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# The public position of the Transylvanian principality in Estern-Europe at the beginning of the 18th century

## I. INTRODUCTION

According to the Hungarian constitution and the science of legal history's standpoint, the period between 1703–1711 was the final stage of the Transylvanian principality statehood. The arrangement of the Habsburg political power in Transylvania started in 1600. The period between 1690–1711 becomes the scene of statehood retention and ongoing struggles, political and legal rearrangements in Transylvania.[1]

At the turn of the 17–18th centuries, the Viennese government's political ambitions featured the recovery and enforcement of the absolutist power in the Transylvanian areas facing the Transylvanian political ambitions which preserved the existing traditions. Transylvanian historian Gyöngy Kiss Kovács – researcher of the Habsburg's persuit of power at the turn of the 17–18th centuries – has a straightforward statement according to which „...Transylvania is a continuous target and scene of the Habsburgs with the aim of integrating it into the empire..."[2] – portrait of Transilvania's statehood situation.

During the reign of emperor-king Charles Habsburg the III., the Diploma Leopoldinum accepted between the Contracting Parties in 1691 marked the legal status of Transilvania within the Habsburg Empire regarding the periods of the Rákóczi War of Independence (1704–1711) and the years of 1691–1703. As its consequence, the power position of the Habsburgs changed with relation to their territories in Transylvania. A decade later, after having accepted the *Pragmatica Sanctio*[3] in 1713. The emperor-king Carol III. emphasized that Transylvania was regained by weapons; therefore it was treated as an integral part of the Habsburg Empire rather than an independent state. [4]

[1] Albert, 2013, 23–36.
[2] Kovács Kiss, 2000, 4.
[3] Pragmatico Sanctio was an edict issued by emperor Habsburg Charles VI. ont he 19. April 1713. to ensure that Habsburg hereditary possesions could be inherited by a daughter. Pragmatica Sanctio in Kingdom of Hungary and Transylvania was accepted by parliaments in 1723. The emperor-king promised that int he future he secure the orders laws and the hungarian and the ransylvanian state's legislation. (Pomogyi, 2008, 974–975.)
[4] Trócsányi, 1987, 972–1038.

## II.HISTORICAL BACKGROUND

Miklós Bethlen chancellor of Transylvania travelling to Vienna made efforts through international diplomatic channels in order to preserve the Transylvanian statehood. As its result, during the debate in Vienna held to prepare the end of the Turkish war, the British commissioner Sir William Hussey worked hard for the international recognition of the Transylvanian statehood.[5] According to his political standpoint, Transylvania should be incorporated into the international peace terminating the war. His proposal was positively received by emperor-king Leopold I. The glimmer of hope for the independence of Transylvania faded very quickly because of the outcome of the Spanish War of succession.

In 1690, with the management of Miklós Bethlen,[6] the Transylvanian delegates entrusted William Paget, envoy of Constantinople with propagating their request. In this request the British monarch was asked for his support in the international recognition of the Transylvanian statehood as well as in the improvement of the dire situation of Transylvanian Protestants. The envoy forwarded the request to Prince William of Orange.[7] As a result of the diplomatic efforts, English diplomats participating in the preparation of creating peace between the Turkish-Habsburg court, emphasized the geo-political importance of including Transylvania in the peace treaty.

### 1. The public law relation between Transylvania and the Habsburg Empire at the beginning of the 18th century

On the basis of medieval Hungarian public law, the Transylvanian principality should have been returned to the Kingdom of Hungary after the cessation of the independent statehood.[8] The Habsburgs governed Transylvania as part of the Habsburg Empire but it was administered as a relatively independent administrative unit. It was done so with reference to Diploma Leopoldinum accepted on 20th January 1691: "... our main royal duty ... we admitted that the so gentle Transylvanian part of the country – which has been part of our glorious kingdom of Hungary for centuries – we shall increasingly love it, like the salvation of our souls."[9]

Based on the Diploma Leopoldinum,[10] the resolution connected to the public law status of Transylvania – within the Kingdom of Hungary – was incorporated into the points of Karlócai Treaty in 1699: "The region of Transylvania, as being

[5] Albert, 2014, 29.
[6] Miklós Bethlen (1642–1716) chancellor of Transylvania between 1692–1704.
[7] William III of England, sovereign Prince of Orange and king of England (1650–1702).
[8] Trócsányi, 1986, 375.
[9] Albert, 2010(a), 19–31.; Magyar Törvénytár, 1900, 79–80.
[10] Diploma Leopoldinum was published by Leopold I. emperor of Austria and king of Hungary in 1691. The Diploma contained the public law position of Transylvania within the Habsburg Empire.

