MESTO a DEJINY

Burghers in the Hungarian Kingdom through the Prism of a Local Conflict: The 1842 Muster of the Košice Burghers' Guard

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The present study investigates some aspects of the transformation of the late estate society in the Hungarian kingdom from a microhistorical perspective. The local conflicts around the 1842 muster of the burghers' guard in the free royal town Košice appertained to the burghers' duties in general: their mandatory service in the guard and their behaviour towards the council. The analysis of these events reveals how transforming social practices clash with the social order solidified by old customs and law. In general, this conflict sheds light on the changes of the contemporary conception as well as the social transformation of burghership as a category of the estate society right before the outbreak of the Hungarian Revolution of 1848.

Key words: History of Hungary. History of Košice. Estate society. Burghers. Burghers'Guard. Social History. Microhistory.

The historiography of the period prior to the 1848 Hungarian Revolution is largely preoccupied with the political struggle for the abolition of various estates privileges, the establishment of the leg al framework of a capitalist economy, and the transformation of the political system along liberal doctrines.[1] Capturing the social transformations behind these political debates, however, is a more challenging task, especially since the stages of this process were much less spectacular than the parallel political debates in the national assembly of the estates, commonly known as the Diet. As Vera Bácskai has pointed out in an earlier but still defining and relevant essay, the transformation "took place within the estate framework, and it was partially manifested in the changing meaning of the estate categories themselves". In addition, the change often "meant a barely manifest shift" in the "rank, social standing, economic status, and prestige of – as well as interpersonal relationships among – people with different legal statuses", as well as various social groups.[2]

The present study is glimpse into this process, placed in the context of privileged urban burghers on the level of microhistory.[3] In my understanding, one of the possible

1 For a remarkable example of this, see the two volumes of MÉREI, Gyula - VÖRÖS, Károly (Eds.) *Magyarország története* [The History of Hungary], 1790 – 1848, vol. 5, t. 1 – 2, which is, among the comprehensive accounts of the period, the most detailed one to date.

2 BÁCSKAI, Vera. Az 1848 előtti városi társadalom kutatásának főbb forrásairól [On the sources for investigating pre-1848 urban society]. In: ERDMANN, Gyula (Ed.). *Kutatás–módszertan. Rendi társadalom – polgári társadalom 2*. Gyula : Békés Megyei levéltár, 1989, pp. 10-11.

3 In the administrative system that functioned until the early 1870s, two types of towns could be distinguished: manorial or market towns, held by a landowner and having rather limited autonomy; and free royal towns, subject to direct royal authority and therefore independent of the county administration or landlords (*oppida* and *liberae regiae civitates* respectively, as used in Latin until 1844). In the common legal perception of the early nineteenth century, only the latter were considered 'real' towns. In 1793 a parliamentary committee defined the free royal town as a burgher community that rules its own territory by privilege, has its own autonomy, is governed by the king only, is considered to have a collective noble identity in a legal sense, and is represented in the sessions of parliament, thereby partaking in legislation. After the Catholic clergy, titled aristocrats and lower nobility, the free royal towns comprised the 'fourth estate' of the kingdom, a privi-

methods to grasp this internal transformation of the estates system is the analysis of the relationships between norms and social practice; more precisely speaking, the analysis of conflict situations in which these two clash.[4] This is so because these situations reveal how various social actors interpret the norms and where transforming social practices clash with the social order solidified by old customs and law.

The events that took place in one of the most prominent free royal towns, Košice, in the summer of 1842 – namely the muster of the city's burghers' guard imposed by governmental authority – provide an apt terrain for this type of analysis.[5] The city officials appointed to oversee the burghers' guard observed a number of irregularities which they duly reported to the city council. There were also smaller bouts of unrest during the inspection, and some Košice dwellers openly criticised the procedure and the municipal bodies. The council's measures were taken against disorderly conduct with the aim of restoring and maintaining the rightful order in the city, in other words, the legal and social norms which – according to the city council – were to be respected in urban public life. The muster provides a glimpse into two aspects of these norms, both primarily concerned with the burghers' duties: mandatory service in the guard and the behaviour towards the council itself and its official representatives which the council expected from the burghers. In general, the analysis of this conflict can thus establish the importance of burghers' rights and define the contemporary notion of

