



The Peculiarities of the Testament of Gábor Bethlen, Prince of Transylvania

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Abstract. The aim of this study is to present the testament of the Transylvanian Prince Gábor Bethlen in a descriptive and – within the limits of the scope of the study – analytical, if sketchy manner, and therefore it is necessary to discuss its historical, legal-historical, and sociological aspects. In addition to the foregoing, the study outlines the specific features of the princely testament, which, given its special nature, has not been the subject of academic research to date. Following the content of the testament, the study describes the prince's commitment to religion, the geopolitical status of the Principality of Transylvania, the religious freedom in medieval Transylvania in relation to the four established religions, the prince's activities to promote education, and the succession of princely power. A further aim of the study is to apply the comparative method to the princely testament and the testament in the modern sense. To achieve these aims, the literature will include works by eminent scholars and legal historians.

Keywords: Gábor Bethlen, religion, religious freedom, geopolitical status, educational development

1. Introduction

The aim of the study is to present the last will of the Transylvanian Prince Gábor Bethlen in a descriptive and analytical fashion and to discuss its historical, legal-historical, and sociological aspects. The study outlines the specific features of the princely last will, which, given its special nature, has not been the subject of academic research to date. A further aim of the study is to apply the comparative method to this princely last will and testament in the modern sense. In order to achieve these aims, the literature will include works by eminent scholars and legal historians.

2. Historical Background

In 1626, the wedding of Gábor Bethlen, Prince of Transylvania, and his second wife, the twenty-year-old Catherine of Brandenburg, was held in Kassa (Košice, modern-day Slovakia). The prince sought to remarry after the death of his first wife, Zsuzsanna Károlyi,¹ in 1622, his choice being influenced primarily by the diplomatic interests of Transylvania. In 1621, the prince concluded the Treaty of Nikolsburg with Ferdinand II, Holy Roman Emperor and King of Bohemia, Hungary, and Croatia, which essentially reflected his belief that he alone did not have sufficient strength to reunify Hungary against Habsburg and Ottoman power and that, without shaking off Ottoman power, such a move would pose serious risks.²

On the basis of the above, Bethlen sent envoys to Vienna to propose to the imperial princess, but the representatives of Transylvania at the imperial court were not successful, and the court did not support the idea of Bethlen being allowed to govern Hungary as Ferdinand II's appointed governor. In the midst of these attempts at a settlement, the Thirty Years' War took a new turn with the declaration of war on the Habsburgs by King Christian IV of Denmark, the husband of Catherine of Brandenburg's sister. Bethlen was soon persuaded by his Protestant allies to join the anti-Habsburg coalition and, as part of this arrangement, married the sister of the Brandenburg elector, Catherine, a marriage which had other important considerations, as the bride's two sisters had previously married the Swedish and Danish kings. There was another – more mundane – reason for the marriage, which was to facilitate communication between the allies, in terms of correspondence, since from the moment of the marriage the allies were already related by blood. As the King of Sweden pointed out: '[...] now we can correspond with Gábor Bethlen, since we are brothers-in-law [...]'³

3. The Overture

The married couple had no common language⁴ in which to communicate and met for the first time the day before their wedding. So, in 1626, a glittering princely wedding was held, following which they returned to Transylvania, where the nobility received Catherine of Brandenburg with serious reservations. After Bethlen's serious and reserved first wife, a new woman had arrived at the court, who preferred pomp and revelry. On the one hand, Catherine was surrounded by

1 Acsády 1912.

2 Tarján 1626.

3 Kármán 2015. 32.

4 The husband spoke Hungarian, the wife German.

mistrust because of her German origins, and, on the other hand, because of her youth, she quickly became the subject of rumours and intrigue.

The situation was complicated by the fact that the prince had fallen in love with his second wife, and as a result, after their marriage, he named her as his heir, which was received with great disapproval by the Transylvanian Estates, as she was not considered adept at ruling. Count Csáky, who was prominent within the court, exerted increasing and obvious influence over her.⁵

4. The Last Will and Testament

Following the structure of the prince's testament, it is appropriate to present its content while analysing its legal and historical connections, followed by a comparison with today's legal regulation.