in the hands of the emperor, shall remain in its power." [11] Transylvania became an integer part of the Habsburg Empire. It got similar status like the Habsburg hereditary provinces but it lost the right to elect its own prince.[12] Transylvania obtained internal autonomy. It could maintain its primordial constitution and laws according to the law: „There won't be any changes regarding state-approved religions in Transylvania. We confirm the donations given by Hungarian kings and Transylvanian princes to our loyal parties at times of Transylvania's separtaion from Hungary ... the approved and collected laws, regulations of this country ... will remain valid." [13] From the point of view of the Habsburg policy, Transylvania played a significant role within the Empire.

It had two reasons: on the one hand economic, on the other hand, domestic policy. Economically it ensured the court's financial background during the war. Regarding the domestic political stability of the Habsburg Empire, it was a very important fact that the legal system of principality, as well as the traditions, constitution, laws, religious and territorial autonomy of the system of three nations and four religions and as a consequence the possibility of restoring the independent statehood was still alive in Transylvania.

The political tactics of Vienna in connection with the Transylvanian and Hungarian affairs was the principle of „disrupted but strongly united country". The interest of the court policy was to divide the political forces of the „two Hungarian nations." In the Habsburg's consciousness it was still alive that Transylvania had been and still was the source of idea of an independent Hungarian statehood. Transylvania was „the citadell of the Hungarian anti-Habsburg movements for centuries, and the potential revival of this fact could not be excluded."[14] The re-annexation of the former principality to the Hungarian kingdom would have brought obstacles regarding the Habsburg power's integration.[15] At the beginning of the 18th century Transylvania remained the key of the independence of the Hungarian state both in the Habsburg court and in international politics.

The period between 1704–1711 was a constitutional history interlude in the history of Habsburg arrangements in Transylvania. During the War of Independence which broke out in 1704, Ferencz Rákóczi II. joined international politics as a ruler of a country which was recognized by European powers and legitimated by contracts.[16]

As a result of the self-sacrificing diplomatic work the Porte offered an alliance to the newly elected prince. After the parliament's resolutions in Szécsény (1705) they conceived the public relationship between the Kingdom of Hungary and

[11] Katona, 1805, 106–125.; Kahler, 1993, 87–88.
[12] Rácz, 1996–1997, 14.; Rácz, 1998, 78.
[13] Marczali, 1901, 577. I. Lipót magyar király oklevele Erdély kiváltságairól és kormányzási módjáról.
[14] Mezey, 1983(a), 76.
[15] Mezey, 2009, 173.
[16] Kovács Kiss, 2007, 89–98.

Transylvania at the Senate meeting held in Miskolc. According to paragraph 5 of the decision, Transylvania will be a member of the Hungarian Holy Crown as an independent state in the future. Independence and autonomy will be provided for the two states. At the national assembly in Huszt, the Transylvanian delegates declared the independence of the Principality and the fact that it entered into confederation with the kingdom.[17]

One of the most important items of the federation concluded between the Hungarian and Transylvanian confederation was that the two states could not sign peace without the knowledge of the other state.[18] There was a little hope for strenghtening the international recognition of the statehood. Prince Ferenc Rákóczi II. made an effort to persuade the Western powers that the existence of an independent Transylvanian Principality is the best guarantee for the preservation of peace signed in Karlóca. (1699). [19]

One of the geo-political factors of the outcome of the Spanish Succession War was the Principality of Transylvania, having regard to the fact that a large number of Austrian troops was tied down at the Eastern front with the launching of the War of Independence. Being aware of this, after his election as Prince of Transylvania, Ferenc Rákóczi II. politically inteded to make the restored Transylvanian Principality's statehood recognised and set in international peace documents.[20] The English Royal Court and the protestant Dutch orders were interested in the Hungarian and Transylvanian „malcontents'" problem. The English and the Dutch's political interest had economical, military and religious reasons as well. In the Spanish Succession war he entered into alliance with the Habsburg Empire against the French royal court. For him it was justifiable to end the Hungarian uprising as soon as possible, which could significantly influence the events of the West in case of a protracted war.

[17] Österreichisches Staatsarchiv, Haus-, Hof- uns Staatsarchiv, Ungarische Akten Specialia Fasc. 365. Transylvanica separata. Konv. C. Untersuchung wider den Siebenbürgischen Kanzler Grafen von Bethlen 1710. Dunamelléki Református Egyházkerület Ráday Levéltára, Ráday család levéltára. Ráday I. Pál magyarországi és erdélyi belpolitikai iratai. C/64-4d1. 15/1-10. sz. Az erdélyi rendek huszti országgyűlése 1706. B. Szabó – Erdősi, 2001, 4.

