

# The Contribution of Ernő Tárkány Szücs to Hungarian Ethnography

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## ABSTRACT

Ernő Tárkány Szücs was a prominent figure in Hungarian social ethnography between 1944 and 1984. His involvement in the movement for collecting legal folk customs began as a university student in 1941. Among his professors and mentors, he was particularly influenced by György Bónis, Károly Viski, and József Venczel. His first large-scale study, published in 1944, was a presentation of legal folklore from the village of Mártély. At the same time, he investigated the folk laws related to sheep farming and the legal customs with respect to inheritance in the Hungarian villages in Transylvania. He published two substantial volumes containing the wills of peasant citizens of Hódmezővásárhely written between 1730 and 1796, and later the testaments of serf farmers from the town of Makó. He published a data collection containing around 10,000 ownership certificates and an analytical study in German on the branding of horses and cattle, accompanied by illustrations. He carried out research on the legal customs associated with Hungarian mining in the 17th to 19th centuries and elaborated Hungary's draft mining law. His principal work — on *Hungarian Legal Folk Customs* — is a substantial, comprehensive, and incomparably rich corpus of legal ethnography and the history of law. His work also gained recognition abroad: he spoke at many international conferences and was elected as a member of several international organizations.

## KEYWORDS

legal inheritance customs, peasant wills, branding marks, local social law, legal folk customs in relation to mining and sheep farming

The entry for Ernő Tárkány Szücs in the *Magyar néprajzi lexikon* [Lexicon of Hungarian Ethnography] contains a rather laconic outline of the stages in his career, highlighting “legal ethnography” and “history of law” as the narrower focus of his work (ORTUTAY 1977:212). It mentions only the titles of his three main published works and refers to his membership of the

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editorial board of the journal *Dialectical Anthropology* (1975–1977). Following his early death, the obituary written by his good friend Imre Katona described Ernő Tárkány Szücs's multifaceted ethnographic achievements in far greater detail, although the genre and the limited space available precluded a more penetrating and analytical appreciation of his oeuvre (KATONA 1985:377–386).

Since 1984, besides comprehensive monographs on the history of Hungarian ethnography, valuable publications have appeared on the history of research in the fields of legal folk customs and folk traditions (KÖHEGYI – NAGY 1995:195–249, 1997:207–223, 1998:185–233). Miklós Szilágyi, author of Volume VIII, *Society*, of the handbook *Magyar néprajz* [Hungarian Ethnography], who wrote the chapter *Laws, customary law, and legal customs*, likewise found himself faced with the task of providing an overview of earlier research, including the work of Ernő Tárkány Szücs (SZILÁGYI 2000:693–759). The time has come to appraise this oeuvre from a variety of perspectives and to offer an appropriate evaluation of its significance. I will endeavor to do so by focusing on three aspects: (1) early career and legal folklore in Mártély; (2) wills and certificates of ownership; (3) compendia, plans, and recognition.

## ORIENTATION AND EARLY CAREER

Ernő Tárkány Szücs came from a family that included both peasant forebears from Hódmezővásárhely as well as market-town functionaries. His father was a well-known lawyer (who worked as a civil servant for the town council until 1951) and, according to family tradition, he was therefore obliged to choose a career in law. However, at high school his favorite teacher was the ethnographer István Tálasi, while at university in Kolozsvár (Cluj, Romania), in addition to attending lectures by the legal historian György Bónis and the sociologist József Venczel, he was chiefly interested in ethnography and the lectures given by Károly Viski, Béla Gunda, László K. Kovács, and Ferenc Haáz. At that time, legal historians and ethnographers formed a close-knit group as a result of the research into legal folk customs that took place between 1939 and 1948. In the framework of this nationwide collecting campaign, over 100 researchers collected data from around 150 settlements in Hungary using ethnographic questionnaires. The fieldwork launched in the framework of the National Regional and Folk Research Institute was initiated by István Györffy, and the efforts of the working group formed in cooperation with György Bónis and László Papp — which included Károly Viski, Edit Fél, Ákos Szendrey, and Miklós Hofer — were supported financially and intellectually by the Ministry of Justice.

