STATE AND GOVERNANCE IN THE PRINCIPALITY OF TRANSYLVANIA

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This study offers a brief survey of the Transylvanian state and the administrative structure of the Principality of Transylvania. First, it reveals the changes taking place in the operation of the Transylvanian diet after the fall of Buda (1541) – this authority developed from a partial diet into a general assembly. The formula used until 1690 by the assembly of the Transylvanian estates for naming itself had settled by the mid-16th century: states and orders of the three nations of Transylvania and of the Joined Parts of Hungary (status et ordines trium nationum regni Transylvaniae Partiumque Hungariae eidem annexarum). The author describes the unique legal status of the new state, the Principality of Transylvania as a "dual dependence". On the one hand, as a vassal state, the Transylvanian state depended upon the Ottoman Empire, and on the other, in theory, it remained part of the Kingdom of Hungary – as was proclaimed in several public or secret agreements between the princes and the kings. The study shows how the estates could practice their right of free election of the prince and the difficulties of the method, it also discusses the peculiarities of the division of power between the estates and the prince, and it considers the union (treaty of alliance) of the Transylvanian estates as the constitution of the new state.

Keywords: Principality of Transylvania, state and governance, general assembly, estates of Transylvania, unions, legal status

The split of the middle power, the five-hundred-year-old Kingdom of Hungary after the battle of Mohács was a process with many internal conflicts. The dual royal election of 1526 had always implied the possibility of the some-day division of the country if none of the kings would be able to remove the other from power.

The Treaty of Várad signed by the Hungarian kings Ferdinand I (of Habsburg) and John I Szapolyai in 1538 was considered a temporary solution by the contemporaries as it offered a good chance of the unification of the country under Ferdinand I after John I's death. However, the unpublished treaty could not come into force as following the death of John I, the struggle for the Hungarian throne and for the whole Kingdom of Hungary went on. Only the persons of the competitors changed: the elected Hungarian King John Sigismund had to face first

Ferdinand and then from 1564 his son, the Hungarian King Maximilian I. The eastern Hungarian territories under John Sigismund's control, which could indisputably be considered as being an Ottoman sphere of influence, opposed the western kingdom ruled by the Habsburgs (Makkai, 1944; Barta, 1979). The separation of the two territories became final in the Treaty of Speyer. It declared that the name of the territory having seceded from the Kingdom of Hungary was the Principality of Transylvania.

A New Country in Making? A Parliament to Be Set Up

The formation of the new state in the eastern territory can be easily traced with the help of the local history of the parliament. When Transylvania was a province of the Kingdom of Hungary only partial diets (congregatio particularis) had been convoked whose functions and jurisdiction had been more limited than those of general assemblies (congregation generalis).

The diet in the seceded Transylvanian part transformed in function relatively early, in the first half of the 1540s. The estates quickly and smoothly claimed the spheres of authority formerly having been exercised exclusively by the assemblies held in the motherland. Tracing this internal development, one can see how a new constitutional order, a new country was born under the adverse external circumstances (Oborni, 2004).

Imre Mikó termed the diet of Torda (Turda) started on March 29th 1542 a constituent and state organising assembly in 1859, and considered it as a historical moment "that can be regarded as the starting point of the national era of the principality" (Mikó, 1860, 78). And indeed, the acts pointing to a new statehood were first introduced at that meeting.

The Transylvanian estates started to form their own country from the inside at the assemblies held between 1542 and 1544 within the framework determined by the external pressure. These assemblies levied taxes, passed laws and established the governmental bases for not only Transylvania but also for all the territories controlled by Isabella and John Sigismund. The estates did not carry out their elective function in the proper sense of the word, but they recognised the ruler appointed by the Porte and they swore allegiance to him several times. They did it first at the diet held in December 1542 as the queen's secretary, Antal Verancsics noted: "we have decided to make the late king's son prince, to pay tax to the Porte and to ask Ferdinand not to put us in danger if he cannot help us and let us look after ourselves" (Szilágyi, 1875, 172).

