

Habt Gerechtigkeit lieb, Ihr Regenten auf Erden

Administering Justice in Early Modern Upper Hungary

BLANKA SZEGHYOVÁ

Ideological Sources, Iconography and Epigraphy of Virtues

THE GERMAN Bible quote in the title of this study comes from an oil painting from 1679, depicting the town council taking their oath in the courtroom of the town hall in Levoča. The painting shows the judge and twelve councilors, each swearing the oath with their raised right hands and fingers. In the upper left corner, God emerges from the clouds, speaking to them: *Love justice, you who judge on earth* [Book of Wisdom I: 1]. The senators respond: *So help me God and His holy word*. The didactic nature of the image is emphasized by the sanction for the failure to fulfil the promise, represented by the head of a monster, symbolizing hell, with the following threat: *For the unrighteous, hell will open and prepare for them a sure path to eternal damnation*. The painting intertwines power and justice with religious symbolism, creating a parallel between God's rule and judgment in heaven and that of the secular power of man on earth, legitimizing the power of the city council through divine approval.¹

In the early modern period, religion played a fundamental role in both law and the administration of power and justice. Medieval political theology found the sanctification of worldly power in the Old Testament, particularly in the quotation from the Book of Proverbs [8.15], and the passage in the New Testament from the Apostle Paul's letter to the Romans:

Let every person be subordinate to the higher authorities, for there is no authority except from God, and those that exist have been established by God. Therefore, whoever resists authority opposes what God has appointed, and those who oppose it will bring judgment upon themselves [Romans 13:1-2].

This study was written as part of the VEGA grants no. 2/0017/23, *Legal Norm versus Case Law: Historical, Legal, Discursive, and Social Aspects of the Judiciary, Crime, and Punishment in the Middle Ages and Early Modern Period*, and no. 2/0087/24, *Women of the Demimonde: Harlots, Odalisques, Concubines, Royal Mistresses, and Courtesans in Our History. Introductory Research*. Both projects were conducted at the Institute of History of the Slovak Academy of Sciences in Bratislava, Slovakia

This passage was repeatedly referenced by Luther, who saw temporal powers, including the military and the judiciary, as the extended arm of God. The sword, he argued, was the symbol and instrument of divine order and justice:

Hence it is sufficiently clear and certain that it is God's will that the sword and secular law be used for the punishment of the wicked, and the protection of the upright.² He later elaborated more concretely: Therefore God honors the sword so highly that He calls it His own ordinance, and will not have men say or imagine that they have invented it or instituted it. For the hand that wields this sword and slays with it is then no more man's hand, but God's, and it is not man, but God, who hangs, tortures, beheads, slays, and fights. All these are His works and His judgments.³

Medieval and early modern legal theories and normative sources drew on ancient and biblical sources, prevalent being the concept of crime as sin. According to medieval theology, crime was meant to arouse God's wrath, and only the just punishment of the guilty could appease it. Legal and judicial sources abound in references to a higher power—God, God's laws, God's name, God's will, God's wrath, or God's punishment.

The fair and impartial administration of justice was consistently viewed as a fundamental sign of good governance. The ancient theory of the cardinal virtues, adapted and modified during the Middle Ages, often placed *Iustitia* in a privileged position. *Prudentia* served as the source of its knowledge, while *Fortitudo*, together with *Temperantia*, aided in its performance.⁴ Some authors viewed justice as the supreme model of virtue, in the Aristotelian sense that “justice is every virtue summed up,” while others characterized it as the will to do good, a bulwark of public order, a service to the community, or a protection against injustice.⁵

Indeed, in town halls, which were representative seats of urban self-autonomy, the idea of justice emerged as the most prominent virtue, expressed both artistically and epigraphically. The interior and exterior decorations and inscriptions conveyed the values and beliefs of the community, highlighting the virtues deemed essential for good governance and the prosperity of the *res publica*. The most prosperous early modern cities even developed conceptual decorative programs, following the artistic traditions of medieval Italian city-states. The themes and symbols used in these decorations reflect the influence of humanism, the Reformation, and later, confessionalization.⁶

The iconography of town halls can be seen as a visual manifestation of the mirror of princes (*speculum principum* or *Regentenspiegel*), a didactic literary genre aimed at instructing rulers in successful governance by presenting models of good and bad rulers. Erasmus of Rotterdam, in his *Institutio Principis Christiani*, dedicated to Prince Charles (later Emperor Charles V), noted that civil authorities increasingly took their cues from the virtues of the nobility. His work was regarded as a humanist educational resource for rulers of all classes. Erasmus's recommendations for rulers included models drawn from the Bible, ancient state theory, and classical historiography.⁷ In Hungary, town hall decorations testify to both ancient and biblical sources, including personifications or allegories of justice and other cardinal virtues, motifs of the Last Judgment, the Judgment of Solomon, and the Judgment of Cambyes, as well as swords symbolizing divine and secular justice.⁸ Epigraphic decorations reflect the same inspiration, with biblical quotations predominating (Table 1).

