is no information that would elucidate his unusually short, sudden, and unconventional public performance. Due to the often changing surnames in the sixteenth century, it cannot be excluded that Mihály Íjgyártó was recorded under a different name as well, but so far research has not found any person who could fit Íjgyártó's identity.

The careers of **András Ötvös** and **Imre Gellyén/Bogner** are topics for a study of their own and exceed the time limits of the present research. However, the course of their political lives differ so much from the careers analyzed so far that it worth presenting them. The careers of these two leaders differed from any others in the town not only because of the power they managed to concentrate in their hands, but also because of their longevity in urban politics. Ötvös entered the council in 1582, Gellyén/Bogner in 1585, and with smaller gaps both of them were constantly present on the political stage until their deaths in 1620 and 1621. Both of them started their public service with the duties of the steward, followed by several years as councilors. Although Gellyén/Bogner entered politics three years later than Ötvös, he reached the high offices sooner. In 1598 he was entrusted with the obligations of royal judge and in 1601 began his long leadership period of eleven consecutive years. Ötvös arrived at the royal judge's position in 1605, then from 1606 was at the top of the town for eight years. Both men were influential and charismatic people, but that alone could not have promoted them so high. There were powerful incumbents in the town before 1600, too, but they could not preserve their power as Ötvös and Gellyén/Bogner did.

The political career of András Ötvös and Imre Gellyén/Bogner shows a completely different pattern and reflects the weaker power of their generation as a whole. The last two decades of the sixteenth century brought hard times to the town. The effects of the Fifteen-years'

War, as has been noted before, speeded up demographic mobility and the settling of newcomers. The constant threats and direct repercussions on the town leaders made local politics less attractive than they had been before. Furthermore, the social capital of these two men, who also had important networks on state level, made the inside competition inactive, especially in wartime conditions. The outstandingly long terms of office of Ötvös and Gellyén also imply that the balance of forces underwent changes as well. Such power concentration would have been impossible in middle of the sixteenth century, in the generations of the 1550s or 1570s. Moreover, the fact that Ötvös, who had had a conflict with the *centumviri* and even had his seat in the quorum suspended⁵⁷⁵ and even so was elected to the office of prime judge eight times in a row, denotes somehow that the former generation had lost its influence and as a consequence of the influx of new citizens the composition of the council of *centumviri* had changed to a great extent.

People changed, but the influence of certain crafts apparently remained, at least as it is reflected by the distribution of the leading position by occupation. Even at first sight one thing is striking: this generation was dominated by goldsmiths. Besides Gellyén/Boghner, who was a merchant, the rest of the prime judges were members of the goldsmiths' guild.

One may assert that during this half century the structure of political life did not change as far as professional distribution was concerned; personal ambitions and charisma, however, altered the image of the political elite, which became more dominated by influential persons at the turn of the century. At this point there were more similarities with the political scene of Sibiu, where personal influence and long-serving mayors were in charge from the early stages of medieval and pre-modern town administration.

⁵⁷⁵ Pakó, "Hatalmi konfliktus vagy testületi összefogás?"

In the town administration of Sibiu the influence of individuals over group interests was even stronger than in Cluj. Since the mayor of the town was also the head of the Saxon *Universitas* (thus it was simultaneously an office of a “nation” that was a constituent part of the state), the personal power of the incumbent mayor certainly outweighed the power of the factions in the town.

Thirteen individuals were elected mayor between 1522 and 1600, and only 5 of them (Paul Wermeser: 1522, Peter Wolf: 1526, Martin Weis: 1547-1549, Georg Hecht: 1577-1578, Blaise (Blasius) Raw: 1579-1580) held the office for less than five years. This is an eloquent difference in comparison with the similar data in Cluj, where 14 out of 18 prime judges led the town for less than five years. Thus, the position of a mayor in Sibiu was more stable than that of a *iudex primarius* in Cluj.

The five longest ruling mayors were “weighty” names not only on the local level. **Mathias Armbruster** led the town between 1527 and 1529 and 1536-(1539) to 1542, in the most restless times of the sixteenth century. Armbruster’s life and career path show an excellent example of the power a mayor in Sibiu could have.

Armbruster came from a foreign merchant family, possibly from Cologne,⁵⁷⁶ which reputedly settled in Sibiu in the fifteenth century. His father, Michael Armbruster, was elected mayor in 1513.⁵⁷⁷ In 1518, King Louis II, on the intervention of George Margrave of Brandenburg-Ansbach, issued a grant of arms for Jacob Armbruster, son of Michael Armbruster, and his brothers Mathias, Laurentius, Joannes, and Franciscus.⁵⁷⁸ Of the four brothers mentioned

⁵⁷⁶ According to Iván Nagy the family came from Cologne. Nagy, *Magyarország családai*, vol. 1 (Pest: Friebeisz István, 1857), 66.

⁵⁷⁷ Michael Armbruster was the mayor of the town in 1513. Zimmermann, *Chronologische Tafel...*, 6.

⁵⁷⁸ ...tibi fratribusque vestris universis animo deliberato et ex certa nostra scientia, regieque potestatis plenitudine dedimus, donavimus et contulimus... DL 50250. The grant of arms was confirmed by Ferdinand I in 1557 and 1559. Contrary to the arms-granting formulas and practices in Hungary, the last confirmation refers to four noble forebears on both the mother’s and the father’s sides that was the practice only for foreign imperial nobles in Hungary.

in the document only Mathias followed in his father's footsteps and became mayor for the first time in 1523. Concomitantly, he was also the head of the bullion office.⁵⁷⁹ Besides, between 1530 and 1534 he was a senator in the town council, while in 1537-1538 he fulfilled in tandem both the mayor's and the royal judge's offices. That was an absolutely unique case in the whole sixteenth century in Sibiu. Usually these two offices were strictly separated. This exception, however, was created by the circumstance of the incumbent royal judge being absent; it shows that Armbruster must have had important supporters in the court as well.⁵⁸⁰ In 1528 he is mentioned in the documents as being a *dominus mercator*.⁵⁸¹

One of Armbruster's direct successors, **Peter Haller**, was mayor for 9 years in the periods from 1543 to 1545 and 1550 to 1556. Similarly to Armbruster, Haller was a member of a foreign merchant family that came to the Hungarian Kingdom with the great wave of merchants from Nürnberg during the second part of King Sigismund's reign. However, Haller was a first-generation settler in Sibiu and from this perspective his career in the town can be considered as a greater success than that of Armbruster's. He had to build himself up, although the family was not unknown in the region, having commercial relations with several towns in Transylvania.

Haller, who was born in Buda, came to Sibiu with pre-existing strong political capital, being a fervent supporter of Ferdinand I. By marrying the daughter of the mayor of Braşov,

Interestingly, the original grant of arms was addressed to a burgher, the word *nobilium* was written on a *rasura* and it is probably a later forgery. Antal Áldásy, "Az Armbruster család czímereslevelei" [The grants of arms of the Armbruster family], *Turul* (1916): 97-100 (henceforth Áldásy, "Az Armbruster család..."); Zoltán Miklósy, "Polgári címeres levelek Magyarországon" [Grants of arms to burghers in Hungary] *Turul* (1927).

⁵⁷⁹ DL 36400, Áldásy, "Az Armbruster család...", 97

⁵⁸⁰ In the 30s he had the intention to purchase the castle of Hunyad for 40,000 florins, a huge amount of money at that time. Besides he had also supported Ferdinand's campaign in Transylvania (... quia maiorem partem suarum pecuniarum ad necessitatem Serenissimi Principis dni ferdinandi regis Hungariae et Bohemiae hic in Trasilvania exposuit ad gentes conservandas et iam negat habere pecunias promptas...), which caused his temporary bankruptcy after Szapolyai confiscated his assets for disloyalty. A kolozsmonostori konvent ... vol. II, 578, 702. Armbruster managed to rebuild himself, as a pawn letter testifies in 1541, when he pawned his still impressive fortune to Peter Roth in Cluj. Ratsprotokoll., 164-165. For more details about Armbruster see Ágnes Flóra, "Nobilis vagy cliens? Mathias Armbruster, egy 16. századi nagyszebeni nemesedő polgármester" [Nobile or client? Mathias Armbruster, a nobilizer mayor from Sibiu], *Korunk* 1 (2007): 75-81.

⁵⁸¹ Gündisch, „Haller Péter gazdasági vállalkozásai”, 4

Margareta Schirmer, and buying a house on the Grosse Ring of the town, he fulfilled the criteria for the Bürgerrecht, too. Thus, the way to a public career was established. His public career started in a very pro-Habsburg town administration. He was elected councilor in 1529, during the worst fights over the throne, when the town was led by a triumvirate supporting Ferdinand: mayor Mathias Armbruster, royal judge Mark Pemflinger, and county judge/steward Stephan Kleser. No doubt the relations of the Hallers with the court in Vienna played a decisive role in electing Peter Haller to be town magistrate of Sibiu in 1531. From that time on his career skyrocketed. In 1536 he became steward and in 1543 he succeeded Armbruster in the position of mayor until 1552, then being reelected from 1554 to 1556, and ending his career in the position of royal judge between 1557 and 1569. Although the Armbruster – Pemflinger – Kleser trio probably helped him to enter politics, Haller's career started to rise after the other two fell into disgrace with Szapolyai. Haller must have been a great diplomat who could well anticipate the consequences of certain political acts. The zenith of his political career was in the 1540s and 1550s, in the period when the governor, George Utješonović or Martinuzzi, often referred to as Fráter, had the greatest influence. He was the Pauline monk and statesman who worked to establish Ferdinand's rule over Transylvania. Haller was a strong supporter of Martinuzzi in this endeavor and managed to keep his position even after the assassination of the governor in 1551. Moreover, he stepped into Fráter's place in many respects, being a confidant of Ferdinand I, succeeding the Pauline monk as the head of the treasury, and being appointed royal judge of Sibiu, receiving a great donation at the same time. His political influence is shown by the fact that he managed to keep his positions after the restoration (1556) of the Szapolyais (Isabella and John Sigismund), too.⁵⁸² Haller probably lost the position of mayor on social pressure in 1557,

⁵⁸² Gündish. Joseph Bedeus v. Scharberg, "Die Familie der Herren und Grafen Haller v. Hallerstein in Siebenbürgen", *Archiv des Vereins für siebenbürgische Landeskunde*, (1858/9): 164–207; Georg Daniel Teutsch,

when the *centumviri* of the town, concluding from the riot of the local populace in 1556, elected a mayor who had closer relations with the folk.

Thus, **Augustin Pellio/Hedwig** was elected as Haller's successor in 1557 and held the position until 1565 when Simon Miles stepped into Hedwig's shoes and remained the head of the local administration until 1576. Hedwig, who was the first non-merchant mayor, became the head of the town after a dramatic episode in the history of Sibiu. In 1556 the populace of the town had rebelled against the town leaders, holding them responsible, especially the royal judge (Joannes Roth), for the doom of the town. According to the records of the trial that followed the uprising, Hedwig, who held the position of the steward, was the person who went out and talked with the crowd.⁵⁸³ Thus, one may suppose that he was a good mediator and person accepted by the mass of townspeople, maybe because he was one of them, a furrier, who climbed higher. Electing him to the top of the town in 1557 seemed to be a proper decision to calm the spirits and re-establish political and social order. He might not have had the political and economic capital Haller did, but he had the social capital that made it possible to "dethrone" one of the most influential mayors of the sixteenth century. Furthermore, it was the only example when one may suppose that the mayor was elected on the pressure of the town dwellers in Sibiu. Such cases are not known from Cluj.⁵⁸⁴ Hedwig entered local politics in 1543 and served the town as councilor until 1550. In 1551 he became the steward of the town, in 1553 moved one step closer to the position of the seat-judge until he was put in the mayor's position in 1557. For three years, between 1566 and 1569, one finds him among the councilors again, thereafter he ended his political activity and life in the position of royal judge (1570-1577).

Geschichte der siebenbürger Sachsen für das sächsische Volk, vol. 2.,(Leipzig: S. Hirzel, 1874).

⁵⁸³ Gündisch, "Der Hermannstädter Aufstand des Jahres 1556," In idem, *Aus der Geschichte und Kultur der Siebenbürger Sachsen* (Cologne: Böhlau, 1987), 220.

⁵⁸⁴ Gündisch makes a comparison with the Bauernkriege in Germany, this comparison, however, seems to be forced. Gündisch, "Der Hermannstädter Aufstand..."

After Hedwig, **Simon Miles** came to govern the town until 1576. Not much is known about his past, profession or political network. Christian Schaeseus in his epic work, *Ruinae Pannoniae* (1571), characterized him as being “a man of not meanest glory among the Saxons.”⁵⁸⁵ Archontological research on Miles’ career proves Schaeseus’ assertion. He started his career in the administration of the town in 1559 as a councilor. From that moment his career evolved quickly. In the very next year, in 1560, and then in 1561, he filled the position of the Stadthann, afterwards being elected seat-judge (1562-1565) before becoming mayor of Sibiu in 1566. From this perspective, Miles had the second most rapid advancement among the mayors in the sixteenth century. He reached the highest position in the town in only seven years.

Joannes Waida held the mayor’s seat three times, from 1581 until 1585, between 1592 and 1593, and in 1597-1598. Waida, whose name remained imprinted in the historical memory connected on one hand with the re-construction of the collapsed council tower (Ratsturm) in 1586, and on the other in relation to the dissent caused by his election as mayor. However, Waida had a more flourishing career than the sporadic information might infer. He entered politics in 1570, being elected councilor, a position that he kept until 1577. In 1578 he was Stadthann, in 1579 seat judge. After that there was a gap of one year in Waida’s career that created the polemics that followed his election to the mayor’s seat in 1581. Starting from 1586 he was a councilor again, until 1592, when he took up the office of mayor after the death of Johann Bayr in the middle of his mandate, and ran this office in the next year too, followed by three years of councilorship (1594-1596) before his last term as mayor from 1597 until 1598. Waida was one of the most long-lived figures on the political stage of Sibiu, active for 28 years, which means the third longest career among the mayors of the town.

⁵⁸⁵ Milesiusque Simon Hermani consule in urbe/ Inter Saxonicos non infima gloria patres, Christian Schaeseus, *Ruinae Pannonicae*, Libri Quator (Wittenberg: Clemens Schleich & Antonius Schöne, 1571), 153.

Intermittently with Waida, **Joannes Bayr** and Lucas Enyeter were elected to the top of the town. Bayr was the incumbent from 1586 until his death in 1592. As his name eloquently tells, his family came from Bavaria. Franz Bayer, who presumably was his grandfather, entered politics in 1548 and reached the position of seat judge in 1560-1563. His son and grandson, Joannes Bayr, senior and junior, ran their political career alternating, Bayr junior rising to the position of mayor in only 4 years. His career started in 1582; and next year he already held the position of seat judge, which he held until 1585. Death ended this exceptional career too early. Among the persons who ruled for shorter periods in Sibiu, one finds influential persons and descendants of powerful families. This fact underlines even more strongly the stiff competition within the town.

Lucas Enyeter held the mayor's position for 5 years in two stages at the end of a long career of 23 years. He gained experience with local politics as councilor between 1578 and 1585, returning to this position in the period between his two mandates as mayor, in 1597-1598. Enyeter's political span fits the general tendencies of career-building in Sibiu. After a due time of councilorship, he was entrusted with the position of the steward (1586-1587), then that of seat judge (1588-1593) before being elected mayor in 1594-1596 and 1599-1600 (1603). Enyeter was a member of the craftsmen's society, working as a tailor.⁵⁸⁶

Stephan Kleser held the office of mayor for 6 years between 1531 and 1535. His career cannot be followed entirely due to the lack of information. Kleser started his advance in local administration before 1522, but useful data about him start only from 1526, when Kleser already held the position of seat judge, which he kept until 1530. Kleser's life ended in 1537, in the second year of his councilorship.

⁵⁸⁶ Johann Seivert, "Die Provinzial Bürgermeister zu Hermannstadt im Grossfürstenthum Siebenbürgen," *Siebenbürgische Quartalschrift* 2 (1791/2):193 (henceforth Seivert, "Die Provinzial Bürgermeister zu Hermannstadt...")

Martin Weis, a tailor, got a mayor's mandate for three years. His career is the most atypical, partly because he did not fill any major offices other than councilorship before he became the head of the town, and partly because – like Waida – he was elected mayor without having a seat in the town magistracy. For unknown reasons, case did not cause such dissension as Waida's election did. Therefore one may infer that Weis' acceptance must have been a special case, perhaps a decision that had been agreed by the rest of the aldermen. Nonetheless, in these three years (1547-1549), Weis replaced Haller in the position of mayor. It might not be coincidence that the anti-Habsburg Weis'⁵⁸⁷ mandate lasted exactly for the period between the Peace of Edirne/Adrianople (1547) and the Agreement in Nyírbátor (1549), the period when the pro-Habsburg party in Transylvania was in decline. Otherwise, his fragmented career (councilor in 1538-1539, 1543, 1550-1551) and not-very-promising incumbencies in the town council did not predict he would reach such a high standing. From this point of view his political advancement is an exception from the rule, but proves again that state affairs had a major influence on local politics in Sibiu.

Two townsmen, **Georg Hecht** and **Balsius Raw**, were each mayors of Sibiu for two years. Hecht came from a real "Ratsfamilie". His grandfather, the tailor Georgius Hecht (Csukás), besides being royal judge and mayor of Sibiu, was a diplomat and soldier, too, serving King Wladislaus II.⁵⁸⁸ His father, Johann Hecht, was appointed notary between 1508 and 1511 and promoted the reformation movement greatly by opening the first lay school in his house.⁵⁸⁹ Thus, the grandson had a tradition to keep and perpetuate, a tradition that could conveniently be turned into important social capital and prestige. Three generations in urban politics was rare,

⁵⁸⁷ Gündisch, "Peter Haller", 28.

⁵⁸⁸ Hecht led the army of the Saxons in the battle of Turnu Rosu/Rotenturmpass (1493) against the Ottomans. Seivert, "Die Provinzial Bürgermeister zu Hermannstadt...",

⁵⁸⁹ Johann Seivert, "Die Provinzial Bürgermeister zu Hermannstadt...", 187; Zimmermann, *Chronologische Tafel...*, 5.

even in Sibiu, where local administration and state affairs often interlocked. Hecht's misfortune was to be in competition with the strong and well supported Haller, Hedwig, and Miles. Under other political circumstances he might have had a more glorious path in public service. Even so, Hecht spent 25 years in the main quorum of urban administration. First as a magistrate from 1553 to 1570, with one year's interruption in 1556, when he was entrusted with the Stadthann's office, and with a gap of three years (1564-1566) when he was absent from the town council. In 1571 he started his service as seat judge, until 1576, when he stepped back for one year to the councilorship, before being elected mayor in 1577 and 1578. Hecht ended his career and life in the position of councilor in 1580. *Pro patrie moritur* was noted next to his name, which suggests that Hecht died while serving his hometown.

Blaise (Blasius) Raw's career trajectory fits the general tendencies. First he served as a councilor from 1563 to 1571, then again in 1574 and 1575. He administered the finances of the town as steward in 1572-1573, and before occupying the mayor's seat, in 1579-1580, was entrusted with the position of seat judge (1576-1578).

There is only one case of a one-year mayorship that can be analyzed in the sequence of positions held by **Andreas Birkner** (1553). Birkner's career developed in Haller's shadow. His long political service started in 1531 in the position of councilor, and he remained in this position for twelve or thirteen years, until 1544, when he was elected judge of the seat. With two one-year interruptions (1547, 1550), when he stepped back to council membership, Birkner ran this office until 1552, and for another two years, in 1557 and 1558, before the end of his life. In 1553 he became the mayor of the town. One may observe that during his mayorship Peter Haller was absent from the council. Birkner, fervently pro-Habsburg,⁵⁹⁰ was probably the first man after

⁵⁹⁰ Gündisch, "Peter Haller", 47.

Haller in the Habsburg party; his nomination to the highest office of the town in Haller's absence must have been a matter of course.

Comparing the two offices in Cluj and Sibiu, one may observe several similarities but striking differences as well. First of all it can be asserted that state politics did not have such an influence on the elections of the prime judges in Cluj as they had in Sibiu. The reason behind this might have been twofold. Firstly, the status of the mayor in Sibiu was more prestigious than that of the prime judges in Cluj; the mayor of Sibiu and head of the Saxon community was at the same time the leader of a politically influential faction in the society of early modern Transylvania.

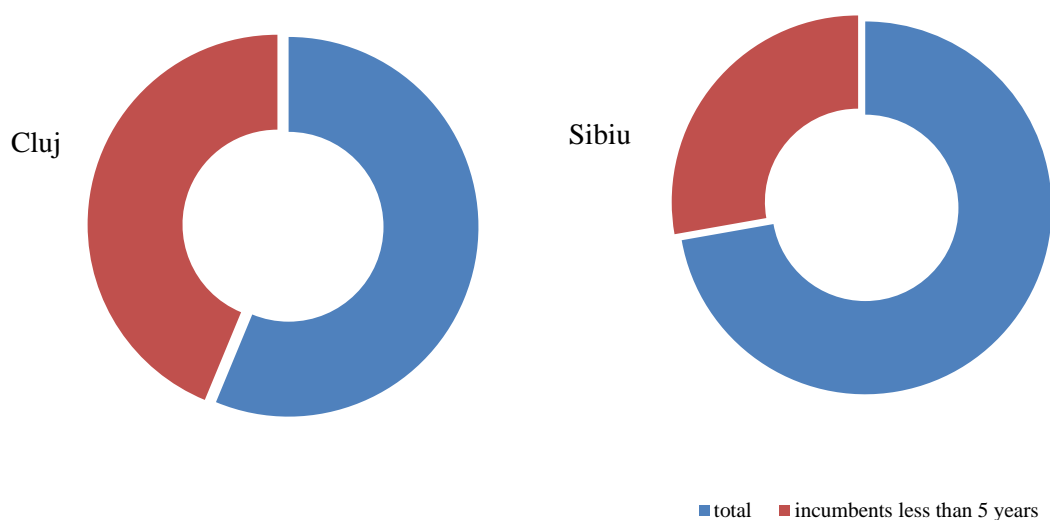


Fig. 2.12. Office-holders with less than five years in office.

The influence of state politics on the local administration was stronger in the middle of the sixteenth century than by the end of it, which fits the distressed situation of emerging statehood of Transylvania.

Secondly, individuals in Sibiu had greater influence than in Cluj. Persons coming from outside, even from foreign countries, grasped power and perpetuated it in a close circle. Leaders

were in office for much longer periods than in Cluj, especially because of the strict system of elections. The fact that the *centumviri* were only allowed to elect members of the inner council to the highest offices restricted the influence of broader circles of the population on the political life of the town. In Cluj the control of the locals was more effective. Besides the social structure of the leading elite, the preponderance of craftsmen in the town leadership in Cluj inhibited the influence of merchants with great capital investments. Therefore there were no significant gaps in wealth between the top leaders and the other incumbents of the town administration, which made possible a more frequent change of leaders and a greater competition for the top positions. In Sibiu, the monopoly of the extremely rich merchants blocked upward political mobility for many citizens.

Here the question naturally arises of why did the foreign merchants with great capital not settle in Cluj as well, since the sixteenth-century privileges created favorable conditions for trading activity there. The answer might seem simple. The position of the Sibiu leaders, as heads of the Saxon *Universitas*, opened great opportunities for state commercial investments, leasing opportunities for positions in the mint, treasury or customs. The merchants who became leaders in Sibiu were no longer active traders, living on buying and selling, importing and exporting goods, they were rather investors, investing capital in real assets or leasing state monopolies.

2.2.2. *Iudex regius* – Königsrichter

State affairs had substantial influence on the mayor's position in Sibiu. An office with administrative purposes that had developed genuinely for the townspeople became a position dominated by political connections and interests in the late Middle Ages and Early Modern period. In this light, analysis of the royal judge's office in Sibiu starts from the very beginning with the principle of political elections. The question is whether this influence left any room for

the popular will and whether the life course of the appointed persons resembled the career paths of the mayors. Was there any interaction between the two offices, or conflicts?

In the analysis of the same office in Cluj, the main pattern is the rotation of this office between the two nations and whether there was regularity in the election of the individuals to this office. Did the person who held the office of prime judge occupy the royal judge's seat the next year? Did state politics intervene in the elections? Was there any detectable influence? The main question is can archontological results confirm the statement rooted in the secondary literature that the royal judges were actually co-judges beside the prime judges of the town?

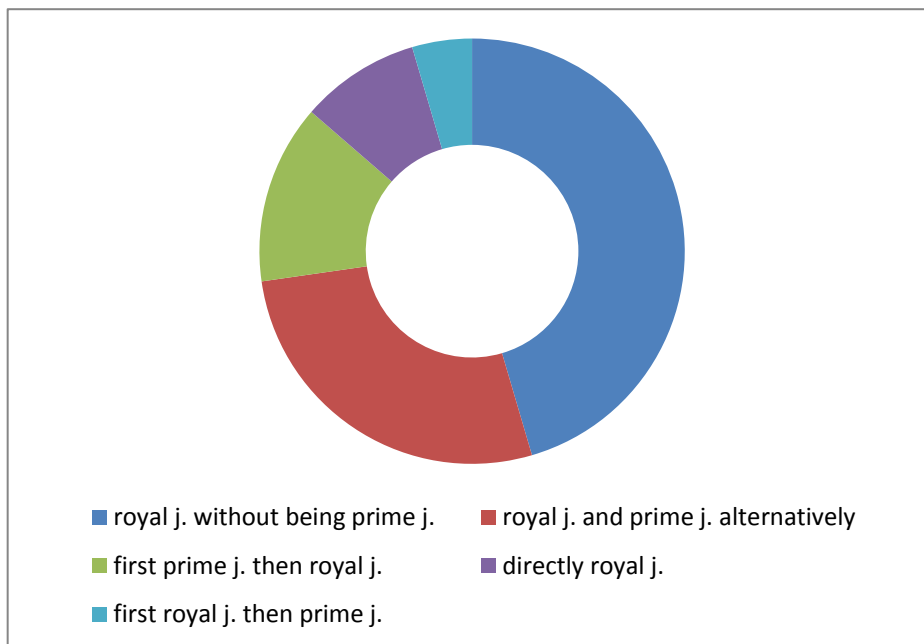


Fig.2.13. Succession in office in Cluj.

As has been presented above, there was a great difference in the number of men who held the office of royal judge in the study period in Cluj (18) and Sibiu (7). Moreover, great differences can be also

be seen in the ratio between the mayors and royal judges

(in Cluj 22 prime judges against only 18 royal judges, in Sibiu 13 mayors were in charge and only 7 royal judges).

Even without further research these numbers clearly show a much higher power concentration in the hand of the royal judges in Sibiu than in Cluj. This phenomenon is reflected

in individual careers; further differences or similar patterns can be observed by comparing the incumbents of this office in these towns.

The career of 22 royal judges has been investigated in the period of 1550-1600 in Cluj. Ten of them reached this office without being prime judge before, seven were incumbents of both offices in subsequent

years, three had run the prime judge's office for several years before they were entrusted with the duties of royal judge, two were appointed directly to

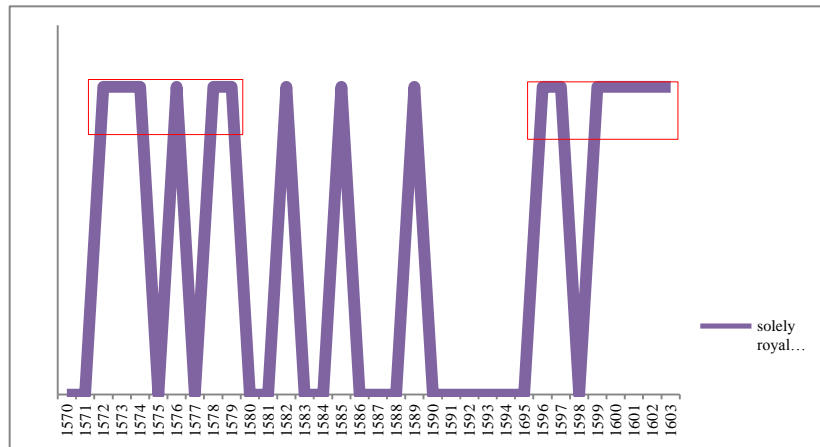


Fig.2.14. The office-holding of royal judges who did not fulfill other offices. *

one person became royal judge first and then prime judge of the town.

* The parts marked with red boxes show the higher frequency of royal judges with no other functions in town.

According to the numerical data, two categories provide details about the profile of a royal judge in Cluj. The fact that most of them filled this office without being elected as prime judge as well, and that the second most numerous category is those who were alternately incumbents of both positions in accordance with the parity system, reveals two types of local politicians in this position. As been already discussed above, this position was considered as being a co-judge, an office that had lost its medieval attributions and was kept only for the sake of parity. If so, and the position of the royal judge was only a subsidiary office, logically the person holding this position would have been re-elected as mayor the next year, when his nation took its turn. Moreover, his power and influence would have been

preserved better. The research findings, however, show that 10 incumbents were never elected as mayors after their year in town service expired, and some of them were reelected (4 out of 10) to this office when their nation was entitled to it. Although this position was not as politicized as in Sibiu, still someone's election to royal judge might have implied certain social and political networks in relation to the central power.

It is an interesting detail that most of the royal judges who were not also elected prime judge were continuously in position in two difficult periods in Cluj: between 1572 and 1579, when Stephan Báthori, voivode of Transylvania and king of Poland, reigned and between 1596 and 1603, the worst years of the Fifteen-Years War in Transylvania. Both periods were diplomatic challenges for the town. The question is hard to answer whether the election of these men was an internal decision of the *centumviri*, who chose persons with political capital to help the town in diplomacy, or whether the elections were influenced by the central power. The sources are silent

about the career of

the ten incumbents;

there are not even

hints to any state

functions that these

people may have

held or to major

state investments or any

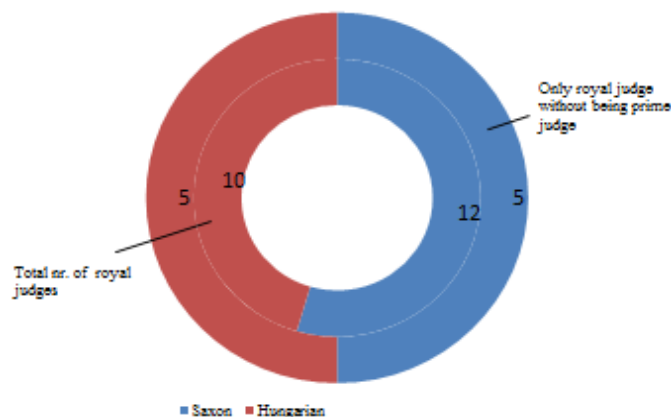


Fig.2.15. The ethnic distribution of the royal judges in Cluj.

kind of close relations with the central administration. If one assumes the political influence on this office or extenuates its importance, a further reason or reasons need to be detected. Personal

charisma and aptitudes might have played a more significant role in appointing someone prime judge than in case of royal judges. An entry from the seventeenth century points to the fact that hot-tempered persons were not appointed to this office, even much respected men of the town.⁵⁹¹ Self-command and restraint were important virtues in diplomatic missions and the royal judges had often diplomatic tasks even in difficult situations.

As far as the ethnic distribution is concerned, the representation of Hungarians and Saxons in this office was almost equal (10-12). Thus, belonging to one or the other nationality might not have influenced one's career or access to the office of royal judge. Moreover, the statistics show equal participation from both sides. Although the town and the administration took on a strong Hungarian character in the sixteenth century, the Saxon community managed to rotate its representatives and to promote new generations without important hitches. This shows the influence and power the Saxon community had on elite level that helped them perpetuate their power until the mid-seventeenth century.

For a better understanding of the office of royal judge, I will discuss in detail the careers of those who held no other high offices. There were ten such persons and they made up almost half of the total number of royal judges who served the town in the second part of the sixteenth century. The average period of incumbency was 1.8 years, a rate that obviates the cluster methodology applied in the case of the prime judges. Royal judges evidently had no such influence upon a generation as some prime judges did. Therefore the royal judges will be grouped according to the length of time they held office.

⁵⁹¹ "Holt meg az öreg Szörös Mátyás uram, az ki 40 esztendeig volt az tanácsban; végtére megveték az ő keménységiért, hogy sem királybíróvá, sem pedig divisorá nem választák" [The old Mátyás Szörös has died. He was present in the council for forty years, and he was despised for his toughness and was never elected royal judge or divisor], *Erdélyi Magyar Szótörténeti Tár* [Transylvanian Hungarian Historical Dictionary], vol. 6. ed. Attila Szabó T. (Kolozsvár-Budapest: Kriterion-Akadémiai Kiadó, 1993), 942.

László Kalmár, Stephan Sram, Benedek Íjgyártó, Ferenc Kőmíves and Velten Kirschner were royal judges for only one year. **László Kalmár** and **Stephan Sram** became royal judges almost one after the other; Kalmar in 1559, Sram in 1562. The difference in the two careers is that Kalmár's position was a peak in the middle of his political experience, while Sram's public activity and life ended with this position. One may assume that Sram could have had a future in this office, while Kalmár's office was a single case and he was not commissioned again. This may mean that for some reasons he was not able to hold this office. László Kalmár was one of the richest merchants in town.⁵⁹² His active life was probably incompatible with high urban offices that demanded onstant activity.

Benedek Íjgyártó became royal judge in 1570 after having spent several years among the Hungarian councilors. Neither his profession nor his economic power is known. His position as royal judge office might be perceived as less influential in the period dominated by the two Hungarian prime judges, Budai and Ferenci.

The office-holding of **Ferenc Kőmíves** and **Velten Kirschner** was similar to Kalmár's and Sram's cases. Ference Kőmíves, a goldsmith master, reached the position of the royal judge in 1598, in the middle of his career, while Kirschners public activity ended with this position. **Kőmíves'** career started in 1579 in the position of steward, an office he kept in 1580. From 1581 onwards he had a place among the councilors, probably without any gaps, until 1588.⁵⁹³ After his royal judge experience in 1589, Kőmíves was absent from the council for two years, being re-elected to that governing body in 1592 and 1593.

Velten Kirschner was elected steward in 1583 and from then onwards he had a constant presence among the councilors, until 1596, when he represented the town in the position of royal

⁵⁹² His heirs were in litigation for years over his fortune.

⁵⁹³ There are missig data for 1584 and 1586.

judge. Accordingly, Kirschner was a prominent figure in the town administration, yet not much is known about his life or profession. Judging from his name, he might have been a furrier, but that might well be misleading.

Three citizens were appointed royal judges for two years: Georg Hertel, Mihály Szőcsi, and Andreas Beuchelt. **Georg Hertel**'s name occurs often in the sources, mostly because he was the elder brother of the anti-Trinitarian reformer, Ferenc Dávid (Franz Hertel).⁵⁹⁴ Hertel, according to the inheritance customs in Cluj, took over his father's workshop and profession and became a member of the tanners' guild, building up a career inside the guild and outside the profession as a local politician. His career in public administration started around 1570, when his name appears among the Saxon councilors of the town. Hertel spent most of his public life in this position until 1583; the highest position he reached was the office of royal judge in 1578 and 1582. He formed a "tandem" with prime judge Ferenci⁵⁹⁵ in those two years, and coincidentally or not, in 1580, when not Ferenci but Budai was the prime judge, Hertel was not re-elected to the position of the royal judge. Moreover, he was not even present in the council. Stephan Pulacher, Budai's brother-in-law of, was nominated instead to the office of royal judge.

