

CUM MANIBUS ARMATIS.
FACETS OF VIOLENCE IN THE MEDIEVAL BANAT

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In all its forms of manifestation, violence was and still is a defining component of human society. To a much greater extent than today, the Middle Ages were marked by outbursts of violence. The history of this type of human behaviour in the medieval period began to be investigated quite recently. The situation in Western Europe and the mechanisms that generated medieval brutality have been the focus of Western historiographies.¹ Researchers from the eastern part of the continent have shown less interest in these aspects, taking into consideration only the special, pathological cases, in which the brutality of violent outbursts exceeded the norm in an altogether violent world. A good example would be the Vlad the Impaler, whose image of a bloodthirsty ruler was created and disseminated in Europe in as early as the medieval period. The historians from Central and Eastern Europe have been more interested in pragmatic issues pertaining to the development and functioning of institutions, political events, ecclesiastical realities or the emergence of the state. In a world of ethnic, political and religious diversity, as was the Central and East European space, it goes without saying that every national historiography has turned its attention to issues that are interesting in terms of its own discourse and less on aspects related to *petit histoire*.

Generally, historiographic discourse has regarded the Middle Ages as a violent period, in opposition to the “peace” instituted by the Romans. Moreover, vassalage ties have been accounted for through the need to build control mechanisms that would channel and restrict violence. Most often, in the Middle Ages the energy that engendered brutality led to numerous inter-nobiliary conflicts.

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¹ See, for instance, Richard W. Kaeuper, ed., *Violence in Medieval Society* (Woodbridge, 2000); David Nirenberg, *Violence et minorités au Moyen Âge* (Paris: PUF, 2001); Warren C. Brown, *Violence in Medieval Europe* (London, New York: Routledge, 2010).

Seigneurial wars appear to have fallen into a pattern, with each seigneur being responsible for his property and subjects, but essentially following his own purpose, which was that of controlling the vastest territory or the largest number of people possible.²

If we were to define violence, it could be categorized as the application of physical force to make someone suffer, whether it is people, animals or property. According to sociologists, it should be seen in social relation with several elements: the perpetrator of violence, represented by an individual, a group, or an institution aiming to achieve a goal; the victim – an individual, a group, a social class, etc., which is related to the aim pursued by the perpetrator; the coercive action, which represents the means by which the perpetrator of violence attempts to obtain a response, a reaction from the victim.³ For the medieval world, to the aforementioned aspects should be added the observer, who is a witness to or who records the effects of violence and conveys them further. For today's man, the use of force in various situations that could be encountered in the Middle Ages would be difficult to fathom, as at that time the effects of strong emotions like hate, love, passion, joy and honour were experienced far more intensely. A mere offence, a reckless and automatic gesture would have sufficed for a brutally violent response.⁴

Considering the frequency with which violence occurred in the medieval world, it could be placed in the category of the ordinary, ranking among events that society was confronted with on a daily basis. I am referring here to all the conflicts between the members of the nobility, to boundary violations or seizures, which appear to have been common occurrences up until the modern era. Essentially, violent behaviour did not differ significantly from one area to another in medieval Hungary. Whether we speak about the northern or the central area of the kingdom or about Transylvania, the manners of expressing violence appear to have been similar, with certain local peculiarities.⁵ Hereinafter I shall

² Gadi Algazi, "Violence, mémoire et pouvoir seigneurial à la fin du Moyen Age," *Actes de la recherche en sciences sociales* 105 (1994): 26–27.

³ Ioan Mihăilescu, *Sociologie generală. Concepțe fundamentale și studii de caz* (Iași: Polirom, 2003), 123–129.

⁴ Brown, *Violence*, 14.

⁵ Pál Engel, "Le règlement des conflits dans la Hongrie médiévale," *Actes des congrès de la Société des historiens médiévistes de l'enseignement supérieur public*. 31e congrès (Angers, 2000): For examples concerning the perpetration of violence in Transylvania, see Maria Holban, *Din cronica relațiilor româno-ungare în secolele XIII–XIV* (Bucharest: Editura Academiei Republicii Socialiste România, 1981); Ioan Aurel Pop, *"Din mâinile valahilor schismatici...". Români și puterea în Regatul Ungariei medievale (secolele XIII–XIV)* (Bucharest: Editura Litera, 2011); Mihai Florin Hasan, *Proscriși și infractori în Transilvania în secolele XIV–XVI* (unpublished PhD).

attempt to systematize and analyse the forms of expressing violence in a well-defined space and, of course, the consequences that violent behaviour generated in the province. I do not intend to discuss here programmatic violence, inherent in military conflicts. I will try to capture the banality of violence cases and the manner in which the medieval society of the Banat reacted to them. Examples are numerous because most of the complaints addressed to the officials, whether it was the royal court, a chapter or a county, invoked, to some extent or another, the use of violence. It involved all social categories, ranging from the most distinguished nobles to the serfs from small villages. The historians who have dealt with the issue of violence have found that in the documents of the time, it was expressed through a series of specific terms: *violentia* (vehemence, impetuousness, ferocity), *occidere* (to murder), *vulnere* (to hurt), *pugnare* (to fight), *percutere* (to hit), *perdere* (to destroy), *rapere* (to abduct, to ravish), *incendere* (to burn), *per vim* (through force).⁶ As regards the documents from the medieval Banat, the same terms used to express violent behaviour were present in almost all the deeds issued in the kingdom. In terms of the formulas employed in these documents, a series of phrases rendering diverse manners of inflicting violence gained currency: *cum manibus armatis* (armed), *potentia mediante* (by power, by force), *dehonestare* (dishonouring, in the case of women), *vulnerasset* (injured), *plaga affecisset* (inflicted wounds), *hostiliter invadasset* (trespassed with hostile intent), *irruisset* (attacked, raided), *spoliasset* (ransacked), *captivasset* (captured), *abstulisset* (stole), *usurpatione* (usurpation), *occupatione* (occupation), and examples of this type could continue.

