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Walking the Boundaries between Modernity and Tradition: Perambulation and ‘Beating the Bounds’ in nineteenth-century Hungary

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On 22 August 1820 a small crowd gathered a few miles outside the village of Szirma, in Borsod county in north-eastern Hungary. They had been brought to this spot by a petition, filed with the local county administration a few months earlier by the inhabitants of the village. The agreement that detailed the terms of the peasants’ land use, their rents and their other obligations to their lords, most recently recorded in 1807, was coming to an end. Prior to negotiating any new agreement, the peasants wished to confirm how far their rights to the land extended across the landscape around the village. In particular, the petition referred to two areas of ‘untended plots and commonly-used lands’ that bordered the village’s fields where rights and access were uncertain.¹

To the north and east of Szirma lay a portion of land known as the Jenke puszta.² The peasants had been using this land as pasture to supplement their regular holdings. For this right the Szirma peasants paid a token sum of a few forints per head a year to their lord, Gróf János Támas Szirmay. In addition, the peasants were responsible for tending the manorial livestock that were also pastured on the land. Peasants from neighbouring villages also claimed rights of access to the puszta, however, since they too had been using part of the land as meadow and pasture. To the west of the village, where the Szirma fields met those of the neighbouring village of Csaba, lay an area of wetlands and marsh known as the ‘Csabai Flats’. For a long time unsuitable for permanent cultivation, this land had been used as water meadow by peasants from both villages but, around the turn of the nineteenth century, the land had gradually been drained and put to more regular use. The inhabitants of both villages

claimed the area as forming part of their respective village lands: their határs.³ A map produced from an earlier survey appeared to demarcate the land as being used by the Csaba peasants, and thus belonging to the estate of the Barczay family. Since the map was contradicted both by the subsequent agreement between the Szirma peasants and Szirmay and, more significantly, failed to reflect existing and past use of the land, the peasants had none the less appealed for a new survey of their lands to be taken. Thus, on this August day in 1820, the county sheriff, a county judge and their notary led a procession across the fields that included representatives of the Szirmay and Barczay estates, members from both village councils, the village priests, an assortment of lesser nobles from three other local villages and what were described by the notary as ‘numerous other local inhabitants who might help us better resolve this matter’.⁴

Making use of the map provided by the Csaba peasants and referring to the local knowledge of the many witnesses that had been gathered, the crowd proceeded in a clockwise direction around the edge of the land claimed by the peasants of Szirma. At regular intervals, ranging from every ten to two hundred metres, the procession stopped to note the location where a new boundary marker, formed from a raised mound of earth a few metres high, should be constructed. As they went, the notary recorded the distance from the previous marker, and the direction one should turn in to proceed to the next. On three occasions, the county officials ordered new markers to be constructed, marking the division between the Szirma határ and the surrounding villages where the borders were unclear. The crowd continued in such a manner until they reached the 117th marker, on the land that was claimed by the inhabitants of both Szirma and Csaba, and was now to be divided between the two villages. The county officials called upon representatives from the Szirmay and Barczay estates, the local nobility, the village councils and the various other witnesses there assembled to establish where the

precise boundary between the two villages should lie. The bailiff of a nearby estate, Gábor Vadnay, a petty nobleman, asserted that neither the map nor the current boundary reflected the present use of the land, since the majority of it now formed part of Szirma's communal pasture. Vadnay then pointed to a local landmark, suggesting that this indicated where the boundary should lie, recalling that the eastern limit of the Csaba határ was, and always had been, 'twenty-five öl [50 metres] from the house of the grandmother of János Szalai's wife'. Happy that Vadnay's local knowledge seemed to reflect more accurately the customary use of the land, and noting no protest from the representatives of either the Barczay estate or Csaba, the county officials ordered a new boundary marker to be constructed some five hundred metres further west.⁵

Focusing on the case at Szirma, this chapter will explore walking as a source of authority – notably, authority 'from below' – in rural Hungary in the nineteenth century. In this, it will consider the practice of walking as a means of resistance, one that was able to assert a localized conception of rights and space in the face of reforms that challenged the established, customary order of rural Hungarian society. In particular, it will assert how walking, in the form of 'beating the bounds' (határjárás), acted as a repository of local knowledge, a way of knowing the environment, its use and the associated customary rights, that emerged from the interaction between rural communities and their surroundings.

The Landscape of Rural Hungary

Broadly speaking, eighteenth- and nineteenth-century Hungary can be divided into two: in the east and south, the part that had fallen under Ottoman rule following the Hungarian defeat at Mohács in 1526; and, in the west and north, the crescent-shaped strip of Royal Hungary which had become part of the Habsburg lands. This division roughly equates to the

topographical division between Transdanubia in the west, the Felvidék (Uplands) in the north and the Great Plain in the south.⁶ Both the particularities of the landscape and the experience of occupation in the last region created distinctive patterns of settlement, land use and the associated rights that were to have a profound effect on the peasants' construction of village space.⁷

As the rural population in Ottoman-ruled Hungary abandoned their villages the landscape reverted to uncultivated scrub, steppe and marsh, used only as pasture by those peasants who periodically returned from Royal Hungary at times of relative peace. What little population that remained clustered around the growing market towns of the Great Plain, seeking safety in numbers, creating a second distinct feature of the region: dispersed, large settlements around which might be found a scattering of isolated farmsteads (tanyas), stables and stalls. Removed from the centres of both seigniorial and royal authority, the market towns developed a large degree of autonomy that proved significant for their relations with their lords and their claims to the surrounding lands.⁸

