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This study delves into a pivotal aspect of legally consolidated serfdom in Hungary, which took shape around the mid-14th century, focusing primarily on the personal freedom it granted. A notable characteristic of Hungarian serfdom during the Middle Ages was the serfs' autonomy in choosing their landlords. This independence also extended to their ability to relocate under certain conditions, allowing them to move to another lord's estate or even to a free city. By the 14th century, legal frameworks were in place to facilitate the peasantry's free movement. From the reign of Sigismund of Luxembourg onwards, royal authority staunchly upheld this right of mobility, thereby protecting the interests of all parties involved - including both the original and the new landlords, as well as the migrating serf. This policy, however, underwent a transformation towards the end of the Middle Ages. Under Mátyás Hunyadi's rule, the government occasionally imposed limitations on this right to move. A significant turning point in this regard occurred post the peasant uprising led by György Dózsa in 1514. The parliament of that year responded to the rebellion by broadly criminalizing the rebellious peasantry and revoking their right to relocate. This paper examines the impact of these changes on serf migration. It investigates whether the stringent regulations enacted post-1514 were effectively implemented and explores how these legal changes influenced the migration patterns of the peasantry in comparison to the period prior to these enactments.

¹ This project was supported by the Scientific Council of the University of Nyíregyháza. This article is the written and extended version of my paper presented at the MECERN conference in Bratislava on 27 April 2023.

GULYÁS Szabolcs, László. 1514 ako bod zlomu? Migrácia nevoľníkov v Maďarsku pred a po zákaze sťahovania nevoľníkov. In *Studia Historica Nitriensia*, 2024, roč. 28, č. 2, s. 354-371, ISSN 1338-7219, DOI: 10.17846/SHN.2024.28.2.354-371.

Štúdia sa zaoberá problematikou právne upraveného poddanstva v Uhorsku, ktoré sa formovalo okolo polovice 14. storočia. Zameriava sa predovšetkým na otázku osobnej slobody, ktorú poskytovalo. Pozoruhodným špecifikom uhorského poddanstva v stredoveku bola autonómia poddaných pri výbere zemepánov. Tá bola rozšírená aj o možnosť sa za určitých podmienok presťahovať na panstvo iného pána alebo dokonca do slobodného mesta. V 14. storočí boli zavedené právne rámce na uľahčenie voľného pohybu roľníkov. Od vlády Žigmunda Luxemburského kráľovská autorita neochvejne presadzovala právo na mobilitu, čím chránila záujmy zúčastnených strán – pôvodných aj nových zemepánov, ako aj migrujúceho poddaného. Koncom stredoveku však táto politika prešla transformáciou. Za vlády Mateja Korvína vláda občas obmedzila toto právo na pohyb. Významný zlom v tomto smere nastal po sedliackom povstaní vedenom Jurajom Dózsom v roku 1514. Snem toho roku reagoval na povstanie rozsiahlou kriminalizáciou odbojných roľníkov a odňatím práva na presídlenie. Článok skúma vplyv týchto zmien na migráciu nevoľníkov. Skúma, či prísne predpisy prijaté po roku 1514 boli efektívne implementované a skúma ako tieto právne zmeny ovplyvnili migračné vzorce roľníkov v porovnaní s obdobím pred týmito právnymi predpismi.

Kľúčové slová: stredoveké Uhorsko; stredoveké poddanstvo; história migrácie;

Introduction

The development of legally unified serfdom in the medieval Kingdom of Hungary marked a significant evolution in the legal and social structure of the peasantry during the first half of the 14th century.² This social group, while not homogeneous in existential terms, achieved a legal uniformity across the country. The genesis of this unified serfdom's legal framework can be traced back to the 13th century, a period marked by the widespread adoption of the *hospes* right, which played a crucial role in aligning the conditions of the peasantry across Hungary. The peasants' conditions in the Kingdom increasingly converged, exemplified by aspects such as the system of serf plots, the legal bonds tying them to these plots, the landlords' authority over their serfs, and the obligations of serfs to pay taxes and annuities. This convergence became a defining phenomenon in the entire territory of the Kingdom of Hungary.³

The most salient privilege afforded to the legally united serfs was their personal freedom. Despite being under the legal dominion of the landlord upon settling

² For a comprehensive summary of the history and conditions of medieval Hungarian serfdom, fundamentally see SZABÓ, István. *Jobbágyok – parasztok. Értekezések a magyar parasztság történetéből*. Sajtó alá rendezte és a bevezetőt írta FÜR, Lajos. Budapest, 1976. BOLLA, Ilona. *A jogilag egységes jobbágyságról Magyarországon*. Budapest 1998. SOLYMOSI, László. *A földesúri járadékok új rendszere a 13. századi Magyarországon*. Budapest 1998.

³ An appropriate summary of the unification of serfdom in the 13th century is SZŰCS, Jenő. *Megosztott parasztság – egységesülő jobbágyság. A paraszti társadalom átalakulása a 13. században*. In *Századok*, 1981, Volume 115, p. 3-65, 263-319. For the development and definition of the serf plot see BOLLA, A *jogilag egységes jobbágyságról*, p. 209-232; SZABÓ, István. *A középkori magyar falu*. Budapest, 1969, p. 9-49. For annuities paid by the serf to the landlord: NÓGRÁDY, Árpád. *Seigneurial Dues and Taxation Principles in Late Medieval Hungary*. In LASZLOVSZKY, József – NAGY, Balázs – SZABÓ, Péter – VADAS, András. *The Economy of Medieval Hungary (East Central and Eastern Europe in the Middle Ages, 450 – 1450, Vol. 49.)*. Leiden–Boston 2018. p. 265-278.

in a serf plot, a serf retained the right to leave under specified conditions. This ability to choose their lord and place of residence was not only a crucial aspect of their free status but also a fundamental means of safeguarding their rights.⁴

