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The Adventures of Dispute: a Marriage Crisis

Various developments in the study of history over the past few decades have borrowed theoretical assumptions and methodological innovations from cultural anthropology. Similarly, some of the leading scholars in the field of legal history have done the same. In this article I investigate the avenues of dispute within a Calvinist burgher family from Debrecen, the biggest Hungarian city at the turn of the eighteenth and nineteenth centuries. I try to reconstruct the individual strategies they adopted in order to achieve their goals and the means and tactics they used against each other in business, defamation conflicts or a divorce case. I approach the legal construction as a creative moment, a formative period in which the combination of central legislation and local statutes offered a space for individual strategies and legal maneuvering. In the analysis, I scrutinize both the disputing habits and the internal motivations of a quarreling couple, the Ladányis, to take their private matters and conflicts to the court, as well as the mutual influences of social actors and increasingly modern social institutions, more precisely, the city court and the legal profession.

Keywords: Calvinism, family, gender, marital dispute, divorce

In the 1970s, a harsh debate erupted among anthropologists over legal theory and practice in which the rule-centered or functionalist paradigm and the processual paradigm were juxtaposed.¹ Representatives of the first model concentrated on formal written law and legal institutions as the only legitimate objects of legal analyses, and they thought that only laws and norms “from above” could define the boundaries between deviant and acceptable social behavior. Supporters of the second paradigm emphasized individual decisions and the legal competence of social actors, and they refused to view conflicts as “pathological phenomena.” For them, conflict is a natural ingredient of everyday life and it is unavoidable when the individual attempts to realize his or her goals. These anthropologists accept that “order” in a society provides the basis for stability, but they believe that order is not a well-defined structure, but rather a shifting and dynamic environment shaped by the members of the community.

1 For more on the debate: John Comaroff and Simon Roberts, *Rules and Processes. The Cultural Logic of Dispute in the African Context* (Chicago and London: The University of Chicago Press, 1981), 5–17; Simon Roberts, *Order and Dispute. An Introduction to Legal Anthropology* (New York: Penguin Books, 1979), 11–29; Simona Cerutti, “Normes et pratiques, ou de la légitimité de leur opposition,” in *Les formes de l'expérience. Une autre histoire sociale*, ed. Albin Michel (Paris: Éditions Albin Michel, 1995), 127–49.

In the end, the scholarly debate led to more ambitious considerations than the mere challenge to traditional views grounded in the coercive power of law and legal institutions. According to Sally Falk Moore, Simon Roberts, John L. Comaroff, Laura Nader and other anthropologists, the processual paradigm as a primary approach to legal life has the potential to pose more radical questions than the subordination of the formal, institutional perspective to individuals' manipulative strategies and legal competence. In general they argue that the analyses of legal norms should rely on social behavior, because this is the formative context in which social norms and rules are determined. In other words, social behavior is more dependent on social relations than on the regulative authority of any political or social institutions. The shift of focal points led these anthropologists into a new arena in which they paid more attention to concrete conflicts among individuals or social groups as well as to the possible resolutions of these conflicts. That means that social practices are not subordinated to rules, but that they have equally important power in shaping social conditions.

According to the functionalist model, law determined the lives of ordinary people, and historians who applied it ignored the possibility that there might exist a less hierarchical structure and failed to articulate a more mutual correlation between regulations and actors. In the new framework, however, the reductionist interpretation of the law is replaced by a more flexible and complex paradigm in which social historians focus on individuals' legal competence and manipulative capacities. Undoubtedly, the liberation of ordinary historical actors from the constraints of political, economic and social structures is not an entirely novel approach to history. Microhistorians, among others, Carlo Ginzburg, Nathalie Zemon Davis and Judith Brown, contributed to this “deliberating” process to a large degree. Ginzburg illustrated the contours of self-fashioning, the freedom of individual actions and decision-making strategies in the example of the miller, Menocchio, who even confronted the much-feared Inquisition and sacrificed his life to have a chance to discuss his strange ideas with competent people.² Davis excellently crafted the personality of Martin Guerre and his rival, the impostor Arnaud du Tihl alias Pansette, who tried to make his fortune by slipping into another person's skin.³ Brown, in a genuinely new fashion, showed the possibilities a unique female character had to gain public attention

2 Carlo Ginzburg, *The Cheese and the Worms. The Cosmos of a Sixteenth-Century Miller* (Baltimore: The Johns Hopkins University Press, 1980).

3 Natalie Zemon Davis, *The Return of Martin Guerre* (Cambridge, MA: Harvard University Press, 1983).

in Renaissance Italy.⁴ After reading these historical analyses, no one would think that these actors of the past were helpless puppets whose actions were dictated entirely by contemporary social and economic conditions. Just the opposite was the case; they seemed to be remarkably creative and active in shaping their own lives. The new paradigm in the study of legal practice made it possible to apply the findings of social and microhistory in a new field, legal history, which has been neglected by most social historians, including the representatives of the Annales School.

One of the most successful attempts to apply the findings of legal anthropology in social history is Thomas Kuehn's collection of essays that claims to explicate a "legal anthropology" of Renaissance Italy.⁵ Although the ambitious endeavor remained incomplete in the sense that instead of Renaissance Italy the author focused only on one Italian city (Florence), this does not reduce the value of the work. Kuehn argues that laws and statutes attempted to diminish the freedom of action of the individual within a coherent and logical structuralist framework. Legal practice in real everyday life, however, was very different and contained many irrational, chaotic and contradictory elements. Kuehn paid particular attention to individual choices and decisions even if they did not seem cogent.

Using published and unpublished notarial records and private sources (such as letters and diaries), Kuehn demonstrates that the citizens of Florence were not only familiar with the ever-changing legal statutes, but also knew that the law had an immense influence on people's everyday lives. For Kuehn, *quattrocento* Florentine law was incoherent and fluid; therefore, it left space for individual creativity and for the application of alternative methods of dispute in addition to formal litigation. "My desire has been to understand how, or how much, the very sophisticated and complex apparatus of law could serve the interests of litigants and to see how law functioned in a context with other mechanisms of disputing and settling disputes, ranging from fairly formal arbitration to violence."⁶ The inherently ambiguous laws created a broad horizon for social actors, individuals and kinsmen, in which they could find ways of accomplishing their goals and interests in competition with other members of the community.

4 Judith Brown, *Immodest Acts: the Life of a Lesbian Nun in Renaissance Italy* (Oxford: Oxford University Press, 1985).

5 Thomas Kuehn, *Law, Family and Women: Toward a Legal Anthropology of Renaissance Italy* (Chicago: Chicago University Press, 1991).

6 *Ibid.*, 11.

Kuehn's vision of the relationship between law and society as a formative process, combined with his aim of integrating alternative legal habits into his investigation, provides his readers with a new understanding the legal authority of certain social groups, especially women. He admits that women's legal activity was circumscribed by the immanently oppressive, patriarchal order of the period. At the same time, he also explains the manifest contradiction between formal legal regulations and everyday legal practice, and the interpretation and application of law in matters such as female inheritance or, more generally speaking, women's legal authority.

Simona Cerutti, in her work on the summary court of seventeenth and eighteenth-century Torino, examines the day-to-day operation of this peculiar form of jurisprudence.⁷ She demonstrates that legal practice could serve as a major source of law, because the summary court excluded all forms of professional juridical intervention, including legal experts and written law, and was grounded purely in non-professional individuals' sentences. Cerutti's focus on this ancient institution made it possible to pay closer attention to the practical consequences of the ideological assumptions that were articulated by the followers of the processual legal paradigm. In *Domestic Dangers*, Laura Gowing attempts to reconstruct the litigation and, most importantly, the complex motives outside the court that inspired seventeenth-century Londoners to seek justice and initiate civic legal cases.⁸ Like Kuehn, Gowing warns against overemphasis on the patriarchal order of early modern society and illustrates in various ways how legal instruments could become powerful weapons even in the hands of women.