In contrast to the Great Plain, the greater part of Transdanubia and the Felvidék remained largely unaffected by the Ottoman presence, and the settlement patterns, land use and rural relations were largely unchanged. In the former region, characterized by gently rolling, wooded hills dotted with vineyards, more tightly-packed, linear villages predominated, which took the form of a strip or ribbon running along a single (or at most two) street/s. Likewise, in the Felvidék the population was concentrated in the valleys and on the lower slopes of the hills, and the villages again had the appearance of strips or ribbons. Peasant plots were concentrated around the core of the village, often running in a single stretch from the back of the house, and the potential to extend use on to land beyond the boundary of the határ was

limited.⁹ This distinction, and the patterns of land use associated with them, was to be reinforced following the expulsion of the Ottomans in the late seventeenth century, when all of Hungary was integrated into the Habsburg Monarchy.

Following this integration, Hungary's new rulers found a landscape devastated by 150 years of war and largely devoid of population. From the early eighteenth century Viennese officials, through the Neoaquistica Commisio, led a concerted effort to repopulate the former Ottoman-ruled lands. Both the Crown and the landlords of newly-acquired estates encouraged peasants to resettle in eastern Transdanubia and across the Great Plain by offering generous terms of rent, often including seven to ten years free from taxation and dues, and the potential to extend over extensive, uncultivated lands. In many cases, land was offered to any with the means to farm it (a plough and a team of oxen or horses), rent was set according to the possession of a plough-team, and a peasant could farm as much land as was practicable. The deserted lands of the puszta were resettled, whilst those settlements that had endured Ottoman rule grew in size.¹⁰ With the resettlement, abandoned fields were once again put under the plough, and woods, marsh and plain, otherwise unsuitable or not needed for cultivation, were dedicated to expansive pasturing. For example, in Békés county on the southern edge of the Great Plain, a census of 1711 recorded only nine inhabited settlements, with a population of 2,520 households, in an area of 3,600 km². The population then increased to 10,155 households by 1790, most of whom were concentrated around the market towns of Szarvas, Gyula and Orosháza. The repopulation also saw a concurrent increase in the land farmed by the peasants. Around Gyula the area farmed by the peasants increased from 57,529 holds (80,000 acres) in 1773 to 238,964 holds (300,000 acres) on the eve of emancipation in 1848.¹¹ Across Hungary as a whole, the area of land farmed by the peasants roughly doubled in the course of the eighteenth century.¹²

Szirma lay at the meeting point between Habsburg and Ottoman-ruled Hungary, on the northern edge of the Great Plain and just a few miles from the foothills of the Bükk mountains. Unlike many villages further south, Szirma maintained a small population of around a dozen tax-paying households throughout the sixteenth and seventeenth centuries.¹³ The population of Szirma then seems to have suffered during the two rebellions against the Habsburgs in the late seventeenth and early eighteenth centuries.¹⁴ During the surveys of the Habsburgs' new possessions conducted by the Neoacquistica Commissio in 1690, Szirma is recorded as being formed of seven inhabited plots farmed by fourteen households, lacking a church, but including some vineyards.¹⁵ The census of 1715 found only five households and noted that the village included no established plough-land. The peasants possessed no draught animals, farmed the land by hand, and primarily lived off the produce from their small household plots.¹⁶

A more complete picture of Szirma is provided by the Lutheran pastor, historian, geographer and linguist, Mátyás Bél, who visited the region sometime in the 1720s.¹⁷ For Bél, the land of Szirma, lying between the rivers Hejő and Sajó, bore great resemblance to the landscape found between the Tisza and Körös rivers on the eastern Great Plain. It was characterized by reedbeds and water meadows, with little dry land suitable for regular ploughing. Much of the land, including the best plough-land and a significant portion of the available pasture, could be underwater for the greater part of winter and spring. Furthermore, the rivers produced severe floods every ten years or so, undoing any work completed by the peasants in their attempts to tame them. At Szirma, Bél noted these conditions had contributed to the fact that the village was much smaller than the neighbouring villages of Csaba and Görömböly, which were more favourably located on higher ground a few miles to the west. Even in dry years,

little could be produced on the Szirma fields but a few cuttings of hay. Nevertheless, the Szirma peasants had made the best of their location, relying on the rivers and meadows to supplement the produce of their smallholdings. They bred geese in the reedbeds around the village, grazed large numbers of horses and cattle at Jenke and other pastures, and fished in the rivers, ditches and ponds that interspersed their fields.¹⁸

As BÉL's description reveals, the inhabitants of Szirma – and the population across much of lowland Hungary – had adapted to their sparsely populated, wetland environment, developing an agro-ecosystem based around extensive pasturing, communal landholding and the controlled use of the regular, seasonal floodwaters that dominated the landscape.¹⁹ This was an environment that permitted the local inhabitants to define the space of their village, together with the associated rights and institutions, for themselves; through their use of the landscape, limited only by their means and their will, the demands of their neighbours and the character of the floodplain. The result was a transient space, characterized by extensive pasture, wetlands, swamp and morass with little dry land used for permanent cultivation, and an equally transient construction of rights and institutions to govern its use. In the environment created by the successive warfare, depopulation and resettlement of the seventeenth and eighteenth centuries, walking provided a means to account for, adapt and police rights and access to the landscape, cementing these rights within local memory and, by extension, local custom, whether in the form of beating the bounds (*határjárás*) or in the daily routines of the peasants.

