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in Transylvania (1300–1800)*

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Social and Institutional Structures in Transylvania (1300–1800)

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Special Editor of the Thematic Issue

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Did Romanians Living on Church Estates in Medieval Transylvania Pay the Tithe?*

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The Romanians of Transylvania, who were followers predominantly of the Orthodox rite, did not pay tithe to the Western Church in the thirteenth and fourteenth centuries. However, again according to the secondary literature, beginning in the fifteenth century, two groups of Transylvanian Romanians were obliged to pay this tax: those living on church properties and those who had moved to settlements formerly inhabited by Catholics (referred to as “*terrae Christianorum*”). This study deals with the issue of the first group, analyzing the only source that would support the thesis in question, namely a letter of King Sigismund of Luxembourg (which in some editions was dated to 1398 and in others to 1425 or 1426). Although the facts described in the document would correspond to realities from 1426, the contradictory dates, the confusing language, and the absence of the original (the earliest manuscript copies of the text are from the eighteenth century) arouse suspicions. Even if we accept it as authentic, the phrase “*decima Volahorum*,” which is used in the letter, cannot be interpreted as an ordinary tithe, but only as a royal tax. Neither the late medieval registers of revenues of the Alba Iulia chapter nor the *urbaria* of the estates of the Transylvanian bishopric offer any evidence in support the thesis according to which Romanians who lived on church properties paid the tithe.

Keywords: Transylvania, tithe, Romanians, church property, source criticism

Introduction

One of the most significant differences between Western (Catholic) and Eastern (Orthodox) Christianity in the Middle Ages was the paying of the tithe. While Catholics had to pay one tenth of their most important agricultural produce to the Church (or its value in currency), members of the Orthodox Church had no such obligation.¹ Given this difference, the study of the collection of the tithe in a region in which members of the two Churches lived side by side but in which the Catholic Church was nonetheless the religion of the state (and therefore also

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1 Schmid, “Byzantinisches Zehntwesen.” See also: Zimmermann, “Zehnt,” 496.

the more dominant religious institution) is of particular interest. The following question arises: how did this asymmetrical intercultural relationship affect the original exemption from paying the tithe among Orthodox communities?

In the eleventh, twelfth, and thirteenth centuries, the Western Church was compelled to confront this issue when relatively large groups of people who followed the Eastern rite came under its authority, first in southern Italy and then, as a consequence of the Crusades, in the Holy Land and Greece.² In these areas, which were denominationally mixed, the new landlords preferred to put Orthodox serfs on their estates (which sometimes earlier had been worked by Catholic serfs), from whom they could demand higher seigniorial taxes, since Orthodox serfs did not have to pay the tithe. Since this clearly led to reductions in the incomes of the Western Church, at the Fourth Council of the Lateran in 1215 the Church stipulated, in the 53rd canon, that estate owners collect the tithe from all tenants regardless of whether the serfs followed the Western or Eastern rite.³ We know very little about how this measure was actually put into practice, but with the fall of the Latin states at the end of the thirteenth century, it became irrelevant anyway.

The History of the Research on the Subject

The other region in which communities belonging to the two Churches (the Catholic and the Orthodox) lived intermixed was East Central Europe, or more precisely, Bosnia, Galicia, and Eastern Hungary (including Transylvania), where Catholic Hungarians, Székelys, and Saxons lived alongside comparatively large Orthodox Romanian, Serb, and Ruthenian communities under the jurisdiction and rule of the Hungarian kingdom, which was fundamentally Western in its cultural and religious orientation.

Hungarian and Romanian scholars and historians have studied the question of the relationship between the Romanian communities of this region and the paying of the tithe for a long time. Transylvanian historian József Kemény (1795–1855) did some of the fundamental groundwork on the subject,⁴ drawing on the source work of József Benkő (1740–1814), Ignác Batthyány (1741–1798), and

2 Richard, “The Establishment,” 45–46.

3 COD, 235. See Schabel and Tsougarakis, “Pope Innocent III.”

4 Kemény, “Bruchstück.”

Antal Szeredai (1740–1798), among others.⁵ Greek Catholic historian Zenovie Pâclișanu (1886–1957)⁶ and Orthodox theologian Ștefan Lupșa (1905–1964)⁷ made Kemény's findings part of the Romanian historiography, often adding their own interpretations of the sources. In his monumental work on the burdens placed on the serfs of Transylvania in the sixteenth century, David Prodan (1902–1992) offers a relatively short but all the more thorough discussion of this question.⁸ Historians Andor Csizmadia (1910–1985),⁹ Ernst Wagner (1921–1996),¹⁰ Adrian Andrei Rusu (1951–),¹¹ and Ioan-Aurel Pop (1955–)¹² only touch on the question of the “tithe paid by Romanians.” Viorel Achim (1961–), in contrast, has added considerably to our understanding of this question with numerous essays on the issue as it arose in Banat¹³ and with the publication of several new sources.¹⁴ Thus, today he is considered the expert on the subject.

The historians and writers named above are in almost complete consensus on the view that, in the thirteenth and fourteenth centuries, Orthodox Romanians did not pay the tithe.¹⁵ If from time to time one finds references to Orthodox Romanians alongside the word “decima” in the sources, either this was a reference to a tithe paid to the Archbishop of Esztergom by the king from his incomes (including the fiftieth paid by Romanian-speaking subjects)¹⁶ or the

5 [1398]: Benkő, *Milkovia*, 2: 321–23, see 320 (Kemény dates it [“Bruchstück,” 385] to 1425 or 1426); 1468: Szeredai, *Notitia*, 103–4; Batthyány, *Leges*, 3: 529–30; 1498: *ibid.*, 609; 1500: Szeredai, *Notitia*, 120 (fragment).

6 Pâclișanu, “Dișmele.”

7 Lupșa, *Catolicismul și românii*, 46–52.

8 Prodan, *Iobăgia*, 1: 53–57.

9 Csizmadia, “A tized Erdélyben,” 44–45.

10 Wagner, “Register des Zehnten,” 203, 219.

11 Rusu, “Sinodul de la Florența,” 97–98, 111.

12 Pop, *De manibus Vallacorum*, 398, 401–5.

13 A geographical and historical region most of which today lies in southwestern Romania and northeastern Serbia.

14 Achim, “Les Roumains,” *idem*, “Disputa din episcopia de Cenad,” *idem*, “Considerații,” *idem*, “Disputa din Caransebeș.”

15 Kemény, “Bruchstück,” 382–85 (see also 390–92); Pâclișanu, “Dișmele,” 456–57; Prodan, *Iobăgia*, 1: 53–54; Achim, “Les Roumains,” 11–13; *idem*, “Disputa din episcopia de Cenad,” 169–70, 172–73; *idem*, “Considerații,” 73–76; *idem*, “Disputa din Caransebeș,” 189–92. Only Lupșa, who approaches the question from the perspective of grievances, contends that even as early as the fourteenth century several attempts were made to compel the Romanians to pay the tithe (Lupșa, *Catolicismul și românii*, 47–50), but in support of this contention he either refers to sources which are falsifications or offers arbitrary interpretations of the documents on which he draws.