It would be impossible to achieve a statistics of all the cases when force was used in medieval Banat. Using only the published material, with all its inevitable omissions, for the 14th century alone, about 60 examples of the use of violence have been ascertained.⁷ If we add the cases not taken into account and those mentioned in the unpublished documents, we could easily get to around 100 examples of the use of brute force in Banat in the 14th century. Even so, we are far from the real situation, because it is not certain that all the cases were recorded in writing and the documents that have come down to us represent only a small part of the entire production written during the medieval period. For the 15th century, when the written production developed, the number of preserved documents being significantly higher, such statistics are impossible to compile. For instance, in the year 1409 alone and in a single county (Baranya), there were recorded over 200 cases brought before the court judge.⁸ We should

⁶ Brown, *Violence*, 6.

⁷ Ioan Hațegan, Ligia Boldea, Dumitru Țeicu, *Cronologia Banatului*, vol. II/1: *Banatul între 934–1552* (Timișoara: ArtPres, 2007), 54–149.

⁸ Engel, “Le règlement”, 315.

also take into account the fact that the situation of the Banatian counties was somewhat similar. Even using only the published examples, it would be impossible to focus on each and every case. I have tried, where possible, to extract those significant cases that can uphold my arguments. The material is unequal in terms of its value, but it can easily be seen that, regardless of the century we refer to, at stake are the same issues associated with violence and the same manner of perpetrating it. The investigation of the phenomenon of medieval violence places it within the long *durée* of history, with few detectable changes across the two centuries under consideration (14th–15th).

The *exercise of violence* has experienced several forms. A special case is that when violence can be exercised as a reason of state, in order to punish and control the crown's opponents, being directly enforced by the king through various intermediaries. Thus can be explained the episode of 1487, when King Matthias requested Peter Dóczy and Stephen Jakšić to attack and occupy the fortresses of Şoimoş and Lipova, which belonged to the traitor Nicholas Bánffy.⁹ Obviously this type of violent events was not subject to the rigors of justice, being, as it were, a manner of enforcing the law. Leaving aside this aspect of state reasons, violence proved to be systemic, inherent to everyday life in medieval society. It is on this form, particularly associated with inter-nobiliary conflicts, that I will focus in the following pages.

If we were to attempt a *typology*, we could talk about *individual violence* and *collective violence*, while in terms of the forms in which violence manifests itself, we could distinguish between brutality against goods, animals and people. The cases in which a single individual committed a violent action were less frequent in the medieval world of the Banat. As regards their manner of manifestation, these cases usually represented acts of violence against persons. Through the examples below, I will simply attempt to justify the existence of such actions, all of these situations fitting rather neatly into the category of physical violence against persons.¹⁰

When it came to the occupation of an estate, of a property, the documents issued by the authorities that received the plaintiff's complaint often referred to the perpetrator of the wrongdoing in the singular, but we should not imagine that only that character had been involved in the dispute. It goes without saying that a single person could not attack, injure, steal or lay waste to an estate as the documents usually presented the incidents. He was almost certainly accompanied by relatives, serfs or familiars, who are to be understood as participants, but who were not mentioned therein. *Individual violence* could actually be associated

⁹ Magyar Nemzeti Levéltár Országos Levéltára (hereafter MOL), Diplomátikai Levéltár (hereafter DL) 19303.

¹⁰ See, in this sense, the subchapter dedicated to this type of violent manifestation.

with minor, insignificant conflicts, which most often were not reported before any competent authorities. This was the case of domestic, inter-family violence, on which information is altogether sporadic. A significant event occurred in 1501, when, seized by jealousy, the nobleman Louis Fiat resorted to extreme violence, killing his wife's lover, Peter Rayn (or Kain). As Louis risked incurring the royal wrath and being stripped of his possessions, the Fiat family intervened with the king, from whom they obtained a reprieve for the murderer.¹¹ The conflict between Nicholas, son of Stephen Telegdi, and his mother, Margaret, also pertains to the sphere of domestic violence. Accompanied by a few of his close associates, Nicholas broke into his mother's house in Szentlőrinc, where he uttered defamatory and insulting words against her (*verbis dehonestationis, contumeliosisque et iniuriosis*) and dragged her around on the floor. Moreover, he kidnapped his sister, stole silverware, supplies, grain and horses worth 200 florins.¹² This inter-family dispute seems to have started from the legacy of the late Stephen Telegdi, as the house where Margaret lived had been given to her on account of her dowry and wedding objects. The son's aggressive behaviour was directed against his mother, who had remarried, impinging thus on his family's patrimony.

To some extent, individual violence can be associated with some of the robberies, oppression, murders or acts of revenge carried out by a single perpetrator, often in the dead of night (*noctis in silentio*). This was the case of Knez John of Vermeş, who was accused of homicide in 1405, even though the reasons behind his gesture are not clearly stated in the document.¹³ The same type of individual brutality, sparked by a desire to pillage and plunder, can be detected in two cases from the mid-15th century. In 1442 George Himfy complained that while he was walking down one of the public, free roads (*via publica et recta ac libera*), one of his serfs had been attacked by a brigand (*latro*), who had beaten and robbed him (*latrocinialiter verberasset*).¹⁴ At around the same time, the castellan of Chery denounced the noble Egidio Hansa as a robber who had come to the house of one of his serfs in the middle of the night and done much damage.¹⁵

Without a doubt, *collective violence*, which involved and affected numerous people and goods, was the best documented. Examples are numerous, but I have chosen to present only a relevant few, significant in terms of the number of people involved and the extent of the damage caused. In the first case, which

¹¹ Frigyes Pesty, *A szörényi bánóság és Szörény vármegye története*, vol. III (Budapest, 1878), 137–139, 191.