The most interesting case of all is **Mihály Szőcsi**'s office-holding, which can be asserted as the sole exception when someone did not follow a *cursus honorum* but was elected directly to the office of royal judge. Without any previous political experience Mihály Szőcsi became royal judge in 1579 and then again in 1585. He had no seat in the council before or after 1579. The sources do not tell about his position in the town, his status and wealth. According to his surname, he might have been a furrier. Szőcsi's public career is a conundrum and the lack of information makes it difficult to explain.

⁵⁹⁴ Pál Binder, "Dávid Ferenc családja: A kolozsvári Hertel nemzetség" [The family of Ferenc Dávid: The Hertel Kinship], *Keresztény Magvető* 2-3 (1979): 104-125.

⁵⁹⁵ Ferenci-Herceg were a similar pair.

Andreas Beuchelt became the town's royal judge in 1600, and was reelected in 1602, too, and if death had not have cut short his life he would have probably have had promising career starting around 1590 in the position of councilor. Although his activity in the town administration and jurisdiction started much earlier, in 1587 he was elected along with András Ötvös the first *director causarum* (prosecutor) of the town.⁵⁹⁶ Andreas, who is often referred to in the sources by the Stenzel family name, too, came from an old Saxon family from Cluj. The Beuchelt/Stenzel name appears in the tax lists of the Vetus Castrum quarter in 1565.⁵⁹⁷ Beuchelt undoubtedly reached the highest position in the town, although other family members were also present on lower levels of the urban administration⁵⁹⁸.

Anton Herceg was the royal judge for three years (1572, 1574, 1576). His career shows an interesting course although the beginnings are blank. Herceg's first appearance in the sources dates to 1557, when he was councilor, a position he also held in 1558, 1559, and in 1562. In 1568 he was among the Saxons who protested against the use of the parish church by Saxons and Hungarians in parity.⁵⁹⁹ Before his first royal judge mandate in 1572, Herceg was absent from the town council for nine years. Such powerful comebacks happened rarely.⁶⁰⁰ Herceg's name, however, does not come up in the sources because of his exceptional career but more because of the strategy he followed in marrying off his daughters, which that will be presented below.

⁵⁹⁶ László Pakó, "A városi közügyigazgatók (direktorok) Kolozsvár 16. század végi bírósági gyakorlatában" [The inquisitors in the court practice of Cluj at the end of the sixteenth century], *Erdélyi Múzeum* 3 (2012): 91.

⁵⁹⁷ About the name change of the family and the mistakes and missinterpretations about Andreas Beuchelt. see András Kiss, "Kolozsvári helytörténetírás Jakab Elektől Herepei Jánosig. A beszélő kövek" [Local history from Elek Jakab to János Herepei. The speaking stones] in idem, *Más források – más értelmezések* (Other Sources – other Interpretations) (Marosvásárhely: Mentor, 2003), 284-286.

⁵⁹⁸ *Segesvári Bálint történeti feljegyzései (1606-1654)* [The historical notes of Bálint Segesvári], in Kolozsvári emlékirók [Memorial Writers from Cluj], ed. József Pataki (Bucharest: Kriterion Könyvkiadó, 1990), 154, 163.

⁵⁹⁹ Jakab, *Kolozsvár története*, vol.2., 129.

⁶⁰⁰ Herceg's son-in-law, Tamás Budai, who was elected prime judge after seven years of absence from the council had a similar career path.

Undoubtedly, **Mihály Tótházi** was the most conspicuous royal judge of the sixteenth century, not only because of his four consecutive mandates (1597, 1599, 1601, 1603), but due to the tragic end of his public life. Nonetheless the end of his career and life prove that royal judges sometimes were more exposed to reprisals than prime judges although their actions were similarly controlled by the town council and the *centumviri*. Whether their actions had more impact at the court due to state implications would be hazardous to assert. Still, Tótházi's career cannot be understood without the political circumstances of the Fifteen Years' War.

According to the contemporary chronicler István Szamonsközy, Tótházi (along with Joannes Langh/János Hosszú⁶⁰¹) was among the legates who went to Moldova to escort home the returning Sigismund Báthori. In Szamosközy's opinion, this episode cost Tótházi his life.⁶⁰² Whether this event happened as described or not, it demonstrates that Tótházi had a close relationship with Báthori, otherwise he would hardly have participated in this delegation. Furthermore, it is almost impossible to tell whether this one case demonstrates the political power of the royal judges in Cluj or not.

Other opinions say that Tótházi was executed because he opened the town gates to Mózes Székely's army, and what was meant to protect the town and the inhabitants from a serious siege was interpreted by the emperor's general, Giorgio Basta, as an act of treason.⁶⁰³ A seventeenth-century Polish source conversely speaks about religious reasons; Tótházi, who was sent as an envoy to the Italian general Basta, refused to sign the commitment that the town would leave the

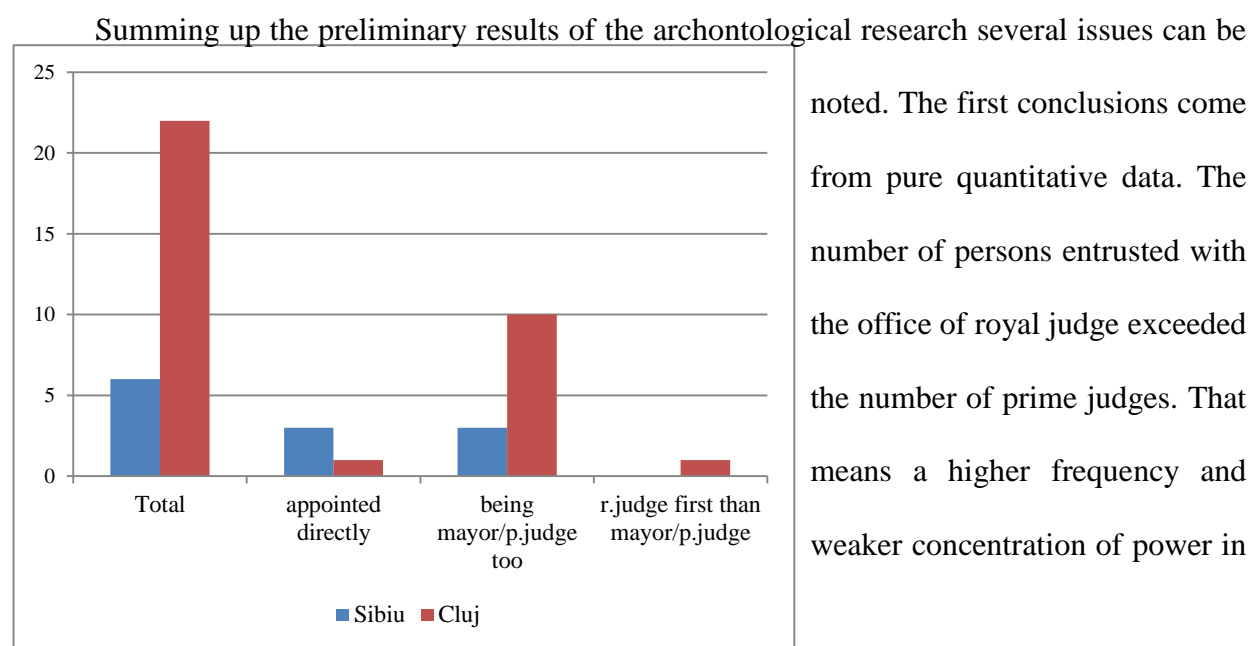
⁶⁰¹ János Hosszú/Joannes Lang was the iudex substitutus of prime judge Emrich Gellyén/Bogner in 1601.

⁶⁰² Lajos Szádeczky, *Erdély és Mihály vajda története, 1595-1601* [The History of Transylvania and Mihai the Valachian Voivode, 1595-1601] (Temesvár: Csanád-Egyházmegyei Könyvsajtó, 1893), 245;

⁶⁰³ Jakab, *Kolozsvár története*, vol. 2., 380-381.

anti-Trinitarian faith and return to Catholicism.⁶⁰⁴ In context this later assessment seems to be the most plausible for the royal judge's death.

The historical facts and the archontological dates outline the portrait of an influential and well prepared town leader. Tótházy's career developed quickly. He entered the town council in 1592 in the position of steward, was councilor for three years (1593, 1595, 1596) before his first royal judge mandate in 1597, and for one year in 1600, between his third (1599) and fourth (1601) terms as royal judge. He died in this position in 1603. This kind of rapid ascent is uncommon among the royal judges in Cluj. Usually, it took eight or ten years to climb so high.



the **Fig. 2.16. The course of the royal judges' career.** hands of the royal judges.

Inquiries into individual careers, however, do not confirm the hypothesis of state political influences on the royal judge's office in Cluj. Although Mihály Tótházy's case might imply deeper connections with the central power, the average office holders did not, or at least at this state of the research are not known to have had, any involvement in state affairs.

⁶⁰⁴ Mihály Balázs, "Trauzner Lukács "megtérése" (The "conversion" of Lukács Trauzner), *Keresztény Magvető* 1 (1997): 13.

The research on the royal judge's office in Sibiu from this point of view starts from completely different premises, although the roots of the office were the same. By the sixteenth century this office became the most politicized urban office in Transylvania. One may even question whether it was an urban office at all. How long did someone hold this office? What kind of social and economic background did the incumbents have? Were there any opportunities for townsmen for upward mobility towards this office, or it was so strongly dominated by the interests of the region/seat, Saxon communities, and state that only high-ranking town dwellers could be appointed to the royal judge's seat? These research questions shape the course of inquiries presented below.

In the period between 1500 and 1600 eight people were appointed to the office of royal judge in Sibiu. Six of them held the office in the 1522-1600 timespan. At this point one can already observe an important difference from Cluj, where over only half a century the royal judges greatly exceeded in number (22) their fellows in Sibiu. Later there were also important discrepancies in the length of the office-holding periods. The average one royal judge spent in his office was 12.3 years in Sibiu and only 1.8 years in Cluj. This reflects clearly the fact that the royal judges in Sibiu concentrated more power in their hands than those in Cluj.

As far as the incumbents' way to this office is concerned, there were also important dissimilarities. The ratio of those who did not hold any kind of urban offices before being elected royal judge is two to one; that is, three men out of six were appointed directly to this office without having some experience in urban service in Sibiu, while this proportion in Cluj is one to twenty-two.

It needs to be stated in advance that being royal judge after a career in the mayor's office was not a step backwards in Sibiu; it was as important an office as the mayor's, and had even

stronger ties to state or regional positions. In Cluj, the royal judge position was definitely a less prestigious element of urban administration. In Sibiu being a royal judge was a step forward while in Cluj it was a step back. The individual case studies presented below are meant to qualify these assertions or to adjust the picture.

The sixteenth century began with Lorenz Hann/Kakas in the position of royal judge, until 1522, the date for which complete archontological data are available, only Joannes Lulay followed him in this office.

The most notable person in the history of the town in the 1530s was **Mark Pemflinger**. Pemflinger came to Sibiu in 1521, after the royal judge, Joannes Lulay, died. The same year he married the late Lulay's widow, Klara Tabiassi, and thus acquired large aristocratic estates.⁶⁰⁵ In the same year, Pemflinger was appointed to the vacant royal judge position in spite of the Saxons' protests⁶⁰⁶ and kept this office until 1535. Pemflinger came to Sibiu as a *homo novus*, but with an outstanding career in Buda. In 1516 he was the vice-treasurer at the royal court.⁶⁰⁷ About his birth nothing is known; the Pemflinger family came to Buda via Vienna during the reign of King Matthias (1458-1490) and its members managed to advance to high economic, administrative, and political functions in both Vienna and Buda.⁶⁰⁸ The exact place of origin of the family is uncertain.⁶⁰⁹

⁶⁰⁵ Fabritius, *Pemfflinger Márk...*, 13; Heinrich Wittstock, "Marcus Pemfflinger," in *Allgemeine Deutsche Biographie*, vol. 25 (Leipzig: Duncker & Humblot, 1887), 343-350 (henceforth Wittstock, "Marcus Pemfflinger"); Joseph Bedeus, "Des merkwürdigen Hermannstaedter Königsrichter Markus Pemfflinger letzte Lebensjahre und Ende", *Archiv des Vereins für Siebenbürgische Landeskunde* 3 (1858): 124-140.

⁶⁰⁶ The Transylvanian Saxon communities had the privilege of electing their royal judge.

⁶⁰⁷ Wittstock, "Marcus Pemfflinger".

⁶⁰⁸ About the rest of the family see András Kubinyi, "Die Pemfflinger in Wien und Buda. Ein Beitrag zu wirtschaftlichen und familiaeren Verbindungen der Bürgerschaft in den beiden hauptstaedten am Ausgang des mittelalters", *Jahrbuch des Vereins für Geschichte der Stadt Wien* 3 (1978):67-88 (henceforth Kubinyi, "Die Pemfflinger in Wien und Buda").

⁶⁰⁹ The seventeenth century historiographer, Istvánfi, thought that the family came from Swabia. Karl Fabritius places the family in Regensburg. An entry in the Matricula of the Vienna University indicates Kollnburg as the place of origin of Pemflinger. Kubinyi, "Die Pemfflinger in Wien und Buda.", 70.

Pemflinger made a living mostly from credit transactions and leasing.⁶¹⁰ From 1523 for a while he was the head of the bullion office in Sibiu and *arrendator* who farmed the so-called twentieth, the customs on foreign trade, in Sibiu and Brasov.⁶¹¹ After his wife's early death in 1523, the Tabiassi properties came down to Pemflinger. That meant important and numerous assets in at least three counties in Transylvania. In 1531 Szapolyai confiscated 16 settlements when Pemflinger was charged with treason.⁶¹² His economic power is also shown by the important loans he gave to Ferdinand I during the fights over the throne after 1526. Still, Pemflinger's involvement in the pro-Habsburg agitation was quite moderate, almost passive compared to the propaganda made by Georg Reichsdorfer, with whom he came into serious conflict.⁶¹³ It must have been a peculiar situation when the newcomer town leader had better foreseen the dangers that an armed campaign might have brought the town than Ferdinand's agent (Reichsdorfer), who was born in the town and had served the town before. It only marks Pemflinger's commitment to the town and to the office he held. In a rather silent way, Mark Pemflinger was Ferdinand's most reliable supporter, arranging important diplomatic and military interventions for the pretender to the Habsburg throne.⁶¹⁴ Besides, Pemflinger, as a genuine trader, found business opportunities in the political turmoil and augmented his properties and wealth.⁶¹⁵

Mark Pemflinger's 14 years of career was not of an outstanding length. The average mandate of the royal judges in Sibiu was 11.8 years. What makes Pemflinger paramount among the other royal judges is that he managed to integrate into the hierarchical elite of Sibiu in spite

⁶¹⁰ Fabritius, *Pemfflinger Márk...*, 19.

⁶¹¹ According to Gooss, Pemfflinger was the head of the salt mining office in Turda. Gooss, *Die Siebenbürger Sachsen...*, 82, 348. Wittstock, "Marcus Pemfflinger"; Pakucs, *Sibiu-Hermannstadt*.

⁶¹² Fabritius, *Pemfflinger Márk...*, 18.

⁶¹³ Gooss, *Die Siebenbürger Sachsen...*, 106.; Wittstock, "Marcus Pemfflinger", see also chapter 1.

⁶¹⁴ Gooss, *Die Siebenbürger Sachsen...*, 348, 372, 375.

⁶¹⁵ Gooss, *Die Siebenbürger Sachsen...*,

of the fact that his appointment was heavily contested, and in only 14 years, with no family background inside the walls or in the country, he became one of the most appreciated men of the sixteenth century. Roderick Gooss, moved by some bias, spoke about him as the first Saxon statesman from Transylvania.⁶¹⁶

Two more persons reached this position without any other public service before. Their case has an extra peculiarity by the close family ties between them. Georg Huet/Süveg became the royal judge of the town in 1540 and kept this position until 1543. He had a public career neither before nor after these dates, although in a wider context his short brief presence in local politics reveals some social and political interconnectedness. Georg Huet became a son-in-law of Mathias Armbruster, a man of great power and influence, by marrying Armbruster's daughter, Barbara. Huet stepped into politics in 1540, a year after his father-in-law, the mayor at the time, was also entrusted with the duties of royal judge. Huet kept this position until the pro-Szapolyai royal judge, Joannes Rott, was installed in 1544. Thus, in 1541 and 1542, the town of Sibiu, and implicitly the whole Saxon community in Transylvania were led by two relatives-in-law. Huet's position thus might be interpreted in two ways. Either he was an instrument in Armbruster's hands in his ambition to serve the pro-Habsburg party and preserve his power and position inside and outside the town or he made use of the Armbruster's position and influence to get into politics. For sure, if not for the changing political climate, Huet would probably have kept his position for much longer, as later his son, Albert Huet, did.

As in the case of the Bayrs, the Huets father and son followed each other into local politics. The younger Huet, Albert, similarly to his father, "jumped" directly to the position of royal judge without any involvement in local administration. However, he was not a person without skills. After due preparations in his hometown, Huet attended the university in Vienna,

⁶¹⁶ Gooss, *Die Siebenbürger Sachsen...*, 81.

then occupied several positions until 1574 at the court of Charles V, Ferdinand I, Maximilian II, and Rudolf II. Supposedly, his courtly career was supported by his father and his relations with the Habsburgs. Returning home, Huet found different realities than when he had left, but still two competing political parties promoted by two world powers. Albert Huet became royal judge in 1578 and found the way to the reigning Transylvanian voivode, Sigismund Báthori, who reveled in his humanist cultivation and in the fact that they could speak about state affairs in Italian.⁶¹⁷ The fact that Huet managed to foster good, almost confidential, relations with the Bathoris proves that he had good diplomatic skills and strong charisma. No wonder that Huet remained in position for 23 years, until his death in 1607.

Peter Haller's, Joannes Roth's and Augustin Hedwig's careers have already been presented in the chapter dedicated to the mayors of Sibiu, therefore here only a short assessment is given regarding their activities as royal judges. The interesting thing about the three careers is that they interlocked, almost grew out of each other, and show many similarities. Rot, Haller, and Hedwig, all three accessed the position of royal judge due to their political capital. Rot, who was among the very few pro-Szapolyais in Sibiu, held this position in the period when the "Hungarian party" was rising and managed to keep his position after Ferdinand's return (1551) until public anger swept him away in 1556. The same revolt put a stop to Haller's remarkable accomplishment in the mayor's position and gave impetus to Hedwig's feat at the head of the town. Haller, fervently pro-Habsburg, stepped into Rot's place, and bore the title of royal judge similarly for 13 years, until his death in 1569. Hedwig stepped into the vacant seat of the royal judge after Haller's death almost as a matter of course and kept this function for eight years, until the end of his life in 1577.

⁶¹⁷ Johann Seivert, "Die Grafen der sächsischen Nation und Hermannstädtischen Königsrichter im Grossfürstenthum Siebenbürgen", *Ungrisches Magazin* 3 (1783):149.

One of them was pro-Szapolyai, two were Habsburg adherents, one was a local merchant, one a foreign investor, and one rose from among craftsmen – three different characters with different roots on the stage of local administration with almost identical career paths. This only underlines the assertion that personal ambitions might have overwritten the political realities and circumstances or might have turned them to their advantage.

The importance of political affiliations faded after the mid-sixteenth century, at least that is how the individual careers reflect it. Certainly, the political climate also changed and fights over supremacy in Transylvania lost their initial intensity. Therefore, Haller, Rott or Hedwig could preserve his position and influence even in changing balance of forces in the period after 1541 better than Pemflinger or Armbruster did after Mohács (1526).

2.2.3. Dispensator – Stadthann

The general pattern of steward's office in Cluj and Sibiu resembles the other offices with respect to the fact that the number of the incumbents in Cluj (41) exceeded the number of office-holders in Sibiu (34). Although the discrepancy is not so conspicuous as in the case of the royal judges, those from Cluj spent all together less time in the office than their fellows in Sibiu. There are also differences in the lengths of office-holding; while in Cluj no one held office for more than two years, in Sibiu one could hold this post for as long as 4 to 6 years. Very long steward's careers, however, were not characteristic for Sibiu either; mostly if the stewards spent two years in this office. The short office periods might have been a precaution measure against corruption and malfeasance. However, this office had great responsibility and was also demanding. The *villici* not only supervised the incomes and expenses of the town, but apparently

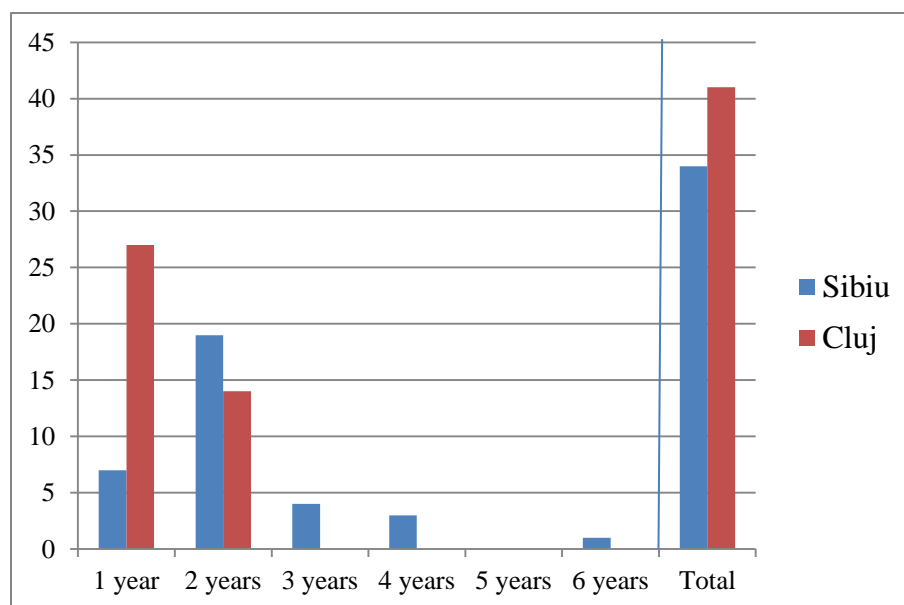


Fig.2.17. The office-holding of the stewards.

position in Cluj – as has been already asserted –, is that apparently the steward’s office was a compulsory step towards councilorship. Between 1570 and 1600 – the time span when full careers can be analyzed – 43 out of 60 members stepped into this position when entering the council and only 17 were elected directly as councilors. If the seventeen exception cases were on purpose or just a matter of coincidence, I would rather vote for coincidental election. Research on the individual careers, however, does not show any patterns that would delineate those seventeen people as “others” or as a privileged group within the town administration. Among them one finds simple craftsmen, tradesmen, nobles or incumbents of former important positions (i.e., hospital master), persons with long careers that ended in high positions (Georg Hertel, Andreas Beuchelt) or short and quickly ascending public lives (Ijgyártó Mihály), as well as short or average careers in the same position (Kappa) However, most of the significant personalities of sixteenth-century politics started their “march” into local government with this position (e.g., Tamás Budai, Stephan Pulacher).

they had to be present at the victual allotments, too.⁶¹⁸ Thus, many people probably left this position saying good riddance.

The interesting issue regarding this

⁶¹⁸ Toma-Cosmin Roman, *Sibiul între siguranță și incertitudine, în zorii epocii moderne (1528-1549)* [Sibiu between security and insecurity at the dawn of the Modern Era] (Alba Iulia:Altip, 2007), 189, 219.

It is not yet clear whether the expectation to taking up stewardship first was a challenge for the aspirants set by the *centumviri*, a kind of test of their prudence and circumspection, or whether this tradition had developed along the *paritas* of the local government. Certainly, there was strict consistency in keeping the balance in every small detail. Even the ratio of the Hungarian and Saxon two-year incumbents is almost equal (8 to 7) in this office. Although there is no definite evidence, and the quantitative data are suggestive, still I would rather turn towards an explanation linked to the parity than local customs of morality. One of the strongest arguments is that this kind of office-electing custom was quite rare; there are no similar examples in Transylvania or Hungary, and there are only a few cases elsewhere in Europe in towns that were too distant to have had any effect on Cluj. Thus, it cannot be perceived as an assumed model or influence coming from other neighboring urban centers. More likely, it must have been a local “invention” of the government that came from the peculiarity of the power structures. And this peculiarity was the parity.

Electing a new member to this office almost each year who had no seat in the town council before was a kind of guarantee that neither of the two nations could exercise more influence on the town finances than the other. However, there were incidences when the same person kept this position for two years, but those were probably cases related to particular circumstances and did not show one’s stronger power. Furthermore, hardly any patterns can be detected concerning the one-year or two-year stewards. The only certainty is that a career longer than two years in this position was basically not possible, either because of the great complexity, responsibility, and demanding character of this office, or because of internal rules.

Although in Sibiu customary or normative conditions did not stop someone from exercising a promising career in the position of Stadthann, still long-serving stewards were not

present in local politics. Contrary to Cluj, where two-year incumbencies were less frequent, in Sibiu most of the town stewards were in the position for two years, but there were cases of four or even six years of office-holding, too. Moreover, there are also examples of re-election to this office after some intermissions, which did not occur in Cluj.

Joannes Omleser and **Peter Nöremperger** were the two burghers in Sibiu who spent the longest time in this office; Omleser administered the town finances for four and a half years (1532-1536), while Nöremperger set a record with six years (1537-1540, 1546-1547) in two terms. Neither Omleser nor Nöremperger reached higher offices; both continued their public service in the position of magistrate, but never accessed higher posts even though they were a constant presence in the town council for 17(15) and 19 years. Judging by their names, Omleser was from a settlement near Sibiu, Amnas (Omlás, Homlasch) while Nöremperger belonged to the migrant group of merchants from Nürnberg, a profession that he exercised in Sibiu as well. Nöremperger was involved in the oriental trade with goods like cotton twills, belts, and spices.⁶¹⁹ Omleser in his turn does not appear in the custom registers with cleared goods⁶²⁰, but as an officer of the twentieth customs in 1538 and 1539.⁶²¹ Nöremperger held this position, too, in 1541.⁶²² Both were the *vigesimatores* while they were town councilors, Nöremperger right after his first term of stewardship. Whether he left the town stewardship for a paid position or it was a mere coincidence is impossible to say, but certainly custom officership was a paid position, while town service only had some occasional remuneration in kind.

In spite of the more flexible rules in electing the stewards in Sibiu and longer office-holding periods, clear patterns are almost impossible to follow. If someone asserts that traders or

⁶¹⁹ Pakucs, *Sibiu-Hermannstadt*, 62. 63.

⁶²⁰ There is only one entry about Omleser in 1539, when he went to the market in Biertan with flags (vexillum). Pakucs, *Sibiu-Hermannstadt*, Appendix, 20.

⁶²¹ Pakucs, *Sibiu-Hermannstadt*, Appendix, 15, 21.

⁶²² Pakucs, *Sibiu-Hermannstadt*, Appendix, 49.

investors were entrusted with this office due to their expertise in finance, there are examples both pro and contra. Peter Haller or Mathias Armbruster, important merchants in the town, never administered the incomes and expenses of the town, while the tanner Augustin Pello/Hedwig was in charge of it. The length or the significance of one's career apparently had no part in electing a person to the steward's office (or not). Seven mayors had occupied this position previously while five had not. Thus, there are no quantitative data that would prove that stewardship was a compulsory step in building a career. The timing of this office has no relevance in Sibiu either; there are cases of holding this office the year after entering the council (Simon Miles, Martin Pöldner) or after fourteen years (Servatius Widner). Since the longest incumbencies in this post (Omleser and Nöremperger) do not tell much about the conditions one had to meet in order to be elected town steward either, it may be assumed that due to the heavy responsibilities such a position meant, one's election might also have depended on the person's willingness or motivation for this post or his higher ambitions. Stewards who kept the job for more than two years did not reach higher than a seat judge's position; implicitly the persons who became mayors of the town and were stewards previously did not handle the town finances for more than two years. Does this mean that being a steward was a less prestigious office? Or might the reason be that the high elite of the town was too busy and too much involved in state affairs and thus were called away many times and could not pursue their accountancy duties? I would rather choose an in-between argument, asserting that a position of any kind within the town council had its own peculiar prestige beyond the reputation of councilorship. Though it was a public service in the real sense of the word, it could only have been practiced with difficulty while being involved in other functions either inside or outside the town. Thus, the connection between high-status careers and short stewardships might be a case of incompatibility.

The differences between Cluj and Sibiu in the respect of the steward's office are more important than the similarities. What is more, besides the sphere of duties and the general affairs of the office, no important matches can be listed among the aspects of the stewardship in Cluj and Sibiu.

2.2.4. *Senatores*

Regarding the council members who never achieved other seats than that of councilor, the quantitative analysis surprisingly shows a similar percentage in both towns. There were 49 (1550-1600) men in Cluj and 73 (1522-1600) in Sibiu. For the same period – 1550-1600 – the numbers are almost the same (49/41). In this respect, a different pattern prevailed in Sibiu than previously in the case of the mayors and royal judges. High office-holders in Sibiu were fewer in number than in Cluj and kept their positions longer. This phenomenon generated an increased number of councilors without any other positions. Implicitly, the long incumbencies decreased the opportunities for the rest of the councilors to climb higher.

Conversely, compared to the general number of council members in Cluj, the group of 49 persons who never attained any positions higher than councilor does not seem outstanding.⁶²³ This seems to be the opposite tendency than in Sibiu, but the core phenomenon behind it is the same; the length of terms in the high offices determined the number of the councilors who never stepped further in the political echelon. The fact that the prime and royal judges did not spend more than 5 years at the top of the town enabled more frequent shifts in the leading elite. Basically, a person who spent a longer period in the council was ultimately entrusted with a high office.

⁶²³ Taking into consideration that the steward's position was almost a compulsory step in getting into the town council, in some cases someone's career started in the position of steward but did not go beyond the councillorship. The number of those who were only councilors was about 30, probably fewer, since there were cases when the beginnings of someone's public life are not known.

As far as the length of the period one spent in councilorship, the pattern echoes the general tendencies in the cases of the mayors or royal judges; the councilors in Sibiu spent more time in the council than their counterparts in Cluj. Thus, in Sibiu, the theory that one's longevity in the council could have promoted him to higher offices did not work. Here one finds individuals who had a constant presence in the town council for 30 or 35 years and yet were never elected to the seat of the mayor or other public roles.

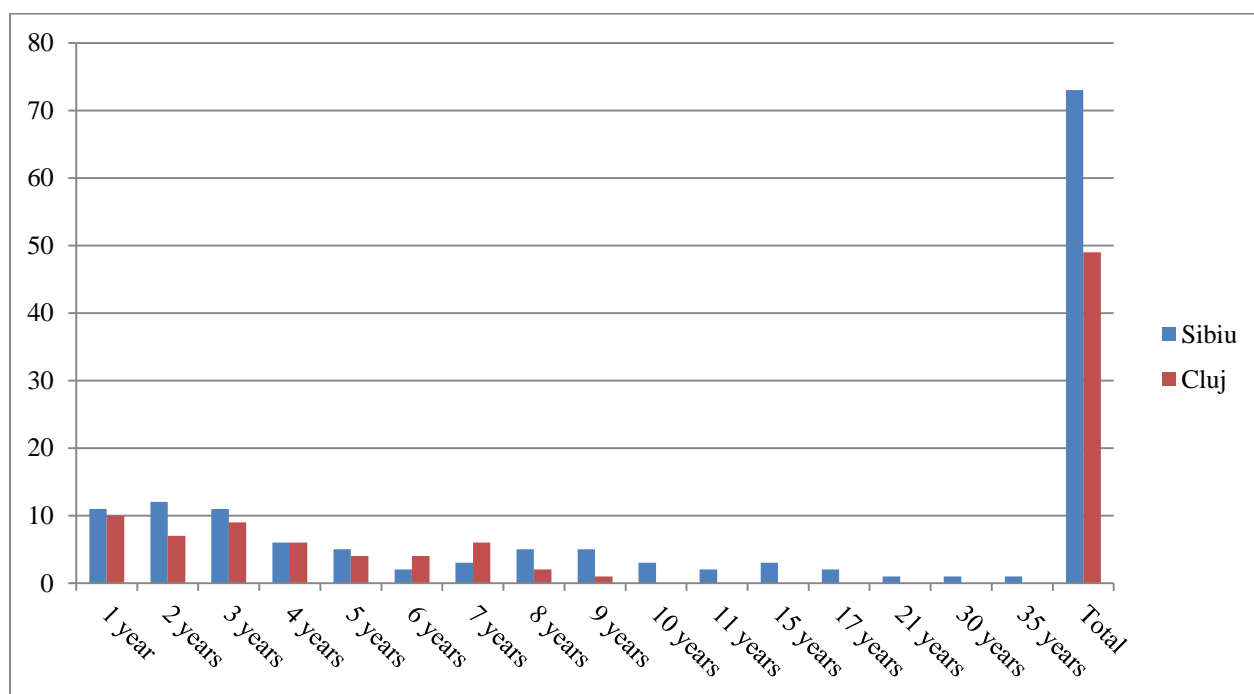


Fig.2 18.The number of years councilors held office

The longest career in this respect was that of **Christoph List**, who became magistrate of the town council in 1536 and served the town in the same position until 1571, 35 years in a row. Similarly to Haller, Armbruster or Pemflinger, List was also a foreigner originating from Carinthia. He came to Sibiu in 1528 as an associate of the Fuggers and was intensely involved in trading. In 1554, during the revolt in the town, he escaped the mob's anger only by a hair's breadth. The episode of tension, however, did not wreck List's career, one that had developed and took its course in Peter Haller's shadow. Whether Haller's influence or other circumstances

kept List away from other offices is hard to ascertain. Certainly, List had the economic and political capital to promote himself into important positions within the town and even within the Saxon community. One of his sons, Johann, who later became primate of Győr, married Nicolaus Olahus' niece.⁶²⁴ Thus, List could have made use of high patrons in building a career, but he apparently preferred the less stressful seat of councilor rather than the more prestigious offices.

Johann Lulay had the second longest incumbency in the magistrate's seat. Son of Johann Lulay, notary and royal judge of the town before 1521, Johann Lulay, junior, was elected town magistrate in 1558 and remained in the same role for 30 years, until his death in 1587. Lulay, who inherited both wealth and prestige, had all the prerequisites to build an outstanding career, and yet, similarly to List, he was never entrusted with other offices. Two different life courses and still the same pattern emerges. List came from outside the town, and as a first generation man, he had to build himself up while Lulay had his father's legacy to climb on.

These two cases also show again that besides wealth and prestige, there were other circumstances and conditions that had to be in place to promote someone to top urban positions. Although it might sound inconsistent, the low competition in Sibiu "sacrificed" the careers of those who had fewer chances to get into the top four or five roles in the town. The long incumbencies in the high offices sometimes spanned generational shifts; the new generations were already producing new offsprings while the persons of former lineages remained at the same stage. This could be an explanation why List or Lulay (or those who spent 15 or 17 years as councilors) did not achieve any important appointments. The number of aldermen who spent between 15 and 35 years in office was only ten, not an outstanding amount, which supports the

⁶²⁴ Nagy, *Magyarország családai...*, vol. 7, 144; Tivadar Ortway, *Mária, II. Lajos magyar király neje (1505-1558)*, [Mary of Habsburg, wife of King Louis II of Hungary 1505-1558] (Budapest: Magyar Történelmi Társulat, 1914).

theory that they were those who were just below the top but due to a reproducing cluster pattern there were no auspicious circumstances to promote them higher.