Ernő Tárkány Szücs's choice of profession and his early career were ultimately determined by this collecting campaign that was aimed at a national survey of legal folklore, and by his acquaintance with György Bónis. His first exploratory data collecting work was undertaken in Mártély, Rösztke, and the village of Czún in the Ormánság region, although according to his résumé, apparently he had not yet made the acquaintance of Bónis at that time. His curriculum vitae includes the following information:

“In 1941, I and one of my classmates were awarded the university's legal history prize. This success, along with the encouragement of Károly Viski, gave us the confidence to submit a report on our achievements in the field of legal ethnography to the legal historian Professor Dr. György Bónis, who from then on guided our work and supported us financially and intellectually.” He then goes on: “With the help of Court of Appeal judge Miklós Hofer, he even managed to get me appointed as a clerk to the county court in Kolozsvár and to have the service reassigned to the university. This legal practice facilitated my investigations into legal folk customs; in connection



with this, I was involved in organizing the collecting of legal folk customs from Kalotaszeg (Țara Călatei, Romania) and carried out collecting work in around 14 villages. I also took part in the village research in Bálványosvárnya (Unguraș, Romania) led by Dr. József Venczel, involving the collecting of legal folk customs.”<sup>1</sup>

It is clear from what Tárkány Szücs writes here that from the very beginning he was consciously laying the groundwork for undertaking research into legal folklore, and that it was the ethnographer Károly Viski who directed him towards his later mentor, the legal historian György Bónis. This is also confirmed by Professor Bónis in his foreword to the publication *Mártély népi jogélete* [Legal Folklore in Mártély]: “The first volume in the series is a study on folk law. The author, final-year law student Ernő Tárkány Szücs, was among the first students to enroll in Kolozsvár, and in the summer of 1941 he took a spontaneous interest in the collecting of legal customs. With practically no assistance, he traveled with a colleague to the village of Mártély, near where he was born, returning with valuable material even in the first year. (...) It is inherent in the nature of this new discipline that every monograph of this kind is still no more than experimental... For this reason, I gave the author free range in places where I myself would have adopted a different approach to the raising of questions or the classification of the material” (BÓNIS 1944:4). The publication of what was, in many respects, a pioneering monograph was made possible by the financial support of the Ministry of Religious Affairs and Public Education and the Friendship Association of the Institute of Hungarian Studies. It was published by the School of Legal History of the University of Kolozsvár.

As an expert in this field, László Papp wrote as sometimes unduly harsh critique of the volume for the journal *Ethnographia* (PAPP 1944:174–175). He found fault with what ethnographer Edit Fél particularly valued in the volume — its “superabundance” of ethnographic data. László Papp rightly took exception to the ambiguous wording in Bónis’s foreword with respect to “precedence,” calling attention to his own work, *Kiskunhalas népi jogélete* [Legal Folklore in Kiskunhalas], which had been published in 1941. He also made an important comment regarding the questionnaire that was used in the research: “The author undertook the collecting and processing of the material, with significant omissions, using a questionnaire compiled at the time for temporary use by the aforementioned working group, although he does compensate for its shortcomings with many of his own ideas,” he acknowledged. “Following a clear definition of the social framework, the elements of ‘pure’ folklore, folk propriety, and the phenomena of folk public and private economics are excessive...” (PAPP 1944:174). Papp also acknowledges that the author “presents (his subject) in a disciplined way and with clearly reliable exactitude throughout, thus also rendering a service to ethnography.”