leged class which consisted of only those inhabitants of free towns who possessed burgher rights. Although limited local burghership sometimes existed in manorial towns, the residents of the manorial towns were not recognized as part of the 'fourth estate' and therefore their legal status differed greatly from that of their counterparts in free royal towns. At the same time, as opposed to the earlier situation, only a minority of the urban population enjoyed burgher rights in the early nineteenth century. In the same period, the meaning of the word 'burgher' was widening in the unofficial language and a large proportion of urban residents – including those without burgher privileges – were also considered burghers based on their vocation, way of subsistence and lifestyle. In other words, by this time the category of burghership in the legal framework of the estates system no longer extended to those who were considered burghers (bourgeois) in the economic sense. This situation was further complicated by the fact that the burghers' stratum also incorporated individuals with noble titles; in addition, by the early nineteenth century even aristocrats chose to pledge burghership in various cities – either to express their ties to the city or because it required burgher status to be involved in civic politics. In the society of the period which may be described as the "late estates system era", the term burgher raises not only questions of terminology but also those of social composition. These altogether can be interpreted as signs of the disintegration and gradual transformation of social organisation within the estates system. See for example in: CZOCH, Gábor – NÉMETH, István H. – TÓTH, Árpád. Urban communities and their burghers in the Kingdom of Hungary (1750 – 1850). The possibilities database offer for historical analysis. In: COLSON, Justin – STEENSEL, Arie van (Eds.). *Cities and Solidarities : Urban Communities in Pre-Modern Europe*. London; New York : Routledge, 2017, pp. 191-192.

4 For a social historical analysis of the relationship between norm and practice, see: CERUTTI, Simona. Normes et pratiques, ou de la légitimité de leur opposition. In: LEPETIT, Bernard (Ed.). *Les formes de l'expérience : Une autre histoire sociale*. Paris : Albin Michel, 1995, pp. 127-149.

5 Instead of the Hungarian and German or Latin names of the town (Kassa, Kaschau, Cassovia respectively) I will use the Slovakian Košice in accordance with the present-day usage. Košice, like many other settlements in Upper Hungary, was a real multiethnic city, mostly with German, Hungarian and Slovakian speaking inhabitants. For the contemporary ethnic composition of the town, see: CZOCH, Gábor. Otázky národnostného zloženia a jeho spoločenské dimenzie v Košiciach na základe súpisu z rokov 1850/1851 [Questions Košice's ethnic composition and its social dimension based on the 1850/1851 census]. In: *Kor(r)idor. Szlovák-Magyar Történeti Folyóirat / Slovensko-maďarský historický časopis*, 2014, vol. 1, no. 4, pp. 5-20. In the mid-nineteenth century, Košice had a population of about 12 – 13 000, which did not make it the most populous towns of the Kingdom of Hungary, but its governmental functions made it one of the most important. It was also the most important regional hub in the north-eastern part of the country due to its large commercial catchment area, buoyant economy, and important ecclesiastical, educational and administrative centres. More on this in English in: CZOCH, Gábor. The Transformation of Urban Space in the First Half of the Nineteenth Century in Hungary and in the City of Kassa. In: *The Hungarian Historical Review*, 2012, vol. 1, no. 1 – 2, pp. 104-133.

burghership as a category within the estates system – as well as shed light on the changes in this concept right before the outbreak of the Hungarian Revolution of 1848.

Privileged burghers in Hungary in the first half of the nineteenth century have been portrayed rather simplistically in previous scholarship. The changes in the social composition of burghers have been largely ignored, and they have tended to be perceived, rather judgmentally, as members of a homogeneous, increasingly inward-looking group which continued to obsessively hold on to its increasingly anachronistic privileges. Studies of this type emphasise that the appeal of burghership was in decline in this period, since the associated practical privileges had been gradually eroded in the previous centuries. Finally, this approach also sharply distinguishes burghership as a legal category of the estates system from the newly upstart social layer, often seen as the precursor of modern bourgeoisie due to its fresh entrepreneurial attitudes. These statements must be revisited primarily because they pay little attention to the changes occurring within the estates system itself, and within the composition of the categories thereof. The present study contributes to the series of works that aim to explore and chart the complexity of the changing estates system by reconstructing a more nuanced picture than previous scholarship.[6]