¹² DL 29630.

¹³ DL 53246.

¹⁴ DL 55248.

¹⁵ DL 48216.

occurred in the middle of the 15th century, the protagonists were the men of the noble Francis Csáky, who had attacked the Cherestur estate of the Chapter of Cenad. Two of the nobleman's officials, accompanied by 69 serfs from Novi Kneževac (Rév Kanizsa), named in the document, had trespassed the chapter's estate, attacked several canons, addressed them defamatory words and caught countless fish, the damage being assessed at 60 gold florins.¹⁶ Much worse was the case mentioned in 1493. The noble Francis Haraszty complained that the year before, the members of the Báthory family, accompanied by nearly 130 familiars, knezes and even Hussars, had attacked two of his estates pertaining to Lipova, causing damages of over 1,000 florins.¹⁷ The documents also mention several people involved in acts of violence committed in 1506, when 180 men of the Jakšić brothers attacked the Vizes estate of the Dóczy family, wreaking significant damage.¹⁸ The most representative case of collective violence appears to have occurred in 1471, but it was reported to the authorities only 18 years later. On that occasion no less than 500 armed men of the Dóczy family had attacked (*hostiliter irruendo*) the Duboz estate belonging to Andrew Danfy, where they indulged in destruction and depredation (*desolasset et depredasset*) amounting to 2,000 florins.¹⁹ It remains a mystery why the noble Danfy reported these violent acts at such a late date, especially since his accounts are accurate or exaggerated – a legitimate question in the other cases, too. What cannot be denied is that we are dealing with large-scale violence, committed by small armies. The mobilization of so many people indicates that there the event had been prepared ahead, that this was a smouldering conflict which had degenerated into attacks and brutality. The involvement of so many human resources represented, in fact, a manifestation of power, the most likely purpose being that of exerting control over the conflicting situation, of taking over the opponent's territory or, in the worst case, of destroying the latter's material basis.

The manner of *expressing violence* is twofold. On the one hand, we may refer to verbal aggressiveness, on the other, to physical brutality. Both are interconnected, but in the former case it is expressed exclusively between human correspondents, while in the latter it may be exerted against people, animals or movable and immovable property.

Verbal aggressiveness transpires fewer times from the documentary testimonies. Still, although they were less extensively documented, such cases did

¹⁶ Frigyes Pesty, *Diplome privind istoria comitatului Timiș și a orașului Timișoara/ Oklevelek Temesvármegye és Temesvár város történetéhez*, vol. II 1430–1470, ediție, note și comentarii / Magyarázó jegyzetekkel kiadta Livia Magina, Adrian Magina (Cluj-Napoca: Editura Mega, 2014), 211–212.

¹⁷ DL 20100.

¹⁸ DL 21525.

¹⁹ DL 59777.

occur. Usually, contradictory discussions led to verbal violence, accusations and insults. For example, in 1367, because he had addressed injurious remarks to the Caraş County authorities, Michael, son of Peter, was sentenced to paying the amount of a mark.²⁰ Here, the situation was limited to the verbal dispute and did not escalate into physical violence, as the offender immediately paid the amount he had been fined with. This was not the case of other conflicts that were not confined to verbal altercations but degenerated into physical aggression. In 1481, a verbal squabble among several nobles led to violent consequences. One of them went beyond the use of words and, grabbing two wooden spears (*duas haustas lignorum*), he became an aggressor in the true sense of the word. His opponent's familiar answered the challenge by drawing out his sword (*familiaris eiusdem gladium emmanari fecit*): the entire conflict degenerated and the case was brought before the county authorities.²¹ At the beginning of the 16th century, there occurred a similar situation, in which the Romanian nobles from the Măcicaş family went against some inhabitants of the Caran borough (the present-day locality of Constantin Daicoviciu). The apparently trivial dispute started from the theft of a herd of pigs. Two of the inhabitants from Caran burst into the house of the nobleman Nicolae Măcicaş and, rather uncouthly, started to verbally assault him (*diversis verbis obprobriosis et verecondie affecissent*). In his turn, the nobleman struck back. After the adversaries graced one another with the phrase “son of a whore”, the citizens from Caran felt the urge to put even greater pressure on the nobleman, using the phrase “may hounds mate with your mother” (*canes coinquinent matrem tuam*). Verbal violence escalated into physical violence, the opponents using swords and spears to inflict reciprocal wounds.²² The above statements indicate that verbal aggression almost always escalated into physical violence, offensive words representing a mere preamble to the unleashing of brute force.

Physically expressed violence took many forms. As mentioned before, it targeted people, animals and goods, but there was no clear demarcation line between them. In general, a raid against an estate involved acts of brutality against people and animals and, equally, damage against property. The attackers would not channel their anger against a single individual or a single asset, but would often destroy everything in their way. On the whole, the great noble families from the Banat – the Himfys, the Dóczy, the Dánfys, the Dancses of Macedonia, the Cseps of Gherteniş or the Harasztis – resorted to this type of violence. It was possible for the nobles themselves to take part in such actions,

²⁰ Aurel Răduţiu, Viorica Pervain, Susana Andea, Lidia Gross, eds, *Documenta Romaniae Historica*. C Transilvania, vol. XIV (Bucharest: Editura Academiei, 2002), 343.