Legal anthropology provided several theoretical and methodological findings for historians that I consider in my work. The present inquiry, restricted to an examination of the squabbles of a Debrecenian couple in the late eighteenth and early nineteenth centuries, is an attempt to uncover the importance of lawsuits by integrating into its methodology historiographical developments. As opposed to "rules-oriented" legal historians, who were reluctant to apply the law in actual cases and focused either on structural institutional changes or legal theory, my goal is to provide a more nuanced understanding of the couple's litigation. Of course, I acknowledge that legal norms and rules are "ranges of discourse" which

7 Cerutti, Normes.

8 Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Oxford University Press, 1996).

set constraints on disputants as they argued over marriages, wealth and honor.⁹ However, I try to avoid imposing on my understanding of litigation a sharp distinction between “theory” and “practice.” I approach the legal construction as a creative moment, a formative period, in which the combination of central legislation and local statutes opened up space for individual strategies and legal maneuvering. In the analysis, I scrutinize both the disputing habits and the internal motivations of the quarreling couple, the Ladányis, to take their private matters and conflicts to the court, and the mutual influences of social actors and modernizing social institutions, more precisely, the city court and the legal profession.

The Husband, the Wife and the Marriage

János Ladányi and Erzsébet Diószegi got married on April 27, 1774.¹⁰ Both of them were born in Debrecen, the biggest Hungarian city at the time. Debrecen is a former trading center located in the Hungarian plain, about 150 miles to the east of the present-day capital, Budapest. The city lay far from rivers, quarries, forests, and mountains that could have supplied it with raw materials for development and provided natural defensive borders. There was hardly reason to build a city on this empty plain, with the exception of the endless supply of space for expansion. Throughout the early modern era, and even today, visitors have always been struck by the stark contrast between the city’s large size and density and its rural characteristics. In 1715, it was the largest city in the country, and in 1787, when Joseph II ordered a census of the total population of Hungary, Debrecen, with its 29,000 inhabitants, was still ahead Pressburg (27,000; Pozsony in Hungarian, today Bratislava in Slovakia) and Buda (25,000).

Both János and Erzsébet were scions of noble families.¹¹ Within the urban community nobles formed a somewhat closed and particular social group. Fleeing the plunders of Turkish soldiers, they began to move to Debrecen in the 1500s. During the following centuries the Debrecenian nobility permanently grew in

9 Kuehn, *Law*, 97.

10 Tiszántúli Református Egyházkerületi és Kollégiumi Levéltár (hereafter Tt.REL) Registers of Baptism and Marriage. I. 99-a 6 VI. 1772–1778, 30. “János Ladányi from Péterfia Street married Pál Diószegi’s daughter from Csapó Street on April 27, 1774.”

11 János Ladányi was born on Csapó Street on June 23, 1748. His father was János Ladányi the elder, his mother was Sára Hadházi. Tt.REL. Registers of Baptism. I. 99-a vol. n. 35, 1742–1757, 283. Erzsébet Diószegi was born on the same street on November 24, 1749. Her parents were Pál Diószegi and Erzsébet Szappanos. *Ibid.* 372.

size. Most of them never owned estates, but were so-called *armalis* nobles; in other words, they were ennobled without land, which in practice meant that they enjoyed tax exemption but had to work for a living.¹² Most noblemen were farmers and artisans, others were Debrecenian merchants and intellectuals. Some of the nobles of Debrecen had estates outside the city, but regardless of that, none of them were allowed to invoke their noble privileges within the city; like the burghers, they were required to pay ranks and taxes. Although they preferred to marry among themselves, according to profession and residence, they integrated themselves well into the city. According to contemporary national and county records, 132 noble families lived in Debrecen in 1715, and during the reign of Joseph II (in the late 1700s) this number rose to 207. Despite the slow growth of the Debrecenian nobility, their proportion within the total urban population remained around one or two percent.¹³

The groom's father, János Ladányi, was a native of Debrecen. Little is known about his background except that he was a hard-working citizen who contributed considerably to the family's assets. His grandmother, Anna Rácz, made a last will and testament in which she praised her son, János the elder:

...he suffered with me much cold and warm, he rushed and troubled himself with my matters and helped me a great deal [...] for these reasons all the money I lent to him once or twice [100 Forints] and the vineyard which I bought together with him I leave to János, and my other children should not demand any part of that wealth.¹⁴

The elder János Ladányi was probably an artisan, but the available sources do not indicate his craft. Due to the fact that he did not make a last will and testament and did not leave his son valuable properties, I assume he was not particularly wealthy. Affluent members of the urban community usually left behind a written will and made scrupulous decisions about their properties. Mihály Jándi, a tanner and member of a prestigious noble family, was undoubtedly rich, and his last will and testament documents his wealth. He was well-off, and this obliged him

12 Rácz István, *Városlakó nemesek az Alföldön 1541–1848* (Budapest: Akadémiai Kiadó, 1988), 83.

13 Rácz István, "A civis fogalma" in *A Déri Múzeum Évkönyve* (Debrecen: Déri Múzeum, 1986), 77–111, 104. and also see Herpay Gábor, *Nemes családok Debrecenben* (Debrecen: published by the author, 1925).

14 Anna Rácz's last will and testament, August 6, 1746. Hajdú-Bihar Megyei Levéltár (hereafter HBmL) IV.A. 1011/z. 206. Anna Rácz was first married to János Ladányi's the elder's father, István Ladányi, a native of Debrecen. Her second husband was a well-to-do nobleman in the neighboring Közép-Szolnok county.

to make a number of final decisions. He had a house, several mills, a vineyard, a large piece of land, animals and movable assets.¹⁵

Many Debrecenian noblemen spent most of their income on their children. They spent their earnings on their sons' education and their daughters' dowries. The elder Ladányi provided his son with reasonable schooling. After completing his compulsory years of apprenticeship, at the very young age of 18, he joined the highly esteemed guild of tanners in Debrecen.¹⁶

There is more information about the bride's background. She was a child of the illustrious Diószegi family.¹⁷ Her great-great-grandfather was István Diószegi, who had been a prominent professor of the city's College for more than three decades. Among her ancestors, Sámuel, the famed chief justice of Debrecen, was a particularly prominent personality. He also headed the highly esteemed postmaster's office and led the city during wartime at the beginning of the eighteenth century. He was well connected with contemporary European political elites and his exploits were legendary among the citizens of Debrecen. According to a popular anecdote he hosted the Swedish king, Charles XII, for an evening of entertainment.¹⁸ István Szűcs, the nineteenth-century chronicler of Debrecen, noted that the king spent an amusing evening and a peaceful night in Diószegi's house, where he met members of the Magistrate, Protestant pastors, and professors from the College.¹⁹

Erzsébet's father was Pál Diószegi, a teacher at one of the ten girls' schools in the city.²⁰ Noblemen who did not possess extensive estates had to learn a trade or enter the world of industry or the intellectual professions.²¹ Debrecenian elementary school teachers established the Teachers' Association in 1708, which

15 See: Younger Mihály Jándi's last will and testament, February 17, 1837. 1944. Mihály Jándi the younger married the unmarried daughter of Mihály Szabó from Sámson, June 25, 1832. Records of Marriage. Tt.REL. I. 99-a Book 140, 491.

16 Registers of the tanners guild of Debrecen. HBmL IX. 35/9, 234.

17 See the article on the history of the Diószegi family: S. Szabó József, "Diószeghy Sámuel". *Debreceni Képes Kalendárium* (1908): 226–34. The Diószegi family was registered as noble in the eighteenth century. See: Herpay, *Nemes*.

18 S. Szabó, *Diószeghy*, 228.

19 Szűcs István, *Szabad királyi Debreczen város történelme három kötetben ábrákkal. A legrégebbi kortól a mai időkig*, vol 1 (Debreczen: Városi Nyomda, 1871).

20 He was called the *praecceptor* of Kis-Csapó street. Tt.REL. Registers of Baptism I. 99-a3 vol. 5, 1742–57, 283. I found further information on his profession; István Vecsei mentioned in his last will and testament that his northern neighbor was his daughter's teacher, Pál Diószegi. István Vecsei's last will and testament, April 17, 1769. 441.