Several years later, Edit Fél expressed appreciation for the fact that in *Legal Folklore in Mártély*, Ernő Tárkány Szücs — although emphasizing the priority of legal points of view — “nevertheless seems to lose sight of this in many places, allowing the work to be read as a purely ethnographic publication. Without calling himself an ethnographer, he is the first collector to have undertaken a meticulous study of the existence, internal structure, and disintegration of the family and the extended family, and of the opportunities for its expansion via marriage and adoption. He analyses the role of the son-in-law, family names, and non-blood relationships.” Edit Fél recognized that the legal experts who had played a role in researching folk society had been looking “merely at

<sup>1</sup>His typed résumé is preserved in the document archives of the Institute of Ethnology, Research Centre for the Humanities dated May 18, 1975. The location of the document is currently unknown.



the law” at the outset of their work, and that László Papp “deliberately avoids endorsing ethnographic viewpoints” (FÉL 1948:10). In contrast, Bónis made it clear that, since the objective of research into legal folklore is primarily ethnographic, “the methodology for the collecting of legal customs can only be that used in ethnography and history” (BÓNIS 1943:280).

Later, in the 1960s and 1970s, the expression “legal folklore research” was alluded to on several occasions from the perspective of legal sociology by Kálmán Kulcsár, who, besides his criticisms, emphasized that this research had been a unique experiment undertaken using the empirical tools and methodologies of Hungarian sociology.<sup>2</sup> We, however, can view this as an illegitimate attempt at appropriation — that is, as the transference of ethnographic achievements into the anemic history of Hungarian sociology.

It would be a mistake to base our judgement of the young Tárkány Szücs’s efforts entirely on his monograph on Mártély (TÁRKÁNY SZÜCS 1944b). During 1943–1944, he published substantial studies in the journals *Erdélyi Múzeum*, *Kolozsvári Szemle*, and *Hitel*, in which he reported on the results of the legal custom collecting begun in Kalotaszeg; on the reflection of aspects of legal folklore in folk tales; on folk legal regulations for the organization of communal sheep flocks and milk distribution based on measurement and trial milking; and on legal customs related to inheritance among the Hungarian population of Transylvania. The last of these studies contained a comprehensive overview of the work carried out by Miklós Mattyasovszky in the early 1900s with the support of Minister of Agriculture Ignác Darányi in relation to Hungarian and German land inheritance systems. The study also analyzes the report compiled by János Baross in 1905 at the request of the Hungarian National Society of Agriculture concerning the ways in which Hungarian peasant holdings were inherited. He also reported on the results of his data collecting work carried out under the direction of József Venczel and György Bónis between 1941 and 1944, stating that: “The principle of equal inheritance, which is the procedural method followed in both our judicial and chancery practice, considerably expands the number of heirs and divides up property to such an extent that it reduces its value in terms of family maintenance and its economic productivity; its serious consequences on the common people, however, include ubiquitous birth restrictions, emigration, and the acquisition of Hungarian land by foreign peoples with capital (one need only think of the fate of Transylvanian land before the First World War) (TÁRKÁNY SZÜCS 1944a:400).<sup>3</sup> He points out that, even according to the contemporary legal approach, land was “a constituent part of the state,” thus it was for the state and the legislature to determine “who owned this land, and in what proportion.”

I quote these lines at some length not because questions of land ownership are still topical today, but because I wish to convey an idea of the foresight with which the young (23-year-old) Tárkány Szücs thought about the national political issues that so severely beset the Hungarian population. The ideologically motivated criticism referred to by Kálmán Kulcsár with reference to the notion of “legal folklore researchers” is unmerited by these real and indeed crucial concerns.<sup>4</sup>

<sup>2</sup>E.g., KULCSÁR 1960:119, 1974:210. See also KÓHEGYI – NAGY 1997:218.

<sup>3</sup>Cf. KERÉK 1939. In the early 20th century, hundreds of thousands of acres passed into the hands of Romanians in Transylvania with the collaboration of banks in Bucharest.

<sup>4</sup>In other words, since they traced legal folk customs back to the spiritual characteristics and temperament of the people, they insisted on an artificial contrast between “foreign” and “Hungarian” legal folklore, and within the general renewal of Hungarian society they wished to make the legal system “more Hungarian” and “more Socialist” by drawing on legal folk customs (KULCSÁR 1960:119).