4.1. The Legal Capacity of Gábor Bethlen, Prince of Transylvania

First of all, the legal capacity of the testator must be examined. According to Christian ethics, all are equal and free,⁶ but in reality oftentimes this was not the case, as, according to the historical explanation justifying the power of the nobility, cowards who refused to fight in wars lost their freedom.⁷ The nobility, on the other hand, redeemed their freedoms, or privileges, with blood. The question rightly arises as to whether the peasantry, which was likely to go to war anyway, alongside the nobility – the bourgeoisie was a minority in mediaeval Hungary and Transylvania – suffered such a 'redeeming' loss of blood.⁸

5 Tarján 1626.

6 A historical example of this in practice is the Polish noble republic, which was rendered indecisive and dysfunctional by the exercise of the permanent veto (*liberum veto*) – which is also controversial from a professional point of view – and indirectly contributed to the fall of the mediaeval Polish state, so extreme equality and freedom also have destructive consequences. Olszewski 2016. 233–240.

7 Horváth 2020. 300.

8 In the opinion of the author, the enactment of Act No IV of 1947 on the abolition of certain titles and ranks (hereinafter: Act IV of 1947), which abolished all noble titles and ranks in Hungary, was a completely correct – and Christian –, still living achievement of the Second Hungarian Republic. It provided as follows [translation by the author; unless otherwise specified in the footnotes, all translations from non-English sources are by the author]: 'Article 1. (1) The Hungarian noble titles (prince, marquis, count, baron, nobleman, primor, primipilus) shall be abolished. [...] Article 3 (1) The use of the titles of rank referred to in Article 1 of this Act and the title of valiant is prohibited. (2) The use of a noble first name, a coat of arms and badge or a term referring to noble lineage (de genere [...]) is prohibited.'

It should also be noted that, during the drafting of Act IV of 1947 and the ensuing discourse, many people have suggested that a kind of 'rank discrimination' (i.e. a desire to occupy one position or another) would emerge within Hungarian society, and it is worth pointing out that Act IV of 1947 has been the subject of 'heated' debates from time to time since the fall

Returning to the question of legal capacity, it should be noted that, in the laws prior to 1848⁹ only members of the nobility, which had been formed in the (early) modern age due to mass ennoblement,¹⁰ had full legal capacity and were therefore entitled to make testaments.¹¹ Bethlen, who bore the ‘iktári’ prefix, a noble first name, was therefore entitled to make a last will. The use of the noble prefix in the case of Bethlen is entirely justified if we take into account the statement by Iván Nagy – outlined in connection with the related Apaffy family – that the Apaffy family, Bethlen of Bethlen and Bethlen of Iktár are of the same stock, i.e. descended from the sister of King St Stephen I of Hungary, Sarolt.¹²

Attila Horváth explains, with regard to the private law of the Principality of Transylvania, that the task of the law of succession is to ensure that the estate (the term used in the *Tripartitum*: the goods)¹³ does not become ownerless upon the death of the testator and that its proper use is still ensured. In this connection, according to the author cited, the testamentary disposition could be made by means

of communism. The Constitutional Court of Hungary, in its plenary session of 24–25 October 2011, issued its decision No 988/B/2009. The Constitutional Court rejected the petition for a declaration of unconstitutionality and annulment of sections (1) and (2) of Article 3 of Act No IV of 1947 on the abolition of certain titles and ranks, based on a violation of section (2) of Article 8 and section (1) Article 54 of the Constitution. The applicant submitted that the general, undifferentiated prohibition of the use of the noble prefix (noble title) in law infringed the requirement of legal certainty and the right to human dignity. The Constitutional Court held that the content of the fundamental constitutional right to bear one’s own name, derived from the right to human dignity, was not infringed by the contested legal provision. The law provides for the cessation of noble titles and the expiry of the authorizations to bear titles, which is primarily for the purposes of civil registry and public registration. As a result of the Act, the renunciation of titles and titles of nobility in private life was expected, but their use is not prohibited.

9 The Hungarian Civic Revolution and War of Independence of 1848–1849.

10 It is not widely known from a socio-historical point of view that, in addition to the distinction between the higher nobility and the common nobility, there was a distinction between the ancient nobility and the new nobility, the former category of which was comprised of families that were raised to the nobility in Hungary before 1526, while the latter category was made up of those that became noble after 1526, usually during the mass ennoblements used during the battles against the Ottomans. However, it should also be noted that the principle of ‘una et eadem libertas’, which ensured the coherent consistency of this social stratum, was true and valid for all nobles.