The burghers' guard

The earlier history of the militia – or the burghers' guard as it was called at the time – can be traced back to the burghers' mandatory military service to protect their city. Free royal towns were legally considered as collective nobility, and as such they were liable to bear the costs of the so-called baronial *insurrectio*.[7] Once the permanent army was established in 1715, the role of the burghers in the defence of their city became secondary. At the same time, the military involvement of the burghers was not completely abandoned: in certain cities they undertook incidental guard service, were involved in internal security, and, as a vestige of earlier regular military duty, burghers were still required to participate in regular target shooting practice. In some cities, burghers gathered in shooting clubs which were fast becoming recreational. Research in this field, although rather scarce, suggests that the first guards were established in Pest and Buda upon the orders of the Locumtenential Council (*Consilium Regium Locumtenentiale Hungaricum*) issued to convert shooting clubs into uniformed Field Rifles battalions in the service of their cities' internal security.[8] On the national level, the organisation of the guard was triggered by the Napoleonic wars. The Diet's 1805 Act regarding the nobles' general call to arms contained a paragraph about the military obligations of free royal towns. Previous regulations stipulated that every city had to

6 For more information about these questions, as well as a critical overview of previous scholarship and new research on the changing composition of the burgher community of free royal towns in this period, see: BÁCSKAI, Vera. A régi és új polgárságról [On old and new burghers]. In: KÖVÉR, György (Ed.). *Zsombékok. Középosztály és iskoláztatás Magyarországon a 19. század elejétől a 20. század közepéig.* Budapest : Osiris, 2006, pp.15-37. CZOCH, G. – NÉMETH, I. H. – TÓTH, Á. *Urban communities...*

7 KÁLLAY, István. *A városi önkormányzat hatásköre Magyarországon 1686 – 1848* [The jurisdiction of municipal government in Hungary 1686 – 1848]. Budapest : Magyar Országos Levéltár, 1989, p. 44. *Insurrectio* is the term used to denote the military obligation of the nobility in the event of the country being attacked. The nobility was able to remain exempt from taxes on account of this institution until 1848.

8 OSZETZKY, Dénes. *A hazai polgárság társadalmi problémái a rendiség felbomlásakor* [The social problems of the Hungarian burghers at the dissolution of the estates system]. Budapest : Egyetemi, 1935, p. 23. NAGY, Lajos. Budapest története 1790 – 1848 [The history of Budapest 1790 – 1848]. In: NAGY, Lajos – BÓNIS, György (Eds.). *Budapest története III. A török kiűzésétől a márciusi forradalomig.* Budapest : Akadémiai, 1975, p. 429.

provide and equip a number of cavalry and foot soldiers in proportion to their taxes payable. The Act of 1805 sustained the obligation to provide and equip foot soldiers but waived their obligation to equip cavalry. In return for lightening the requirements, the cities were now obliged to maintain a well-equipped burghers' guard.[9]

After the Napoleonic wars, the military service of the burghers was no longer relevant. The operation of the guards became increasingly haphazard and in some cities they were disbanded entirely. According to previous research, their reorganisation did not begin until the early 1840s.[10] More precisely, the regulation of the burghers' guard printed in Košice in 1840 suggests that the organisation had commenced somewhat earlier. The first page contains the order issued on December 17, 1838, by Palatine Joseph, which is effectively the approval – with small modifications – of the Košice council's proposal for "Reinstating the City's Existing Burghers' Guard" filed at the Locumtenential Council on November 2. On the second page, the regulation contains the reply of the Court Chamber to the council's request, submitted on August 31, 1838, to set up a fund using 2000 florins out of the city's coffers to cover the costs of the guard's "permanent establishment". The chamber's decision took much longer than that of the Locumtenential Council: their approval was issued nearly a year and a half later, on January 8, 1840.[11] The case of Košice corroborates the findings of earlier scholarship suggesting that the reorganisation of militias was initiated by the cities themselves.

Based on the publication entitled "Regulations for the Burghers' Guard in Hungary" the following overview briefly summarises the regulations whose enforcement triggered debates at the time, as well as those which provide insight into the contemporary perceptions of burghers' duties and the norms associated with them. Following the palatine order and the court approval for funding, the publication continues with a summary of the guards' duties under the title "Warning". After this, pages 8-15 list the rules of guard service and the repercussions of violating these terms in four points, and pages 16-18 contain the text of the oath to be recited upon entering into service, in the Hungarian, German and Slovakian languages. The publication is bilingual in Hungarian and German throughout; only the oath is given in Slovakian as well, which may be a reflection of the linguistic composition of the Košice burghers at the time. The longest section comprises the "Regulation of Service for all Members of the Regiment", which details the duties of privates and various officers on pages 19-49. This is followed by the last part (pages 50-63) entitled "Additional Palatine Orders", which states that the document is an "excerpt of the regulations for all armed burghers issued in 1809 by the chief commissioner of every national guard" – that is, the palatine. It adds that the burghers' guard had been established under the aforementioned acts of 1805 and 1808,