[18] Magyar Nemzeti Levéltár Országos Levéltára, Instrumentum Confoederationis, RSz. It. G: V: 1. a.

[19] Mezey, 1983, 166.

[20] Dunamelléki Református Egyházkerület Ráday Levéltára, Ráday család levéltára, Ráday I. Pál magyarországi és erdélyi belpolitikai iratai C/64-4d1. 16/1-6. sz. Az erdélyi rendek marosvásárhelyi országgyűlése 1707 (*The diet of the transylvanian orders in Marosvásárhely*), Az erdélyi rendek fejedelemválasztási feltételei (*The conditions of the prince election of the transylvanian orders*) 1707. ápr. 2. Marosvásárhely. A marosvásárhelyi országgyűlés törvénycikkei 1707. ápr. 2. (*The law articles of the diet in Marosvásárhely*); Trócsányi, 1980, 435.; Dunamelléki Református Egyházkerület Ráday Levéltára, Ráday család levéltára, Ráday I. Pál magyarországi és erdélyi belpolitikai iratai C/64-4d1. 14/1–19. sz. Erdélyi ügyek iratai 1702–1709. (*The documents of the transylvanian issues)*, Rákóczinak az erdélyi guberniumhoz küldött levele *(The letter of the Rákóczi addresse to the Gubernium*) 1704. március 27., Rákóczi levele az erdélyi rendekhez 1707. március 23. (*The letter of the Rákóczi to the transylvanian orders*).

The Habsburgs had serious financial problems after they had lost the main creditor, Oppenheimer. In order to avoid economic collapse, England and the Netherlands provided them with financial help. In return of the loan they were interested in the retrieval of pledged mines of Hungary and Transylvania from the rebels. The only option was to achieve peace between the rebels and the Habsburg court.

The English and Dutch Protestant political elite was especially concerned about the persecuted status of the Protestants in Hungary and Transylvania. The western protestant states received information from Nicholas Bethlen Transylvanian protestant chancellor's letters and pamphlets. England and the Netherlands were called as the second mother and homeland of the Transylvanian Protestants.[21] At the beginning of the 18th century chancellor Miklós Bethlen made this statement referring to the efforts of the British and Dutch Protestant States in favor of salvage and preservation of the Transylvanian statehood. The political activity of the Transylvanian nobleman with excellent diplomatic connections was successful. John Paget British ambassador of Constantinople visited Transylvania at the beginning of the 18th century. Anne Queen of England[22] was well informed about the political, social and religious issues in Transylvania. He expressed his concerns to emperor-king Leopold I. about the dire state of protestants in Hungary and Transylvania: „It is abvious that in Hungary there are turbulences. The Protestant subjectdoms of your Majesty in Hungary and elsewhere had complained that they were persecuted in their bodies and their wealth because of their own conscience for a long time. They declared: they had taken up arms only in order to follow their own religion and rights."[23] The diplomatic efforts of the Transylvanian royal court concerning the recognition of statehood between 17O3-1711 was supported by George Stepney (1663–1707),[24] John Paget english,[25] Jacob Hamel Bruyninx (1621–1738)[26] Dutch „protestant" diplomats.[27]

At the conferences and diplomatic negotiations held in Vienna they consulted and mediated between the two parties with more or less success.[28] The Vienna Court refused to admit the constitution and independence of the Transylvanian Principality.[29] Vienna was determined to take Transylvania back and restore

[21] Albert, 2010(b), 45–54.
[22] Anne Stuart (6 February 1665 – 1 August 1714) queen of England, Scotland and Ireland.
[23] Bartal, 2004, 22.
[24] George Stepney (1663 – 15 September 1707) English poet and diplomat.
[25] John Paget british diplomat in Constantinopol.
[26] Bruyninx, Jacob Jan Hamel (c 1661–c 1738) Dutch Minister at Vienna.
[27] Angyal, 1900, 873–964.
[28] Wesselényi, 1983, I. 432.
[29] Dunamelléki Református Egyházkerület Ráday Levéltára, Ráday család levéltára, Ráday I. Pál magyarországi és erdélyi belpolitikai iratai C/64-4d1. 1/1-19. sz. Kiáltványok, rendeletek (*Proclaims, edicts*) Rákóczi kiáltványa Erdély lakosaihoz 1706. nov. 25. *(The proclaim of the Rákóczi to the inhabitants in Transylvania),* Rákóczi kiáltványa a szövetkezett rendekhez és a konföderáció

the status it had before the formation of the principality.[30] After the British and Dutch ambassadors' political efforts, Ferencz Rákóczi II. tried to pursue his ambitions in foreign relations.[31] The supporter of his efforts was a Prussian royal diplomat, Daniel Jablonski. He attempted to get the political support of the Protestant English, Dutch and Prussian royal courts.