Walking as a Source of Customary Rights

In his study on the historical development of the Hungarian village, the ethnographer Kálmán Eperjessy argued that a village should be understood as all that was necessary to guarantee

the needs of rural life: water, food, fuel and pasture. Eperjessy continued that the határ – meaning both the ‘boundary’ and ‘land of a village’ – could be seen as stretching as far as the limits of a peasant’s regular interaction with his surroundings took him in fulfilling these needs. In this, walking played a crucial role in defining the limits of the peasant’s world. Whether to travel to and from his fields, to collect wood for fuel or housing, or to pasture his animals, the peasant was restricted to what was easily accessible by foot.²⁰ As an integral part of the daily routine, walking acted as a community-defining and reinforcing act. Each day began with the village crier beating a drum along a set route through the village to call the animals to pasture, followed by the procession to the fields; then followed the regular trawl up and down the narrow strips of the open fields; the day ended with the return home.²¹

More specifically, through the process of ‘beating the bounds’ (határjárás), walking provided a means for communities to define, enforce and protect rights attached to the land. In a similar case to that at Szirma described at the beginning of this chapter, in 1802 an unnamed witness was called to testify at a county court in a dispute between two villages and their lord. He recalled a journey that he had taken as a boy of thirteen with his father; one that, he claimed, had been completed by his forebears since the 1690s. The witness had repeated this journey from the centre of Csép (a village about 20km south of the Danube) to the edge of its pasture on an annual basis as he took his village’s flock out to the surrounding puszta (deserted, untended lands of a former village). Now, as their lord sought to separate these communal lands, enclosing a portion of the pasture for his own use, the witness was asked to specify where he believed the new boundary of his village should be set. His statement reads:

Rise early on a winter’s day and walk from the west for one day along the Vasdinnye road besides the Réti forest. In the east, at the end of the road, you find the old boundaries of three határs [village lands] where

the borders of upper Csép and lower Ete used to meet. From there, on the second day walk east, to where once Lővesnyi Pisztoły [a horse dealer] was known to live; and on the third day walk east to where it is known there is a hill with a copse; and on the fourth day continue east where Csépi marsh stands above a lake; and from there one further day east; it is there that the true border of Csép lies, where we can send our sheep, and where those of the lord cannot go.²²

This testimony emphasizes the scale of peasant land-use outlined above, necessitating a five-day journey from the village to the edge of a pasture, and further reinforces the image of the landscape of lowland Hungary as open and unenclosed, with few distinguishing landmarks. In these conditions, ‘beating the bounds’ allowed communities to see where current use diverged from collective memory, providing opportunities for any discrepancies to be accounted for and added to the customary record, either through the act of remembering or the use of physical markers on the landscape.

In some places, it was common for a határjárás to occur on a regular, often annual basis; elsewhere, a ‘beating of the bounds’ featured as part of the coming-of-age rituals of the rural population, thus allowing village boundaries to be passed down from generation to generation.²³ Alternatively, as at Csép, the határjárás and associated boundaries emerged out of the seasonal journeys made by the peasants across the landscape. As part of the határjárás, reference would be made to landscape features, especially trees and rivers, remembered according to distance and time from one another. These natural reference points could be reinforced further by constructing a marker (határjelek) on the landscape, varying in permanence and, one might assume, effectiveness. The markers might include hills or

mounds (határdomb); stones or poles inserted in the ground; steps, terracing or ditches (most common in woodland and vineyards); pollarding, coppicing or marking trees; or knots tied in grass or reeds. To further reinforce the process in the collective memory, the hatarjárás would be marked by some additional ritual, including the blessing of the boundary markers by the village priest, drinking at each point of reference, or tweaking the ear of a young boy. As each marker was passed, it was announced to the witnesses gathered, creating the collective memory of the process that served as a repository of customary rights.²⁴

In cases of dispute, where boundary markers had been lost and thus borders were uncertain, it was common for courts of various levels, whether village, town, seigneurial or county, to reflect communal understandings of the law.²⁵ In this, officials frequently relied on witness testimony or customary procedures such as hatarjárás to test the authenticity of competing claims to the land. Commonly, they would turn to the oldest members of a community: as they had the longest memory, it was assumed they would be able to establish who had the oldest (and therefore most valid) claim to a given area of land. Two such examples emerged on the Zichy estate in Pest county in the 1720s. At the village of Acsa, the 95-year-old György Gados was called upon to help establish where the boundary of the village should lie. As at Szirma, the land under dispute formed a puszta, having once been attached to the abandoned village of Alsó-Sáp, and was to be divided as ploughland, meadow and woodland rights between the inhabitants of Acsa and its neighbour, Szomszéd. Since Gados claimed that, for as long as he could remember, the land had been used by the peasants of Acsa, the greater part of the puszta was attached to that village's határ.²⁶ Likewise, in an attempt to establish the boundary between the nearby villages of Szolgaegyháza and Újfalú, the oldest local inhabitant N. Tarbaly – who claimed to be 115 years old – was called upon.