‘The first thing to be mentioned – although Werbőczy mentions it as the second – is that the nobles of the entire realm are under the power of no one else but the crowned prince. Werbőczy elsewhere calls this right the chief characteristic of the nobility (1. r. 4. czím 1. § 1). This principle is already stated in Law XI. of 1351: *Ad eorundem etiam nobilium petitionem annuimus: ut universi viri [veri] nobiles, intra terminos regni nostri constituti, etiam in tenutis ducalibus, sub inclusione terminorum ipsius regni nostri existentes, sub una et eadem libertate gratulentur*. At the beginning of the development, this thesis is meant to express the same thing as Werbőczy’s, almost at the end of the development: submission to one and the same power; that is, “una eademque libertas, nobilitas” means direct allegiance to the crown or the king, thus excluding vassalage”.’ Illés 1910. 162–163.

11 Horváth 2020. 300.

12 Nagy 1857. 48.

13 Márkus 1897. (The Hungarian term used was: jószág.).

of a unilateral declaration on the death of the testator, i.e. a testament or a contract of succession. While the former could be unilaterally revoked, the latter could not.¹⁴

4.2. The Last Will and Testament of Gábor Bethlen, Prince of Transylvania

The will under discussion had a special character in several respects, which will be discussed in the following. First of all, it is necessary to point out that, although Gábor Bethlen was a nobleman, his position as ruler made him stand out from the ranks of the Transylvanian nobility of that time. Second, it should be pointed out that it was not only his property that was the subject of the will but also his position and power.

4.2.1. The First Unit of the Last Will, the Presentation of the Prince's Faith

At the beginning of the testament,¹⁵ the Prince writes at length about his faith:

[...] The wisdom and mightiness of God Almighty, as is seen in the creation of this world, with all the animals in it: so, his inexpressible great mercy is manifested in the resurrection of fallen man from sin, in the sending forth of his holy Son into this world, who, if he would satisfy the just wrath of his holy Father kindled against us, would save us from the condemnation of eternal death, and give eternal life to those who truly believe in him. [...] and almost every moment I have offended his Holy Majesty with my many sins, provoking him to just wrath and vengeance, which many sins deserve nothing but eternal damnation [...] but as man himself is insufficient even to consider what is good, I beseech his holy majesty, if he has reserved any part of my life, to guide me justly and make me righteous by the pure consolation of his holy soul, for his holy Son in love [...]. And since for our sins we are all for our sins subject to bodily mortality, from which no man can escape, I also, being now in the gentle hands of my God, thinking within myself of my condition, not knowing what his Majesty God hath done for me, lest I also be found unprepared, I endeavour above all things to be reconciled to the Most High God, by the power of the blood of my Saviour Jesus Christ, Sacramentaliter, taking every opportunity, I have not been amused, in whose merit, trusting, by the grace of God, I have endeavoured to found my religion based on the true Apostolic Holy Gospel [...].¹⁶

14 Horváth 2020. 309–310.

15 Bethlen's entire will was used for the study. The complete text of the will is available in *Bethlen Gábor Végredelete* (henceforth: the Testament). http://adatbank.transindex.ro/html/alcim_pdf9821.pdf (accessed: 15.11.2023). For the text of the testament, see also: Makkai 1980b. 417–434.

16 Testament 125–126.

The conclusion can be drawn from the quoted text, which represents a great difference from the last wills in the present sense, that the prince discusses at length at the beginning of his testament his very, very deep faith in God Almighty.¹⁷ After a detailed presentation of his religious spirituality, he briefly mentions his state of health, and then, outlining the foregrounds of the ancient empires, he identifies the eternal dissension and hatred as the reason for the deterioration of the Hungarians: '[...] from the very beginning of the beginning, nothing has ruined our poor country, and indeed the countries and provinces under the Hungarian crown, more than the devilish envy among the people, deadly hatred, terrible party attacks, the choosing between princes [...]'¹⁸

After presenting the Hungarian conditions, he writes about the following: '[...] What a beautiful flower has Hungary been all this time until it has been able to choose a prince from among its own nation, as the histories prove. But as soon as the election of the nations themselves had been bravely resisted, despised, subjected to foreign princes, and submitted to them, what profit had resulted from it but to break it in two? [...]'¹⁹

4.2.2. The Unity of Thought of the Testament on the Geopolitical Status of the Principality of Transylvania

Regarding the geopolitical status of the Principality of Transylvania at that time, the prince asks pertinent questions: '[...] who among our nation dares to say that the country of Transylvania has been filled with a foreign nation? Where is the respect for God? Where would the Hungarian nation be? And where would its freedom be? [...]'²⁰