The parliamentary and feudal structure of Transylvania developed fully at the diet of Torda (Turda) opened on August 1st 1544 when the nobles from the coun-

ties east of the River Tisza (Arad, Békés, Bihar, Csanád, Csongrád, Külső-Szolnok, Temes and Zaránd) (Lukinich, 1918, 53–4) who had participated in the Transylvanian assemblies several times, declared that they would accept Isabella's reign, want to belong to this part of the country and take part in the Transylvanian assemblies (Szilágyi, 1875, 190; Benkő, 1791, 49).

The formula used until 1690 by the assembly of the Transylvanian estates for naming itself had settled by the mid-16th century: states and orders of the three nations of Transylvania and of the Joined Parts of Hungary *(status et ordines trium nationum regni Transylvaniae Partiumque Hungariae eidem annexarum)* (Szilágyi, 1875, 189).

The next step of the development of the new state was the organisation of the government in 1556–57 after Isabella and John Sigismund's return from Poland. The estates of Transylvania and Queen Isabella controlling the reorganisation drew on the traditional Hungarian institutional structure and organised her country on the model of it. The Treaty of Speyer signed in 1570–71, on the one hand, crowned the several-decade-long development of the state, and on the other, it cemented the relationship with the Kingdom of Hungary. When the border warfare came to an end in the 1560s, John Sigismund and the Hungarian king Maximilian I entered into discussions about the constitutional legal status of Transylvania. The Treaty signed in December 1570 was the first one to recognise the birth of a new state having been formed from the eastern part of the Kingdom of Hungary that was independent from the Kingdom but still belonged to it.

The treaty declared that John Sigismund renounced the title "elected king" *(electus rex)* and used the following title instead: His majesty, Prince John, son of the late King John, king of Hungary, Dalmatia, Croatia, etc., Prince John, by the Grace of God, of Transylvania and Parts of Hungary *(Princeps Transylvaniae et Partium regni Hungariae)*. However, he had the right to use the royal title in his letters addressed to the Porte. It was also stated that the prince and his descendants could peacefully possess Transylvania and the Partium as free princes *(tamquam liberi principes)* with all the rights free princes had (passing judgements, executing laws and granting estates), nevertheless, they did not have the right to alienate (only to put in pledge) the properties belonging to the Holy Crown by law of succession because only the king could dispose over them henceforth (Makkai, 1991).

If the prince died without offspring, Transylvania would lapse to the king of Hungary as a true and inseparable part *(tamquam verum et inseparabile membrum)* of the empire. His majesty, the prince and his descendants had to recognise the emperor and the king as head of the whole Christendom, the king of Hungary and a person superior to them, and had to declare Transylvania and the Partium members of the Kingdom of Hungary *(pro membro Regni Hungariae)*. If

the prince or his descendants lost Transylvania in any way, the Hungarian king would compensate them with the Silesian principalities of Oppeln and Ratibor for their losses (Gooss, 1911, 189–199).

Transylvania between the Habsburgs and the Ottomans

Although the principality was a state depending on the Ottoman Empire, in the 16th–17th centuries it also fostered some relations (regulated by secret or less secret agreements) with the Kingdom of Hungary ruled by the Habsburgs. These treaties declared that the princes of Transylvania regarded their country as a member of the Holy Crown. The governmental and political structures of the principality were determined by its wedged position between the two great powers (Oborni, 2007; Oborni, 2013).

István Báthory clearly perceived the vulnerable position of Transylvania which is illustrated by his opinion from 1575: "considering the fact that this province is located between the two most powerful rulers of the world [...] we cannot retain it otherwise than to curry favour with both emperors..." (Bethlen, 2004, 61) It was Báthory himself who wrote to Maximilian that he could acknowledge the latter's suzerainty only in strictest confidence and he had to appear as an independent prince in Transylvania or the Ottomans would attack his country without any delay (Oborni, 2002).

István Bocskai's will from 1606 determined the course of 17th-century political thought on the independence of Transylvania. It clearly stated that the other (that is the western) part of the country could benefit from the maintenance of the principality. Bocskai perceived with his excellent political bent that an independent Transylvania (and the Ottoman help attainable through the country) could help the estates of Royal Hungary to achieve a suitable bargaining position against Vienna if necessary. Following the uprising led by Bocskai, the Transylvanian state was reformed. It retained its dependence upon the Porte with the conditions having been laid down in the middle of the 16th century. Although the Hungarian kings were not able to annex Transylvania to the Kingdom of Hungary, they did not acquiesce in it and continued their political manoeuvres in order to achieve their aims. During their discussions with the princes in the first two decades of the 17th century, the Hungarian government still regarded Transylvania as a member of the Holy Crown and thus, part of the Kingdom of Hungry. The relation between the two states was last regulated by the Treaty of Nagyszombat (Trnava) signed by Prince Gábor Bethlen and King Matthias II in 1615 (Oborni, 2011).