21 Rácz, *Városlakó*, 126–37.

increased their prestige, but this still did not mean financial recognition. Teachers in Debrecen lived under miserable conditions. They received their salaries directly from the parents, which resulted in endless complaints on behalf of the teachers: “[...] they brought their children from one school to the other and so they avoided paying tuition-fees. They did not pay, so we could not even afford our basic everyday necessities.”²²

Although Pál Diószegi registered his daughter at one of the girls’ schools in the city, Erzsébet apparently possessed no more than a very basic education—typical of elementary schools of that time.²³ She learned to read and write and she probably acquired primary mathematical skills and a fundamental understanding of the Bible. Decades later, a letter she wrote as an adult indicates that she could write, but she made many grammatical and spelling mistakes. Like many girls at the time, she most probably learned the necessary skills of a housewife, and later she became an assiduous housekeeper.

Erzsébet had two brothers, Mihály and Sámuel. Mihály married into the nationally recognized Fazekas family. His brother-in-law was a writer and the author of one of the most popular satires of the early nineteenth century, *Ludas Matyi*, which is still required reading for Hungarian school children. Erzsébet’s other brother, the twelve-year younger Sámuel, taught at the city’s College. Later he moved to a neighboring town, Hajdúböszörmény, where he worked as a schoolmaster. He then moved on to a bigger city in the Hungarian Plain, Kecskemét. He attended the University of Göttingen, where he studied geometry, physics and medicine. He completed his university degree in the 1790s and became a Protestant pastor in his native Debrecen. Sámuel co-authored the first Hungarian botanical treatise and was member of the enlightened intellectual workshop, the Debrecen Assembly. His sermons, entitled *Moralistic Teachings in Preaching*, were published in Debrecen in 1808.²⁴

We do not know whose idea the marriage was, nor can we know how and when they met first. Both the Ladányi and the Diószegi families resided in the heart of Debrecen, and most likely the couple had already known each other as children. There are no references to mutual attraction or love in the archival documents, but neither physical attraction nor emotional commitment was

22 On conditions of teaching in eighteenth-century Debrecen, see: Mervó Zoltánné, “A leányok iskolai oktatása Debrecenben a polgári forradalom előtt,” *A Hajdú-Bihar Megyei Levéltár Évkönyve*, vol 1. (1974): 27–58, 35.

23 Mervó, “A leányok”.

24 Diószegi Sámuel, *Erköltsi tanítások prédikációkban* (Debrecen: n.p., 1808).

considered a prerequisite for marriage in the waning years of the eighteenth century. The surviving archival sources on divorce cases suggest that marriages were usually arranged by the parents or relatives and sometimes the couple hardly saw each other before the wedding.

Marriage was considered the first real step into adulthood. In order to be accepted as a “mature man,” János had to get married. He was already 26 and had been guild master for eight years at the time of his wedding. Most likely he was following public expectations when he decided to marry Erzsébet. The bride was almost the same age, 25, anything but too young to marry by the standards of the time. Examining registers of marriage from this period, the data suggest that most women married about five years earlier, around the age of 20.²⁵ For a woman, marriage was almost compulsory: in the traditional Protestant views of Debrecenians, it was shameful, dangerous and immoral for a woman to live alone.²⁶

In Debrecen, parents or relatives arranged marriages. They introduced the couple and controlled the necessary fiscal negotiations. Documents of divorce cases suggest that economic motivation provided a weak bond to sustain a bad marriage, and mere financial ties were not enough to prevent separation or divorce. Many plaintiffs in divorce cases complained that they disliked their spouses from the first time they met and reluctantly yielded to parental pressure, resulting in a forced wedding. They used this circumstance to convince the court that the marriage had not been the result of a voluntary decision. Erzsébet Böszörményi, the wife of János Szilágyi, a cobbler, argued during her divorce trial that “boundless parental power forced her to marry János Szilágyi,” but after nine doleful years of her marriage she preferred to try the life of the lonesome female than suffer the hardships of living together with her husband.²⁷

Presumably, in this case money did not serve as a primary motivation for the marriage.²⁸ Neither of the two families was particularly wealthy. Despite

25 Mátay Mónika, *Törvényszéki játszmák: válás Debrecenben 1793–1848* (Debrecen: Csokonai Kiadó, 2006). 161–73.

26 For Protestants, marriage was a means of maintaining social order, morals, and control over people's sex lives. The institution was intended to protect the faithful from earthly seductions. As opposed to the Catholics, Protestants did not consider celibacy superior to marriage. They believed that single life was contradictory to human nature and God's will. See: Roderick Phillips, *Untying the Knot. A Short History of Divorce* (Cambridge, MA: Cambridge University Press, 1991), 1–27.

27 Divorce case of Erzsébet Böszörményi and János Szilágyi HBmL IVA. 1018/c. n. 46. Supplement A. 28 Analysis of the Debrecenian divorce and inheritance cases demonstrates that money could play an important role in marriages. See for example: Mónika Mátay, “The Adulterous Wife and the Rebellious Husband: a Marital Dispute in a Calvinist City,” *Social History* 34 (2009): 145–62.

the lack of economic motivation, the parents thought this an acceptable match because of the noble origins of both families. Nobles in the market towns of the Hungarian Great Plain lived in closed communities and preferred to marry among themselves. In most cases, noble families refused to allow their children to marry to non-noble citizens.²⁹

The couple had been living in lodgings for more than twenty years and could afford a house only as late as 1798, when they received Erzsébet's inheritance.³⁰ It is true that in Debrecen many young people, even scions of wealthy citizens, often began their adult lives in a sublease. That did not necessarily mean that they were poor. But the fact that the Ladányis were unable to buy a house for more than two decades indicates that they were not financially prosperous. Ultimately, they could only afford the house when they received Erzsébet's inheritance.

Once they were able to buy their own home, they purchased it along with a very small piece of land. In nineteenth-century Debrecen houses were surrounded by land. Actually, the value of the property was dependent on the size of the adjacent estate, not the building itself. The Ladányis bought their house with a plot that was a bit smaller than the average size on their street.³¹

A document about the renovation of the house in 1823 offers a rough sketch of the ground plan. It was a typical Debrecen home, neither rich nor poor. There were two rooms in the house. The main room, which was bigger and more comfortable, was the multipurpose *tisztaszoba* (clean room). The window in this room afforded a glimpse of the street. The members of the household rarely used this room; it was a combined living and dining room, and visitors were entertained here. The only bedroom of the house, reserved for the spouses and their daughter, was in the back of the building. The family spent most of their time in the kitchen, located between *tisztaszoba* and the bedroom, which also served as the main entryway from the yard.

Unfortunately, the sources do not indicate why the couple was in such dire financial straits. Whatever the case, they were unable to accumulate much wealth despite the fact that Ladányi was a recognized master craftsman. After entering the guild in 1766, he made something of a name for himself as a talented

29 Rácz, *Városlakó*, 152.

30 The Ladányi couple bought the house for 1,225 Forints, which was the average prize for a middle category house in Debrecen in the late eighteenth century. Records of civic properties 1636–1848. HBmL IV.A. 1011/y/vol. 5.

31 Rácz, *Városlakó*, 32.

artisan by producing high quality leatherwork.³² The Magistrate rewarded him for being more productive than his fellow-artisans in the guild by bestowing monetary recognition on him. His products earned a special prize from Joseph II, the emperor in 1785, furthering bolstering his reputation.³³ When making his testament, he displayed with pride to the witnesses and the notary “that golden medal [...] which weighs about 10 ounces and which [he] received from late glorious Joseph II for exemplary knowledge of his trade.”