In fact, Bethlen detailed the geopolitical situation of Transylvania in his last will:

[...] But as soon as they stood by the German nation, what a reward they paid, with water in our mouths; that is to say, which he long wished and wrought to consume our nation, to kill it with a cruel death, make our country level with the earth, or even to destroy it, and if the Lord God Almighty did not,

17 The faith of Prince Gábor Bethlen had a strong biblical foundation, which is confirmed by the following quote: '[...] 6:23. For the wages of sin is death; but the gift of God is eternal life through Jesus Christ our Lord. [...]' Bible, Rom 6:23. In this context, it can be traced back to the original sin, as defined by the Apostle Paul, on the basis of: '[...] 2:16 And the Lord God commanded the man, saying, "Of every tree of the garden thou mayest freely eat." 2:17 "But of the tree of the knowledge of good and evil, thou shalt not eat of it: for in the day that thou eatest thereof, thou shalt surely die." [...]' Bible, Gen 2:16–17.

18 Testament 127.

19 Id. 128.

20 Ibid.

in a wonderful image, waken and bind the Turkish nation to us again, and raise up a very good and pious Lord to accomplish it. [...]²¹

This section of the testament shows the fact that Transylvania lay between the two great powers, who both hated each other, the Austrian and the Ottoman, as two millstones,²² and that Transylvania was ground between these two millstones²³ – this also represents a great difference between the last will of the prince and the testaments in the present sense. Based on the previous quote, it can be stated that the will in question has significant domestic and foreign policy aspects – Austrian and Ottoman –, on the basis of which it can be considered more of a political will, similar to István Bocskai's will. In this connection, it is worth quoting Bocskai's will:

[...] And as long as the Hungarian crown is up there with the Germans, a stronger nation than us, and the Hungarian Kingdom also revolves around the Germans, it is always necessary and useful to maintain a Hungarian prince in Transylvania because it is for their benefit and protection. And if God grants that the Hungarian Crown in Hungary should come into Hungarian hands under a kingdom with a crown, we exhort the Transylvanians: that they would also not to break away from it or oppose it, but even to help them according to their ability, and with equal understanding, to submit themselves to that crown, as of old, according to the old way. [...].²⁴

An interesting lesson is that Bethlen followed an Ottoman-oriented policy, similar to Bocskai, and confirms the policies he pursued in his life through Bethlen's will.

4.2.3. Religious Freedom²⁵ in Transylvania as It Appears in the Will

In connection with the preceding, the prince makes a statement that is relevant and decisive for the future, as follows:

[...] If they are at one with themselves, truly revering and fearing God, and will be faithful stewards of his little mother Church, loving each other with a perfect heart, not quarrelling with each other over religion, but entrusting it to the great priest who dwells in heaven and pays to each as he deserves.

²¹ Ibid.

²² Makkai 1980c. 3–4.

²³ Timon 1938. 23.

²⁴ Bocskai István végrendelete. 118.

²⁵ Unfortunately, the Orthodox religion of the Transylvanian Romanians and the religion of the Israelites were not included among the established religions.

Let them not become priests nor lead any man by force but let them be free according to the *constitutio* of the kingdom regarding the four established religions, whichever they shall practise. [...] ²⁶

As Ágnes R. Várkonyi pointed out, the fundamental criteria for the appreciation of human dignity are manifested in this passage,²⁷ and, in the author's view, the propagation of religious tolerance in relation to humanism and the four established religions is expressed, although – and it is important to highlight this – the prince refers to the *historical constitution* of the country (i.e. 'according to the "constitution" of the country') as a legal basis, which in turn foreshadows the character of the rule of law. It is important to indicate that he has patronized the practice of religion not only through his last will but also through the related donations, by supporting education.

4.2.4. *The Development of Religious Education*²⁸

The above-mentioned statement is confirmed by the fact that it was through Bethlen's last will and special donation letters that the College of Fehérvár²⁹ obtained the 20,000 florins that were later controversial, as well as the Seven Vineyards of Tokaj and the Dominion of Enyed, to which, in addition to Enyed, the income of Miriszló, Felenyed, Décese, Muzsina, and Hidas, as well as the *portio* of Bessenye and Hennigfalva also belonged.³⁰ The donation letter of 20,000 florins dated 1 September 1629 establishes the purpose of the donation as follows:

[...] From the very beginning of our successful principality, we have kept in mind that the glory of the name of God should grow and that the schools of humanities should be established on the territory of our country, and that the youth could be taught, and because of the many expenditures and efforts in this state, we decided to establish our College of Gyulafehérvár in order to educate and teach the youth [...].³¹

²⁶ Testament 128.

