



Foreign Policy and International Relations of the Principality of Transylvania

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Abstract. The subject of the paper is the international relations and recognition of the Principality of Transylvania. International law requires the existence of three mandatory elements in order to recognize a state. These are territory, population, and sovereign authority over them. If we focus on the Transylvanian state, meeting these requirements will not represent an issue. The interesting question is the fourth but not additional criteria of statehood in international law, international recognition. Without international recognition, a state cannot act as part of the international community, and there will always be a collision between claims of sovereignty by other states. In Transylvanian history, this collision existed with the Habsburg and the Ottoman Empire. The essay shows that the independent Principality of Transylvania had the recognition of other states, also having regular foreign policy and diplomatic relations. To demonstrate this statement, the essay is built on three points and breaks down as follows: the evolution of the state from the Eastern Kingdom of Hungary until the Principality of Transylvania, the foreign policy of the Transylvanian state, its directions and orientations and the international relations of the Transylvanian state, with evidence of state recognition.

Keywords: international law, international recognition, Transylvania, Principality of Transylvania, legal history, sovereignty, foreign policy, statehood

1. Introduction

If one wishes to investigate the Principality of Transylvania from a legal history or international law perspective, one will find oneself in a conundrum. The primary reason for this can be found in the political, legal, and historical disputes between

Hungary and Romania regarding Transylvania. The other reason is that there are still a number of historical sources which do not offer a consensus regarding the legal status of the Transylvanian state existing between the 16th and 18th centuries. Many of these sources state that the Principality of Transylvania was a semi-independent state under the suzerainty of the Ottoman Empire;¹ however, the principality had all the mandatory elements required by international law for modern statehood.² According to new research, we should overwrite the old principles surrounding the question of statehood. The above-mentioned disputes between Hungary and Romania are not only present in the diplomatic channels but also at a societal level, which means that all research has to be mindful of this too. It is also noteworthy that the historical meaning of the word Transylvania also had a different content as opposed to nowadays. Also, Transylvania means something else in geography, politics, international law, or literature, but again, also at a societal level.

This essay is a study of the historical Principality of Transylvania, with a focus on legal criteria and without involving politics. The topic of the essay is the time of the independent state, i.e. the period between 1526 and 1711. The research primarily focuses on the following question: was Transylvania an independent country in the investigated centuries? Did it have statehood?

The goal is to present a specific state that appeared in the 16th century on the map of Europe. That state was specific, as Professor Gábor Barta claimed: in less than two centuries, Transylvania was shown to us as the Eastern Kingdom of Hungary, as the Voivodeship – a kind of autonomous region –, as the Independent Principality, and as an occupied province as well, and its *de facto* disappearance after the reign of Francis II Rákóczy.³ From these periods, a number of documents are still in existence which offer a full view of its history, political system, legal system, and foreign relations from the beginning until the end of its statehood. From its birth to its disappearance, we have every important document and source which contains evidence regarding the important question of statehood and international recognition.

At the centre of our research is the question of independence from an international law point of view. Despite Transylvania being one of the two legal successors of the mediaeval Kingdom of Hungary,⁴ the region also developed as a newborn entity which had to fight for recognition, so the essay presents its role in the international community, in international law, its recognition, and foreign policy.

According to international law, in order for an entity to be recognized as a state, it has to have the following three mandatory elements: territory, population, and

1 Barta 1993. 239.

2 Kistelegi 2018. 180–193.

3 Barta 1984.

4 Mezey 2003. 74–76.

sovereignty.⁵ Transylvania had all three of these elements – this is a historical fact which needs no further investigation. The first element of territory was composed of the mediaeval Transylvanian Voivodeship, the counties of Hungarians, the Saxon seats and the Szekler seats, the so-called Eastern Parts, and the counties of the mediaeval Kingdom of Hungary. These territories were named in the official title of the head of state as Prince of Transylvania, lord of certain parts of Hungary, and Count of the Székelys. The area was about 100,000 square kilometres in the investigated period, out of which Transylvania itself as a geographical region constituted 59,000 square kilometres.⁶ The second element of the statehood is population. In the investigated period, the principality had a multi-ethnic population size of approximately 955,000-1,000,000.⁷ The third criterion is that of sovereignty, which will be further examined together with international recognition in the second part of the essay. The reason is evident: no sovereignty can be effective without international recognition, in the absence of which a state cannot act as part of the international community and will always be in dispute regarding competing claims of sovereignty by other states.