The greater frequency in the top position in Cluj diminished the chances for such “sacrificed” careers until 1600, but with the extension of incumbency periods (e.g., Emrich Gellyén’s and András Ötvös’ careers) after the turn of the century, the same phenomenon as in Sibiu started to appear; councilors were spending even 13 or 15 years in the same seat without reaching the position of judge or royal judge, a fact that was almost inconceivable in the sixteenth century. Bálint Kolozsvári had the longest stay in the position of councilor, 9 years, between 1572 and 1583.⁶²⁵ Besides him, Gáspár Szegedi and Lorenz Hosszú (Lang) spent eight years as councilors.

Nevertheless, the long services as councilors in both Cluj and Sibiu were exceptional cases. The core of the council members who never reached high offices were those who either failed to build up a career for a number of reasons or never planned to dedicate themselves fully to public office. Thus, the end of someone’s career after one or up to three years of incumbencies (i.e., almost the half of the town council members) can be perceived as natural attrition. The pattern of four and up to nine years of councilorship can be considered as failure in career building, for either circumstantial or personal reasons. Ten years or more in one position implies features of local politics beyond one’s aptitude for office-holding.

2.2.5. Notaries

Closely linked to the town government, but still a paid position, the office of the town notary was one of the most esteemed positions of urban self-government. The town clerks were

⁶²⁵ For 1575 and 1578 there are missing data, thus Kolozsvári might have been an incumbent for 11 years. At the present stage of research there is no evidence that Bálint Kolozsvári, notary at the princely chancery, and Alderman Kolozsvári in Cluj were the same person. A note in the court hearings from 1585 refers to Kolozsvári as being on his deathbed, while the notary was employed until 1589. TJKv 1585, 490; Trócsányi, *Erdély központi kormányzata*, 129.

persons with different backgrounds and different resources than the leading elite; their presentation therefore needs other perspectives, a more complex presentation as far as the limits of this dissertation allow.

Apparently, the office of the notary was one of the most sought-after positions in sixteenth-century Transylvania, where there was a shortage of notaries on the labour market.⁶²⁶ This shortage might have been the consequence of secularization; with the expulsion of the monastic orders from Transylvania there may have had been a serious lack of qualified and authorized notaries. In Sibiu, for example, of fourteen notaries identified in the sixteenth century, seven or eight were persuaded to come to the Sibiu chancery from other towns.⁶²⁷ Cristian Pomarius, probably one of the most important town notaries in sixteenth-century Transylvania, was employed by the four most important towns in a period of only twenty years (1533–1553).

The notary was one of the few paid town services, and this advantage made these office-holders even more mobile than members of urban society in general. Therefore, town councils made efforts to find qualified local people whose family connections would tie them more strongly to the town.⁶²⁸ This resolve of the town council shows the urban consciousness that became enhanced by the movements of humanism and the Reformation. Town notaries played a significant role in strengthening this local identity.

The notary's office also provided a great opportunity for highly skilled persons from outside the leading factions of the town government to become important and respected men in the town. Some of them even became council members after their time as notaries had expired. Lukas Trapoldin in Sibiu, for example, not only pursued a career as a notary of the town between

⁶²⁶ TanJkv. 1570. I/2, 4v. "...hogy mivel az mostani Nótáriust szükségnek idején hívtuk és esztendőre kötelezték..." [...because the present notary was called in need and employed for one year...].

⁶²⁷ Ratsprotokoll I, 247, 269, 357. II, 56, 90, 106, 249, 253.

⁶²⁸ TanJkv 1582. I/3, 253v.

1531 and 1540, but subsequently became a councilor in 1541. Johann Lulay, an important personality at the turn of the century, started his career as town notary in 1492; in 1507 he was the royal judge of the town and kept this position until his death in 1522.⁶²⁹ In 1548 the office of notary was taken over by a young scribe from Braşov, Thomas Bomel, who later became a member of the council,⁶³⁰ then parish priest in Slimnic and rural dean.⁶³¹ Bomel's career shows a pattern common among the urban notaries. Johann Mildt, Christian Pomarius, and Michael Siegler also ended their careers as parish priests. In contrast, the numerical data show that four out of fourteen notaries continued their careers as councilors.⁶³² This number would probably have been higher if there had not been such a strong demand for notaries and they were less mobile.

In Cluj the career paths of the notaries show a different pattern. Almost none of the employed clerks can be found in the town council after their term of office, nor did they pursue ecclesiastical roles. Most of them turned to state, county or convent services. After his services to the town, Johann Jacobinus became *secretarius* of several princes and *protonotarius* of the princely chancery⁶³³ and Georgius Szegedi fulfilled the position of the prime judge of the princely court.⁶³⁴ Lukas Trauzner became *protonotarius*, then assessor of the general assembly and the *tabula principalis*, while the state career of Johann Litteratus presumably started in the princely chancery, then he became head of the salt chamber in Turda (Torda, Thorenburg) and Ocna Sibiului (Vízakna, Salzburg); finally he was nominated as *director causarum fiscalium*.⁶³⁵

⁶²⁹ Zimmermann, *Chronologische Tafel*..., 6.

⁶³⁰ Ratsprotokoll I, 343.

⁶³¹ József Szinnyi, *Magyar írók élete és munkái* [The life and work Hungarian writers], vol. 1. (Budapest: Hornyánszky, 1891), 1206.

⁶³² See Ratsprotokoll I–II.

⁶³³ Trócsányi, *Erdély központi kormányzata*, 181–182 ;

⁶³⁴ *Az erdélyi fejedelmek Királyi Könyvei*, vol. 1. 324.

⁶³⁵ Veronka Dáné, “A Trauznerek a fejedelemség korában” [The Trauzner family in the Transylvanian principality] in *Emlékkönyv Kiss András születésének nyolcvanadik évfordulójára* (Festschrift for the 80th birthday of András

Miklós Zalánkeméni was appointed *requisitor* at the Cluj-Mănăştur convent in 1571 and later he was ennobled.⁶³⁶ These are not isolated cases; they show a tendency not only among the notaries of the town, but among the literates of the town.

One may ask, why they did not strive to retain their positions in the town service. The answer is simple. The unpaid town services were more suited to those who had a stable economic background, an established enterprise, while the offices of *requisitor*, county notary or the seat of the *protonotarius* provided higher earning capacities for them. A *requisitor* at the Cluj-Mănăştur convent, although his fixed salary was less than what a town notary received, gained additional income from the various variable extra payments from the issuing of copies, a part of the tithe from the lands, and substantial procurements. The *requisitores* were appointed by the prince, thus they were state officials, and as such they could access other, complementary, positions, too.⁶³⁷ The high frequency of town dwellers at the convent was also due to the fact that, until 1575, the town administration of Cluj supervised the archives of the convent.⁶³⁸

Personal ambitions may have induced those who went into the county. Every case should be investigated individually with reference to the actual political and state realities, but one aspect should in any case be borne in mind. The presence of the people from Cluj among the *requisitores* of the convent, as well as in state and county offices, might have been influenced by

Kiss), ed. Gábor Sipos et alii (Kolozsvár, Erdélyi Múzeum-Egyesület, 2003), 81–93. The *tabula principalis* was the law court that developed during the Principality instead of the former court of the voivode. It became the superior court of the nobles and Szeklers in 1542. First the protonotaries adjudicated next to the assessors. Later, the nomination of a chairman was stipulated by law in 1588. The number of protonotaries was set at twelve. The prince was represented by the director *causarum fiscalium* in the sessions of the court. The princely court was an octavialis court, but dates and the places of the sessions were adjusted to the needs of the different estates or territories. The deliberation of the court could be overruled either by the prince or princely council.

⁶³⁶ Zsolt Bogdándi, “A kolozsmonostori konvent fejedelemség kori levélkeresői” [The Requisitors of the Kolozsmonostor Convent in period of the principality], *Erdélyi Múzeum* 3-4 (2010): 55.

⁶³⁷ Zsolt Bogdándi, “Az erdélyi hiteles helyek működése a szekularizációt követően” [The functioning of the Transylvanian *Loca Credibilia* after secularization], in *700 éves a közjegyzőség Magyarországon* [700 years of notarial practice in Hungary], ed. Gábor Rokolya (Budapest: Magyar Országos Közjegyzői Kamara, 2008), 48 (henceforth Bogdándi, “Az erdélyi hiteles helyek...”).

⁶³⁸ Bogdándi, “Az erdélyi hiteles helyek”, 46.

the simple fact that they were coming from a bilingual urban environment, had good training in Latin, and this polyglottism was in demand.⁶³⁹

Undoubtedly, notaries and accomplished literates had to have ample training that went beyond simply knowing how to read and write.

	Name	Office Year	University	Later career	
				in town	outside the town
CLUJ					
	Joannes Isak	1519			
	Nyíró Lucas	1529			
	Nyíró Jacob	1555			
	Stephanus Thallyai	1556-1559			notary in the county adm.
	Joannes Literatus	1562			notary in the county adm. (?)
	Szegedi Georgius	1570			assessor of the <i>tabula principalis</i> 1570-1572
	Zalankemenyi Nicolaus	1576			requisitor at Kolozsmonostor 1571-1576 (d. 1576)
	Trauszner Lukas	1582			notary in the county adm.
	Diósy Gergely	1582-1594			
	Jacobinus Joannes	1582-1598			<i>secretarius</i> of the Valachian prince
	Literatus Michael	1598-1610		1603 <i>centumvir</i>	
SIBIU					
	Reichsdorfer Georg	1522			In Ferdinand's service in Olomütz and Vienna
	Mildt Joannes	1526-1529	Vienna		parish priest
	Trapoldin Lukas	1531-1545	Köln	senator, typographer	

⁶³⁹ György Szegedi, for example, the notary in the 1560s, wrote consistently in German, Hungarian, and Latin in a brilliant literary style. Zsigmond Jakó, "A laikus írásbeliség kezdetei a középkori Erdélyben [The beginnings of lay literacy in medieval Transylvania], in: idem., *Írás, könyv, értelmiség* [Writings, books, intellectuals], (Bucharest: Kriterion, 1976), 25-36, esp. 30.

Pomarius Christian	1547	Wittenberg		parish priest
Bomelius Thomas	1548-1554	Wittenberg	senator	<i>vigesimator</i> , priest, rural dean
Trapoldin Emanuel	1555	Wittenberg		
Ryssus Joannes	1556-1562			
Siegler Michael	1563-1573			parish priest
Rewel Joannes	1574-1577			
Czompolius Sebastian	1578-1580			Senator, notary in Brassó, senator in Brassó, <i>vigesimator</i> .
Han Michael	1581-1596			
Veidner Joannes	1597-1598			
Roth Joannes	1599			
Trapoldin Daniel	1600	Wittenberg		

Fig. 2.19. The career of the town notaries.

When following the careers of the notaries, their activity inside and outside the towns, two features become apparent. They usually had a university degree and they must have studied theology and law as well.

Notaries in medieval and early modern Transylvania seem to have had to have some kind of legal qualification in canon law or in Roman law, since the town authorities often had to ban them from providing legal counsel to litigants, and sometime the notaries acted in court. If so, they were probably university graduates with more than a *baccalaureatus* degree, since a specialization in law demanded higher level of education.

A *magister licentiatus* or a doctoral degree in law meant between eight and ten years of learning.⁶⁴⁰ Clearly, to be able to afford this long training, one needed to be well-to-do or to have

⁶⁴⁰ Sándor Tonk, *Erdélyiek egyetemjárása a középkorban*, [Transylvanian students at universities in the Middle Ages] (Bucharest: Kriterion Könyvkiadó, 1979), 97. (Henceforth Tonk, *Erdélyiek egyetemjárása...*)

rich patrons. The numerical data show that more than 50% of the university attendees from medieval Transylvania belonged to the middle classes and came from towns or market towns.⁶⁴¹ This percentage did not change in the sixteenth century. That means that university learning was not so exclusive, reserved only for the high social strata, but was open to those who were also financially stable enough to foster a career based on reading and writing. The family backgrounds of the Transylvanian university students fit well with the picture of the general social and economic realities of the medieval and early modern Transylvanian urban social context. In this urban reality, first came the merchants, then the metal workers (especially goldsmiths) and textile workers and in lesser numbers the butchers.⁶⁴²

The relatively large university attendance of the goldsmiths likely has a most understandable reason besides the fact that in late medieval Transylvania, and especially in early modern times, goldsmiths were among the wealthiest craftsmen, who could afford university training. Goldsmiths were also active in mining and mint administration, which, employed a high number of literates. Thus, a literate goldsmith might have had a better opportunity of pursuing a career outside his workshop than a non-literate.

Besides craftsmen and merchants, intellectuals sent their children to universities, too. In eleven cases the father of a student appears as *litteratus*, but one also finds *scriptores*, *notarii*, *rectores scholarum*.⁶⁴³

Although there are not many documents that mention the contribution of the Transylvanian towns to the *peregratio academica*, some particular examples and scattered documents show that for certain purposes the town councils would play the role of patron.

⁶⁴¹ Tonk, *Erdélyiek egyetemjárása...*, 65.

⁶⁴² Flóra, *Prestige at Work*.

⁶⁴³ Tonk, *Erdélyiek egyetemjárása...*; András Kubinyi, "A középkori magyarországi városhálózat hierarchikus térbeli rendjének kérdéséhez" [On the matter of hierarchy in the medieval Hungarian urban network] *Településtudományi közlemények* 23 (1971): 58–78.

Notaries, for example, are present in the *matriculas* of the universities as being already employed by the town. The town most likely paid for their studies in order to have qualified and trained persons in the city's service. Thomas Bomelius's career is an eloquent example in this respect.⁶⁴⁴ He went to Wittenberg University when he was already a notary in Sibiu. Earlier, in 1546, he was appointed director of the school in Brasov, but apparently he received a good offer from the town council in Sibiu because the next year, in 1547, Bomelius occupied the office of the notary there.⁶⁴⁵

Between 1552 and 1564 the register of the alms fund (*Almosenrechnungen*) of the town Sibiu are recorded 9 cases of study aid for students abroad.⁶⁴⁶ The sum they received was between 30 and 60 Rhenish guilders (florenus Rheni), and it was given from the alms-box in form of a loan in order to cover study expenses and had to be paid back after graduation.⁶⁴⁷ In most cases, this duty was fulfilled by relatives, patrons or even by the mentors.

The urban custom of public funding of young students might be perceived as a benefactor's act or as an investment in knowledge in possible future literates for city service. Even if these two factors were the compelling reasons, the town strove to recover the money. Daniel Jungling had difficulties in repayment, while Nicolaus N.'s stipend was repaid in instalments.⁶⁴⁸ The family of the student made a guarantee. Lucas Trapoldin's son, Emanuel, and stepson, Daniel Jungling, probably had little risk for the council. Moreover, in Emanuel's case, the aid proved to be a real investment in knowledge, since he, following his father's footsteps,

⁶⁴⁴ Gernot Nussbächer, "Zur Biographie von Thomas Bomelius," *Zeitschrift für Siebenbürgische Landeskunde* 29, no. 2 (2006): 137-141.

⁶⁴⁵ Ratsprotokoll I. 264.

⁶⁴⁶ *Almosenrechnungen*, 15-25.

⁶⁴⁷ Conditions were similar in the town of Kosice as well, see Iulia Caproș, "Students from Košice at Foreign Universities Before and After the Reformation Period in Town," (Kiel: Solivagus, 2013).

⁶⁴⁸ *Almosenrechnungen*, 16, 19.

became the notary of the town after his return.⁶⁴⁹ The step-son, Jungling came from a family that was represented in the town council. One may ask if family background had any influence on the stipend granting process itself? This question cannot be answered for certain, but the few examples presented here create the impression that some lobbying, influence or mere access to information could promote someone's application to the town council rather than the student loans simply being a matter of philanthropy. Lucas Trapoldin, father of Emanuel and stepfather of Daniel Jungling, was engaged in town service as a notary between 1531 and 1545, then became councilor in 1546 and 1547.⁶⁵⁰ Being in attendance at the town meetings, he definitely influenced the stipend-granting decisions. This may also be asserted in the case of Leonhard Patskar, the former bell-ringer of the town, whose son received financial aid for his studies as well.⁶⁵¹

One sees even from this short list the general tendency that characterized Protestant Transylvania as far as the routes of the peregrination are concerned: Wittenberg enjoyed supremacy among the preferred university centres. This phenomenon, perceptible also in the Upper Hungarian territories, persisted throughout the sixteenth and even the seventeenth century; regardless of religious denomination, Melanchtonian theology seems to have been the most influential.⁶⁵²

⁶⁴⁹ Ratsprotokoll I. 343.

⁶⁵⁰ Ratsprotokoll I. 82, 236, 264.

⁶⁵¹ Almosenrechnungen. 18.

⁶⁵² Ágnes Flóra, "Polgári karrier – polgári lét Kolozsváron...", 481-501. see also Caproș, "Students from Kosice at Foreign Universities Before and After the Reformation Period in Town."

Student		University	Year	Stipend	Letter of request		in town service/notary
<i>Name</i>	<i>son of</i>						
Emanuel Trapoldin	Lucas Trapoldin, olim Notarii civitatis	Wittenberg	1552	50	yes	solvit per Colomanum Botto magister pro Emanuel	1555
Daniel Gyngling/Jungling	privigno Lucas Trapoldin	Wittenberg	1555	60	yes	cum gravi actione solvit atque chyrographum accepit	
Michael Sigler	Valentini Reimners	Wittenberg	1555	30	yes		1563–1573
Matthias Patskar	Leonhard Patskar olim campanator civitatis	Wittenberg	1556	50	ex testamenta ditionis	solvit gener eius Thomas 1584	
Nicolaus N.	Margarethe uxor Batholomei Aurifabri de Segheswar	?	1557	32	yes	Zalt und schickt hirran durch h. Lönardt Kremer R 20. Daran gab man auff die R 93 d 20 so mein herrn des Thome Goldtschmidt sonn, und Gallus Bidners enckeln geliesen R 6 d. 58. Item den rotten Schuler mit meiner herrn willen zu beistandt R. 5. Und dem Benedict Wagner nach der Rechnung R. 4. facit R 15 d. 58. Die übrige R 4 d 42 hatt der H. Mayor in die almos laden erlagt. 133,2	

Albert Byrthalmerr		“Deutsche Land”	1561		yes		
Georgio Mild		Wittenberg	1562		yes		
Joannes Auner	Gallus Auner		1564	50	yes		
Georgio Zimmermann	Antonius Serator	(Jena)	1564	40	yes		

Fig. 2.20. Students from Sibiu who received public funds for schooling.

The question arises whether the scholarship holders came back and served their patron town or left for other jobs. Emanuel Trapoldin (1555) and Michael Siegler (1563–1573) became notaries of the town; Johann Auner was first the school rector in Sibiu, then preacher (1570) and the parish priest of the town (1572–1580).⁶⁵³ Georg Mildt and Albert Birthalmer pursued clerical careers and became parish priests in Rasnov (Barcarozsnyó, Rosenau), and Seica Mica (Kisselyk, Klein Schelken), respectively. Georg Zimmermann died abroad⁶⁵⁴ and the career paths of Daniel Jungling, and Nicolaus N. are not known. This short survey (and the other known cases) show a relatively good percentage of students who returned home; urban grants seem to have been a good investment for town governments.

What else can be concluded from this list from the “alms box”? The strengths of tradition in the notary’s craft are apparent and the family influence that students may have received in choosing this profession. This may again exemplify that the higher education levels were accessible for middle class students as well.

Although no similar list survives from Cluj, the existing council records transmit a resolution that surely reflects the intention of the town government to promote local students in order to have qualified persons for administrative duties or for work in the town chancery. In

⁶⁵³ Gernot Nussbächer, “Nagyszebeni diákok a brassói Honterus Gimnáziumban” [Students from Sibiu in the Honterus Gymnasium in Braşov], *Korunk* no. 1 (2007): 76. (Henceforth Nussbächer, “Nagyszebeni diákok...”).

⁶⁵⁴ Gernot Nussbächer, “Nagyszebeni diákok...”, 75.

1582 the notaries were compelled to hire young local scribes in order to help them gain experience in working with the records;⁶⁵⁵ in 1590 the town spent 906 florins on school matters, including aid to alumni abroad.⁶⁵⁶

The second half of the sixteenth century brought a strong interest in keeping and safeguarding the town privileges. Compared to the medieval archival practices, this new wave of interest in the documents was also a concomitant of humanism and the rediscovery of a common past.

The inventorying of archival materials in sixteenth-century Transylvania can be also explained by the growth in the number of written documents in town chanceries that made the search for particular cases more difficult. Compiling systematic catalogues started with the activity of Cristian (Baumgarten) Pomarius, notary of Sibiu. His method in arranging the town privileges of Sibiu (*Regestrum literarum in cellas ordinatum* 1546), and later in Brasov (1552), shows a practical approach; the documents were sorted in a chest of drawers (*theca*) marked with letters in alphabetical order.⁶⁵⁷ This practice of organizing town archives was adopted by those after Pomarius, too. Georgius Seraphin, notary of Bistrița, and Gergely Diósi, notary of Cluj, not only took over Pomarius' system, but they went a step forward in improving it. Seraphin and Diósy arranged the privileges thematically and added short *regestas*; thereby they made not only lists of privileges, but a finding aid that could easily be used to verify certain matters even without consulting the charters.⁶⁵⁸ Diósi's index, adjusted to the local realities, is a bilingual, a Latin and Hungarian catalogue.

⁶⁵⁵ TanJkv 1582. I/3.

⁶⁵⁶ SzmKv. 1590. 4/XXIII. 5.

⁶⁵⁷ About the activity of Pomarius and his inventories see Gernot Nussbächer, "Din activitatea arhivistica a lui Christian Pomarius" [About Christian Pomarius archival work], *Revista Arhivelor* 2 (1965):169-180.

⁶⁵⁸ RNA Cluj. Fond no. 1. *Index privilegiorum*, see András Kiss, "A kolozsvári városi levéltár első levéltári segédlete" (Diósy Gergely nótárius 1592-beli magyar nyelvű mutatója) [The first finding aid of the town archive in

Comparing the *Regestrum* of Pomarius with the *Index privilegiorum* by Diósi, one sees both similarities and differences; both inventories reveal much about their authors. Pomarius includes in his preamble a short history of the Saxon settlements in Transylvania during the reign of King Béla IV (1235-1270). Diósi uses the first pages of his work to display his knowledge, showing that he knows the story of Charondas, and studied Aristotle and Plato in Latin and Greek.⁶⁵⁹ He quotes Sallustius,⁶⁶⁰ and justifies his work in brilliant, humanist Latin and in Hungarian.⁶⁶¹ The two introductions make clear their authors' spheres of interest as literates and scholars, not as simple clerks of the town: Pomarius was more of a literary scholar while Diósy had more of a bent for poetry. That is exactly what makes a sixteenth-century notary much more than a clerk: literary activity.

Although Christian Pomarius was a prominent figure in the sixteenth century who was corresponding with the humanists of the time, in contact with Johann Honterus and Antal Verancsics, his historical and ethnographic works remained in manuscript.⁶⁶² As far as the poetry

Cluj. The index of the town notary Gergely Diósy from 1592], in András Kiss, *Más források – Más értelmezések* [Other sources – other interpretations] (Marosvásárhely: Mentor, 2003), 127-128;

⁶⁵⁹ *Patria magis colenda est, quam mater a liberis. Senes revereantur ac patres, iuvenes serviant senioribus qui vitam eorum honorate egerunt. Index privilegiorum.*

⁶⁶⁰ *Omnia regna, civitates, nationes, usque eo prosperum imperium habuisse, dum apud eos vera consilia valuerunt; ubicumque gratia timor, voluptas ea corrumpere, post paulo imminutae opes, deinde ademptum, imperium postremo servitus imposita est. ubi divitiae clarae habentur, ibi omnia bona vilia sunt, fides, probitas, pudor, pudicitia. Nam ad virtutem una et ardua via est, ad pecuniam qua cuique lubet nititur; et malis et bonis rebus ea creatur. Index privilegiorum.*

⁶⁶¹ These quotations, however, were not only tools for self-fashioning, but are testimonies of a mentality which believed in good government, in the right way of things. That is in sharp contrast with the spontaneous, bitter seventeenth century script of the town notary that has nothing of the former well designed and elevated sixteenth-century text when the town was flourishing and functioning well. The seventeenth century brought many wars, high levies on the town, and its privileges were infringed many times by the Calvinist and Catholic princes, Cluj being an Anti-Trinitarian town. Thus, the later text written in Latin and Hungarian, contains adages and personal opinions, saying that privileges without the men are useless, stressing this idea with a Hungarian adage, too.

⁶⁶² *Repertorium Privilegiorum Inclytae Universitatis Saxonum in Transylvania; De Comitiorum Posoniensium, anno 1552 celebratorum, rudes, brevesque Commentarii, Literatum Civitatis Coronensis Digestio; Tabella chorographica plagae Bistriciensis; Tabella chorographica plagae Transylvaniae; Fassionum ac Iudiciorum ephemeridarum Liber civitatis bistriciensis.* Szinnyei, *Magyar írók élete és munkái*, vol. 1. online resource <http://mek.niif.hu/03600/03630/html/index.htm>.

of Gergely Diósi is concerned, only one verse has been preserved in a calendar from 1592.⁶⁶³

Analysing the literary activity of the notaries of the two towns, the data show that almost half of the notaries in Sibiu left at least one opus for posterity,⁶⁶⁴ while the number in Cluj is smaller.⁶⁶⁵

In summary, I would stress two issues. First, the position proved to be a good way for those who held it to integrate into the urban elite. Study and specific knowledge became essential in building a career and the need for qualified literates became stronger and stronger. Second, the town notary was definitely more than a clerk in the office. Even if this position was salaried, a

⁶⁶³ Imre Kovács, *Régi magyar kalendáriumaink 1711-ig*, [Old Hungarian calendars until 1711] (Debrecen: Nagy András könyvnyomda, 1938), 39.

⁶⁶⁴ Thomas Bomelius had two major works. *Chronologia rerum Ungaricarum a primo Unnorum in Pannoniam adventu ad millesimum quingentesimum quinquagesimum septimum a nato Christo annum* was edited in Brasov in 1556, while *Constitutio municipalia* remained in manuscript and was reworked by Mathias Fronius, his university mate in Wittenberg, who first became the school rector in Brasov, then a notary and town councilor with a very high career. The compendium of laws he compiled, *Statuta jurium municipalium civitatis Cibiniensium*, was in use until the nineteenth century; see Péter Lökös, “Thomas Bomel magyar krónikája” [The Chronicle of Thomas Bomel], *Néprajzi Látóhatár* 16 (2007), 3-4, 209-225; Matthias Miles (1670), *Siebenbürgischer Würg-Engel* (Unveränderter Nachdruck der Ausgabe Hermannstadt 1670, mit e. Einf. von Adolf Armbruster) (Cologne: Böhlau, 1984).

One manuscript by Daniel Trapoldin is known, *Privilegium aliorumque diversorum Instrumentorum pro tempore emanatorum et exscriptorum ... 1596*. Intermixta sunt et alia quaedam scitu notatuque necessaria Hungarica et Transilvanica, Trausch, *Schriftsteller-Lexikon* vol. 3., 409, IV, 480. Georg Reichersdorfer had one of the most impressive literary performances: *Moldaviae Quae Olim Daciae Pars, Chorographia*, Georgio a Reicherstorff. Viennae, M. D. XLI. *Chorographia Transylvaniae, Quae Dacia olim appellata, aliarumque provinciarum et regionum succincta descriptio & explicatio*. Georgio a Reychersdorff... autore. Cologne, 1595.), *Transsilvaniae Olim. Daciae. Dictae Descriptio a Io. Petro & Paulo Manuciis, ex variis veterum & recentiorum Scriptorum monumentis, & praecipue ex Georgio a Reychersdorff, accurate in unum congesta*. Romae, M. D. XCVI. Smaller works: *Acta Legationis G. R. in diarium congesta sub a. s. 1527* (ed. J. Chr. Aretin. Munich, 1806), *Progressus itineris mei ex urbe Viennensi Austriae per varias Regionem in Trans. ab anno dom. 1527, 651-652*; *Egressus ex Cibinio Budam versus die 16. Apr. a. dom. 1528*; *Oratiuncula Auct. coram Majest. R. Pragae habita*; *Acta legationum G. R. ad Moldaviam, 655-688*; *Liber G. R.... Principis dmni Ferdinandi Hungariae et Bohemiae etc. Regis Secretarii sub anno domini DXXX. feliciter concriptus*. Johannes Mildt compiled a chronology of deeds for his period (1523-1530) in a calendar that was published by Friedrich Müller, “*Gleichzeitige Aufzeichnungen von Thomas Wal, Johannes Mildt und einem Heltauer aus den Jahren 1513-1532*,” *Archiv des Vereines für siebenbürgische Landeskunde* 15 (1879), 55-60.) Michael Siegler left behind two major works: *Brevia praecepta de moribus puerorum recte formandis, carmine Elegiaco conscripta ... Additus est etiam ordo studiorum a domino Philippo Melanchtone, studiosae juventuti praescriptus*. A.D. 1556 (Brassó. Függelekül. *Canticum Annae conjugis Elcanae, quod exstat I. libro Regum, Cap. 2. in gratiam honesti & docti viri, Dni Joannis Rhyssi, Notarii Cibi. Elegiaco carmine translatus, a Mich. Sieglero*). *Chronologia Rerum Hungaricarum Transilvanicarum et vicinarum Regionum, Libri duo*. (Bel, Mathias, *Adparatus ad historiam Hungariae Dec. I. Posonii, 1735, 43-88*; Károly Szabó, *Régi Magyar Könyvtár* vol. 2. 15.

⁶⁶⁵ Besides Diósi's activity Johannes Jacobinus had a literary career, too. *Chorus Musarum honori nuptiarum vera nobilitate, virtuteque ornatissimi Viri D. Stephani Cacassi Patricii Claudiopolitani et Assessoris sedis Judiciariae Seren. Principis Transylvaniae, ac ingenua natalium nobilitate conspicuae Virginis Susannae Romeriae, Generosi olim D. Lucae Romeri Marosschensis filiae, ad diem XII. Januar Anni M.D.XCII. celebratorum. Claudiopoli, 1592. Brevis enarratio rerum a Serenissimo Transylvaniae Principe Sigismondo Anno M.D.X.CV. gestarum. Claudiopolis, 1596*. The literary activity among the notaries in Cluj must have been more intense, but more likely the manuscripts did not survive.

notary was at the same time a town clerk, an ambassador, a literary scholar, and the jurist of the town.

2.3. *Cursus honorum: within the council and outside the town*

2.3.1. The seating order in the council

Every assembly of state, community or local interest, had a strict seating arrangement.⁶⁶⁶ Although *de iure* the elected town councilors were equal, a certain hierarchy was established among them that was mirrored and displayed in the seating order of the council.

In Cluj, and most probably in Sibiu as well, the order of the sitting in the council was established each year by the town judge and mayor in charge. Although there are no sources to describe the whole process, the seating of the council must have been a festive act in the town hall according to the old customs inherited from the forebears. At least that is what an entry from 1577 says about the investiture of the council in Cluj.⁶⁶⁷ Beyond its festivity, however, it had legal meanings as well and doubtless reflected the shifting power balances within the council and the prestige of individuals. The basic rule was that councilors were seated in the order of their election; the newly elected were placed the farthest from the town judge or mayor. This principle, however, was countered by one's status within society. The source referred to above allows implicitly that no matter what the date of their election, the important men had to be seated at the fore.⁶⁶⁸

⁶⁶⁶ István, Szijártó M, *A Diéta. A magyar rendek és az országgyűlés, 1708-1792*, [The Assembly. The Hungarian estates and the assembly] (Keszthely: Balaton Akadémia Kiadó, 2010), 101-112.

⁶⁶⁷ "Az régi atyáknak és eleinknek jó rendelése és szertartása tartassék most is meg az alsó tanácsnak leültetésében..." [The good resolutions and ceremony of the forebears in council seating should be kept...] 157., TanJkv. I/3. 140.

⁶⁶⁸ "...az kik a Tanácsba előbbeliek, noha utolsorba választatnak ugyan előbb ültetessenek le." [The mightiers though were elected later, should be seated in front], 1577. TanJkv. I/3. 140.

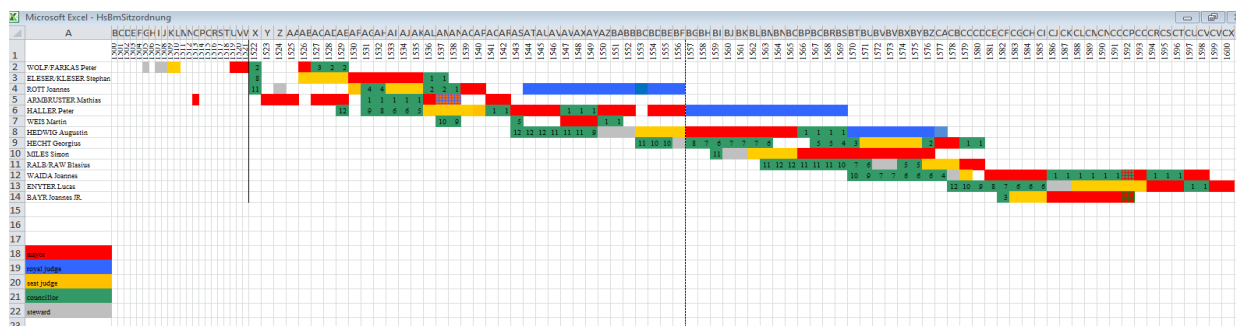


Fig. 2.21. The advance of the mayors within council hierarchy in Sibiu.

Although the town judges and mayors could call upon tradition when placing someone before the other councilors, as the sample study on the town judges and mayors shows, a certain progressiveness was kept in the seating order of the town council. There was only one case in Sibiu when the newly elected councilor received a seat closer to the prime officers of the town. The only exception was Johann Bayer, jr., who spent only one year in the councilor position in seat number three. The rest of the mayors started from the very back of the table. Peter Haller, August Hedwig, and Lukas Enyeter received the last seat when they were elected to the council, while Blaise (Blasius) Raw first had the penultimate seat in his first year than stepped back to the twelfth (i.e., last) position for two years. Of all mayors, apparently Hedwig had “occupied for the longest time the last seat in the council” where he sat for three years. His advancement was slow at the beginning, reaching only the ninth position in 1549, when he was entrusted with the duties of steward. His advance in the hierarchy of the council was only three seats in nine years, whereas Haller and Enyeter advanced seven and six positions in eight and seven years, respectively. Although Haller’s and Enyeter’s advancement within the council was quicker, all three reached the position of mayor within almost the same time; Haller and Hedwig in seven years and Enyeter in eight. Thus, one’s seat number in the council did not necessarily hinder or

endorse building one's career. It only mirrored the starting position of the individual within the actual power structures. The circumstances, personal charisma and luck together, determined a councilor's advancement. Thus, one can hardly see any specific patterns linked to the seating places of the councilors and their success. The only pattern displayed by the seating order of the councilors is connected with the post-mayor position, when, after several years in the top position of the town, mayors stepped back to the council. With one exception, every mayor of Sibiu became the first councilor (i.e., the substitute mayor) of the town for the whole period he spent in the council.