INSCRIPTION	Source	Translation	Town / Location at the townhall
DILIGITE . LV MEN . SAPIENCIE / OMNES . QVI . PREESTIS POPVLIS . VT . IN . AETERNVM / REGNETIS . ET . PRODERIT. VOBIS	Book of Wisdom [6:21, 25]	Love the light of wisdom / all you who rule over the peoples, may you reign forever / and you will profit from it.	Bardejov Oriel exterior, upper part, from south through east to the north side
DOMVS . IVSTORVM . PERMANEBIT	Book of Proverbs [12:7]	The house of the just shall remain firm	Bardejov Oriel exterior, lower part, north side
HABITACVLA . IVSTORVM . BENEDICE(N)TUR	Book of Proverbs [3:33]	The habitations of the just shall be blessed	Bardejov Oriel exterior, lower part, south side
FELIX . CIVITAS . QVE . TEMPORE . PACIS . COGITAT . BELLA	Popular motto	Fortunate is the town that in peace thinks of war	Bardejov Oriel exterior, lower part, front/east side
PRIUSQ(VA)M . INCIPIAS . CONSVLTO	Sallust The Conspiracy of Catiline [I: 6, 7] *	Think before you act	Bardejov Oriel interior, above the portal
IUSTUM . EST . AVXILIARI . PAVPERI		It is fair to help the poor	Bardejov Interior portal
NON EST SAPIENTIA NON EST PRVDENTIA NON EST CONSILIVM EXTRA DOMINVM	Book of Proverbs [21:30]	There is no wisdom, no insight, no plan that can succeed against the LORD	Bratislava, exterior portal
SI DEUS PRO NOBIS QVIS CONTRA NOS	Romans [8:31]	If God is for us, who can be against us	Bratislava, exterior portal
Sic agitur Censura, et sic Exempla parantur, Cum Iudex alios quod monet, Ipse facit.	Ovid, Fasti [6:647]	That is the way to exercise the censorship; that is the way to set an example, when an upholder of law does himself what he warns others to do.	Levoča interior, portal to Council room
DEN HERRN FVRCHTEN IST DIE WVRTZEL DER WEISHEIT, VNT IRE ZWEIGE GRVNEN EWIGLICH SIRA-CAP I	Book of Sirach [1:20]	The root of wisdom is to fear the Lord; her branches are long life.	Levoča interior, wooden filing cabinet (Registratura)

Continued on next page

Table—*Continued*

INSCRIPTION	Source	Translation	Town / Location at the townhall
Malach. ET ACCEDAM AD VOS IN JUDICIO, ET ERO TESTIS VELOX MALEFICIS, ET ADULTERIS ET PERJURIS ET QUI CALUMNIANTUR MERCEDEM MERCENARII ET HUMILIANT VIDUAS, ET OPPRIMUNT PEREGRINUM, NEC TIMUERUNT ME, DICIT DOMINUS EXERCITUUM.	Book of the Prophet Malachi [3:5]	Malach. So I will come to put you on trial. I will be quick to testify against sorcerers, adulterers and perjurers, against those who defraud laborers of their wages, who oppress the widows and the fatherless, and deprive the foreigners among you of justice, but do not fear me,” says the LORD Almighty.	Pezinok The inscriptions above the 2nd floor windows below the roof cornice extend along 3 sides of the building. The inscription [Mal 3:5] begins on the west side and continues on the front southeast-facing wall, where it ends. A short distance further on the front of the town hall the 2nd inscription [Jer 3:5] begins on the front of the town hall and then continues on the east- facing side wall of the town hall.
Ierem: 9 NON GLORIETUR SAPIENS IN SAPIENTIA SUA, ET NON GLORIETUR FORTIS IN FORTITVDINE SVA, ET NON GLORIETVR DIVES IN DIVITIIS SVIS SED IN HOC GLORIETVR, QVI GLORIATVR SCIRE ET NOSSE ME, QVIA EGO SVM DOMINUS QVI FACIO MISERICORDIAM ET IUDICIUM ET IVSTITIAM IN TERRA: HÆC ENIM PLACENT MIHI, AIT DOMINVS	Book of the Prophet Jeremiah [9:23,24]	(Jerem 9) Let not the wise boast of their wisdom or the strong boast of their strength or the rich boast of their riches, but let the one who boasts boast about this: that they have the understanding to know me, that I am the Lord, who exercises kindness, justice and righteousness on earth, for in these I delight, declares the Lord.	

* The inscription is an abbreviated version, the full text of the sentence is as follows: “*Nam et prius quam incipias, consulto, et ubi consulueris, mature facto opus est.*”

The Morality, Piety, and Impartiality of the Ideal Judge

EARLY MODERN judges were key figures in enforcing law, maintaining social order, and actively shaping and reinforcing the community’s norms and values. The 1476 ordinance of the town of Trenčín provides a detailed account of the qualities expected of judges, emphasizing their duty to act in the interest of the common good. Judges were required to ensure that everyone received due justice, judging on both great and small matters, and were to proceed equitably, treating the rich and the poor alike, in accordance with divine law. The ordinance stipulates that judges “must always keep God in mind, who is present in

every trial,” and prohibits any form of partiality, urging judges to avoid being influenced by favor, hatred, fear, or the anticipation of rewards when making decisions. Furthermore, they were expected to be neither harsh nor oppressive, and were to be free from violence, greed, and corruption. Accepting bribes, which distorted the truth, was strictly forbidden, and judges were admonished not to allow anger or rage to guide their decisions.

The ordinance also outlines stringent eligibility criteria for jurors. Those who were infamous, particularly disreputable individuals, were prohibited from being elected to the town council. Similarly, individuals who were too young, overly talkative, unable to maintain confidentiality, or who indiscriminately harbored animosity toward both the virtuous and the corrupt, were disqualified. Jurors who had a habit of lying or were excessively motivated by personal gain were likewise deemed unfit for office. Additionally, the ordinance explicitly forbade the election of close relatives of the judge or individuals with close ties to him to the town council, unless, due to a lack of available candidates, this was deemed necessary. Neither a father and son, brothers, nor a father-in-law and a son-in-law could be elected together to the town council. This restriction was based on the concern that such relationships might lead to discord and undermine the cohesion of the magistracy, as “such persons, due to their relationship, frequently generate discord among the magistrates.”