9 Article I. paragraph 11 of the 1805 Diet, The article II, paragraph 13 of the 1808 Law on *Insurrectio* modified this by reinstating the duty of towns to equip and finance one cavalry soldier per county. In addition it confirmed the previous obligation to organise and maintain a burghers' guard "in the event of open war, and all other threat, for the protection of internal security". See the articles of the 1805 and the 1808 Diets in *1000 év törvényei* [Laws of a Millennium]. Available on the Internet: <www.1000ev.hu>

10 KÁLLAY, I. *A városi önkormányzat...*, pp. 50-51. OSZETZKY, D. *A hazai polgárság...*, p. 24.

11 *Rendszabály a polgári őrsereg számára Magyarországban* [Regulation for the burghers' guard in Hungary]. Kassa : Werfer, 1840, pp. 1-2. As a side note, this particular case demonstrates how the dual jurisdiction of two separate government authorities over free royal towns made day-to-day operations extremely difficult. The abolition of this legal practice, preferably placing the towns under the jurisdiction of the Locumtenential Council, was one of the top priorities of town administrations in this period.

confirmed by a palatine order issued on August 27, 1831.[12] The eleven sections of the Additional Palatine Orders, thus, were issued at the time of the guard's reorganisation as an amendment to the original regulations.

The Regulations start with the following decree: "The main aim of the burghers' guard is founded upon that commonly-held burghers' duty to each protect their own city which is to be sworn by every burgher upon obtaining his burgher's privileges, and will apply to every holder of household or landed estate and every tradesman permanently residing at this place, even if they are not members of the estates of either nobles or burghers."[13] The institution of the guard, as previously noted, derives from one of the traditional duties of the burghers. The regulations, however, make it clear that the armed defence of the city was not solely the duty of the burghers' guard. The explicit statement of this fact was no doubt necessary because by the early 1840s, the proportion of burghers was decreasing to various degrees within the population of the free royal towns. Their numbers dropped dramatically compared to previous centuries when possessing buildings or estates or pursuing a trade in the city were both still closely associated with obtaining burghers' privileges.[14]

The general definitions are followed by a detailed list of the guard's duties. These primarily include patrolling the city, and "doing their utmost to uphold internal quiet, order and morale". The guards' "secondary aim is the ceremonial duty" whenever required, such as at the processions "on the Solemnity of Corpus Christi, and the birthdays of His Majesty, the triumphantly reigning Emperor and King, and her majesty, the Empress and Queen; as well as on the occasion of other obligatory feasts, in addition to the funerals of deceased fellow burghers, the dedication of the guard's flag, and the annual muster".[15] The "Additional Orders", furthermore stipulate that the guard "is obliged to attend military practice intermittently, and provide occasional military service".[16]

The members of the burghers' guard were armed with a sword and rifle from the armoury of the regiment, for which they were required to pay from their own pockets. Wealthier members paid in one lump sum, while less affluent burghers were allowed to pay in instalments. In cases when the regiment's officials found poor members deserving, they were allowed to use the weaponry free of charge. Besides bearing arms, guard members also had to wear a uniform, albeit with certain concessions:

12 *Rendszabály...*, p. 54. The burghers' guard was mobilised in 1831, in all probability due to the cholera outbreak and subsequent unrest in that year. This is also recorded in a contemporary council resolution: Archív mesta Košice [*Košice City Archives]* (hereinafter AMK), Prot. 4360/1831. The council meeting protocols – until 1840 known as *Protocollum sessionum magistratualium*, from 1840 onwards as *Tanácsülések Jegyzőkönyve* – are held in the municipal archives, Archív Mesta Košice. Reference: AMK, Stredná manipulácia, Magistrátny súd (J). Henceforth, the protocols will be referred to as AMK Prot., followed by the serial number of the council resolution and the year. Similarly, documents related to minutes will be referred to as AMK Prot. Documents.

13 *Rendszabály...* p. 8.