Although in Cluj there are only a few cases when aldermen served the town as councilors after being town or royal judges, the same pattern can be seen. Stephan Barát (Münich) (1567), Antal Ferenci (1580), Stephan Pulacher (1581, 1582) and Caspar Herceg (1587) were all town judge or royal judge substitutes after they have finished their highest-ranking services. However, the same pattern has different backgrounds.

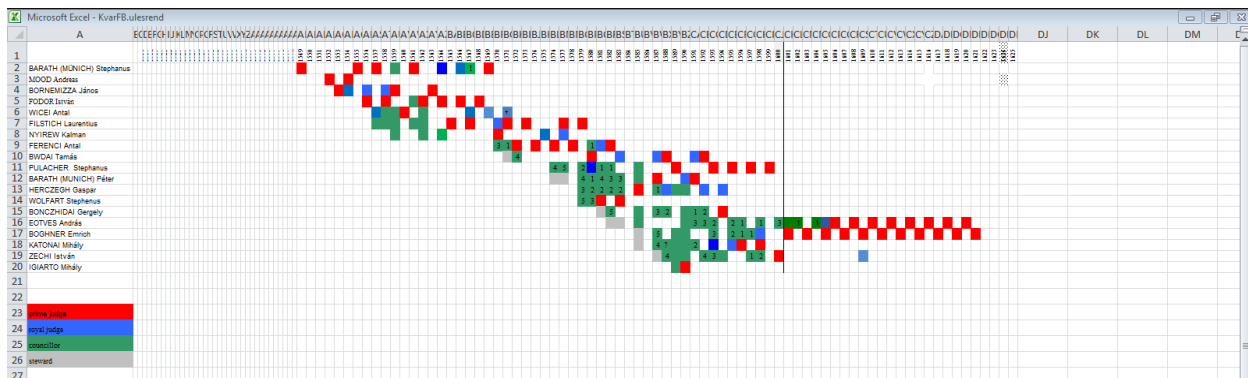


Fig. 2.22. The advance of the prime judges within council hierarchy in Cluj.

In Sibiu personal prestige promoted one to the first seat of the council; it was a kind of reintegration of power, while in Cluj the substitute position depended very much on the prime

and royal judge in charge and the power group in leading position. In 1580, for instance, the two substitutes were of completely different political backgrounds. Antal Ferenci, the acting prime judge had already fulfilled four terms in the top office of the town when he became the acting prime judge in 1580, while Peter Barát (Münich), the royal judge substitute, was only in his second year of councilorship. Before and after 1580 Barát sat in the fourth position of the Saxon nation, so there were three men of higher status before him, and still he was chosen to be the replacement for Stephan Pulacher, the royal judge, in 1580. Whether it was a peculiar situation or a case when the influence of different spheres of power over a tradition became more visible is hard to discern without a closer analysis of the whole context and individual careers. In 1580 the prime judge was Tamás Budai and the royal judge his brother-in-law, Stephan Pulacher. Both were in their first major offices. Budai's first term as town judge might be interpreted as a "wedge" in Ferenci's term as prime judge. Budai was absent from the council prior to 1580 and was not present for two years afterwards, until Ferenci's career had ended. Apparently, Budai's temporary power grip in 1580 influenced the seating order and implicitly the hierarchy of the town council as well.

Although legally the *centumviri* had the power to seat the council, in most cases the larger quorum of the town administration did not assume the responsibility for this, not even when the town judge was out of the town.⁶⁶⁹ The reason was probably reluctance in the power circles of the town council and respecting the authority of the town judge for better functioning of the town council.

The role of the personal status and ambitions in one's advance within the council can mostly be exemplified with the career of the councilors who never held high offices. Five long-

⁶⁶⁹ "Forgott ökegyelmék előtt az leültetés de bizonyos okokból az leültetést halasztották ökegyelmék egy akarattal Biró Uramnak, Wolphard István Uramnak megjövésére" [There was the issue of the seating of the council, but for certain reasons it has been postponed until the arrival of the prime judge, István Wolphard], TanJkv. I/3. 3v.

serving councilors were presented above in the section dedicated to the senators of the towns: three from Cluj and two from Sibiu.⁶⁷⁰

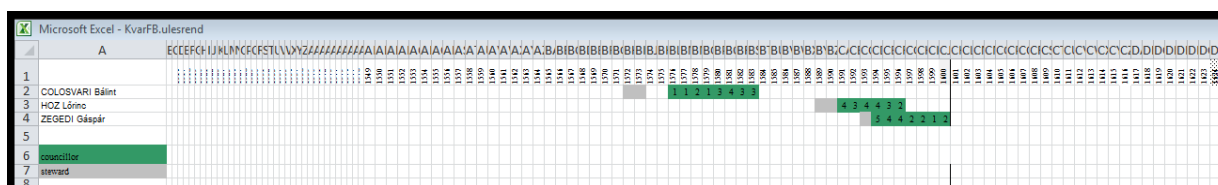


Fig. 2.23. The advance of councilors within council hierarchy in Cluj.

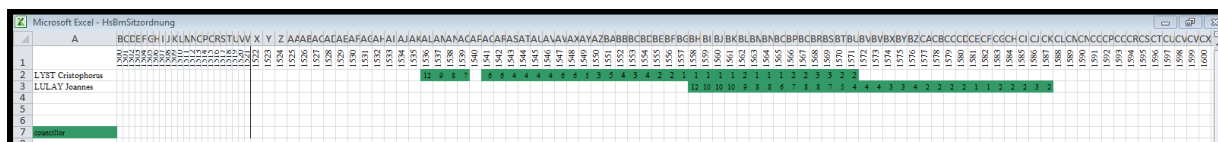


Fig.24.The advance of councilors within council hierarchy in Sibiu.

Except one case from Cluj (Bálint Kolozsvári) all the persons in question present similar career features; it took almost half of the time spent in the council before the person reached the top three positions within the council of his own nation. Gáspár Szegedi became the first councilor of his nation, i.e., the royal judge substitute, in 1599, one year before his career ended, while Lorenz Hosszú/Lang did not manage to climb higher than the second seat among the Saxons in the last chapter of his career in 1596. Bálint Kolozsvári played a role in the town council specific to those who marched towards high offices, but he still did not advance beyond the substitute position within the Hungarian community. Kolozsvári entered the top three positions in his first year of councilorship (1575) and in the next two years was vice-prime judge

⁶⁷⁰ See chapter 2.2.4.

and royal judge. Until the end of his public service, Kolozsvári did not move backwards more than two positions, and in 1579 he even stepped forward to the vice-royal judge's seat. In his case the obstacles to the top offices must have been personal.

Circumstantial or personal impediments must have stopped Cristoph List and Johann Lulay in finishing off their careers in Sibiu. As has been previously presented, List served the town for 36 years, and Lulay for 30, without holding any major offices. Both waited fifteen years to sit in one of the first three positions in the council, and five and nine years, respectively, to become the first councilor and the mayor's substitute in the town. Although he never reached the mayor's office, List managed to keep the prime position among the councilors for nine years in two stages (1557-1561, 1563-1565). It would be logical to assert that if someone had spent so much time in the first councilor's seat, sooner or later he would be entrusted with the duties of mayor as well. The mayors' careers in Sibiu, however, do not justify this assumption. Moreover, the sixteenth-century mayors received their first commissions to one of the council offices from outside the top three seats. Perceptibly lower offices were accessible even from the back seats of the council. People were nominated to the steward's position from the eleventh, tenth or ninth positions, too, while a seat judge's position required more council experience. Here most often people were elected from the fifth to third positions. Later, people were nominated to the mayor's seat either directly from seat judge office or from the first councilor's position.

Although Johann Lulay sat for a similar length of time in the council, he did not manage to keep the first councilor's position as long as List did; Lulay was the first councilor for only two years (1581-1582). These two cases demonstrate once again that although there were features and patterns in urban careers, individual life paths might differ a great deal in detail. List and Lulay belonged to the same group from the perspective of their office-holding; their seats in

the council, however, reflect different social or even political capital that made a difference in their advance within the council. Prestige might have been secondary, taking into consideration that Lulay came from a much more respectable lineage than List, who was a *homo novus* in the town. One's current achievement was therefore key in establishing one's seating in the council rather than the glories of the past. In other words, the generation in power influenced the internal hierarchy of the council, tradition and the respect for forebears was only a personal impetus for career building.

2.3.2. Positions outside the town

Careers that went beyond the town walls rarely arise as a conclusive factor in analysing local governments. Nevertheless, the involvement of council members in state or regional affairs might not only have influenced the person's life path, but could have had an impact on the local elite as well. In one case burghers as state officials had literally a rescue effect on the local government. In 1568 the town council in Cluj sentenced to death and executed a nobleman charged with fornication. There had been a long-standing conflict between the town and the nobleman, who apparently neglected the rules applied to nobles who moved to the town and ignored the authority of the town council. Thus, when he was brought before the town court, the councilors had no mercy. Although the capital sentence might have been fully legitimate, his relatives appealed against it at the prince's court and the town councilors were sentenced to decapitation and forfeiture.⁶⁷¹ In 1570 the aldermen were pardoned by the prince of Transylvania.⁶⁷² The pardon might have had several reasons behind it, but one factor might have

⁶⁷¹ Jakab, *Kolozsvár története*, vol. 2, 135–136; RNA. Cluj, Fasc. II. nr. 18. Ágnes Flóra, “Kolozsvár és a központi hatalom kapcsolata a Mohács utáni évtizedekben” [The Relations between Cluj and the Court after Mihács], *Urbs. Magyar várostörténeti évkönyv* 8 (2013) (forthcoming). The accusation was that the council inflicted a harsher punishment than the crime committed and that the town council did not respect the legal practice.

⁶⁷² Jakab, *Kolozsvár története*, vol. 2, 91–92; Fasc. II. no. 20.; TanJkv. I/3. 20–23, 25, 27.

been crucial. Three of the convicted councilors had state functions as well. András Kakas held the position of chamberlain (*camerarius*) in 1570.⁶⁷³ Likewise, Emrich Gellyén/Bogner had the same position in 1599,⁶⁷⁴ and György/Gergely Szegedi⁶⁷⁵ was the assessor of the *tabula principalis*⁶⁷⁶ in 1570-1572.⁶⁷⁷ Their lobbying potentials must have been stronger than those who did not hold any other office than that of town councilor.

Kakas, Gellyén/Bogner, and Szegedi received state offices for their services to the prince⁶⁷⁸ and their personal abilities that made them suitable for such positions. They were rather clerks and diplomats than professionals. Professional state offices required other kinds of skills. Tamás Budai, János Cementes, and Péter Váci were well-qualified goldsmiths who had enough political capital to serve at the bullion office. János Cementes held this office probably in the early 1560s.⁶⁷⁹ In 1566 he appears in the account book of the guild that held this function.⁶⁸⁰ Cementes proved to be not only a specialist in bullion but had alchemist ambitions as well, as his manuscript shows. The diary-like manuscript entitled *The Book of Gold Smelters* is kept today in the Hungarian National Library and is considered one of the important historical alchemy and mining vademecums.⁶⁸¹ The diary, written in Hungarian, Latin, and cipher, has a subtitle that tells much about Cementes' attitude and vocation: *The Name of this Book is Happiness, if Someone Lives with it the Way I Do*.⁶⁸² His belief in alchemy comes through even more strongly

⁶⁷³ Veress Endre, *Zalánkeményi Kakas István*; JakabOkI II., 91.

⁶⁷⁴ Trócsányi, *Erdély központi kormányzata...*, 316.

⁶⁷⁵ According to Trócsányi, György and Gergely Szegedi were the same person. Trócsányi, *Erdély központi kormányzata...*,

⁶⁷⁶ see footnote 544.

⁶⁷⁷ Trócsányi, *Erdély központi kormányzata...*, 360.

⁶⁷⁸ Trócsányi, *Erdély központi kormányzata...*, 185, 316, 360.

⁶⁷⁹ Jakab, *Kolozsvár története*, vol. 2, 154.

⁶⁸⁰ Jakab, *Kolozsvár története*, vol. 2, 153.

⁶⁸¹ The manuscript is kept in Hungarian National Library, Budapest (Oct. Hung. 484); Dezső Armand, Herzfelder, "Kolozsvári Czementes János könyve" [The Book of Czementes János from Cluj/Kolozsvár], *Magyar Könyvszemle* 4 (1896): 276-302, 350-373 (henceforth Herzfelder, "Kolozsvári Czementes János könyve").

⁶⁸² Herzfelder, "Kolozsvári Czementes János könyve":280.

when he writes about alchemy being both an art and a science.⁶⁸³ In 1571, when no mint functioned in the town, Cementes moved to Sibiu where he could practice his skills.⁶⁸⁴ Cementes' precursor was his father-in-law, Péter Váczi. Váczi was Peter Haller's bullion master in 1552, and in 1568 he was the head of the mint himself. He must have had an impressive house in the main square, for which he paid four *dicas*⁶⁸⁵ tax. Tamás Budai followed him in the bullion office, receiving the office for his loyalty to the prince.⁶⁸⁶

State offices clearly influenced one's career within the town walls. People who received state commissions usually renounced their urban offices or temporarily suspended their services in the town council or were only involved in town affairs after their state functions ended. András Kakas received his appointment to the princely chamber in the year he was elected to the town council (1570), afterwards he never appears in town records. The plague in 1574 stopped him from further offices.

Emrich Gellyén/Bogner received his appointment as head of the princely chamber in the middle of his extraordinary career in the urban administration of the town. The year 1599 was a *caesura* in his in-town career. Whether the chamberlain position distracted him from the prime judge's seat for another year or the state office promoted him to the top of the town in 1601 is impossible to discern. In any case, Gellyén/Bogner had acquired the necessary social and political capital to perform important roles inside and outside the town.

Gergely/György Szegedi, similarly to Kakas, had a short presence in the town council, but an important one. In 1569, the first year when he was elected, he became the *iudex regius*

⁶⁸³ Herzfelder, "Kolozsvári Cementes János könyve", 280.

⁶⁸⁴ Magda Bunta, *Kolozsvári ötvösök a XVI–XVIII. században* [Goldsmith masters from Cluj/Kolozsvár from the sixteenth to the eighteenth century], Bibliotheca Humanitatis Historica 17 (Budapest: Magyar Nemzeti Múzeum, 2001), 185.

⁶⁸⁵ The sum for one dica (stroke) was established by the centumviri. The number of dicas one person was obliged to pay was established each year by the designated persons. see chapter 1.

⁶⁸⁶ *Az erdélyi fejedelmek Királyi Könyvei*, vil. 1., 57.

substitutus of the Hungarian nation. Next year he left the town for courtly services. Szegedi's urban career is atypical. He started his career as town notary in the 1560s. In 1561 he translated the statute of the goldsmiths' guild into Hungarian.⁶⁸⁷ A source entry from 1568 refers to him as town clerk, present at the distribution of László Kalmár's bequest. This must have happened around time of the former prime judge's death, i.e., after 1564. In 1565 he was still in office.⁶⁸⁸ According to Elek Jakab, Szegedi had originally been trained in the goldsmith's craft.⁶⁸⁹ His assertion, however, was misled by an entry in the guild book of the goldsmiths, where a Gergely Szegedi is actually registered, but according to the chronological order of the entries it was probably registered around 1579.⁶⁹⁰ Thus, it is unlikely that Szegedi practiced a craft after town and state services. It is more plausible that his son entered the guild at that date. Zsigmond Jakó thought that Szegedi senior was a tailor.⁶⁹¹

The last councilor in Cluj who has to be mentioned among those who were entrusted with state affairs is Gergely Bornemissza. His case is somehow atypical in the sense that he had a commission for a quasi-official office that had in fact no name. In 1593 the general assembly had decided on an "estate tax" supervised by the deputies of the three privileged nations (nobles, Saxons, and Szeklers) called *conservatores*. The money collected was kept at Gergely Bornemissza's home.⁶⁹² The fact that Bornemissza's urban career had stopped long before this special task might suggest that he had services outside the town before 1593 as well. The important and responsible task he received shows beyond doubt that Bornemissza had a good reputation among the estates and at the court alike.

⁶⁸⁷ RNA Cluj, Collection of Guild Documents, (Fond 544) Guild statute.

⁶⁸⁸ TJKv. II/1. 59.

⁶⁸⁹ Jakab, *Kolozsvár története*, vol. 2., 316.

⁶⁹⁰ Flóra, *Prestige at Work*, 83.

⁶⁹¹ Zsigmond Jakó and Radu Manolescu, *A latin írás története* [The history of Latin script] (Budapest: Európa Könyvkiadó, 1987), 83.

⁶⁹² Trócsányi, *Erdély központi kormányzata...*, 314

One of the *conservators* in 1593 was the royal judge of Sibiu, Albert Huet. Huet, whose exceptional career was presented above, became the member of the council next to the prince (*status consilium*), probably in 1595-1596.⁶⁹³ This mission, however, was not an intermediary step or continuation of his urban career; it was more likely a complementary office. The 1593 position arose from his status' right under the law. Being the highest ranking royal judge of the Saxon community, Huet's nomination to be one of the supervisors of the estate tax was a matter of course. His position in the princely council was a personal achievement; state functions did not interrupt his urban career in Sibiu. Not only did Albert Huet keep his position in the council while he was away, but his father did, too. Georg Huet became a member of the governing council in 1542, when he held the office of royal judge of Sibiu as well. Peter Haller's impressive career was not interrupted either, although his ambitions might have surpassed the goals of his fellow.

The entrance to a political career was provided by his businesses and credit transactions during the throne fights. Haller had financed Ferdinand's campaigns in Transylvania, probably led by the prospect of profit. As a gifted merchant and investor he had foreseen the opportunities to recover his investments. Thus, he managed to regain his credit by receiving a twentieth customs payment waiver for his goods at the Pasul Turnu Rosu (Vöröstoronyi-szoros, Rotenturmpass) as war damage compensation. Knowing Haller's intensive trade in spices through the Carpathian Mountains, the sum he saved this way was not negligible,⁶⁹⁴ especially in

⁶⁹³ Trócsányi, *Erdély központi kormányzata...*, 28. Trócsányi did not mention the exact dates of his service to the prince, but the town records in Sibiu note that in 1595 and 1596 Huet was absent from his royal judge office because of his functions for the prince.

⁶⁹⁴ Gustav Gündisch, "Haller Péter gazdasági vállalkozásai. Adalékok a XVI. századi erdélyi gazdasági élet történetéhez" [The businesses of Peter Haller. Data on the economic history of the sixteenth century Transylvania] *Erdélyi Múzeum* 1-4 (1947):18 (henceforth Gündisch "Haller Peter gazdasági vállalkozásai."), 21. ... ita, ut idem Petrus Haller ex rebus suis mercimonialibus ex Moldavia et Transalpinis in eandem civitatem Cibiniensem per eum inferendis vel ex eadem civitate educendis per vigesimatorem dictae civitatis tamdiu defalcandus. quamdiu de summa duorum milium Fl. praefato Petro Haller quoad plenum satisfactum fuerit.

view of the fact that Mathias Armbruster and Mark Pemflinger, who similarly sponsored Ferdinand I's campaigns, never managed to regain any of their investment. Haller managed to survive the political changes while his fellows were dragged down by Ferdinand's fail.

Haller's real political arrival was his delegation to Ferdinand I and Emperor Charles V in 1542, in his first year as mayor in Sibiu, and again in 1547-1548.⁶⁹⁵ First he gained the sympathy of the town dwellers in Sibiu in 1534, when the troops of Szapolyai besieged Sibiu and Haller offered to help the town with food supplies and other goods. He and his father-in-law, Johann Schirmer, brought merchandise from Braşov through beligerent territories. On his way he stopped at Făgăraş (Fogaras, Fogarasch) and negotiated with (or bribed) István Majláth, voivode of Transylvania, who in fact captured the town one year later in 1535.⁶⁹⁶ Haller, who made a good profit out of this situation, became thus a kind of savior among the Saxons and this gave him extra support for a further political career. This might have made the difference between his outstanding success and the achievements of his town fellows. Haller, who was an excellent diplomat, probably made great use of the consequences of his act in building his internal and out-of-town career successfully.

In his last year as mayor, in March 1556, Haller was appointed to the governing council next to the governor, Péter Petrovics. That meant that he was one of the six politically most important and influential men in the country.⁶⁹⁷ He kept his influence at the court for several years and was a member of the princely council of governors in 1556, then for eleven years of the princely council, between 1557 and 1569, and meanwhile he was the first man of the Saxons, the royal judge of Sibiu. In line with his urban and state services, Haller managed to run and to achieve success with his economic investments, too. He leased the bullion office in Sibiu, was

⁶⁹⁵ Gündisch, "Haller Peter gazdasági vállalkozásai", 18.

⁶⁹⁶ Gündisch, "Haller Peter gazdasági vállalkozásai", 22.

⁶⁹⁷ Trócsányi, *Erdély központi kormányzata...*, 28.

head of the mint, and had investments in salt mining. At a certain point Haller's ambitions became unwelcome to the Habsburg court, which might reflect his economic power and growing ambitions.

None of his peers reached so high. Mark Pemflinger, besides his political advisory and agency roles, was head of the mint in Sibiu for a while, but was never appointed to high state offices. Mathias Armbruster had a similar *cursus*, being the head of the bullion office in Sibiu,⁶⁹⁸ but never reached high state offices. As Gustav Gündisch put it, there has been hardly any important political event in the mid-sixteenth century where Haller would not have been present.⁶⁹⁹

Comparing the two towns, from the perspective of the out-of-town careers, statistically there are no significant differences, yet different patterns can be identified. Although Sibiu and the Saxon nation were politically more influential than Cluj and its townsmen, there were only a few persons in both towns who managed to climb to state functions. There was one fundamental reason that kept townsmen away from state offices or at least hindered access to them: the great competition of the nobility. The superiority of the nobles in state positions was more than significant. Townsmen had to have extra power or capacities to promote themselves so high. From this perspective, the aldermen in Cluj and Sibiu who were entrusted either with political or economic state functions were above their fellow townsmen and were in competition with the influential nobles. Parallel careers in and out-of-town, however, had different connotations in Cluj and Sibiu. While in Cluj no one ever held urban and state offices at the same time, in Sibiu the aldermen's two careers ran side by side.

⁶⁹⁸ DL 36400. Áldásy, "Az Armbruster család...", 97.

⁶⁹⁹ Gustav Gündisch, "Haller Péter gazdasági vállalkozásai."

2.4. *Networks and the structure of the leading elite*

2.4.1. Guild affiliation and professions

During the Middle Ages and in the sixteenth century artisans were excluded from urban politics in most European cities. This may have been for many reasons and the answer or answers should definitely be sought among the hallmarks of the sixteenth-century urban growth: the expansion of trade and population increase. The sixteenth century reorientation of commercial life affected craft production, which was more vulnerable to changes than trade. Besides economic reasons, the displacement of artisans must have been influenced by central authorities, since, "...municipal self-government was unequivocally a royal concession, and, moreover, whatever autonomy it had was circumscribed by competing royal administrative bodies within the walls..."⁷⁰⁰ David Nicholas has a more common argument, asserting that:

"...the only craftsmen who could serve were those who were rich enough to live for a year from their investments or older men who had passed the trade on to their sons... This meant that for practical reasons the craftsmen had to abandon the time-consuming 'burgomastership' and diplomacy to the rentiers and merchants."⁷⁰¹

In the Transylvanian towns of Cluj and Sibiu, investigations so far show a kind of mixture of these two explanations. Public service depended to a certain extent on state politics, especially in Sibiu, while the domination of the artisans in the town council of Cluj depended on the economic power of the individuals.

⁷⁰⁰ James R. Farr, *Artisans in Europe, 1300-1914*, (Cambridge: Cambridge University Press, 2000), 169.

⁷⁰¹ David Nicholas, *The Later Medieval City 1300-1500*, (London: Longman, 1997), 123.

Merchants, metal and textile workers were most frequently present on the urban political scenes in Transylvania. This system corresponded almost entirely to a European model that prevailed in cities where the craftsmen were not excluded (totally or partially) from political

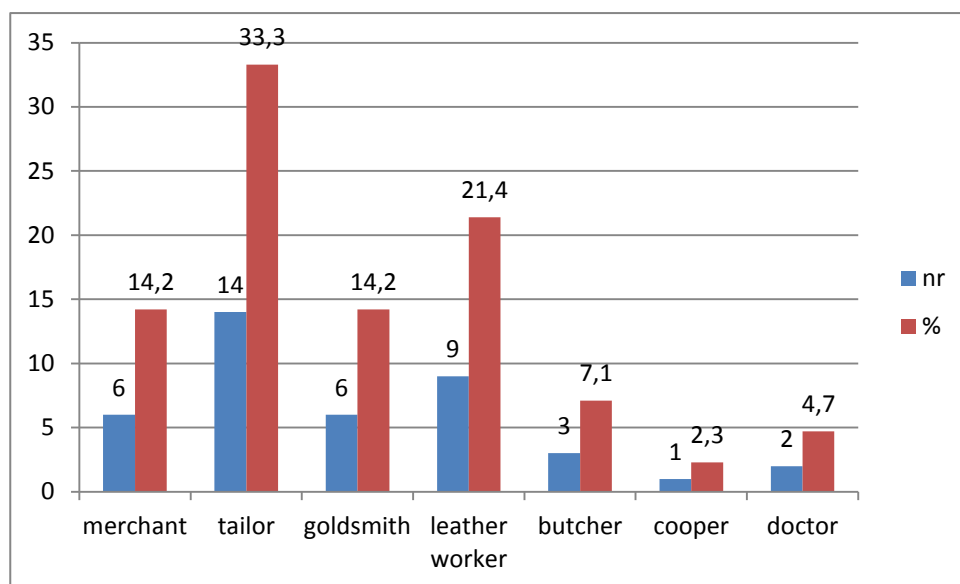


Fig. 2.25. Tradesmen in the town council of Sibiu

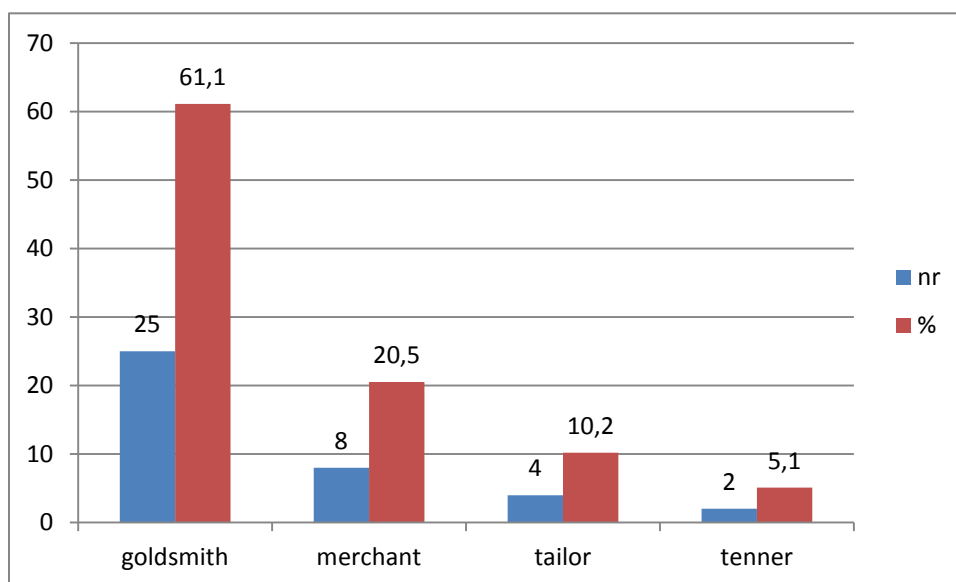


Fig.2.26. Tradesmen in the town council of Cluj.

positions.⁷⁰² However, in these cities, in addition to the trades, butchers played an important role as well, while in Cluj and Sibiu, for instance, this craft is rarely noted among the office-holders. The lack or infrequency of butchers among the political actors in Cluj and Sibiu can be partly explained by the rarity of a livestock trade.

Since it was not possible to detect the profession of each councilor in the two towns, the numerical data compilation was restricted to only those cases where the vocation of the office-holder was confirmed in reliable sources. The percentage around 25%, which sociologically

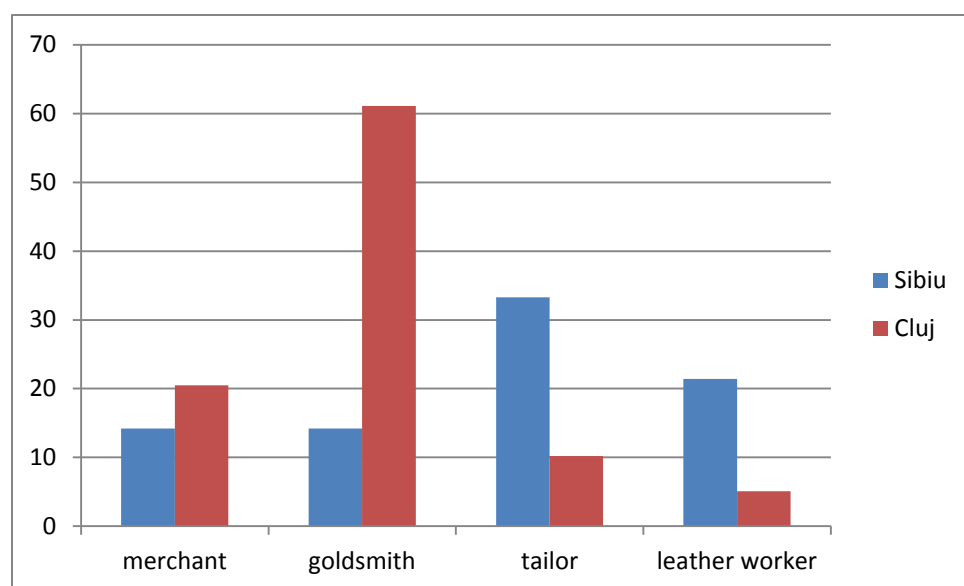


Fig. 2.27. Tradesmen in the town councils of Cluj and Sibiu

speaking might not be representative, enables some conclusions and remarks about the historical features of the occupational spectrum of the urban political elite in Cluj and Sibiu.

In Sibiu the tailors (33.3%) and leather workers (21.4%) were more frequent in the town council, followed by merchants (14.2%) and goldsmiths (14.2). In Cluj goldsmiths (61.1%) prevailed, followed by the merchants (20.5%) and tailors (10.2%). The closeness of the gold and silver mines made the goldsmiths influential in Cluj, while presumably the tailors in Sibiu strengthened their position through textile commerce between the West and East.

⁷⁰² See Nicholas, *The Later Medieval City*, 141–150; Farr, *Artisans in Europe, 1350–1914*.

Close commercial ties with German towns, especially Nürnberg, dating back to the fifteenth century were the basic element in the rise of the tailor craftsmen in Sibiu. The tailors must have exercised their influence also by their number, being a large guild in almost every corner of Europe. Besides, there was a great demand for fine clothes, and they must have had, similarly to the goldsmiths, the elite of the town among their customers besides ordinary people.

The calculation also shows that in Sibiu the number of merchant mayors and royal judges was much higher than in Cluj and that the goldsmiths held no such positions, while in Cluj their number was the highest in these two offices.

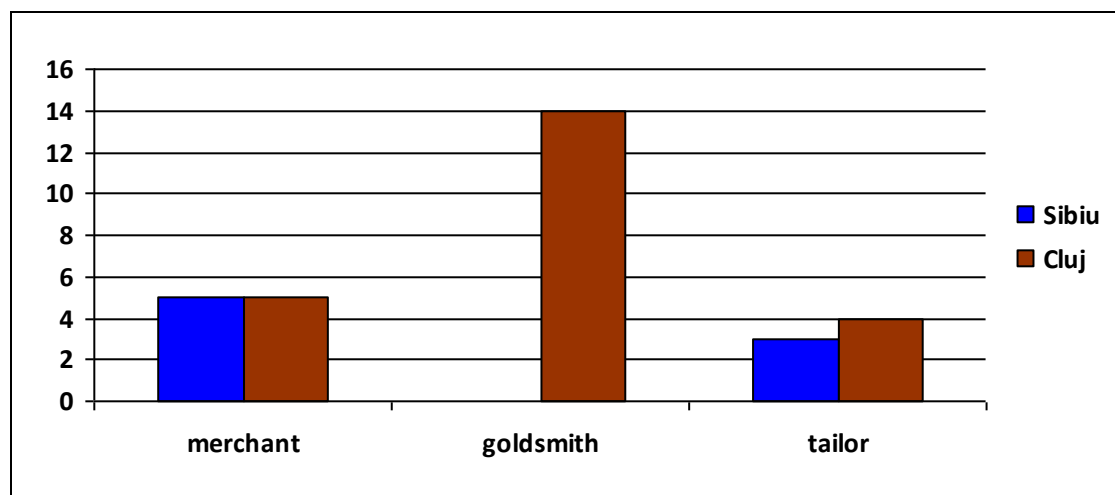


Fig. 2.28. Mayors/prime judges and royal judges in Cluj and Sibiu.

One sees here that political and economic elites cannot be strictly separated. Wealth was a condition for office-holding, while political positions opened possibilities for individual economic growth, even if the urban offices had no remuneration. Not only was it a source of great prestige to serve the town, but it also gave access to information, and created the opportunity for new business relations. Personal and group lobbying was also an important issue in local politics; the more strongly a craft was represented in the council, the better their interests were represented, and thus the craft developed even more.

2.4.2. Marriages: Strategy or by virtue of necessity

In both Cluj and Sibiu the simultaneous presence of persons with direct kin relations in the town councils was prohibited. In Cluj the legal constraint referred to direct blood relations (father, son, and brother),⁷⁰³ while in Sibiu a similar restriction was also extended to brother-in-law ties, in 1550.⁷⁰⁴ These new legal regulations reflect the context they were adopted in. Presumably, the so-called “son-in-law principle”⁷⁰⁵ became a general phenomenon that had to be controlled in order to prevent too-powerful cliques forming within the town council. The “son-in-law and brother-in-law principles” were back-stair solutions against the legal prohibitions, but also a good channel for keeping and transmitting political power within families. Although it might sound awkward at first, in fact these principles were activated by the female members of the families, since marriage was the legal background for the son-in-law solution.

Marriage in the sixteenth century meant much more than a union of two people. Marrying someone was the final act after due consideration of the wealth, status, and prestige of future partners. It was a transaction by the bride’s father, who entrusted part of his wealth and prestige to a son-in-law. Due to the scarcity of sources, a quantitative analysis of the transmission of family political ambitions through marriage cannot be presented. The few case studies that can

⁷⁰³ JakabOkl I. Fasc.A nr. 7. Ut nullus cuius pater, aut frater sive Germanus hoc est minor natu, in Consulatu, vel in medio Dominorum centum electorum, consistit, et sedet, vita illorum Comite, simul, et semel, in Consulatu, Siue in medio Dominorum centum electorum sedere valeant, neque illuc eligantur tales, Sed saltem alter illorum, Videlicet vel pater, vel filius, vel frater, vel germanus, ambo tamen simul in Consulatum, sive in medium Dominorum centum electorum, ne assumantur.

⁷⁰⁴ Ratsprotokoll 1550. 298. Notandum quod unanimi et maturo consilio senatus Cibiniensis deliberavit et conclusit a modo et in posterum sese observandum quod in senatoris ordine se quempiam legere oportuerit nullus quicum aliquo senatore in senatu existente affinitate sit iunctus eligi diceat ne propter affinitatem privato affectui indulgentes aliqui vel partes facian vel conspirationes moneant quod sepius factum esse, plurime Reipublice exemplo esse possunt.