The Transylvanian state as a legal successor to the Kingdom of Hungary showed both the internal and international faces of sovereignty through the reign of its heads of state. Due to the fact that without international recognition a state cannot have any political and economic ties with other states and in a radical situation its very statehood would be put in jeopardy or its sovereignty would be subjected to claims or military action by other states, scholars consider that there is a fourth mandatory element: international recognition.⁸ This essay tries to answer this complex question.

Transylvania, Erdély, Ardeal, or Siebenbürgen mean the same territory which started enjoying its own statehood after the Battle of Mohács in 1526 and constituted the alternative development of the Kingdom of Hungary, of Hungarian law and statehood. Of course, the history as a science does not usually ask ‘what if’, but the historical situation gave a non-hypothetical answer to this question in Hungarian legal history. The Habsburg Hungarian Kingdom was situated in the West, while the nation-state was in the East. Both had different constitutional systems, and this separate legal development can be a subject of legal and comparative research.

5 Kovács 2006. 165–174.

6 Kistelegi 2018. 183.

7 Barta 1993. 238.

8 Kovács 2006. 254–256.

2. Historical Background. Basics of the International Recognition of the Principality of Transylvania

As mentioned in the introduction, the Principality of Transylvania was the legal successor to the mediaeval Kingdom of Hungary after it had been defeated by the Ottoman Empire in the Battle of Mohács in 1526. This is supported by historical evidence surrounding the person and title of the head of state. In that period in history, the recognition of the title of a person also had an impact on the sovereignty of the land. The recognition of the title also meant the recognition of the state. Of course, historical facts and evidence had an important role as well next to the other three elements, but the essay focuses mainly on the international aspects.

After the Battle of Mohács, where King Louis II died, two legal monarchs were elected, which resulted in the division of the Mediaeval Hungarian Kingdom into two parts. The Diet, the national assembly at Székesfehérvár, first elected John Szapolyai as Governor (Voivode) of Transylvania and King of Hungary on 10 November 1526, calling him King John I. On 17 December 1526, noblemen from the region known as Transdanubia convened at another Diet in Pozsony (today's Bratislava) electing Ferdinand Archduke of Austria as King of Hungary, in accordance with the Habsburg–Jagiellonian family contract. This resulted in Hungary legally having two heads of state by the end of 1526,⁹ which – as can be expected – caused a civil war to break out. At that time, we could not talk about a Transylvanian state because King John I. was legally king, and it was only the historical situation which caused his sovereignty to have effect only in the eastern part of the Kingdom. However, the Kingdom of John I lay at the core of Transylvanian statehood. When King John died in 1541, the Ottoman Empire proceeded to occupy Central Hungary. The political and military situation changed radically because the Diet elected King John's newborn son as King John II, but his sovereignty only extended to the eastern third of the territory of the former mediaeval Kingdom of Hungary.¹⁰ The Ottoman Empire in Buda created the 'Vilayet of Buda', and Central Hungary came to be integrated into the administrative structure of the Ottoman Empire for about 150 years.

As the result of the above-mentioned historical facts, mediaeval Hungary had been divided and had collapsed, but from an international law perspective the situation was not quite so clear. King John I. was legally elected, thus legally a King of the Kingdom of Hungary. After the civil war with Ferdinand and due to the diplomatic situation, he only reigned in the eastern part of Hungary. The border between the two rival kings was not defined. King John's capital was Buda – the former royal capital –, and his Kingdom can be named The Eastern Kingdom of Hungary. King John II, who went by the popular name

9 Pálffy 2017. 313, 333.

10 Kisteleki 2018. 176–177.

John Sigismund, was elected king of the aforementioned Kingdom; however, he was never actually crowned. His state was also in the eastern part of the former country, but the border was mainly fixed by the river Tisza as the result of the Ottoman occupation of Central Hungary. This state could also be named a kingdom because of the title of John II, but in context it is named Szapolyai-Hungary in contrast to Habsburg-Hungary or Royal Hungary. The Treaty of Speyer signed in 1571 between Ferdinand and John II afforded the latter the right to use the title 'Prince of Transylvania'.¹¹ Nevertheless, John never used this title. Three days after the signing of the Treaty, he suddenly died.¹²