16 1262(?): CDTrans, 1: no. 235 (see no. 221); 1293: *ibid.*, no. 519.

Romanian community in question had converted to Catholicism¹⁷ (although the Hungarian kings, in an effort to further religious conversion, strove to prevail on the pope to exempt these converts from paying the tithe).¹⁸

The situation began to change under King Sigismund, but the changes affected only some of the Romanian communities.¹⁹ In Hungary more narrowly understood (i.e. not including Transylvania), with the exception of the efforts of a few prelates (in 1415 and 1469), Romanians remained exempt from the tithe.²⁰ In Transylvania, however, according to the consensus in the secondary literature, first Romanians living on the estates of the bishop and of the chapter were compelled to pay the tithe, followed by the Romanians who had settled on “Christian lands,” i.e. villages or plots which earlier had been inhabited by Catholics.²¹

An Analysis of the Charter of 1426

In this article, I examine the first of these two cases, i.e. the case of Romanians who were living on estates owned by the Church and the question of whether or not they were obliged to pay the tithe. On the basis of the sources, I throw into question the consensus mentioned above in the secondary literature.

17 1358: CDTrans, 3: no. 985 (Szád [today Marosberkes/Birchiş] and its surroundings, in Arad County); 1377: DocRomHist C, 15: 281–93, 296–302 (Aranyosmeggyes [Medieşul Aurit] and its attached estates). See Pall, “Românii din părțile sătmărene,” 14–18, 24–26, 29–30. There is consensus in the Hungarian and Romanian secondary literature that Catholic proselytism met with only limited success among the Romanians. Only some of the Romanian elites of Karánsebes (Caransebeş) and Hátszeg (Haţeg) and their surroundings permanently converted to Catholicism. See Juhász, “Nyugati misszió,” 263–78; Rusu, “Sinodul de la Florența,” 117–27; Achim, “La féodalité roumaine;” idem, “Convertirea,” 85, 88–92, 93; idem, “Disputa din Caransebeş,” 187, 193, 198–200.

18 CDTrans, 2: no. 619; 3: no. 609–10.

19 Kemény, “Bruchstück,” 385; Pâclişanu, “Dişmele,” 457–58; Achim, “Les Roumains,” 15, 16–17; idem, “Disputa din episcopia de Cenad,” 169–70; idem, “Considerații,” 77. According to another interpretation which is less persuasively grounded in the sources (Csizmadia, “A tized Erdélyben,” 44; Rusu, “Sinodul de la Florența,” 98), the obligation to pay the tithe only began to be placed on the Romanians of Transylvania in 1468 (permanently or temporarily), but it was placed on all Romanians, with no exceptions (see also Lupşa, *Catolicismul și românii*, 50–52).

20 Pâclişanu, “Dişmele,” 457–58; Achim, “Les Roumains,” 5–8, 12–17; idem, “Disputa din episcopia de Cenad,” 170–73, 176–78; idem, “Disputa din Caransebeş,” 189–92.

21 Kemény, “Bruchstück,” 385–92; Pâclişanu, “Dişmele,” 458, 460–61; Achim, “Les Roumains,” 11–12, 15, 16; idem, “Disputa din episcopia de Cenad,” 172–73, 175; idem, “Disputa din Caransebeş,” 189. Prodan disagrees. He contends that the decrees were never actually put into practice, and thus at the end of the Middle Ages the Romanians of Transylvania, like the Romanians of Hungary, did not pay the tithe (Prodan, *Iobăgia*, 1: 54–57).

Some historians have dated the start of this practice to 1398,²² while others have dated it to 1425 or 1426.²³ When one examines the secondary literature more closely, however, one notes that in each case these conclusions are based on the same source, specifically a letter in which King Sigismund informed the Transylvanian nobility that, the request made by their delegates (Miklós Apafi of Almakerék [Malâncrav/Malmkrog] and László Gyerőfi of Szamosfalva [Someşeni]) notwithstanding, for the moment he would not oblige the Romanians living on the estates of bishops and other Church estates to pay the tithes (“decimam Volahorum episcopaliū et ecclesiasticorum exigere distulimus”), since in order to maintain the bishops’ *banderia*²⁴ and in order for the chapter and other figures of the Church to be able to fulfill their obligations to the military, they would have to tax the Romanians on their estates (“episcopus *banderium proprium, capitulum autem et alii viri ecclesiastici certas summas pecuniarum ratione exercitus solvere et propter illas expediendas eorum Volahos exactionari habent*”). He did promise, however, to come to Transylvania once the military campaign that was underway at the time had come to an end and to reach a decision on this issue, after thorough negotiations, that would satisfy both parties. In a separate postscript he even exempted the noblemen without lords (“*nobiles dominos ... non habentes*,” i.e. a nobleman who was unwilling to serve as the *familiaris*²⁵ of another, wealthier lord) from military conscription (“*ab ingressu presentis nostre exercitūalis expeditionis duximus supportandos*”).²⁶

The different datings by different historians are explained by the fact that, in the clause of the document, at the date formula, the year according to the Christian Era is not indicated next to the place (Visegrád) and the day of the year (“*vigilia festi Visitationis Virginis gloriose*,” i.e. July 1). True, one should be able to determine the year in which the letter was written on the basis of the three regnal years of King Sigismund specified in the same place (“*regnorum*

22 Pâclişanu, “Dişmele,” 457–58; Lupşa, *Catolicismul și românii*, 49.

23 Kemény, “Bruchstück,” 385; Achim, “Les Roumains,” 12.

24 Military units in medieval Hungary which were identified by the banner of the nobleman or high-ranking member of the clergy under which they fought.

25 The term refers to a relationship unique to the feudal society of medieval Hungary: the “*familiaris*” performed services for the lord usually for payment in cash or in kind, not for estates, and unlike in Western Europe, where the relationship between vassal and liege was usually life long, the “*familiaris*” could sever ties to his lord if it was in his perceived interests. See Engel, *Realm of St Stephen*, 126–28.