⁷⁰⁵ See Finn-Einar Eliassen, “The Son-In-Law Principle. Dynasties in Government and Trades in Early Modern Danish and Norwegian Towns,” in *Generations in Town*, 257.

be made, however, show some patterns that make it possible to form an impression of this phenomenon.

The most complete and eloquent case was that of the Herceg-Budai-Pulacher kinship. The story starts like a fairy tale. A wealthy burgher from Cluj, Anton Herceg,⁷⁰⁶ who married the daughter of the physician Tamás Jordán,⁷⁰⁷ had three daughters (and two sons) and he married them off. Barbara married Tamás Budai, a successful goldsmith who received his practice licence abroad.⁷⁰⁸ Their marriage must have taken place around 1580; a poem on the occasion of their wedding was printed in that year.⁷⁰⁹ Tamás Budai was not only a successful goldsmith, but had a public career as well. He was elected steward in 1571, becoming a councilor the following year. Here his career in the town council was halted until 1580, about the time when he married Barbara. That same year he became the mayor of the town for the first time.⁷¹⁰

The other Herceg girl, Anna, married a successful young tailor, Stephan Pulacher, who became a member of the town council, probably in 1575,⁷¹¹ after which his career advanced quickly; in 1580 he was nominated to be royal judge.⁷¹² This means that in that year the two main offices of the town were occupied by two ambitious young men linked by marriage to two

⁷⁰⁶ János Herepei, who put together the family tree of this burgher, could not find his first name. According to my research he was Antonius Hercegh, a councillor and royal judge from 1558 to 1576, TanJkv I/3, 53r, 95v, 130v; János Herepei, *A Házsongárdi tenetű régi sírkövei* (Old tombstones from the Házsongárd cemetery) (Budapest: Akadémiai Kiadó, 1988), graph 8 (henceforth Herepei, *A Házsongárdi temető*).

⁷⁰⁷ Jenő Pataki, "Kolozsvári Jordán Tamás", *Páztortűz* 10 (1924): 269–272; Gyula Magyary-Kossa, *Magyar orvosi emlékek*, [Hungarian medical documents] vol. 1 (Budapest: Eggenberger Könyvkereskedés, 1929); Görgényi Géza, "Kolozsvári Jordán Tamás az első magyar orvosbalneológus" [Kolozsvári Jordán Tamás, the first Hungarian balneologist], *Orvosi Hetilap* 24 (1964): 1135–1138; Kemenes Pál, "Kolozsvári Jordán Tamás (1539–1585), a balneológus" [Kolozsvári Jordán Tamás (1539–1585), the balneologist] *Orvosi Hetilap* 133, no. 24 (1992): 1503–1505.

⁷⁰⁸ RNA Cluj. Collection of Guild Documents (Fond 554), Documents of the Goldsmith Guild, no. 14, 1r.

⁷⁰⁹ By Joane Pechio with the dedication: Epithalamium pro felici sucesu matrimonii Thomae Budai gratitudinis ergo a Joane Pechio, see Pál Binder, "Adatok Pécsi János énekszerző életéhez" [On the life of song author, János Pécsi] *Nyelv- és Irodalomtudományi Közlemények* 20 (1976): 83–84; Pál Ács, ed., *Régi Magyar Költők Tára. XVI. századbeli költők művei* [A collection of old Hungarian poets. The works of sixteenth-century poets], vol. 11 (Budapest: Akadémiai Kiadó, 1999), 421–422.

⁷¹⁰ TanJkv I/5, 204v.

⁷¹¹ The lists with the officeholders for this year are missing.

⁷¹² TanJkv I/5, 204v.

sisters. In addition, the son of Anton Herceg, Caspar, was a councilor at the same time, acceding to the mayor's office in 1585 and holding the office of royal judge in 1588, 1592, and 1594.⁷¹³

The third daughter, presumably the youngest, Katalin, married Johann Lang.⁷¹⁴ Unfortunately, no information can be found concerning Lang's profession, but he must have belonged to one of the prestigious crafts in town. Similarly to his brother-in-laws, he held public offices, was a member of the council between 1591 and 1602, and climbed to the *iudex substitutus* position in 1601.

This family circle was then in a position to exert strong political influence. When giving his daughters away in marriage to a goldsmith (Budai) and a tailor (Pulacher), two persons belonging to the most influential guilds of the town, Anton Herceg, by choice or by chance, got one son-in-law from the Hungarian and one from the Saxon community. Thus, the concentration of influence and power became even more significant in the parity political system.

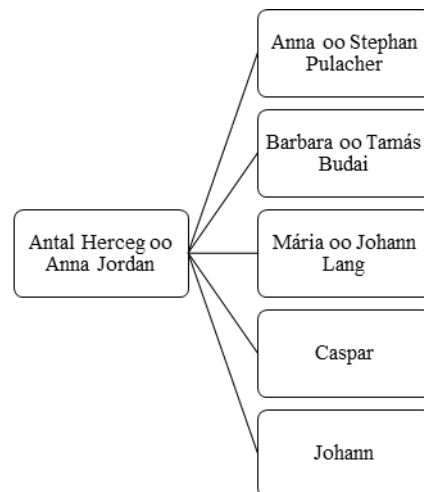


Fig. 2.29. The Herceg-family in Cluj.

⁷¹³ TanJkv I/5, 30v, 87v, 114v.

⁷¹⁴ Ágnes Flóra, “‘Amely ebet ez előtt mostál, most is azont mosd.’ Egy 16. századi fürdőházi jelenet érdekességei” [‘Wash the dog you formerly washed.’ The details of sixteenth-century scandal in the public bath], *Korunk* 10 (2010): 22-27. János Herepei erroneously inferred that Lang was Maria Budai's first husband, Herepei, *A Házsongárdi temető*.... fig. 8.

The same pattern appeared when Tamás Budai married off his daughters.⁷¹⁵ Anna Budai married István Széchi, a Hungarian goldsmith master who started his public career in the town council, as was usual in Cluj, by being nominated steward in 1587. He held the office of mayor in 1600.⁷¹⁶ Kata Budai married the goldsmith János Békési, then Lőrinc Székely, of whom less is known. The only information which the sources provide is that he was a councilor in 1571.⁷¹⁷ Barbara's first husband was a tailor called Jósza Szabó; later she married the goldsmith Demeter Ötvös. Margarita's spouse was János Kalmár, the son of the former town judge László Kalmár.⁷¹⁸ Judging from the family tradition, he might have been a merchant. The occupations of Elisabeth's and Kata's second spouses are not known nor are the details concerning the marriages of the younger daughters, Margit and Sára. Mária was remarried to a goldsmith around 1603. All together, Tamás Budai had seven sons-in-law, four of them goldsmiths, and two tailors.

These two cases, focusing on different generations, suggest a pattern followed by high-ranking families of the town; when trying to bequeath the family political positions, they also attempted to keep this bequest in equilibrium between the two nations and thus exercise even more power. Budai's son, Tamás carried on his father's profession and entered the goldsmith's guild.

⁷¹⁵ Budai had seven daughters and one son: Anna, Kata, Erzsébet, Barbara, Margit, Sára, Mária and Tamás. RNA Cluj, The town archive of Cluj, TJkv II/1. 180 . He probably had a new-born son from the second marriage, who died on 19 July, 1581. RNA. The town archive of Cluj. SzámKv., IV/3. 1.

⁷¹⁶ TanJkv. I/5, 179v.

⁷¹⁷ TanJkv. I/2, 28v.

⁷¹⁸ TJkv II/1. 227.

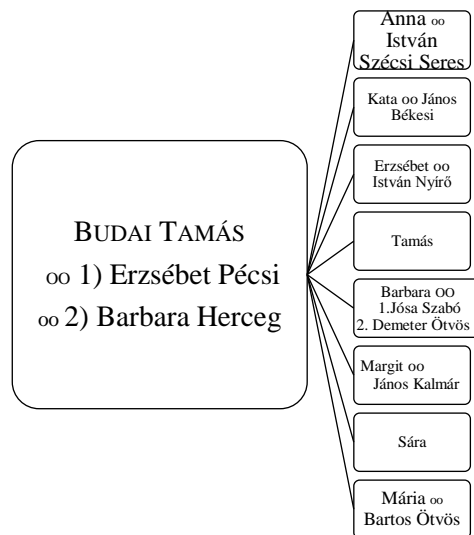


Fig. 2.30. The Budai-family in Cluj.

The Pulacher branch presents a similar interlocking elite pattern. István Pulacher's father, Sebastian Pulacher, married the widow of Johann Barát/Münich, the former prime judge; Stephan Barát's daughter-in-law, Barbara Hirscher from Brasov. Sebastian had two children. Anna married Kálmán Nyíró, the prime judge who was accused of adultery, while Stephan became the brother-in-law of Tamás Budai by marrying Anna Herceg. Stephan Pulacher left behind three heirs: two girls and one boy. Anna married Johann Eyb,⁷¹⁹ the descendent of a prestigious family from Bistrita.⁷²⁰ While Barbara's spouse was a literate called Anton Lederer. Stephan Pulacher's son followed his father in public service and entered the town council in 1621. Here one sees a different pattern of marriages compared to Budai's strategy. While Budai married his daughters to craftsmen from the town, Pulacher chose sons-in-law from among the literates and from other towns. While Budai tried to keep his position within the goldsmith's guild, Pulacher apparently had other strategies that probably led towards the achievement of a

⁷¹⁹ TJKv. II/1. 240.

⁷²⁰ Georg Eyben was the judge of Bistrița in 1460, 1472. Albert Berger, "Urkunden-Regesten aus dem alten Bistrizer Archive von 1203 bis 1490", *Programm des evangelischen Obergymnasiums A. B.*, ed. Georg Fischer (Bistrița: Verlag des Bistrizer Gymnasiums, 1893), 30-31, 43.

higher status in Transylvanian society. The extra-town connections, however, were not unusual in the family. Pulacher's mother or step-mother, Barbara, came from a well-known family in Brasov (daughter of the town judge Lucas Hirscher), while one of Pulacher's brothers-in-law on his sister's side was from Baia Mare (Nagybánya, Neustadt).⁷²¹

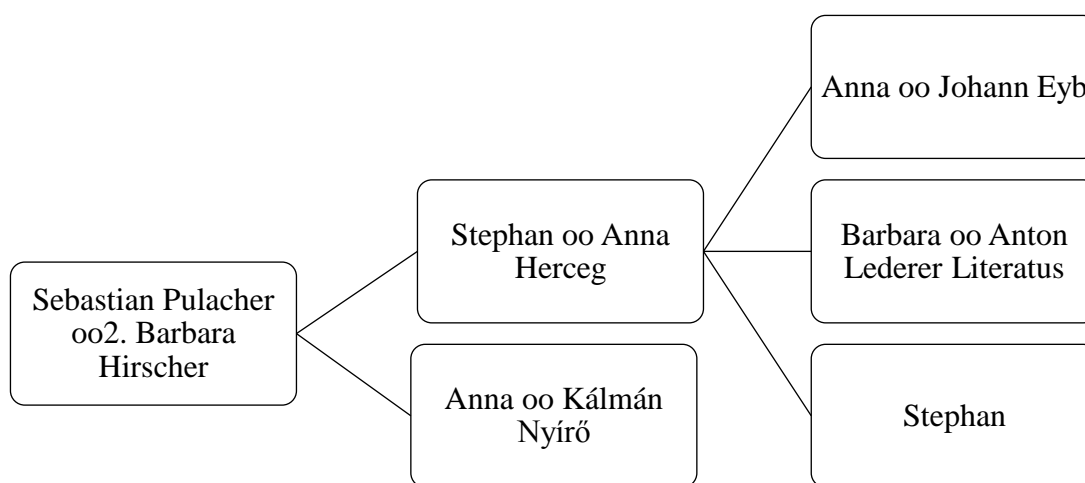


Fig. 2.31. The Pulacher-family in Cluj.

Sebastian Pulacher's marriage gave the family ties with the Barát/Münich kinship, too.

The most important man in the Barát/Münich family was Stephan Barát/Münich, who led the town five times between 1550 and 1570. The marriages in the Barát/Münich family aligned a series of prestigious men and women. One of the most famous cases was Stephan Barát/Münich's daughter, Katalin's, marriage to the parish priest and founder of the anti-Trinitarian church in Transylvania, Ferenc Dávid (Franz Hertel) in 1572. The marriage would be worth mentioning in itself, but its peculiarity is that it ended in divorce in 1579.⁷²² Katalin remarried the merchant Peter Bácsi (councilor between 1574 and 1579) soon after. Their son, István, entered politics in 1625.

⁷²¹ Franciscus Pesti alis Bornemissza in Rivulinarum (Rivulus Dominarum/Baia Mare) TJkv II/1. 101.

⁷²² Fasc. I. nr. 44.

Sofia Barát/Münich, like her sister, Katalin, had two marriages. She first married Stephan Wolphard, the prime judge in 1581 and 1583, then after his death, she remarried István Kakas, the son of András Kakas (councilor in 1570), who had an impressive career as diplomat in Sigismund Báthori's court.⁷²³ Besides his two daughters, Stephan Barát/Münich had three sons. Johann married Barbara Hirscher, the daughter of the town judge in Brasov, Lucas Hirscher. This marriage supposedly resulted in handicapped girl, referred to in the sources as “crazy” Angalit, who was kept under the custody of her grandfather, Stephan Barát/Münich. The court hearings in the lawsuit for Angalit's guardianship, which was in fact a legal fight for her inheritance, give an eloquent characterization of Stephan Barát/Münich, who was quite old at the time but still had great power.⁷²⁴

His political influence and career were carried on by his son, Peter Barát/Münich, who became prime and royal judge of the town. Nothing is known about his marriage or marriages, but judging from the family's practice, he probably chose his bride from one of the prestigious families like his brother Sebastian did, who married Anna, a daughter of the former prime judge, Antal Vicei. Sebastian did not show any interest in politics, but built up a business in trading and became one of the richest merchants in town. Thus, in every marriage of the family there was a politically active man or the daughter of a politically influential person. As far as the profession of the in-marrying persons is concerned, one sees a great dominance of merchants, which went along with the professional orientation of the family.

Political connections inside or outside the town and economic power were the key concepts in the marriage strategy of the Barát/Münich family, a pattern that differed from the marriage models of the Budais and the Pulachers. Concluding the results of these two cases, the

⁷²³ András Kovács, “A humanista plébános, az asztrológus főbíró és a fejedelmi diplomata háza” [The house of the parish priest, astrologer and princely diplomat], *Korunk* 10 (2006): 11—21; Veress, *Zalánkeményi Kakas István*.

⁷²⁴ TJKv. II/7, 379.

strategy of a family in marrying off the children much depended on the position of the family within the urban society. The more prestige a family had, the greater were the chances for advantageous marriages they could benefit from.

The three cases presented here may reflect three stages of the rise of an urban family. Budai's example would be the first stage of elite marriages, where "outsiders" had the chance to take advantage of the reputation of Tamás Budai in exchange for economic security. Relations that would have gone beyond the town walls were not yet a priority. István Pulacher's case is an intermediate stage in the rise of the family, where inter-urban relations started to be considered, while in the Barát/Münich family political connections that went beyond the local administration were fundamental. In fact, high political influence could have been preserved only by at least equally prestigious families or persons. Moreover, marrying from or to other towns can also be perceived as a professional strategy, especially in trade, in a quest for new markets and customers. Thus, inter-town marriages were not rare, but certainly cannot be considered as a key phenomenon in the marriage strategies of the Transylvanian town elite.

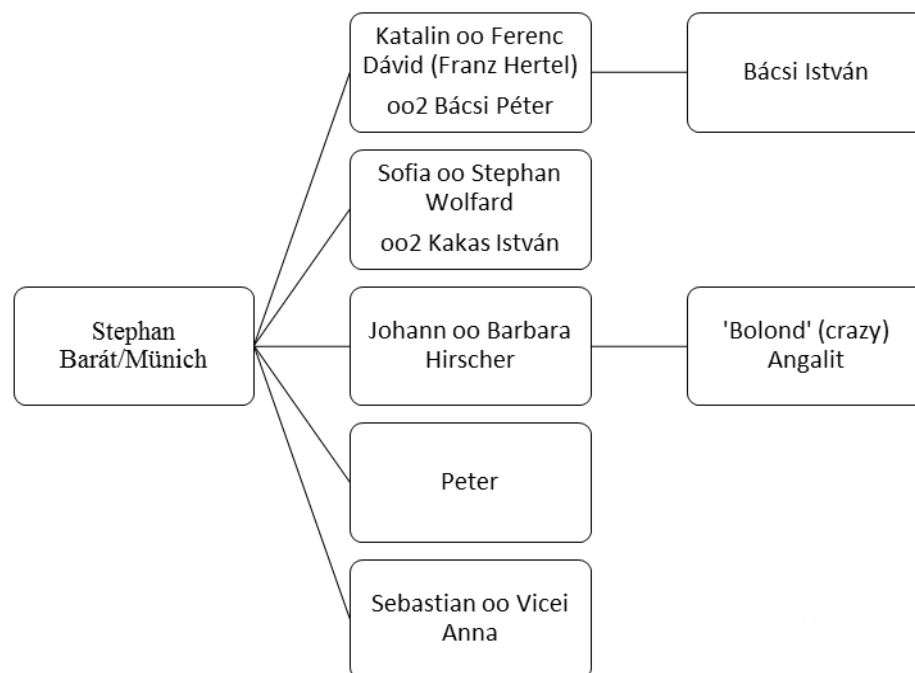


Fig.2.32. The Barát/Münich-family in Cluj

Apparently, relations by marriage played an important role in perpetuating a family's political roles and thereby maintaining and enlarging the spheres of interest of certain families. Between 1580 and 1600, 12 burghers held the office of mayor in Cluj, among whom seven stood in some kind of family relation to each other: five brothers-in-law, and one son-in-law, and one other relation by marriage.⁷²⁵ With this expedient, on the one hand, prohibitions against close relatives sitting in the council could be counteracted. On the other hand, a chance for sons to foster vertical mobility through mercantile activities was also opened up.⁷²⁶ In the sixteenth century, commercial activities are difficult to follow, since the customs registers have survived only from 1599. Even so, the Herceg, Pulacher, and Budai sons are to be found among the merchants recorded in the tax lists.⁷²⁷ In the period between 1599 and 1604, 12 out of 35 councilors had descendants who pursued trading activities.

Marrying the daughter of an influential person was not the only marriage strategy that could promote someone from the new generation in town politics. Widows had a role as well. Remarriage after a consort's death was common in late Middle Ages and Early Modern times. The more highly ranked widows and widowers had greater chances for arranging a second and even a third marriage. For many women, widowhood often brought social marginalization and financial difficulties, since the late husband often left behind debts and probate suits among his heirs, who might come from different marriages. Thus, a new engagement was often arranged even before a widow had taken off her widow's weeds. In the upper levels of the town elite the

⁷²⁵ Georgius Hertel was the brother of Ferenc Dávid (Franz Hertel), the founder of the Antitrinitarian (Unitarian) church in Transylvania, who married Kata Barát, probably the sister of Peter Barát, who was the mayor of the town in 1587 and 1591, TanJkv. I/5, 77v.

⁷²⁶ See Hermann Kellenbenz, *Der Merkantilismus und die soziale Mobilität in Europa*, (Wiesbaden: Franz Steiner, 1965).

⁷²⁷ Ferenc Pap, ed., *Kolozsvári harmincadjegyzékek* [The thirtieth tax registers of Cluj](Bucharest: Kriterion, 2000), 119, 180, 131, 160.

number of fortune-hunters was probably small, since it was a circle that knew each other well. Such a marriage should be perceived more as a contract between a widow of high social class who wanted to keep her financial status and a partner who could assure her that in exchange for being granted prestige. Great age differences between spouses may have occurred in sixteenth-century Transylvania, but it was probably not an obstacle if the partners had high ambitions.

An intriguing case of marriages and remarriages emerges in connection with the history of Thomas Altenberger's house in Sibiu. Altenberger died in 1491 after a long and successful career, leaving behind an impressive fortune.⁷²⁸ His wife, Affra, who was from Salzburg, inherited most of his properties including the house, which later became the town hall. Historians⁷²⁹ still debate how the house became the property of Nicolaus Proll, an important Italian goldsmith whose forebears, the Zanolii, came to Sibiu in the fifteenth century and were in charge of the mint and gold exchange for many generations.⁷³⁰ A marriage between Proll and Affra is one possible explanation. What the sources reveal is that in 1499 Proll's widow was a woman named Elisabeth, who, soon after her husband's death married his business partner, Johann Lulay, one of the most important persons in the town, with an influential role at court as well. Thus, the house went by marriage to Lulay, whose career started after that. Even if it was not a direct bequest, undoubtedly the house where Altenberger and Proll had lived gave him some prestige. Lulay married three times and, after his death in 1521, his widow, Klara Tóbiási, soon remarried Mark Pempflinger.⁷³¹ Klara died in 1523.⁷³² Pempflinger was nominated to the office of royal judge in 1522, after Lulay's death. By nominating Pempflinger to this office, King

⁷²⁸ He was the mayor of the town between 1470 and 1491. Seiwert, "Chronologische Tafel...", 212; Ub. vol. 7, 384–385.

⁷²⁹ Munteanu, *Primăria veche din Sibiu*, 43; Reissenberger, "Überreste der Gotik und Renaissance..."

⁷³⁰ Gündisch, *Das Patriziat siebenbürgischer Städte im Mittelalter*, 244–245.

⁷³¹ Fabritius, *Pempflinger Márk...*; András Kubinyi, "Die Pempflinger in Wien und Buda," 67–88.

⁷³² Nagy, *Magyarország családai...*, vol. 9 (Pest, Frienbeisz I, 1862), 206.

Louis II probably wanted to ensure the strong support of the Saxon community during Lulay's period in office, even if this nomination meant violating the town's privilege of electing the royal judge.⁷³³ Although Pempflinger did not face strong resistance from the town, he still needed this connection by marriage to show that he would continue what the former town leaders had started. After Pempflinger passed away without any heirs, the house was purchased from his widow by the town council and then became the new town hall, ending the chain of transmitting the house through widows. Inheriting the house must have meant more than getting possession of a beautiful building. It also involved inheriting the forebears' prestige and thus it became a symbol of a new generation rising to the top of the town hierarchy.

High ranking widows were "on sale" on the marriage market. Barbara Hirscher, the widow of Johann Barát/Münich, daughter of the town judge Lucas Hirscher in Brasov, remarried four times in two different towns. All four spouses were well-known figures in the local administrations. After Johann Barát/Münich and Sebastian Pulacher, Barbara's third husband in Cluj was Thomas Roth, probably the father of the later councilor, Thomas Roth. The fourth marriage was a curiosity. In 1596 there was a double wedding in Brasov; Johann Waida, the mayor of Sibiu for three terms (1581-1585, 1592-1593 and in 1597-1598) and his son, Johann Waida, jr., invited the elite of the Transylvanian towns to their wedding with the two daughters of Lucas Hirscher, Margaret, the widow of Felten Goldsmidt, and Barbara, the widow of Johann Barát/Münich.⁷³⁴ The Hirscher family was one of the most influential merchant clans in Brasov, whose connections went beyond the town walls. The economic connections and at the same time rivalry between Sibiu and Brasov were always on the agenda in the sixteenth century.⁷³⁵ Thus,

⁷³³ *Chronik der Stadt Hermannstadt*, ed. Emil Sigerus (Hermannstadt: Honterus, 1930), 6.

⁷³⁴ RNA Cluj. Primăria oraşului Bistriţa [The Town Archive of Bistrita], seria I, no. 5946.

⁷³⁵ On the trading activity of merchants from Sibiu and Brasov, see Radu Manolescu, *Comerţul Ţării Româneşti şi Moldovei cu Braşovul* (secolele XIV-XVI) (Bucharest: Editura Ştiinţifică şi Enciclopedică, 1965); idem, "Relaţiile

trading fusions by marriage between contenders was more an economic strategy than a political one, which resulted in impressive accumulation of capital in the oriental trade. The double marriage and the fact that Johann Waida remarried at an old age near the end of his career (only two years before his death), implies something more than political strategy. It was rather a connubium to help his son's economic advance by joining the economic capital of the two families. The Waida-Hirscher marriages were not the only such "capital expenditures" between rich merchants from Sibiu and Brasov. Peter's Haller marriage to Margret, the daughter of the town judge in Brasov and merchant Johann Schirmer, followed the same strategy. Haller and Schirmer's joint enterprise in 1534, when they supplied the besieged Sibiu with goods, shows the effectiveness of such capital associations.⁷³⁶

Although in these cases economic reasons might have been the main reason for negotiating marriage, the actors were politically positioned people in their urban communities. It only demonstrates once again that prestige was in fact social capital built on wealth, family, and personal ambitions.

2.4.3. Generations

How proper behavior, a set of values, and tradition are conveyed from one generation to another has long been of interest to scholars. In the past 50 years many articles and studies have been published dealing especially with family sociology. Additionally, historians have made

economice ale Țării Românești cu Sibiul la începutul secolului al XVI-lea," *Analele Universității C. I. Parhon București* 7 (1956): 207-259, Pach Zsigmond, "The Role of East-Central Europe in international Trade (Sixteenth and Seventeenth Centuries)," *Etudes Historiques* (1970): 223-241; Pach Zsigmond, "The Transylvania Route of Levantine Trade at the Turn of the Fifteenth and Sixteenth Centuries," *Etudes Historiques Hongroises* 1 (1981):113/166; Mária Pakucs, "Comerțul cu mirodenii al orașelor Brașov and Sibiu în prima jumătate a secolului al XVI-lea" [The Trade in Spices of Brașov and Sibiu in the first Half of the Sixteenth Century] *Studii și materiale de istorie medie* 20 (2002):73-88. Mária Pakucs, "Erdély délről érkező fűszerforgalma a 16. század első felében (Brassó és Nagyszeben szerepe a távolsági kereskedelemben)[The southern Spice Trade of Transylvania in the first half of the sixteenth century. The role of Brasov and Sibiu in long-distance trade], *Sic itur ad astra* 1 (2002): 46-64. Pakucs, *Sibiu-Hermannstadt*.

⁷³⁶ Gündisch, *Haller Péter*.

attempts to establish some kind of pattern in intergenerational relations and life course history.⁷³⁷

The definition of generation itself can be vague when it is not used in the biological and genealogical meaning of kinship relations. “A generation refers to a group of people who have lived through a time period together and have developed some kind of shared consciousness.”⁷³⁸ Historians have often delineated generations as groups/cohorts closely linked to important historical events: wars, revolutions, political or social reforms that formed a common framework for their action.⁷³⁹

Yet the framework is different. Generation here refers to the inner characteristics of leading elites in Cluj and Sibiu, i.e., in two different towns and two different political elites in two different systems. Nevertheless, the governing elites of the two towns had a common basis, the generally accepted foundations of a power structure determined by wealth, prestige, and good public judgment. The generations of elites can be grasped from different perspectives: old and young, father and son, power-group relationships.

2.4.3.1. Intergenerational relations: growing old in the council

The image of the old council member in the sphere of decision-making differed from the general concept of old age in the sixteenth century, when old people were usually marginalized by the community. The old council members resembled more closely the ancient Roman ideal of the *senectus senatorum* than the depictions of tormented figures waiting for the afterlife as a relief from earthly agony portrayed by Bosch, Dürer, Holbein, and many other painters, as well

⁷³⁷ Alan B. Spitzer, “The Historical Problem of Generations,” *The American Historical Review* 73, no. 5 (1973):1353–1385; Angela M. O’Rand and Margaret L. Krecker, “Concepts of the life Cycle: Their History, Meanings, and Uses in the Social Sciences,” *Annual Review of Sociology* 16 (1990): 241–262; Richard G Braungart and Margaret M. Braungart, “Life-Course and Generational Politics,” *Annual Review of Sociology* 12 (1986): 205–231.

⁷³⁸ Sarah Lamb, “Generations in Anthropology”, in *International Encyclopaedia of Social and Behavioral Sciences*, ed. Neil J. Smelser and Paul B. Baltes (New York: Elsevier Science, 2001).

⁷³⁹ For a good overview of the different interpretations of generations and the actual trends in humanities see. Finn-Einar Eliassen and Katalin Szende, “Generations in Towns: Introduction”, in *Generations in Towns*, 1-23.

as authors. The Renaissance fascination with youth and the young body or Machiavelli's⁷⁴⁰ young state concept was little reflected in town administration.

The oath of the elected council members, pledged on the day of their election, enables one to assert that elderly members in the *centumviris* assembly had great influence. The position of *centumviri* was a lifetime office, and the more this officer advanced in age the more important he became in the decision-making process. *Odium senile, privatum commodum, juvenile consilium Republicam evertunt*, that is, "hatred of the aged, strife for private progress, and the advice of the young turn the town upside down"⁷⁴¹ – this moralizing inscriptions on the old town hall in Cluj eloquently defined the weight carried by different generations in governing the town.⁷⁴² It not only pointed out that young people had less influence, but stressed the crucial role of the old senators and their ability to create acceptable consensus.

The number of elderly members among the *centumviri*, i.e., in the outer town councils, cannot have been higher than 20 to 25 in either Cluj or Sibiu.⁷⁴³ Their opinion, however, was more important than the opinion of the middle-aged councilors forming the numerical majority. If the elderly councilmen were absent from a meeting, the assembly was often considered to be without a quorum.⁷⁴⁴ Frequent absenteeism due to the afflictions of old age sometimes created difficulties in the administration, but a member could only be removed from the council by his own wish and consent. How delicate this issue was is shown in an entry from the council minutes of the *centumviri* in Cluj. On election day in 1578, council members launched a request to depose two elderly members who had been ill for some time and could not serve the town. A

⁷⁴⁰ Peter Borscheid, *Geschichte des Alters, 16.–18. Jahrhundert* (Muenster: Coppenrath, 1987), 15.

⁷⁴¹ Jakab, *Kolozsvár története*, vol. 2, 712.

⁷⁴² The old Renaissance town hall suffered great damage from fire in 1798; in 1843 it was demolished and a new building was erected instead. See chapter 3.2.

⁷⁴³ TanJkv 1591. I/5, 79. On January 12, 1591, the great council in Cluj summoned 16 old councillors to the mayor to decide on the New Year's gifts to be presented to the prince.

⁷⁴⁴ TanJkv 1570. I/2. 6v.

reassuring answer was received; both elderly councilmen were reconciled with the situation and assured the *centumviri* that they would not bear any animosity towards them.⁷⁴⁵ Old age afflictions or long-lasting diseases were among the reasons for councilors retiring in Sibiu as well.⁷⁴⁶ This must have been a delicate problem, since it meant giving up their last chance of being politically active.

The esteem for the elderly expressed in the oath pledged by new council members in Sibiu⁷⁴⁷ or by the moralizing inscriptions in the town hall of Cluj was not merely a sign of altruism or philanthropy. It had practical aspects as well; the old councilors were those who could still remember and consequently transmit the customary law of their ancestors. Remembering the past and the deeds of one's precursors seems to have been a major prerequisite for governing a town.⁷⁴⁸ This reliance on the forefathers, however, impeded innovation, or at least slowed down the adoption of new ideas by town governments. The town records in Cluj show how strictly rules were applied when it came to important issues of town life. The mayor, together with the council members or by himself, had to hold a separate meeting with the elders every time an important issue came up. He could never decide on his own about official delegations to the prince or other important dignitaries or legal cases concerning the town statutes and privileges.⁷⁴⁹ The mayor of Sibiu, in contrast, had a much broader scope for action due to the role that he played in state affairs.⁷⁵⁰

Due to the long office-holding terms of the councilors in Sibiu, here the councilors had literally the chance to grow old on the council benches. Mark Pemflinger in 1530, at the middle

⁷⁴⁵ TanJkv 1578. I/3. 179.

⁷⁴⁶ Ratsprotokoll, II. 153. Petrus Besothner emissus est propter nimie senectutis imbecillitatem; "Blasius Weis emissus est propter continuum morbum."

⁷⁴⁷ Domnica Avriganu, "Contribuții la cunoașterea institutului centumvirilor din orașul Sibiu (1495–1876)" [The institution of centumviri in Sibiu (1495–1876)], *Revista Arhivelor* 47, no. 1 (1970): 24.

⁷⁴⁸ E.g., TanJkv 1576, I/3 140.

⁷⁴⁹ TanJkv 1586. I/5. 13., TanJkv 1588. I/5. 32, 33,

⁷⁵⁰ Zimmermann et al., ed., 1892–1981, vol. 6, 171; Müller, *Stühle und Distrikte*.

of his royal judge office, wrote to his brother in a letter that he was getting old and his hair was very grey.⁷⁵¹ In 1554, in a posthumous reference, he was called the “old sir Pemflinger”.⁷⁵² One of his biographers, Karl Fabritius, put his birthday around 1480. Accordingly, when he came to Sibiu and became the royal judge of the town he must have been around 42-45 years and was around 53 or 55 when he left.

Peter Haller became councilor in Sibiu at the age of 29 and had an impressive career until his death in 1569 at the age of 69. His peer, August Hedwig, had reached an old age after 35 years of town service when he fell victim to the plague in 1577. Albert Huet, the prominent royal judge at the end of the century, was appointed in 1578 at the age of 41 and kept his position until his death at the age of 72 in 1607. Christoph List and Johann Lulay, jr., must have had respectable ages when their long careers ended. Johann Lulay, jr., who was born from Johann Lulay’s first marriage, must have been at least 38 or 40 years in 1558, when he donned the councilor’s attire for the first time. After 30 years of constant duties, Lulay left his seat on the council and his earthly life at around 70 years of age.

The lack of genealogical data make it impossible to determine the ages of the councilors, but the long-term office-holding in Sibiu makes it possible to infer that at least there was a possibility for townsmen to age in administrative roles more than in Cluj, where the frequent changes of the council’s composition resulted in shorter incumbencies.

⁷⁵¹ Fabritius, *Pemfflinger Márk...*, 11.

⁷⁵² Fabritius, *Pemfflinger Márk...*, 10.

2.4.3.2. Being “young” in the council

Given the old men’s decisive influence, what opportunities did the younger generation have to wield power?⁷⁵³ The young council members were elected by the councilors on the mayor’s recommendation to replace deceased or retired *centumpatres*. This was definitely the case in Cluj; there are no data to suggest that it would have happened differently in Sibiu. Thus, the entrance of a new burgher became incidental and depended on circumstances, especially on the family’s influence on the ruling cohort and the mayor. All started in the council of one hundred. The young *centumviri* were introduced separately at the end of the council name lists. Since presumably the list was also a seating order at the tables, the newly elected probably sat at the back of the council room, in a sort of passive observers’ position. The new members of the council were at first assigned minor duties, for example, collecting fines from late-comers.⁷⁵⁴ They were instructed in town government by the older men, who explained to them the privileges, laws, and decision-making process of the town.⁷⁵⁵ How quickly thereafter a new member advanced in position and whether he got into the inner council of the town depended on his individual abilities and his taking advantage of opportunities as they arose.⁷⁵⁶

As has been discussed already, the first step to the town council for most of the *centumviri* in Cluj was holding the office of steward.⁷⁵⁷ In almost every year, one Hungarian and one Saxon young man were elected as stewards. 60 out of the 88 council members between 1556

⁷⁵³ The terms “youth” and “young” in this context are quite arbitrary, since the actual ages are almost impossible to determine. In Hamburg most of the councillors entered the councils about the age of 30, which meant more a mature age than youth. Here, a regulation from 1497 set the lower age limit at 25, Heinrich Reinecke, “Ratswahlalter,” *Hansische Geschichtsblätter* 73 (1955): 158–160. As has been presented in some cases, councillors in Sibiu entered politics similarly at age of 30 or more. Thus, according to the early modern life expectancy the new elected men in Transylvanian towns can be considered more middle aged than young persons. Therefore, young here is synonymous with new.