After the death of John II, the Transylvanian Diet elected Stephen Báthory as head of state. Until his election as King of Poland, he used the mediaeval title of Voivode (Governor) of Transylvania.¹³ The reason was simple: the Báthory family was not a royal house as the family of Szapolyai was, and at that time the common political programme of both kingdoms, Hungarian states, was the reunification of the Empire of Saint Stephen's Crown. Stephen Báthory having the title of voivode symbolically reinstituted the Voivodeship of Transylvania as an autonomous part of Hungary. However, Habsburg King Maximilian I had no effective political power or sovereignty over Báthory's land. When Stephen Báthory became elected sovereign King of Poland, he immediately changed his title to Prince,¹⁴ which was the title of the sovereign monarch at that time. Prince Sigismund Báthory, the heir of Stephen Báthory, was the first head of state who was elected Prince of Transylvania, and the region was named the Principality of Transylvania. The name remained until the end of its quasi-independence and was only formally changed in 1768 to Grand Principality under the Habsburg monarchs.

The name of the country, as explained above, has to do with the title and rank of the head of state. Nowadays, the situation is the same: the Republic of France has a president, the Kingdom of the Netherlands and the Principality of Liechtenstein have a king or a prince. John Szapolyai was the undisputed King of Hungary. In the international community, his title and rank were recognized by everyone. Even the rival Habsburg dynasty recognized it by the Treaty of Várad (today's Oradea). The situation of his son, John Sigismund, however, was subject to further dispute. He was elected, but he was never crowned King of Hungary with constitutional and international consequences. Of course, his court and personal contacts used the title of king when addressing him, but internationally this was not clear. The Ottoman Empire as a consequence of their alliance, the Kingdom of Poland due to his Jagiellonian mother, and France due to its anti-Habsburg policy all recognized his royal title and country. Because of his Protestant religion, all

11 Pálffy 2017. 339–340.

12 Barta 1993. 228.

13 Barta 1993. 228–229.

14 Kisteleki 2018. 177.

Protestant countries followed suit, behaving like the abovementioned powers. In fact, he was the Monarch of Transylvania, but due to the above reasons he can be mentioned alongside the Kings of Hungary. He was more of a Hungarian king than a Transylvanian prince. He renounced his royal titles only in the Treaty of Speyer,¹⁵ three days prior to his death, therefore only ruling for three days as prince.

Stephen Báthory was the first Transylvanian head of state who was elected by the Transylvanian Diet. The right to elect the prince was one of the fundamental rights of the Transylvanian Diet. As was mentioned above, at the beginning of his reign, Stephen Báthory first used the vassal 'voivode' title in his official contacts with the Ottoman Empire or with the Habsburgs. The sultan's 'ferman', or alliance letter, to him was also symbolic to Báthory. Before his reign, in the Szapolyai period of the country, all fermans were written as equal alliance letters of equal parties, but Báthory had to accept a vassal status symbolized by the acceptance of the 'voivode' title. Despite this situation between the two empires, his talent and diplomatic activities made Transylvania a *de facto* independent state. When he was elected King of Poland, as monarch of an internationally recognized state, he could change his title to sovereign prince as an equal counterpart of the European monarchs.¹⁶ Neither the Habsburgs nor the Ottoman Empire wanted to go to war for Transylvania with the then great power Poland and its crowned monarch. The title of voivode disappeared in the future, and in 1593 the Transylvanian Diet adopted a constitutional act regarding the head of the state. According to this act, the title is Sovereign Prince: *princeps Transylvaniae partiumque regni Hungariae dominus et sicolorum comes*. Thanks to their title and rank, the heads of state could make effective diplomatic activities and conduct foreign policy independently, which meant that the princes were in fact not vassals but rather allies of the Ottoman Empire. Of course, this alliance was in fact not equal due to the power of the Ottoman Empire, but in much of this period Transylvania could conduct foreign policy independently, as we will explain below. During the period of Transylvanian independence, the country had 18 princes, mostly well-educated, multilingual, and Protestant Hungarian noblemen. Also, most of them were very active in public international life, their actions and the effects of these constituting the unique Transylvanian foreign policy.