14 In the absence of country-wide census, it is not possible to determine the number of individuals who held burgher privileges in the 1840s. There are data available for individual towns, which do suggest large variation. In Pest, only 2 % of the population were burghers, while in Debrecen this ratio was 11 % and in Košice 5 %. The only national census data come from 1828. According to this census, the burghers represented 13.6 % of the registered urban population. See: BÁCSAKI, Vera. *Towns and Urban Society in Early Nineteenth-Century Hungary.* Budapest : Akadémiai, 1989, 151 p. CZOCH, Gábor. *„A városok szíverek" : Tanulmányok Kassáról és a reformkori városokról* ['Cities are arteries' : Studies about Košice and the towns of the Hungarian Reform Era]. Bratislava : Kalligram, 2009, pp. 94-96.

15 *Rendszabály...*, p. 8.

16 *Rendszabály...*, p. 52.

for example, those who became burghers before 1831 were not obliged to do so. Poorer burghers could also obtain exemption, or opt for an interest-free loan from the regiment's fund to purchase their uniform. Besides the aforementioned 2000 florin capital, the regiment's fund was sustained by voluntary contributions: privates paid 48 kreuzers (12 kreuzers quarterly), officers paid proportionally more by rank, the commander-in-chief paying the most, at 40 florins per year.[17]

Although service in the guard was mandatory for all townspeople who had burgher rights, this duty was waived for those who were deemed unfit for military service or were over fifty years of age "because in times of peace, they are exempt from military practice and bearing arms".[18] At the same time, a brief remark earlier in the regulations stipulates that "the burghers' guard not only consists of members who professed the burghers' oath, but also of other persons who are not bound to the city by any allegiance".[19] The last lines of the regulations, however, imply that some individuals did in fact fail to fulfil their duty: the text suggests that they appeared in the guard's uniform at the ceremonial occasion of obtaining their burgher's privileges and making their oath, but afterwards relinquished the uniform and never reported for duty. The regulations specified that it is the council's obligation to force these individuals to perform their mandatory duty.[20] It is also relevant for the present study that according to the "Additional Palatine Orders" the magistrate had to specify a date for the muster of the burghers' guard. For the preparations of the muster they ordered a census of the burghers in order to list those fit for service and those who were exempt. Regarding the future proceedings, they stipulated that the muster must be held annually and must entail both the renewal of the officers' corps and the ceremonial oath of the new members. According to the intentions of the Košice council, the proposed muster thus served the multiple aims of reorganising the burghers' guard, establishing the basis for its continued service in the future, and enforcing the principles and regulations detailed above. However, the planned muster of the burghers' guard did not take place until the summer of 1842.

The 1842 Muster

Perhaps the best starting point for the discussion of the events is a letter by the commander-in-chief of the Košice burghers' guard, Count István Szirmay of Szirmabesenyő, sent on May 9, 1842, in which he requests the council to appoint June 20 as the date of the burghers' guard's "muster, as approved by the highest office". In preparation for the muster he ordered a census of burghers according to district, and the proclamation of "the time of this ceremony" among the citizens.[21] On May 18, the council appointed the city officers responsible for the census and the muster. The significance of the event is clearly shown by the fact that the committee was made up of four councillors and the first deputy notary. Eventually, the muster took place on July 4 and 5, two weeks after the planned date, presumably because of the time taken to complete the census.

17 *Rendszabály...*, pp. 56-58.

18 *Rendszabály...*, p. 52.

19 *Rendszabály...*, p. 14.

20 *Rendszabály...*, p. 62.

21 AMK Prot. 2833/1842.

The census was drawn up in a six-column form. The burghers were assigned a continuous "serial number" as the census proceeded. This was followed by the house number and the name of the individual under the heading "Name of the burgher resident in this city, as listed". Their age was entered under the next heading, followed by columns titled "General remarks", and "Fit to bear arms". The list contained 670 names altogether. The general remarks also included notes regarding fitness for service and uniform ownership. In the last column, fitness for service was indicated by Arabic numeral 1, while individuals deemed unfit were marked as "no".[22]

The notes in the general remarks column provide an insight into the circle of burghers who were exempt from guard service for reasons beyond those stipulated in the regulations: nobles, city officials, doctors, lawyers, teachers and clerics.[23] This, however, did not mean that such individuals were not to be found among the members of the guard. A number of noble burghers served in the guard; for example, the commander-in-chief himself was a count.