⁷⁵⁴ TanJkv 1571 I/2, 31.

⁷⁵⁵ TanJkv 1587 I/5, 20.

⁷⁵⁶ Due to the fragmentary survival of the *catalogus centumvirorum*, quantitative research is not possible in this respect.

⁷⁵⁷ The steward was a member of the council, but was not a juror like the other 10 members of the inner council.

and 1600 can be followed from the beginning of their political careers to their entrance into the council – the board of the 12 most honourable men. The investigation shows that 40 of these men, that is, two-thirds of the documented group, were first nominated to the post of the steward and only 20 were elected directly as councilors.⁷⁵⁸ In Sibiu the picture was the opposite. Out of 109 cases, 96 men (88%) were elected as councilors the first time they entered the inner town council, and only one was assigned to the post of steward earlier. Nine started their careers in the town council as scribes, two as royal judges, and one person as mayor.⁷⁵⁹

It is interesting to reflect once again on the fact that in Cluj members of the young generation were trusted with the important office of the steward, who handled all the revenues of the town.⁷⁶⁰ Why should the government of the town entrust this important office to a new council member? One answer is that they were not really new to the town government, since they had already spent some years among the *centumviri*. Besides, once they were nominated as representatives of the town, they were, so to speak, affirmed as persons of decent stock with a known background, so the question of mistrust probably did not come up. This must have been a good test for a young man hoping for a public career and good training in the management of the town. Moreover, such a choice could have been a measure against corruption as well. With a yearly rotation of the stewards, with new men in office, the possibilities for corruption and fraud were reduced. An explanation of why both stewards were from among the newly elected can also be sought in the parity system, which was strictly observed. Town residents wanted equal representation for Hungarians and Saxons on every level of administration, and they did not want any differentiation or deviation among the newly elected. Since Sibiu was the administrative

⁷⁵⁸ Data collected from the TanJkv. I/2 – I/5.

⁷⁵⁹ Ratsprotokoll I–II.

⁷⁶⁰ Ut omnes pecunie ex censu colligende in consulatum inducatur. Et ad manus civium dispensatorum assignentur, ut nullus alter nisi dispensatores cives dispensent. JakabOkl I., 380.

centre for the *Universitas*, the steward there had wider powers than in Cluj, so in that town this office was not entrusted to a younger councilor.

2.4.3.4. Fathers and sons

In the classical terms a generation lasted from fathers to sons. Traditions, possessions and goods, crafts or other professional skills were bestowed alike. Whether political standing were bequeathed within families or not will be discussed below.

In both towns t men in direct blood relation were banned from the town councils. This impeded a bit the direct successions of fathers and sons in local politics. Knowing already the patterns that were functioning among the office-holders in Cluj and Sibiu, it would be logical to infer that the shorter periods of councilorship in Cluj would have resulted in the presence of more sons on the benches of the council, or that the high turn-over and short incumbencies resulted in a faster shift of generations and the great competition and new men swept away the sons' opportunities. The same hypotheses come up related to Sibiu, too, whether the long office-holding periods of the fathers paved the way for their sons' careers in politics or on the contrary kept them away. The investigations, however, show an equal amount of kin participation in politics in both towns, thus quantitatively this question cannot be answered.

Around seventeen families emerge in the Cluj town council (1516-1615) where kin relationships can be detected to a certain degree for sure. This number might have been higher or lower if one takes into consideration the factors that might contribute to errors.

Identifying families and detecting the degrees of kinship among them is hindered by two important things. First, the lack or the scarcity of sources regarding families creates gaps in the investigations that cannot be filled. Secondly the instability in name usage and the bilingualism of the town often create confusion in detecting or distinguishing individuals. Family names

derived from place names or crafts might be misleading. Therefore, names like Szegedi, Radnóti, Csanádi or Szabó, Ötvös, were not included in the statistical analysis since there were no certainties for family ties. Namesakes, however, might occur in less usual cases, too. At first sight there are no factors that would raise any doubt about the kin relations between Johann Bornemissza and Gergely Bornemissza. This family name that originally derived from a sobriquet (no wine-bibber), was an uncommon name and the chances that in a medium sized town two families would have borne this name, is unlikely. Still Johann and Gergely were probably not relatives, since Johann represented the Saxons and Gergely the Hungarian community. Shifts of ethnicity in spite of the Magyarizing phenomenon are not probable.

As can be seen in the table below, more than three generations of the same family were not present in the administration of Cluj. The exception that proves the rule is the Eppel family. The Eppels were present in the town council as early as 1486 (Laurentius Eppel)⁷⁶¹ and kept the political tradition until the mid-seventeenth century (Mihály Eppel). However, one should not necessarily think of a lineage. The constancy and frequency of the family members on the political stage indicates a branch of the family. Hieronim and Peter Eppel must have been collateral and distant relatives when they were simultaneously present in the council in 1557.⁷⁶² The exact relations between the politically active members of this family are almost impossible to settle. The same situation applies to the case of the Lang family. The name, a kind of sobriquet derivation, appears five times in the lists among the councilors, but it is not a hundred per cent sure that they were all connected by ties of blood. They were surely not direct relatives and at least two family branches were living in the town. The rest of the cases (13) generally fit the two generational father-to-son pattern.

⁷⁶¹ JakabOkl I., 273.

⁷⁶² JakabOkl. I., 336.

<i>Family</i>	Kin I		Kin II	
Bácsi	Péter	1574-1589		
	Tamás	1596		
	István	1625		
Barát/Münich	Stephan	1549-1569		
	Peter	1578-1591		
Bek	Lorenz	1516-1520		
	Johann	1603-1617		
Beuchelt	Andreas	1590-1602		
	Johann	1606-1622		
Eppel	Martin	1512		
	Bartus	1520		
	Peter	1557-1571	Hieronim	1556-1558
	Peter	1592-1593	Johann	1570
Filstich	Lorenz	1557-1579	Peter	1602-1619
	Lorenz	1597-1601		
Herceg	Anton	1557-1576		
	Caspar	1579-1594		
Ijgyártó	Benedek	1570-1574		
	Mihály	1589-1590		
	Simon	1597-1599		
Kalmár	András	1516		
	László	1557-1564		
	János	1572-1579		
Lang	Georg	1571-1577		
	Lorenz	1589-1596	Johann	1591-1602
	Martin	1598		
	Tomas	1618-1621		
Man	Martin	1580-1582		
	Johann	1583-1594		
Nyíró	Kálmán	1559-1577		
	János	1619-1622		
Pulacher	Stephan	1576-1599		
	Stephan	1621-1625		
Raw	Emrich	1561		
	Mathias	1599-1620		
Rosas	János	1599-1601		
	István	1625		
Tótházi	Mihály	1592-1603		
	István	1605-1606		
Vicei	Tamás	1520		

	Antal	1557-1571	Gáspár	1576-1594
	Máté	1602-1608		

Fig. 2.33. Kin relations in families from Cluj.

Although the leading elite of Sibiu shows some marks of a patriciate, a more controlled and closed circle of people, still, as in Cluj, there were 17 families with kin relations in the town council, not a great number compared to the total number of councilors.

<i>Family</i>		
Altenberger	Thomas	1470-1491
	Michael	1512-1522
Armbruster	Mathias	1513-1542
	Georg	1550-1552
Bayer	Franz	1548-1562
	Johann	1578-1581, 1593-1600
	Johann	1582-1592
Enyeter	Jakob	1529-1542
	Lucas	1578-1603
Frank	Johann	1539-1548
	Thomas	1568-1578
Han	Lorenz	1500-1506
	Martin	1526-1527
	Michael*	1581-1595
Hecht	Johann*	1508-1521
	Georg	1553-1580
Huet	Georg	1540-1543
	Caspar	1569-1571
	Albert	1578-1608
Knoll	Michael	1522-1536
	Georg	1546-1554
	Thomas	1576-1583
Lulay	Johann	1485-1521
	Johann	1558-1587
Lutsch	Peter	1533-1578
	Gallus	1580-1600
Miles	Georg	1529
	Simon	1559-1576
	Lukas	1571-1579
Omlesher	Johann	1528-1544

	Martin	1596-1597
Proll	Nicolaus	1494-1499
	Christoph	1531-1543
Raw	Blaise (Blasius)	1563-1580
	Mathias	1589-1590
Roth	Johann	1522-1556
	Johann*	1599
Wall	Johann	1500-1509
	Georg	1555-1557

(* - notaries)

Fig.2.34. Kin relations in families from Sibiu.

The most intriguing father-and-son relation in the sense of their political career, was that of Johann Bayer, senior and junior. Bayer, senior, entered the council of Sibiu in 1578. In 1580 and 1581 he was the town steward, but here his career was halted for a while. In 1582, his son, Johann Bayer, junior, entered the council. The next year he was elected as *iudex sedis* for three years, and then, in 1586, he became mayor of the town, holding this office until his death in 1592. The following year his father became a councilor again and continued the career that had stalled when his son joined the town government. This is one of the exceptional cases when a father made room for the political ambitions of his son, who actually proved to be more successful than himself.⁷⁶³ Bayer senior himself inherited an interest in politics from his father, Franz Bayer, who was active for 15 years in the town council, rising to the position of the seat judge (1559-1560).

No doubt paternal support usually played a major role in the life course of the offspring. Albert Huet, a prominent figure at the end of the sixteenth century, might have had multiple public career examples from close or distant relatives alike. His father, Georg Huet, was the royal judge of the town between 1540 and 1543. Caspar Huet, presumably his brother, entered

⁷⁶³ Direct blood relationships among the councillors were prohibited, see Müller, *Stühle und Distrikte*, 78.

the council in 1569, but death came too early for him, and his adventure in politics ended two years later. Impressive careers on his collateral relatives' side might also have influenced Albert's decision to enter politics. His uncle was Mathias Armbruster, one of the best-known and most influential figures of the mid-century, who himself followed a family tradition when he entered politics. His father, Michel Armbruster, was the mayor of the town in 1513, while Mathias's son, Georg, entered politics in 1550 and served the town until 1552 when he died in Vienna.⁷⁶⁴ Although at first sight the access of the heirs to public office with the help of family prestige might not imply any peculiarity, still the Huets and the Armbrusters represented atypical cases from one point of view. Usually every "council-family" had a "peak" member whose career was hard to copy and the following generation(s) did not manage to grasp so much power (e.g., Lulay, Altenberger, Wall, Raw, Proll). Exceptions from the rule are Mathias Armbruster and Albert Huet, who not only equalled their fathers' success but topped them.

Similarly to Cluj, three generations in politics were rather exceptions than a habitual phenomenon in Sibiu, too. After two generations, the urban families often left the town or directed their attentions towards other ambitions, either in professional fields or social status. As asserted in the chapter dealing with town clerks, there was a pattern in urban societies in training the heirs in crafts and humanities, thus there was usually an opportunity for the second-born boy of the family to achieve success in notarial, crafts or clerical life. In other cases, especially when the family had gathered important assets and fortune, the lure of noble status made them aspire to assimilate into the nobility (e.g., the Hallers).

To conclude, it is hazardous to suggest a pattern that would fit every elite family in the two Transylvanian towns, but certain tendencies, patterns in a wider sense, can be traced. The success of the second generation was surely built on the ability of the first, while the third

⁷⁶⁴ Flóra, "Nobilis vagy cliens," 81.

generation seems to have had different ambitions, oriented either towards intellectual life or towards the nobility.

Pierre Bourdieu has shown that the individual's place in a society depends on a combination of social, cultural, and economic capital.⁷⁶⁵ For the young generations aspiring to a public career, their social networks appear to have been the most important factor. But a solid economic or cultural background could also be converted into social capital. A successful young merchant, artisan, or craftsman who was ambitious enough could enter the urban elite through a good marriage. A literate man could rise to town leadership through his knowledge and education and by earning communal respect. Once having entered the councils, young men became part of a fine mechanism perpetuating tradition and common values. After a few years, they no longer had to work on their own careers, instead becoming promoters of others, trying to convey to the next generation what was once conveyed to them. Prior to any forms of capital, however, their origin had to be from decent stock.

2.5. *The character of the town elite. Was it a patriciate?*

Certain historical terms tend to enjoy widespread use from time to time, while others, perhaps simply because they sound good, come to occupy a permanent position in the historian's vocabulary regardless of time and place. *Patrician* is one such key concept in Central and Eastern European urban history. However, to what extent is such a technical term of ancient origins appropriate in the discussion of several centuries of the history of a town? Given that the term *patriciate* has been used in the history of Cluj and Sibiu from the late medieval period through the Reformation via belles lettres came to be used well into the twentieth century, the

⁷⁶⁵ Pierre Bourdieu, *Distinction: A Social Critique of the Judgement of Taste*, tr. Richard Nice, (London: Routledge, 1986), 243; Helmut K. Anheier, Jürgen Gerhards, and Frank P. Romo, "Forms of Capital and Social Structure in Cultural Fields: Examining Bourdieu's Social Topography", *American Journal of Sociology* 100 (1995): 862.

question inevitably arises as to whether one is dealing with a metamorphosis between concept and meaning or whether the very phrase itself should simply be considered an anachronism. Or is it reasonable to assert that while the term fulfills a qualitative adjectival function, it cannot be used in a standard sense?

Although Henry Pirenne (1862-1935) believed that this concept, which denoted the highest caste of medieval societies, was somewhat misleading, he nonetheless often made use of it.⁷⁶⁶ Many scholars have tended to share this point of view. Ingrid Bátori considers the use of the term erroneous for periods earlier than the seventeenth century, but she is compelled to admit that particular *patrician* societies existed earlier.⁷⁶⁷ Previously the term was used to denote social groups that had gained their wealth from commerce and financial dealings.⁷⁶⁸ András Kubinyi, in his early works, used *patrician* an “umbrella term” referring to the urban leading groups,⁷⁶⁹ later, though, he revised his views, and banned this formula, rather preferring the leading elite definition.⁷⁷⁰ Consequently, there is no commonly accepted definition, as the respective characterization varies from scholar to scholar. Thus, it would be rather difficult to arrive at a general definition of how the members of the late medieval and early modern urban elite could be considered belonging to a *patriciate*. Moreover, there is no clear, overarching consensus on the definition of the elite itself.⁷⁷¹

⁷⁶⁶ Henri Pirenne, *Belgian Democracy: Its Early History* (Kitchener: Batoche Books, 2004), 58, 109.

⁷⁶⁷ Bátori, “Das Patriziat der deutschen Stadt.”, 1-30.

⁷⁶⁸ Edith Ennen, *Die europäische Stadt des Mittelalter* (Göttingen: Vandenhoeck & Ruprecht, 1972), 168–169.

⁷⁶⁹ Kubinyi, “Budai és pesti polgárok családi összeköttetései a Jagelló-korban”; Idem, “A budai német patriciátus társadalmi helyzete...”.

⁷⁷⁰ András Kubinyi, “Buda és Pest szerepe a távolsági kereskedelemben a 15–16. század fordulóján” [The role of Buda and Pest in the long distance trade at the turn of the fifteenth century] *Történelmi Szemle* 1-2 (1994): 1-52; Idem, “Die Zusammensetzung des städtischen Rates im mittelalterlichen Königreich Ungarn”, in Idem, *König und Volk im spätmittelalterlichen Ungarn. Städteentwicklung, Alltagsleben und Regierung im mittelalterlichen Königreich Ungarn. Studien zur Geschichte Ungarns*, vol. 1 (Herne: Verlag Tibor Schäfer, 1998), 103–123.

⁷⁷¹ Károly Takács, *Az elit szociológiai fogalmáról* [The Sociological Concept of the Elite] <http://www.mtapit.hu/mszt/19981/takacs.htm>.

In addition to offering an overview of the most important attempts to define the notion of *patrician*, this dissertation makes use of various “indicators” of the patriciate in order to present a structural examination of the political elite of Cluj and Sibiu in the sixteenth century. The basic premise according to which historians consistently denote the more influential families of Cluj or Sibiu with this term raises the following questions: Is the use of the term justified, and if so, what could it have meant to be a patrician in the early modern period? Furthermore, can one really talk about a bona fide patriciate, or is the focus only on a few influential patrician families? Since these two concepts are not identical, would it not be more reasonable to use the term political elite in this context? Is this the development of a power elite spanning generations or is the rise of the patriciate the result of traditional social stratification? Were individual careers determined by financial status or social prestige? Moreover, do contemporary historical sources use this term? These are some of the questions the present passage endeavors to answer based on the already discussed research findings and further primary data.

A patrician family is defined by three main characteristics. The first indispensable condition stipulates that the members of the family must be eligible to serve as councilmen (in other words they must be “ratsfähig”) or meet the general requirements of fulfilling tasks of public administration in the town.⁷⁷² In practice this meant that at least four male members of the family would have served as councilmen over the course of several generations.⁷⁷³ There were numerous other preconditions for holding positions in municipal government, including the obtaining of the status of a citizen of the town.

⁷⁷² Bátori, “Das Patriziat”, 3.

⁷⁷³ Bátori, “Das Patriziat”, 3.

Urban councils always established the conditions for the acquisition of civic rights in accordance with the respective local context.⁷⁷⁴ The three main stipulations included house-ownership, no arrears in taxation, and an unblemished genealogical line. The system of legacy, in other words a restriction on property purchases, was a mechanism by which the town limited the access of new arrivals to the town to civic rights. Consequently, while in theory participation in municipal administration depended on the assumption of civic status, in reality there were other requirements that had to be met, as it has been already presented.

An additional prerequisite of candidacy and a controversial feature of *patrician* government itself was social prestige backed by financial status.⁷⁷⁵ The Buda town law, which provided the normative system for the municipal government of Cluj in the early modern period, explicitly stipulated that poor people were not suitable for municipal government.⁷⁷⁶ However, the exclusion of the economically disadvantaged from town administration rested on financial considerations, as the public functions fulfilled on a *de jure* volunteer basis required a safe financial background to compensate for the lack (or minimal amount) of remunerations provided for municipal service.⁷⁷⁷ While no payment was given to members of the town council, they were continuously on duty.

There is no normative source in Sibiu that would stipulate the presence of well-to-do people in local politics, but the prosopographical inquiries on the political incumbents proved the phrase formulated in the Buda town law. Moreover, the leading elite in Sibiu accumulated more economic capital than their fellows in Cluj. From this aspect, the sixteenth-century elite of Sibiu might have been more entitled to the term *patrician* than the leaders in Cluj.

⁷⁷⁴ Detailed description on this matter see in chapter 2.1.; Isenmann, *Die deutsche Stadt*, 76–77, 93–102.; Szende Katalin, “Polgárnak lenni.”, 86.

⁷⁷⁵ Bátori, “Das Patriziat”, 3.

⁷⁷⁶ “ein armerr, wen er ist ein durfftiger.” Mollay, *Das Ofner Stadtrecht*, 66.

⁷⁷⁷ Nicholas, *The Later Medieval City*, 123.

The members of the council were dedicated but not professional politicians, and with the exception of the town chancery, municipal officials exercised power as a privilege instead of an occupation.⁷⁷⁸ The urban political scene in sixteenth-century Cluj, as has already been asserted⁷⁷⁹, was dominated by two groups of artisans: goldsmiths and tailors, and to a lesser extent the furriers, too, while in Sibiu merchants had the greatest influence, followed by the tailors, furriers, and goldsmiths. Economic and geographic conditions provide explanations for the significant role of goldsmiths and tailors. The proximity of precious metal mines and the increasing demand for luxury items that accompanied the emergence of the middle class created business opportunities for the goldsmiths and tailors respectively. The role they played in public administration further contributed to an increase in the social prestige of these trades.

Although both towns had professional cliques, there is no evidence that any group would have grasped enough power to squeeze out other crafts. Although the disturbances in 1556 in Sibiu were seen in certain contexts as a rebellion of the craftsmen against the merchants, this was more of an over-interpretation of Marxist class struggle theories.

The marriage customs of the influential families were also an issue of social prestige. Endogamy, or the restriction of connubial relations to a closed group, is another important feature of the patrician class.⁷⁸⁰ However, this is the hardest to trace, as municipal records from the early modern period provide scant information. There are some exceptions, however, and case studies reveal the outlines of certain marriage strategies, although they do not permit any broader generalizations.

⁷⁷⁸ Max Weber, *Politik als Beruf*, (Munich: Duncker & Humblot, 1919), 23. Max Weber considers the interpreters of the law (Juristengeist) professional politicians from the sixteenth century until the French Revolution.

⁷⁷⁹ See chapter 2.4.1.

⁷⁸⁰ Bátori, "Das Patriziat", 13.

The matrimonial strategies adopted in Cluj and Sibiu varied mainly according to the economic interest or goals in social mobility of the given family. The more prestigious a family was the more chances they had on the matrimonial market even outside the town. In Sibiu, arranged marriages outside the town were relatively more frequent, is on one hand because the social status of the Saxon leaders was similar to the nobles, thus marriages with nobles were not unthinkable, and on the other hand, the more active mercantile elite of the town sought capital increase and new markets. Thus, economic considerations here were much more prevalent than in Cluj.

In Cluj, marriages within the elite professions of the town were an issue that might also have had political significance. Strategic marriages provided a way to circumvent the prohibition of close kin relationships within the council. At the same time, through the integration of new ambitious individuals into a family, wealthy burghers could preserve their influence and power for subsequent generations.

Council membership spanning generations can be perceived as a criterion of a patriciate. This network of relationships, however, was not the product of strictly endogamous arrangements, but rested rather on economic status and shared interests. Thus, the marriage patterns in both towns, though they bear the signs of patrician network-building features, still cannot be classified as marriages in closed circles. New, ambitious, and economically powerful citizens could enter old prestigious families.

The cultural orientation of the leading groups raises one of the crucial questions of the present inquiry, namely, how did the elite refer to itself in the early modern period? The early modern term patriciate comes from humanist thinkers and legal scholars;⁷⁸¹ contemporary

⁷⁸¹ *Lexikon des Mittelalters*, CD-ROM (Stuttgart: J. B. Metzler, 2000) "Patriziat" entry.

sources used the terms *prudens* and *circumspectus* to denote the municipal elite, but also *patricius*, however surprising this may seem, although it does not occur often.

In Cluj so far two *patrician* appellations have been discerned, are invariably associated with the term *nobilis* and used exclusively with the names of the city notaries.⁷⁸² In Sibiu, no such label has been seen in the sources, although there many urban leaders also had the noble title. Thus, whether the association of the two terms in Cluj had any significance or it was just coincidence remains unclear. There are no unequivocal explanations, and indeed the question becomes increasingly complicated. Is this an adjective for the remnants of the old urban estate, or a reflection of humanist rhetoric? Or does it denote a privileged social category? Furthermore, Caspar Heltai, who was appointed successor to the patrician notary Michael Literatus, is not given the same title or referred to by the same adjective.⁷⁸³ While this definitely does not imply the appearance of town notaries as a separate social group, it is nonetheless noteworthy that the term itself came into (albeit limited) use at the end of the sixteenth and the beginning of the seventeenth century.

In summary, two conclusions can be drawn. First, the precise definition of the term patrician can only be determined on a case by case basis; no general meaning emerges that would be broadly valid. Second, certain criteria had to be fulfilled in order to rank the elite of a town among the privileged category of patricians. While the elite of Cluj and Sibiu in the sixteenth century displayed some features of a patriciate, as a group they did not fulfill the criteria of the use of this term. The privileged families of Cluj or in Sibiu did not constitute a closed system

⁷⁸² nobilis et honestus ... Joannes Jacobinus patricius (1582), nobili circumspecto Michaeli Literato patricio et centumvirali dignitate praedito, TJKv II/1. 1, 2.

⁷⁸³ "Prudenst et circumspectus vir Caspar Helthi." TJKv II/1., 1, 2.

like the burghers of Nürnberg, whose privileges were guaranteed by statute⁷⁸⁴ nor did they wield as much power as the citizens of Breslau or Augsburg.⁷⁸⁵ Their connection with the nobility was not as close as in the Saxon towns and vertical mobility primarily depended on the assumption of central official positions, success in trade, or the acquisition of estates. Marrying into noble families had not yet become a widespread practice. The emergent social distinction of the leading elite was based on financial status, not descent. While examples demonstrate that members of the municipal elite were referred to as patricians, most of them were cautious, vigilant, and highly respected citizens whose prestigious status was guaranteed by their assets. The development of a descent-based urban patriciate was further slowed or even prevented by the unique social realities of Transylvania. The citizens of Cluj, who were protected neither by the union of the three nations (the Saxon nation, the Hungarian nation, and the Szekler nation) nor by the Saxon *universitas*, saw the title of nobility as a means of easing their tax burden. The leaders of Sibiu enjoyed higher status and social rank, yet the more influential families left the town here, too, and integrated into the nobility after two or three generations. Or they turned purely towards mercantile activities. In one sentence, the conclusion of the inquiries on the leading elites in Cluj and Sibiu is that financial status in itself offered no guarantee for advancement to the rank of the patriciate. There was a need for more features that were either not desirable or inaccessible for urban dwellers in the social realities of the Transylvanian Principality. Therefore, the use of the term patrician term to describe urban leaders seems to be inappropriate, instead *leading urban elite* would delineate much better the influential political groups in the early modern Transylvanian towns.

⁷⁸⁴ On the so-called Dance Statute and the municipal patricians see Gerhard Hirschmann, "Das Nürnberger Patriziat," in *Deutsches Patriziat*, 257–276.

⁷⁸⁵ Gerhard Pfeiffer, "Die Entwicklung des Breslauer Patriziats," in *Deutsches Patriziat*, 99–124.

3. *Shaping urban identity*

The role of the urban political elite did not stop at adopting resolutions, watching the safety of the town or punishing lawbreakers. The leading elite was also the main mold of urban identity, consciousness and mentality, the model for other citizens in everyday life. Rituals, public appearances, and symbolic acts were among the channels through which they shaped their community.

3.1. The ritual of council election

The council election⁷⁸⁶ was undoubtedly one of the most important episodes in urban administrative and political life since it not only embodied the privileged status of the free royal town, its independence from any overlord other than royalty, but also provided the image of wide public legitimacy. As Clifford Geertz eloquently formulated it, the ceremony served both as “models of” society and a “model for” society.⁷⁸⁷ Thus, it is not surprising that this important moment became the subject of well-defined rituals and sets of symbols or a “montage plan”⁷⁸⁸ of festive actions. These actions denoted transition, change, and passage – in this case from one council mandate to another in a physical and spiritual place in the town.⁷⁸⁹

Michael Oppitz described the parts of a ritual into four categories; a ritual has to have a topographical dimension, that is, a place in which to perform it. Ritual also demands some acoustic elements, movements, and verbal expression.⁷⁹⁰ In the urban context, the site where

⁷⁸⁶ The issue of council election, the number of seats in the council, etc. were presented in the previous chapters, too, although the present text deals only with the symbolic value of elections and the related rituals.

⁷⁸⁷ *Encyclopedia of Religion and Society*, ed. William H. Swatos, Jr. (Walnut Creek: AltaMira Press, 1998), 205.

⁷⁸⁸ Michael Oppitz, “Montageplan von Ritualen,” in *Rituale heute. Theorien – Kontroversen – Entwürfe*, ed. Corina Caduff and Joanne Pfaff Czarnecka (Berlin: Reimer, 2001), 73-79; Uwe Goppold, *Politische Kommunikation in den Städten der Vormoderne. Zürich und Münster im Vergleich*, (Cologne: Böhlau, 2007), 35.

⁷⁸⁹ For rites of passage see Edward Muir, *Ritual in Early Modern Europe*, (New York: CUP, 1997); Arnold van Gennep, *Übergangsriten (Les rites des passages)*, (Frankfurt/Main: Campus Verlag, 1986), 142.

⁷⁹⁰ Oppitz, “Montageplan”, 83; Goppold, *Politische Kommunikation*, 35.

performed rites of governing were performed, the chime of the bells that marked the beginning of the elections, the processions before and after the voting, and the oaths that were sworn in every urban community fit these categories well.⁷⁹¹

Political rituals, whether on the state level or in a local environment, were built on preexisting models, most of them borrowed from liturgical contexts.⁷⁹² The day and place where the election was held or the various symbolic actions such as the procession of senators, celebration of the mass, the common meal, the text of the vows or simply the number of the councilors, all had a single common root: liturgical or sacramental rites sanctioned by the church. Although one might think that these rituals developed in the earlier stages of urban development when church influence on towns and cities was more powerful, these ceremonies really developed and came to dominate public life with the emergence of civic consciousness and broadening autonomy. The roots of the implementation of church symbols and rites in civic space were, in any case, anchored in the deep faith of medieval and early modern townspeople.

The origins of the rituals and symbols of the town administration in Cluj can be traced back to the privileges of the town and to the regulations of Buda that were the models for council organization after 1486.⁷⁹³ Articles 24 to 64 determine the election process of the council, establishing not only the criteria for the elections, but also the required qualities of the candidates.⁷⁹⁴

⁷⁹¹ Goppold, *Politische Kommunikation*, 35-36. For that see Gerd Althoff, *Die Macht der Rituale. Symbolik und Herrschaft im Mittelalter*, (Darmstadt: Wissenschaftliche Buchgesellschaft, 2003).

⁷⁹² Muir, *Ritual*, 231.

⁷⁹³ Kiss, "Kolozsvár város önkormányzati fejlődése...", 160–171.

⁷⁹⁴ Mollay, *Das Ofner Stadtrecht*.

3.1.1. The election procedure

Every ritual had to have an unequivocal start, a sign, a sound that clearly indicated the importance of the action and called those concerned to participate. In the medieval and early modern urban context the chiming of the bells or the voice of the trumpet called the citizens to participate in the elections of a new council.⁷⁹⁵

Although the town of Cluj hired a trumpeter for certain services⁷⁹⁶, the tolling of the bell called the *centumviri* to the election gathering.⁷⁹⁷ The great bell was tolled for the meeting and for that, as opposed to usual custom, the bell ringer was not paid in cash but in raw foodstuffs.⁷⁹⁸ The *centumviri* were gathered together only after the judge had resigned.⁷⁹⁹

The act of resignation was not a local custom but was part of the Buda town regulations that ultimately had some resemblance to Magdeburg law. This was an act that could be found in most of the Germans towns, too.⁸⁰⁰ It represented the last interaction of the old administration with the town, when the resigning judge, the councilor, and the notary, according to the Buda town regulations, expressed their acknowledgments, first in German and then in Hungarian, and through an appointed spokesman the town expressed the gratitude of the community.⁸⁰¹

During the election ceremonies, objects or regalia with symbolic value, of either a divine or secular character, were used to accentuate the official act of council change. Usually a sword, a stick, or the town keys were used. These were objects that embodied jurisdiction and justice, referring back to the Greco-Roman tradition. The first sword and the stick symbolized power

⁷⁹⁵ Poeck, *Rituale*, 6, 10, 15; Goppold, *Politische Kommunikation*, 35.

⁷⁹⁶ see chapter 1.

⁷⁹⁷ JakabOkl I., 380.

⁷⁹⁸ Szmkv. 3/XIX.7. The usual sum for tolling the big bell at funerals was 3 fr.: one for the ringer, one for the singing pupils, and one for the town.

⁷⁹⁹ dum Dominus Judex officium suum in Cimiterio resignabit, mox Campana pulsetur, et domini Centum Electi congregentur in unum.

⁸⁰⁰ Mollay, *Das Ofner Stadtrecht*, 85.

⁸⁰¹ Mollay, *Das Ofner Stadtrecht*, 85.

based on institutional tradition and the keys represented the autonomy of the town, as well as guardianship and control.⁸⁰² The Buda town regulations mention a white stick or sprig as items used in the ritual, implying at the same time the transfer of power but also the renewal of power and the possibility of change.

The reformed town regulations of Cluj do not mention placing a green sprig or a white stick before the gathered town, but do mention putting a seal before the *centumviri*.⁸⁰³ This may represent a translation of symbols and a simplification of the ceremonial act as well. Instead of keeping the seal in a sealed box guarded by the parish priest,⁸⁰⁴ it was introduced deliberately as part of the ceremony. The seal became the symbol of autonomy for towns.⁸⁰⁵

This shift between an object with divine connotations and great symbolic potential (the sprig), with an object that reflected an important issue of town authority (the seal) clearly denotes the presence of strong civic consciousness not only among the restricted group of the elite, but in the town as a whole. It is clear that this translation of symbols took place together with the advance of urban literacy and the growth of urban chancelleries. This was reflected in the more extensive use of the seal and the higher level of social differentiation among townspeople who used written and sealed documents for their own purposes, whether in economic transactions or in personal matters. In the internal affairs of the town the authenticated seal had the highest credibility.⁸⁰⁶ Thus, this shift in the kind of symbols used in public ceremonies may also reflect a

⁸⁰² These three objects were usually used by the town officials during ceremonies in the towns of the Hungarian Kingdom during medieval and early modern times. See István H. Németh, "Pre-Modern State Urban Policy at a Turning Point in the Kingdom of Hungary: The Elections to the Town Council," in *Urban Election and Decision-Making in Early Modern Europe, 1500-1800*, ed. Rudolf Schlögl (Newcastle: Cambridge Scholars Press, 2009), 283.

⁸⁰³ JakabOkl I., 380.

⁸⁰⁴ Mollay, *Das Ofner Stadtrecht*, 84.

⁸⁰⁵ András Kubinyi, "Buda város pecséthasználatának kialakulása" [The development of the use of seals in Buda], in *Tanulmányok Budapest Múltjából* 14 (Studies from the Past of Budapest) (1961): 118.

⁸⁰⁶ Kubinyi, "Buda város pecséthasználatának kialakulása", 109; Bernát L. Kumorovitz, "Az autentikus pecsét" [The authentic seal], *Turul* 50 (1936): 59.

different perception of signs by a still partially agrarian medieval urban society and a more mercantile early modern population.

The keys to the town gates were probably never used in the ceremonials in Cluj. It was never adopted, not only because it was not customary in Buda, but also because there was parity in the key-holding; when the judge was elected from among the Hungarians, the Saxons kept the keys and vice versa. That made the ritual character of handing over the keys practically senseless.

3.1.2. The symbolic value of open space

Not only was the election date changed in 1537, but also the place. Instead of the town hall, the ritual of council change was transferred to the graveyard of St. Michael's church. Although the decision to hold an open-air ritual in winter, especially in a churchyard, might seem odd at first and unique so far in the medieval and early modern Transylvanian context, it is not so surprising in a broader comparison of European towns.⁸⁰⁷ There may be various explanations for this seemingly peculiar choice.