Erzsébet contributed substantially to his work as an artisan: “in the practice of the craft she took an active part.”³⁴ In the everyday life of an artisan family, women always played an important role. In addition to performing the traditional tasks of women, which included cooking and looking after the servants and the apprentices, they were also expected to work the land, trim and hoe the vines, and feed domestic animals. As legal documents suggest, Debrecenians harshly criticized “lazy and neglectful” housewives. Mária Zefer, a cobbler’s wife, “worked in the craft like a man, as much as she could.”³⁵ Besides assisting their husbands in the workshop, artisans’ wives also sold the products at local or even distant fairs. If the husband joined the army, left his family, or squandered the family’s earnings, women often took over the craft as if they were masters. We also know of a few examples when women, although they lived together with their husbands, were independent artisans. Although her husband was a well-off quilt-maker, János Kapros’ wife brought in a huge amount of money by herself according to her husband: “she has always lived on independent earnings.”³⁶

Erzsébet’s contribution to the family’s income was essential because Ladányi did not hire apprentices. Certainly he could have had assistants, and he was competent enough to supervise the workshop with multiple apprentices. Sámuel Teleki, a royal representative in Debrecen and a well-known, enlightened figure of contemporary public life, noted in his report on the work of tanners in the city that masters should send their apprentices to the house, where they could profit from Ladányi’s knowledge of the craft. Still, in the documents of the guild no assistants were ever registered with the tanner. Erzsébet later testified during the trial that young men were afraid of her husband’s “cruelty and rigor.”

32 His name was mentioned in the register of the guild several times between 1776 and 1785. Registers of the tanner guild of Debrecen, HBmL IX. 35/9.

33 Relations by count Sámuel Teleki. MOL, C-53:1786/205.pos.1.p.1-58.(=fol.5-34.)

34 Witness record. HBmL IV.A.1018/a, August 30, 1823, 388.

35 Gábor Tsenger, an apprentice’s confession. Divorce case of Gergely Barta and Mária Zefer. HBmL IV.A. 1018/c/1822, n. 48.

36 János Kapros’s last will and testament, April 23, 1763. 300.

There were many rumors in the city regarding his unruly behavior. How could she live together with a man who alienated potential apprentices and seemed so uninterested in furthering their economic means?

Dilemmas of a Bad Marriage

The marriage was anything but a good emotional match, at least by the second decade. Erzsébet wrote a statement around 1806 or 1807 that was fashioned in the style of a last will and testament and bears further witness to the hardships of their relationship. We do not know to whom she addressed her writing. Most likely, she just wanted to document the miserable conditions under which she lived. Although this unique reflection on her circumstances is informal, she prepared it as part of the legal maneuverings that she used against her husband, or rather as part of a strategy to ensure that she would be able to defend herself from him when necessary. She complains that, with her husband, “[she] suffered much, and in particular in the course of the past four years I underwent enormous torments.”³⁷ She does not go into the details, but the bitter tone of her letter attests to endless miseries. Most likely, Ladányi brutally struck and possibly tortured his wife. At the end of her one-page long note, Erzsébet crafts a statement in a convention meant to leave a record of her misery. She complains about her husband’s control over the family house and his intent to distribute her wealth. Ladányi refused to give her either the wealth she had inherited from her parents or the goods they had accumulated together. She declares that she wishes to leave all her belongings to her daughter and grandchildren. The letter suggests that she had decided to leave her husband: “that from now on I not suffer further disasters.”³⁸ Such an act would make her a social outcast.

Erzsébet’s letter shows that her relationship with her husband was irrevocably ruined, and yet they did not separate. We learn from Ladányi’s last will and testament that the couple split-up several times. He laments that his wife “was unfaithful to him, she left him many times, on at least 13 occasions.”³⁹ Finally, in 1818, at the age of 69, she fled from the house, three years before he made his will and testament. Why did she wait so long? Why did she return to

37 The letter was attached to Ladányi’s last will and testament. The document is a unique mixture of informal last will and testament and private contract.

38 Ibid.

39 János Ladányi’s last will and testament, August 14, 1822. 1605.

her “devilish husband” over and over? And most importantly, why did she fail to initiate divorce proceedings against Ladányi?

Were there any economic considerations behind her reluctance to leave? In Debrecen, an independent life for a woman was hard, but possible. Compared to their counterparts in small villages, where women could only find work jointly with their husbands or male relatives, Debrecenian women had opportunities to work outside the family circle. At times, widows could make respectable incomes, and when they made their wills, they proudly emphasized how much they had amassed after their husbands’ deaths. Mária Ferge, the widow of a carpenter, acquired money through net making.⁴⁰ Women also worked as servants, midwives, bartenders and innkeepers. They spun thread for weavers and made loaves of bread or cakes to sell. One young girl made her living by painting furniture. Between 1820 and 1830, more than 400 spinners were registered as artisans working outside of guilds, and most of them were women. In all likelihood, Erzsébet could have managed to live independently from her husband. She probably had skills in some traditionally female work. Still, she decided to stay. Why? If divorce was legally possible and socially acceptable, why did Erzsébet Diószegi not decide to write a petition and start divorce proceedings against her husband? One possibility was that, while divorce was considered acceptable, it clearly was not looked on favorably at the time, and this may have influenced Erzsébet.

In 1791, Leopold II, the Habsburg Emperor, passed a law that permitted Protestants to be granted a divorce in a secular court for the first time. The law was liberal by the standards of the time, since it allowed divorce on a broad range of grounds and divorce was made available both for men and women. Still, Leopold II’s enlightened policies did not lead to a divorce revolution in Debrecen. Between 1793, when the first petition for divorce was submitted to the court, and the middle of the nineteenth century 201 couples in Debrecen decided to get divorced.⁴¹

Leopold II’s legislation was similar to statutes in Germany, where people could also get divorced regardless of their social status or gender.⁴² A divorce law was introduced in France during the revolution in 1792 that prompted thousands

40 Mária Ferge’s last will and testament, October 25, 1806, 1152.

41 See Mátay *Törvéyszéki*, 161–73.

42 L. Abrams, “Crime against Marriage? Wife-beating, the Law and Divorce in Nineteenth-century Hamburg,” in *Gender and Crime in Modern Europe*, ed. Margaret L. Arnot and Cornelia Osborne (London: UCL Press, 1999), 118–36.

of French couples to turn to the courts.⁴³ In England, the situation was not that liberal. For the overwhelming majority, legal divorce was not available. A Divorce Reform Act was introduced in 1857.⁴⁴

To initiate a divorce case in Debrecen, first the couple had to go to their pastor and request a certificate asserting that reconciliation was impossible. Then the main plaintiff called on a barrister and initiated the divorce proceedings in the local court. In this sense, the ecclesiastical authorities played an important role in the legal procedure, but the decision was made by a secular assembly.

Remarks that were made in the course of trials and the arguments that were made by the magistrates when they issued their decisions suggest that the courts were adamantly opposed to divorce. They were well aware that citizens of Debrecen paid close attention to the outcomes of divorce trials: “Many eyes watch at this scandalous trial in the local Public and eagerly await its outcome [...]”⁴⁵ Clearly, the judges attempted to discourage divorce among Debrecenians, and whenever possible they rejected petitions for divorce.

A high number of divorce petitions were withdrawn, which suggests that the vast majority of ordinary people were somewhat hesitant about divorce. As is often the case in the study of history, sources yield little insight into the opinions individuals had regarding the dissolution of a marriage. Still, on the basis of the plentiful archival documents, we can attempt to reconstruct views about divorce expressed by the couples involved and by the witnesses, who most often were parents, relatives, servants, tenants or neighbors. Like the judges of the city, most of the petitioners said they were reluctant to divorce and contended that the drastic step had been forced upon them by external circumstances. They complained about their spouses’ misconduct, which included multiple attempts to poison and physical and psychological torture, alcoholism, adultery, and absence. Despite the hostility of the legal elite and the reluctance of the general public to accept divorce, the number of court cases that ended in divorce and the attitudes of defendants suggest that someone living in an impossible marriage could find a sympathetic ear and persuade the courts and society in general to accept divorce as one possible solution to a marital breakdown.

43 On the law see: Roderick Phillips, *Family Breakdown in Late Eighteenth-Century France. Divorces in Rouen 1792–1803* (Oxford: Oxford University Press, 1980), 12–14.