Györffy and Bónis and his colleagues would indeed have liked to “redirect” legislation that had “lost touch with the folk perspective” toward the everyday requirements of the Hungarian people and to their professed belief concerning law and justice. However, they quickly realized that such an objective and endeavor — which were even championed by several prominent representatives of the Ministry of Justice — were no more than an illusion.<sup>5</sup> We should add that, in his above-mentioned article, Tárkány Szücs inveighed against “equal inheritance rights” with respect to the inheritance of Hungarian peasant holdings and expressed approval of the German legal custom of “tribal inheritance.” There was a desire to popularize the latter principle, and indeed enshrine it in law, and discard the Hungarian tradition that had proved detrimental.

## TESTAMENTS AND CERTIFICATES OF OWNERSHIP

The three decades between 1945 and 1975 swept Ernő Tárkány Szücs away from ethnographic research, and one can only admire the fact that in his workplaces in that period, even in the midst of his official responsibilities, he still occasionally had articles published in professional ethnographic journals, while in 1961 he managed to publish the substantial volume *Vásárhelyi testamentumok* [Testaments of Vásárhely] (TÁRKÁNY SZÜCS 1961). The book is divided into two main sections: a study comprising almost 300 pages, and a 150-page appendix. Tárkány Szücs introduced into historical-ethnographic inquiry a type of document that had not previously been examined in detail. It is worth pointing out that serf wills have not since appeared in the same quantity as in the collection of testaments from Hódmezővásárhely, the two volumes of which preserved 477 wills. All the wills date from between 1730 and 1796, and all of them bear witness to the scrupulousness of the notaries, chief justices, councilors, and peasant citizens of Hódmezővásárhely. To the trained eye, the wills and records, along with the property inventories, amicable agreements, records of assets, and other documents attached to them, provide a picture of life in 18th-century society in Hódmezővásárhely. As a native of Hódmezővásárhely, the researcher Tárkány Szücs was eminently placed to undertake such a task. As if aware that he would be coming after them, local historian Sámuel Szeremlei and ethnographer Lajos Kiss left to him the work of analyzing and systematizing, which demanded a grounding in legal history, although they themselves were aware of the manuscripts and had examined them.

In his study, Tárkány Szücs examines the frameworks of the lives of the serf farmers of Hódmezővásárhely, proceeding in order of plot, house, outbuildings, and the use of common land. The chapter *Housing* chiefly contains a description of agrarian farming, while the chapter *Livestock* describes animal husbandry. He also touches on the question of vineyards, money, and personal property. The text of the 48 wills appended to the study are in themselves a valuable source for research into a wide variety of ethnographic topics, which the author even facilitates by the inclusion of an index.

With the publication of his volume *Testaments of Vásárhely*, Ernő Tárkány Szücs presented himself as the representative not of “legal ethnography” but of historical ethnography, a trend that had become increasingly influential in the preceding 30–40 years, even in Western Europe. He immediately obtained a distinguished place for himself in terms of archival source exploration, which at the time was still advocated by only a few researchers — chiefly István Tálasi,

<sup>5</sup>Cf. BÓNIS 1948:20; SZILÁGYI 2000:697.



István Balogh, and Tamás Hoffmann. People took notice of him, and even today his book is highly esteemed among historians of late feudalism as well as agrarian historians. The journal of agrarian history *Agrártörténeti Szemle* (TÁRKÁNY SZÜCS 1966) was delighted to publish his latest study containing the wills of serfs, while *Makói parasztok végrendeletei* [Peasant Wills of Makó] was published in *Ethnographia* (TÁRKÁNY SZÜCS 1974).