In studying the migration of medieval serfs in Hungary, three distinct categories of written sources are particularly instrumental. Foremost among these are the royal decrees relevant to this context. The 1351 decree, pioneering in addressing the relocation issue,⁵ prohibited the forcible removal of serfs from their residence. Up until 1514, the law addressed this issue a total of altogether 32 times. These legal provisions include both prohibitions, such as the ban on dragging or forcibly restraining a serf, and practical guidelines on the migration process. They also cover the rights and methods for litigating related lawsuits and stipulate penalties for legal infringements.⁶

Another significant category of sources pertinent to serf migration comprises the personal names of serfs. Particularly notable are surnames derived from place names, which indicate the serf's original living place prior to their current residence. By collating individuals with such surnames in connection to a specific settlement and identifying their former villages, we can map the catchment area of their current place of residence.⁷ It is a commonly observed phenomenon that serfs typically relocated within a 20–30 kilometer radius, although there were

⁴ For the history and features of serf's freedom to move: KRING, Miklós. *Jobbágyságunk szabad költözéséről*. In *Századok*, 1935, Volume 69, p. 390-413. SOLYMOSI, László. *Költözési illeték a 13-14. századi Magyarországon*. In DRASKÓCZY, István. *Scripta manent. Ünnepi tanulmányok a 60. életévet betöltött Gerics József professzor tiszteletére*. Budapest 1994, p. 95-104. GULYÁS, László Szabolcs. *Luxemburgi Zsigmond jobbágyköltözéssel kapcsolatos rendelkezései*. In BÁRÁNY, Attila – PÓSÁN, László. „Causa unionis, causa fidei, causa reformationis in capite et membris”. *Tanulmányok a konstanzi zsinat 600. évfordulója alkalmából*. Debrecen 2014, p. 242-254. GULYÁS, László Szabolcs. *A jobbágyság szabad költözése a középkorvégi Felső-Tisza-vidéken*. In *Szabolcs-szatmár-beregi Szemle*, 2015, Volume 50, p. 49-59. GULYÁS, László Szabolcs. *Lex és consuetudo: a magyarországi jobbágyköltözés középkori szabályrendszere*. In *Történelmi Szemle*, 2018, Volume 60, p. 373-396.

⁵ *Decreta Regni Hungariae. Gesetze und Verordnungen Ungarns 1301 – 1457*. (Magyar Országos Levéltár kiadványai, II. Forráskiadványok 11.). *Collectionem manuscriptam DÖRY, Francisci additamentis auxerunt, commentariis notisque illustraverunt BÓNIS, Georgius – BÁCSEKAI, Vera*. Budapest 1976, p. 136-137. SZABÓ, István. *Az 1351. évi jobbágytörvények*. In *Századok*, 1954, Volume 88, p. 497-527.

⁶ For an overview of the relevant articles of law, see GULYÁS, László Szabolcs. *15 – 16. századi parasztságunk városba költözésének jogi háttere és gyakorlata – Eperjes és a jobbágyköltözés*. In H. NÉMETH, István – SZÍVÓS, Erika – TÓTH, Árpád. *A város és társadalma. Tanulmányok Bácskai Vera tiszteletére. A Hajnal István Kör – Társadalomtörténeti Egyesület 2010. évi, Köszegeen megrendezett konferenciájának kötete*. Budapest 2011, p. 141-147. GULYÁS, László Szabolcs. *Luxemburgi Zsigmond jobbágyköltözéssel kapcsolatos*, p. 243-249. GULYÁS, László Szabolcs. *Lex és consuetudo*, p. 378-382.

⁷ For the application of the method and the description of further relevant literature, see KUBINYI, András. *Parasztok fővárosba költözése a középkor végén*. In KENYERES, István – KIS, Péter – SASFI, Csaba. *Tanulmányok Budapest középkori történetéről*. Volume I–II. Budapest 2009, Vol. II. p. 571-598. GULYÁS, László Szabolcs. *Jobbágyi migráció és személynévadás a 16. század eleji Bács és Bodrog megyében*. In *Helynévtörténeti Tanulmányok*, 2011, Volume 6, p. 175-195. GULYÁS, László Szabolcs. *A középkori magyar városfejlődés migráció- és ipartörténeti vonatkozásai a történeti személynévadás tükrében*. I. *Személynévadás és migráció*. In *Névtani Értesítő*, 2014, Volume 36, p. 43-62. It is not only Hungarian historical sciences that uses personal names formed from place names for such investigations. McCLURE, Peter. *Patterns of Migration in the*

instances of much longer migrations.⁸ These relevant surnames can be gleaned from charters, but various extant serf lists offer the most fruitful avenue for this investigation. Such lists include tithe lists, tax lists, witness lists, and lists of peasants who succeeded in tyranny, among others.⁹

The third and most crucial category of written sources on peasant migration encompasses medieval documents associated with lawsuits arising usually from violations of the migration rules. The documentation in this area is somewhat biased, as a move was typically recorded in writing only when these migration rights were breached. Normal, unproblematic resettlements did not generally necessitate official documentation.¹⁰ In my research, I have compiled in my database approximately 1500 charters of this kind from the end of the Arpadian era until 1526, which is related to the history of serf migration. It is conceivable that many more such charters exist, with potentially several thousand sources within the entirety of Hungarian medieval source material applicable to this research. Nonetheless, even the 1500 documents collected thus far enable a substantial examination of serf migration history during this period.

In 1514, following the suppression of the peasant uprising led by George Dózsa, a royal decree prohibited the right of free movement, applying the principle of collective guilt to the villeins. Hungarian social history research has regarded this as a pivotal event, marking the onset of the peasantry's „enslavement“ and the beginning of an era of „perpetual serfdom.“ This perspective, largely influenced by the foundational principles of Marxist historiography, has long dominated the interpretation of this event.¹¹

Thus, it can be said that the year 1514 was considered in Hungarian scientific literature as a significant turning point in Hungarian social history, because this decree profoundly influenced and hindered the long-term development of Hungarian society and delayed the emergence of a civil society within the country. In the following pages, I aim to scrutinize the veracity of this widely held belief.