44 Lawrence Stone, *Road to Divorce. England 1530–1987* (Oxford: Oxford University Press, 1992), 368–82.

45 Divorce case of István Steiner and Zsuzsanna Bóhm, September 12, 1816. HBmL IV.A. 1018/c 40/22, 61.

In addition to the doubts she may have had regarding the attitudes towards divorce, Erzsébet may well have had several other considerations on her mind. For a while, she might have hoped that Ladányi's coarseness would pass. Perhaps she thought of her family, especially her brother, Samuel, the respected scholar, and did not want to involve them in a scandalous family battle. She had a daughter, Julianna, whom she certainly did not want to leave under the care of a brutal father. Gathering her belongings, leaving the house, and starting a new life under someone else's roof was anything but appealing in the eyes of a lonely mother with a child. The probability that a divorce decree would give her back her ancestral property was very low. Not that the court was reluctant to respect women's property rights, but Erzsébet's inheritance had been spent when the couple had purchased their house. Even if the divorce sentence was favorable to her, due to her husband's extremely aggressive behavior, she would never see a penny of her money. Finally, she had invested not only her money but also her energy into the shop and the household. She may have been unwilling to leave everything behind. Last but not least, though she might not have put it in these words, she certainly was concerned about her reputation as a woman. She was no longer young and did not have significant economic resources, so her chances of marrying again were very small. For whatever reason(s), she learned to accept life with her husband for almost fifty years. What can we know about the person with whom she decided to live for so long? Did he have any redeeming qualities that persuaded her stay, or did she remain with him simply because of the factors enumerated above?

János was vindictive, bitter, and peevish. As a young man, he worked as a tanner. In the census of 1792, twenty years into their marriage, when all the members of the tanner guild of Debrecen were registered (including the widows), he was listed as "inactive": "They are masters, but they do not work in the trade themselves, neither do they have assistants who would work for them, and they do not bring profit to the guild."⁴⁶ Why did Ladányi decide to stop practicing his trade? We know about special cases when an artisan went into bankruptcy or was too incompetent or helpless to work alone. Many artisans of Debrecen were engaged in agriculture in the city's extended adjacent lands.⁴⁷

46 Records of the tanner guild of Debrecen 1599–1825. *Classificatio*. September 17, 1792. HBmL. IX. 35/1.

47 A contemporary journalist reflected on the double activities of artisans: "All residents, with the exception of farmers, have two occupations; the tanner, the cobbler, the salesman, the pastor, the attorney, and the teacher at the same time cultivate their land, sometimes so intensely that their original profession is often secondary." Helmecczy Mihály, ed., "Debrecen állapotjának rövid rajza," *Társalkodó I.* (1837) 35–36.

They purchased farms outside the borders of the city and worked in the fields, in addition to working as members of the guild. Sometimes the wife took over the trade while the husband devoted his energies to cattle breeding and other peasant work. None of this was true of Ladányi. Unquestionably, he was a very talented tanner, and neither in wealth registers nor in the legal documents is there evidence indicating that he pursued work in agriculture.⁴⁸

It is impossible to know why he stopped working as a tanner, but in all probability he thought that he would raise more money and better succeed in life as a casual businessman than as a hard-working artisan. We know for certain that he abandoned his craft sometime in the 1790s, and, as the surviving legal documents of his multiple conflicts with fellow citizens suggest, most likely his earnings came from fishy business dealings.

A Quarrelsome Nobleman

Ladányi started his first legal case against a certain András Nagy, a local salesman, in 1815.⁴⁹ They were involved in a honey hoarding business together, but, as Ladányi argued in court, Nagy had cheated him and refused to give him his share.⁵⁰ Nagy, on the other hand, firmly stated that he had never asked Ladányi to take part in the transaction because Ladányi had no talent and he was also far too vehement and “impetuous.” Still, he required the money for the transaction. Nagy called the tanner a person “who was well-known for his unruly behavior” and “made a judge of himself and took revenge without any consideration of the consequences.” The court rejected Ladányi’s request on the basis of the lack of a written contract. Further evidence about his court cases suggests that he was engaged in several business dealings in which he became entangled in interpersonal conflicts and gained quite a few enemies in Debrecen.

The tanner was unbearably aggressive, a real scandal-maker. In 1816, one of the city representatives began a defamation case against him because he had publicly called him a bastard. Ladányi was sentenced to pay a considerable fine, and the judges, who usually were impartial, used extremely derogatory language

48 On the basis of wealth registers we can trace most of Ladányi’s activities between 1811 and his death in 1822. In this period, he owned the same house at Czegléd Street, he did not work as a tanner, he did not buy land, and he had a tenant only once. Wealth Register of Czegléd Street (1811–1838) HBmL. A. 1011/v, vol. 6.

49 Civic court records, 1760–1850. HBmL IV.A. 1018/c/1815, May 8 and 16, vol. 21, 231–34, 261–62.

50 Ibid.

when talking about him. They described him as “hideous-tongued, blatant, and disobedient.”⁵¹ Undoubtedly, the city authorities were tired of the intractable old man’s disruptive behavior. The Magistrate was especially sensitive to a haughty demeanor and the flaunting of noble origins.⁵² Clearly Erzsébet lived with an irresponsible husband who abused her and all those around him. Enough was enough. In 1821, after 47 years of marriage, she called on a well-known attorney, Gábor Keresztessy, and asked him to draft a petition for divorce.

The brief for Erzsébet was a masterpiece, both in its style and its content. The petition effectively captured the attention of the judges and no less effectively infuriated Ladányi (these two goals went hand in hand for a well-written legal petition at the time). Many of the most successful petitions were first-person narratives created on the popular notion that putting one’s life on display in all its details was automatic proof of virtue and honesty. One was not compelled to address the court, but this could be a very convincing tactic. So, Keresztessy composed a first-person account that studiously imitated the tone of a humiliated, tortured and guileless elderly woman: “A single day has not passed without me suffering from his [Ladányi] violent nature, either because I am chased or because I am tortured. At times, he forced me to take my clothes off and then he laid me down naked on the floor and, standing next to me, beat my naked body with a wooden stick until he finally got tired. I remained half-dead on the floor, he kicked me several times... A year before last Christmas he hurt me so badly with a ripping iron that I lost one of my eyes; other parts of my body have also been injured. Considering that it is impossible to share a house with such an inhuman husband, who has threatened to kill me one day, a year ago I had to flee, and I moved in under someone else’s roof to escape his fury.”⁵³

The opening gambit of the petition was unquestionably dramatic and artistic, at least according to standards at the time. Lawyers attempted to sway the magistrates by appealing to their sense of compassion, indignation, and horror. They therefore composed sensationalistic narratives of the tragic turns of a simple life. These narratives demanded a unique vocabulary consisting of extravagantly excessive terms. Contemporary lawyers almost routinely adorned their briefs with hyperbolic language, and they presented the two parties to the case as moral polar opposites: complete innocence on the one hand, the embodiment of evil on the other.

51 Civic court records, 1760–1850. HBmL IV.A. 1018/c/1816, July 22, vol. 23, 288–89.

52 See more about the conflicts between the city and the nobility: Rácz, *Városlakó*, 152–82.

53 Register of civic legal actions. HBmL IV.A. 1011/b, 21, 1821, 281–82.

Keresztessy's rhetorical efforts harmonized with the everyday realities of early nineteenth-century Debrecen. The most common manifestation of family breakdown, at least according to the evidence presented to the court, was domestic violence. Offended wives and eyewitnesses gave testimony indicating cases of brutal physical torture. Usually violence was directed at women and can simply be described as wife beating. Although men did not have a monopoly on rage, examples of women using violence, even to defend themselves, were rare. While it is impossible to provide a catalogue of the various forms of violence used by men against their wives, the offenses included frequent punches and kicks, beatings with sticks, stones, and whips, and the use of knives or whatever else happened to come to hand, not to mention starvation, imprisonment, the binding of various body parts, and murder. This list, though surely not complete, gives an impression of the many ways in which husbands vented their fury. Legal testimony made frequent mention of women's cries of pain and calls for help, which indicates that physical violence against wives was a common pattern of masculine behavior. Was this really true, or were the varieties of brutality fictive contrivances, little more than a rhetorical strategy used by shrewd attorneys who were seeking favorable rulings for their female clients? The truth is perhaps somewhere between the two extremes. Women may have exaggerated their complaints in their statements to the judges, but at the same time, divorce and criminal documents attest to widespread male violence against women and indicate that the charges that were levelled against husbands and fathers for unusual brutality could not possibly all have been inventions, and indeed may well have been mostly true.

