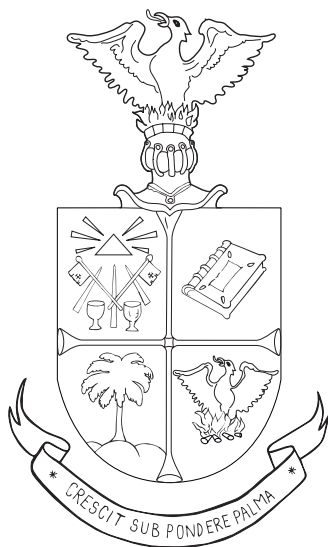


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FOREIGN POLICY AND INTERNATIONAL RELATIONS OF THE PRINCIPALITY OF TRANSYLVANIA

I. Foreword

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 existed between 16-18 centuries. Many of these sources state that the Principality of Transylvania was a semi-independent state under the suzerainty of the Ottoman Empire², however, the principality had all the mandatory elements required by international law for modern statehood³. 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 theme of the essay is the time of the independent state, so the period between 1526-1711. 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, which appeared in the 16th century on the map of Europe. That state was specific, as professor Gábor Barta stated: in less than two centuries Transylvania has been shown to us as the Eastern Kingdom of Hungary, as the Voivodship – a kind of autonomous region, as the Independent Principality, as the occupied province as well, and its *de facto* disappearance after the reign of Francis Rákóczy II⁴. From these periods a number of documents are still in existence which

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2 Béla Köpeczi (ed.), *Erdély rövid története* (Akadémiai Kiadó 1993) 239.

3 Emőd Veress (ed.), *Erdély jogtörténete* (Forum Iuris 2018) 180-193.

4 Gábor Barta, *Az erdélyi fejedelemség születése* (Gondolat 1984)

offer a full view of its history, political system, legal system, 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 contain 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 heirs of the medieval Kingdom of Hungary⁵, 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 sovereignty⁶. Transylvania had all three of these elements, this is a historical fact, which needs no further investigating. The first element of territory was composed of the medieval Transylvanian Voivodship: the Counties of Hungarians, the Saxon Seats and the Szekler Seats, the so-called Eastern Parts and Counties of the Medieval Kingdom of Hungary. These territories were named in the official title of the head of state as Prince of Transylvania, Lord of parts of Hungary, and Count of the Székelys. The area was about 100.000 square kilometers in the investigated period, out of which Transylvania itself as a geographical region constituted 59.000 square kilometers⁷. The second element of the statehood is population. In the investigated period the principality had a multi-ethnic population size of approximately 955.000-1.000.000⁸. The third criterion is that of sovereignty, which will be further examined together with the international recognition, in the second part of the essay. The reason is evident: no sovereignty can be effective without international recognition. Without international recognition, a state cannot act as a part of the international community, and will always be in dispute regarding claims of sovereignty by other states.

The Transylvanian state as a legal heir 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 recognition⁹. This essay tries to answer this complex question,

Transylvania, Erdély, Ardeal, Siebenbürgen means the same territory which started enjoying its own statehood after the siege of Mohács in 1526 and it constituted the alternative development of the Kingdom of Hungary, of Hungarian law and statehood.

5 Barna Mezey (ed.), *Magyar alkotmánytörténet* (Osiris 2003) 74-76.

6 Kovács Péter, *Nemzetközi közjog* (Osiris 2006) 165-174.

7 Veress 183.

8 Köpeczi 238.

9 Kovács 254-256.

Of course, history does not operate with the question *what would have happened if...?*, but the historical situation gave a non-hypothetical answer to Hungarian legal history. The Habsburg Hungarian Kingdom was situated in the West, while the national state was in the East. Both had different constitutional systems and this separated legal development can be a subject of legal and comparative research as well.