Unfortunately, in this instance Tarbaly proved of little use: he knew nothing of the boundary

beyond that ‘for all my life they had lived under one and the same lord’ and any division of the land had seemed unimportant.²⁷

As these examples show, beating the bounds allowed communities to reaffirm the extent of competing rights attached to lands on either side of the boundary in local custom; the ‘place’ (location) of the village became a defined, delineated and demarcated ‘space’ through the walking of its borders.²⁸ It was only through the act of walking, the customary performance of beating the bounds, that the construction of village space became possible.²⁹ The production and maintenance of village space through the interaction between the peasants and the landscape in which they lived shaped their conception of custom and customary rights to the land: what they used was theirs, or at least partially theirs, whatever rents were paid or services owed. In this way, the manner in which the peasants used the landscape, and the practices and customs associated with the peasants’ use, constructed a spatial order in its own image.³⁰

Reform, Surveying and the Challenge to the Customary Order

The peasants’ customary construction of the landscape and their associated rights, as these were embodied in ‘beating the bounds’, could always prove to be a contentious matter, being reliant on both present and past use. Memory is an unreliable legal source, and boundary markers in particular had a habit of moving or being lost. This was particularly the case during the period of resettlement that followed the end of Ottoman rule at the turn of the eighteenth century. As a part of resettlement in the early eighteenth century, the many pusztas that had emerged during the warfare and depopulation of the preceding centuries were returned to regular use, either as pasture or as the basis for a new village. But returning to a

landscape long abandoned, few people remained who could locate old boundaries and borders; artificial and natural markers had been either destroyed or simply forgotten.³¹

At Szirma and elsewhere it was the expansion onto these open lands that contributed to the uncertainties of boundaries and rights. Conversely, the process of resettlement in the first part of the eighteenth century reinforced the need for such customary practices as 'beating the bounds', particularly in a landscape that seemed, to the outside eye, but little influenced by the hands of man. The expansion across under-utilized lands, where no-one could recall who could claim rights to the land or whose rights might supersede another's, created the conditions that permitted the peasants to determine for themselves their use, their rights, and their space within the landscape.

By the turn of the nineteenth century, however, there was an alternative means to ascribe rights to the landscape and, by extension, delineate the space of a given village. This had emerged out of reforms and legislation passed from the mid eighteenth century onwards as landholders and the state sought to regulate and record land use through land registers, surveys and maps.³² In 1836 the diet issued a series of reforms that, together, were to transform land use, property rights and rural relations, and eventually, during the revolution of 1848, bring to an end the system of seigniorialism. In the first instance, the diet confirmed the terms of Maria Theresa's urbarial patent, an earlier attempt by the state to protect the integrity of the peasants' holdings from encroachment by their lords and, since peasant land formed the basis of taxation, also to protect the crown's income. Issued in 1767 but without the force of statute law since it had not been ratified by the diet, the urbarial patent represented the first stage in a concerted attempt by the state to record and regulate land use, supplanting prevalent and ambiguous customary rights with rights rooted in written law.

Secondly, new laws were passed between 1836 and 1848 that sought to address rights to communally used lands – woodland, pasture and clearings – enabling the division of these lands between villages and their lords. Together the urbarial patent and reforms intended to ascribe rights to various forms of landed property: the peasants’ private (urbarial) plots; the lords’ demesnes (dominical land); and the numerous types of land that sat somewhere between the two (commons and/or off-holdings).³³ But, whatever their intentions, the reforms challenged the established rural order of the localized, customary arrangements by providing an alternative record of the landscape to that which had been constructed through beating the bounds; and thus posed a threat to the peasants’ rights to the land.

In the second half of the eighteenth century the precepts of enlightened absolutism taking hold in Vienna required that the customary practices that governed rural life be made to conform to a more universal standard, with rights and obligations recorded and regulated in written law. Concurrently with this, many landlords sought to benefit from the increased demand for grain, livestock and other agrarian produce brought about by the Seven Years War (1754-63). Estate owners expanded the farming of their private demesnes, resulting in attempts to reserve greater parts of the land farmed by the peasants for private demesnes, particularly where any rights were uncertain. In reaction to the threat posed by the changing conditions to the peasants’ holdings, rural uprisings broke out in the southern Transdanubian counties in the summer of 1766, spreading across much of western Hungary. At the same time, the Habsburgs faced financial crisis as the cost of the Seven Years War spiralled, necessitating a more complete evaluation of the resources of state and a more efficient means of taxation. Concern over the cause of rural unrest and financial need had been the occasion of the urbarial patent of 1767.

Once issued, in the spring of 1767, the urbarial patent required that a questionnaire be sent to all villages. Peasants were asked about the terms of their agreement with their lord (cash rents; labour service and kind; or a combination of the two?), and how these were established (through periodic negotiation or fixed according to their holdings?). The answers to these questions established the status of the peasants and the land they farmed. Those who paid in cash and negotiated their rents (which was the case for those living in most villages re-established in the first half of the eighteenth century) were contractualis: those whose dues were fixed were classified as perpetual jobbágy (bondsmen).³⁴ Many peasants realized that, if they declared themselves to be in the latter category, their dues would probably increase and they would be subject to state taxation; unsurprisingly, very few did.³⁵ However, the status of the land farmed by the contractualis peasants was not secured by the Urbarium; their tenure became uncertain, and a large part of the land they farmed (particularly any ‘commons’) governed only by customary arrangements.