26 The various editions: with a date of 1398: Benkő, *Milkoia*, 2: 321–23; Kósa, *De publica*, 50–51; CDHung, 10/3: 213–14; Kemény, “Erdélynek,” 30–32; Moldovanu, “Contribuțiuni,” 172; Hurmuzaki, 1/2: 400; DocVal 504–5 (summary). With a date of 1426: Moldovanu, “Contribuțiuni,” 234; Hurmuzaki, 1/2: 538–39. Summaries of content with a date of 1425: CDHung, 10/8: 606; Hurmuzaki, 1/2: 533.

nostrorum anno Hungariae XI^{mo}, Romanorum vero II^{do}, Bohemiae VI^{to}”), but these three dates contradict one another. His eleventh *annus regni* as King of Hungary refers to 1397²⁷ (and not 1398, as it was considered by some of the editors!), while his second regnal year as “Roman” (i.e. German) King refers to 1412, and his sixth *annus regni* as King of Bohemia to 1426.²⁸ It is possible that individual numbers were distorted when the text was copied or issued, and we could even presume how this distortion took place if we could assume that the Czech *annus regni* is accurate,²⁹ in other words that the letter was written on July 1, 1426.³⁰ In this case, the original text must have read “regnorum nostrorum anno Hungarie XL^{mo}, Romanorum vero sedecimo,” and the Latin numerals could easily have been miscopied as “XI” and “secundo.”³¹

The simplest way of verifying the abovementioned emendation, clearly, would be simply to consider the original of the charter. We do not, however, have any such charter, and indeed to my knowledge there are no reliable transcriptions either, neither from the Middle Ages nor from the Early Modern Era. Most of the editions (more precisely, those dated to 1398) are based on József Benkő’s edition, but Benkő did not indicate the source he used. The editions dated to 1426 follow quite faithfully (servilely) one of the copies made by József Kemény sometime around 1840,³² which refers to Count Ádám Székely’s (†1789) collection of manuscripts, which at the time was held in the

27 In some editions (Moldovanu, “Contribuțiuni,” 234; Hurmuzaki, 1/2: 539) the tenth Hungarian (1396) and fifteenth Roman (1425) regnal year figures in the clause (as an alternative), but clearly these dates do not agree either.

28 Sigismund was crowned King of Hungary on March 31, 1387, and King of Bohemia on July 28, 1420. He, however, considered his reign as King of Germany to have begun not with his coronation in Aachen on November 8, 1414, but rather with his election on September 20, 1410, although at the time only two of the electors voted for him, giving him a total of three votes, including his own, and so the election which was (re)held on July 21, 1411 should be considered valid (Hoensch, *Kaiser Sigismund*, 63, 148–57, 186–89, 293). For most of the period of his reign (1387–1401, 1409–1437), in contrast with standard practice in the Angevin period, dates were recorded using not the calendar year, but rather simply beginning from the day on which he had taken the throne (Engel, *Archontológia*, 1: 528–29, respectively 549–64, *passim*).

29 On the basis of the three royal titles and the date given for the day, it is quite clear that the letter should be dated to sometime between 1421 and 1432, since following his coronation as Holy Roman Emperor on May 31, 1433, Sigismund marked his title as emperor and the year of his rule in these kinds of decrees (see also CDHung, 10/8: 648, 649).

30 See ZsOkI, 1: 594 (between no. 5386 and 5387).

31 On the shifting use of Roman numerals and numbers written using letters in the same date formula see Házi, *Sopron*, 1/2: 220, 261, 269, 307; CDHung, 10/8: 648, 649, *stb.*

32 BAR-CJ, Ms. KJ 288/C, 3: 91–92.

library of the Calvinist college in Kolozsvár (Cluj-Napoca/Klausenburg).³³ The collection is currently held by the Cluj County Directorship of the Romanian National Archive, and one of the two volumes containing the text was indeed found in it, but the volume contained no reference to the source on which the text was based, so it offered no further clues.³⁴ Given the similarities in the ways in which the text was apparently miscopied, however, one can assume that this version and the Benkő edition are closely related and indeed were perhaps themselves based on the same flawed copy.

The text is found three more times in Kemény's collection of manuscript copies.³⁵ One of these versions is less interesting than the other two because it simply reproduces Benkő's version.³⁶ In the second, however, the regnal years which were reconstructed by me figured, and, according to this, it was dated to 1426, but Kemény later "corrected" the numbers, prompted by the works of Benkő and Kósa, and changed the year to 1398.³⁷ Thus, it is possible that Kemény was using the original document or, more probably, a better quality copy, a hypothesis which seems plausible in part because some of the names are written using forms that were historically accurate (e.g. Gerew and Wissegrad for Gyerő and Visegrád). The third version of the text, which has not yet been published, is even more interesting. It is found in the copy of the November 1, 1426 transcription made by the convent of Kolozsmonostor (Cluj-Mănăştur), a copy which includes a plethora of explanatory notes.³⁸ The original version of this transcription has not survived either, and again, Kemény has failed to indicate the source, but the use of medieval spellings for names and the almost

33 For a short history of the collection, see Jakó, "Forschung der Quellen," 71–72.

34 SJAN-CJ, Collection of the Calvinist college in Kolozsvár (Fond 890), no. 46, 235–36 (dated to 1426). The other copy, which is mentioned by Kemény (*ibid.*, no. 43, 93), is inaccessible at the moment. Since for the most part the Székely collection contains the text of charters dealing with the Apafi and Bethlen families (including the abovementioned source), it seems possible to me that these texts were copied from materials held today in the Erdélyi Fiscalis Levéltár Apafiana (i.e. the materials on the Apafi family in the Transylvanian Fiscalis Archive), which are part of the National Archives of Hungary. See also Trócsányi, *Erdélyi kormányhatósági*, 545, 559–60.

35 Kemény, a famous collector of source materials, intended to publish a comprehensive corpus relating to the history of Transylvania. On his work see Jakó, "Forschung der Quellen," 74–76.

36 BAR-CJ, Ms. KJ 288/D, 4: no. 124.

37 "regnorum nostrorum annorum Hungariae *quadragésimo* <videlicet XI>, Romanorum *XVI* <vero II> et Bohemiae sexto" (BAR-CJ, Ms. KJ 288/C, 2: 307–9).

38 BAR-CJ, Ms. KJ 288/D, 5: no. 26.

correct date formula³⁹ suggest that this version is in all likelihood a relatively close variant of the original.

A summary of the letter, dated to 1425, was published by György Fejér, who refers to the Codex Széchényianus held in the Manuscript Collection of the National Széchényi Library as the source, though in all likelihood he never actually set eyes on this codex, since he repeats word for word the corresponding passages from the first catalogue of the collection, which offers ample summaries of the contents of the individual holdings.⁴⁰ Regrettably, the Codex Széchényianus, which once consisted of eleven tomes, cannot actually be identified among the holdings of the Széchényi Library at the moment, but I did manage, using the old catalogue, to find a version of the text in question dated to 1425 in a volume of copies made in 1792–1793.⁴¹ A reference in this work led me to the valuable collection of Dániel Cornides,⁴² but since this collection also failed to indicate the sources on which it was based, I again failed to find any version of the text dating back earlier than the second half of the eighteenth century, and thus also failed to come any closer to the hypothetical original.