²⁷ Várkonyi 2013. 72.

²⁸ This form of educational development was equivalent to the confession of Christian faith. It is typical of the era under discussion that several Transylvanian students also studied at foreign universities. Hellebrant 1886. 792–800.

²⁹ The present-day Alba Iulia.

³⁰ Bethlen Gábor könyvtára és Utasításai.

³¹ A Bethlen-Kollégium Legújabb Története 1896. 135.

‘[...] Cum ab initio foelicis nostri Principatus illud prae omnibus in oculis habuissimus ut divini nominis glória propagari artiumque liberalium in ditionibus Nostris Gymnasia fundari, doctrinisque adolescentum aetas imbui posset, eaque de causa multipücibus expensis et laboribus in hoc civitate nostra Alba-Iulia Collegium verbi Dei ministrorum liberaliumque artium pro fessorum et Scholae, instituendae juventutis causa, fundatum voluissimus [...].’

According to this statement, since the beginning of Bethlen's successful principality, the prince has kept in mind, in addition to supporting religion, the need to establish a school in order to educate the youth, the result of which was the establishment of the college and the supply of the educated strata.

The reason for this can be found in the fact that the prince fighting for freedom always had in mind the inner peace and strengthening of the country, as well as its material and spiritual development, which is why, in addition to the princely library, a college – equal to those in foreign lands – was needed.³² The College of Gyulafehérvár was Gábor Bethlen's most enduring legacy.³³ The above-mentioned fight for freedom was based on the Calvinist *ius resistendi* enacted into law,³⁴ and all of the Hungarian struggles for freedom (1604–1606, 1703–1711, 1848–1849, 1956) were later based on this *ius resistendi*.³⁵

The author also advocates the strongest possible development of education at all levels and its increasing support through funding.

4.2.5. The Inheritance of Power and Other Matters of the State

As Kálmán Benda³⁶ points out, the duties of the ruling prince include caring for the people, i.e. the prince must serve the interests of the homeland because this is the prince's primary duty, which is why he had to ensure the succession of power in his last will. The inheritance of the princely position is contained in the following text:

[...] To the dangerous practitioners under me, I beseech you all, for God's sake, be at peace, let each be content with his own fate and condition, do not seek to make any further change, from which new fire may be kindled between us, let them esteem, fear princes [i.e. Catherine of Brandenburg], do not condemn their femineus sexus, for she is ordained from God and has ordinarily chosen for themselves a kingdom, endeavouring to take care of their future state in good time, by our permission, even by our good admonitions. [...]³⁷

Taking into account the above-mentioned opinion, the most striking difference between the testament in the present sense and Bethlen's will is that while the will in the present sense is about property (or properties), Bethlen's will is about the transfer of princely power as a quasi-asset, or, more precisely, the transfer of

32 Bethlen Gábor könyvtára és Utasításai.

33 Makkai 1980a. 115.

34 Péter 1980. 34–35.

35 Pásztori-Kupán 2013. 49.

36 Benda 1980. 32.

37 Testament 129.

the princely authority, to which there are letters of donation from other donations, so we are dealing with a rather special will and method of making a last will.

In this passage you can also find the expectation of the hereditary prince that his wife, who is nominated as heir, should not be disadvantaged in her position because of her gender. Bethlen was ahead of his time in this respect, as it was not typical to consider the female sex as equal at that time. Another important feature of the preceding quotation is that it formulates ideas very close to Calvinist ideology – Bethlen was a highly cultivated individual³⁸ and, being a Calvinist, must have been familiar with Calvin's *Institutio*, in which very similar and parallel thoughts appear.³⁹

It is closely related to the passage of the will quoted above, and at the same time foreshadows that the leadership of Transylvania shall be inherited by his wife, but not alone: '[...] the direction, care, and administration of the laws of the country's government, providence, laws of administration, alongside gubernators and chief brethren of the nations, according to their own ends, and they shall not be bound to appoint any foreigner to any office that can be called by any name [...].'⁴⁰