The western protestant states expressed their support to John Michael Klement, diplomat of Ferenc Rákóczi the II., Prince of Transylvania. In their letters they emphasized the geo-political role of the Transylvanian Principality in maintening the balance of power in Central Europe as well as the importance of peace with the Habsburg court. In his letter to minister Harley, George Stepney English diplomat very convincingly argued about raison d'etre of the Transylvanian statehood and its geo-political role: „...and those who are so lucky to have free government cannot otherwise watch with grave concern that some poor people are deprived of their liberty and are condemned to servitude and future persecution..."[32] As there was no result, Rákóczi made one last attempt. He instructed John Michael Klement to be the embassador at the Russian Tsar and make him to have an influence upon the Habsburg court policy.[33] The diplomatic efforts did not achieve significant results. Rákóczi II. was aware of the diplomatic significance of the Transylvanian Principality and the importance of its role in international politics. In one of his letters dealing with Hungarian affairs a Polish royal counselor confirmed significance of the principate in the revolutions for the Hungarian freedom.[34] Professor historian Ágnes R. Várkonyi

híveihez a császárral folytatott békealkudozások meghiúsulta alkalmából. 1706. aug. 1.

[30] Simonyi, 1877, 172–181.; R. Várkonyi, 2002, 167.

[31] Dunamelléki Református Egyházkerület Ráday Levéltára, Ráday család levéltára, Ráday I. Pál magyarországi és erdélyi belpolitikai iratai C/64-4d1 6/1-3.sz. A fejedelmi tanács iratai 1706–1708 (*The royal council's documents*) C/64-4d1 17/1-9. sz. Formuláskönyv, vegyes iratok (*Miscellaneous documents*).

[32] *George Stepney Harley miniszternek Tirnau* 1706. július 20. Simonyi, 1877, 159. The report of Stepney in july 1706 at Nagyszombat (Tirnava) to Robert Harley (1661–1724) minister in London. about the Habsburg government poicy in Transylvania: „*This is laying the Axe to the Root of the Tree and any man who has had the happiness of living under a free Government cannot but be a little concerned to see a poor people (whereof 5 parts of 6 are of the Reform'd Churches) depriv'd of their Liberties at one Blow, and given up to servitude and future persecutions notwithstanding a Powerfull Mediation, of the same Profession with themselves, has been pleased to appear in their behalf.*" George Stepney to Sir Robert Harley, Tirnau, 20th July, 1706. Simonyi, 1877, 159.

[33] Simonyi, 1877, 175.

[34] A Lettre d'un Ministre de Pologne a un Seigneur de l'Empire sur les affaires de la Hongrie / Egy lengyel királyi tanácsos levele egy birodalmi nemesurhoz a Magyarországi ügyekről/ *(A letter of the polish royal advisor to an imperial noble about the issues of Hungary)* 1710. Köpeczi, 1970, 373. „*How many times has it happened that upon the request of the Hungarians Transylvania came to their aid to protect their laws and freedom, taking revenge for grievances caused by the Austrian House to Hungarians. This forced the Báthorys, Bocskay, Bethlen and the Rákóczys so often to initiate a fight in the interests of the country. That's why the House of Austria never gave up its intention to destroy this small country.*"

says the followings about the aspirations and diplomatic successes of principe Ferencz Rákóczi II.[35]

Empire-king Joseph I. and his court handled the Transylvanian draft submitted by Ferenc Rákóczi II. as an internal matter of the country. The draft did not bring any results. Due to the ineffectiveness of the peace negotiations, Richard Warre, the deputy-secretary called the attention to its negative consequences regarding international policy: „Europe's common concern will suffer because of it."[36] Point 9. of Szatmar peace treaty, signed on 29th April 1711, dealt with the public status of Hungary and Transylvania as well as with their rights: „As His Majesty keeps the rights and privileges of Hungary and Transylvania intact, he will not allow any rivalry or quarrel against this amnesty neither against anyone's harassment to happen. All military and civil authorities are instructed to proceed against it with the rigor of the law..." [37]