The ordinance further instructs jurors to approach their duties with the utmost diligence and discretion, refraining from making any statements until all parties have been heard. Jurors were required to meditate on their decisions “with God before their eyes,” ensuring that their judgments aligned with justice. They were also expected to uphold the dignity of their office by behaving virtuously, avoiding frivolity, and setting a good example for others. In cases where a juror’s relative was involved in a case, the juror was obligated to immediately withdraw from the proceedings to avoid any suspicion of bias, without waiting for a formal admonition from the judge or fellow jurors.⁹

The principles outlined in this ordinance align with the requirements for judges in the ordinances of the town of Banská Bystrica, dating from 1555–1577, which similarly emphasized impartiality, integrity, and the moral and ethical conduct of judges. However, these later guidelines were more demanding in terms of their expectations. The section begins with a devout principle: “When a judge is God-fearing, things go well at any time.” According to this ordinance, a judge was expected to lead an exemplary life, possess a wide range of virtues, be well-educated and experienced in legal matters, and demonstrate wisdom, understanding, and familiarity with various issues. He was required to deliver judgments in accordance with both God’s word and the law, without being influenced by fear, anger, hatred, malice, favoritism, affection, or friendship. A judge was to be impartial and fair, applying justice equally to strangers and locals, as well as to the poor and the rich, the meek and the great. Furthermore, a judge should listen carefully to the arguments of both parties and avoid hasty judgments. He was to deliberate thoughtfully before ruling and should never delay matters unnecessarily. It was also stipulated that a judge must refrain from passing judgment while drunk, and he was urged to be humble enough to admit to his mistakes. In significant and weighty cases, he was expected to seek advice from experienced and knowledgeable individuals before delivering a verdict. In one of the final articles, there is a reference to the sword as a symbol of the earthly power conferred upon the judge by divine authority, emphasizing the connection between the judge’s role and God’s ordained right to wield power. “The aim of the judge should be to protect and defend the pious and innocent

and punish the wicked and exact vengeance upon them, for God has given them the sword for this purpose. However, they must also be careful not to punish the innocent alongside the guilty, for God does not allow innocent blood to go unavenged...”¹⁰

The Reformation and Social Disciplining

A DEFINING characteristic of judicial practice in the Kingdom of Hungary was legal particularism, with urban courts continuing to adhere to local customs. Judges also drew upon foreign criminal ordinances, primarily from Austria and Germany, for guidance. In addition to relying on customary law and a range of domestic and foreign legal sources, town councils, particularly from the late medieval period onward, increasingly sought to regulate various aspects of their inhabitants’ lives in greater detail. This trend toward greater social discipline was much encouraged by the Reformation and later by reforms within the Catholic Church and confessionalization.¹¹

The sixteenth century is regarded in Western Europe as a turning point, particularly in attitudes toward sexuality and marriage. While marital fidelity, the virginity of girls, and chastity were values highly valued throughout the Middle Ages, the Reformation spurred growing awareness and a need to promote high moral standards in everyday life. In the realm of sexual relations, marriage was considered the only permissible relationship.¹² Attitudes toward prostitution, for example, changed radically. Whereas in the fifteenth century, town authorities viewed prostitution as a way to release men’s sexual energy and protect the wives and daughters of virtuous men, by the sixteenth century, they began to see it as an encouragement of vice and a certain path to the ruin of young men. Town authorities, who had previously tolerated and sometimes even supported or managed local brothels, began to close them down, while criminalizing and punishing prostitutes.¹³ In 1563, the Council of Trent also took a strict stance against all forms of premarital sex. This tendency was also evident in the countries of Central and Eastern Europe.¹⁴ Sexual transgressions were represented in at least one third of all the judicial cases, the most frequent being fornication (including prostitution) and adultery. Unmarried couples guilty of fornication could, under the threat of stricter punishment, be ordered to marry. In the case of men, a fine would be often imposed, but women were usually flogged at the pillory and banished. Women were also punished for deserting their husbands and vagrancy.

Magistrates of Hungarian towns individually issued statutes and ordinances regulating various aspects of townspeople’s lives.¹⁵ A brief look at the municipal statutes from the sixteenth century reveals the priorities of the town authorities. In addition to their usual concerns, such as the protection of the town’s economic privileges, the management of resources, the maintenance of infrastructure, regulations for public order and safety, proper taxation, fair trade practices, and the welfare of the poor, there was a strong emphasis on proper religious observance, work ethics, the control of social behavior, and the prevention of crime.

As early as 1530/37, the judge and magistrate of the town of Kremnica issued an ordinance titled *ein christliche Ordnung unnd pollitzey* as a final warning to the citizens to abstain from wicked deeds and to avoid incurring God’s wrath. The ordinance emphasized that the regulation established in accordance with divine law must be obeyed for the benefit and preservation of all inhabitants. Taking God’s name in vain was explicitly prohibited,

addressing the widespread practice of swearing and cursing. Offenders, regardless of age, who did not repent were to face punitive measures to set an example for the community. Heads of households were tasked with ensuring that all members of their households, including children and servants, lead virtuous and pious lives, particularly by attending church on Sundays and holy days. Similarly, parents and employers were held responsible for the moral conduct of their dependents and employees, ensuring that they lived according to God's teachings, refraining from sins or vices such as swearing, fornication, and gambling. If parents or heads of households failed to do so, they were to be severely punished for neglecting their duty to protect their household from sin. Excessive drinking and drunkenness were condemned as detrimental to human reason and virtue, and the sale and consumption of alcohol were heavily regulated. Innkeepers were forbidden from selling wine or beer before and during the sermon or after the ringing of the bell at nine o'clock in the evening. Drinking, reveling, and any form of gambling or foolish behavior, both within and outside the city, were also prohibited. Innkeepers were required to ensure that no strangers, gamblers, or immoral individuals stayed at their establishments and were obligated to report any such individuals to the authorities. Non-compliance with these regulations would result in penalties for the responsible parties.¹⁶