Territorial Changes

After the battle of Mohács, Szapolyai managed to secure the eastern part of the Kingdom of Hungary with Transylvania as its centre, and these areas became the core territories of the later principality. Following the occupation of Buda in 1541, Suleyman I expelled the widowed Queen Isabella from Buda and donated the sancak of Transylvania to her and her son to live in and govern it. At the same time the sultan rewarded Péter Perényi with the Temesköz under the same conditions. The counties east of the River Tisza (Arad, Békés, Bihar, Csanád, Csongrád, Külső-Szolnok, Temes and Zaránd), wedged between the Ottoman Hungary and Transylvania and cut from the western part of the kingdom, joined the state forming in the east very early, in 1544. After a long warfare for the Upper Hungarian territories fought between Transylvania and the Kingdom of Hungary in the 1560s, the Treaty of Speyer recorded first the borders of the Principality of Transylvania. It declared that beside Transylvania and the Temesköz, the counties comprising the so-called Parts (Partium) belonged to the Principality (Lukinich, 1918).

The areas getting under the jurisdiction of Transylvania instead of the Kingdom of Hungary changed several times during the 17th century. Due to the Treaty of Bécs (Vienna) in 1606 the counties of Szabolcs, Szatmár, Bereg and Ugocsa came under Transylvanian authority for only half a year. As a result of the Treaty of Nikolsburg in 1622, Prince Gábor Bethlen had the right to annex the counties Szabolcs, Szatmár, Bereg, Ugocsa, Borsod, Abaúj and Zemplén to Transylvania for his life (until 1629). Although these territories paid tax to the prince, their estates participated in the diets of the Kingdom of Hungary and therefore the constitutional union was only partial. The counties were reannexed to the Kingdom of Hungary in 1630.

György Rákóczi I regained these seven counties in the Treaty of Linz in 1645 under similar conditions with the addition that after his death his son would be able to retain Szabolcs and Szatmár. Thus, after the prince's death only five counties were reannexed to Hungary and the other two enriched the principality until 1660. The year 1660 brought heavy losses because the Ottomans captured Oradea, the strongest castle of the principality, and almost the whole Partium. It was to be feared that the principality would be an Ottoman eyelet. Fortunately, the Porte appointed Mihály Apafi as a prince, instead, and he became the last effective ruler of the principality.

Succession to the Throne and the Power of the Prince

The estates of Transylvania enacted their right of electing the prince (libera electio) in 1567, which the Ottoman Empire permitted them. (The parliamentary resolution was passed on September 8th 1567 at the Diet of Gyulafehérvár (Alba Julia): "in case His Majesty departed, in order that we would not discord and bring ruin upon us, we would elect a prince by common consent, a person His Majesty, the powerful Ottoman Sultan would agree upon and make inquiries about the election at his great expenses" (Szilágyi, 1876, 335).

They first exercised this right in 1571 when they elected István Báthory their prince (Oborni, 2002; Roșu, 2009). The Transylvanian princes insisted upon the right of free election all the time despite the fact that the Porte always required pre-election negotiations regarding the person of the future prince, or sometimes directly the Porte assigned him to the throne. Gábor Bethlen's election in 1613 caused the great outcry because a considerable Ottoman army was garrisoned outside the walls of Kolozsvár (Cluj Napoca) to support Bethlen with their presence (Papp, 2011).

The princes were usually elected at a diet where the estates took an oath of allegiance to them. After the election, the estates always made the new ruler accept and sign the election terms which contained their rights limiting the prince's authority. These included the maintenance of the estates' electoral rights, free practice of the four accepted religions, the preservation of the laws of the country as well as of the liberties of the nobility and, furthermore, the right of free speech at the diets. The number of the election terms gradually increased during the 17th century as the estates felt the need to set up their expectations about the composition and competence of the Princely Council. The prince was inaugurated at a gala ceremony when he swore an oath on the election terms. The inauguration was usually a religious ceremony.