The clear message of this passage is that, as already found in Bocskai's will, the Transylvanian government should be in Transylvanian hands and not acquired by a foreign power. An important passage is the following quoted text of the testament:

[...] Let each one avoid the ostentation of each prince, let no one seek to educate and promote his condition with it, quia non erit diuturnum; let them not betray each other, for it is not very decent, let them not follow what some around me have followed, having often deceived one another, for together

38 Bethlen Gábor könyvtára és Utasításai.

39 Calvin 1599:

'[...] Eighth Commandment. Thou shalt not steal. [...] This commandment, therefore, we shall duly obey, if, contented with our own lot, we study to acquire nothing but honest and lawful gain; if we long not to grow rich by injustice, nor to plunder our neighbour of his goods, that our own may thereby be increased; if we hasten not to heap up wealth cruelly wrung from the blood of others; if we do not, by means lawful and unlawful, with excessive eagerness scrape together whatever may glut our avarice or meet our prodigality. On the other hand, let it be our constant aim faithfully to lend our counsel and aid to all so as to assist them in retaining their property; or if we have to do with the perfidious or crafty, let us rather be prepared to yield somewhat of our right than to contend with them. And not only so, but let us contribute to the relief of those whom we see under the pressure of difficulties, assisting their want out of our abundance. Lastly, let each of us consider how far he is bound in duty to others, and in good faith pay what we owe. In the same way, let the people pay all due honour to their rulers, submit patiently to their authority, obey their laws and orders, and decline nothing which they can bear without sacrificing the favour of God. Let rulers, again, take due charge of their people, preserve the public peace, protect the good, curb the bad, and conduct themselves throughout as those who must render an account of their office to God, the Judge of all.'

40 Testament 129.

they do not always find me who hitherto has not given credence to the word of an accuser, but have first sought to get to the truth of the matter [...]⁴¹

On the basis of this, it is also necessary to point out that the prince considered lobbying in the present sense to be avoided, and it can be very clearly understood from this passage that slandering and complaining about each other was already in high fashion within the princely court at that time.

During the inauguration of the new prince, in addition to the approval of the Sublime Porte,⁴² it was necessary and important to keep the electoral conditions because they also played a role akin to a fundamental law (or, in today's language, a constitution) according to the perception of that time, since contemporaries regarded the conditions as a fundamental law. These conditions were established in accordance with what was experienced in relation to the previous prince or on the basis of the personality of the new prince, and the electoral conditions were also established for princes appointed by the Ottoman power. From the fact that the conditions were established for each prince, we can conclude that they had a normative effect. These electoral capitulations always included the guarantee of the main freedom, the right to elect, and the fact that the prince cannot in any way subvert it by determining his successor.⁴³ Unlike previous examples, Bethlen states in his will as follows:

Let my beloved wife consider that, though she is of a great princely line, yet of the princely women of good order, there are perhaps more than her own chosen, which neither her worthy fatherly could have accomplished, had not my regard, and even my useful service to her, been caught by the state of the country: let her therefore honour her office from God and her election [...].⁴⁴

In a sense, the reign of Gábor Bethlen was an exception to the capitulation rule because he named his wife as heir to the throne, but in order to balance this, he also appointed a kind of governor as an assistant to his wife in his last will. With this passage in the last will, the prince both admonishes his wife to respect her status and also speaks of an election, which in practice means the actual – though, as will be seen later, only partial – transfer of power to his wife. He concludes the preceding sentence of the will by emphasizing its religious

41 Ibid.

42 The Sublime Porte meant the central government of the Ottoman Empire.

43 Rácz 1992. 162–182.

44 Testament 130.

determinacy: '[...] be grateful and faithful to God, to the poor, to those who truly serve in the Mother Church.'⁴⁵

In the next passage, he exhorts his heir to refrain from cruelty: '[...] do not be cruel to them'.⁴⁶

He recommends avoiding extremes of greed and waste in the management of material goods, namely the golden mean. With regard to what has already been mentioned in connection with Bocskai's will, Bethlen explains the following:

[...] Since nature has instilled in man the delight of a free life, and even the most unwise animals are wont to delight in it, I believe that none of us would meet with a man who would not wish to live in freedom, and if a nation cannot live in it, it would be more pleasant to serve a state; for it would be both wiser and more honourable to live and serve under the guardianship of Christian princes. But the Lord God has also deprived our nation of that (from whom we ought to expect all protection, from whom we have received many evils from the beginning); we cannot help it. [...]⁴⁷