The ordinance of Banská Bystrica from 1550 addressed the worries of the town's authorities of extravagant, wasteful, or inappropriate practices at weddings as they "disgrace both the divine and the honorable state of marriage." They decided to put an end to it by issuing several rules that promoted modesty and proper conduct while emphasizing the responsibilities of both hosts and guests to ensure that the event would be dignified. They also limited the number of guests, forbade the use of fiddlers, drummers, trumpeters, or other musical instruments, and the celebration had to occur in a single day. After the service on Sunday the festivities could continue with modest and proper dancing, avoiding anything vulgar or disgraceful until the late afternoon, but no late-night celebrations were permitted.¹⁷

In 1557, Daniel Turk, the judge of Levoča, promulgated a number of rules, which, among other things, forbade all dancing except for weddings; unchaste songs that provoked envy, anger, or incited quarrels; the wearing of foreign or unusual attire and masks; all forms of gambling for money; sitting out past nine o'clock in the evening; gatherings of girls in the *Rohenstuben* (taverns); fiddlers and all music and entertainment that encouraged dancing and merriment.¹⁸

The increased importance of piety during the Reformation and the intermingling of religious belief with secular authority meant that some municipal ordinance articles resembled those of the Protestant Church, approved by the Synod. For example, the statute of Košice of 1563 put strong emphasis on religious devotion, observance and education, with the first point stipulating that the churches were provided with good preachers, so that the Word of God and the Holy Gospel may be clearly and purely preached in all three languages spoken in the town. "Thus, both great and small, rich and poor, may live and walk in true knowledge and fear of God. Through this, Christian love and unity would be preserved, and the spreading of harmful discord, which has already begun to break out and be revealed, would be suppressed and eradicated."¹⁹ The opening of the Košice ordinance of 1570 declares the earnest and humble appeal of the community, made in reverence to the divine command to prioritize the kingdom of God above all else. It underscores the

commitment of the community to the diligent governance of the church, ensuring its upkeep in a manner that aligns with Christian values, ensuring it was well-maintained with competent God-fearing preachers and servants to uphold the spiritual welfare of the congregation.²⁰

In a similar vein, the *Synod Articles of the Five Town Churches* of 1560, among the aspects pertaining to concerning weddings, stipulated that indecent dancing and all frivolities unworthy of a wedding feast were to be avoided, especially because of dangerous and present evils. Another Synod article exhorted the authorities “to publicly punish illicit sexual relations before the celebration of marriage so that piety, honor, and order are maintained with chastity,” and required that “adulterers, fornicators, perjured apostates or infidels, as the Apostle says in Corinthians, those who defraud virgins and widows, and other wicked people, are not to be tolerated in the neighborhood, lest impiety and licentiousness be strengthened.”²¹

Strategies, Sanctions and Punishments

NUMEROUS EXAMPLES from the sources demonstrate how town authorities enforced ordinances to maintain social order. Beyond serious criminal cases, several instances highlight the areas in which these authorities intervened and the measures they took to address problematic behavior. For example, in 1568, a woman in Košice was imprisoned and fined ten gulden for violating the observance of church holidays, during which work was prohibited. She had sent her servants with horses and a plough to work the fields on the day after Easter.²² In 1569, two married women who engaged in a public quarrel were both imprisoned by the Senate and ordered to remain incarcerated until they reconciled. One of them, who had used shameful and unchristian language, was fined 20 gulden, while the other, who had instigated the conflict, was fined 32 gulden.²³ In 1571, a man in Košice was admonished to reform his disreputable lifestyle, which was marked by conflict, insults, violence, and associations with loose women. He was ordered to remarry under the threat of losing his *bürgerrecht* (citizenship).²⁴ Likewise, the town authorities intervened when a married couple, “through their wild and unchristian behavior, caused harm and disruption to other Christian families.” After repeated reprimands proved ineffective, the town council resolved to permanently banish them from Košice in September 1578.²⁵

The range of sanctions applied by municipal authorities was wide, from the mildest admonitions, fines and damages, imprisonment, to exile, shaming, corporal punishments and mutilation, and the death penalty in its various forms. In cases based on the accusatory principle, i.e., private accusation, the aim was to settle disputes fairly and to promote reconciliation between the parties whenever this seemed possible. The measures imposed usually take the form of an order to pay a debt, return disputed property, or otherwise compensate the successful party for the harm or damage caused.

In more serious criminal cases under the inquisitorial system, the municipal courts were rather flexible in applying the law, adapting it to the specific circumstances of each case. This can be demonstrated by the case of a young man, Matzko Poliak, guilty of taking his master’s sword and fleeing after he failed to obtain his wages. The verdict stated that on account of his youthful age and in the hope that he would improve himself, while also

ensuring “that justice would be done,” he was to be taken to the gallows together with the brigand Laurentius Segnei, where he was to watch Segnei’s execution. Afterwards, under the same gallows, the young man would also be punished by caning, having his right ear cut off and being banished forever.²⁶ In the Latin record, the term *epykia* of Greek origin was employed instead of the usual word *iustitia*, suggesting an influence of Aristotelian or other ancient conceptions of justice. These became increasingly significant in early modern thought due to a confluence of religious, intellectual, and political factors.²⁷ *Epikia*, usually translated into English as equity, refers to the fairness in situations where the strict application of the law, due to its general nature, would lead to an unjust outcome. It is a corrective concept based on the assumption that a legislator, even though trying to be just, is unable to foresee all the future circumstances and therefore regulates the laws according to what is more or less ordinary and what might not fully account for the nuances of a particular case. The same concept is encapsulated in the maxim *Summum jus, summa injuria* (“The strictest law is the greatest injustice”), which appears at the conclusion of the section on the duties of the judge in the Banská Bystrica ordinance of 1555–1577. This section emphasizes that a judge should interpret and apply all customary, usual, lawful, and written laws in accordance with equity, which serves as the ultimate interpreter and modifier of all legal principles. “For where one does not always consider all the circumstances, reasons, and intentions of the legislator, too much law turn into injustice.”²⁸