Contemporaries considered wife beating a proper and accepted form of discipline and punishment for a woman's misbehavior. Relatives and neighbors did not interfere in this kind of domestic strife unless the wife's life was in danger. Erzsébet Somogyi complained that her husband struck her so brutally, and "without any true reason," that she needed medical treatment for weeks.⁵⁴

Keresztessy's brief, although somewhat manipulative, was not exaggerated at all. The certificate of pastoral reconciliation, which had to be attached to the petition, confirmed the allegations of brutality. Ladányi acknowledged his wife's accusations: "He confessed to me the cruel acts he had visited on his wife several times. He also declared that he did the right things to his wife when he beat her, so I do believe that there is no hope for improvement."⁵⁵

54 Divorce case of Erzsébet Somogyi and István Czezei. April 29, 1816. HBmL IV.A. 1018/c/40.

55 Ibid. attachment n. 3.

Erzsébet also accused her husband of adultery, saying that “my murderous husband met with bad women and squandered our money ...”⁵⁶ If the plaintiff had a good lawyer and was able to provide satisfactory evidence, these allegations were enough to persuade the court in Debrecen to grant a divorce. In the Ladányis’ case divorce was never granted. A few months after the beginning of the case, Ladányi made a last will and testament, and shortly after that he died.

Last Farewell as Punishment

The tanner’s last will and testament caused as much distress after his death as his presence had during his life. He decided to punish his unruly family members and left the house, which he had purchased together with his wife, to the city. “Forgetting about his fatherly duties,” Ladányi also excluded his daughter, Julianna, and his grandchildren from the inheritance.⁵⁷ His daughter’s behavior had been a great disappointment to him, because, despite his wishes, she had left a suitable and auspicious marriage that he had arranged for her, and after her divorce she had married a second time, taking a lowly pastor as her husband, although her father harshly opposed the union.

Ladányi sent a letter to the council written in a humble tone in which he said that he wanted to make a last will and testament. He named the people he wished to be present for the act. Usually, the chief justice designated five or seven members of the council and neighbors or friends of the person making the will to execute the process. As always, the tanner’s case was exceptional. He had so many enemies in the city that he was cautious about including his friends as members of the testament committee. He knew very well that his wishes ran contrary to the law. In all probability, he must have realized that the members of his family were likely to challenge the testament after his death.

The process of drawing up his will was a *magnum opus*, a melodramatic performance. Ladányi moved those who were present to pity, but at the same time, he remained dignified. He made it clear that he was well aware of his extraordinary skills. He was sitting on his bed when the officials entered the room. He then stood up clumsily and crawled to his trunk. He opened it and produced the major piece of evidence of his family’s cruelty: “a torn and blood-spoiled shirt,” which he had been wearing when his granddaughter’s husband,

56 HBmL IV.A. 1018/b/1822, May 21, 282.

57 Civic court records, 1760–1850. HBmL IV.A. 1018/c/1830, February 18, attachment “A.”

Bálint Szetsey, had attacked him. In tears, he described to the officials his family's rogueries and his loneliness, calling his wife and his daughter "disloyal, unjust, and his murderers." Then he got to the point. He declared that he "had always lived in this city in peace and quietly." He also reminded the committee the Magistrate had once rewarded him for his extraordinary talent. To ensure that he would be remembered as an upright citizen, he had chosen to leave his house, which was so dear to his heart, to the city. He gave the medal that he had received from the emperor to the Reformed Church under one specific condition: "the pastors should make a small golden plate of the medal with his name engraved on it...."

As of the first half of the nineteenth century, personal memory became a much more prominent concern among Debrecenians. Testators had a strategy for the afterlife: they made decisions regarding how to be sure their names would be remembered. Some of them established special scholarships in the city's College, others made pious gifts to the Calvinist church. In Ladányi's case, his self-fashioning included stressing his noble origins, to which the family documents attested. Finally, although "they do not deserve it," he was "generous" with his family and forgave them for their hostile behavior. He gave the chattels to his wife and daughter, but "the people who took care of him should get a reasonable portion of that wealth."⁵⁸

A City against a Widow

A few days after making his last will and testament, Ladányi died.⁵⁹ His testament was read aloud in the presence of his widow's new attorney, Sándor Sinay, who "challenged the document as a whole and in all of its details." Sinay argued that the house that Ladányi had left in his will to Debrecen was a common property with his wife, and when the couple had purchased it, they had used Erzsébet's inheritance. The widow initiated a case to revoke the testament, while the representative of the city ordered it finalized.

58 According to Ladányi's last will and testament, the chattels consisted of the furniture of the house, the goods in his case, his bed-clothes, dishes, a wall-clock, a pocket watch, and a silver spoon.

59 He died in his house at Czegléd Street on August 17, 1822, three days after making his last will and testament. Usually, the cause of the death was given in the Register of deaths. In his case there was no comment about why or how he died. Considering the fact that when he made his will he did not seem very ill and could still move around in the house, he may not have died a natural death. However, there is no surviving archival evidence of murder or any other malicious acts against him. Tt.REL. 99-a 88, 223.

A few months earlier Ladányi had tried a very unusual trick to cheat his heirs. He tried to exchange the house for one outside of the city. Alarmed by her husband's plans, Erzsébet had immediately turned to the court and asked the judges to prevent the transaction.⁶⁰

It is hard to imagine that Ladányi, who was current in legal matters and knew how quickly gossip spread in the city, seriously believed that he would be able to pull off this transaction behind Erzsébet's back.⁶¹ Most probably, he hoped that his wife, who was weak and was struggling with financial troubles, would be unable to exercise her legal rights. Even with a lawyer's help, if the real estate were no longer in the city, it would have been much more difficult for her to stake her claim to it. The transaction was registered in the city's real estate records, but since the court ruled in her favor, she could take some satisfaction in the fact that she had hindered her husband's attempt to defraud her at the last moment.

Still, the old woman was in a weak position, because her husband's last will and testament caused her a great deal of trouble. She had to fight against the city, against commissioners with whom, while her husband had been alive, she "had apparently experienced [...] good will." In the legal petition, her attorney, Sinay, marshalled the whole arsenal of eloquent romantic rhetoric.⁶² He reminded the judges that they had previously expressed their compassion for the weak and defenseless woman when she had suffered from her husband's "brutal cruelty." He described Erzsébet's torments in detail, the horrors of her decades-long marriage. He asked the judges not to withhold their compassion now in a time of need that matched her misery during the divorce case. He also reminded the jury that Ladányi had deliberately caused confusion with his last will and testament, which had created the conflict of interest between the city and Erzsébet. Based on the man's history and the evidence against him, Sinay claimed that the will should simply be nullified and that the court should allow the homeless widow to move back into her house. Two days later, Erzsébet received permission to move back home.⁶³ She had every reason to hope that neither she nor her family would ever be disturbed again by any questions concerning its ownership.

60 HBmL IVA. 1018/c/1821, November 22, 581–82.

61 In fact, according to the documents, Ladányi had exchanged the house for "some real estate in a village," but the court invalidated the contract.

62 Ibid. September 19, 1822, 337–38.

63 Ibid. September 21, 1822, 348. Erzsébet provided a copy of the city's real estate register that proved that the house was common property with Ladányi. She could also prove along with her two brothers that she inherited money and a vineyard from her mother, Pálné Diószegi. HBmL IVA. 1018/c/ 1823, 388–89.

This, however, was not the case. Although the court was well aware of Ladányi's malicious intentions, the widow's interests conflicted with the interests of the city. In the end, Erzsébet was allowed to remain in the house for the rest of her life, but the city retained half of its ownership. This essentially meant that after her death the house had to be sold at public auction and the heirs were only entitled to half of the total price. Erzsébet had no other choice than to accept the ruling. Legal restrictions made it impossible to open the same case again, but even had they not, she herself had neither the money nor the energy to renew struggle against the city. She was old and weak and could hardly survive on the money she received from her tenants. She died in 1825 at the age of 75, in a "miserable state,"⁶⁴ according to the register of deaths.