3. International Recognition of the Principality of Transylvania

John Szapolyai was legally king as King John I. As the undisputed monarch of an internationally recognized kingdom, he was also recognized as such by the

15 Kisteleki 2018. 191.

16 Kisteleki 2018. 192–193.

Habsburgs. His son, John Sigismund, or King John II, and his land were also recognized by most of the European monarchs and by states such as France, Poland, the Protestant principalities and kingdoms, and, naturally, by the Ottoman Empire. The reason for Protestant recognition came from his personal life: as a typical renaissance person, he was born as a Roman Catholic crown prince, but his open soul accepted the Lutheran and afterwards the Reformed theology, and finally he died as a Unitarian monarch. His religious personality and his legislative actions are at the roots of the world-famous Transylvanian freedom of religion, tolerance, and patience, which was legally constituted by the Act on Freedom of Religion of 1568 and 1571 in the Transylvanian Diet.¹⁷ In the investigated period, the effective recognition of the head of state also meant the recognition of the state. After the disappearance of the royal Szapolyai dynasty, Transylvania faced an issue of legitimacy.¹⁸ The elected head of state, Stephen Báthory came from a wealthy provincial family but not from a royal house. When he was elected King of Poland, his kingship as an international status resolved that legitimacy issue, and he started to use the title and rank of sovereign prince, which resulted in the recognition of the state as the Principality of Transylvania. The name of the title came from the text of the Treaty of Speyer, but Stephen Báthory was the one who effectively filled it with content and attached undisputed sovereignty to it. After his reign, all the heads of state used this internationally recognized title, and the Principality of Transylvania – with few exceptions – was also recognized.

The Ottoman Empire as a great power considered Transylvania to be an Ottoman vassal state, but most European states did not see it this way. The reason for this European recognition came not only from the personal qualities of the princes but also from Protestantism. Transylvania was part of the cultural, political, and economic life of Europe and declared itself a European state (its cultural memories and contacts, educational contacts, built heritage, and diplomatic relations are presented in the fourth part of this paper). Transylvania negotiated at a diplomatic level with most of the European states of that time. All the peace treaties, international contracts, alliances, and dynastic marriages are clear evidence of the equal international status of the Principality with the other European states.¹⁹ The Transylvanian State joined the Protestant Alliance in the Thirty Years' War and also joined the Holy League. Such memberships in international organizations are also significant evidence of state recognition. The most glorious example of international connections and recognition was the 1648 Peace of Westphalia, which created the political and international system of Europe until the Vienna Congress and under some aspects even until the First World War. The mentioned treaty system, which constitutes one of the fundamental building blocks of modern

17 Mezey 2003. 74.

18 Kistelegi 2018. 191.

19 Kistelegi 2018. 194–202.

international law and sovereignty, declared the Principality of Transylvania as a partner of the Protestant Alliance, an allied state of England and Sweden. Switzerland and the Netherlands were also recognized by this treaty system, which means that the Westphalia system constitutes a *de iure* recognition in a collective form of the Principality of Transylvania. The Peace Treaty of Karlowitz between the Ottoman Empire and the Holy League declared the *de iure* independence of Transylvania. It is also noteworthy that some of the dynastic connections were also important: Gabriel Bethlen, Stephen Báthory, and Sigismund Báthory were married to imperial or royal princesses from Europe, while Michael II Apafi's guardian was William of Orange, King of England and Governor of the United Provinces of the Netherlands. If we accept that Transylvania was an Ottoman vassal state, no dynastic connection would have been formed in such ways. The diplomacy of the Principality was clearly a successful one.

4. The Directions of the Diplomacy of the Principality of Transylvania

The Transylvanian National Assembly, or Diet, controlling the Princes' diplomacy²⁰ usually followed two basic recommendations: loyalty regarding the alliance with the Ottoman Empire and good connections with the neighbouring Christian countries.²¹ The executive power of the foreign policy was under the prince, but the supreme forum of diplomacy was the National Assembly. Loyalty towards the Ottoman Empire was a necessary condition for the election of a prince mandated by the National Assembly. The reason is clear: between two world powers – i.e. the Habsburg and the Ottoman –, the Transylvanian statehood had its basis on the Ottoman alliance for most of the investigated period.²² The Transylvanian diplomacy was in a special but difficult situation. Most of the time, the state's territory came under attack by either of the two great powers who wished to extend their sovereignty onto Transylvania. The Ottoman Empire considered Transylvania as its vassal state, and the Habsburg Empire considered it as a rebel province despite Transylvania being declared and clearly recognized as an independent legal successor of the Kingdom of Hungary – a small fatherland between two pagans, as one chronicler said. These were the reasons and roots of the active and effective Transylvanian diplomacy. In the most glorious time of its independence, Transylvania would have territorial successes and also influenced the Ottoman policy at its borders in Wallachia and Moldova.