II. Historical background. Basics of the international recognition of the Principality of Transylvania

As mentioned in the foreword, the Principality of Transylvania was the legal heir of the Medieval Kingdom of Hungary after it was defeated by the Ottoman Empire in the siege of Mohács in 1526. This is supported by historical evidence surrounding the person and title of 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 also had an important role 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 medieval Hungarian Kingdom into two parts. The Diet, the national assembly of Székesfehérvár first elected John Szapolyai, governor/voivode of Transylvania as King of Hungary on 10 November 1526, naming him King John I. On 17 December 1526, noblemen from the region known as Transdanubia formed another Diet in Pozsony (today's Bratislava) electing Ferdinand Archduke of Austria as King of Hungary, in accordance with the Habsburg-Jagellonian family contract. This resulted in Hungary legally having two heads of state at the end of 1526, which naturally caused a civil war to break out¹⁰. At that time, we cannot 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 at the core of Transylvanian statehood lay the Kingdom of John I. When King John died in 1541, the Ottoman Empire commenced with the occupation of 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 had effect in the eastern third of the territory of the former medieval Hungary¹¹. The Ottoman Empire in Buda created the Vilayet of Buda, and Central Hungary became part of the Ottoman Empire for about 150 years.

As the result of the above mentioned historical facts medieval 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. After the civil war with Ferdinand, and due to the diplomatic situation,

10 Ignác Romsics (ed), *Magyarország története* (Akadémiai Kiadó) 310-338.

11 Veress 176-177.

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 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 against the 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”. Nevertheless John never used this title. Three days after the signing of the Treaty he suddenly died¹².

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 medieval title of Voivode/Governor of Transylvania¹³. The reason was simple, the Báthory family was not a royal house as the Szapolyai was, and at that time the common political program of both kingdoms, Hungarian states was the reunification of the Empire of Saint Stephen's Crown. Stephen Báthory having the title of Voivode symbolically reinstated the Voivodship of Transylvania, as an autonomous part of Hungary. However, the 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 Prince¹⁴, 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 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 was recognized by everyone. Even the rival Habsburg dynasty recognized it by the Treaty of Várad (today Oradea). The situation of his son, John Sigismund, however, was subject to more 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 Jagellonian mother, France due to its anti-Habsburg policy all recognized his royal title and country.

12 Köpeczi 228.

13 Köpeczi 228-229.

14 Veress 177.

Because of his protestantism, all the protestant countries also followed suite, 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 Speyer¹⁵, 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 the 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 the 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 hard 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 member of the European monarchs¹⁶. Neither the Habsburgs, nor the Ottoman Empire wanted to go to war with the then great-power Poland and its crowned monarch, for Transylvania. The title voivode disappeared in the future, and in 1593 the Transylvanian Diet made 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 independent Transylvania, the country had 18 princes, mostly well educated, multilingual, protestant Hungarian noblemen. Also most of them were very active in the public international life, whose actions and their effects constitute the unique Transylvanian foreign policy.

III. International recognition of the Principality of Transylvania

John Szapolyai, as King John I., was legally king. As the undisputed monarch of an internationally recognized kingdom, he was also recognized as such by the Habsburgs. His son, John Sigismund or King John II. and his land was 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 of the

15 Veress 191.

16 Veress 192-193.

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 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 Diet¹⁷. In the investigated time the effective recognition of the head of state also meant the recognition of the state. After the disappearance of the royal Szapolyai dynasty, Transylvania had a great issue of legitimacy¹⁸. The elected 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 solved 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 to it undisputed sovereignty. 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 of Europe did not see it so. 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 (see: cultural memories and contacts, educational contacts, built heritage and diplomatic relations explained in the fourth part of the essay). Transylvania negotiated at a diplomatic level with most of the European states of that time. All the peace treaties, international contracts, alliances, dynastical marriages are clear evidence of the equal international status of the Principality with the other European states¹⁹. The Transylvanian State joined the Protestant Alliance in the Thirty Year 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, in some aspects until the First World War. The mentioned treaty system, which constitutes one of the fundamental building blocks of modern 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

17 Mezey 74.

18 Veress, 191.

19 Veress, 194-202

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 Bathory were married to imperial or royal princesses from Europe, Michael Apaffy II's guardian was William of Orange, King of England, 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 successful.

IV. The directions of the diplomacy of the Principality of Transylvania

The Transylvanian National Assembly controlling the Princes' diplomacy²⁰, usually followed two basic recommendations: loyalty regarding the alliance with the Ottoman Empire and good connections with the neighboring and Christian countries²¹. The executive power of the foreign policy was under the Prince, but the supreme forum of the 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 the 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 period²². 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, the Habsburg Empire considered it as a rebel province, despite Transylvania being declared and recognized clearly as an independent legal heir of the Kingdom of Hungary. Small fatherland between two pagans – said the chronicle. These were the reasons and roots of the active and effective Transylvanian diplomacy. In the most glorious time of the independence, Transylvania would have territorial successes and also affected the Ottoman policy at its borders in Wallachia and Moldova.