Certainly there was a need, whether deriving from the community or from some inner conviction of the council, for local politics to be brought out into the open. Thus, the interaction between the town elite and the inhabitants became more visible and tangible bringing a double advantage. The townspeople did not feel excluded from the election process that it was their prerogative to legitimize, but at the same time, the council had the opportunity to manipulate the

⁸⁰⁷ From the mid-fifteenth century in Goslar, the yearly council elections were held in the ossarium in the graveyard of the church. Antje Diener-Staeckling, *Der Himmel über dem Rat. Zur Symbolik der Ratswahl in mitteldeutschen Städten*, (Halle: Mitteldeutscher Verlag, 2008), 67-69. The Old Town Hall in Marburg was built on the site of an ossarium in the graveyard, see Antje Diener-Staeckling, "Orte der Ratswahl – Orte der Macht. Die Räume der Ratswahl in der frühneuzeitlichen Stadt," in *Machträume in der frühneuzeitlichen Stadt*, ed. Christian Hochmuth and Susanne Rau (Constance: UVK, 2006), 160-161.

public with a well-managed ritual. In this way, passive and active election rights were brought together, through a symbolic act.⁸⁰⁸ However, the question remains, why in the graveyard?

Apparently, when and where town leaders decided to stage a communal ceremony that until then had only been partially accessible to the wider public, they chose spaces with symbolic value that reinforced the legitimacy of the council and yet did not interfere with other authorities or generate conflicts. The graveyard around St. Michael's church in Cluj met not only these criteria, but was one of the few open spaces that could be designated for this kind of ritual purpose. It was a space lying between the town hall and the church, between the sacred and profane.

The precise location, area, and borders of the graveyard are impossible to determine, given the present stage of excavations and published archeological works. Probably it was located on the southern side of the church, around the St. James chapel, which was demolished around 1730. Little is known about this chapel, which is mentioned in an indulgence letter issued in Avignon in 1349, and noted in 1397 as being located south of St. Michael's church.⁸⁰⁹ Prior to the Second World War, scholars often referred to it as if it had been an ossuary or lich-house.⁸¹⁰ Its position, the patron saint, and the close analogies with other towns from medieval Hungary support this supposition.⁸¹¹ But even if the chapel had any such functions previously, it changed during late medieval times, as revealed by the historical sources. In sixteenth-century archival

⁸⁰⁸ For the term "passives Wahlrecht" see Eberhard Isenmann, "Ratsliteratur und städtische Ratsordnungen des späten Mittelalters und der frühen Neuzeit. Soziologie des Rates – Amt und Willensbildung – politische Kultur," in *Stadt und Recht im Mittelalter – Le ville et le droit au Moyen Age*, ed. Pierre Monnet and Otto Gerhard Oexle (Göttingen: Vandenhoeck & Rupprecht, 2003), 371.

⁸⁰⁹ JakabOkl I., 105; Jakab, *Kolozsvár története*, vol. 1., 361.

⁸¹⁰ Fidél P. Benedek, *Ferences kolostorok és templomok*, vol. 2. [Franciscan friaries and churches, vol. 2] (Csíkszereda: Pallas-Akadémia, 2008), 267-276; János Esterházy, "A kolozsvári Szent Mihály-Egyház történeti és építészeti leírása" [The historical and architectural description of St. Michael's church in Cluj] *Archeológiai Közlemények* 3 (1863): 57-62.

⁸¹¹ *Magyarország műemléki topográfiája II. Győr-Sopron megye műemlékei (Sopron és környéke műemlékei)*, [The topography of monuments in Hungary, vol. 2: The monuments of Győr-Sopron County, the monuments from Sopron and its surroundings], ed. Dezső Dercsényi (Budapest: Akadémiai Kiadó, 1953), 314-316.

sources it is referred as the “small church” and when the parity system of town governance was expanded to ecclesiastical matters as well (1568), this building was used along with St. Michael’s parish church in a yearly shift by the Saxon and Hungarian communities, respectively.⁸¹²

In the sixteenth century the chapel was used together with St. Michael’s church. Among their other duties, the two church wardens had to administer both places. The inventory from 1588 records the movables that belonged to both St. Michael’s church and St. James’ chapel.⁸¹³ However, there are no specific data that would support the theory that there was a lich-house. Moreover, the *Instructio Campanatoris* reveals that funerals took place in both churches, but say nothing specific about any special attribution of the chapel. Apparently, the use of such graveyard chapels lost importance, since examples show that the chapels which had previously been used as *licchus* were transformed into town archives, council chapels or even into a library, as apparently occurred in Sibiu, where the St. James chapel situated in the graveyard of the parish church hosted the library of the humanist Albert Huet.⁸¹⁴ In Sopron there is likewise no mention of the St. James chapel being used as an *ossarium* after the sixteenth century.⁸¹⁵ Moreover, the Lutheran synod even banned the use of ossuaries in Transylvania in 1607.⁸¹⁶

The presence of this chapel, therefore, was not the reason why the council decided on the graveyard as the stage for their political manifestation, although it might have been used during the ceremony since according to the description of the town from 1734 a pulpit was attached to

⁸¹² Kiss, “Kolozsvár város,” 171; Jakab, *Kolozsvár története* vol. 2., 129-131.

⁸¹³ SzámKv 1588; Elemér Lakó, “Két kolozsvári templom leltára 1585-ből,” [The Inventory of two churches in Cluj in 1585] *Nyelv- és Irodalomtudományi Közlemények* 22, no. 2 (1978): 216-219.

⁸¹⁴ Gustav Gündisch, “Die Bibliothek des Sachsengrafen Albert Huet (1537-1607),” *Korrespondenzblatt des Arbeitskreises für Siebenbürgische Landeskunde* 4 (1974): 32-52.

⁸¹⁵ *Magyarország műemléki topográfiája*, vol.2, 314.

⁸¹⁶ Edit Szegedi, “Moartea, disciplina ecleziastică și socială în mediile protestante din Transilvania (sec. XVI-XVIII),” [Death, ecclesiastical and social discipline in the Transylvanian protestant context, sixteenth to eighteenth centuries] in *Reprezentări ale morții în Transilvania secolelor XVI-XX* [Representations of death in Transylvania in the 16-20th centuries], ed. Mihaela Grancea (Cluj-Napoca: Casa Cărții de știință, 2005), 75.

the wall outside the small church.⁸¹⁷ The pulpit could have been used for holding mass or for the sermons held during the ceremony.

Why was the ceremony not held in the church, especially given that it was wintertime? Open-air council elections in themselves were not rare occurrences in European urban centers. In cases where the election ceremony was held before the public, a conflation of symbols and symbolism may be observed. The southern part of the town or church was a symbol of Jerusalem. The depictions or sculptures of Christ and his apostles or other symbols that by their passive involvement in the ceremony put emphasis on the divine vocation of the council were also incorporated.⁸¹⁸ In Cluj, however, none of these reasons provide a solid explanation. It may be more reasonable to consider that in 1537, when the new regulation was adopted, the parish church was used by the Saxon community.⁸¹⁹ Thus, the Hungarian councilors might have been opposed to an oath-taking in a space that they did not use or was not accessible to the Hungarian citizens. The council would not have benefited from a possible conflict under any circumstances and it would have damaged the image of total concord. Therefore, the place between the two churches probably represented neutral ground, a good intermediate space for public legitimacy.

Unfortunately, the new town *regula* does not tell the reasons why the cemetery became the central stage for the ceremony. Plausibly, it was the best place for a *memento mori* to the councilors, who must never forget that breaking laws, lax morals, corruption or even a deceitful pledge might have not only earthly consequences but bring divine judgment, too. Furthermore, a council election ceremony performed in front of the whole town, both living and dead, in a place with a certain sacred character, conferred a triple legitimacy on the council⁸²⁰ and ensured

⁸¹⁷ *Kolozsvár leírása 1734-ből* [Description of Cluj from 1734], ed. Pál Páter (Kolozsvár: Minerva, 1944).

⁸¹⁸ Diener-Staeckling, "Orte der Ratswahl," 156.

⁸¹⁹ Parity in the use of the church was adopted only in 1568.

⁸²⁰ Diener-Staeckling, "Orte der Ratswahl," 166.

continuity of traditions and respect for civic and spiritual values. Citizens of any kind, women and men, Hungarians and Saxons, maids and widows, poor and rich were buried in the church yard where the council solemnly took its oath on the Bible to keep justice and order with no discrimination.

Remembering aldermen from previous times may also be listed among the possible explanations for the choice of this location, especially since references to elder councilors and their achievements were part of the political discourse. In this case, however, this aspect is not likely, since even at the end of the sixteenth century the town elite continued using the churches, but not the church yard, as places of burial.⁸²¹

The most plausible explanation is, however, that the town had returned to a medieval tradition. In 1486, the charter of King Matthias, through which the town regulations of Buda were adopted in Cluj, refers to a conflict, moreover to *rumores clamoresque* among the citizens during the public elections. The *consistorium*, or the town hall, appears here for the first time as the place where in the future the election had to take place.⁸²² It seems that the *in cimiterio* expression in the renewed town regulation of 1537 did not explicitly point to the cemetery as the place of election rituals, but referred to the church yard as the place connected to local traditions in electing the leaders of the community.⁸²³ The charter of Matthias, however, changed this tradition by directing the public ceremony to be held in a closed place for more security. This may answer the question: Why in the graveyard? Besides the hard to define symbolic values, it was the only central open space that was fenced and afforded protection for the gathering.

⁸²¹ András Kiss, "A Házsongárdi temető," [The Házsongárd Cemetery], in idem, *Források és értelmezések* [Sources and interpretations] (Cluj: Kriterion, 1990), 117.

⁸²² JakabÓkl I, 275

⁸²³ In this case, the Upper Hungarian towns provide a good comparison since they also maintained the tradition of resigning from office in the churchyard. See Németh, "Pre-Modern State Urban Policy", 282.

3.1.3. The oath and the procession

The full ceremony of the council election did not end with the oath-taking ritual in the cemetery, but continued on the streets of the town. According to the Buda town law, the last festive act of passage from the old council to the newly elected one was enacted by presenting the judge and the council to the town dwellers in a procession. According to this regulation, the new council had to be presented to the town on the first Friday following the election day and it was suggested that the townspeople greet them in a way they merited.⁸²⁴ The procession ended in a common meal of the councilors at the new judge's house. This ritual was adopted in Cluj as well and remained a custom until the end of the sixteenth century, when the *centumviri* abolished it with reference to the great expense involved in this ritual that could not be afforded in times of serious need.⁸²⁵

The ecclesiastical roots of such processions are undeniable. The important feasts of the calendar were marked by processions. Transferred into a secular context, the procession became part of the institutionalization of a political order.⁸²⁶ Nonetheless, the common meal, besides being a good opportunity for rejoicing, symbolized the consensus of the councilors.⁸²⁷ The economic argument for the obliteration of this custom in 1592 seems reasonable, as a common meal for 100 people must have been a huge financial burden for the newly elected judge or for the town, since there is no clear evidence whether the feast was entirely financed by the judge or paid from town revenues.⁸²⁸

⁸²⁴ Von des Richters erzaigung dem statfolk." Mollay, *Das Ofner Stadtrecht*, 82.

⁸²⁵ TanJkv 1592.

⁸²⁶ Ruth Schilling, "The Magistrates' Procession and Political Order in Venice and Lübeck," in *Urban Election and Decision-making in Early Modern Europe, 1500-1800*, 89.

⁸²⁷ Poeck, "Zahl, Tag und Stuhl," 399.

⁸²⁸ In the Upper Hungarian town the "Richters Mahlzeit" was financed by the town. See Kálmán Demkó, *A felső-magyarországi városok életéről a XV-XVII. században* [Life in Upper-Hungarian towns in the fifteenth to seventeenth century] (Budapest: Magyar Tudományos Akadémia, 1890), 199.

Besides financial reasons, however, two phenomena must be considered in order to find the explanations behind the facts. First, the influence of Reformation thought, and especially the dispersion of the radical Reform (in Transylvania mainly Calvinism and anti-Trinitarianism), influenced the perception of rituals.⁸²⁹ Persistent appeals to morality and modesty, and imposed social control were important principles of the Reformation, all contradicting the ceremonial actions that provided opportunities for self-display. Both the procession and the common meal were occasions that could create emulation and animosity among the citizens of the town.⁸³⁰ However, the suppression of this tradition was also facilitated by a drift away from the original roots of such pageants, religious processions.⁸³¹

Since there are only circumstantial data concerning the existence of such processions in Cluj, one can only speculate about the course of this ritual. Logically, it did not simply mean escorting the new judge to his house, but it must have included an itinerary through the town. Nonetheless, it was probably not a silent walk through the town. There must have been acoustic elements to mark the approach of the pageant. Singing or trumpeting usually provided the accompanying tunes for the procession.⁸³² In Sibiu the elected mayor was escorted from the town hall to his house along with drummers and trumpeters.

Moreover, there must have been a well-established order and hierarchy for the march. Thus, this very last public moment in the council election became the most important self-

⁸²⁹ Muir, *Ritual*, 32.

⁸³⁰ On the importance of social control see Robert W. Scribner, "Social Control and the Possibility of an Urban Reformation," in *Popular Culture and Popular Movements in Reformation Germany*, ed. Robert W. Scribner (London: Hambledon Press, 1987), 177.

⁸³¹ In 1624, the town council of Protestant Bremen abolished the council procession because it was considered far too Catholic for a protestant town, see Schilling, "The Magistrates," 71.

⁸³² The Pentecostal song *Veni sancte spiritus* was sung in the upper Hungarian towns, see H. Németh, "Pre-Modern State Urban Policy", 282.

representational instrument for the town elite. They had to demonstrate visibly concord and conflict-free elections as well as both their profane and divine legitimacy.⁸³³

3.1.4. The date of the election

In 1537, the *centumviri* of the town of Cluj adopted a new town statute aiming to prevent disorder, conflict, animosity, or competition. It is hard to tell if the introductory sentence refers to an existing conflict among the elite of the town or whether it just reflects the most common principle of town governance, the pursuit of absolute concord. Previously, the town of Cluj followed the articles of Buda as ordered by King Matthias in 1486. In 1513, the town adopted some new articles, but it did not change the mode of election.⁸³⁴ Nonetheless, there were been changes, or rather adjustments, to local conditions and needs. The changes adopted in 1537 do not reformulate the existing statutes exhaustively, but improve the Buda town statutes in certain directions even though the Buda regulations had not been implemented *ad litteram*.⁸³⁵ The Buda statutes, for example, assigned the date of the council elections to the day of Saint George,⁸³⁶ while, according to the introductory part of the newly adopted town regulations, the elections in Cluj were held on New Year's Day.⁸³⁷ Apparently, the town retained the initial set order of the council election from the privilege of 1405.⁸³⁸ In 1537, this date was changed.

It seems logical that after a while developments in urban life made it necessary to reform or expand the internal rules of the council or adjust them to local needs. Whatever the reason that lay behind it, the new statute not only contained new regulations regarding taxes, punitive justice

⁸³³ Schilling, "The magistrates", 86.

⁸³⁴ Fasc A. nr.8. DF 280963.

⁸³⁵ ...condicionem et Statum huius Ciuitatis nostre in melius reformare intendentes. JakabOkl I, 380.

⁸³⁶ Mollay, *Das Ofner Stadtrecht*, 70.

⁸³⁷ JakabOkl I, 379.

⁸³⁸ Die Dominica post diem Strennarum seu Circumcisionis Domini primitus occurrente, de ipsorum medio, Duodecim Ciues Juratos, annis singulis, et tandem ydem Jurati cum Senioribus et Hominibus possessionatis ipsius Ciuitatis Idoneis tamen et ad Id aptis, Judicem eligendi. JakabOkl I., 124.

and other everyday matters of the town, but it also touched upon the council election rites. In 1537 the inhabitants represented through the outer council changed the dates of the election from the eighth day after *Natalis Domini*, i.e. the Circumcision, to the feast of Saint Stephen's day on 26 December.⁸³⁹ Why this change seemed so very important in 1537 is unknown. They may have simply been following the example of other towns in the region. The elections in Sibiu also took place during the Christmas feast, as it is testified in the protocols from 1498. Apparently, sooner or later, the important urban centers in Transylvania adopted this date for the change in council seats.⁸⁴⁰ In Southern Germany, for example, neighboring towns or the ones that lying within a reasonably close distance had some kind of influence on the choice of the day elections were to be held on.⁸⁴¹

There might have been practical reasons behind these choices as well. One such reason may have been the fact that the town gates were closed during feasts. Thus, it was reasonable to hold elections on a feast day so that no special curfew had to be introduced in town on the day of the election to secure undisturbed voting. In addition, the first day of Christmas was and is one of the most important feasts in the Christian calendar. That in itself may have created a solemn framework for such an important public ceremony, not to mention the expanded opportunities for meals in the holiday time. Although these are only speculations, it is still worth emphasizing that generally Christmas day was not a specific election day in Europe, not even in the Hungarian Kingdom. The most popular election days in Hungary fell at the end of the year or the beginning

⁸³⁹ JakabOkl I, 380.

⁸⁴⁰ Georg Müller, *Stühle und Distrikte.*, 34. Müller argues, not very convincingly, that the Christmas feast as the election period gave the mayor the opportunity to return from his journey. He probably refers of the congregation of the Saxon universitas on St Catherine's day. Mediaș also elected the new council on Christmas day in the seventeenth century.

⁸⁴¹ Dietrich W. Poeck, *Rituale der Ratswahl. Zeichen und Zeremoniell der Ratssetzung in Europa*, (Cologne: Böhlau, 2003), 64.

of the New Year.⁸⁴² Most European cities chose the day of their patron saints or of the most important saints (e.g., St. Andrew, St. George), New Year's Day, i.e., the feast of the Circumcision of Christ, or Pentecost.⁸⁴³

3.1.5. The symbolic value of twelve councilors

Medieval and early modern town councils were not only administrative bodies entrusted with everyday duties, but were institutions that assumed a profound divine calling. They were institutional bodies with both sacred and profane legitimacy.

The holy vocation of the council is clearly symbolized by their numbers. No doubt the twelve senators and the judge or mayor made reference to Christ and the apostles, although one can also find mythological aspects such as the *Dei Consentes* of the Greco-Roman tradition or historical cases such as the 12 tribes of the ancient Jews. The number twelve (or its double) was the most common number of councilors' seats in European towns.⁸⁴⁴ Dietrich Poeck posed the question of whether this number may even have been a reference to the ideal city, the heavenly Jerusalem.⁸⁴⁵ Twelve appears as a symbolic number in the *Book of the Revelations* when John describes the heavenly city of the New Jerusalem.⁸⁴⁶ Conscious construction of an image of

⁸⁴² István H. Németh, "Városi tisztújítások a királyi Magyarországon a 16–17. században" [Urban council elections in the Kingdom of Hungary in the sixteenth and seventeenth centuries], *Arrabona* 45, no. 2 (2007): 59.

⁸⁴³ Poeck, *Rituale*, 67-151.

⁸⁴⁴ Dietrich W. Poeck, "Zahl, Tag und Stuhl. Zur Semiotik der Ratswahl," *Frühmittelalterliche Studien* 33 (1999): 413.

⁸⁴⁵ "Wird mit dem Zwölfgremium ein Hinweis auf eine vorbildliche Stadt gegeben?" Poeck, "Zahl, Tag und Stuhl," 413.

⁸⁴⁶ "It had a great, high wall, with twelve gates, and at the gates twelve angels, and on the gates the names of the twelve tribes of the sons of Israel were inscribed; on the east three gates, on the north three gates, on the south three gates, and on the west three gates. And the wall of the city had twelve foundations, and on them the twelve names of the twelve apostles of the Lamb. And he who talked to me had a measuring rod of gold to measure the city and its gates and walls. The city lies foursquare, its length the same as its breadth; and he measured the city with his rod, twelve thousand stadia; its length and breadth and height are equal. ... The foundations of the wall of the city were adorned with every jewel; the first was jasper, the second sapphire, the third agate, the fourth emerald, the fifth onyx, the sixth carnelian, the seventh chrysolite, the eighth beryl, the ninth topaz, the tenth chrysoprase, the eleventh jacinth, the twelfth amethyst. And the twelve gates were twelve pearls, each of the gates made of a single pearl, and the street of the city was pure gold, transparent as glass" (Revelations 14: 12-21).

Jerusalem may be detected in some cases in Western Europe. It may have even been expressed by the participants and the notion increased in popularity with the Reformation when studying the Bible became an everyday custom among literate people.

The election of twelve councilors was granted in the privilege of Sigismund in 1405, when Cluj became a free royal town.⁸⁴⁷ Later, when the parity system was introduced, the number was not changed, only divided equally among Hungarians and Saxons.

Even if the source materials are scattered and pieces of information on the council elections in the town of Cluj appear almost incidental, it is clear that these events were full of symbols, rituals, and signs that were meant to stress the relations between the town and its officials as well as between the officials and God. The day of the yearly council elections was the only public secular feast day in the town, when the sacred and profane space of the town was used for interaction and to form a duality and shift in meanings. Occurrences that had belonged exclusively to ecclesiastical space (e.g., the procession through the town, the burial place, and the songs) became scenes in a profane, earthly ritual, while profane realities (e.g., the number of the councilors, the oath, the bells) entered the sphere of the sacred.

3.2. The town hall⁸⁴⁸

The display of authority at an individual, community or state level has always followed well-defined, observable canons regardless of whether the source was customary law or diplomatic protocol. A study of the symbolic spaces of early modern communities, despite the sparseness of written sources, can elucidate the ideals, principles, virtues and beliefs through which the municipal leadership attempted to demonstrate its power, legitimacy, and strength.

⁸⁴⁷ JakabOkl I.

⁸⁴⁸ The following subchapter is mainly based on an article published earlier. 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. 1-2 (2012): 3-21.

The town hall, the local government's most important building, served at the same time as the central building of the community, the venue for council meetings, and a symbol of the town's privileges and autonomy.⁸⁴⁹ This symbol occupied a central position in senses that went beyond the spatial structure of the town. Vitruvius had written about this;⁸⁵⁰ indeed, it was the influence of the re-discoverers of antiquity, the sixteenth-century humanists, which led to town halls being re-interpreted at this time. There followed a rash of town hall construction and renovation throughout Europe in the second half of the century.⁸⁵¹ There could clearly also have been other, much more pragmatic, causes behind the town hall constructions, such as the rise of an urban bureaucracy and the broadening of civic rights. Substantial undertakings in this period took place in Transylvania. In 1545, the council of Sibiu decided to purchase a house formerly belonging to Thomas Altenberger and convert it into a town hall.⁸⁵² Major work was also carried out on the town hall of Braşov in the sixteenth century.⁸⁵³ Little is known of the early modern form of Cluj's principal public building, but some information on its decoration is among the meager sources.

Given the prosperity of the town in the sixteenth century, it is reasonable to assume that the town hall on Cluj's main square was an imposing building designed to present the public face of the municipal elite. This chapter seeks to determine how the new morality accompanying the Reformation was displayed in municipal leadership and how the municipal elite projected its

⁸⁴⁹ Stephan Albrecht, "Das Rathaus – Ein bürgerliches Baukunstwerk", in *Rathäuser im Spätmittelalter und in der Frühen Neuzeit. VI. Symposion des Weserrenaissance-Museums Schloss Brake in Zusammenarbeit mit der Stadt Höxter vom 17. bis zum 20. November 1994 in Höxter*, ed. Vera Lüpkes and Heiner Borggreffe (Marburg: Jonas Verlag, 1997), 23.

⁸⁵⁰ Vitruvius, *Tíz könyv az építészetéről*, [Ten books on architecture], Hungarian trans. Dénes Gulyás (Budapest: Képzőművészeti Kiadó, 1988).

⁸⁵¹ Robert Tittler, *Architecture and Power. The Town Hall and the English Urban Community, c.1550-1640*, (Oxford: Oxford University Press, 1991), 14.

⁸⁵² The council paid 1922 Rhine florins and 64 denars to the last owner of the Altenberger house, Markus Pempflinger. *Konsularrechnungen Bd. 3. 175. Magistratul oraşului Sibiu (The Collection of the Town Magistrate)*. RNA, Sibiu County Archive; Petre Beşliu Munteanu, *Primăria veche din Sibiu. Casa, oamenii, muzeul* [The Old Town Hall in Sibiu. The House, the People, the Museum], (Sibiu: Biblioteca Bruckenthal, 2006), 58.

⁸⁵³ See Gernot Nussbächer, *Das Kronstädter Rathaus* (Brasov: Aldus, 1996), 1–26.

own image in the exterior and interior spaces of the town hall. Furthermore, from the few surviving sources, I will try to work out who could have been responsible for creating the public display of which the inscriptions were a part.



Fig.3.1. The old town hall, built by Anton Kagerbauer between 1843-1845. Photo by Melinda Mihály.

The town hall, reminiscent of an Italian palazzo, on the southeast corner of Cluj’s main square was built between 1843 and 1845 to plans by municipal master builder Anton Kagerbauer; little is known of its predecessors.⁸⁵⁴

⁸⁵⁴ On the old town hall and its construction under Kagerbauer, see Jenő Pataki, “*A régi tanácsház és főbírók*” [The Old Town Hall and the Judges] *Kolozsvári Szemle* 4 (1943): 276–85; Margit B. Nagy, “Kagerbauer Antal és a romantika építészete Erdélyben,” [Antal Kagerbauer and Romantic Architecture in Transylvania] in Margit B. Nagy, *Stílusok, művek, mesterek. Művészettörténeti tanulmányok* [Styles, Artifacts, Masters. Studies in Art History] (Bucharest: Kriterion, 1977), 69–93; Jolán Balogh, *Kolozsvár műemlékei* [The Monuments of Kolozsvár] (Budapest: Kolozsvári református Kollégium Öregdiákjainak Egyesülete, 1935), 10; Elek Jakab, *Kolozsvár története*, vol. 2, 709–713; vol. 3. (Budapest: Egyetemi Nyomda, 1888), 566–67, 925–39; László Debreczeni, “Az 1953. évi kolozsvári műemlék-összeírás építéstörténeti eredményei,” [Architectural History Study based on the 1953 Cadastral Survey of *Monuments in Kolozsvár*], in *Emlékkönyv Kelemen Lajos születésének nyolcvanadik évfordulójára* [Festschrift for the 80th Birthday of Lajos Kelemen], ed. András Bodor et al. (Bucharest–Cluj-Napoca, 1957), 242.

A council building, *domus consulatus*, is first mentioned in a report by the Kolozsmonostor Convent in 1438.⁸⁵⁵ Nothing is known, however, of its layout or character. In the second half of the century, the institution increasingly crops up in the sources not as an administrative center but a place of assembly, referred to as the *consistorium*.⁸⁵⁶ It was also referred to as such in the municipal statutes of 1537.⁸⁵⁷ It is reasonable to infer that the building stood on the southeast corner of the market place, in the Media district, on the same site as Kagerbauer's town hall. The question of whether it was a converted town house or a purpose-built town hall remains unanswered. It is unlikely that a building for the purposes of municipal affairs would have been erected immediately after the construction of the town walls on a hitherto empty area or a house demolished on what was by then the most important space in the town. More plausible is the conversion of a large town house, guild house or ecclesiastical building.⁸⁵⁸ It must certainly have been a spacious and suitably imposing building, with rooms capable of accommodating assemblies of the *centumviri* ("council of a hundred"), perhaps similar to the presbytery on the west side of the square.

⁸⁵⁵ *A kolozsmonostori konvent...* vol. 1,102.

⁸⁵⁶ The title consistorium first appears in the 1475 statutes of the tailors' guild. ...in nostri senatus consistorio, JakabOkl I., 250.

⁸⁵⁷ JakabOkl I., 380;

⁸⁵⁸ See the examples of Nagyszeben (Sibiu) and Brassó (Braşov). Munteanu, *Primăria veche din Sibiu*, 57–76; Nussbächer, *Das Kronstädter Rathaus*, 1–26.



Fig.3 2. The St. Michael presbytery house.

In the wave of private building in what might be called the town's golden age, the second half of the sixteenth century, the buildings in and around the main square were converted into two-storey houses.⁸⁵⁹ This may have induced an extension to the council building in 1578.⁸⁶⁰

⁸⁵⁹ András Kovács, "Kolozsvár városképe a XVI–XVII. században," [The urban landscape of Cluj in the sixteenth and seventeenth centuries], in *Kolozsvár 1000 éve* [1000 Years of Cluj], ed. Tibor Kálmán Dáné et al. (Cluj-Napoca: Erdélyi Múzeum-Egyesület, 2001), 53.

⁸⁶⁰ Jolán Balogh, *Kolozsvári kőfaragó műhelyek. XVI. század* [Stonemason Workshops in Cluj. Sixteenth Century] (Cluj-Napoca: Magyar Tudományos Akadémia, 1985), 128. The relevant account book has since been lost, and so the items of work for which payment was made or the amounts are unknown.

The only known representation of the building is in the background of an oil painting of the southeast side of the Cluj marketplace by the Austrian painter Franz Jaschke.⁸⁶¹



Fig. 3.3. Franz Jaschke. The market square of Cluj around 1800. Oil painting. Brukenthal Museum, Sibiu.

This shows a building which differed from contemporary town houses, which had frontage generally not more than 10 meters wide and a 2+1 layout.⁸⁶² As in most European towns, the cellar had several functions, but was primarily a jail. In 1580, at the request of the tax collectors, the *centumviri* decided to transfer the male prisoners to the tower of the Media gate and to keep only the women in the council cellar.⁸⁶³

⁸⁶¹ Oil painting, 76 x 51.5 cm. Brukenthal Museum, Sibiu. MNB 2171. The painting records the buildings as they were around 1810, which is when Jaschke was in Transylvania in the retinue of Archduke Ludwig.

⁸⁶² Kovács, "Kolozsvár városképe," 51.

⁸⁶³ TanJkv. I/3. (1580), 223. Town halls were universally multifunctional. Thomas Weller, "Der Ort der Macht und die Praktiken der Machtvisualisierung. Das Leipziger Rathaus in der Frühen Neuzeit als zeremonieller Raum," in *Machträume der frühneuzeitlichen Stadt*, ed. Christian Hochmuth and Susanne Rau, (Konstanz: UVK Verlagsgesellschaft, 2006), 285.

The décor of the town hall served the function of official display, as is clear from the inscriptions that formed part of it. One can form an impression of its scheme from a list drawn up in 1734 and appended to the council minutes of 1624.⁸⁶⁴ This description is almost certainly in the hand of the town notary of the time, György Füzéri, and formed part of the first Latin description of Cluj, written the same year.⁸⁶⁵ That is because Füzéri, co-author of *Descriptio civitatis* (Description of Cluj in 1734), was by virtue of his post the keeper of the town inventory and so was familiar with the minutes of the past council meetings. The sweeping, characteristically eighteenth-century, script also points to a practiced man of letters. Füzéri's recording of the inscriptions must therefore have been carried out for the book, whose authors, the town councilors of the time, stated their intention that the inscriptions on the town's walls and buildings should be written down.⁸⁶⁶ What is more, the authors mentioned that they were omitting the long list for lack of space, and would write it in "a certain book".⁸⁶⁷

There is also a later description, much shorter than the first list, in a multi-volume manuscript collected under the title *Egyveleg* (Miscellany) from the Sándor Mike collection.⁸⁶⁸ This was written in 1826, possibly after an earthquake, and recorded inscriptions adorning the façade and the vaulted entry passage. The description does not cover the visual composition of the scheme and it would probably be inappropriate to attempt a reconstruction. Nonetheless, the

⁸⁶⁴ The description was added to the end of the minutes of 1606–1624, and at a later date. Elek Jakab wrongly proposed that it was written in 1650, when the inscriptions were made, and might have been an extract of the 1650 minutes. Jakab, *Kolozsvár története*, vol. 2., 713.

⁸⁶⁵ *Kolozsvár leírása 1734-ből* [Description of Kolozsvár from 1734], ed. Pál Páter et al., trans. Albert Márkos (Kolozsvár: Minerva, 1944).

⁸⁶⁶ *Descriptio civitatis ab origine repetita cum inscriptionibus in moenibus (!) et aliis notabilibus aedificiis undique conspicuis, pro augmento et varietate incolarum ac religionum, vicissitudinibus factorum, directione item politica, usque ad modernum statum continuata et compendiose concinnata. Kolozsvár leírása 1734-ből*, 7.

⁸⁶⁷ *Kolozsvár leírása 1734-ből*, 32.

⁸⁶⁸ Sándor Mike, *Egyveleg* [Miscellany], vol. 10, Sándor Mike Collection at the Romanian Academy Library in Cluj-Napoca, Ms. 45, 607–13.

content, purpose, and possible sources of the inscriptions, and above all what they reveal about the milieu responsible for them, merit careful consideration.



Fig. 3.4. Detail from Franz Jascke's painting with the Renaissance town hall in the background.

The coats of arms of the seven free royal towns were – according to the chief source here, the Füzéri description – emblazoned above the windows of the main frontage of the town hall. This was a clear message that Cluj was the equal of these towns in terms of rank and prestige. This kind of representation was not necessarily a local invention even though no similar painted façade adornments are known from elsewhere in Transylvania. The inclusion of coats of arms as decorative elements on town hall frontages and internal spaces was a widespread practice in Europe, an expression of a town's status and loyalty to the sovereign. The addition of the royal insignia, marking the time of construction, also turned the building into a monument for future generations.

Despite the presence of two coats of arms of Transylvanian princes, there is a problem in dating the painting of the town hall frontage. This arises from the interpretation of a phrase in

one of the inscriptions on the front: *renovata per pictorem*.⁸⁶⁹ Was it a complete repainting or a reconstruction? Since none of the surviving sources tell of any major building or painting between 1648 and 1650, one may infer that it was a restoration of, or addition to, existing decorations. Otherwise, one would have to imagine that the sixteenth-century work on the town hall, which certainly involved great emphasis on the windows and furnishings, left the façade and internal spaces without colored painted decoration. This would have been a curious departure from the prevailing custom in the very period regarded as the town's golden age.⁸⁷⁰

There is a clue in the coat of arms of Prince George II Rákóczi of Transylvania (1648-1660) which was almost certainly painted during the renovation, as is confirmed by the inscriptions.⁸⁷¹ It follows logically that the other princely coat of arms dates the previous renovation or perhaps painting. The notary who recorded these minutes stated that Gabriel Báthori's arms stood beside Rákóczi's.⁸⁷² This entry requires some caution. First of all, the surviving sources do not tell of any major town hall renovation during the reign of Gábor Báthori (1608-1613) and an event of such financial and, indeed, symbolic consequence would inevitably have left a mark in the municipal accounts. The fact that the town had somewhat tense relations with Prince Báthori⁸⁷³ also casts doubt on the account by the eighteenth-century "chronicler"

⁸⁶⁹ Domus Haec Consultoria Renovata per Pictorem pro Privilegio ejusdem A 1648 eo [et?] 1650. TanJkv. I/6. 397.

⁸⁷⁰ In 1585, green Barazla woolen cloth was put on the windows. SzámKv., 7/XII. 3/XVIII. 24a. In 1591, Lőrinc Tölcséres put clear glass made by István Kakas into the window frames. Veress, Zalánkeményi Kakas István., 41. In 1597, tin-founder Ádám Tölcséres was again paid to install clear glass windows. SzámKv., 7/XII. 23.

⁸⁷¹ Two inscriptions record the renovation. One is on the ground floor with the year 1648: Haec Domus Consultoria Renovata per Pictorem pro Privilegio ejusdem A 1648 eo [et?] 1650, the other with the year 1650: In summitate vero superioris contignationis scribitur. Renovata est hoc Domus Senatoria Regnante Illustrissimo ac Celsissimo Principe D.D. Georgio Rákoczi Dei gratia etc. A 1650, TanJkv I/6. 397–398. The renovation was therefore completed in two phases between 1648 and 1650.