Accompanying the questionnaires, both land surveys and land registers sought to record – and thus secure in the written record – the extent of peasant-farmed land. The urbarial patent established a set size of plot (sessio) according to the fertility of the soil (more commonly, the average of local conditions), consisting of a house plot and garden, ploughland and meadow. Collectively, the plots were to form the village határ. However, only those lands attached to the plot of a jobbágy (a bondsman) were classified as urbarial within the surveys, and thus only the urbarial lands were protected from the threat of future seizure by the peasants’ landlords. Large areas of peasant farmed land, including most plots attached to contractualis peasants and the majority of any commons or off-holdings – pasture, woodland, marsh and vineyards – were not covered within the urbarial surveys, and the peasants’ rights of use protected only by precarious customary arrangements.

However, the attempts by state and local officials to regulate land use often fell short of adequately reflecting the way the land was used. By defining what did and did not constitute a village plot and, therefore, the határ, the registers and maps produced as part of the urbarial surveys created an alternative, representational account of the space of the Hungarian village that differed from and restricted customary spatial practices. In particular, the surveys reinforced the distinction, or created one where none had previously existed, between the lands of an individual peasant plot, the lands held and used in common that lay within the village, and other lands used by the peasants that lay outside of any boundary of the határ. This modern, ‘rationalized’ and rigid conception of the landscape captured within the surveys and maps challenged the peasants’ construction of the landscape that had emerged through the everyday interaction between the peasants and the land they farmed, expressed through such practices as beating the bounds.³⁶ In the physical and legal space where the written record of surveys and local customary practice diverged, matters were left to be resolved between the peasants and their lords, with frequent recourse to the local courts in the case of any dispute.³⁷ In this context where rights, knowledge and authority were uncertain, walking emerged as valuable means for peasants to assert and protect their conception of rural space.

Returning to the village of Szirma where we began, the uncertain status of the lands abutting the village stemmed from the period of resettlement following the end of Ottoman occupation in early eighteenth century, and the status granted to the peasants and their land following the urbarial patent. In response to the urbarial survey completed in 1770, the Szirma peasants rejected the new law. Their status was confirmed as ‘contractualis/jobbágy szabad menetelű’ (‘bondsmen who move freely’), reflecting the fact that much of the population had returned to the village during the early eighteenth century, and the transient features of the landscape

and land-use described by Mátyás Bél. According to the contract concluded between the inhabitants of Szirma and their lord, the terms of their land-use and level of rents would be renegotiated every twenty years. The accompanying land survey noted that all plots were held and farmed individually, and that no communal land existed within the határ. Rather, some 200 hold (300 acres) of land lying outside the határ (the Jenke puszta) was allocated to the peasants to meet their need for pasture.³⁸ There was no manorial land in the vicinity of the village, and most labour service had been redeemed through the cash rents paid for each plot, with the exception that each peasant was required to fulfil two days' annual labour service to collect 1,200 bundles of reed and 50 bundles of 'sedge' (taken from off-cuts of vines). The surveyors also noted problems in their attempts to accurately record all land use, particularly the full extent of ploughland and meadow, because so much of the surrounding land was regularly under water. Thus the area and location of any cultivated fields varied from year to year according to seasonal floods. To address this problem, the peasants had petitioned the Szirmays for permission to construct a mill to drain an area of the marshland on the river Hejő at the border with Csaba (the 'Csabai Flats'), on the grounds that this would extend ploughland of both villages and improve the 'general conditions' of the villages.³⁹

The emergence of the Jenke puszta and the 'Csabai Flats' as extra-urbarial land, used and managed by the community collectively and shared with their lord or the neighbouring villages, is clear from the details of the urbarial survey. As a result of their rejection of the terms of the urbarial patent, the peasants' status and that of their land remained uncertain, denying the peasants the secure tenure normally extended to urbarial plots. However, rejecting the terms of the patent also provided room for greater flexibility for both peasants and lords, in terms of adapting their use to a changing landscape and their rents to changing economic conditions. Most importantly, the peasants' refusal to accept the provisions of the

urbarial patent reinforced the need for customary practices such as the határjárás, since the community had rejected the authority of the written record provided by the urbarial surveys.⁴⁰

Little was resolved as a direct result of the határjárás of 1820. Like many similar cases, the officials limited themselves to re-establishing the status quo as best they could. Yet by confirming the status quo, acknowledging the authority of existing use and, by extension, customary arrangements, the officials confirmed the understanding of the Jenke pustza as land that neither clearly belonged to one particular village (and thus urbarial) nor one particular estate (and thus dominical). In 1837 the Szirma peasants filed another petition with the county courts relating to the status of the határ. This stemmed from the attempt by one peasant, András Szabó, to renew his lease of a small, quarter-sessio plot on the death of his father. Szabó's case was taken up by the village council seeking to confirm the status of the whole village határ as a perpetual, hereditary lease, converting what had been 'contractualis' land to urbarial land, and thus securing the peasants' rights to the land in the light of the recent reforms. As part of their petition, the peasants also sought to establish their claims to the Jenke puszta, hoping to add one quarter of a full sessio of land per whole sessio within the határ or for each household with a full team of oxen.⁴¹ In ruling on this case, the court sought to ascertain whether the land had been held by the peasants, either collectively or as individual households, on the basis of a regularly renewable, hereditary lease. If so, the land could be established as equivalent to 'urbarial' land, and could become their permanent property: the lord had no claim to the land aside from rents owed.