²¹ DL 18477.

²² Pesty, *Szörény* III, 144–148.

but in most cases violence was exerted through the familiars or the subservient serfs. The frequent involvement of certain families in conflicts could indicate a predisposition, on their part, to aggression and violence. To what extent is this statement true? Hard to say. Indeed, in many cases, the documents suggest that the nobles in question were the instigators of those violent scenes, but what is equally true is the fact that many of the documents mention the assailants only as the subjects (serfs or familiars) of some nobles, without the aristocrats having urged them to commit reprehensible acts. By the same token, violence was also an attribute of the lower classes, whose members were involved in several cases of this kind. An assault against a co-villager, cattle grazing on the territory of a neighbouring village or the infringement of certain boundaries could be reasons underlying the eruption of conflicts in the world of the serfs. To these should be added general human causes, envy, jealousy, the desire for avenging older deeds or simply spur-of-the-moment violent impulses, generated by euphoric states. For example, in the first half of the 15th century, several drunken villagers from *Zenthgeurgh* (Szentgyörgy) were engaged in a brawl, the priest's intervention being required to quell the conflict, which was resolved, but whose consequences were tragic because one of the brawlers, who was wounded, fell into the snow, where he died because of the cold overnight.²³ In another case, in 1436, the judge of *Verese gyház* attacked, captured and chained the serfs of Ladislaus Hagymási of Beregsäu, an offence that was reported before the county authorities.²⁴ The acts of aggression that were committed in the rural environment were directed not only against the same social category but also against some of the nobles. The following case, in which Oswald Magnus, the official of Emeric Dóczy was involved, fit into this pattern. He left *Bethlenösi*, together with his wife, to visit his lord in Zădăreni. In Chalya (incorporated into the city of Arad today), they stopped for a drink at a tavern, then they resumed their way. Having reached a meadow near a forest, they were attacked by the armed (*armatis manibus*) serfs of Francis Haraszti, who dragged his wife off the horse as if she were a slut (*tamquam meretricem*). Oswald ran for help to his master and together they tried to retrieve his wife, who had been held captive by the serfs, but the latter, led by the local judge and by one of Haraszti's officials, captured them too.²⁵ Except for the belated involvement of one of the noble's officials in the conflict, the offence was committed solely by the peasants. The reason for the violence is not revealed by the document, but it could have occurred against the

²³ Adrian Magina, "Parohiile catolice din Banat în epoca lui Sigismund de Luxemburg", *Analele Banatului*. Serie Nouă, Arheologie Istorie XX (2012): 176.

²⁴ Livia Magina, "Câteva documente privind judele sătesc în Banat (secolele XIV–XV)", *Banatica* 19 (2009): 38.

²⁵ DL 19589.

background of an older feud between the nobles from the Dóczy and Haraszti families, involving also their subjects.

It is difficult to distinguish between violent actions in terms of the goals of aggression. Still, with reference to assaults against people or goods, the emotional impact and the nature of the damage can differ.

Violence against property. I have chosen to refer first to the issue of property, movable or immovable. The attack on a house, the destruction of a mill, a cart or simply of some deeds of ownership undoubtedly represented acts of violence that caused significant damage, whether they involved human casualties or not. The lawsuits involving stolen or destroyed goods that were heard by the county officials, the chapters or even the king were too numerous to be rendered here in their entirety. A few examples will suffice, I believe, to demonstrate that this kind of violence was widespread in the medieval Banat. In the deeds issued during that time, the destruction of property is designated through a series of specific verbs: *devasto* (to devastate), *depredare* (to plunder), *comburere* (to set fire to), *spolio* (to rob), etc. One of the handiest means was setting fire to the attacked estates, a very effective strategy for anyone interested in causing as much damage as possible. In 1331 Dionysius, the castellan of Mehadia, attacked the Remetea estate of the Himfy family, which he ravaged by fire (*comburī fecissent et combustionē desolasset*). The castellan did not limit himself to that and, in order not to leave empty-handed, he took another 50 pigs and three good horses.²⁶ The same fate befell the estate of *Zekespataka*, where, in the dead of night, several knezes entered and set fire to the manor, on which occasion the ownership documents were also destroyed.²⁷ The Romanian nobleman fire George Găman was accused of arson in 1478, since, impelled by his father, he had set fire to a mill belonging to Kopasz of Vad, the damage being estimated at 60 florins.²⁸ Destructions could also take other forms. In the conflict between the Chapter of Arad and the nobleman Ladislaus of Apacza, the latter attacked and destroyed the clerics' mill from the Novak estate (*funiculis et ligaturis eorundem molendinorum abcisis et dissecatis, eadem de loco ipsorum removendo per fluvium eiusdem Marwsy, ut huiusmodi molendina ibidem subimergerentur aut rumperentur et destruerentur*), ploughed and sowed some of the land owned by the church.²⁹ Cases involving

²⁶ MOL P 1732 Fekete Nagy Antal hagyatéka, A temesi bánság oklevéltára, Heimiana no. 57.

²⁷ Emericus Lukinich, Ladislaus Gáldi, Antonius Fekete-Nagy, Ladislaus Makkai, eds, *Documenta historiam Valachorum in Hungaria illustrantia: usque ad annum 1400 p. Christum* (Budapest, 1941), 138.

²⁸ Gheorghe Ciulei, Gheorghe G. Ciulei, *Dreptul românesc în Banatul medieval* (Reșița: Banatica, 1997), 59–60.