It was necessary to go into detail concerning these texts and the issues surrounding them because the absence of the original and the decisive role played by Benkő and Kemény in bringing the charter into “circulation” casts a shadow of doubt on the source in question.⁴³ However, the manner in which the text has been passed on (down several branches, see Fig. 1) makes it seem highly unlikely that the charter is merely a fabrication cobbled together by erudite eighteenth-century source collectors (even if, given the confusion concerning the date of its composition, it is not free of all doubts). Of course, this alone hardly suffices to confirm its authenticity, and thus further study is necessary, more specifically, an examination of its contents.

39 “regnorum nostrorum anno Hungariae XXXIX, Romanorum vero XVI, Bohemiae VI” (ibid).

40 Miller, *Catalogus*, 1: 504. See CDHung, 10/8: 606.

41 OSzK, Fol. Lat. 1119, ff. 188^{r-v}. Most of the volume was copied from Cornides’ collection, along with shorter sections from the works of Fejérvári, Pray, and Hevenesi.

42 MTAkt, Ms. TörtOkl 2^o16: 288–89. (I was able to obtain a photographic copy of the text thanks to Sándor Előd Ósz and Klára Láng. I offer them my grateful thanks for their assistance.) Here, the dating of the charter is the following: “regnorum nostrorum annorum Hungariae X^{mo}, Romanorum XVI^o et Bohemiae sexto.” For a brief summary of the work and pursuits of Cornides and an assessment of his collection, see Jakó, “Forschung der Quellen,” 72–73.

43 Each of the two esteemed source collectors has been tied in the secondary literature to falsifications. On Benkő, see CDTrans, 1: no. 7, 148. On Kemény, see Mályusz, “Kemény József;” Rady, “Forgeries.”

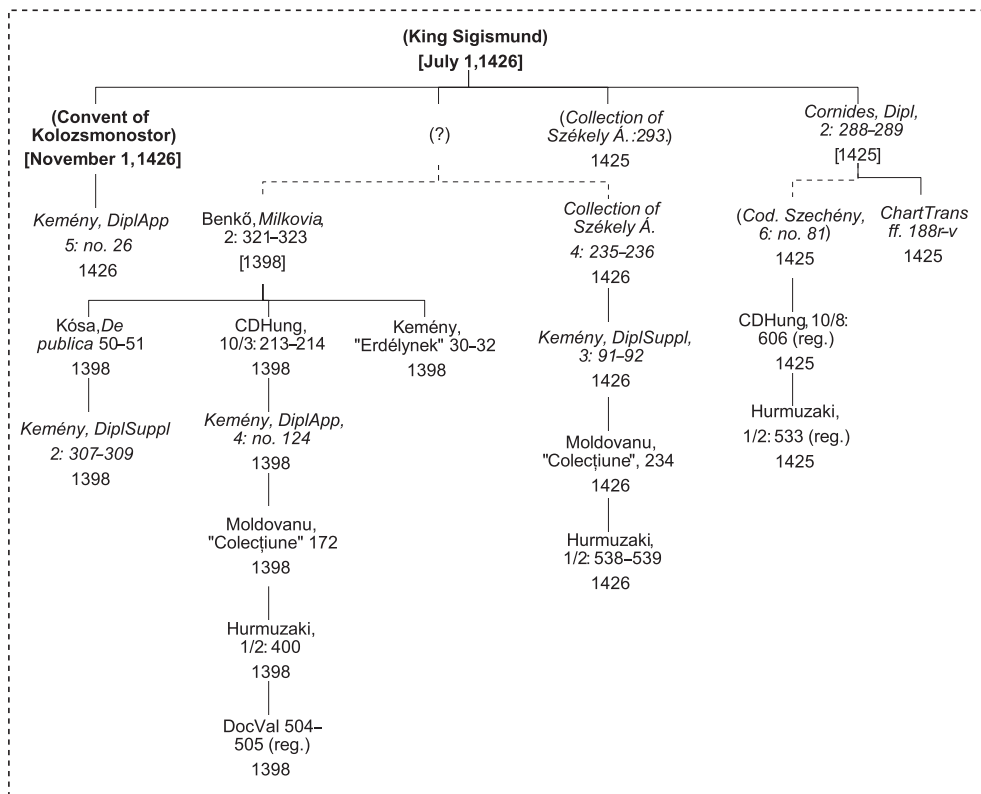


Figure 1. The textual filiation of the July 1, 1426 charter issued by King Sigismund. I used bold to indicate what was allegedly the medieval original and its transcriptions, *italics* to indicate manuscript copies made in the Modern Era, and parentheses to indicate textual “witnesses” which today are either lost or inaccessible.

The fact that the source seems to correspond, from the perspective of its genre, to the age in which (one assumes for the moment) it was composed can be cited as evidence of its authenticity. The first examples of comparable “closed letters” (*litterae clausae*) date to the 1420s, i.e. documents in which only the address written on the exterior indicates the person to whom the letter is addressed, and in the text of the letter only “fideles dilecti” is used as a form of address, but in the line in which the dates are written various years of reign are given (often without the date for the Christian era).⁴⁴ The various details mentioned in the text seem to correspond to the facts as we know them on the basis of other sources.

44 1422: DF 239437 = ZsOkl, 9: no. 120; Házi, *Sopron*, 1/2: 220, CDHung, 10/6: 480–81 = 555–56 (the latter was mistakenly dated to 1423); 1424: Házi, *Sopron*, 1/2: 261; 1425: *ibid.*, 269–70 (and the postscript); 1426: *ibid.*, 306–7; 1435: CDHung, 10/8: 648, 648–49. These were all sent to cities (Pozsony [Bratislava/Pressburg], Sopron [Ödenburg], Bártfa [Bardejov/Bartfeld]), which is why they have survived.

For instance, there is mention of Miklós Apafi between 1399 and 1446 in the sources and of László Gyerőfi between 1411 and 1430.⁴⁵ Sigismund was indeed in Visegrád in July of 1426, and he did indeed spend an extended period of time in Transylvania between November of 1426 and July of 1427, as he had promised to do.⁴⁶ The announcement of the coming war was also accurate, since on June 12, 1426 the king wrote a letter to Henry Beaufort, Bishop of Winchester, in which he indicated that he wanted to send three armies to the fields, in part to fight against the Hussites and in part to fight, under his leadership, against the Turks, who Dan II of Wallachia (1422–1431) had driven from his land at the end of May.⁴⁷ The military campaign was indeed launched in the summer or autumn of that year in accordance with these plans, with only the slight alteration that the royal army was led not by the king himself, but by Pippo Spano, Count of Temes (Timiș).⁴⁸

The written materials which have survived from the period in question draw a distinction, too, between members of the petty nobility who served as “familiaris” and those without lords (“dominos non habentes”). According to King Sigismund’s decree of 1435 (his so-called fifth decree), the former had to join the army at their lords’ expense as part of their lords’ banderia, while the

45 Engel, *Genealógia*, Becsegergely nem 2. tábla: Apafi [Becsegergely kindred, second chart: family tree of the Apafi family], and also *ibid.*, Mikola rokonsága 2. tábla: Gyerőfi (szamosfalvi) [Mikola kindred, second chart: the family tree of the Gyerőfi of Szamosfalva family].