The Stalwart

After her father's death, Julianna, who had also been widowed, decided to leave her own household and move in with her mother.⁶⁵ Her children had already grown up, so this seemed like a rational choice, since it would have been financially wasteful to maintain two separate households for two single women.⁶⁶ After her mother's death, for five peaceful years nothing happened to the house. Finally, in 1830, the Magistrate decided to enforce the ruling. The sale of the house was announced by the beat of a drum, in the typical fashion, and the property was turned over to the buyer who offered the highest price. A local artisan purchased it for a reasonable price that exceeded the opening bid.⁶⁷

Julianna brought a suit against the city immediately. She claimed that nine years earlier, in 1821, Ladányi had violently taken her money and invested a large amount into a precarious brandy business. Since the city now held her father's estate, she contended that it was also responsible for his debts to her. She argued that the business in question caused her immense losses, and now she demanded compensation. She also demanded a huge amount as reconstruction expenses. Once she had moved in with her mother, she had initiated major reconstruction

64 She died as János Ladányi's widow at the age of 75 in her house at Czegléd Street on March 19, 1825. Tt.REL. 00-a 88, 327.

65 This information is in a letter written by János Kálmán, who was born from Julianna's second marriage. He wrote a letter to the city council on March 16, 1830 in which he described his mother's reasons for returning to her parents' house. HBmL IV.A. 1018/c, vol. 56, n. 5, August 26, 1830, attachment "t."

66 Detailed list of the instructions given to the artisans, *ibid.*

67 On February 22, 1830, Sándor Németh bought the house for 3,056 Forints, while the sale price was 3,000. *Ibid.*, attachment "D."

of the old building. Moreover, in an attempt to appeal to people's sense of compassion, she requested funds to cover her mother's funeral expenses.⁶⁸

The next step in the legal procedure was to collect information from the witnesses named by Julianna. She listed people who stated that they knew about the brandy conflict and remembered the scandalous event very well. Julianna gathered enough evidence to prove that she finally had had to sell the brandy for only one-third of the original sum her father had stolen from her. Although Ladányi had promised in front of other people to compensate her, he had never lived up to his word.⁶⁹

She went too far and her apparent greed made the jury irate. For five years after her mother's death, she lived rent-free in a house that was owned by the city. The lawyer representing the city rejected Julianna's request and indignantly lectured her on the "impudence" of her suggestions. Legally, the demands were unfounded because she had already received her maternal inheritance, half of the price of the house.

Again years passed. In 1835, as a final step, Julianna played her last card. She alarmed her adult son by explaining that the case did not seem very promising, and she asked him to address a letter to the jury. Her well-educated son used an age-old trick when he tried to play on the jury's empathy. He described his mother's lonely life in detail, the torments of an atrocious father, the sacrifices she had made for her mother, and in general he convincingly portrayed Julianna's life as a permanent struggle for survival. He argued that she needed the money she was seeking from the city badly. Otherwise, the judges risked committing the cruel sin of sentencing a lonesome and deprived woman to starvation.⁷⁰ The Ladányis' legal skirmishes came to an end in 1836, more than twenty years after János Ladányi had first sought to exact his form of justice in the city court. In their final ruling, the judges rejected all of Julianna's requests for money, stressing that the widow had been disrespectful of the jury's generosity. She should have been satisfied with half of the price of her homestead. Any further demand was unrealistic and surely demonstrated her infinite greed.⁷¹ There is no evidence indicating that either Julianna or her children were involved in any further legal fights in Debrecen.

68 Sándor Borsai's confession, *Ibid.*, attachment n. 1.

69 She refers to confessions in which Ladányi had made such a promise to his daughter.

70 János Kálmán's letter to the Council of Debrecen. HBmL IV.A. 1018/c, vol. 59, n. 7, August 12, 1835, attachment "z."

71 HBmL IV.A. 1018/c. vol. 60, February 22, 1836, 123–24.

Conclusion

My interest in Ladányi's case was piqued by a series of legal conflicts and cat-and-mouse games that he played with his family and the city authorities. I had been working with last wills and testaments from Debrecen, collecting statistical data from the documents in order to study the mental changes of the Calvinist burghers. In the meantime, however, I began to understand the limitations of the quantitative approach. János Ladányi appeared in my database as an old, married male who had one daughter, who was a Calvinist by religion, a tanner by profession, and a nobleman, and whose most important decision was to will his house to the Magistrate. Shortly after reading about the circumstances of his decision, I realized that by forcing his life into a column of figures I lost useful information about his motives and I misinterpreted his acts. After all, he was not a generous donator, but a vengeful Debrecenian tanner who wanted to vex his wife and daughter, and he was fairly successful in doing so.

In fact, preparing a last will and testament was not a particularly widespread practice among Debrecenians. Although this was one of the most important privileges of the city, granted to Debrecen as early as the fifteenth century, until the mid-1700s it remained rather sporadic. Even in the eighteenth and nineteenth centuries it was not common. No more than 5 percent of the adult population prepared written wills.⁷² Although it was not obligatory to provide a reason for making a will, most people explicitly named their reasons for doing so. The overwhelming majority of Debrecenian testators were obsessed with potential conflicts among their successors, and included clauses and conditions in their wills to avoid fights over their wealth. Many will-makers stated that they actually decided to leave behind a written testament because they thought that the family members and relatives would not be able to agree about how to divide up their belongings. Most burghers only referred to these possible “battles” in general, but some explained their family circumstances in detail and named the potential enemies. Mihály Csonka, a farmer, declared in his last will and testament that he had had two wives, that he had living children from both, and that he wished “to avoid competition and litigation” among them.⁷³ Csonka tried to explain his circumstances as clearly as possible, and he described in detail what he had accumulated with his first and second wives, how they had

72 Tárkány Szücs Ernő, *Magyar jogi népszokások* (Budapest: Akadémiai, 1981), 727.

73 Mihály Csonka's last will and testament, September 6, 1799, 1035.

raised the children, how much they had spent on them and what they had already received in their adult years. These explanations served as justifications for his decisions. Meticulous testators enlisted not only the members of their nuclear families, but also their cousins, uncles, aunts, brothers-in-law, and sisters-in-law, not to mention other legatees, such as friends, servants, journeymen, neighbors, mentors, doctors and lawyers. The most common reason for making a will was to prevent “disturbances,” and other factors (such as war, epidemics, illness, old age or enlistment) were mentioned much less frequently. What should one think of this rhetoric, that placed such emphasis on order and peace?

It should not be taken for granted. Reading the testaments more closely, one has the impression that conflict-management rhetoric was only a “facade” and actually concealed the real motivation of will-making: in many cases the testament served to reward and to punish surviving family members, relatives and other relations.⁷⁴ Most testators made decisions that were favorable to one or more heirs, while leaving significantly less to others or even completely excluding them from the inheritance. These acts did not prevent conflicts, they generated them. We can identify various grounds for privileging or punishing heirs that were a mix of emotional causes and rational considerations.

Those children—both sons and daughters—who “showed cold behavior” and neglected their parents were more likely to receive less of the inheritance. Parents often accused their adult children of “never showing up on the doorstep anymore,” although they provided them with financial means for their professions and weddings.⁷⁵ The archival sources suggest that emotional alienation had the biggest role in the decisions, but other factors could also play an important part. Testators kept personal offences in evidence and often mentioned them in wills, which were tools with which they could inflict punishment for what they saw as improper behavior. István Dobszai complained that his elder sons did not respect him and that once one of them had even struck his beard.⁷⁶ As a

74 The statements I make in the following paragraphs are based on an examination of 1,000 last wills and testaments drawn up between 1700 and 1875. They include about one-third of the last wills and testaments made by Debrecenian burghers in this period.