In this line of thought, the foundations of national policy in the present sense can be discovered, in connection with which, in order to confirm his earlier political position, he explains: '[...] My pleasure and advice to my country is this: that, until something else is possible in it, the friendship with the Turkish nation should be maintained even with suffering damage, not to break away from it, but to seek its favour in every way.'⁴⁸

The friendship with the Ottomans, i.e. positive diplomatic relations, a quasi-alliance, is also urged in later years:

[...] Only how much I have spent on the many Turks sent here from the beginning, [...] I advise that Transylvania should not be torn from the Turks, but if the Porte should throw the country away from themselves, from whom I like, I am not afraid, but only do not give them cause for it from here, except for the one Jenő, which I would never have sworn to give otherwise, but if the country were completely insufficient to keep it [...]⁴⁹

On the other hand, he proposes similar relations with the German power, thus foreshadowing the character of *Our Country as a Ferry-Country between East and*

45 Ibid.

46 Ibid.

47 Id. 131.

48 Ibid.

49 Id. 132–133.

West:⁵⁰ 'For now, send up to the Germans, on the other hand, the sons of their sufficient fathers, who are appointed to them, by whom they shall be informed of the Turkish intention; instructing them not to leave such a beautiful final house to Hungary [...].'⁵¹

In the context of the will, it appears as a special feature that state finances are discussed, even if briefly, alongside military affairs: 'In warfare, money, diligence, and arms are desired: [...] in times of need, there should be something to draw on, not be forced to beg for a loan, to throw up the goods as pledges, for there is no more dangerous condition than to earn money by borrowing.'⁵²

After this, his sentences to his brother István Bethlen contain important provisions, which will be discussed in the next sub-chapter.

4.3. Comparison with Today's Legislation

Nowadays, Act No V/2013 of the Civil Code regulates the subject of succession by testamentary disposition (§§ 7:10–7:16 of the Civil Code). The law provides that the testator may dispose of all or part of their property on death freely and personally by testamentary disposition. In order for the instrument to be testamentary in nature, the law requires that the last will must contain a provision on the testator's property in the event of their death and that it must appear to be made by the testator. In comparison, as has been briefly discussed above, Bethlen's last will can be regarded more as a kind of political and public testament, in which his wife Catherine of Brandenburg was named as the quasi-heir to the princely power, but the power also went to the prince's brother, István Bethlen, who, according to the following quote, was a kind of governor according to Gábor Bethlen's testamentary wording ('Sir governor, my younger brother')⁵³ or a guardian (caretaker) of the princess:

[...] Lord Count István Bethlen, my only dear brother, I know that I have offended your grace in many things, and have not always acted according to your will and wishes, which, if in what and when they are, I have not always acted in anger, but either according to my office or because of circumstances: I beseech your Grace with fraternal love to forgive me all things; I desire and beseech the Lord God with all my heart, that he will give me the power of His Holy Spirit to meet my officers, without fail, with whose direction I may be sufficient for all things. Among other things,

50 The lines are from the poem by Endre Ady with the same title. For a description of the problem, see Vidra–Kovacs–Horvath 2011.

51 Testament 133.

52 Id. 134.

53 Id. 137.

I beseech, admonish, and compel my wife, who shall be left an orphan by my death, to take such care of her as her faith-bound duty to me requires: honour, as a prince, be granted, take care that she does not allow any man to rebel, or even to give cause to do her wrong [...].⁵⁴

The last will under discussion is special in the sense that the prince settled the property provisions related to the testament (such as the foundation of the college mentioned earlier) in a separate donation letter and, on the basis of this, the will can be considered a testament in the present sense, but if the donation letter is treated as a separate document and not as a document that is integrally connected with the last will, then Bethlen's will can only be interpreted as a political will.

From the point of view of the succession of princely power to several persons – the hereditary princess and Bethlen's brother, called governor –, Bethlen's will in fact establishes a dual power structure, which can be considered as close to that of the two consuls of ancient Republican Rome and the shared sovereign power between them, although it should be added that the consuls were of equal rank, while the princess enjoyed primacy over the governor in terms of rank.