Late Middle Ages: The Evidence of English Place-Name Surnames. In *The Economic History Review*, New Series, 1979, Volume 32, p. 167-182.

⁸ GULYÁS, Jobbágyi migráció és személynévadás, p. 189-192., GULYÁS, A jobbágyság szabad költözése, p. 59. In general, Western European historiography also sees the migration distance as having a similar magnitude. RAVENSTEIN, Ernst Georg. The laws of migration. In *Journal of the Statistical Society of London*, 1885, Volume 48, p. 198.; SCHÄFER, Regina. Land-Stadt-Migration. In BORGOLTE, Michael (Hrsg.). *Migrationen im Mittelalter. Ein Handbuch*. Berlin-New York 2014, p. 313.

⁹ GULYÁS, László Szabolcs. A középkori jobbágyi migráció, mint kutatási téma: források, módszertan, lehetőségek. In HALMOS, Károly – KOVÁCS, Janka – LÁSZLÓFI, Viola. *Mozgás és átalakulás. A migráció és a társadalmi mobilitás történeti változásai és összefüggései. A Hajnal István Kör - Társadalomtörténeti Egyesület 2016. évi, gödöllői konferenciájának tanulmányköte*. Budapest 2018, p. 366-369.

¹⁰ KUBINYI, András. Költözés, helyváltoztatás, utazás a későközépkori Magyarországon (A horizontális mobilitás kérdései). In TÖRŐCSIK, Zoltán. *A Tapolcai Városi Múzeum közleményei 2*. Tapolca, 1992. p. 231.

¹¹ I present the details and data related to this in the second part of my study.

Development of the right of movement and the basic rules of agrarian migration in the medieval Kingdom of Hungary

Until the 13th century, the legal right to relocate was exclusively reserved for individuals with *liber* status. This freedom experienced a decline from the 11th century onward, as an increasing number of freedmen transitioned into servitude, becoming subjected *servus* under landlords. This shift led to a substantial portion of Hungarian society acquiring a *servilis* legal status, unable to leave their estates. This transition represented a most important phenomenon of social evolution during this period.¹²

In the context of migration, the arrival of *guests* (*hospites*) emerged as a pivotal factor, primarily due to their legal status, which encompassed the freedom to change residence. Initially, these guests were predominantly German and Western European settlers, such as those from the Walloon regions, who mostly moved to cities. However, from the 12th century, there was a notable shift, with guests increasingly comprising the agrarian population that established or settled in villages. Initially, the *hospes* right (*ius hospitum*), which granted numerous rights including the freedom of movement and the choice of a local village mayor (*iudex* or *villicus*) with jurisdiction over community disputes, was primarily applicable to foreign guests.¹³ Due to economic, social changes, and structural transformations in the 13th century, as well as the labor shortages exacerbated by the Mongol invasion, these privileges gradually extended to the domestic peasant class. By the mid-14th century, this liberty was expanded to encompass the legally unified class of serfs.¹⁴

The Anjou period marked a significant era wherein the right of peasants to migrate became widespread across the country.¹⁵ This was also when the earliest

¹² SOLYMOSI, László. A jobbágycsallózásról szóló határozat helye a költözés gyakorlatában. In *Agrártörténeti Szemle*, 1972, Volume 14, 1-40; SZŰCS, Megosztott parasztság – egységesülő jobbágyság, p. 4-23.; BOLLA, A jogilag egységes jobbágyságról, p. 7-66.,

¹³ About the definition of medieval *guests* see FÜGEDI, Erik. A befogadó: a középkori magyar királyság. In *Történelmi Szemle*, 1979, Volume 22, p. 355-376. SZENDE, Katalin. Iure Teutonico? German settlers and legal frameworks for immigration in an East-Central European perspective. In *Journal of Medieval History*, 2019, Volume 45, p. 360-379. MAREK, Miloš. „Hospites nostri, dilecti et fideles”. Spoločenská kategória hosťov v stredovekom Uhorsku. In *Studia Historica Tyrnaviensia*, 2021, Volume 21, Issue 1, p. 41-77. For the 13th century *hospes* privileges, see SZENDE, Katalin: A magyar városok kiváltságolásainak kezdetei. In BÁRÁNY, Attila – PAPP, Klára – SZÁLKAI, Tamás. Debrecen város 650 éves. Városhistória tanulmányok. (*Speculum Historiae Debreceniense* 7.). Debrecen 2011, p. 23-48. Some royal charters given to guests containing the right to move in the 13th century: GULYÁS, 15 – 16. századi parasztságunk, p. 140-141.

¹⁴ SZŰCS, Megosztott parasztság – egységesülő jobbágyság, p. 25-41., 269-296. The development and content of the freedom of peasantry: BOLLA, A jogilag egységes jobbágyságról, p. 56-66.

¹⁵ The fact that the free movement of serfs was already common in the first half of the 14th century is also evident from the documentary material that has survived from the period. Magyar Nemzeti Levéltár – Országos Levéltár (MNL OL), Diplomatikai Levéltár (DL) 50932; NAGY, Iván – TASNÁDI NAGY, Gyula. Anjoukori okmánytár. Codex Diplomaticus Hungaricus Andegavensis. Volume I-VII. Budapest, 1878 – 1920, Vol. IX. p. 625. (1332); MNL OL DL 51167 (1342); MNL OL DL 51180; A Nagykállói Kállay-család levéltára. (Az oklevelek és egyéb iratok kivonatai). Volume I-II. (A Magyar Heraldikai és Genealógiai Társaság Kiadványai 1-2.). Budapest 1943. (Without mentioning the authors' names. KÁLLAY,) Vol. I. no. 648. (1342) etc.

legal infringements on the freedom to move emerged.¹⁶ The first decrees addressed three primary violations by landlords and serfs: escape, abduction, and violent retention. Between 1351 and 1514, a total of 32 royal decrees were issued concerning the removal of serfs.¹⁷

Under the reign of Sigismund of Luxembourg, the fundamental regulations governing migration were solidified and increasingly supervised by county authorities. A new trend emerged: the first systematic and regular attempts by royal power to regulate this issue.¹⁸