In 1965, he published the two-part study *A jószágok égetett tulajdonjegyei Magyarországon* [Cattle Branding in Hungary] (TÁRKÁNY SZÜCS 1965). This study, which contains a huge reference section, is based on the analysis of around 10,000 branding marks. He provides a sample of these in 39 tables, with 80–100 branding marks illustrated visually in each. He explores the entire history of cattle branding in Hungary, its geographical spread, and its folk connections, giving emphasis to county marks and the role of the law enforcement administration in the branding of cattle. In 1969, his excellent study on the branding marks used in counties, towns, and villages was also published in German (TÁRKÁNY SZÜCS 1969). He brings to light the enormous task that burdened herdsmen, shepherds, drovers, and especially the authorities in the interests of certifying and recording the ownership of livestock.

His study *A vásárhelyi baromgazdaság* [Animal Husbandry in Vásárhely], published in a volume that he edited in memory of Lajos Kiss, analyzes the operating structure and legal relationships of the extensive farming of grazing cattle (TÁRKÁNY SZÜCS 1983). Based largely on 18th- and 19th-century documents, he examines the system of the use of common land and pastureland, the decrees of the council, and especially the organizational system of autonomous farming associations and cattle farms, their internal and external relations, the rules governing the engagement and remuneration of shepherds and their activity throughout the year, the obligations of farm officials and employees, the official tasks of the council, the powers of its employees, etc. The study is one of the standard works for research into autonomous farming associations.

## COMPENDIA AND ACADEMIC RECOGNITION

In the last brief decade of his life, Ernő Tárkány Szücs was at last able to devote all of his time to ethnographic research. In 1975, having left his position as head of the legal department of the Ministry of Heavy Industry, which he had held for almost 10 years, he joined the Ethnographic Research Group of the Hungarian Academy of Sciences. It was there that his academic work was truly realized. Liberated from the trammels of his official responsibilities, he threw himself into work on topics that had long been dear to his heart, becoming one of the most industrious contributors to the compendia promoted by Ortutay, Tálasi, and Gunda, and thus to the *Magyar néprajzi lexikon* [Lexicon of Hungarian Ethnography] then being compiled. He contributed between 15 and 20 entries per volume, and not merely in the field of legal ethnography in the narrow sense. He introduced into the encyclopedia many traditions associated with the lives of miners and mining customs (e.g., the “mine judge” and the “leather jump” [an initiation ceremony that involved leaping over the miner’s leather apron]).

He also presented a great many of the customs, institutions, and functions of social life, from the making of toasts and the churcing of women, through the marriage market and wedding gifts, to blood feuds and children born outside wedlock. In the meantime, his landmark studies on the legal customs of the common folk in Europe, and on the opportunities for and significance of their research, appeared in distinguished international volumes and journals in English and German. With the publication in *Ethnologia Europaea* in 1967 of his article focusing on the



history of research and methodology from an international perspective, he himself contributed to the promotion of research in Europe, making a name for himself within the community of legal folklore researchers. The handbook published in Kiel in 1974 by Professor Karl-Sigismund Kramer included a list of works published by Tárkány Szücs among the fundamental works on legal ethnography. (Fortunately, there were also German synopses of the works he had published on Mártély and on the testaments of Hódmezővásárhely.) In this way, he was able to participate in the founding (in the Netherlands) of an international organization bringing together research on legal folk customs — the Commission on Contemporary Folk Law — and in the editorial board of the international journal *Dialectical Anthropology*. Even earlier, in 1964, in recognition of his achievements in the field of research into cattle branding, he had been elected as a corresponding member of the *Zentralstelle für Personen- und Familiengeschichte* in Berlin-Dahlem (HOFFMANN 1985:323).

Having become a member of the Hungarian Academy of Sciences, he participated in several international congresses, giving presentations on legal ethnography (in Liège in 1975; at the Finno-Ugric Congress in Turku in 1980; and in Moscow in 1981 at a workshop organized by the Coordination Center for the Social Sciences in Vienna). I also met him on a few occasions with his foreign “colleagues.” In 1975, for example, he hosted as a guest in his apartment Romulus Vulcănescu, who had traveled to Budapest for the Finno-Ugric Congress: Vulcănescu was an outstanding researcher of Romanian legal folk customs and at that time was busy editing a dictionary of ethnography. (As I was also a guest of his, along with Imre Ernő Katona, the four of us cultivated a friendly professional Hungarian–Romanian relationship.)