46 Engel and C. Tóth, *Itineraria*, 120–22.

47 Iorga, *Acte și fragmente*, 3: 80–81. Its regesta: RI, 11/2: no. 6667. See Pervain, “Lupta antiotomană,” 103–4; Cîmpeanu, “Dan al II-lea,” 62–63. I would like to thank András W. Kovács for the assistance he provided searching for and locating important works in the Romanian secondary literature.

48 The postponements of trials from early June to October 6 (DL 80042v, 89876, 80056, 80057) because one of the two parties entered the military campaign contain information on the destination, the enemy, the commander, and individual participants. The royal army was still in arms on September 5 and October 8, so the trials that had already been delayed were again postponed from October 6 to January 13, 1427 (DF 268668 = DocRomHist D, 1: 240–41, and DF 286463). Pippo Spano (Filippo Buondelmonti degli Scolari by his full name) was in Orsova/Orșova on September 8 (DL 87996), though we do not know whether he was still on his way to his destination or already returning. The timing of the military campaign can thus be interpreted in two different ways. Most scholars put it sometime in July and/or August (Pervain, “Lupta antiotomană,” 104–6; Engel, “Ozorai Pipo,” 266, 293 [note 133]), but others come to the conclusion that it took place in September and October (Cîmpeanu, “Dan al II-lea,” 63–64). The success of the campaign was short-lived, since by the end of the year the Turks had again managed to drive the prince, who supported the Hungarians, from the land (see also DocRomHist D, 1: 242–43, 247–48). Dan II’s place on the throne was only secured after two more interventions by King Sigismund (in March and April and then again in July of 1427). See also Pervain, “Lupta antiotomană,” 107–14; Engel and C. Tóth, *Itineraria*, 121–22. Cîmpeanu, “Dan al II-lea,” 65–70 only makes mention of the incursion which took place in the spring.

latter had to do so at their own expense, under the leadership of the count of the county (“eorum comes parochianus”).⁴⁹ It is quite clear that for the people who belonged to this second group, which was of little value on the battlefield anyway, the exemption in 1426 from having to participate in the military, which was a significant financial burden, came as a relief.

The language and tone of the source, however, are both problematic. While most of the words which seemed to me at first a bit unusual and more part of the Latin used in the Modern Era (for instance, words like *conspectum*, *facunde*, *gratitudo*, *subsistens*, and *involutus*) can actually be found in the charters of the time, the same cannot be said of the rare phrases built out of them (for instance “*ingratus apparere non debet*,” “*exigere distulimus*,” and “*causis rationabilibus subsistentibus*”).⁵⁰ In some places, the sentences are so complex that they are almost incomprehensible, and the text is heavy with interpositions and stylistic frill. This baroque phrasing, furthermore, is coupled with a remarkably restrained and diplomatic tone. The king almost seems to be making excuses for himself to the Transylvanian nobility (which would be odd indeed) for his refusal to compel Romanians living on Church properties to pay the tithe. If one compares this with the clear and simple phrasing and style of similar orders,⁵¹ the difference is striking. Thus, while there are strong arguments in favor of considering the text authentic, given the absence of the original and the unusual stylistic features we would be wise to use the charter only with some qualifications and reservations.⁵²

The question of authenticity, however, ultimately is of only secondary importance, since in my assessment we would not be able to use the document as a source in a discussion of the question of the Romanian-speaking communities and the Church tithe even if its authenticity were beyond any doubt. If we interpret the phrase “*decima Volahorum episcopatum*” as a reference to the tithe as it is generally understood, then why would the document present the notion of the ruler not collecting this “tithe” for a time as some kind of unusual favor or kindness, and why would the nobility of the province complain of releasing it (to the Church!)? Collecting the tithe, after all, was hardly possible without the assistance of the secular authorities (“*brachium seculare*”) and in particular the support of the king

49 *Decreta 1301–1457*, 279–80 (paragraph 2).

50 I used the search software of the digital library on medieval Hungary (www.mol.arcanum.hu/medieval).

51 See footnote 44.

52 Norbert C. Tóth, who has a thorough knowledge of all of the charters issued in Hungary in 1426 as the editor of the relevant volume of the corpus related to the Sigismund era, has unequivocally pronounced both Sigismund’s letter and the November 1, 1426 transcription falsifications (*ZsOkl*, 13: no. 804, 1270).

and the participation of the county authorities.⁵³ Nonetheless, in the Middle Ages it did not become an official state tax, since at least in principle the justification for the collection of the tithe was the notion that it was “Christ’s inheritance.”⁵⁴ In other words, it was the rightful property of the Church and the Church alone. Similarly, although the nobility often came into conflict with the higher clergy over the issue of the tithe, these conflicts never broke out over questions of principle, but rather over the practical matters concerning the tithing on the estates of the noblemen or over personal differences. In the question of how the bishop taxed his own serfs (with a tax, furthermore, that he was entitled, as a “religious right,” to collect from every member of the Catholic Church), laymen quite certainly had no say whatsoever.

One might propose as a solution to this dilemma the changing relationship between the state and the tithe, which was shifting because of the growing threat posed by the Ottoman Empire. Following defeat in the Battle of Nicopolis, at diet held in Temesvár (Timișoara/Temeschwar) in October 1397, Sigismund decreed, at the prompting of the barons and noblemen, that as long as the war with the “pagans” was still underway, every figure of the Church was obliged to surrender half of his income⁵⁵ for the defense of the border. Furthermore, according to Sigismund’s decree, estate owners were to turn over half of the tithe collected from their serfs directly to the individuals designated by the assembly.⁵⁶ This measure was still in effect in 1439 (since the threat posed by the Ottoman Empire had hardly vanished),⁵⁷ and according to some of the scholars this may well explain the king’s and the nobility’s interest in the question of the tithe in 1426.

An essay was recently published on the implementation of paragraph 63 of the 1397 law, and the conclusions reached in this essay make it easier to verify

53 See for instance 1397: *Decreta 1301–1457*, 173 (paragraph 66); 1411: *ibid.*, 233–34 (paragraph 6); 1538: Szeredai, *Notitia*, 159; 1553: *ibid.*, 174.

54 “decime viris ecclesiasticis debeant provenire” (1357: DocRomHist C, 11: 86); “patrimonium crucifixi” (1403: DF 287051; 1432: Ub, 4: 458, 492; 1435: *ibid.*, 563; 1486: DF 292085); “patrimonium Christi” (1468: DF 277565; 1498: DF 277631; 1500: DF 277657, 277662); “patrimonium ecclesie Christi” (1500: DF 277658); “patrimonium crucis Christi” (1500: DF 277653); “patrimonium episcopi” (1504: DF 277684).