²⁹ Pesty, *Diplome*, 69.

boundary violations, the ploughing and sowing of fields, or the harvesting of the neighbours' crops are too many to be listed here. It was a common practice in a world where borders were fluid, erected by taking into account natural, constantly changing boundaries. Violence leading to the loss of estate documents had rather serious consequences, as the injured parties were forced to acquire new ones to demonstrate their ownership rights. It happened to the nobles of Arača: while they were away, attending church service, one of their relatives stole all their documents.³⁰ A similar complaint was filed by the noble Andrew Danfy, whose house and nobiliary land plot (*sesie*) in Recaş had been attacked 16 years before by the people of Ladislaus Dóczy, his ownership being also stolen from him on this occasion.³¹ Even a humble oxcart could fall prey to a violent attack. I should mention the case of 1448, when George Himfy's serfs, who had been picking straw in the field, perhaps in violation of the neighbour's boundary, were attacked by the representatives of Ladislaus Hagymasi, who took away from them a cart worth 5 florins.³² All these cases demonstrate that property was not an exception, but could be the focus of violent outbursts.

Violence against animals. I have chosen to treat animals separately, and not as movable property, as they appear in most cases of violence. The situation here was different from that in Western Europe, where certain representatives of the regnum (cats, goats) were brutalized in various rituals or killed because of their allegedly evil nature. In the medieval Banat, violence against animals was closely related to violence against humans. Almost all documentary references to livestock farming come from various complaints reporting on acts of violence. Irrespective of whether it was about cattle, horses, pigs or sheep, animals were the object of inter-nobiliary or peasant disputes, generally being seized for the value they represented. Hundreds of cases of this type provide clues that support the hypothesis that in the case of violent attacks, animal theft remained the most common practice in the conflicts from the province south of the Mureş River. In certain circumstances, the representatives of the animal regnum were subjected to brutality, being collateral victims of human conflicts. Such was the case of Peter of Baach, who complained that one of Master Gal's officials had attacked his estate and injured several of his people (including two women), four horses, one of which had been killed.³³ The Himfy family also

³⁰ Magina, "Parohiile", 181.

³¹ DL 59777.

³² Adrian Magina, "Câteva documente privind comitatul Torontal în prima jumătate a secolului al XV-lea", *Banatica* 22 (2012): 75.

³³ Pesty Frigyes, *Oklevelek Temesvármegye és Temesvár város történetéhez*, vol. I, ed. Tivadar Ortway (Pozsony, 1896), 70.

complained about the killing of some horses, because in 1343 Knez Bratan had forcibly entered the Remetea estate, whence he taken 25 cattle, 50 sheep and 30 pigs, two good horses, valued at 20 marks, being killed on this occasion.³⁴ In a violent dispute from the beginning of the 15th century, occurring on the same nobiliary estate, several horses were killed, including thoroughbreds (*equus equatiales*),³⁵ probably expensive animals, listed separately. We must take into account the fact that those who attacked a domain hastened to grab as many animals as possible. The ones they did not manage to steal were injured or killed. Perhaps the intention was not always that of abducting the animals, but simply that of killing them, obviously in order to cause the largest amount of damage to their owners. This seems to have been the case in the conflict of 1449, when the serfs of the nobles from Firiteaz were deprived of 12 pigs, which were slaughtered by the serfs of the Posa of Szer family.³⁶ This was still a small loss compared to what happened to the serfs from Mezth, who, in 1475, had 45 oxen taken away from them, the animals being slayed and skinned afterwards.³⁷ A similar case was reported by the Chapter of Arad in 1499, its serfs having been attacked violently and having had 17 oxen taken away, killed and skinned, two of them being hacked into pieces and grabbed by the attackers for consumption.³⁸ These few examples may reveal the impact that inter-human violence had upon animals. Underlying such actions was the desire to cause damage to the livestock and to deprive their opponents of the potential income animals could provide. The manner in which medieval man perceived animals was suggestive of no special affection in attempting to protect them against violence. Court authorities never reprimanded or convicted attackers on account of violence against animals, but only for the damage caused to their owners by killing/abusing them. From an emotional point of view, the violence with the greatest impact was levelled against humans.

Violence against persons. The cases are just as numerous, sometimes containing detailed accounts of such brutalities. I will limit myself to those that best reflect such acts of violence. In 1335 Paul Crispus of Lipova and Paul yclept Saar complained that while they were returning from the fair in Seceani, they had been attacked by four people, who had stripped them of their belongings and severely injured them (*letalibus vulneribus*), on this occasion one of them

³⁴ Heimiana, no. 87.

³⁵ Pesty, *Oklevelek*, 488–489.

³⁶ Pesty, *Diplome*, 211.

³⁷ DL 17660.