No clear decision on this was reached until a subsequent suit in 1859. By that time there seemed no doubt as to the status of land within the határ, but questions remained over the fate

of the Jenke pustza.⁴² To resolve the status of the latter, three witnesses were called: Imre Konrád, a steward of the Szirmay estate since 1814; György Kovács, a petty noble from the nearby market town of Miskolc; and Ferenc Szalay from Csaba. Records detailing the amount of peasant and manorial livestock sent to pasture were consulted, dating back to 1821, as were the accounts of livestock sent by the peasants to market on behalf of the estate each year. These accounts established that the use of the land had been shared by the peasants and their lord, the peasants pasturing sheep in the winter whilst tending to the lord's cattle in the summer. In addition, the peasants paid an unspecified sum to pasture their own cattle in the summer months. Since 1849, the land had been used primarily by the peasants, with the lord reducing what had once been a herd of some 200 cattle to no more than fifty. Furthermore, the peasants had ceased to pay rents since 1849 and had enjoyed almost limitless use of the land. Noting their consistent and unchallenged use that predated emancipation in 1848, the court supported the peasants' claims to the land. A small fee was to be paid to the Szirmays in lieu of the missing rent from the last ten years and a portion of the land, which was subsequently sold back to the peasants, was allocated to the Szirmays' estate to acknowledge its former status as shared pasture. Once this was complete, the pustza was to be considered, once and for all, part of the Szirma határ.

Conclusion

As the example of Szirma shows local custom, reflecting established use of the landscape and affirmed by traditional practices such as beating the bounds, could prove an effective means of resisting reform imposed from beyond the village. In the face of the alternative construction of rights represented by the expansion of written records, maps, contracts and registers that emerged in the eighteenth and nineteenth centuries, walking provided a practical and effective means for peasants to assert their rights to the land and shape the law

in practice. Where disputes emerged that could not be settled by reference to the written record, or where there was a clear discrepancy between use (either present or past) and the written record, local memory and the customary practice of ‘beating the bounds’ retained their authority. In fact, local officials acknowledged that current use – assumed, in this instance, to reflect long-standing custom, attested to by various witnesses – carried greater authority than the written record in settling disputes where rights and the law were unclear.

As Tim Ingold has observed, knowledge is not built from a static position; rather it grows organically from the interaction between people and the world through which they journey, formed in everyday activities and coterminous with movement through the world.⁴³ Walking, through the beating the bounds, provided a means of mapping the self and the collective within the landscape. Walking served to reaffirm connections between and within communities, people and place, aligning physical location, landscapes and everyday activities with constructed – legal, customary or cultural – space. This was especially true when it came to establishing rights to the extra-urbarial land that peasant communities perceived as forming part of their village but that the registers and surveys had left beyond the legal borders of the határ. This process would prove particularly important in Hungary, where the surveying, mapping and recording of land use and associated property rights commencing in the eighteenth and nineteenth centuries did not coincide with rhythms and patterns of everyday life; custom diverged from the written record, and inevitably conflict emerged where the official record contrasted with the collective memories of villages, of physical markers, or of textual descriptions that were asserted through walking the boundaries of the village.

The act of walking cemented the links between landscape, knowledge and space, securing these links within local memory, and connecting individuals or communities with the materiality of their environment. Thus walking created an alternative repository of knowledge to the surveys and registers of official record, one that was more responsive to local circumstance, growing out of the intimate connection between the feet of the peasants and the landscape over which they walked. The space of the Hungarian village on the eve of emancipation in 1848 was a product of the processes and experiences of depopulation, resettlement and regulation of the preceding centuries. This space, often transient and frequently ill-defined, had been formed through the peasants' interaction with the landscape and the development of particular customs and practices suited to their environment. If the peasants' concept of their rights was challenged by shifting patterns in agriculture or attempts to regulate rural life from outside the village, the peasants could appeal to the authority of a customary understanding of village space to add weight to their claims. It is this aspect of traditional knowledge that walking encapsulated, whether regular, as in the example at Csép, or in the ritualized form of beating the bounds revealed through the case of Szirma. The ability to respond to and account for changes within the environment and use of the landscape meant that the traditional construction of space revealed by walking the land retained its authority during the period of rural reconstruction in the nineteenth century, providing an important empowering process for the Hungarian peasantry.

¹ Borsod-Abaúj-Zemplén Megyei Levéltár (Borsod-Abaúj-Zemplén County Archives, Miskolc, Hungary: hereafter B-A-Z m.l.), IV.501/e, Borsodi vármegye nemési közgyűlési iratai, közgyűlési és törvényiszéki iratok, 1820 évi 494 sz.

² A 'puszta', which literally translates as 'devastated, deserted or abandoned', was an area of open, uncultivated land often used as pasture or meadow. Such land was once the site of a village but had since been abandoned, most commonly during the frequent wars of the sixteenth and seventeenth centuries when Hungary was fought over by the Habsburg and Ottoman empires. Rather than being permanently resettled, these 'pusztas' were utilized by peasants from neighbouring villages. Additionally, the 'Puszta' refers to the flat, steppe-like landscape of the Great Hungarian Plain, which itself had been largely abandoned as a consequence of struggle between the Habsburgs and Ottomans.

³ The határ refers to lands attached to a particular village, formed from the individual peasant plots whether these were held and farmed as distinct, separate units or collectively in open fields, together with any communal buildings such as a church, inn, mill or school. The határ formed the basic unit of rural administration, governed by a village council who oversaw the farming of the land and ensured all taxes and dues owed by the villages were paid. As will become apparent, however, exactly where one határ ended and another began, or what was and was not to be included within the borders of a határ, was far from certain.

⁴ B-A-Z m.l., IV 501/e, Borsodi vármegye nemési közgyűlési iratai, közgyűlési és törvényiszéki iratok, 1820 évi 504 sz.