According to our current legislation, a will can be made by public testament or by a written private testament, while an oral testament can be made in the cases specified by law. In the Middle Ages, it was also possible to make a written private will in addition to a written public will or an oral will uttered in front of witnesses. Under modern law, a public will can be made before a notary, and the formal validity of the public will is governed by the rules on the validity of notarial acts. By comparison, in the mediaeval and early modern period, a public testament could be pronounced before the chancellor, the convent or its delegates, and less frequently before the king (prince), a nobleman, or the magistrate. There were no regulations in the Middle Ages or the Early Modern period for the blind, illiterate, or those unable to read. Under our current rules, a written private will can be validly made in a language which the testator understands and in which he can write in the case of a handwritten will or read in the case of a will written by another person, but in Bethlen's time both Latin and Hungarian were widely used.⁵⁵

5. Final Remarks

Following Bethlen's death in November 1629, which ended his rhapsodic life, Catherine of Brandenburg was allowed to take the princely seat in accordance with the prince's will, albeit for a short period of time, and, 'according' to the

⁵⁴ Id. 135.

⁵⁵ Kulcsár 2008. 58–78.

provision that her brother-in-law, István Bethlen ‘helped’ her as governor, which in fact meant that István Bethlen did everything he could to remove Catherine from power. The reason for this was that during Catherine of Brandenburg’s reign, István Csáky had exerted an alarming amount of influence, in that he (1) had gained control of the seven counties of Partium,⁵⁶ (2) had persuaded her to become a Catholic, and (3) had tried to orient her towards the Habsburgs.

The princess did nothing wrong during the short one-year period, but her suggestibility was too great, so Governor Bethlen, with the support of the Estates, deprived her of her political freedom and wealth, and in 1630 he dismissed Catherine.⁵⁷ As a result of the political games, György Rákóczy was enthroned as prince and ruled from 1630 until the end of the Thirty Years’ War in 1648.

Bethlen’s marriage to Catherine of Brandenburg is characterized in Gábor Kármán’s article as a diplomatic dead-end.⁵⁸ However, the history of this marriage also points to the fact that a marriage that promised diplomatic advantages – in the context of the geopolitical conditions and in the midst of exposure – could also become a negative factor in domestic politics.

The controversial nature of the will, as mentioned above, persisted even after the death of the prince, as the following testifies:

[...] István Bethlen the Younger inherited Bábolna as a tradition of Gábor Bethlen. But, according to Rákóczy, he did not realize the will of Gábor Bethlen: the point concerning Bábolna was written therein by István Bethlen the Elder, and he signed the will with some gentlemen. Nevertheless, while István Bethlen the Younger was alive, this did not bother him, but after his death he reclaimed it as a fiscality. And old Bethlen István’s Monora was from the Voivode Ivan Mogila, who owned it on the basis of a donation from Gábor Bethlen [...]⁵⁹

6. Conclusions

As a result of the study, it can be concluded that, unlike wills in the modern sense, the prince at the beginning of the testament discusses at length his very deep faith in the Almighty God, and he does not forget to mention the eternal disunity of the Hungarians – as the root of all evils. The political tone of the

56 Partium (Latin, meaning ‘The Parts’): those counties over which the Transylvanian princes ruled as ‘lords of Parts of Hungary’.

57 After her resignation, she lived in Vienna and remarried, but this is beyond the scope of this study.

58 Kármán 2015. 32.

59 Szilágyi 1883. 210. Voivode (in Hungarian: *vajda*) was a governor or ruler in central or eastern Europe.

testament is reinforced by the fact that the prince also outlines the geopolitical status of the Principality of Transylvania, since at Bethlen's time, the Principality of Transylvania was being ground between two great powers, the Austrian and the Ottoman.

In the testament, the prince emphasizes religious tolerance in relation to the four established religions, which means that humanism is also manifested in this document. In the ideology of educational development, Bethlen kept in mind not only religion but also the necessity of founding an academy for the education of young men, which resulted in the foundation of the College of Fehérvár, and the consequence of this was the high quality of the educated class.

In addition to the above, Bethlen's will should be considered more as a political and public testament, in the framework of which his wife, Catherine of Brandenburg was named as the quasi-'heir' of the princely powers, but the prince's brother, István Bethlen also shared it, which is the biggest difference compared to last wills in the modern sense. The political nature of the will under discussion is reinforced by the fact that it also dealt with the affairs of state of the principality. The testament under study is special in the sense that the prince settled the property provisions related to the testament in a separate donation letter, and, on this basis, the testament can be regarded as a will in the modern sense, but if the donation letter is treated as a separate document and not as a document that is inextricably linked to the testament, then Bethlen's last will can be understood as a political will.

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