Tárkány Szücs carried out a huge amount of library research between 1975 and 1980. Methodically, and with unparalleled diligence, he spent each day ploughing his way through literature on the many branches of legal history, legal sociology, agrarian history, and ethnography in order to develop the card-indexed database that served as the basis for his monograph published under the title *Magyar jogi népszokások* [Hungarian Legal Folk Customs]. Running to over 900 pages, this book, in which he summarizes the knowledge had had acquired since his youth on the legal folk customs of the Hungarians and the largely unwritten principles, regulations, and social conventions governing the lives of individuals, smaller and larger communities, and folk society, is the most important work in his oeuvre (TÁRKÁNY SZÜCS 1981). It encompasses the entire territory of historical Hungary, regional, local, and ethnic differences, and the parallels that can be drawn with the legal customs of neighboring peoples and more remote ethnic groups. Besides the almost 300 entries in the reference section at the end of the volume, it would be hard to estimate the quantity of specialist literature cited in the footnotes (although the figure must be many times higher than the number of works included in the bibliography). He quotes with precision every piece of worthwhile data and every relevant opinion, giving readers the justifiable impression that anything that might possibly have been omitted from this book is not in fact worth knowing. Nevertheless, the author consciously forced himself to exercise restraint during the writing of the book. He confined himself to the 250 years between 1700 and 1945, for example, and compelled himself to omit a topic on which he was otherwise extremely knowledgeable — the organizational forms, functionaries, and written sources related to folk public administration.<sup>6</sup> No doubt he was keeping this topic in reserve for a later book.

<sup>6</sup>Cf. IMREH 1973, 1983.



Even so, the work represents a corpus of incomparable richness on the topic of legal folk customs and is unparalleled even in the context of international literature. It was greeted with acclaim by representatives of all related disciplines and received enthusiastic and favorable reviews. Over 30 book reviews were published in Hungary and abroad, even as far afield as Japan. Although the publisher did not include an abstract of the book in any foreign language, many copies of the work found their way to research centers abroad, where scholars became acquainted with the book's structure, methodology, and findings through the intermediation of readers of Hungarian.

His former patron, György Bónis, lived to see the publication of Tárkány Szücs's large-scale work and wrote an enthusiastic review of it in the pages of *Ethnographia* (BÓNIS 1982:159). Acknowledging that the student had outstripped his master, he concluded his review with the following comment: "And if the present work is of use and value — which it is — then its initiator also has a share in its merit." Professor Bónis could justifiably take pride in his former student, just as Hungarian ethnography and the Institute of Ethnography of the Hungarian Academy of Sciences can pride themselves to this day on the enduring scholarly achievements of Ernő Tárkány Szücs.

The fact that the author received a distinguished publication award and that the Committee on Academic Qualifications unanimously conferred on him the title of academic doctor following an expedited procedure are now part of the book's "afterlife." The publisher, Corvina, made plans to publish a shorter German-language edition; the Hungarian Ethnographic Society awarded him the Ortutay Medal; while the Eötvös Loránd University (ELTE) bestowed an honorary professorship on him. In the preceding 15 years, he had already given a special course of lectures in all three faculties of ELTE as a visiting professor.

Ernő Tárkány Szücs's academic oeuvre represents an integral whole, and to an outsider may appear complete. Only those who were closer to him are aware that he still had research plans for several more decades, as well as research topics and piles of accumulated notes to be written up, which sadly time did not permit. Practitioners in the respective fields, however, are fully aware of the fact that they have inherited an irreplicable and indispensable scholarly oeuvre, and that it is their shared responsibility to use it well and benefit from it.

*Conflict of interest:* The author is an editorial board member and has not been part of the study review process.

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