⁵ B-A-Z m.l., IV 501/e, 1820 évi 504 sz

⁶ Lajos Rácz, *Magyarország környezettörténete az újkorig*, (Budapest, 2008), 39-45; id., ‘The Price of Survival: Transformations in Environmental Conditions and Subsistence in Hungary in the Age of Ottoman Occupation’, *Hungarian Studies*, 24 (2010).

⁷ See, for example, the similar case of Atány, Heves county, detailed so evocatively in Edit Fél and Tamás Hofer, *Proper Peasants: Traditional Life in a Hungarian Village* (Chicago, 1969).

⁸ István Orosz, ‘Az alföldi mezővárosi parasztság termelési eljárásai a XVIII. században és a XIX. század első felében’, *Arany János Múzeum Közleményei*, 4 (1984), 403-28; Lajos Rácz, ‘A tanyarendszer kialakulása’, in Ferenc Pölöskei and György Szabad (eds), *A magyar tanyarendszer múltja* (Budapest, 1980), 97-148.

⁹ There are many variations of these two basic forms, and a vast literature has been produced by Hungarian historians and ethnographers in the search for a distinct, ‘Magyar-type’ settlement. See, for example, István Györffy, *Magyar falu, magyar ház*, (Budapest, 1943); István Szabó, *A falurendszer kialakulása Magyarországon (X-XV. század)*, (Budapest, 1966); Kálmán Eperjessy, *A magyar falu története* (Budapest, 1966); Tamás Hofer, ‘Déldunántúl településformáinak történetéhez’, *Ethnographia*, 66 (1955), 125-86; id., ‘Agro-Town Regions of Peripheral Europe: The Case of the Great Hungarian Plain’, *Ethnologia Europaea*, 17 (1987), 69-95.

¹⁰ John Komlos, ‘The Emancipation of the Hungarian Peasantry and Agricultural Development’, in Ivan Volgyes (ed.), *The Peasantry of Eastern Europe, Volume 1: Roots and Rural Transitions* (New York & Oxford, 1979), 11-13; Klara T. Merey, *A somogyi parasztság útja a feudalizmusból a kapitalizmusba* (Budapest, 1965), 7-21; Imre Wellmann, *A magyar mezőgazdaság a XVIII. században* (Budapest, 1979), 11-20.

^c István Balogh, *Tanyák és majorok Békés megyében a XVIII-XIX. században* (Gyula, 1961), 5-7. This region of Békés county, like much of the Great Plain and, to a lesser extent, the area around Szirma, was subject to frequent inundations, with as much as threequarters of the land lying under water for part of the year. See Rácz, *Magyarország környezettörténete*, 199-205, 233-6.

¹² János Varga, *A jobbágyi földbirtoklás típusai és problémái, 1767-1849* (Budapest, 1967), 115-16, 128; Gyula Benda, *Statisztikai adatok a magyar mezőgazdaság történetéhez, 1767-1848* (Budapest, 1973), 99-103, 173. This calculation includes plough-land, meadow, gardens, vineyards and some pasture, but excludes the great extent of open pastures formed from the pusztas.

¹³ Magyar Országos Levéltár (Hungarian National Archives, Budapest: hereafter MOL), D 1, Közepkori oklevelek gyűjteménye. 6390 sz.

¹⁴ As the Ottomans were pushed out of Hungary the largely protestant nobility of eastern Hungarian and Transylvania rose up against the Catholic Habsburgs in two wars between 1678-71 and 1703-11. Led by two Transylvanian Princes, Imre Thököly and then Ferenc Rákóczi II, these rebellions sought to reestablish the independent medieval kingdom of Hungary as it had existed before the Hungarian defeat at Mohács in 1526. Rákóczi's eventual defeat and the subsequent Peace of Szatmár (1711) led to Hungary being integrated into the Habsburg Monarchy as a semi-autonomous kingdom. See, for example, László Kontler, *A History of Hungary: Millennium in Central Europe* (Basingstoke/, 2002), 181-90; Charles Ingrao, *The Habsburg Monarchy 1618-1815* (Cambridge, 1994), 73-81, 111-20.

¹⁵ MOL, E 156, A Magyar Kamara archivuma: urbaria et conscriptiones, fasc.54.nr.15.

¹⁶ B-A-Z m lt, IV 501/b, Borsodi vármegye nemési közgyűlési iratai, Acta politica, mat III.fasc.I.nr.128.