What constituted the most significant rules governing the act of moving in Hungary during the Middle Ages? Firstly, a serf desiring to depart had to meet certain criteria: they could not be in debt, nor could they be a defendant in a lawsuit. In all cases, the serf was obligated to sell their serf plot, which another peasant could occupy upon their departure. If these conditions were met, the serf had to pay a moving fee, referred to as „*terragium*,” amounting to 12 denarii, to the village magistrate or the *villicus*. Additionally, the serf had to obtain a moving permission, known as „*licentia*,” from the same authority. Since the act of moving always involved transactions related to serf plots, which were typically overseen by local communities due to the complex pre-emption rights of neighbors and relatives, it can be verified in many cases that the village population also had the right to grant consent.¹⁹ Another important rule of the moving was, that leaving the serf plot could only take place in public and broad daylight (*clara luce*), since all regular legal acts in the medieval Hungarian Kingdom were done in this way, not at night (*in noctis silentio*) or secretly and a hidden way (*furtive et clandestine*).²⁰

It is worth noting that while these conditions were generally easily fulfilled by peasants, the primary obstacle to their mobility often lay in the resistance posed by their landlords, as evidenced by numerous lawsuits documented in written sources.²¹

¹⁶ MNL OL Diplomatikai Fényképgyűjtemény (DF) 230310 (1326); KÁLLAY, Vol. I. no. 648., KÁLLAY, Vol. I. no. 673. (1342); KÁLLAY, Vol. I. no. 688. (1343); MNL OL DL 96228 (1343); MNL OL DL 87315 (1356); MNL OL DL 49291 (1360); MNL OL DL 90358 (1364); MNL OL DL 41569 (1364); MNL OL DL 91705 (1364). Other examples: GULYÁS, Luxemburgi Zsigmond jobbágyköltözéssel kapcsolatos, 244., footnote 6.; SZÉKELY, György. A parasztság differenciálódása. In SZÉKELY, György. Tanulmányok a parasztság történetéhez Magyarországon a 14. században. Budapest 1953, p. 400-411.

¹⁷ GULYÁS, Lex és consuetudo, p. 378-382.

¹⁸ Sigismund of Luxembourg regulated the rules of moving several times. See for summary MÁLYUSZ, Elemér. Zsigmond király uralma Magyarországon. Budapest, 1984, p. 186-192.; GULYÁS, Luxemburgi Zsigmond jobbágyköltözéssel kapcsolatos.

¹⁹ For the summary of pre-emption rights GULYÁS, László Szabolcs. A mezővárosi ingatlanforgalom szokásjoga a 14 – 16. századi Zemplén megyében és környékén. In Történelmi Szemle, 2016, Volume 68, p. 40-42. As a clear instances in charters see: MÁLYUSZ, Elemér et al. Zsigmondkori oklevéltár. Volume I-XV. Budapest 1951-2022. Vol. II. no. 7090. (1409), Vol. VII. no. 1341. (1420), Vol. VII. no. 1652. (1420) etc.

²⁰ GULYÁS, Lex és consuetudo, p. 385.

²¹ Some instances for this phenomenon: MÁLYUSZ et al., Zsigmondkori oklevéltár, Vol. II. no. 5505., Vol. II. no. 5595., Vol. II. no. 6038., Vol. II. no. 7320., Vol. III. no. 279. Vol. IV. no. 1873.; MNL OL DL 72410, MNL OL DL 55018. etc.

Moving of serfs at the end of the Middle Ages, before the restrictions

The comprehensive understanding of the regulations governing migration, the associated processes, and the duties of migrating serfs becomes apparent through the extensive collection of documents that date back to the early 15th century. It is evident that until the mid-15th century, there were no significant alterations in the features of serf migration. However, starting from the 1450s, new trends began to surface in the characteristics of moving.

First and foremost, it is apparent that by this time, there was a notable shortage of agricultural labor within the country, prompting landlords to make concerted efforts to increase the number of peasants residing on their estates. This is particularly discernible in the context of landlords' annuity collection. A well-established fact in the realm of Hungarian medieval studies is that, despite the regular and frequent prohibitions outlined from the 1351 decree,²² taxes were not uniformly enforced, particularly on extensive estates. Prominent landowners often exempted serfs from the ninth levy in order to entice them away from other individuals' lands, typically those owned by smallholders.²³ This situation, characterized by a labor shortage and the competition for an agricultural workforce, led to frequent transgressions in the process of serf migration.

The most common illicit activities during this period were abduction²⁴ and unlawful retention of serfs. Owing to the frequent violations of established regulations, oversight of the migration process was delegated to county authorities in 1504.²⁵ It is worth noting that there were earlier instances of employing this approach, as it can be observed during the Anjou era and the reign of Sigismund.²⁶ In specific cases, decrees had already assigned county authorities to handle issues arising in connection with migration. However, starting from 1504, the act of settling could only be legally conducted under the supervision of the county magistrate.

It is essential to address the interpretation of this development in prior Marxist scholarly literature, which often portrayed this shift as diminishing the rights of serfs.²⁷ Nevertheless, this perspective is not accurate. Instead, it is more plau-

²² BÓNIS – BÁCSKAI, *Decreta Regni Hungariae*, p. 136-137.

²³ SZABÓ, István. *A magyar parasztság története. (Kincsestár)*. Budapest, 1940, p. 17-18. Some instances for this phenomenon: MÁLYUSZ et al, *Zsigmondkori oklevéltár*, Vol. III. no. 81. (1411); MNL OL DL 38106 (1438).

²⁴ SZABÓ, *A középkori magyar falu*, p. 174-179. GULYÁS, László Szabolcs. Az „abductio” – egy sajátos középkori jogi fogalom értelmezéséhez. In KORDÉ, Zoltán – TÓTH, Sándor László. *Urbs, civitas, universitas. Ünnepi tanulmányok Petrovics István 65. születésnapja tiszteletére. (Fontes et libri 1.)*. Szeged 2018, p. 146-151.