The termination of the War of Independence in 1711 and the signing of the Treaty of Szatmár put an end to Transylvania as an independent statehood. The Habsburg court refused to recognize the confederation in Szécsény and coming from this Transylvania as an independent state.[38] Historian Imre Bánkúti emphasized the effects of the treaty on the confederation: „The Peace of Szatmár very consciously limited the political power of the Convention, which in this form wasn't accepted by one of the Contracting Parties, namely the Confederation..." [39]

The English and Dutch diplomacy expressed their concern about the fact that with the termination of the statehood of the Transylvanian principality the balance of the European political power may disrupt and the future of Europe may be at risk. This concern was confirmed in the following decades. This idea first appears at Daniel Defoe (1661–1731), a political philosopher. As analysing the East-European relations at the beginning of the 18th century he stated that the guarentee of peace is the balance of powers in Europe.[40] This is the common interest of both England and the other European states.

[35] R. Várkonyi, 1990, 1285. – *„The undoubted diplomatic success of Rákóczi's state was that in spite of very serious difficulties he could achieve the following result: after the peace conferences in Gertruydenberg and Hague, where the general European peace was prepared, England and the Netherlands was prepared for the mediation of the Hungarian-Habsburg negotiations, and the agreement would be guaranteed by Prussia and Russia as well besides the two maritime powers."*
[36] Warren George to Stepney. Whitehall, July 30th, 1706. Simonyi, 1877, 175. – „I cannot however but lament with you, for the private and publick Share you beare in this disappointment, out of your Zeale for the publick Good which cannot but Suffer in the Common Cause of Europe, wherein your Court seems to have as great a share as another."
[37] Bánkúti, 1981, 113–116.
[38] Lukinich, 1925, 25–35.; Zayzon, 1915, 42.
[39] Bánkúti, 1981, 116.
[40] Defoe, 1700.

## III. CONCLUSION

In the seventeenth century the Transylvanian principality had a very important geo-political significance in Europe.It was kept in evidence by the western states as a political factor in Eastern-Europe. The Habsburg and the Ottoman Empire, the two rival political powers of that area made all the political and legal devices of use to obtain and retain Transylvania.

In the early ninteeth century the power relations changed. Transylvania lost its geo-political importance. In the period of 1703–1711 the existence of the independent transylvanian statehood depended on the actual international power relations.

The transylvanian statehood was supported by the European states as long as they politically benefited by that. The Transylvanian principality was used only as a device in their political ambitions.

Examining the international situation of Transylvania at the beginning of the 18th century, Zsolt Trócsányi professional legal historian highlights the importance and substance of the discussed subject matter.[41] Ferenc Rákóczy II. , Prince of Transylvania In his *Memoirs* confirmed the reality about the fragility of the statehood of Transylvania.[42] In this work he created a realistic picture about the public situation and the international situation of the principality of Transylvania in Europe.[43]

In 1709 Ferencz Rákóczi II. declared his intention that he would like to keep the title of princely for himself until the peace treaty. For him the most important was the statehood of the Transylvanian principality guaranted by the international treaty. Most of the contempory politicians accepted the plan submitted by him. Because of the current political interests and conditions this plan may have not come true.

The prince, Ferenc Rákóczi II. expressed his disappointment about the realistic recognition that the great powers had no interest in supporting militarily and politically the Hungarian and Transylvanian War of Independence and the participation of Transylvania in international peace negotiations.[44] According to his testimony, during his reign the prince was continuously impelled by obtaining the internal forces necessary for keeping the Transylvanian and Hungarian government.[45]

[41] Trócsányi, 1988, 46. – *The autor have on opinion abut this: „... The Habsburg Empire wins by obtaining Transylvania – but this acquisition is rather moderate. And what does this change mean for Transylvania in the view of a half-century political history? Transylvania cannot choose neither in 1690 nor later where to belong. Transylvania does not join either part of Europe. Transylvania is integrated by a militarily more powerful Empire and no such power exists in international politics which would consider requiring the political independence of a small country."*

[42] http://mek.oszk.hu/01000/01019/01019.htm.

[43] Bartal, 2004, 20. „ "*Since losing the battle in Höchstadt I have lost my hope in the help of foreign troops, so I inclined in favour of peace, peace which is in the interests of the country and which I could only hope with the British and the Dutch intervention. These nations could have forced the emperor to such peace if they had really wanted to. So I wanted to convince the Intermediaries about the truth of our cause...*"

[44] Benda, 1976, 44–50.

[45] Az Tractatus de potestate. Értekezés a hatalomról /Ford. Szávai Nándor/ c. munkájában. Rákóczi, 1984, 104., 408-409. *„...The tranquility and peace, justice, abundance, wealth and order of governance derives from the power of the real reason..."*

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