55 Sometimes the papacy considered requiring the Transylvanian parish priests to pay half their incomes as an extraordinary contribution or tax, but Sigismund always blocked this. See also 1393: Ub, 3: 50–51; 1412: *ibid.*, 515–17, 547–49. This tax should not be confused with the annates, which clericals who had received an ecclesiastical benefice had to pay to the papal treasury. It also consisted, eventually, of half of the first year’s income of a benefice.

56 *Decreta 1301–1457*, 172 (paragraph 63).

57 Deér, “Zsigmond király,” 189; Engel, *Realm of St Stephen*, 227.

the above hypothesis.⁵⁸ Two of the findings are important from the perspective of the question at hand here. One of them is the observation that, when paying this wartime tax, the figures of the Church always turned over precisely the same sum⁵⁹ to the representatives of the king⁶⁰ or his treasurer (a sum which varied only depending on the individual institution in question). The exact amount was determined by those compelled to pay it in the course of negotiations with the king,⁶¹ and it was not changed at the councils which were later held and announced every year (where the only question was whether or not someone would be given an exemption for the year in question).⁶² Thus, this wartime tax can be considered a sort of “flat fee,” and it did not in fact depend on the actual income for a given year (the stipulation of the 1397 law notwithstanding).⁶³ Indeed, the state made no effort to determine the actual annual revenues of the churchmen or to seize its precise share of them.

Furthermore, as was determined in the aforementioned article, the misleading phrasing of some of the charters notwithstanding, the tax in question in fact was only paid by the members of the middle layer of the Church, i.e. the provosts and their chapters, the archdeacons, and some of the monastic orders (the Benedictines and the Premonstratensians), not the bishops. The bishops contributed to the defense of the country by keeping their *banderia* ready and armed (as indeed is indicated in the document allegedly from 1426 under examination here).⁶⁴ They were only able to do this, of course, by using their incomes as prelates, the vast majority of which came from the tithes collected from the serfs on their estates.⁶⁵ Thus, it would hardly have been in the interests of

58 C. Tóth et al., *Pozsonyi viszály*, 179–99, 412–16.

59 Ibid., 185–87 (table 8).

60 On these individuals see *ibid.*, 195–96.

61 Ibid., 193. See 1397: ZsOkI, 1: no. 5098, 5122; 1398: *ibid.*, no. 5559, 5617; 1399: *ibid.*, no. 5899.

62 C. Tóth et al., *Pozsonyi viszály*, 191–93, 414–15.

63 Ibid., 188, 193, 414.

64 Ibid., 197–98, 415–16. Towards the end of the period of King Sigismund’s reign, the Transylvanian bishops had to keep 150 so-called “lances fournies” (between 450 and 600 armed men) at the ready. The *banderia* were used first and foremost in the troop movements towards Wallachia (1415/1417: *Decreta 1301–1457*, 398; 1432/1433: *ibid.*, 420).

65 1436: “Georgius episcopus dicte ecclesie Transsilvane ... pro defensione et conservatione partium nostrarum Transsilvanarum banderium suum sive gentes suas exercitiales in proximo contra rabidos insultus perfidorum Turcorum easdem partes nostras et ipsarum confinia devastantium levare et transmittere debet atque tenetur, proptereaque omnes redditus et proventus sui episcopatus ante tempus limitatum sibi necessario debet administrari” (Ub, 4: 600–1). In time, a view gained widespread acceptance according to which the bishops had the right to collect the tithe because of their obligation to defend the homeland: 1500: [decime] “pro defensione regni ordinati sunt” (DF 277658, 277653); 1504: [Nicolaus de

the state to have attempted to put these incomes under its direct administration (furthermore, it would have been a violation of canon law). This could only be done when a seat was left empty. When a bishop died, Sigismund often left his diocese under the control of a secular “governor,” and the tithes that were collected from the estates were used to strengthen defenses in the southern borders.⁶⁶ This practice, however, cannot have been the solution adopted in the case of the situation described in the July 1, 1426 document, since Balázs Csanádi (1424–1427) was serving as Bishop of Transylvania at the time.⁶⁷

Thus, in my view, the phrase “decima Volahorum,” if indeed existed at all, did not mean the “normal” Church tithe. Rather, it must have been some kind of royal tax which Romanians, specifically, were obliged to pay to the royal treasury. One could mention, as a comparable example, the charter of 1293, in which King Andrew III of Hungary exempted the 60 Romanian families who were going to be settled on the estates of Fülesd (Feneş) and Enyed (Aiud) of the Transylvanian chapter from payment of the so-called fiftieth (“quingagesima ovium”)⁶⁸ and the tithe (“decima”). The text is very precise in this case and specifies that this latter is a royal tax too, not a Church tithe.⁶⁹ Prodan interprets the mention of a tax in both the 1293 document and the 1426 document as a synonym for the fiftieth.⁷⁰ This interpretation is interesting in part because sources indicate that Sigismund collected the fiftieth from the Romanians of the Transylvanian chapter, neglecting its aforementioned exemption. This happened because the king allegedly bore a grudge against the Transylvanian elite, perhaps because of its mass participation in the uprising of 1403. The chapter only regained its right to keep the “quingagesima” from Regent János Hunyadi in

Bochka episcopus ecclesie Transsilvanensis] “gentes suas, quas pro patrie illius defensione continue alere tenetur, ex proventibus huiusmodi decimalibus servare ... habet” (DF 277684).

66 Engel, *Realm of St Stephen*, 227; C. Tóth, “A főpapi székek betöltése,” 112–14.

67 Engel, *Archontológia*, 1: 70.

68 This term refers to a tax which was levied in Serbia, Hungary, and Transylvania in the thirteenth–sixteenth centuries on pastoral Romanians who had to give a sheep or a lamb for every fifty sheep or goats.

69 “ab omni exactione seu collecta regali scilicet quingagesima, decima vel quacumque alia iidem Olaci extorres habeantur, penitus et immunes”; “nullus collector seu executor regalis decime seu quingagesime vel collectarum quemlibet pro tempore constitutus Olacos ipsius capituli ... audeat molestare, nec quingagesimam, decimam seu exactionem aliam quamlibet exigere presumat ab eisdem” (Ub, 1: 195–196). See also CDTrans, 1: no. 342, 519–20.

70 In 1374, the Romanian serfs of the Várad [Oradea/Grosswardein] chapter also paid one-tenth of their sheep as a “fiftieth” tax (DocRomHist C, 14: 700). See also Prodan, *Iobăgia*, 1: 53, 54–55. Prodan (*ibid.*, 53) also considers it possible that the 1293 “decima” refers to a swine or bee tithe, which in the Late Middle Ages were among the feudal taxes that were paid by Romanians (i.e. among the taxes which were not specific to religious belonging). *Ibid.*, 67.