²⁵ *The laws of the medieval Kingdom of Hungary Vol. 4. 1490 – 1526. Decreta Regni Mediaevalis Hungariae. Tomus IV. 1490-1526. E copiis manu scriptis DÖRY, Ferenc critice recensuerunt et Anglice reddiderunt BANYÓ, Péter – RADY, Martyn, M. BAK, János assistente. Cum glossario et indice pro DRMH tomis 1-5 compilati per HUNYADY, Zsolt. Idyllwild – Budapest 2012*, p. 166-168.

²⁶ MNL OL DL 51180 (1342); MNL OL DL 96228 (1343); MNL OL DL 52305 (1379); GULYÁS, *Luxemburgi Zsigmond jobbágycastleással kapcsolatos*, p. 246.

²⁷ SZÉKELY, György. Földesúri törekvések a jobbágyság költözési jogának felszámolására Magyarországon: kelet-európai típusú társadalmi folyamat az 1514 előtti évtizedekben. In *Agrártörténeti Szemle*, 1972, Volume 14, p. 270-271.

sible that this decision basically aimed to safeguard the interests and rights of the peasantry.

A notable and intriguing development emerged during the mid-15th century, as the royal authority repeatedly suspended the freedom of movement through decrees, particularly during tax collections and royal campaigns. The primary motivation behind these measures was the tendency of serfs to vacate their homes and settle in different locations before tax collection to avoid paying taxes. These bans on migration were typically enforced for a period of one year and applied to all serfs across the country (1454, 1459, 1463, 1468, 1474, 1475, 1482).²⁸

Another intriguing phenomenon that began to surface in the mid-15th century was that serfs occasionally willingly relinquished their right to free movement. They made promises to their landlords that they would not leave the estate in perpetuity or for a specified period. This could have been in exchange for land allocated for their use or as a resolution to accumulated debts owed to the estate's lord (1447, 1471, 1479, 1495, 1504).²⁹ In an illustrative example from 1511, a serf who had committed a crime agreed to remain on his lord's land for the rest of his life to avoid prosecution.³⁰

Previous historical research indicates that during this period, a significant portion of the country's land remained uncultivated. According to some estimates, around 30–60% of peasant plots were vacant in the second half of the 15th century.³¹ However, there was also an observable trend from the 14th century onwards in which serf plots were increasingly subdivided. In some cases, not just one, but two or more peasant families lived and shared a single serf plot. By the 15th century, this division of land had already turned into land fragmentation, with an increasing number of serf households residing on one plot. These peasants had control over only a small fraction of the land.³²

The apparent paradox arises: how is it possible that while several serf families were farming a single common plot, a substantial number of plots lay fallow? Recent research, made by Tibor Neumann, has clarified that these seemingly vacant lands were indeed cultivated, most likely as part of a wage labor system. In

²⁸ BÓNIS – BÁCSKAI, *Decreta Regni Hungariae*, p. 381.; *Decreta Regni Hungariae. Gesetze und Verordnungen Ungarns 1458 – 1490. Collectionem manuscriptam DÖRY, Francisci additamentis auxerunt, commentariis notisque illustraverunt BÓNIS, Georgius – ÉRSZEGI, Geisa – TEKE, Susanna*. Budapest 1989, p. 114-115., 137., 178., 217., 224., 256-257.

²⁹ MNL OL DL 66916; MNL OL DL 17208; MNL OL DL 107038; A márkusfalvi Máriássy család levéltára. 1243 – 1803. Volume I. (Különlenyomat a Közlemények Szepes vármegye múltjából). Írta és sajtó alá rendezte IVÁNYI, Béla. Lőcse, 1917, no. 264.; MNL OL DL 82205.

³⁰ MNL OL DL 22209, NAGY, Imre. Sopron vármegye története. Oklevéltár második kötet. Sopron 1891, p. 611-612.

³¹ The first researcher to raise this issue in 1938 was István Szabó. SZABÓ, István, *Hanyatló jobbágyság a középkor végén*. In *Századok*, 1938, Volume 72, p. 10-59. For a concise summary of previous literature and opinions, see NEUMANN, Tibor. *Telekpusztásodás a késő középkori Magyarországon*. In *Századok*, 2003, Volume 137, p. 849-850.

³² This is still one of the most detailed summaries of the question which uses a large amount of connecting data from the 14th century: SZÉKELY, *A parasztság differenciálódása*. See also SZABÓ, *A magyar parasztság története*, p. 19-21. For groups of the peasantry with different financial conditions: SZABÓ, István. *Tanulmányok a magyar parasztság történetéből*. (A Történettudományi Intézet kiadványai 2.). Budapest 1948, p. 7-30.; SZABÓ, *A középkori magyar falu*, p. 78-89.

Neumann's view, the country was grappling with an actual land shortage.³³ In other words, there was simultaneously a shortage of arable land and a shortage of agricultural labor in Hungarian agriculture during this period. This helps to explain why serfs were willing to forgo their freedom of movement in exchange for land.

In parallel, there was also a labor shortage in the country, prompting landlords to make efforts to retain their serfs and recruit new ones, sometimes through violent means. This led to an increase in illegal activities associated with migration. Consequently, the less affluent segments of the nobility logically advocated for restrictions on the right to move, as it enabled them to maintain their workforce on their estates.

The punitive decrees of 1514 and their interpretation in the Hungarian historical literature

After the collapse of the peasant uprising led by George Dózsa in the summer of 1514,³⁴ the Hungarian nobility seized the opportunity to enact legal restrictions on the movement of Hungarian serfs. This possibility emerged during the subsequent parliament convened after the uprising. Within the punitive decrees of 1514, there were eight articles that addressed the issue of serf migration. Among these, two articles, namely the 14th and the 25th, stood out as the most significant and intriguing.