Although the above-quoted last lines of the Regulation drew attention to those who neglected their duty in the guard, the census reveals that, conversely, there were uniformed personnel serving in the guard who did not in fact possess burghers' rights in the city. The regulation did not prohibit this per se. The city councillors appointed to organise the muster drew up a separate list of those individuals who were members of the guard and guilds despite the fact that they had never been sworn in as burghers. The city leaders considered that their situation – though it was not contrary to the laws – significantly departed from the norm they tried to assert consistently in the public order of Košice. This list contained the name of thirty-three people of various trades.[24] The council resolution in this matter ordered that this list had to be handed over to the heads of the guilds concerned. In their turn, the heads of the guilds were required to explain the benefits of burghership and instruct them to apply for it.[25] The strategies employed by these individuals remain speculative, but the principles behind the council resolution are clear.[26]

As for the people enumerated in this separate list, it seems that they deemed their participation in the guard more important than pledging their burgher status. On one hand, this may be explained by the practical consideration that burghership, which cost a significant amount of money, was not appealing and beneficial enough to make it worth such an investment, especially that its absence obviously did not hamper practicing their trade. On the other hand, it is possible that they simply had insufficient funds to cover the costs of both burghership and guard membership so they had to make a choice. Participating in the burghers' guard provided them with the opportunity of appearing in front of the wider public of the city at certain occasions armed and uniformed like the burghers, which means that they enjoyed the same level of prestige

22 AMK Prot. 4185/1842 Documents. As will be shown, 637 out of the 670 individuals held burghership. As the town census of the year established that Košice's population was 11 084, burghers constituted only 5.8 % of the total population. For more information about the data of contemporary censuses, see: CZOCH, Gábor. *Városlakók és polgárok. Kassa társadalma a 19. század első felében* [Townspeople and burghers. Košice society in the first half of the nineteenth century]. [Kandidátusi értekezés]. Budapest, 1997, pp. 269.

23 Some names are annotated with additional remarks such as "noble under no obligation", "official under no obligation", "lawyer under no obligation" and so on.

24 AMK Prot. 4185/1842 Documents.

25 AMK Prot. 4185/1842.

26 For the subsequent two sections, see also: CZOCH, G. *"A városok szíverek"...*, pp. 94-148.

as those having the burgher status. As noted in some of my previous works, by the end of the nineteenth century one of the most important benefits of burghership in Košice was the social standing it represented. In other words, the value of this status, at least for part of the city's population, was primarily that it indicated an affiliation with the Košice elite, which may have compensated for the decrease in practical benefits.

In view of previous scholarship emphasising the decreasing appreciation of burghership and the parallel process of the burghers' efforts to control the number of people receiving this privilege, it may seem surprising that the city council actually instructed guild members to apply for burghership. This council order, however, is entirely explicable by the more generally held concept of burghership that emerges clearly in the debates surrounding the civic act, specifically the regulation of burghership at the 1843/44 sessions of the National Assembly of the Estates.[27] Besides the official civic bill drawn up by the opposition comprised of members of the liberal intellectual nobility, city legates, including those of Košice, conceived an alternative proposal which was eventually not tabled at the House of Commons.[28] The official bill, contrary to the cities' proposal, intended to widen the eligibility criteria of burghership. Representatives of the burghers, however, did not simply wish to limit the scope of eligibility. Their proposal required people to apply for burghership with more severe sanctions than those in the official bill – in fact they wanted to make application mandatory. Whereas the liberal opposition's bill stipulated that all artisans, factory owners and traders who were liable to pay taxes in the city and owned workshops, factories or trading offices in the municipal area would become burghers after three consecutive years of residence, the city representatives' alternative proposal specified mandatory application after one year. Further, the official bill stipulated that those individuals who belonged to none of the categories above but their income exceeded a certain limit (city 400 forints, mid-sized town 300 forints, small town 200 forints) had the choice of applying for burghership after four years of residence. As opposed to this, the city representatives proposed to make the application mandatory for such persons after one year of residence, stipulating precisely which occupations were concerned: civic and other officials, physicians, surgeons, lawyers, engineers, pharmacists, public educators, scholars, artists and investors.

These proposals reveal the traditional ethos of civic communities: the burghers within the traditional estates system wished to bind to their city people of adequate wealth and respectable occupations. In this vein, the guild masters enumerated for the Košice muster were required to join the ranks of burghers. However, as the ensuing events demonstrate, this norm, upheld by the estate of burghers in control of the city governance, was not always successfully implemented in practice. It also seems that the Košice council's orders were only partially fulfilled. The analysis of post-1842 burghers' pledges yielded only fourteen names identified out of the 33 masters who were instructed to apply.[29] Regarding the enforcement of the burghers' norm, this proportion is all the more informative because these guild masters became the subject of special attention after personally receiving a council order.