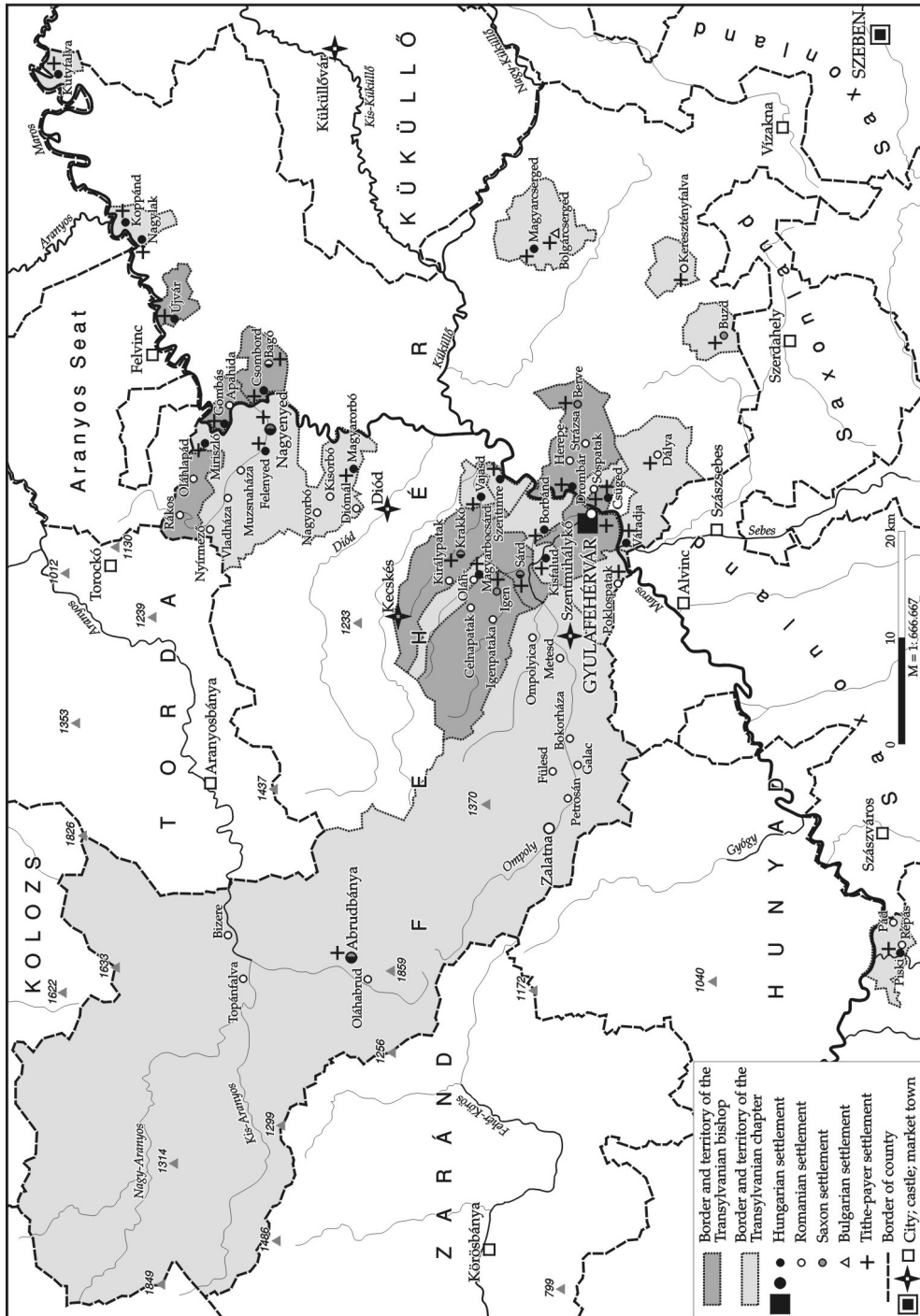
1446.⁷¹ In this context, it is easier to understand why the nobility of the province protested in 1426 against the favors granted to the Church landlords regarding the collection of the “Romanian tithe” (i.e. the fiftieth). The goal of the king, however, is quite clear from the text: with the exemption, he sought to strengthen military potential of the Church.

Evidence Found in Economic Documents from the Late Middle Ages

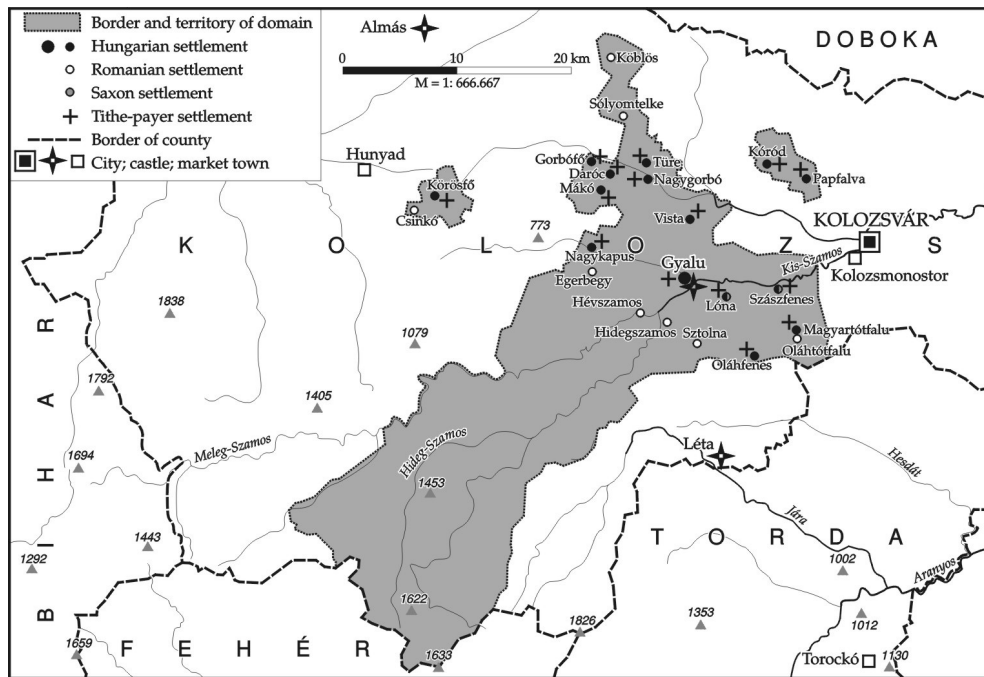
Thus, the letter from 1426 does not suffice to prove that the Romanians living on Church estates in Transylvania were compelled to pay the (Church) tithe. Apart from this document, there are no other sources which one could cite in support of this contention. The lists and registries which were drawn up in the Late Middle Ages, furthermore, clearly reveal this notion to be false. In the records concerning the incomes of the Transylvanian chapter in 1477, 1496, and 1504, villages which paid their taxes in sheep (i.e. the villages with Romanian populations) are clearly distinguished from the settlements which paid the Church tithe, i.e. paid the tithe in grain and wine.⁷² Even if it were possible, in principle,