Despite a substantial contradiction in the content of these two articles, Hungarian historiography had long held the belief that these provisions effectively eliminated the possibility of peasant migration throughout the entirety of the Hungarian Kingdom. Starting from the latter half of the 19th century, Hungarian historians interpreted this law as a severe curtailment of the rights of the entire Hungarian serfdom. According to their perspective, the most significant consequence of the migration ban was that the peasantry did not lend support to the nobility in the conflict against the Turks. Consequently, this contributed logically to the defeat of the Hungarian reign at Mohács and the subsequent division of the Kingdom into three parts, which impeded the country's development for centuries.³⁵

³³ NEUMANN, Telekpusztásodás a késő középkori Magyarországon, p. 880-883. See also NÓGRÁDY, Árpád: „Az elakadt fejlődés”. In C. TÓTH, Norbert – NEUMANN, Tibor. *Keresztesekből lázadók. Tanulmányok 1514 Magyarországról.* (Magyar történelmi emlékek. Értekezések). Budapest 2015, p. 11-29.

³⁴ About the detailed history of the peasant revolt: BARTHA, Gábor – FEKETE NAGY, Antal. *Parasztháború 1514-ben.* Budapest 1973. More recently, with numerous studies with a new approach related to the topic: C. TÓTH, Norbert – NEUMANN, Tibor (Eds.). *Keresztesekből lázadók. Tanulmányok 1514 Magyarországról.* (Magyar történelmi emlékek. Értekezések). Budapest 2015.

³⁵ Among others see: SZABÓ, *Tanulmányok a magyar parasztság történetéből* 2, p. 64-158. I do not mention the entire scientific literature on the subject and its long-term changes in detail this time, as it is summarized very precisely in several works. HORVÁTH, Zita. *Korszakhatár volt-e 1514 a parasztság történetében?* In RESZLER, Gábor – BUHÁLY, Attila – SZOBOSZLAY, György. *Falak és választóvonalak a történelemben.* (Terminus könyvek 1.). Nyíregyháza 2014, p. 89-98.; HORVÁTH, Zita: *A parasztfelkelés hatása a paraszti társadalomra – Historiográfiai megközelítések.* Budapest 2016, p. 1-10.

Following World War II, Marxist historiography concurred with this viewpoint, framing the issue within the context of the „class struggle“ and viewing the prohibition on movement as a form of oppression inflicted upon peasants by their landlords. This prevailing perspective dominated Hungarian historiography until the 1990s.³⁶ Eminent scholars such as István Szabó, one of the most important researchers of medieval and early modern Hungarian peasant society in the 20th century, also espoused this viewpoint in their studies, even if he had previously already noted that the laws were not fulfilled in all their points.³⁷

The first significant shift in this approach to the issue can be attributed to Gábor Barta and Antal Fekete Nagy. In their monograph on the 1514 revolt, they were the first within Hungarian scientific literature to suggest that these punitive laws were not fully enforced in reality and were primarily directed against the affluent peasantry residing in the oppida. However, this perspective faced limitations in gaining widespread acceptance due to ideological factors.³⁸

Since the overthrow of the communist regime, this skeptical viewpoint has gained increasing prominence in Hungarian historiography. Over the past three decades, Hungarian scholarly literature has increasingly questioned the long-term adverse effects of these laws and whether they were genuinely put into practice. Lastly, in a significant study published a few years ago, Gábor Mikó highlighted that the texts of these two articles themselves contain notable contradictions on this issue, shedding new light on the entire problem.³⁹

What does this mean exactly? Article 14 of the law⁴⁰ stipulates that the prohibition on the movement of serfs applies only to those who participated in the uprising, while in Article 25,⁴¹ the punishment is extended to encompass the entire peasantry. It is surprising, and undoubtedly influenced by the strong presence of Marxist ideology in Hungarian historiography, that no one had previously noted this glaring contradiction in the text of the law in such a critical way, and researchers had not attempted to explain the reason behind this conspicuous antagonism.

The ambiguity regarding the interpretation of these provisions in the decree is further exacerbated by the addition to Article 25, which simultaneously allowed peasants to move to royal cities. In the logical perspective of Gábor Mikó, it is evident that the nobility was not in unanimous agreement on the issue of freedom of movement.⁴² The existence of two opposing factions within the parliament is illustrated by the contradictory articles of the law. On one side were the common

tésben. In *Acta Academiae Agriensis Sectio Historiae*, 2014, Volume 42, p. 3-19. MIKÓ, Gábor. A parasztság költözési jogának szabályozása II. Ulászló király 1514. évi törvénykönyvében. Hamis értelmezések nyomában. In C. TÓTH, Norbert – NEUMANN, Tibor. *Keresztésekből lázadók. Tanulmányok 1514 Magyarországról*. (Magyar történelmi emlékek. Értekezések). Budapest 2015, p. 321-325.

³⁶ Mentioned only as a single example: SZÉKELY, Földesúri törekvések a jobbágyság.

³⁷ SZABÓ, A magyar parasztság története, p. 13-14, 24-29, 33-34.

³⁸ BARTHA – FEKETE NAGY, *Parasztháború 1514-ben*, p. 288.

³⁹ MIKÓ, A parasztság költözési jogának szabályozása.

⁴⁰ BANYÓ – RADY, *Decreta Regni Mediaevalis Hungariae*, p. 184.

⁴¹ BANYÓ – RADY, *Decreta Regni Mediaevalis Hungariae*, p. 188.

⁴² MIKÓ, A parasztság költözési jogának szabályozása, p. 330-331.

and less affluent nobility, who advocated for the complete elimination of the right to serf movement. On the other side were the king and the wealthiest landowners, who had an interest in preserving serfs' freedom of movement and held a less stringent viewpoint on the matter.

The decree also includes additional provisions related to movement of serfs. Article 26,⁴³ in line with the aforementioned subject, outlines the penalties against lords who defy the ban on movement, such as those who forcibly removed serfs, threatening such violators with a fine of 100 forints. If they had not been returned the moving individuals to their previous places of residence, their property was confiscated. Article 27⁴⁴ pertains to estate directors (*officiales*) and clergy members who were involved in the illegal displacement of the agrarian population. If an official had failed to give them back, he was obligated to pay a similar fine of 100 forints and forfeited his noble estates. If the violator held a peasant status, they were to be handed over to the aggrieved landlord. In the case of high-ranking priests, in addition to the 100 forints (as church properties are protected), the offender was penalized based on the value of the affected settlement.