27 *Törvény Czikkely. A királyi Városokról* [Free Royal Towns Act]. Pozsony 1843.

28 *Az 1843-dik évi ország gyűlésen jelenlévő szabad királyi városok követeinek javaslata* [Proposition by the legates of free royal towns in attendance at the 1843 Diet]. Pozsony 1843.

29 This analysis is based on the register of the burghers of Košice (Liber neoconcivium) which I organised in a database. See: CZOCH, G. – NÉMETH, I. H. – TÓTH, Á. *Urban communities...*

As noted previously, the uniform of the burghers' guard was an express indication of social position. Its significance and prestige is suggested by the fact that for the occasion of the muster, many former guardsmen who were at that time deemed unfit for service due to old age or frailty, requested the council's permission to keep their uniforms and don them at ceremonial functions. The council normally honoured these requests as a recognition of their individual merits.[30] However, this benefit was not automatically granted in every case, as is illustrated by the case of a certain Ferenc Hausner.

Hausner requested to be exempt from military service even though he was a lieutenant in the burghers' guard, deemed fit for service according to his superior. At the same time, he wished to hold onto both his uniform and rank. The commander-in-chief assumed that Hausner's request meant that he relinquished his rank and he referred the request to the council accordingly. The council approved the commander's decision and regarded Hausner's case as leaving the guard due to unfitness, prohibiting him to wear his uniform thereafter. Hausner immediately appealed against the ruling and explained that he did not wish to relinquish his rank as officer. At the same time he petitioned the council to caution the "governor" of the guard on account of handling his case incorrectly, which in turn prompted the council to reprimand Hausner for being offensive and inappropriate with the commander.[31] Although the petition as recorded in the council minutes did not actually contain inappropriate phrases, his appeal in itself violated the norms of communicating with city administrators by questioning the soundness of his superior's decision. As will be demonstrated, however, even graver transgressions were committed in the course of the preparations for the muster.

Guard service and wearing uniforms were not equally appealing for all. As demonstrated above, some individuals without burgher status were ready to serve in the guard, even though they were not obliged to do so, probably for the associated social prestige. On the other hand, some burghers considered their obligation burdensome and sought reasons to excuse themselves, often vocally expressing their dissatisfaction. The men enlisted as fit for service in the muster census were instructed to report in at the yard of the council in a prior notice, and each was handed a printed copy of the service regulations of the guard. The report about the muster recorded the absence of forty-two enlisted persons. The minutes noted that seven of the truants had sought exemption on account of poor health, five gave other reasons for their absence, and thirty gave no notice or explanation. These cases were to be examined further by the council.

There were more serious misdemeanours as well, which were indignantly reported to the council by public prosecutor Lajos Dobay, the guard's military prosecutor in the rank of captain. According to Dobay, several burghers forewent their manners and duty when they received the notice to enlist for the muster. Some not only addressed the official who was delivering the notices using "inappropriate phrases", but went as far as the "boundless impropriety" of throwing the regulation booklet and the order to appear into the street without much ado. The prosecutor named some of the disturbers of peace who, in his estimation, had transgressed in an especially grievous manner. For example, when master soaper Dániel Hajdú threw the missive and regulations into the street, he was heard to exclaim "your masters have nothing to eat and they

30 AMK Prot. 3865/1842.

31 AMK Prot. 3865/1842. AMK Prot. 3990/1842.

force us to serve them?" István Mihályi and Simon Turnusz also derided the guard and made insulting comments about the council in a local shop, while two others, simply referred to by their surnames as Hagegon and Hmell, did so in a tavern. Dobay furnished his speech with further names of burghers who rejected the notice and shouted that they refused to be ordered around by anyone. One person used force to throw out the messenger delivering the notices. The prosecutor also reported that he was aware that some younger burghers were inciting civil disobedience. In another instance, the previously mentioned clockmaker, István Mihályi, appeared at the muster in his "private clothing", bearing no arms, and refused to make the required oath "with boundless impropriety".[32]

Besides the actual violation of the guard regulations, these cases fundamentally challenged the behavioural norms of respect demanded by the civic administration acting on behalf of the city, and these were judged more severely than simple truancy at the muster. The magistrate, however, was rather forgiving with the rebels in the end. Perhaps the council, simply seeking to restore peace, found it wiser to avoid escalating the situation by exacting severe punishments. Despite the fact that the disorderly individuals would have deserved more severe punishment on account of breach of duty, the council resolution only issued them a warning to refrain from such behaviour in the future. The most severe sentence was given to István Mihályi the clockmaker, who was summoned to appear before the council to be reprimanded (or to hear the council's warning) in person.[33]