The princes' enormous private possessions formed the basis of the princely power. The Báthory and Rákóczi families' large estates lay largely outside Transylvania, in the Partium or in the territory of the Kingdom of Hungary. This private fortune together with the estates possessed by the treasury guaranteed the rulers' overwhelming power advantage. The prince of such a background commanded the army, decided in matters of war and peace and the diplomacy as well as matters concerning the treasury and the finances. The prince nominated the magistrates leading the government who were responsible to him, moreover, the superior level of jurisdiction also concentrated in his hand. Thus, princely authority spread over all the aspects of the Transylvanian state, the prince established supremacy over legislation, execution and jurisdiction. He was the one who summoned the diet and its composition largely depended upon him (Bíró, 1917).

The choice of the Transylvanian estates had to be confirmed by an ahdname of the Sultan in all cases. The prince needed this document to occupy his position permanently and legally (Szilágyi and Szilády, 1868–74; Papp, 2003). The Porte often did not confine itself to confirm the elected prince but required a previous notice about the person of the future Transylvanian ruler. The inauguration ceremony and its symbols were to represent the Sultan's authority over Transylvania. Together with the ahdname, the prince also received an adorned horse, a royal staff, a high cap, a sword, a standard and a kaftan. The latter two symbolised the prince's loyalty to the Ottoman ruler (B. Szabó, 1996; B. Szabó and Erdősi, 2003).

Although the princes of Transylvania did everything they could to make their family inherit their title, historical circumstances or their personal fate did not allow them to establish dynasties. The Báthory family managed to retain the throne for the longest time, for four decades. Although it was not exclusively due to their loyalty to the family, they attempted to put aside their conflicts and disputes in order to retain the princely title. György Rákóczi and Mihály Apafi took it for granted that their sons would follow them on the throne, and even the Porte accepted this legal custom.

The Estates and the Diet: the Division of Power

The Transylvanian estates gathered in a unicameral diet which could only be summoned by the prince or – in his absence – the governor or the regent. The diet did not have an upper house and the number of the participants was in no way limited. The prince's power and influence was strongly felt in the composition of the diet. The prince chose the so-called regalists from the richest Transylvanian lords. They received a personal letter of invitation, a regalis. In the first half of the 17th century about 26–30 regalists participated in the diets from 21 families, whereas in 1687 81 regalists from 56 families were invited. Apart from them, the members of the Princely Council and the High Court, the highest officials of the government, the Saxon and Székely delegates, the delegates of the cities determined by law and, from time to time, the leaders of the Transylvanian churches (vicars and bishops) could take part in the diets (Trócsányi, 1976; Péter 1987).

Diets were convoked when a new prince was elected and inaugurated, when the annual taxes were levied or because of some foreign political affairs, like the arrival or the sending of envoys or raising armies. Diets were held 4 or 5 times in "rough times" whereas in "peaceful periods" only 1 or 2 of them were convoked, usually around the days of Saint George and Saint Michael. As a result of Gábor Bethlen's politics, which aimed at pushing the estates into the background, only

one diet was held annually from 1622 to 1658 as the Rákóczi princes also followed this custom.

Apart from the composition of the diet, the prince's influence prevailed over the issues put forward, too. The prince did not take part in the meetings but stayed in the particular town. Diets were usually led by the president, nominated by the prince, who was also the head of the High Court. First, the prince's pleadings were read out and discussed, then came the complaints of the estates. The diet formally had the right to make laws in the field of internal politics and in some foreign political issues. Moreover, it administered justice when accusations of disloyalty or high treason arose. As it was the prince's right to assign the discussed issues, Gábor Bethlen entrusted the diet only with minor issues and ousted it from power. Although Transylvanian administration showed the characteristics of a certain kind of estate monarchy, the estates' influence was limited. Thus, the balanced political dualism of the Kingdom of Hungary did not exist here, which was also supported by the peculiarities of the Transylvanian princely government.

Unions and Laws

The Transylvanian estates (Hungarians, Székelys and Saxons) were determined to protect their former law and order as well as their privileges. This attitude had its advantages and disadvantages, too. On the one hand, it guaranteed the maintenance of the administration and legislation having formed through the centuries, and on the other, the certain nations guaranteed that the others could protect their own feudal privileges.