Judges employed three primary strategies when addressing various offenses: sanctions without loss of honor, exclusion or exile, and elimination. The mildest category of sanctions typically included monetary fines, compensation, public works, short-term imprisonment, religious penance, public apologies, or promises of reform—measures that did not result in a loss of honor and allowed offenders to reintegrate into society. The second group of sanctions, namely, exclusion or exile, was reserved for those whose crimes were severe enough to merit removal from the community of honorable citizens but did not warrant the death penalty. Banishment in these cases was often accompanied by dishonoring rituals, such as public shaming at the pillory, whipping, or flogging, which symbolically stripped the condemned of their honor. In some cases, offenders were not only exiled but also permanently stigmatized through branding or mutilation (e.g., amputation of hands, ears, or noses), marking them as irrevocably dishonorable and serving as a warning to others. The final group, elimination, encompassed death sentences for the most serious crimes.

Each of these three categories offered a range of options with varying levels of severity and consequences for the condemned, from which judges could choose. For instance, they could decide on the amount of the fine, the length and conditions of imprisonment, the type of instrument and number of strokes for physical punishment, and whether the punishment would be executed in prison or publicly. They also determined whether the punishment would be executed by the bailiff (*gerichtsdienner* / *praeco*) or the executioner (a more degrading option). Additionally, it was decided whether the banished would also be flogged on their way out of town or spared this humiliation, and if they had the opportunity to sell their property before exile. While banishment was typically a lifelong sentence, in some cases the condemned were banished for a specific period, ranging from one to 16 years. After serving their exile and living honorably, they could request permission to return. In rare cases, the town court offered the accused a choice between a longer exile with a lower fine or a shorter one with a higher fine.²⁹ In lifelong banishment cases, courts

often threatened the condemned with a harsher punishment—usually the death penalty—should they violate the ban and return to the town.

Imprisonment in the sixteenth century was used much less frequently as a punishment, and even then, it was usually only for shorter periods. The longest time spent in prison, aside from vague terms such as ‘long,’ was several months, but it was usually only a few weeks or days. Often, it was a means to enforce obedience and pacify brawlers, drunks, and other troublemakers. Prisons during the early modern period primarily served as places for pre-trial detention and torture.

Some judgements from Košice were case-related. In 1561 a journeyman furrier caught in bed with the wife of his master, apart from being fined 40 gulden, was also banned from practicing his trade in the town.³⁰ In 1563, a widow was fined for using false scales and banned from selling in the town for a year.³¹ In 1571 it was decided that a burgher, because of his high wine prices, contempt and opposition to the magistrate, would lose his burgher’s rights. Only after repeated pleas, the case was finally settled with a fine of fifty gulden.³² In the 1560s and 1570s, the Košice magistrate imposed several pragmatic punishments, either in the form of public works or life service to the town. First, in 1566, a married couple was convicted of immorality and procuring, and as a punishment they had to dig up a certain amount of earth near the town walls with their feet shackled.³³ Two years later, a man had to dig fifty fathoms of earth for having disgraced his maid.³⁴ Similarly, a vineyard guard was forced to spend four weeks in fetters cleaning away feces in the town for swearing and cursing.³⁵ In 1572, two other vineyard guards, who had blackmailed an old woman for a petty theft, had to serve a similar sentence.³⁶ These kinds of penalties are somewhere between the first two abovementioned categories, because the punished were not banished, but there are dishonoring elements present, such as being restrained during public works and dealing with waste disposal. In 1567, a man was pardoned for manslaughter in exchange that he would serve the town for life by taking care of two horses.³⁷ In the same way a deserter was to serve the town as a serf until his death and another one found guilty of manslaughter in 1567 had to serve the town for life, in the first year as a vineyard worker, after that as a swineherd.³⁸

In cases with insufficient evidence, the magistrates could allow the accused to purge themselves through oaths. Alternatively, in serious cases without clear or definitive evidence, they might use milder punishments based solely on suspicion (*Verdachtsstrafe*). In 1567, when a dead newborn child was found in Košice, the court ordered that honorable women together with midwives examine servants, unmarried girls, and widows to check for visible signs of recent childbirth. Suspicion fell on a widow, although the evidence was indirect. Normally, infanticide was punished by the death penalty, but in this case, only a punishment for suspicion was imposed, and the widow was banished from town.³⁹

In the area of capital punishment, there were diverse choices and modifications in the degree of pain and infamy for the condemned and his family that each type of death penalty entailed. The proclaimed or presumed functions of punishment can be summarized as retribution, atonement, purification, and deterrence. Until the Enlightenment, the purpose of punishment was not the correction of the offender, but rather vengeance against him, atonement for the committed crime, redress for the harm caused, and the restoration of law and order. Last but not least, in a religious sense, it was about purifying society from sin; with the death of the offender, his crime was eradicated.⁴⁰

According to the Hungarian customary law collection *Tripartitum*, thieves were to be hanged, robbers were to be broken with a wheel, and others were to be beheaded with the sword according to their merit.⁴¹ Though this basic principle was often applied, the early modern judicial practice knew a much wider range of the capital punishments. From the present state of research there were as many as nine types of death penalty in Hungarian legal practice, and even more if we include military and rare forms.⁴²

Typical prescribed punishments were often adjusted in response to the mitigating circumstances of a particular case, leading to the imposition of a milder form of punishment. One of the factors that could alleviate the final verdict were petitions (*intercessiones*, *furbiet*) made by family members, friends, neighbors, or prominent individuals on behalf of the accused. These pleas could be for mercy, the reduction of punishment, or at least for a lighter version of the sentence. Commonly, a death sentence could be mitigated to banishment and flogging or beheading instead of hanging or breaking by the wheel, a less dishonorable form of execution. The willingness of the injured party to reconcile could also influence the sentence, particularly in cases of violence or manslaughter. If the injured party or their bereaved family accepted compensation, the court could avoid severe punishment. Occasionally, a woman's willingness to marry the offender could prevent the death penalty. For example, in 1600, a woman saved a man from the gallows after he was convicted of theft, resulting in a less severe punishment.⁴³

Mitigating circumstances included immature age, first offence, good reputation, social standing, but also extreme poverty or pregnancy. Pregnant women were treated more leniently, and the death penalty was apparently ruled out for a pregnant offender. In the case of theft, the punishment was determined by the value of the stolen goods, and it helped if it was possible to return most of them to the original owner. Sometimes consideration was also given to young children or a sick husband being cared for by the accused.