The personal summons carried significant weight and the subject sought recourse. He drew up an appeal in which he stated that in his opinion the sentence was unfair as it was decided on without interrogation and pleaded for his exoneration "as an otherwise obedient burgher from this burdensome resolution". Should the council refuse to grant this, he requested the suspension of the resolution until he receives a reply to his appeal filed at the Locumtenential Council. This means that the clockmaker also lodged a complaint to the central government overseeing the city administration in the name of the king. His appeal, furthermore, also contained another criticism: Mihályi advised the city administration that the guard regulations which were handed out at the muster should be collected and reissued once a more competent person rewrites the text. The council naturally rejected this and refused to honour his appeal. Mihályi's argument in his own defence was met by the council's "most serious disapproval". Unfortunately the appeal was not preserved so the details are only known from references made to it in the minutes of council meetings.

The council resolution also notes that the appeal was not even written by Mihályi himself. According to the councillors, the "inappropriate phrases, wholly incompatible with the dignity of the municipal authority" suggest that the appeal was in fact written by the appellant's brother, Károly Mihályi. This man was a lawyer who had been previously reprimanded for the disrespectful tone used in his communications to the council. Károly Mihályi was thus also reminded to keep the rules of correct behaviour. At the same time, the council also instructed the notary to delete certain passages in the appeal, including the sentence "the law's shield is extended over our homeland for everyone to be protected against tyranny".[34] The case was drawn out

32 The report consisting of a number of items: AMK Prot. 4185/1842 Documents.

33 AMK Prot. 4185/1842.

34 AMK Prot. 4481/1842.

until the beginning of the following year. On December 18, the Locumtenential Council rejected the Mihályi brothers' complaint. István Mihályi eventually appeared before the council in person on January 3, 1843, and was "reprimanded for his inappropriate conduct by the chair".[35]

This case, naturally, not only indicates the weight carried by the council's verbal caution. The more consequential "breaches" observed at the muster can be considered as manifest civil disobedience, whereby the burghers' guard was not the target, but rather a pretext to criticise the city administration and to openly express dissatisfaction with the amount of power invested in the council. Going beyond simple attacks on the authority of the council, its arbitrary exercise of power was being challenged, some people going as far as questioning the legitimacy of the institution as such: in the words of the wealthy artisan burgher Dániel Hajdú quoted in the prosecutor's report, "your masters have nothing to eat and they force us to serve them". Similarly to him, the other troublemakers indicted by name all hailed from burgher families of high standing. Deputy prosecutor Károly Mihályi, for example, had a civic office at the time of the muster, and despite of – or because of – his series of conflicts with the city council he was even elected as a member of the *electa communitas* in 1846.[36] In 1848 the Košice burghers voted him and master soaper Dániel Hajdú into the twelve-member "revolutionary committee", established following the model of Pest to act along – and to some extent oversee – the city council.[37] This means that the critics of the civic power relations at the time of the muster later emerged as the opposition to the council, seemingly enjoying popularity and reputation among the citizens.

In all, the documents and council resolutions written at the time of the muster reveal the conflictual nature of the practice of norms: the efforts of those in power to ensure compliance and to implement the norms they uphold may overlap or conflict with the way in which their inferiors adhere to these. The actions of those involved in the incidents surrounding the muster were determined by their perception of the legal order of their city as well as their attitudes to burghership and its benefits and duties. The conflicts shed light on the discrepancies between social practices, which clearly indicate that the estate of burghers was far from homogeneous. The diversity of behaviours reflects the changes in the composition and conceptualisation of burghers as a category in the estates system. Thus, the episode of the Košice muster must be interpreted in the context of the continuous and gradual transformation of the estates system itself. It provides a glimpse into the ways in which social actors interpreted the norms associated with the current political establishment of the estates system, as well as the means by which they shaped and challenged them as part of their own social practice.

35 AMK Prot. 103/1843.

36 The *Electa communitas*, also known as the external council (külső tanács), operated alongside the town council proper, which was often referred to as the internal council (belső tanács). Its main competence was the supervision of the town's financial operation, and the election of the judge and members of the internal council out of its members. The *Electa communitas* of Košice consisted of sixty members and the relationship between the external and internal council was often contentious.

37 AMK Prot. 1740/1848.

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