⁸⁷² Supra haec visunt Insignia duorum Principum, unius nempe Illustrissimi Transilvaniae Principis Gabrielis Bathori in cujus medio seu Campo tres Dentes Lupini. Alterius Illustrissimi Principis Georgii Rákoczi. Rota scilicet currus pars dimitia. TanJkv I/6. 398.

⁸⁷³ See András Kiss, "Kolozsvár és a Báthoryak: Zsigmond és Gábor" [Kolozsvár and the Báthorys: Zsigmond and Gábor], *Szabolcs-Szatmár-Beregi Levéltári Évkönyv* 17 (2006): 330–32; András Kiss, "Báthory Gábor és a kolozsvári református eklézsia megalakulása" [Gábor Báthory and the establishment of the Calvinist Church in

whose historical perspective might have led him to attribute the dragon-tooth Báthori arms to the last reigning member of the dynasty. A much more logical inference is that the dragon's teeth represented Christopher Báthori (1576-1581) and were the result of the 1578 renovation. If one accepts this, then the work done in 1648 and 1650 was a *renovatio* in the literal sense, preserving an existing tradition, which – as Füzéri's account shows – was upheld and nurtured until the eighteenth century. Indeed, most of the quotations in Sándor Mike's manuscript appeared in the list recording the status of 1650. The word *renovatio* as applied to the work in the second half of the eighteenth century may thus be interpreted in the strict sense, a reconstruction of what was there before, even if inscriptions which had become damaged and illegible were replaced by new ones.

The words of wisdom for new council members above the portal of the town hall – “every councilor, upon entry to this town hall on taking up his office, leaves his personal biases outside the door”⁸⁷⁴ – evoke the fashion for mottos on Renaissance architectural sculpture. This was a trend that also appeared the text-ribbon slogans painted or carved in medieval church interiors and on ancient Roman (grave)stone inscriptions, although it was also standard practice to greet visitors to a public building with a message conveying the values it represented and demanded. Thus, the same text greeted councilors as they entered the town halls of Regensburg, Görlitz, and even Tallinn.⁸⁷⁵

Another interesting element, admittedly not directly connected to the frontage, was a device for setting moral examples: the chair for litigants standing in front of the building for

Kolozsvár] in *Báthory Gábor és kora*, ed. Klára Papp et al. (Debrecen: Debreceni Egyetem Történelmi Intézete, 2009), 298–99.

⁸⁷⁴ Quisquis Senator curiam hanc Officii causa ingredieris, Ante hoc ostium privatos affectus omnes abjicito.” TanJkv. I/6. 398.

⁸⁷⁵ *Collection of Voyages and Travels*, vol. 6, ed. Awnscham Churchill and John Churchill (London: T Osborne, 1732), 472; Harald Kleinschmidt, *Perception and Action in Medieval Europe* (Woodbridge: Boydell & Brewer, 2005), 13.

litigants.⁸⁷⁶ A quotation from Sallust on the left of the chair and a Latin proverb by an unknown author on the right exhorted the parties to recognize their errors.⁸⁷⁷ The “chair of shame” certainly stood in front of the town hall in 1612, and probably well before that, because the stewards of the town paid a builder for repairs to the chair and the stone wall in front of the town hall.⁸⁷⁸ The chair of shame was a different kind of moral contrivance from the pillory or the stocks or the cage, serving to deter rather than actually shame. The pillory was for proven transgressors, while those seated on the chair of shame could hope to clear themselves before the law.

Most inscriptions, as might be expected, relate to the council’s judicial competence, its chief point of contact with the citizens of the town. Impartiality,⁸⁷⁹ thoroughness,⁸⁸⁰ endeavor to reach agreement⁸⁸¹ and – above all else – respect for the law⁸⁸² were the moral precepts to be adhered to by council members as they made their judgments. The moralizing inscriptions dealt at great length with the role and obligations of the judge, the head of the local judiciary. They stressed the general virtues demanded by the prevailing Christian value system, such as protection for paupers, orphans, and widows, even-handedness, fairness, and confidentiality.⁸⁸³ The same principles are apparent in the oath sworn by the judge and councilors at the election of

⁸⁷⁶ ...in qua litigantes sedent.” TanJkv. I/6. 399.

⁸⁷⁷ Concordia res parvae crescunt, discordia maximae dilabuntur; Nobile vicendi genus est patientia, vicit, qui patitur, si vis vincere, disce pati, JakabOkI II. 711; TanJkv I/6. 399.

⁸⁷⁸ SzámKv. 12b/I. 135. It has not been possible to identify the function of the wall mentioned in this accounting item.

⁸⁷⁹ Audiet alteram partem, TanJkv I/6. 401.

⁸⁸⁰ Festina lente; Judicem spectat secreta rimari[?] et mature discutere nec debet in ferenda sententia praeceptis aut subitus esse. Alioquin voluntas ejus praecipitata et noverca Justitiae dicitur, TanJkv. I/6. 402.

⁸⁸¹ Concordia res parvae crescunt, discordie maximae dilabuntur; Patientia discors, concordia legum, TanJkv. I/6. 399, 401; JakabOkI II. 710, 711.

⁸⁸² Justitia tantum; Legem nudam; TanJkv. I/6. 401, 403; JakabOkI II. 711, 712

⁸⁸³ Commune bonum, defendere innocentem ...; Judices oportet esse justos in sententiis. In verbis veraces. In actionibus honestos, In exercenda Justitia mites. Ante omnia in accipiendis donis abstinentissimos. (Seneca) TanJkv. I/6. 402.

the new council in December of each year. The oath had come to Cluj via the Buda town law.⁸⁸⁴ The inscriptions thus served to warn the town elders of what would be demanded of them when they took up their offices.

The other main category of mottos were those referring to municipal administration. These were extracts from works by ancient authors and from Biblical allegories concerned with good and just government, highlighting the responsibilities, but also the supremacy, of persons in authority.⁸⁸⁵ Other quotations from the Bible, canon law, and classical authors, allegories of strong governance, were aimed at elected or appointed holders of authority. Town elders were held to possess a primacy over other town-dwellers by virtue of their authority and wealth. This principle was stated in the basic text of Cluj's municipal government, the Buda town law, which in turn drew on various German town rights. A poor man was not suitable to be a judge because he "sees need".⁸⁸⁶ One of the inscriptions confirming this view states that whoever is elected to the task should not desire gold and silver, i.e., monetary returns.⁸⁸⁷

Although religious legitimation is not substantiated by any surviving pictorial clue from Cluj or elsewhere in Transylvania, it was a common phenomenon in towns elsewhere in Europe, including the Kingdom of Hungary.⁸⁸⁸ This approach is the best for interpreting the community of common townspeople, the *ordinum inferiorum*.

⁸⁸⁴ See JakabOkl, II. 189–90; Mollay, *Das Ofner Stadrecht*.

⁸⁸⁵ Ubi nulla severa judicia exercentur, ibi etiam bona ingenia corrumpuntur. JakabOkl II. 710; TanJkv. I/6. 398; Inferiorum ordinum culpa ad nullos magis referenda (sunt) quam ad desides rectores. Corpus Iuris Canonici 2. Decreta Gratiani LXXXVI. C.I., red. Aemilius Ludwig Richter and Emil Friedberg (Leipzig: Tauchnitz, 1879–1881), 298. Sapientibus Reipublicae capessendae necessitas causa est, ne improbis relicta Gubernacula[!] pestem bonis inferat, Boethius, *De consolatio Philosophiae*. Libr. I. Pros. IV; JakabOkl II. 710; TanJkv I/6. 399.

⁸⁸⁶ Mollay, *Das Ofner Stadrecht*, 66.

⁸⁸⁷ Iis, in quorum tutelam atque fidem Respublica relinquitur, auri et argenti cupido nulla sit. Jakab, Oklevéltár, II. 710; TanJkv I/6. 399.

⁸⁸⁸ Poeck, "Zahl, Tag und Stuhl," 413; Poeck, *Rituale der Ratswahl*, 10–13; István H. Németh, "Pre-Modern State Urban Policy at a Turning Point in the Kingdom of Hungary: The Elections to the Town Council", 287–88.

It was common during the era of humanism to allude to a town as a *respublica*, prompted by the contemporary enthusiasm for antiquity. The ideal was the social and political regime of the independent state of Classical times, the *polis*, even though the early modern form of the town did not correspond to the Aristotelian *politeia*, one of the ideal forms of state, where the public exercises the highest power.⁸⁸⁹ The early modern European town models were not true republics, even if certain elements of their governance can be likened to that type of state.⁸⁹⁰ The primacy of the public, and service to the public, the common people of the town, even if not realized in practice, were often mentioned in the sources and in the refined rhetoric of the council minutes. The Classical word *respublica*, repeated several times on the wall of the town hall, may be interpreted similarly: it applied to the service which the wise men of the town rendered to the public. These virtues were fused with the concept of council membership. The aldermen's title, *prudens et circumspectus*, advertised a kind of guarantee that these principles would be adhered to and enforced and also signified the town elders' distinctive status, the basis for their exercise of authority. After Cluj's privileges were curtailed⁸⁹¹, the word *respublica* lost its meaning and was dropped from official rhetoric. This shows up in the inscriptions: only the word *civitas* appeared in those painted on the frontage when the town hall was refurbished in 1775.⁸⁹²

⁸⁸⁹ Wolfgang Mager, "Respublica und Bürger. Überlegungen zur Begründung frühneuzeitlicher Verfassungsordnungen," in *Res publica. Bürgerschaft in Stadt und Staat*. Tagung der Vereinigung für Verfassungsgeschichte in Hofgeismar am 30./31. März 1987, ed. Dilcker Gerhard (Berlin: Duncker & Humblot, 1988), 68; Tom Scott, *The City-State in Europe, 1000–1600*, (New York: Oxford University Press, 2012).

⁸⁹⁰ Heinz Schilling, "Gab es im späten Mittelalter und zu Beginn der Neuzeit in Deutschland einen städtischen Republikanismus? Zur politischen Kultur der alteuropäischen Stadtbürgertums," in *Republiken und Republikanismus im Europa der Frühen Neuzeit*, ed. Helmut Koenigsberger (Munich: Oldenbourg, 1988), 143.

⁸⁹¹ In 1660, after Várad (Oradea, Romania) fell to the Ottomans, Kolozsvár lost its royal free town status and was put under a county ispán, who became the captain-general of the town. This marked the end of autonomous municipal government in the town until 1703; the settlement of nobles there also changed the structure of its political elite.

⁸⁹² Civitates in optime statu degunt si cives quidem Magistratui obediunt Magistratus autem Legibus Justum est, ut quam quis legem tulerit in alios eandem acque anime ipse jubeat. Melius est Civitatum regi a viro optimo quam a Lege optima...[?] Qualia sunt publica Civitatum studia, talis est etiam privatorum vita. Mike, *Egyveleg*, 609–10.

The inscriptions also referred to specific bodies of the municipal administration. The inscription above the entrance to the hall of the *centumviri*, *Odium senile, privatum commodum, juvenile consilium Republicam evertunt*, apart from its strict moralizing, is a fine allegory for the significance of having old and young councilors.⁸⁹³

The walls of the stewards' room were adorned with admonitions pertaining to their financial duties: "Exact no more than that which is appointed to you"⁸⁹⁴ and "Render therefore to all their dues: tribute to whom tribute is due, fear to whom fear, honor to whom honor".⁸⁹⁵ Inscriptions concerned with mortality formed the third major category.⁸⁹⁶ Perhaps the most interesting of these was the inscription above the judge's head, *Sic transit gloria mundi*, not so much for the message of this old aphorism as its history; it was originally enunciated at coronations of popes, and later of kings.⁸⁹⁷ In the municipal context, written above the judge's chair, it served to designate the occupant as the supreme holder of municipal authority.

The 1734 description concentrates on the inscriptions and only sporadically mentions carvings and sculptures on the building. The Renaissance window frames of the neighboring Wolphard-Kakas house, some Renaissance features of buildings that still stand today, and the carvings in the stonework collection of the History Museum provide some points of reference for the sculptural work on the town hall keeping in mind that the houses of wealthy burghers could not have been permitted to outshine the seat of municipal government.

The description of the town hall mentions only a few statues. There was a statue of naked Justitia holding sword and scales, representing pure justice, a pipe-playing cherub, and a male

⁸⁹³ On this matter see chapter 2.4.3. Ágnes Flóra, "From Decent Stock.", in *Generations in Town*, 214–18.

⁸⁹⁴ Nihil amplius exigit, quam quod vobis ex commissum, Luke 3:13. TanJkv I/6. 403.

⁸⁹⁵ "Reditte[!] unicuique qui honorem honorem, qui timorem timorem, cui tributum tributum", Rom. 13:7. TanJkv I/6. 403.

⁸⁹⁶ Omnis hora per tacitos et fallentes cursus nos applicat fato; Omnis dies, omnis hora, quam nihil sumus, ostendit; Vanitas vanitatum et omnia vanitas.

⁸⁹⁷ *Coronations: Medieval and Early Modern Monarchic Ritual*, ed. János Bak (Los Angeles: University of California Press, 1990), 187–88.

figure holding a sword, representing *ius gladii* which adorned the interior of the town hall. The latter was in all probability a statue of Roland, a customary fixture symbolizing judicial authority and often municipal autonomy.⁸⁹⁸ Besides these, a painted representation of death reminded the councilors of their earthly mortality and a siren symbolized earthly joys. Although the description was mainly concerned with recording the inscriptions, it would probably not have omitted mention of other pictorial or sculptural images had there been any.

Aesthetics could only have been secondary among the purposes of decoration with inscriptions, even though people of the time loved color and pomp.⁸⁹⁹ One might rather look upon such a presentation of the values of municipal government as the communication of power. Although most of the mottos of the town hall décor clearly had a moralizing aspect alluding to good government, justice, law, and harmony, they also carried a significant symbolic force as displays of authority. The quotations from Classical authors inevitably raised the rank and prestige of council members of the town in the eyes of anyone entering any part of the building, be they high-ranking envoys or statesmen, thieves, fraudsters or rogues sitting on the bench of the accused. The purpose in each case was the same: to present a coherent system of values to the outside world. The image they conveyed was of course idealized and one should not naïvely imagine that the council and the ruling elite fully internalized this rhetoric or practiced it in their everyday administration. The artificial image-building phrases in many cases say more about the literacy of those who chose them than about the town leadership itself.

⁸⁹⁸ There is a surviving Roland statue in Sibiu, probably the same as was drawn on an engraving which records the execution of king's judge, Johannes Zabanius (Sachs von Harteneck), and there is a Roland relief in Baia Mare on the south wall of St Stephen's Tower.

⁸⁹⁹ See Zsigmond Jakó, "Az otthon és művészete a XVI–XVII. századi Kolozsváron. (Szempontok a reneszánszkori művelődésünk történetéhez)," [Home and its art in sixteenth-seventeenth century Kolozsvár] in *Emlékkönyv Kelemen Lajos születésének nyolcvanadik évfordulójára* [Festschrift for the 80th Birthday of Lajos Kelemen], ed. András Bodor et al. (Cluj-Napoca: Kriterion, 1957), 361–93.

Which authors were the sources of the texts that adorned the chief symbol of municipal government, and what inspired their use? They were, not surprisingly, Classical authors whose work was greatly in vogue in the age of humanism and was even commended by the great reformers as reading material for monarchs.⁹⁰⁰ The texts fell into three main subject areas: the Bible, Classical theories of the state, and Classical history. These are the main themes of the quotations on the walls of Cluj town hall, among which words of wisdom by Sallust, Seneca, Plato, and Cicero appear.

The person who devised the scheme must have read and been familiar with these authors because they all had a place on school and university syllabi and their work was also collected by citizens of the town.⁹⁰¹ The variety of the inscriptions and authors, however, suggest that rather than selecting the quotations individually, the designer of the decoration drew from a *florilegium*, a thematic anthology concerning good and bad government. The humanist (Germanic) canon unavoidably suggests itself as the chief inspiration for the inscriptions, acquired from the sights and experiences of peregrinations and trading journeys, even though the first person to (partially) publish the inscriptions, Elek Jakab, almost cautioned his readers against seeing in them as a simple imitation of this. In fact, such a “transplant” was more of a virtue than a vice. By echoing messages commonly expressed in other European towns, inscriptions such as “This house loathes indolence, loves peace, punishes sin, observes the laws and respects the good”,⁹⁰² served to display the openness of the Cluj municipal government and its espousal of European municipal principles based on the Christian ethics of the time.

⁹⁰⁰ Susan Tipton, *Res publica bene ordinata. Regentenspiegel und Bilder vom guten Regiment. Rathausdekorationen in der Frühen Neuzeit*, (Hildesheim: G. Olms, 1996), 27.

⁹⁰¹ See Gyöngy Kovács Kiss, “Könyvek a kolozsvári polgárok 16–17. századi hagyatékaiban” [Books in the legacies of sixteenth- and seventeenth- century burghers in Kolozsvár], in Gyöngy Kovács Kiss, *Rendtartás és kultúra* [Rules and Culture] (Tîrgu Mures: Mentor, 2001), 48–59.

⁹⁰² Haec domus odit nequitiam, amat pacem, punit crimina, conservat jura, honorat probos. JakabOkl II. 711, TanJkv I/6. 401.

It is not difficult to identify the persons responsible for compiling the decorative scheme. The only municipal administrative officials who had the requisite literary, legal, theological, and linguistic abilities for such a project were the notaries.⁹⁰³ It cannot be a coincidence that the first (1592) inventory of town privileges taken by the notary Gergely Diósy⁹⁰⁴ bears many similarities with the mottos on the town hall: quotations by Plato, Sallust, and Aristotle were allegories of good government and devices for self-display.

In summary, the inscriptions on the walls of the early modern town hall of Cluj were both decorations and messages to citizens entering the building, informing them of the high moral standards of their local government. The decorative scheme, with sentences borrowed from the Bible and works by Classical authors, attests above all to the cultural background of the designer, but also reflects the demand of civil society – as in other European towns – for a building which displayed the virtues of their town in the spirit of contemporary traditions. This kind of civic ostentation or, as Gáspár Heltai put it, “exhibitionism”, may also be ascribed to the emergence and development of early modern civic awareness.

Conclusions

This dissertation has followed a scholarly tradition in elite research yet developed a new perspective on urban history in Transylvania, since not much has been written lately on early modern urban elites, and older scholarly contributions, though important and indispensable, have gradually become outdated. This is an attempt to combine traditional and modern research methods and perspectives. This was necessary due to the large volume of unpublished data that

⁹⁰³They were also mainly responsible for similar visual compositions for public display in towns throughout Europe. Tipton, *Res Publica*, 51–61.

⁹⁰⁴*Index privilegiorum* (Diósy-index). RNA, Fond 1. See András Kiss, “A kolozsvári városi levéltár első levéltári segédlete (Diósy Gergely nótárius 1592-beli magyar nyelvű mutatója)” [The first inventory of the town archive in Cluj [The Hungarian index of Gergely Diósy from 1592] in András Kiss, *Más források – más értelmezések*, 129–59.

had to be analyzed in a certain historical context and also the decision to compare two urban centers. The mainly German analogies are relevant to the research.

The aims defined for this dissertation were pursued along three main research paths. First, the historical backgrounds of the town elites in Cluj and Sibiu were analyzed, including the development of town autonomy and governmental systems from the medieval period until the end of the sixteenth century. This allowed me to elucidate the legal background of urban leadership, to illustrate its continuity, to present the milieu and the conditions under which the political urban elite acted in each town. Second, the findings of the archontological and prosopographical research, the focus on generations, marriage strategies, and professional competence are meant to explicate the character of the leading elite; and, last, an attempt was made to provide insight into their representation and self-fashioning.

The systems of government in Cluj and Sibiu, although each based on *hospes* privileges, differed markedly in their later development. Both towns had a two-tier scheme of power division between a larger representative body, the *centumviri*, and a town council of twelve. However, the influence and power of the two institutions followed different principles and had important dissimilarities. In Cluj, the *centumviri* not only elected the town council, but had real control over it, acting like a superior legislative body. In Sibiu, in contrast, the larger council had rather a supervisory role besides the fact that it legitimized the town magistrate by election. The council minutes of the *centumviri* in Sibiu did not survive, and therefore there was no opportunity for empirical research on the activity of the larger council. Nevertheless, comparing the activity of the *centumviri* in Cluj and the town magistrate in Sibiu, it was revealed that many attributes of the *centumviri* in Cluj were assumed by the town magistrate in Sibiu. Following the path of logic, and the fact that there are hardly any signs of activity by the *centumviri* until the

end of the sixteenth century, one may assert that the power of the larger council in Sibiu was significantly restricted. Consequently, the influence of the town magistrate in Sibiu was greater than that of the town council in Cluj. There were also differences as well as similarities in the distribution of power within the town councils.

In Sibiu the leader of the town was the mayor, while Cluj was led by the town judge. In both towns a royal judge was appointed as well; however the status, sphere of actions, and position of this office within the hierarchy of the urban government was different. While in Sibiu this office was very much a political role of state importance and the highest prestige, in Cluj the royal judge ranked below the town judge and had only moderate political power. The number of councilors was the same, twelve, but in Cluj their seats were split equally between the Hungarians and Saxons according to the parity governing system introduced in 1458. This parity not only divided the seats in the council but introduced a yearly rotation of the two main offices between the two nations. This kind of power division, unique in Transylvania, not only defined the political careers within the town, but created an elite that was not only bilingual, but had a double identity and yet was politically united.

The principles of creating elites in Cluj and Sibiu were the same – wealth, personal ambition, and family prestige – only the political power of the local elites inside and outside the town and the influence of individuals differed. The basic principle of eligibility for the council was citizenship and its general requirements – property ownership, legitimate birth, and marriage – were applied similarly in most of the urban settlements in Europe, certainly in German towns, although almost every urban settlement set special conditions. Sibiu, for instance, restricted citizenship to native Germans only, regardless of previous social standing, while Cluj was cautious about nobles. In both cases, the key element that fostered these restrictions was the

increasing control the governing elite had over new settlers who might have jeopardized their interests. *En mass* settling of non-Germans, for instance, may have challenged the power of the urban leaders in Sibiu, while nobles in Cluj were always potential generators of conflict through their special privileged status in the society of the country. Multi-ethnicity was no longer a problem in sixteenth-century Cluj.

The case study on the 176 new citizens between 1587 and 1599 in Cluj revealed a relatively steady proportion of ethnic groups; the number of Hungarian new citizens did not go much beyond the number of Saxons, although the immigration of Hungarians shows more consistency in every year. The professions of the newly settled also reflect the realities of the occupational market in the town: goldsmiths and tailors were overrepresented. Goldsmiths were mainly Hungarians, while the new Saxons were involved in the textile industry. Thus, one may assert that the demographic supply of the town populace in Cluj was in accordance with the existing ethnic and professional realities in the sixteenth century and thus preserved the status quo and maintained continuity for the elites. Therefore, the control of immigration was not only a topical measure of the incumbent elite, but also a strategy of power control.

Entering the community of citizens was the first step towards public office, the rest depended on the personal ambition, abilities, family connections/networks, and auspicious circumstances. The archontological comparative analysis of the town leadership in Cluj and Sibiu displays 108 and 134 officeholders. In the period between 1550 and 1600, i.e., when data series are available for both towns, the number of persons registered as councilors in Cluj shows a slightly higher number than in Sibiu. Although fewer in number, the town councilors in Sibiu spent more time in office (8.96 years) than their counterparts in Cluj (4.64 years). The longest period of office holding in Cluj was 11 or 12 years, while some councilors in Sibiu served the

town for no less than 35 to 38 years. Yet, these lengthy periods were not a sign of hereditary office-holding. There was no straight line of succession in office holding in one family. That leads to two important assumptions. The position of a councilor in Sibiu was stronger than that of a councilor in Cluj, and individuals had more power in Sibiu than in Cluj. That might have been a consequence of the town council in Sibiu being the administrative body of the whole Saxon community in Transylvania and thus playing an augmented political role. Secondly, the rotation of persons was more frequent in Cluj than in Sibiu. The main competition-generating fact would be the number of citizens: a larger populace meant greater rivalry for offices. The demographic indicators of Cluj and Sibiu, however, did not differ substantially, thus here other reasons must have been acting. The parity system in Cluj might have created competition for public office more than the non-parity system in Sibiu. The power of individuals and the regional and state importance of Sibiu kept created longer incumbencies.

Long periods spent in town council usually meant high offices as well; there are some exceptions that prove the rule, when a person did not access high position within the council even though he spent 30 or even 36 years in the governing body. There were probably particular reasons that kept someone away from top roles that are impossible to comprehend through the obscurity of time. Long careers were conditioned by objective and subjective circumstances. Longevity was irrespective of someone's political abilities, yet it was one significant condition for a long-lasting career. At the same time, the quality of a career depended on the political and social capital of each office holder, as well as his advance through the ranks of the council. The *cursus honorum* of the councilors was reflected by the order in which they sat in the council room. Usually it took around seven or eight years for someone to reach the top seats, and almost without exception each man started his progressive advance in hierarchy from the very back of

the table. In Cluj the starting position within the council was the seat of the steward, while in Sibiu new councilors were never entrusted with this office at the beginning of their career. Great differences occurred on the top levels of urban government as well. While in Sibiu mayors were in position even for ten years, the town judges in Cluj rarely exceeded five years. There were also differences in the afterlife of the mayors and town judges. There was a tradition in Sibiu that the resigning top leader stepped back to the first position in the council, i.e., to the deputy mayor's position – a kind of reintegration of power. In Cluj, the substitute position depended greatly on the acting town judge, and in spite of the fact that there were cases when indeed a former town judge was nominated to the deputy position, one finds less consistency in this respect in Cluj.

Yet the most striking contrast has been revealed in the comparison of the royal judge positions. Here the influence of state policy is strikingly stronger in Sibiu than in Cluj. Besides the fact that the kings of Hungary and later the princes of Transylvania often nominated the royal judge of Sibiu, breaking the privilege of the community in this sense, the career of the royal judges also underlines the differences. The average number of years spent in this office in Sibiu was 12 years while in Cluj it was only 1.8. Moreover, almost every second royal judge in Sibiu was appointed to this office without holding any other offices before, while in Cluj there are hardly any such occurrences. That makes even clearer the strong political character of this position in Sibiu. It is not surprising, therefore, that many judges played important roles in state policy as well.

State offices were among the targets in the vertical mobility of townspeople, either on a political or on professional path. Professional state functions were linked to the mining and minting businesses, where mainly goldsmiths and literates were active. The goldsmiths of Cluj

were strongly involved in minting, while the councilors in Sibiu were closely interested in mining concessions.

The town councilors in Sibiu managed to reconcile state and urban functions, while in Cluj persons who received high offices in the state administration suspended or abandoned their urban political ambitions either because they fostered vertical mobility through state functions or because the leading elite in Cluj tried to separate town affairs from state affairs as much as they could. However, state officials of local origin had great lobbying potential for the urban governments, as the cases presented in this dissertation also show.

Besides the most important offices, notaries were also presented at length in this dissertation for two reasons; first, because they were part of urban administration and second because they had special roles in urban leadership, so different and yet in accordance with the general features of town elite. Running an urban chancery or carrying out special work was basically wage labor, but the skills this labor required raised the notary among the most respected town servants. Nothing shows the importance of town clerks in town administration more clearly than their high mobility and the endeavors of town leaders to lure the most skillful clerks to their town. Their absence must have created hitches in the town administration, since notaries were not just simple scribes, but literates who could interpret the laws, watch the legality of administrative or legal procedures, and guarantee the authenticity of documents. Moreover, they were propulsive actors of urban political self-fashioning and representation, the producers of canons of local identity. They established links between East and West, and brought new ideas and implemented them in the local context. Peregrinations to Western universities, principally to Wittenberg, were essential in spreading Reformation thought and humanist ideas.

The office of the notary was an excellent position for an ambitious man to enter the circle of the urban elite through education. One rarely finds, however, (exclusively in Sibiu) notaries who entered town council after their appointment to the town chancery had expired. Notaries apparently fostered other types of career, very differently in Cluj and Sibiu. While the clerks of Sibiu opted for clerical positions after their term expired, in Cluj most of them were to be found in county, state or ecclesiastical functions. Whether they have belonged to the political or intellectual elite of the towns remains a subject to debate.

In spite of the many differences in the career-building patterns in Cluj and Sibiu, one important similarity was often present; the councilors often strengthened their position by advantageous marriages. The marriage strategies of the elite were of great importance in every urban center since matrimonial alliance was the main instrument for perpetuating power or gaining prestige in a family. The simultaneous presence of persons with direct kin relations was prohibited in the councils of Cluj and Sibiu alike. In Sibiu even brother-in-law ties were excluded. In Cluj, where such relations were permitted, the “son-in-law principle” was applied in inheriting and preserving political and economic power within influential families. Of the twelve burghers who held the position of town judge in Cluj between 1580 and 1600, seven were in some family relation to each other. In 1580 two brother-in-laws controlled the whole political life of the town by filling the two most influential positions: the offices of town judge and royal judge.

Widows had an important role in perpetuating political and social power. The case study on Sibiu connected to the history of the Altenberger house, later the town hall, revealed how the prestige of owning prestigious real estate was transferred among important political actors by marrying widows. Passing on political capital was fundamental in such cases. Marriages outside

the town followed yet different strategies and economic considerations played a stronger role than political interests. Important merchant families increased their businesses by capital fusion through marriage.

Besides marriage strategies, the relations between generations were likewise key issues in the political life of Cluj and Sibiu. One should not look for features of hereditary positions bequeathed from father to son, but rather for parental/family support for their offspring's career. There are hardly any cases in either town of the same family being in leading positions for more than two generations because the mobility of the Transylvanian urban societies was pronounced. Important families fostered vertical mobility towards ennoblement.

The frequency distribution (see fig. 2.25-2.27.) of professions among the councilors presents two slightly different patterns in Cluj and Sibiu. While in Cluj goldsmiths were the most influential, in Sibiu tailors were among the most powerful craftsmen after the wealthy but narrow stratum of merchants. This shows again that one cannot make a clear distinction between the economic and political elites.

Concluding archontological inquiries one may ask whether the political elites of Cluj and Sibiu in the sixteenth century can be labeled as a patriciate. According to the criteria established by patrician research in the 1960s, the political elites in neither of these two towns can be associated with the attributes of a patrician society, although some distinctive patrician features may apply in certain cases. The whole elite was, however, a leading group distinguished more by social and economic power, and consequently political capital, and less by traditional family ties. Moreover, there were no such preset and closed groups of power as in Nürnberg or Wrocław (Breslau), for instance, but rather generations of power with real political vocations. It is an important distinction that these generations did not have full monopoly over the urban

government, especially not in Cluj, where they were incumbents for shorter periods. Thus, they had less or no chance at all to create strong power groups. Such power concentrations started to appear only in the seventeenth century. Both in Cluj and in Sibiu individuals played significant roles. This is the main difference between the two urban governments examined here and a patrician system of town administration.

The more the research on urban leaders in East-Central Europe proceeds, the more the hypothesis of patrician governments in this region falls. The findings on Sopron (Ödenburg), Košice (Kassa, Kaschau) and Banská-Bystrica (Besztercebánya, Nausohl) and now on Cluj and Sibiu do not underline any patrician character in these urban centers. Yet, power groups or generations did exist. In Sibiu the influence of individuals and their grip on power in this sense was greater than of the political elite of Cluj. Comparatively, in Sopron, for instance – according to Károly Goda's research – the change of people in the leading positions was more frequent than in Sibiu. The high frequency of office-holders changing in Cluj resembles the example of Buda, another town with a parity system. Whether the competition for urban offices was a simple question of demographic growth or whether political systems influenced the power concentration in a town would be easy to understand through extended comparisons. Studies on the elites of Žilina (Zsolna, Sillein), where a parity system was in use, and Levoča (Lőcse, Leutschau) or Kežmarok (Késmárk, Käsmark), the two most important centers in the Spiš region, would be the best cases studies comparisons with Cluj and Sibiu. Such studies are not available yet.

The third part of this dissertation is dedicated to the self-representation of the governing elite, mainly in Cluj (but with references to Sibiu as far as the sources allow). Two separate instruments of self-fashioning are discussed: ceremonials of council election and their symbolism and the town hall as a monument for the public display of governing principles.

The town statute of Cluj adopted in 1537 brought two important changes in the council election procedure; it changed the date and place of the election. The ceremonial act was transferred into a public sphere, to the cemetery. This raised as many questions as answers during the research. Surely, moving the election process to the open air was a response to a need coming either from the townspeople or the elite to make one of the most important events in town accessible for all. Everything happened in front of the citizens, thus, the council received symbolic investiture from the whole community. Using the cemetery as place for elections was not typical for such purposes, a fact that leaves space for several interpretations. Plausibly the town council turned back to an old medieval tradition, or preferred the graveyard because it was the only fenced central place that afforded protection for the electoral gathering. The symbolic meaning of such a place should not be disregarded either. It could have served as a place of *memento mori*, a site for remembering the forebears or as a space between the church and town hall, between sacred and profane.

The transfer of former church rituals into a secular context was an issue that persisted throughout the whole council election. The procession of the new council through the town was a conversion of religious processions into a secular ceremony, although it might have been a symbolic seizing of the town, a kind of *reambulatio terrae*. Either in terms of religious or legal incentives, the procession of the new council was the first moment of (festive) interaction with the townspeople and thus one of the most important channels for self-representation by the elite.

Even if the source materials are scattered and pieces of information on the council elections appear almost incidentally, one may assert that these events were full of symbols, rituals and signs that were meant to stress the relations between the town and its officials as well as between the officials and God. Although the yearly council elections were the only public

secular feast day in town, the sacred and profane spaces of the town also interacted and formed a duality and shift of meanings. What belonged exclusively to the ecclesiastical space (e.g., the procession through the town, the burial place, the songs) became scenes of a secular ritual, while secular realities (e.g., the number of councilors, the oath, tolling the bells) entered the sphere of the sacred.

This kind of shift in the meaning and use of sacred and profane have also been presented by Dietrich Poeck and Antje Diener-Staekling in their studies on urban council representation. The striking similarities among Cluj, Sibiu, German and French towns create clear evidence that ideas, traditions, and governing principles were transmitted and circulated throughout Europe.

The sparseness of written sources on early modern town halls and even the physical absence of such monuments left little chance for comparative research. Only the rare example of the decorations of the town hall in Cluj could be discussed. The inscriptions on the walls of the early modern town hall of Cluj were both decorations and messages to citizens entering the building, informing them of the high moral standards of their local government. The decorative scheme, with sentences taken from the Bible and works by Classical authors, attests the cultural background of the designer, but also reflects the demands of civic society – as in other European towns – for a building which displayed the virtues of their town in the spirit of contemporary traditions. This kind of civic ostentation may also be ascribed to the emergence and development of early modern civic awareness. This can be a closing sentence of this dissertation and an opening notion for what will come as a completion to this research: the formation of civic identity and the role of the elite in shaping it. It points forward to new inquiries.

Generally speaking, the main contribution of this dissertation is that it opens the opportunity for larger central European comparisons, and thus might contribute to a shift in the

clear-cut historical paradigm of a border between East Central Europe and the West. There are many different topics to compare: political elite creation, career building, governing systems and traditions, institutional developments, election procedures, and self-representation. Later, these topics might develop into self-standing research and be extended to other urban centers. On the local level, the database of office-holders can become an instrument for historians dealing with the history of Cluj or Sibiu.

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Appendix (attached in separate file)