The subsequent provisions of the law shed further light on the regulation of serf movement. Article 28 addresses the same issue, particularly in the case of runaway serfs. In such instances, the lord of the village to which the peasant intended to move, after receiving a warning from county authorities, could exonerate themselves from charges by taking an oath. Similarly, Article 29 addresses this occurrence in a similar manner but focuses on situations where the peasant departed for a royal city or a Cuman district. Finally, Articles 30 and 31 detailed the free arrest of a fleeing serf and the procedures for paying fines.⁴⁵

Collectively, it becomes evident that Gábor Mikó's assertion regarding the reasons behind the contradiction between the two aforementioned regulations is entirely accurate. Throughout this period, it is observable that the wealthier segment of the nobility succeeded in enticing serfs away from common noble estates by offering tax exemptions. Consequently, it was not in their interest to completely abolish the right to movement. Conversely, the middle classes and the less affluent nobles often witnessed the departure of the population from their lands as a consequence and therefore supported the prohibition of the right to movement. This was their sole means of retaining the peasant population on their estates and preventing them from being enticed to larger estates, which offered to them more attractive situation through various discounts. This conflicting interest and divergent viewpoints were prominently manifested in the contradiction within the articles of law adopted in the 1514 Parliament.

Reality in the charters concerning serf-moving after 1514

Following the preceding discussion, it is imperative to undertake an examination of the tangible consequences stemming from the ban on serf movement enacted in 1514, assessing the extent to which the pertinent legal provisions were realized

⁴³ BANYÓ – RADY, *Decreta Regni Mediaevalis Hungariae*, p. 188.

⁴⁴ BANYÓ – RADY, *Decreta Regni Mediaevalis Hungariae*, p. 188-190.

⁴⁵ BANYÓ – RADY, *Decreta Regni Mediaevalis Hungariae*, p. 190-192.

in practice and the areas where implementation fell short. This examination is grounded in a dataset comprising 40 documents that pertain to the migration of the rural population, encompassing a span of 12 years, from the 1514 diet to the Battle of Mohács in 1526. What discernible patterns emerge from an analysis of these documents?

The most salient observation derived from an analysis of these charters is that, upon reviewing the charters, it becomes evident that the moving of the rural population did not cease following the imposition of the prohibition. Instead, landlords regularly facilitated such migrations through unlawful means.

Among the corpus of these sources, 7 of them shed light on instances in which peasants departed from their residences either before or during the 1514 rebellion, subsequently being coerced into returning to their prior places of abode.⁴⁶ It is intriguing, albeit somewhat perplexing, that this rule occasionally extended to serfs who had relocated prior to the outbreak of the uprising. For instance, the king himself issued a charter at the close of the year 1514, mandating the return of peasants who had illegally left Transylvania in the preceding three years.⁴⁷ In other cases, the decree was interpreted in a notably lenient manner; in 1523, a landlord sought the return of peasants who had departed from his estate two decades earlier to move back to their original plots.⁴⁸

In essence, in these cases, landlords sought to retroactively enforce the provision for a period antedating the formulation of the settling restriction, invoking the prohibitive articles of the law. Regardless of the perspective from which this issue is examined, it is evident that in these instances, the nobility did not enforce this ban in a legally sound manner, as the peasants involved in these cases had left their places of residence even before the provision. Overall, it appears that a segment of nobles, from whom their serfs had previously migrated, endeavored to compel their return to their estates afterward, doing so evidently through unlawful means.

More than half of the documents, specifically 21 charters, chronicle instances in which serfs relocated to new residences subsequent to the prohibition, at times doing so clandestinely and under the cover of darkness, or escaping from their estates, often with the support of a newly chosen landlord.⁴⁹ In all of these

⁴⁶ MNL OL DF 224840; BARABÁS, Samu. A római szent birodalmi gróf széki Teleki család oklevéltára. Volume I–II. Budapest, 1895. Vol. II. p. 333–334.; *Monumenta rusticorum in Hungaria rebellium anno MDXIV*. (Magyar Országos Levéltár kiadványai, II. Forráskiadványok 12.). Maiorem partem collegit FEKETE NAGY, Antonius. Ediderunt KENÉZ, Victor – SOLYMOSI, Ladislaus atque in volumen redegit ÉRSZEGI, Géza. Budapest, 1979, p. 323; BOROVSZKY, Samu. Csanád vármegye története 1715-ig. Volume I–II. Budapest 1896–1897, Vol. I. p. 154; MNL OL DL 37986; MNL OL DL 23716; MNL OL DL 64584; MNL OL DL 82650.

⁴⁷ MNL OL DF 224480.

⁴⁸ MNL OL DL 23716.

⁴⁹ ERDÉLYI, László – SÖRÖS, Pongrác (Eds.). A pannonhalmi Szent Benedek-rend története. Volume I–XII. Budapest 1902 – 1916. Vol. III. p. 663–664., Vol. VIII. p. 563–564.; MNL OL DL 22734; BOROVSZKY, Csanád vármegye története 1715-ig, Vol. I. p. 154.; IVÁNYI, Béla. Eperjes Szabad Királyi Város Levéltára 1245 – 1526. Szeged 1931, no. 1182.; MNL OL DF 229535; MNL OL DL 101513; MNL OL DL 22884; C. TÓTH, Norbert. Szabolcs megye hatóságának oklevelei. Volume II. (Jósa András Múzeum kiadványai 53.). Budapest–Nyíregyháza 2002, no. 781., no. 788;

situations, legal measures were typically initiated, compelling the peasants to return in accordance with the articles of the decree. Occasionally, the new landlord refused to comply with the order and payed fines as a result. In these scenarios, the provisions were indeed enforced. However, it is noteworthy that nobles who held an interest in attracting serfs to their own lands often resisted these measures, while the previous landlords of the peasants endeavored to enforce the suspension of the right to move.