20 Mezey 2003. 75.

21 Trócsányi 2005. 20.

22 Eckhart 1946. 278–281.

The supreme directive of the diplomacy was the Ottoman loyalty. The fall of the Ottoman Empire was the reason for the fall of the principality too, but it survived by its name until 1867. The topic of this paper is the time of the independent state, therefore the period between 1526 and 1711. In the following, I shall attempt to introduce the main directions of Transylvanian diplomacy. To be noted, all the directions were affected at the same time, but there were periods with dominant directions, as follows.

4.1. The First Period (1526–1571). Beginnings, Core of Identity

In the first period, until the extinction of the Szapolyai dynasty, the main diplomatic directions of the State were the reunification of the Kingdom under the Szapolyai kings with the recognition of their title as kings. In fact, that direction had nothing to do with the question of state recognition, which did exist; at issue was the recognition of the government. In our definition, if a state changes its constitutional system, it will not necessarily have to receive recognition, but in this special situation with two rival kings it determined the foreign policy in the first period.

King John I realized that the Habsburgs could not keep Hungary safe against the Ottoman Empire, so reuniting Hungary could only work without them. The active diplomacy looked for diplomatic help from France under Francis I. After the French coalition, which did not work, King John I turned to the Ottoman alliance.²³ That diplomacy led to a schizophrenic situation, and King John I hesitated. For him as a legitimate and constitutional king, a Christian monarch, it was essentially a last resort to turn to the Islamic Empire as an ally. His decision was supported by traditional Hungarian anti-Germanic sentiment and by the common goal of reuniting Hungary. The French king was also in an alliance with the Ottoman Empire since 1525, a fact which could also justify the alliance with the Ottomans. This diplomacy was successful; however, it was the final step to the total dissolution of mediaeval Hungary. When King John I achieved it, the eastern Hungarian diplomacy tried to reunite Hungary under the Habsburg monarchs. On 24 February 1538, the two sovereign monarchs signed the Treaty of Oradea (Nagyvárad, Grosswardein). Both kings recognized each other as such and also declared that if John died, his heir would be King Ferdinand I. If John had a son, he would become the Duke of Szepes, a newly created dukedom in Northern Hungary. The other main objective of the treaty was the alliance against the Ottoman Empire. The most interesting thing in that treaty was the paradox situation that two sovereign Hungarian kings made an agreement about their realm, meaning an internal dispute was solved and negotiated in an international treaty. As a result of the treaty, the Eastern Kingdom of Hungary, the Principality of Transylvania, which had already possessed the mandatory elements of statehood,

23 Pálffy 2017. 334–336.

population, territory, and sovereignty, also achieved the fourth but not additional element of state recognition. This meant that the Eastern Kingdom of Hungary became an equal state with other sovereign states in Europe at that time.

Without effective Habsburg diplomatic, military, and economic help, the enforcement of the treaty was not possible. King John I later tried to build contacts with the traditionally good ally Poland and married Princess Isabel of the Jagiellonian dynasty. With this step, the enforcement of the Treaty of Nagyvárad became an illusion and was transformed and used as the basis of the next Szapolyai–Habsburg, or Báthory–Habsburg treaties (29 December 1541 – Treaty of Gyálu, 8 September 1549 – Treaty of Nyírbátor, 10 March 1571 – Treaty of Speyer). The only difference was that the Dukedom of Szepes was dissolved, and for the Szapolyais, or Báthorys the Habsburg monarch created the dukedoms of Oppeln and Ratibor. At that time, the Ottoman alliance was effective, except for the few years when the country was under Habsburg rule under General Castaldo as governor and Francis Kendy as well as Stephen Dobó, the hero of the siege of Eger, as voivodes.