The three nations renewed their alliances (unions) from time to time, usually when a new prince was elected, for instance in 1630 when György Rákóczi I, in 1649 when György Rákóczi II or in 1661 when Mihály Apafi ascended to the throne. The unions among the nations had been transformed by the 17th century. The acts regulating the alliance not only stated that they had to form unanimous opinions on public affairs and that the decision of two nations had to be binding on the third one, but also declared that they guaranteed the defence and the enforcement of each other's rights (Trócsányi, 2005).

The first significant summary of the Transylvanian acts, the *Approbatae Constitutiones* (1653) defined in details what they mean by the union. The country includes three nations whose fundamental laws and privileges had to be preserved. If any nation was abused considering its laws or privileges, all the three nations had to apply to the prince and the Princely Council at the diet and help each other in any way (Approbatae, 1815, 77).

Thus, the acts renewing the alliances had become fundamental statutes, the cornerstones of constitutionalism by the middle of the 17th century and the senior

officials, and sometimes the low-ranking ones as well, had to take an oath on them. Therefore, the person taking the so-called oath of union committed himself to guarantee the practice of the four accepted religions and to offer legal protection to the members of the estates. The essence of legal protection was that a member of a certain nation who suffered any insults relating to their person or property and the prince did not give them satisfaction, could go to the court of justice of the other two nations and thus, the courts of all the three nations could apply to the prince for enforcing the law. Of course, everybody got satisfaction on the basis of their own law and order. At that time Rumanians living in Transylvania in large numbers had no constitutional rights similar to the other three nations and thus, they could not participate in the diets and had no common privileges. However, they retained their customs and religion, and many of them emerged to the nobility, and as members of the Hungarian nation (natio Hungarica), they had political rights.(Jakó, 1943; Miskolczy, 2005).

Due to the estates' insisting on their privileges, the medieval structure of the principality survived. Since the prince needed the support of the estates if he wanted to preserve the unity of the state, he had to guarantee their privileges to some extent. These internal factors and the permanent external danger resulted in a threat that although united the state, at the same time made it a rigid formation impending the internal development.

Administration

The Princely Council was a consultative body with limited influence whose members were appointed, relieved and summoned by the prince who also decided upon the matters put forth. Moreover, the prince had the right to take into consideration or ignore the councillors' opinion. The Council was not responsible to the diet and its jurisdiction was not specified, either. The first of the councillors, the chancellor was also the head of the government who most often participated in the meetings while the other members were invited on an ad hoc basis (Trócsányi, 1980; Mezey, 1980; Horn, 2011).

The single government office of the time was the Princely Chancellery set up in 1556–57. It was organised by Mihály Csáky, a Humanist scholar who had returned from Poland with Queen Isabella and her son. Mihály Csáky was the canon of Alba Iulia, the queen's secretary and the chancellor of Transylvania (1556–72). He used the Hungarian royal chancellery of the late- Middle Ages as a model (Jakó, 1997; Horn, 2005). The Chancellery comprised two bodies: the so-called High Chancellery took measures in the fields of internal and foreign politics on behalf of and on the orders of the prince; whereas the Minor Chancellery helped the princely High Court to pass judgement through the two prothonotaries. It also

issued documents related to the cases under dispute. The prothonotaries were trained lawyers supervising the legality of the judging practice of the High Court. The Princely Chancellery had become a Humanist citadel by the second half of the 16th century. The chancellors, who had attended foreign universities, primarily in Italy (mainly in Padova) and wrote literary and historical works, were employed by the government (Köpeczy, Makkai and Mócsy eds., 1986, 518–522).

Conclusion

Summarizing, it can be stated that the political structure and the administration of the Principality of Transylvania were determined by the highly concentrated authority of the prince whose person embodied the state itself. The administrative and governmental changes of the country were seriously limited by its wedged position between two great powers. Due to the permanent external threat, both the estates and the prince regarded the protection of the independent state as their primary task even in the rare favourable periods during the 17th century when the opportunity for establishing an Eastern European dynastic monarchy offered. These attempts failed one after another during Bethlen and the Rákóczi princes' reign and thus, the Roman Catholic union driving back the Ottomans in the late 17th century brought the 150-year-old Transylvanian state under Habsburg control.

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