75 István Munkácsi used this reasoning in his testament. He stated that although he had five children, four of them refused to take care of him and they did not even knock on his door. “Although all of them were his own children, some behaved as if they were stepchildren, never helped him with anything, except his daughter, Mária, János Kováts’s wife, who had been taking care of him for 17 years, and she treated him properly ... lifted and washed his body, gave him food, while the others did not show up and did not even give him a glass of water.” István Munkácsi’s last will and testament, September 20, 1792, 895.

76 István Dobszai’s last will and testament, February 8, 1738, 133.

consequence, the aggressive child was excluded from the inheritance. In addition to physical violence, other forms of abuse were mentioned in the complaints, including verbal abuse and theft. István Horváth had two adult daughters. The younger, Erzsébet, “once called him a bad father and old man in front of the maid.”⁷⁷ Her punishment was severe: she did not get a penny of her father’s possessions. An old widow, Anna Oláh, left her soldier son nothing because “when he enlisted in the army, he stole 70 Forints from her.”⁷⁸

Parents rewarded children who had learned trades, built careers, and accumulated wealth. They scathingly commented on half-wit, alcoholic, vagrant, and prodigal offspring, who received less than their siblings because of their misbehavior. In most cases, testators did not consider the causes of successes and failures, but simply punished “losers” by leaving them trifling amounts or excluding them entirely from the family wealth.⁷⁹ Deviant children were regarded as unworthy of “parental benevolence,” both because they were unable to attain much in life and because they were a source of shame for their families. Idiots got less or nothing, and they were often left in the care of their healthy family members. Sons were punished for frequenting pubs and daughters for immoral sexual behavior. János Csarnai, a potter, endlessly grumbled about his children. His sons were journeymen, but he could not expect much of them (so he lamented), because they spent more time in inns than in the workshop. His daughter, Erzsébet, stole from him several times and, even worse, wasted her life in taverns, engaging in “sinful conversation with strangers, causing her father much bitterness and pain.”⁸⁰

Of all the possible sins a child could commit against his or her parents, entering a match that did not have the approval of the parents was the worst. Péter Mélius, the city’s most influential pastor in the sixteenth century, defined marriage as the following: “Marriage is a contract that is dependent on the free and legal consent of the uniting parties and their parents.”⁸¹ By the nineteenth century, parents had somewhat less influence on their children’s decisions to marry, their approval remained an important consideration. An advantageous

77 István Horváth’s last will and testament, July 20, 1744, 226.

78 Anna Oláh’s last will and testament, August 8, 1736, 122.

79 Weak or sick, disabled children could not count on an inheritance from their parents. Their share was mostly left under the supervision of a sibling or relative.

80 János Csarnai’s last will and testament, March 6, 1794, 920.

81 Cited in Bucsay Mihály, “Méliusz teológiája kátéja tükrében,” in Bucsay Mihály–Czeglédý Sándor–Esze Tamás et al., *A második helvét hitvallás Magyarországon és Méliusz életműve* (Budapest: A Magyarországi Református Egyház Zsinati Irodájának Sajtóosztálya, 1967), 305.

match could secure the family more wealth and stability, and children who resisted their parents' instructions could suffer exclusion. John Gillis has argued that early modern parents regarded the marriage of one of their children as a capital investment;⁸² in nineteenth-century Debrecen this perception was still dominant. Although in the early 1800s Sámuel Diószegi, the protestant pastor and professor of the city's College, preached that parental coercion was the worst possible foundation of a marriage, in everyday practice fathers and mothers continued to meddle in their children's affairs, and they used the testaments as a means of enforcing their will.⁸³ János Kováts's widow openly blackmailed her son: "if he does not marry that girl from Somogy with whom he had a secret relationship against his mother's and relatives' will, he will receive 40 Forints as a reward; if, however, he marries her, he gets nothing for his wedding."⁸⁴

Testators also mentioned their spouses in their wills. Although wives and husbands received less attention than sons and daughters, the distribution of an inheritance could serve as the pronouncement of final judgment on the spouses' behavior. Debrecenians made a very clear distinction between good and bad marriages; from the testaments we can more or less reconstruct the criteria of both. In a good marriage the spouses lived together peacefully and diligently accumulated wealth. In this case, the surviving mate could at least expect access to common properties for a lifetime; if there were no children, he or she could count on full property rights. When the union was less successful, the will was often written in a bitter tone and dwelt on the everyday details of the bad marriage, resembling more at times a petition for divorce than a last will and testament. An artisan, György Horváth, took five wives in the course of his long life. When making his last will and testament he had an opportunity to compare them to one another. While his second mate was "hard-working and modest," his last spouse was a rover who neglected him in his final days: "she does nothing but take her baby in her arms, and she stays out of the house with him all day."⁸⁵ She was excluded from any inheritance by her husband for her misbehavior. Many people punished their spouses in their testaments. The causes varied, but drinking, laziness, prodigality and infidelity were the most common.

82 John R. Gillis, *For Better, For Worse. British Marriages, 1600 to the Present* (Oxford: Oxford University Press, 1985), 86.

83 Diószegi, *Erköltsi*.

84 Last will and testament of János Kováts's widow, July 26, 1783. HBmL IVA. 1011/z, 724. Somogy is a county in southwestern Hungary.

85 György Horváth's last will and testament, November 17, 1808, 1274.

One might be tempted to ask at this point whether Ladányi's will was, after all, really so extraordinary. The fact that so many people used their last will and testament to exact vengeance or bestow rewards suggests that his ploy was not exceptional. He adhered to an old and widespread tradition by punishing the members of his family, especially his daughter, Julianna, who married against his will, and his wife Erzsébet, who may well have been acting on her daughter's advice when she initiated divorce proceedings against him. The testament is a formal legal action, but also a social practice which serves to address private conflicts.

The tanner consciously induced and cannily seized on the conflict of interest between the city and his family, maximizing the avenues of revenge. His story also allows us to pose questions about the authority and role of a last will and testament, and it offers insights into a historical phenomenon usually overlooked by social historians who tend to end their analysis where, one might suggest, they should begin. They interpret testaments as documents that settle earthly matters, taking for granted the idea that the words of the testament, cloaked in legal authority, are a terminal point, and not the beginning of new conflicts between the surviving heirs.⁸⁶ Their focus on the last will and testament as a reflection of social reality blinds these historians to the underlying tensions, motivations, and goals of the testator and ultimately to the aftermath of human conflict. Closer study of inheritance legal cases offers new perspectives on people's everyday lives and daily squabbles. These questions remind us that the dead have an afterlife in human affairs and that death does not remove people from the stage of history. We can explore a lively human space filled with tensions and hostility on behalf of the successors.

The analysis of the tanner's will and the subsequent legal battles is an account of an exceptional person's life and his influence on those who were unfortunate enough to be members of his family. The story extends beyond the borders of

86 See for example: Jacques Chiffolleau, *La compatibilité de l'au-delà: Les hommes, la mort, et la religion dans la région d'Avignon à la fin du moyen âge, vers 1320-vers 1480*. In *Collection de l'École française de Rome*, vol. 47 (Rome: École Française de Rome, 1980); Samuel Kline Cohn, *Death and Property in Siena, 1205–1800. Strategies for the Afterlife* (Baltimore–London: The Johns Hopkins University Press, 1988); Samuel Kline Cohn, *The Cult of Remembrance and the Black Death. Six Renaissance Cities in Central Italy* (Baltimore–London: The Johns Hopkins University Press, 1992); Steven Epstein, *Wills and Wealth in Medieval Genoa, 1150–1250* (Cambridge, MA–London: Harvard University Press, 1984); Hoffman, Philip T., "Wills and Statistics: Tobit Analysis and the Counter Reformation in Lyon," *Journal of Interdisciplinary History* 17 (1984): 813–34; Michel Vovelle, *Piété baroque et déchristianisation en Provence au XVIII^e siècle. Les attitudes devant la mort d'après les clauses des testaments* (Paris: Pion, 1973).

Ladányi's personal narrative and opens avenues of further investigation into the social structures, legal practices, marriage and divorce, cultural values, conflict and solidarity among the burghers of Debrecen. This case study allows us to pose questions about how Debrecenian burghers tried to fashion their lives in unexpected and extraordinary ways and how they used legal means to do this.

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