4.2. The Second Period (1571–1613). The Age of the Báthorys

In this period, the main issue of foreign policy was still the unification of Hungary. The Transylvanian National Assembly realized that the Habsburgs could not achieve unification and that the two great empires had equal power. According to this recognition, the Transylvanian National Assembly elected the wealthy nobleman Stephen Báthory as Voivode of Transylvania. The more significant points of his reign have already been detailed in the above. Báthory as King of Poland could have the sovereign title of prince recognized in Europe. The Báthorys built good relations with Wallachia and Moldova, proposing an anti-Ottoman coalition. Transylvania, as an allied state of the Republic of Venice and of the Habsburg Monarchy, fought in the Long War (Fifteen Years' War) too. This time, there was also a chance to change the constitutional electoral monarchy into a hereditary monarchy. The sultan recognized the right of the Báthory family to the throne of Transylvania; however, the national assembly protected its electoral rights. Stephen Báthory as King of Poland had also taken diplomatic and military steps in creating a great anti-Ottoman coalition of the Eastern European states, led by him, and for this reason he also tried to obtain the Russian throne.²⁴

4.3. The Third Period (1605–1606, 1613–1657). The Glorious Age of the Protestant Monarchs

The third period was the golden age of the Principality of Transylvania. The diplomacy worked well regarding the Ottoman alliance, and a successful anti-

24 Nagy 1994. 5–41.

Habsburg Protestant policy was the main political direction of the period.²⁵ Transylvania joined all the Western European coalitions against the Habsburg Empire, and the leading coalition partners (states like Sweden, England, Venice, or the Netherlands) recognized its statehood. The princes could grant freedom of religion in royal Hungary. The anti-Habsburg conspiracies in royal Hungary looked at the Transylvanian state as having a real perspective and also the power to reunite Hungary under a national king. The treaties of Vienna (1606), Nikolsburg (1621), and Linz (1645) not only granted the Transylvanian interests but declared the constitutional interests of the royal Hungarian nobility against the royal court. In international focus, in the peace treaty of the Habsburg–Ottoman Long Turkish War, the Treaty of Žitava, the Prince of Transylvania, as an equal partner, was the mediator between the two global powers.

In this period, Hungary was also reunited under Transylvania two times, but for a few years only. Stephen Bocskai became Sovereign Prince of Hungary, and Prince Gabriel Bethlen was elected King of Hungary.²⁶ Under the mentioned Protestant princes, the Principality of Transylvania managed to obtain from the Ottomans the appointment of friendly voivodes in the neighbouring Wallachia and Moldova. At this time, Transylvania paid no tribute to the Ottoman Empire. The Habsburg Kingdom of Hungary paid a yearly tribute to the Ottomans of 200,000 golden florins. The Principality's diplomacy at that time worked with permanent ambassadors in the allied states. To be noted, Transylvania used the asylum system – accordingly, when political or religious refugees from Hungary or from other parts of Europe came to Transylvania, they could seek refuge, and the Transylvanian State would not send them back.

4.4. The Fourth Period (1657–1661). Collapse

The powerful, peaceful, wealthy, and successful Principality collapsed in just four years.²⁷ The Transylvanian diplomacy had not obtained the Polish throne since the reign of Stephen Báthory. The current political situation and the Ottoman alliance and pressure exerted until the rule of Prince George II Rákóczy could prevent real actions in Poland. However, Prince George I Rákóczy's second son, Sigismund, had a real chance to achieve this title under the support of the Protestant Radziwill Dukes, but the plan would eventually fail because of his early death. However, Prince Sigismund's brother, the ruling prince George II Rákóczy, initiated a war for the Polish Crown without Ottoman consent.

25 Barta 1993. 262; Péter 1993. 281–284, 288–294.

26 Pálffy 2017. 416–427.

27 Péter 1993. 312–317.

The result was diplomatically and militarily disastrous²⁸ and ended with an Ottoman, Tatar, and Wallachian invasion of Transylvania.

4.5. The Fifth Period (1661–1690). The Apafis' Fight for the Survival of Transylvania

After a short interregnum, Transylvania had rebuilt itself. In this period, the main diplomatic direction was the secret anti-Ottoman alliance. The Ottoman Empire was in decline at this time, and Transylvania's solution to preserve its independence was to join the Holy League. The asylum system still worked, and there would be no official break with the Ottoman alliance until 1687. Transylvanian diplomacy forced every possible diplomatic step to recognize and preserve its independence, but the global political balance changed dramatically. As member of the Holy League, Transylvania was an allied power of the Habsburgs, France, the Papal State, and Venice, and it still had good relations with Wallachia and Moldova, Poland, and the Protestant states.²⁹ As a result of the successful war between the Holy League and the Ottoman Empire, Transylvania nominally regained its sovereignty, but under the Austrian Habsburg Monarch, by way of the *Diploma Leopoldinum* of 1691, it was recognized as one of the holdings of the Habsburg Monarchies of Europe.³⁰ Transylvania was not reunited with Hungary but was granted separate governmental institutions within the Habsburg Monarchy.