On the other hand, aggravating circumstances included recidivism, bad reputation, crimes committed at night, violence in public places and public buildings, the use of weapons, at market or fair times, or when there was bloodshed. In cases of violence, whether the victim survived the attack was also an important consideration, as was the level of physical injury. Violence and murder within the family were also considered more serious. Intentionality was not always the determining factor in sentencing, as sometimes people were convicted for mere threats or the preparation of a crime. Also, great damage caused by negligence or carelessness without obvious malice could be punished with extreme severity, even by death.

Conclusions

FOR A researcher, the preserved judicial cases represent only the tip of the iceberg when it comes to the conflicts, problematic behavior, and illegal activities that occurred within the community. Early modern society developed various mechanisms at various levels to address conflicts and discipline its members. This began within the family, where the father or the head of the household typically held disciplinary authority. Beyond the family, priests, school rectors, teachers, and guild masters played a role, but so

did neighbors and other respected community members. The matter was brought before the town court only if other methods failed, especially in serious criminal cases.

During the sixteenth century, the Reformation played a significant role in shaping judicial practices and the regulation of social behavior in Hungary. Town authorities increasingly sought to control various aspects of peoples' lives through legal ordinances aligned with religious teachings. Numerous municipal ordinances reflected growing concerns about morality and piety trying to impose proper religious observance, often holding heads of households accountable for the moral conduct of their families and employees. The regulations included prohibitions on gambling, excessive drinking, and immoral public conduct, particularly in relation to weddings and social gatherings. The period saw a shift in attitudes toward sexuality, with a greater emphasis on marital fidelity and chastity, which led to the criminalization of prostitution and the closure of brothels. These reforms reflected the intertwining of religious and secular authority, with municipal laws closely mirroring the moral and social expectations of the Protestant Church.

Early modern ordinances prescribed a set of ideal virtues for the judges that would enable them to effectively maintain order and administer justice. Some of the key qualities included wisdom, knowledge and experience, moral integrity, religious devotion, discretion, fairness, and impartiality. Their decisions were often seen as reflecting the divine will or the moral order sanctioned by the church articles of faith.

Intercessions played a significant role in early modern judicial practices, bridging the gap between formal legal procedures and the informal social structures governing daily life. They demonstrated a more flexible and community-oriented approach to justice, where the court's role was not only to punish but also to consider social ties, moral values, and familial obligations.

Punishments, particularly those carried out in public spaces like executions or public flogging, were intended not just to punish the offender but to send a message to the wider community about the consequences of breaking societal rules. Capital punishment, applied as a last resort, was reserved for the most serious crimes, when no pardon could be granted. The use of the death penalty reflected the period's concerns with maintaining peace and order while enforcing moral and social norms. It served as a tool for deterrence, retribution, religious atonement, and purification, as well as for moral instruction.

The iconography and epigraphy of town halls reflect the broader medieval and early modern belief that the fair administration of justice was a cornerstone of good governance. The prominence of justice as a cardinal virtue underscores its central role in the ideal governance of the time and reveals a complex interplay between religious, legal, and political symbols, highlighting the legitimacy of governance rooted in God's will.



Notes

1. The study was written as part of the grant VEGA no. 2/0017/23 *Legal norm versus case law. Historical, legal, discursive and social aspects of the judiciary, crime and punishment in the Middle Ages and early modern period* at the Institute of History at the Slovak Academy of Science in Bratislava, Slovakia. For more details about the symbolism of religion, justice and power in urban iconography in Hungary, see Blanka Szeghyová, "The Topography of Justice: Symbols, Rituals and the Representation of Urban Justice in Early Modern Northern Hungary," in *Faces of Community in Central European Towns: Images, Symbols, and Performances, 1400–1700*, ed. Katerina Horníčková (Lexington Books, 2018), 67–76. Other examples in Judith Resnik and Dennis Edward Curtis, *Representing Justice: Invention, Controversy, and Rights in City-states and Democratic Courtrooms* (Yale University Press, 2011), mainly 22–84.
2. Martin Luther, *Secular Authority: To What Extent It Should be Obeyed*, 1523. From: The Ages Digital Library Collections Works of Martin Luther Vol. 3, 184. http://media.sabda.org/alkitab-8/LIBRARY/LUT_WRK3.PDF
3. Martin Luther, "Ob Kriegsleute auch in seligem Stande sein können. 1536," in *Luthers Werke. 3. Band Schriften von 1524–1528*, ed. O. Clemen (Berlin: Walter De Gruyter, 1966), 320.
4. István Bejczy, *The Cardinal Virtues in the Middle Ages: A Study in Moral Thought from the Fourth to the Fourteenth Century* (Leiden: Brill, 2011), 73, 85, 90, 103.
5. Claude Gauvard, "Spravedlnost a mír," in *Encyklopedie středověku*, ed. J. Le Goff and J.-C. Schmitt (Praha, 2002), 704.
6. Susan Tipton, *Res publica bene ordinata: Regentenspiegel und Bilder vom guten Regiment: Rathausdekorationen in der Frühen Neuzeit* (Hildesheim: Olms, 1996), 15. For the Transylvanian case, see the study of Ágnes Flóra, "Symbols, Virtues, Representation. The Early Modern Town Hall of Kolozsvár as a Medium of Display for Municipal Government" *Hungarian Historical Review* 1, no. 1 (2012): 3–21.
7. Tipton, *Res Publica bene ordinata*, 27–28.
8. Szeghyová, "The Topography of Justice," 68–73.
9. Sándor Kolozsvári and Kelemen Óvári, eds., *Corpus Statutorum Hungariae municipalium*, vol. IV/2 *Statuta et articuli municipiorum Hungariae cisdanubianorum* (Budapest: MTA, 1897), 34.
10. *Corpus Statutorum* IV/2, 102–6.
11. Building on the theories of Max Weber, Norbert Elias, Michel Foucault, and Gerhard Oestreich, the results of the multi-perspective research project on social disciplining were published in Heinz Schilling and Lars Behrisch, eds., *Institutionen, Instrumente und Akteure sozialer Kontrolle und Disziplinierung im frühneuzeitlichen Europa* (Klostermann, 1999). See also Martin Dinges, "Normsetzung als Praxis? Oder: Warum werden die Normen zur Sachkultur und zum Verhalten so häufig wiederholt und was bedeutet dies für den Prozess der 'Sozialdisziplinierung'?", in *Norm und Praxis im Alltag des Mittelalters und der Frühen Neuzeit. Internationales Round-Table-Gespräch*, Krems an der Donau, 7, Oktober 1996, ed. Gerhard Jaritz (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1997), 44–46. For research from Eastern Europe see Jaroslav Pánek, "Policey und Sozialdisziplinierung im frühneuzeitlichen Böhmen und Mähren," in *Policey in Europa der Frühen Neuzeit*, ed. Michael Stolleis (Frankfurt am Main: Kloster-