71 On the exemptions enjoyed by the estates owned by the chapter: 1293: Ub, 1: 195–96, see 1331: CDTrans, 2: no. 708. On the measures taken by Sigismund which trampled these privileges underfoot and on the restoration which took place under János Hunyadi: 1446: DL 31142 (see also 1446: DL 277507; 1453: DF 277531; 1458: DF 277538–277539). The sources contain no similar data concerning the estates of the Transylvanian bishops, but they may have obtained exemptions, since they are not mentioned in the 1461 registry of the fiftieth (DL 25989. Pâclișanu, “Un registru”).

72 The serfs of the following settlements paid the fiftieth: Fülesd, Zalatna (Zlatna), Ompolyica (Ampoița), Metesd (Meteș), Bokorháza (Presaca Ampoiului), Muzsnaháza (Măgina), Nagyorbó (Gârbova de Sus), Kisorbó (Gârbovița), Oláhbocsárd (Bucerdea Română), Diómál (Geomal), Banya (unidentified), Pád (Spini), Répás (Râpaș) (1496: Barabás, “Tizedlajstromok,” 436). Alongside explicit data (CDTrans, 1: no. 519; 3: no. 335, 498; DF 275267), the designation “Olah-/Wolah” (DF 277596, 275410, 277694, DL 36354) indicates that these communities were Romanian, as does the mention of the local ruler called “kenezius” (CDTrans, 2: no. 550, DL 30962) and the tax “sheep fiftieth” (Pâclișanu, “Un registru,” 597), both of them being characteristic exclusively of the Romanian communities. Grain and wine tithes were paid by the serfs living on the chapter estates of the following settlements: Kutyalva (Cuci), Felenyed (Aiudu de Sus), Nagyenyed (Aiud/Engeten), Magyarorbó (Gârbova de Jos), Bocsárd (Bucerdea Vinosă), Vajasd (Oicjdea), Borbánd (Bărăbant), Kisfalud (Micești), Gyulafehérvár (Alba Iulia/Weissenburg), Poklospatak (Pâclișa), Sósptak (Șeușa), Dálya (Daia Română/Dallendorf), Magyarcserged (Cergău Mare), Bolgárcserged (Cergău Mic/Kleinschergied), Kereztyenfalva (today Székásgyepű [Presaca], see Ub, 4: 450–51), Buzd (Boz/Bussd) (1477: Barabás, “Tizedlajstromok,” 417; 1496: *ibid.*, 421–22, 428–29; 1504: DF 277689, ff. 2v–3r, 7v–8r). The presence of a Catholic priest (CDTrans, 2: no. 549, 1041, 1059, 1075–1079; 3: no. 217–18; Ub, 3: 338, 369; KmJkv, 1: no. 112–13, 1099, 1403, 1514; DF 277525; DL 31026, etc.) and the designations “Magyar” or “Zaz” (DF 277596, 277694, DL 28865, 36354) indicate that these settlements had Hungarian or Saxon populations. See also Map 1.



Map 1. Taxation and ethnicity in the estates around Gyulafehérvár of the Transylvanian chapter and bishop
(Map drawn by Béla Nagy)



Map 2. Taxation and ethnicity in the domain of Gyalu of the Transylvanian bishop
(Map drawn by Béla Nagy)

that some of the latter settlements had Romanian populations (too),⁷³ it is still clearly obvious that the vast majority of Romanian villages were not obliged to pay the tithe. The urbarium which was drawn up sometime around 1552 for the estates of the Transylvania bishopric does not indicate which settlements were obliged to pay the tithe and which were not, but the villages which are identified as Romanian (“Walacalis”) or under the stewardship of a so-called “kenezes” (head of a local Romanian community)⁷⁴ do not figure in the 1587–1589 tithe-lease registry listing the settlements of the seven Transylvanian counties which paid the tithe.⁷⁵

73 Kerezytenfalwa is mentioned in the fiftieth registry for 1461 too (Pâclișanu, “Un registru,” 600). By the end of the Middle Ages, people with Romanian names lived in Sóspaták, Dálya, and Poklospataka (cca 1470: DL 36312, pag. 3; 1496: Barabás, “Tizedlajstromok,” 430–32).

74 The urbarium includes six Romanian villages without names, in the area around Krakkó (Cricău/Krakau), Igen (Ighiu/Krapundorf), and Sárd (Șard), which were part of the estate of Gyulafehérvár. In addition to these settlements, Óregyház (Straja), Herepe (Hăpria), Rákos (Rachiș), Oláhlápad (Lopadea Veche), and Apahida (Păgida) can also be considered Romanian settlements, as could Tótfalu (Tăuți), Sztolna (Stolna), Hidegszamos (Someșu Rece), Hévszamos (Someșu Cald), Egerbég (Agârbiciu), Solyomtelke (Cornești), Köblös (Cubleșu), and Csinkó (a settlement which has since disappeared), which were part of the estate of Gyalu (Gilău). They all paid the fiftieth (Jakó, “Az erdélyi püspökség,” 108–11, 114–15). See also Map 1–2.

75 Jakó, *Adatok*, 20–75. 20–25, 52–61.

Conclusions

As this discussion has shown, there is no real evidence in the sources in support of the contention according to which the Romanians living on Church estates in Transylvania were in a disadvantageous position, from the perspective of an obligation to pay the tithe, in comparison with the serfs living on royal or noble estates (through this contention which has gained widespread acceptance in the secondary literature and is often repeated as something of a cliché).⁷⁶ In fact, the same principle applied to all of them in the Late Middle Ages: they could only be compelled to pay the tithe if they had settled on so-called “Christian lands” (i.e. in settlements which earlier had been inhabited by Catholics). At most one could suggest that in their implementation of this principle the bishop and the chapter were more consistent when dealing with their own estates than when dealing with the estate of others. This question, however, will have to await further study.

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76 This is inconceivable if for no other reason than simply because this additional burden would have constituted clear disadvantages for the owners of Church estates and would have prompted their Romanian serfs to leave en masse. One notices that the historians who have espoused this notion limit it Transylvania proper. Achim, for instance, contends that Romanians living on the estates of the bishopric and chapter of Várad, which lies outside the historical region of Transylvania, did not pay the tithe (Achim, “Convertirea din zona Beiușului,” 90).

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THE

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*Social and Institutional Structures
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