4.6. The Sixth Period (1691–1713). Wars of Independence

As a result of the *Diploma Leopoldinum* and the Treaty of Karlowitz, Transylvania lost its *de facto* independence and became a Habsburg province. The newly organized Habsburg governmental institutions were not integrated into the organically developed and traditional constitutional system of Transylvania, causing internal political crises and resulting in several wars of independence.³¹ These wars were named after the leaders such as Prince Emerich Thököly, Prince of Northern Hungary and Transylvania, or Prince Francis II Rákóczy, Ruling Prince of the Federative States of the Kingdom of Hungary and Principality of Transylvania. All these wars of independence were under Ottoman and French financial support and saw Dutch and English mediation too. Under Francis II Rákóczy, Transylvania³² was member of the Confederation of Hungary and Transylvania, and thus it had no independent foreign policy, wherefore only the

28 Pálffy 2017. 422–424.

29 R. Várkonyi 1993. 325–327.

30 Pálffy 2017. 424–427.

31 R. Várkonyi 1993. 327–337.

32 R. Várkonyi 1993. 331–337.

National Assembly was in operation. Prince Francis II Rákóczy's title of Ruling Prince of Hungary was not recognized internationally, and so in international relations he used the traditional and undisputedly recognized Transylvanian titles of a prince. However, most of the territory of the principality was under Habsburg rule during the wars.

5. Conclusions

The Principality of Transylvania was created and developed as a legal successor to the mediaeval Kingdom of Hungary.³³ Its role was quite important in Hungarian and Romanian history and cultural heritage as fatherland of many nations and nationalities. The discussion exploration of its history, especially its legal history, can have certain effects nowadays too. Transylvanian tolerance is proverbial and is based on its balanced international policy in the past, which resulted, for example, the first act on the freedom of religion in world history and the survival of a multi-ethnic society.

If we look at the criteria for statehood in international law, Transylvania meets all those requirements: the Principality of Transylvania was an independent, sovereign entity, a state in Europe in the 16th/17th centuries. There is much evidence to this effect, such as international documents, dynastic connections, and the political and diplomatic behaviour of the countries at that time. Formally, in the beginnings, it was an equal allied state of the Ottoman Empire, whereas in the end, as a consequence of Prince George II Rákóczy's aggressive and disastrous foreign policy, it became a vassal state and lost its independence. In its history, there were periods when it had to pay tribute to the Ottoman Empire or when the Ottoman Empire appointed the head of state, but such appointments constituted exceptions. For example, in the golden era, or the Báthory era, the National Assembly freely elected the prince, while under Gabriel Bethlen or the Rákóczys' Transylvania no tribute was paid or just symbolic amounts compared to its yearly income. For most of the period studied, Transylvania was not under another state's sovereignty and was not annexed or occupied. The reason was clear, and the Ottoman Empire realized it too: the road to Vienna was not across Transylvania. The Habsburgs would not gladly occupy that eastern state as they needed their forces against France or on the other fronts against the Ottomans. Internal policy, such as cultural, educational, religious, and defence policy, was absolutely free of foreign and Ottoman influences, more so than perhaps nowadays, as membership of different international organizations or entities such as the European Union comes to gradually influence such policies. Many historians believe that Transylvania being obliged to pay tribute to the Ottoman Empire is

33 Pálffy 2017. 345.

evidence of its vassal status. To pay such tributes was not out of the ordinary for that period. For example, the Habsburg Kingdom of Hungary was also obliged to pay tribute to the Ottoman Empire in its history, mostly in higher amounts than Transylvania. Thus, paying such fees and taxes does not constitute evidence of Ottoman vassal status, and it has no effect on the question of sovereignty.

The Principality of Transylvania was not only successor to the Hungarian mediaeval state but was also a buffer state between two global powers. Both of those powers wished for and were interested in its independence, semi-independence, and neutrality from their conflicts. As heir to the Hungarian statehood, the Principality of Transylvania preserved Hungarian culture, literature, and the legal system, developed them and created a specific, Transylvanian culture and identity mixed with the preserved elements of Romanian, Saxon, Armenian, and Jewish heritage. After almost two hundred years of sovereignty, it lost its independence, formally and nominally maintained until 1867, when a union was formed with Hungary,³⁴ within the Austro-Hungarian Empire.

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