Nevertheless, it is strange to note that in the remaining 12 cases documented in the records, the prohibition imposed by law did not appear to be taken into consideration at all.⁵⁰ In these instances, it happens that both nobles and serfs treated the act of moving as if it were still entirely unrestricted, as if it had not been banned at all during the 1514 parliament.

For instance in 1515, the nuns of Óbuda, in adherence to the previous practice, which required that permission be sought from the county authority when serfs intended to move, requested the magistrate of Pozsony county (later Prešporská župa, now a part of the Bratislavský kraj, SK) to permit a man to settle to their estate. However, their request was denied, with reference to the existing prohibition.⁵¹ In another instance in 1516, the convent of Túróc (Kláštor pod Znievom, SK) granted privileges to the serfs residing in Szlécs village (Sliače, SK), which was owned by the monastery. They did so out of fear that if they did not grant these privileges, the inhabitants might vacate their plots.⁵²

Two known examples in Sáros county (later Šarišská župa, now a part of the Prešovský kraj, SK) in 1518 show that the landlords had settled serfs on their own properties and later justified this action in court by arguing that they had already replaced them with other peasants. Nevertheless, in both cases, the county courts rejected this argument.⁵³ In 1518, in Tolna county, during a trial, a landlord requested the county authorities to record the testimony of witnesses because he was concerned that the serfs might later move and their statements would be forgotten.⁵⁴ Finally, in 1523, in Torna county (later Abovsko-Turnianska župa, now a part of Košický kraj, SK), two noblemen reached an agreement in which they

MNL OL DL 23293; MNL OL DL 67207; MNL OL DL 75804; ÉRSZEGI, Géza. Adatok Szeged középkori történetéhez. In BLAZOVICH, László. Tanulmányok Csongrád megye történetéből 6. Szeged 1982, p. 47-48.; MNL OL DL 98376; MNL OL DL 64574; MNL OL DL 101563; BORSA, Iván. A szenyéri uradalom Mohács előtti oklevelei. Második, befejező közlemény. In KANYAR, József. Somogy megye múltjából (Levéltári évkönyv 10.). Kaposvár 1979, no. 339.; MNL OL DL 89205; MNL OL DL 24049; MNL OL DL 89210; MNL OL DL 64615; MNL OL DL 89226.

⁵⁰ MNL OL DF 279283; MNL OL DL 62016; MNL OL DL 22747; SZAKÁLY, Ferenc. Ami Tolna vármegye középkori okleveleiből megmaradt. 1314 – 1525. Szekszárd 1998, p. 200-201.; MNL OL DL 106746; MNL OL DL 64533; MNL OL DL 69107; MNL OL DL 94336; MNL OL DL 47371; A kolozsmonostori konvent jegyzőkönyvei. (Magyar Országos Levéltár kiadványai, II. Forráskiadványok 17.). Közzéteszi JAKÓ, Zsigmond. Volume I-II. Budapest 1990, Vol. II. no. 3911.; MNL OL DL 84151; MNL OL DL 64589; MNL OL DL 101833.

⁵¹ MNL OL DL 62016.

⁵² MNL OL DL 22747.

⁵³ MNL OL DL 64533; MNL OL DL 69107.

⁵⁴ MNL OL DL 94336.

agreed to allow their serfs to move to each other's estates.⁵⁵ These latter examples, more than any others, illustrate that the act of moving continued in practice after the promulgation of the 1514 provisions, to which landlords sought to adapt in a pragmatic manner. Furthermore, it is important to note that there are likely additional instances similar to these that could be cited to further illustrate this situation.

Conclusions

In summary, a substantial segment of the nobility displayed a lack of interest in enforcing the prohibition of the right to move as stipulated by the 1514 decree. Instead, these nobles actively participated in facilitating the movement of serfs, often doing so through illegal and, at times, violent means. Consequently, the content of the decree could not be fully implemented in practice and it was essentially disregarded, resulting in frequent legal disputes during this period. This situation can be attributed to the contradictions within the law, as well as the conflicting interests of various noble factions. More significantly, the decision to ban movement did not take into account the economic and demographic realities of the Hungarian Kingdom.

The failure of the law is underscored by the fact that these articles prohibiting the migration of serfs were reaffirmed several times within a few years (1518, 1519, 1523)⁵⁶ due to their complete disregard by the nobility and serfs. A significant portion of Hungarian society firmly rejected the ban on movement.

Following the defeat at the Battle of Mohács, subsequent civil wars, Turkish campaigns, and the division of the country into three parts made it unfeasible to enforce the ban. By the mid-16th century, the turbulent political environment and the constant state of war within the country resulted in a massive migration that neither the Hungarian royal authority nor the landlords could prevent. This necessitated amendments to the law. Article 27 of the 1547 Act under certain conditions restored the right of serfs to move, while Articles 17 to 28 of the 1556 Act regulated the issue in a manner that landlords had to initiate the movement, leading to numerous disputes and lawsuits among nobles.⁵⁷

In light of the above, it is imperative to reevaluate the social and economic impacts of provisions prohibiting the migration of serfs and permanently to move away from the concept of „perpetual servitude,” which continues to influence modern scholarly research. However, this will require a comprehensive and systematic examination of a substantial corpus of late medieval and early modern sources in the future.

⁵⁵ MNL OL DL 84151.

⁵⁶ BANYÓ – RADY, *Decreta Regni Mediaevalis Hungariae*, p. 218., 252., 262.

⁵⁷ MAKSAI, Ferenc. *Paraszttság és majorgazdálkodás a 16. századi Magyarországon. (Értekezések a történeti tudományok köréből. Új sorozat 7.)*. Budapest 1958, p.51-56; VARGA, János. *Jobbágyrendszer a magyarországi feudalizmus kései századaiban*. Budapest 1969, p. 28-37, 67-73.; GÜLLYÁS, 15 – 16. századi parasztágunk, p. 144-145.

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