³⁸ DL 29891: *decem et septem boves iobagionum...abigi et depelli, ac duos ex eis potiores mactari fecisset.*

being crippled in one leg, which he lost entirely.³⁹ In 1344 Michael Parvus, together with other companions, caught a serf from Remetea in the field and, tying a noose around his neck, they took him to the village of *Bodugazunfalva*. There they robbed him of everything he had, more specifically a mark, a sword, a drum, a bow and some clothes, holding him chained to the stump and punishing him day and night, in the sight of all those present at the village fair.⁴⁰ The two cases indicate violent situations associated with robbery, which had escalated into unnecessary brutality, sometimes resulting in serious injury. This was the expression of power in its primary, raw form, potentially related to patterns of deviant behaviour. Such manifestation forms were not rare amongst medieval men. What the modern or contemporary ages might consider to be bouts of sadism were apparently rather commonplace occurrences, as shown in the following cases. In 1330, in the conflict between two aristocratic families from Arad County, the village of *Veresmart* was attacked and the local judge was captured and dragged by the hair to the neighbouring village of Figud, where he was slain.⁴¹ Jacob of Beodra also proved to be violent: disgruntled, together with his men, he attacked those present at vesting of possession. The attackers used bows and arrows to injure their opponents and the latter's livestock, and they mocked and beat severely those they had captured.⁴² Towards the end of the century, the Chapter of Arad complained about the fact that its serfs had been attacked by Bartholomew Salathiel, the castellan of Frumușeni. So far nothing out of the ordinary, but just one of the eternal medieval conflicts. Still, the consequence of that exceeded to some extent the stereotypical patterns of simple records, through the very violence with which the castellan responded. The complaint submitted by the chapter does not reveal any special reason for what had happened: it simply states that the serfs were doing the work they had been commissioned, carrying wood for the church in Arad. One of them was caught by Salathiel and taken by force to the castle of Frumușeni, where he was severely beaten and chained to the stump. The castellan's men tortured him, causing him injuries to the neck with a knife and various other instruments. After three days of torments, the man died, but was denied a Christian burial and was cremated. The damage incurred by the chapter: 300 florins.⁴³ Even if

³⁹ Heimiana no. 67.

⁴⁰ Frigyes Pesty, *Krassó vármegye története*, vol. III (Budapest, 1883), 15.

⁴¹ Imre Nagy, Iván Nagy, Dezső Véghely, eds, *A zichi és vásonkeői gróf Zichy-család idősb ágának okmánytára. Codex diplomaticus domus senioris comitum Zichy de Zich et Vasonkeo*, vol. I (Pest, 1871), 357.

⁴² Ioan Dani, Konrad Gündisch, Viorica Pervain, Aurel Răduțiu, Adrian Rusu, Susana Andea, eds., *Documenta Romaniae Historica. C Transilvania*, vol. XIII (Bucharest: Editura Academiei, 1994), 692–693.

⁴³ DL 29891.

the serf had logged wood from the forest belonging to the Frumușeni estate, the castellan's reaction seems to have been exaggerated. Did the official want to set an example meant to deter those who would try to trespass the estate of his master Ioan Ungur? However we look at the case, his violent behaviour was a rather deviant one. Gregorius of Davidhaza, the Vice-Comes of Timiș, was accused of violent conduct, albeit without serious consequences. Together with his familiars, he attacked three of Emeric Dóczy's men from Ictar, injured them, stripped them of their weapons, clothes and supplies, and took 40 of their pigs from the woods.⁴⁴ Not even the highlands of the Banat were spared such acts of violence directed against persons. A familiar of the noble John Porkolab experienced violence first hand when the citizens of Caran invaded his estate. Before the assembly of Caransebeș, the townspeople were accused of having fished in the nobleman's ponds and used the latter's hunting grounds without being entitled to do so, causing him damage valued at 200 florins. More seriously, the one in charge of the ponds had been abused, dying from the injuries.⁴⁵ Since the nobleman was unable to bring sufficient witnesses, as required by Romanian law, the assembly eventually ruled in favour of those of Caran.

We might think that violent acts were by definition a male prerogative, especially since at the height of the Middle Ages male power reigned supreme, as did recourse to brute force, even in cases that did not require its use. True, men were the protagonists in most of the situations involving brutality in the medieval Banat, but, to some extent, not even the representatives of the female sex were safe from the violence perpetrated by neighbours or their families' opponents. I have previously mentioned two cases in which women were assaulted by serfs or the members of their own families.⁴⁶ In an inter-nobiliary conflict from the mid-14th century, Thomas yclept Bur, an official of Ioan Pecenegul, attacked the residence of the nobles of Voya (Valea). Because only the women were at home, he deemed it necessary to pour his wrath upon them, dragging them out of the house by their hair, hitting them across the face and crushing the leg of one of them.⁴⁷ In a similar vein, in 1505, the heirs of Peter Dóczy were forced to pay a sum of money to Mathias Therek. The compensatory damages were meant as reparations for the brutalities Dóczy had committed against the deceased wife of Mathias, whose estate, *Zeldes*, had been attacked (*cum manibus armatis et potentiariis*) and whose supplies and cattle had been stolen. The wife had suffered several injuries and dishonouring

⁴⁴ DL 19477.

⁴⁵ Ciulei, *Dreptul romanesc*, 61–62.

⁴⁶ See notes 12 and 25.

⁴⁷ Maria Holban, "Deposedări și judecăți în Banat pe vremea Angevinilor și ilustrarea lor prin procesul Voya (1361–1378)", *Studii și Materiale de Istorie Medie V* (1962): 97.

gestures, among others being driven by the horse's chest; as she was pregnant, this brutal treatment had caused her to abort.⁴⁸ The frequency of violent cases in the medieval Banat proves that this was a systemic phenomenon, involving people from all walks of life. Aggressive behaviour seems to have been slightly better entrenched among the elites, but that should not surprise us because noblemen stood to gain or lose most from disputes. It was a normal reaction, due to a mentality that associated social status with property size, any means being accepted for preserving and extending it, no matter how brutal they were.

Control over violence involved justice, but medieval justice did not operate under today's rigors. I do not intend to discuss the mechanisms of justice in medieval Hungary. An analysis of this subject was conducted in as early as the 19th century by Imre Hajnik,⁴⁹ and has been recently completed and nuanced by Martyn Rady.⁵⁰ In historiography there have been issued hypotheses according to which, by and large, medieval justice proved to be ineffective in imposing social discipline.⁵¹ What I aim is to capture just the manner in which the authorities and, implicitly, justice, responded to violent situations in the Banat.