- mann, 1996), 317–31; Pavel Himl, „Die armen Leute und die Macht.“ Untertanen der südböhmischen Herrschaft Český Krumlov/Krumau im Spannungsfeld zwischen Gemeinde, Obrigkeit und Kirche (1680–1781) (Berlin: DeGruyter, 2003); Thomas Winkelbauer, „Sozialdisziplinierung und Konfessionalisierung durch Grundherren in den österreichischen und böhmischen Ländern im 16. und 17. Jahrhundert,“ *Zeitschrift für historische Forschung* 19, no. 3 (1992): 317–39; Thomas Winkelbauer, „Einträge zu dem Titel „Grundherrschaft, Sozialdisziplinierung und Konfessionalisierung in Böhmen, Mähren und Österreich unter der Enns im 16. und 17. Jahrhundert,“ in *Konfessionalisierung in Ostmitteleuropa*, ed. Joachim Bahlcke and Arno Strohmeyer (Stuttgart: Franz Steiner, 1999), 307–38; Mária Pakucs, „Gute Ordnung und Disziplin. Patterns of Social Discipline in Sibiu (Hermannstadt) in the Sixteenth Century,“ *New Europe College Yearbook* (2004): 175–206. Some thoughts comparing the social discipline research results of Western and Eastern Europe: Sheilagh Ogilvie, „So that Every Subject Knows How to Behave”: Social Disciplining in Early Modern Bohemia,“ *Comparative Studies in Society and History* 48, no. 1 (2006): 38–78.
12. Po-Chia R. Hsia, *Social Discipline in the Reformation: Central Europe 1550–1750* (Abingdon: Routledge, 1992), 122–123.
 13. Peter Schuster, *Das Frauenhaus: städtische Bordelle in Deutschland (1350–1600)* (Paderborn: Schöningh, 1992), 189–202; Kathryn Norberg, „Prostitutes,“ in *A History of Women. Renaissance and Enlightenment Paradoxes*, ed. Natalie Zemon Davis and Arlette Farge (Cambridge MA: The Belknap Press of Harvard University Press, 1993), 460–61; Lyndal Roper, *The Holy Household. Women and Morals in Reformation Augsburg* (Oxford: Clarendon Press 1991), 56–57; Blanka Szeghyová, „Fornicatrices, scortatrices et meretrices diabolares: Disciplining Women in Early Modern Hungarian Towns,“ in *Same Bodies, Different Women: Other Women in the Middle Ages and the Early modern Period*, ed. Ch. Mielke and A.-B. Znorovszky (Budapest: Trivent, 2019), 167–80.
 14. Blanka Szeghyová, „Sex Crimes in Hungarian Towns in the Age of the Protestant Reformation,“ *Beiträge zur Rechtsgeschichte Österreichs: Zeitschrift der Kommission für Rechtsgeschichte Österreichs der Österreichischen Akademie der Wissenschaften* 9, no 1 (2019): 80–95; Maria Crăciun, „The Price of Sin: Sexual Misconduct and its Social Consequences in Sixteenth-Century Transylvanian Towns,“ *Archiv für Reformationsgeschichte-Archive for Reformation History* 110, no 1 (2019): 157–99.
 15. Pakucs highlighted the focus of Transylvanian ordinances (sumptuary laws) on social order, the division into professional and social groups and restraint in luxury, especially in clothing. Mária Pakucs-Willcocks, „Transylvanian Civic Sumptuary Laws in the Early Modern Period: Preliminary Observations,“ *Revista istorică* 29, no. 1–2 (2019): 55–73.
 16. The ordinance is dated to 1537 in the title, but in the text the year 1530 is mentioned. *Ordnung unnd Pollicez der Stat Crennitz... im Jar MDXXXVI in Corpus Statutorum IV/2*, 66–68.
 17. *Corpus Statutorum IV/2*, 95–97.
 18. *Danieli Turci Diarium ab anno 1548 usque 1559*, manuscript in the Hungarian National Library (Országos Széchényi Könyvtár) Kézirattár, Fol. Lat. 3117, f. 246. Similar religious tones can be found in Transylvanian town statutes as well: Mária Pakucs-Willcocks, „The Honterian Reformation and Its Influence on Transylvanian Town Magistrates,“ in *Initia Reformationis Transsilvaniae. Vielfalt, Aufbrüche, Rezeptionsräume in der Frühen Neuzeit*, ed. Ulrich Wien (Berlin: DeGruyter, 2025), 55.

