CHAPTER 7

Servus and Mancipium Families

Servus Families in Hungary

From very early on the servus was allowed the right to live with his immediate family, that is, with his wife and small children. The laws of the eleventh and early twelfth centuries only sought to control relationships between the free and the servile—nowhere did they restrict unions among the servile people themselves. In fact these laws really only concerned the relationships between a freeman and another lord’s ancilla. In terms of unions between servi and ancillae, very little is said. György Györffy argued that the first mention of such a servile household was found in the second book of Stephen I’s laws. The law called for the establishment of one church for every ten villages. Each village was to provide ‘two mansi and the same number of mancipia’ (duobus mansis totidemque mancipiis). Györffy argued that the author of the law was following the convention of the court scribes of Otto III in using the term mancipium to mean ‘family’. He also claimed that Chapter 5 of Stephen’s second book provided even more proof that ‘family’ was intended by the term. Chapter 5 declared that anyone who attempted to manumit another’s servi would have to pay the owner of the liberated servi for his loss. In full, it reads:

If someone strives to acquire the freedom of servi of another, as many servi as there will be, he may pay back an equal number of mancipia, from which two parts go to the king, the third to the master of the men. The king shall give a third of his part to the count.

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2 Bak et al., Decreta 1000–1301, 9 (Stephen II.1).
4 si quis alienis servis libertatem acquirere nititur, quot servi erint, totidem mancipia solvat, ex quibus due partes regi, tertia seniori servorum. rex autem ex sua parte tertiam tribuat comiti. Bak et al., Decreta 1000–1301, 9 (Stephen II.5). I have reworded part of the translation of Bak et al. in order to show the correlation of servus and mancipium in the law.
Györffy argued that *mancipium* in this passage must mean a family and not an individual because the offending party had to make a compensation of two thirds to the owner and one third to the king, and it is impossible to divide a person up into thirds. This second argument of Györffy does not make much sense as it is clear from the wording that those who composed the law were thinking in terms of several *servi* being freed and then paid in compensation, as both *servus* and *mancipium* are in the plural. Györffy’s first argument, on the other hand, is more plausible, although not completely certain. We have seen in the preceding chapter that the terms regarding the servile people in German areas are still very much debated. There is therefore not enough consensus to state categorically that *mancipia* referred to families in Ottonian Germany, and the connection between the chancery of Otto and the laws of Stephen is little more than speculation. Regardless of whether the term was borrowed from Otto’s court or not, the fact is that it was not uncommon for Hungarian sources to use *mancipium* to signify a household, or the head of a household. It is very possible, therefore, that the authors of the law had in mind two *servus* families to be given to each church, though the most common interpretation of this passage holds that the law simply referred to two *servi*.7

Whether the *mancipia* mentioned in Stephen’s second book of laws concerned *servus* families or not, *servus* couples were indeed very common, and they frequently appear in inventories and in charters from the Árpád era. In these documents, the *servi* were listed by *mansio*, the meaning of which was fairly constant, with only the earliest and latest periods of the Árpád dynasty showing some instability in meaning. In the earliest period, the meaning of the term (and related terms such as the less common *mansus*, and even *domus*) could be ambiguous: it could be either ‘domicile’ or ‘household’. As Ilona Bolla has pointed out, not infrequently did these two meanings ‘blur into each other’ (összemosódik), but some of the examples she cited as *mansio* having

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5 In Györffy’s own words, ’Olyan kárptólás, amely egy szolga helyett egyharmad szolgát ad, már csak az ember oszthatatlansága miatt sem lehetséges’ Györffy, István király, 479–80.