We have seen that at least in one case the king himself undertook violent action against those considered to be traitors. In general, cases with violent implications were brought to the attention of the officials from the county where the offence had been committed, especially since at the end of 14th century the county representatives had the right to legal decision in the settlement of the so-called abuse of power (*actus potentiarii*).⁵² The settlement of certain cases was merely illusory, especially because the officials were themselves quite often involved in violent and reprehensible acts. Given these circumstances, victims resorted to other court authorities. This happened with Emeric Dóczy, who had to appeal to the general congregation of Cenad and Timiș Counties, held under the authority of the Palatine, for those incriminated, who had devastated his estates, had been instigated to do so by Ambrosius Nagy, the Comes of Timiș, and Valentin, the man of letters (*litteratus*).⁵³ Ultimately, those injured and

⁴⁸ Magyar Tudományos Akadémia Könyvtár, Pesty Frigyes gyűjteménye.

⁴⁹ Imre Hajnik, *A magyar bírósági szervezet és perjog az Árpád- és a vegyes-házi királyok alatt* (Budapest, 1899).

⁵⁰ Marty Rady, "Hungarian Procedural Law and Part Two of the Tripartitum", in Rady, ed., *Custom and Law in Central Europe* (Cambridge, 2003), 47–70; Ibid., "Justice delayed? Litigation and dispute settlement in fifteenth-century Hungary", *Central Europe* 2, no.1 (2004): 3–14. For the Romanian point of view on the subject see Hasan, *Proscriși*, 185–270; 327–334.

⁵¹ Robert Muchembled, "Anthropologie de la violence dans la France moderne (XVe–XVIIIe siècle)", *Revue de synthèse*, no. 1 (1987): 38.

⁵² Pál Engel, *Regatul Sfântului Ștefan. Istoria Ungariei medievale 895–1526* (Cluj-Napoca: Mega, 2006), 254 and Hasan, *Proscriși*, 199.

⁵³ DL 18189.

subjected to violence could appeal directly to the king, an expensive solution that did not always ensure their success.

In general, the modality through which medieval man attempted to put an end to violence and enforce social discipline meant also the use of violence. Romanian historiography has considered that much of the brutality committed in the Banat and Transylvania, involving the Romanians, represented a way of dislocating them socially, ethnically and confessionally. It is within this context that the diplomas issued in 1366 or the harsh measures of 1400 would fit, as at that time the representatives of Arad County, along with other secular and ecclesiastical officials, stipulated the burning down of houses, the banishment and, ultimately, the slaying of the Romanians accused of wrongdoing.⁵⁴ This response squared with the means of controlling violence through the use of force and, implicitly, of brutality, in keeping with the existing legal framework. It was a form of control that instead of curbing violent practices, gave rise to others. This was not just a specific feature of medieval society, but a constant dimension of human nature, visible even today. Illegal acts, highway robberies, and killings had to be stopped one way or another. Modern society does that by isolating offenders and confining them in specially designed spaces. Medieval people were not so “humanitarian” but pragmatically they tried to completely eliminate the problems, imprisonment entailing costs that only rarely were they willing to bear. The authorities’ violence targeted especially those offenders who, by their behaviour, were deemed to affect social security and order. Those classified thus became stigmatized, sometimes unfairly. Pál Engel believed that in medieval Hungary, private conflicts had been strictly forbidden and punished.⁵⁵ The law was not applied to all equitably. Analysing the situation in the Banat, it is easy to see that the authorities intervened in cases of brutality, but sentences were passed depending on the social class to which the offender belonged. Violence control rules were brutally applied perhaps only to members of the lower nobility, who had entirely succumbed to brigandry. The authorities’ attention turned to controlling the lower classes of society, from among whom vagrants, robbers and highway murderers were recruited. To combat them, recourse was made to the law in force and, of course, to violence. County representatives could apply the death penalty without any problem in the case of notorious criminals.⁵⁶ For instance, Paul Kiniszi wrote the

⁵⁴ Holban, “Deposedări”, 57–131; Șerban Papacostea, “Întemeierea Țării Române și a Moldovei și românii din Transilvania: un nou izvor”, in Papacostea, *Geneza statului în evul mediu românesc* (Cluj-Napoca: Dacia, 1988), 76–96; Pop, “*Din mâinile valahilor schismatici...*”; Ligia Boldea, “Mărturii asupra cnezilor din Banatul medieval de câmpie (secolul XIV-prima jumătate a secolului XV)”, *Analele Banatului*. Serie Nouă, Arheologie Istorie XIX (2011): 267–284.

⁵⁵ Engel, “Le règlement”, 308.