19. *Corpus Statutorum*, vol. II/2 *Statuta et articuli municipiorum Hungariae Cistibiscanorum* (Budapest: MTA, 1890), 95–6.
20. *Corpus Statutorum* II/2, 103–4.
21. *Articuli synodi ecclesiarum Quinque Civitatum, videlicet Barthphensis, Eperiensis, Cassoviensis, Cibiniensis et Leutschoviensis, circa annum 1550 conscriptis* (articles XIII, XIV and XXI) published in Etele Thury, *Magyar egyháztörténeti adattár VII.* (Hungarian Ecclesiastical History Repository) (A magyar protestáns irodalmi társaság, 1908), 13–19 and in Péter Kónya and Barnabás Guitman, ed. *A kissebeni evangélikusok krónikája Waechter Dánieltől* (Prešov: Vydavateľstvo Prešovskej univerzity, 2022), 110. The dating of the articles is uncertain, with the transcripts citing both 1540 and 1550; however, 1560 appears more likely. The following arguments support this later date: Barnabás Guitman, “Neue Forschungsergebnisse zur Geschichte der Reformation in Bartfeld (Bardejov),” in *Reformácia v strednej Európe = Reformáció Közép-Európában: Reformation in Mittel-Europa. I.*, ed. A. Kónyová and P. Kónya (Prešov: Vydavateľstvo Prešovskej univerzity, 2018), 186–87.
22. Municipal Archive Košice (further AMK), *Pur Iudicia pene malefactorum et scleratorum 1556–1608*: “Helena uxor Johannis Golopi.”
23. AMK, *Pur Iudicia pene malefactorum et scleratorum 1556–1608*, Rixantes Mulieres.
24. AMK, *Pur Iudicia pene malefactorum et scleratorum 1556–1608*, Nocturnarum turbarum authores.
25. AMK, *Pur Iudicia pene malefactorum et scleratorum 1556–1608*, Jacob Filbauch.
26. Státny archív v Prešove (State Archive in Prešov), Archive of Prešov Magistracy, Kniha mestského súdu 1555–1560 (Municipal court book), no. 2685; f. 108a.
27. See for example the re-examination of the concept of equity in English thought from the sixteenth century in Mark Fortier, *The Culture of Equity in Early Modern England* (Abingdon: Routledge, 2016), 1–2.
28. *Corpus Statutorum* IV/2, 106.
29. AMK, *Pur Iudicia poene malefactorum 1556–1608*: Kadas Lucacz und fraw Elizabet Witez Martonin.
30. AMK, *Pur Iudicia poene malefactorum 1556–1608*: Erasmus Brechtelt.
31. AMK, *Pur Iudicia poene malefactorum 1556–1608*: Dorothea uxor Joanis quondam Wolferman Farkas dicti.
32. AMK, *Pur Iudicia poene malefactorum 1556–1608*: Eothwes Ferencz and Eothues Ferencz supradictus.
33. AMK, *Pur Iudicia poene malefactorum 1556–1608*: Azthalgiaartho János.
34. AMK, *Pur Iudicia poene malefactorum 1556–1608*: Joannes sarctor.
35. AMK, *Pur Iudicia poene malefactorum 1556–1608*: Poena vituperii.
36. AMK, *Pur Iudicia poene malefactorum 1556–1608*: “Untrewe weingarten huetter Peter Kykedi und Zekeres Miclos beide vorstetler.”
37. AMK, *Pur Iudicia poene malefactorum 1556–1608*, Gregorius Agiagasy.
38. AMK, *Pur Iudicia poene malefactorum 1556–1608*, Jacobus Kovach de Wyfalu; Jacobus filius Valentini.
39. AMK, *Pur Iudicia poene malefactorum 1556–1608*, Martha mulier vidua.
40. Richard van Dülmen, *Theater des Schreckens Gerichtspraxis und Strafrituale in der frühen Neuzeit* (Munich: Beck, 2010), 127, 174–79.

41. *Tripartitum* I., chapter 15. From János M. Bak, “Online Decreta Regni Mediaevalis Hungariae. The Laws of the Medieval Kingdom of Hungary” (2019). *All Complete Monographs*. 4. https://digitalcommons.usu.edu/lib_mono/4/ (accessed 13 March 2025).
42. Universally applicable to both men and women were beheading and burning. Typically reserved for men: hanging, breaking on the wheel, quartering, impalement, and hanging by a hook. Female-specific death penalties included drowning, being buried alive and having the heart pierced with a stake.
43. AMK, *Pur Iudicia poene malefactorum 1556–1608*, pis Petrus Polonus fur.

Abstract

Habt Gerechtigkeit lieb, Ihr Regenten auf Erden:
Administering Justice in Early Modern Upper Hungary

This study examines the close relationship between justice and religious symbolism in urban governance in early modern Hungary. Secular authority was seen as divinely ordained, with justice portrayed as a cardinal virtue in townhall iconography. Crime was viewed as sin, requiring just punishment to restore divine order. Urban ordinances emphasized the judges’ moral integrity, impartiality, and duty to uphold God’s law. The Reformation intensified the efforts to regulate behavior and enforce piety through detailed municipal laws. These ordinances often mirrored church articles and promoted social discipline. Punishments ranged widely, guided by local customs, equity and intercessions, rather than rigid legalism.

Keywords

urban justice, religious symbolism & secular power, ideal judge, social disciplining, punishment, sixteenth century