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- ¹⁷ For the completion of Bél's *Notitia*, see Gyula Tóth, 'Introduction', in Matyás Bél, *Notitia Hungariae novea historico geographica, vol. 1: Comitatus Arvensis et Comitatus Trentsiniensis*, ed., trans. and annotated Gyula. Tóth et al (Budapest, 2011), 23-9.
- ¹⁸ Matyás Bél, 'Leirása Szirmáról és környékéről', in Bél, *Notitia Hungariae*, 110-13.
- ¹⁹ Lajos Rácz, *The Steppe to Europe: An Environmental History of Hungary in the Traditional Age* (Cambridge, 2013), 182-6, 192-200.
- ²⁰ Eperjessy, *A magyar falu története*, 7-11.
- ²¹ Fél and Hofer, *Proper Peasants*, 56-8, 86-93, 170-2; 336-8.
- ²² MOL, C. 59 III/b, Az úrbéri ügyosztály iratai 1783-1848, fasc. 181, Egyedi ügyek: az allodialissá nyilvánított paraszti telek 1803, nr. 164.
- ²³ Lajos Takács, *Határjelek, határjárás a feudális kor végén Magyarországon* (Budapest, 1987), 165-6.
- ²⁴ *Ibid.*, 28-95.
- ²⁵ Martyn Rady, 'Judicial Organization and Decision Making in Old Hungary', *Slavonic and East European Review*, 90 (2012), 454-60.
- ²⁶ Takács, *Határjelek*, 119-20.
- ²⁷ *Ibid.*, 151-2. For similar cases, see Lajos Takács, *Egy irtásfalu földművelése* (Budapest, 1976), 41-6.
- ²⁸ For this distinction between 'place' and 'space', see Michel de Certeau, *The Practice of Everyday Life*, trans. S. Rendall (Berkeley, Los Angeles and London, 1984), 117-29; Allan Pred, *Place, Practice and Structure: Social and Spatial Transformation in Southern Sweden: 1750-1850* (Cambridge, 1986), 5-31.

²⁹ Nicholas Blomley, 'Law, Property and the Geography of Violence: The Frontier, the Survey, and the Grid', *Annals of the Association of American Geographers*, 93 (2003), 122-3; Nicky Gregson and Gillian Rose, 'Taking Butler Elsewhere: Performativities, Spatialities and Subjectivities', *Environment and Planning D: Society and Space*, 18 (2000), 433-52.

³⁰ The idea of a 'spatial order', now increasingly adopted amongst historians, has here been adapted from Elizabeth Grosz and, in turn, from Foucault. See Elizabeth A. Grosz, *Space, Time and Perversion: Essays on the Politics of Bodies* (New York and London, 1995), 103-4; Michel Foucault, 'Of Other Spaces', *Diacritics*, 16 (1986), 22-7. See also Mike Crang and Nigel Thrift, *Thinking Space* (New York and London, 2000), 7-13; Alan R. H. Baker, *Geography and History: Bridging the Divide* (Cambridge, 2003), 45-71.

³¹ Jozsef Laszlovszky, 'Space and Place: Text and Object: Human Interaction and Topographical Studies', in Jozsef Laszlovszky and Peter Szabó (eds.), *People and Nature in Historical Perspective* (Budapest, 2003), 86-90.

³² Árpád Papp-Váry and Pál Hrenkó, *Magyarország régi térképen* (Budapest, 1989), 92-119; Evans, 'Frontiers and National Identities', 486-94.

³³ Varga, *A jobbágyi földbirtoklás*, 11-32; Robert W. Gray, 'Bringing the Law Back In: Land, Law and the Hungarian Peasantry before 1848', *Slavonic and East European Rev.*, 91 (2013), 511-34.

³⁴ Zita Horváth, *Paraszti vallomások Zalában: A Mária Terézia-kori úrbérrendezés kilenc kérdőpontos vizsgálata Zala megye három járásában* (Zalaegerszeg, 2001), 12-29; id., 'Örökös és szabadmenetelű jobbágyok a 18. századi Magyarországon', *Századok*, 143 (2000), 1063-71.

³⁵ Robert J. W. Evans, 'Maria Theresa and Hungary', in Robert J. W. Evans, *Austria, Hungary and the Habsburgs: Central Europe c. 1683-1867*, (Oxford, 2006), 20-2; Franz A. J.

Szabo, *Kaunitz and Enlightened Absolutism* (Cambridge, 1974), 320-8; Dezső Szabó, 'A megyék ellenállása Mária Terézia úrbéri rendeletével szemben', *Értekezések a történeti tudományok köréből*, 25 (1934), 20-35.

³⁶ For the emergence of surveys and maps as a challenge to the customary construction of landscapes, see James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, esp. 22-47.

³⁷ See Gray, 'Bringing the Law Back In'; id., 'Land Reform and the Hungarian Peasantry, c.1700-1848', (University College London PhD thesis, 2009).

³⁸ B-A-Z m. lt, IV 501/b, mat XXII fasc I. nr 148.

³⁹ B-A-Z m. lt, IV 501/c, Bejegyzett törvényszéki iratok, Acta judicialia protocollata, XI fasc IV nr 415.

⁴⁰ Similar rejections were common throughout Hungary, particularly in those areas that had fallen under Ottoman occupation. Zita Horváth, in a survey of nine Hungarian counties, estimated that between 35 and 40 per cent of villages refused to submit to the urbarial patent and instead chose to retain their customary, 'contractualis' arrangements. In Borsod county, where Szirma lay, this figure reached 92 per cent. Horváth, 'Örökös és szabadmenetelű jobbágyok', 1087-1103.

⁴¹ B-A-Z m. lt, IV 501/e, 1837 évi 1950 sz.

⁴² B-A-Z m. lt, VII 1/c, Törvényszéki iratok: az úrbéri törvényszék iratai, Szirma sz. N.

⁴³ Tim Ingold, 'Footprints through the Weather-World: Walking, Breathing, Knowing', in Trevor Marchand (ed.), *Making Knowledge: Explorations of the Indissoluble Relation Between Mind, Body and Environment*, (Chichester, 2010), 115-32. See also, Nigel Rapport and Mark Harris, 'A Discussion Concerning Ways of Knowing', in Mark Harris (ed.), *Ways*

of Knowing: New Approaches in the Anthropology of Experience and Learning (New York/Oxford, 2007), 306-30.