⁵⁶ *Ibid.*, 310.

officials of Timiș and Arad Counties and informed them that he had sent his familiar, John Rawazdy, to catch a criminal and a thief. He requested the help of the county authorities and, in case they captured him, they were urged to remand the offender into the custody of the said Rawazdy.⁵⁷ Those caught were kept in chains, pending their trial for their crimes. Not always, however, did those considered to be wrongdoers stand trial. This is attested by a case from the year 1372, when several serfs attacked the place where one of them, accused of robbery, was held and released him, on which occasion they indulged in many acts of violence and looting.⁵⁸ In the Romanian environment, especially in the highlands of the Banat, the control of violence was exerted by recourse to the specific legal mechanisms of *ius valachicum*, i.e. by the swearing of oaths before the district's assembly of nobles, who, based on the arguments upheld there, ruled over the guilt/innocence of those involved and decided how the dispute was to be settled.⁵⁹ The right to pass capital punishment (*ius gladii*)⁶⁰, otherwise a royal prerogative, was sometimes transferred to some nobles. Among those who received this royal privilege were the Himfy brothers, who were bestowed the right to punish by whatever means the offenders on their estates in the Banat.⁶¹ Along the same lines, King Albert granted several nobles from Arad and Zarand Counties the right of *ius gladii*, meaning that they could punish all those accused of antisocial, violent or criminal deeds (*fures, latrones, vispiliones, domorum combustores, homicidas*).⁶²

In medieval Hungary, a typical means of curbing brutalities resided in the settlement concluded between the parties to the dispute, including in serious cases resulting in loss of life. To avoid escalation of conflicts or potential retaliation, agreements were reached between victims and perpetrators, whereby the latter had to pay some compensatory amounts for the harm done. This *homagium* replaced the vendetta in theory, as the conflict was settled *via* an agreement that often involved the presence of *probi homines*.⁶³ In the Banat, this was a formula encountered only in relation to disputes between various noble families, and not amongst the peasants. This happened in 1355, when Stephen, son of Dominic the Red, paid for injuring and maiming the servants

⁵⁷ DL 86006.

⁵⁸ Pesty, *Oklevelek*, 121–122.

⁵⁹ For the usage of Romanian law in the Banat, see Ciulei, *Dreptul românesc* or Adrian Magina, “From Custom to Written Law: *Ius Valachicum* in the Banat”, in Martyn Rady, Alexandru Simon, eds, *Government and Law in Medieval Moldavia, Transylvania and Wallachia* (London: UCL SSEES, 2013), 71–77.

⁶⁰ Hasan, *Proscriși*, 334–341.

⁶¹ Georgius Fejer, ed., *Codex Diplomaticus Hungariae ecclesiasticus ac civilis*, vol. IX/4 (Budae, 1834), 172–174.

⁶² Pesty, *Diplome*, 95–96.

⁶³ Engel, “Le règlement”, 308.

of Nicholas, the man of letters,⁶⁴ or in 1438 when the nobles of Firiteaz compensated those who had previously suffered from their violent actions.⁶⁵ A similar situation was that of 1505, but then the aggressor's heiresses – the daughters of Peter Dóczy – paid 40 florins as damages for the crimes of violence committed by their father. Tired of conflicts, Francis Dóczy and Peter Rawazdi opted, in their turn, for a mutual settlement. With the assistance of the authorities and certain arbitrators, they brought to an end their long dispute that had started from a strip of land, but had sparked countless bouts of violence (*occupationis terrarum arabilium, fenetorum, vulnerationum, homicidiorum, incendiorum, invasionum castelli, equorum et pecorum ablationum iobbagionum dictorum Francisci et Petri, aliorumque rerum et actum potentioriorum*).⁶⁶ The control of violence lent itself therefore to a double standard: that applied to the nobles, who often paid various amounts to redeem their wrongdoing, and that which was binding for the lower classes, to whom justice responded harshly, by force.

The destruction of property, the slaying of people and animals essentially represented, I think, a manifestation of power, in an attempt to exert control over an area, over people or situations by imposing one's personal will or values. Such desiderata were not always achievable, which is why, through the use of sheer violence, limits could be imposed to the control exerted by those considered to be adversaries, who could thus be placed in an inferior position. This was particularly the case of the Banatian nobility, whose members were involved in endless disputes for control over estates or subjects. Despite several legislative and, sometimes, forceful measures, the authorities' attempts to curb the violent manifestations were unsuccessful, this type of human expression proving difficult to eradicate.

Ultimately, violence proved to be a manifestation associated with deviant behaviour and, equally, a means of expressing (political or social) will in a society that accepted and promoted it as a component of its operating system.

⁶⁴ Sabin Belu, Ioan Dani, Aurel Răduțiu, Viorica Pervain, Konrad Gündisch, eds, *Documenta Romaniae Historica*. C Transilvania, vol. X (Bucharest: Editura Academiei RSR, 1977), 374–375.

⁶⁵ Pesty, *Diplome*, 88.

⁶⁶ DL 22170.

CUM MANIBUS ARMATIS.
IPOSTAZE ALE VIOLENȚEI ÎN BANATUL MEDIEVAL

Rezumat

Evul mediu a fost în esența sa o perioadă brutală, în care violența a fost sistemică, un aspect obișnuit al vieții cotidiene. Spațiul regatului medieval ungar, în cea de-a doua jumătate a secolului al XV-lea, nu a făcut excepție. Nu este vorba despre violența asociată războiului sau revoltelor, inerentă acestor cazuri, ci de cea obișnuită vizibilă în relațiile interumane. Am încercat clasificarea și tipologizarea manifestărilor violente, în funcție de modalitatea lor de exprimare. În spațiul sudic al regatului disputele, mai ales cele între nobili, erau rezolvate de cele mai multe ori prin apelul la forță. Victime colaterale ale acestei violențe sunt cei din clasele de jos, țărani, asupra cărora se răsfrânge brutalitatea conflictelor internobiliare. Bătaia, tortura, umilirea sau chiar moartea celor implicați în conflicte au fost leitmotivul proceselor purtate între membrii elitei. Aceste aspecte legate de brutalitatea interumană, oferă o imagine asupra vieții sociale, a relațiilor construite în lumea medievală dar și a mijloacelor de control cu care aceasta opera.