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 1867²³. The theme of the essay is the time of the independent state, so the period between 1526-1711. In the following parts the essay tries to introduce the main directions of the Transylvanian diplomacy. To be noted, all the directions were effected at the same time, but there were periods with dominant directions, as follows:

20 Mezey 75.

21 Zsolt Trócsányi, *Törvényalkotás az Erdélyi Fejedelemségben*, (Gondolat Kiadó 2005) 20.

22 Ferenc Eckhart, *Magyar alkotmány- és jogtörténet*, (Politzer Zsigmond és Fia Jogi Könyvkereskedés 1946.) 278-281

23 Veress 282-285.

The first period: (1526-1571) - beginnings, core of the 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 determined the foreign policy at 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 alliance²⁴. That diplomacy was in a schizophrenic situation and King John I. hesitated. For him as a legitimate and constitutional king, a Christian monarch, it was essentially the last chance by turning to the Islamic Empire as an ally. His decision was supported by the traditional Hungarian anti-germanic sentiment and on the common goal of reuniting Hungary. The French king was also in an alliance with the Ottoman Empire since 1525, fact which could also justify the alliance with the Ottomans. This diplomacy was successful, however it was the final step of the total dissolution of medieval Hungary. When King John I realized it, the eastern Hungarian diplomacy tried to reunite Hungary under the Habsburg monarch. On 24 February 1538 the two sovereign monarchs signed the Treaty of Oradea/Nagyvárad/Grosswardein. Both kings recognized each other as kings, also declared if John dies, his heir would be King Ferdinand I. If John would have a son, he would become the Duke of Szepes, a newly created dukedom in Northern Hungary. The other main task 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 problem was solved and negotiated in an international treaty. As a result of the treaty the Eastern Kingdom of Hungary, the pretender of the Principality of Transylvania, which had already the mandatory elements of statehood, population, the territory and sovereignty, also got 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 execution of the treaty was a loss. King John I. afterwards tried to build contacts with the traditional good ally Poland and married Princess Isabel of the Jagellonian dynasty. With this step, the execution of the Treaty of Nagyvárad became an illusion and 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

24 Romsics 334-336.

was dissolved and for the Szapolyais or Báthorys the Habsburg monarch created the dukedoms Oppeln and Ratibor. At that time the Ottoman alliance was effective, except the few years when the country was under Habsburg rule under General Castaldo as governor and Francis Kendy and the Hero of Eger, Stephen Dobó as voivodes.

The second period (1571-1613) - the time of the Báthorys

In this period the main issue before the foreign policy was still the unification of Hungary. The Transylvanian National Assembly realized that the Habsburgs could not realize the unification and 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 a Polish King could recognize the sovereign Princely title 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 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 throne²⁵.

The third period (1605-1606, 1613-1657) – the glorious time of the protestant monarchs

The third period was the golden age of the Principality of Transylvania. The diplomacy worked well regarding the Ottoman alliance, successful anti-Habsburg protestant policy was the main content of the period²⁶. Transylvania joined all the Western European coalitions against the Habsburg Empire and the leading coalition partners (countries like Sweden, England, Venice, 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 possibility and also the power to reunite Hungary under a national king. The treaties of Vienna (1606), Nickolsburg (1621) and Linz (1645) granted not only 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 Zitava 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 Bocskay became Sovereign Prince of Hungary, Prince Gabriel

25 László Nagy (ed), *Báthory István emlékezete*, (Zrínyi Kiadó) 5-41.

26 Köpeczi 262.294.

Bethlen was elected King of Hungary. Under the mentioned protestant princes, the Principality of Transylvania managed to obtain from the Ottomans the appointment of friendly voivodes in neighboring Wallachia and Moldova. At this time Transylvania paid no tax to the Ottoman Empire. The Habsburg Kingdom of Hungary paid a yearly tax to the Ottomans of 200.000 golden florints. The Principality's diplomacy at that time worked with permanent ambassadors in the ally states. To be noted, Transylvania used the asylum system, thus when political or religious refugees from Hungary or from Europe came to Transylvania, they could have safety, the Transylvanian State would not send them back.

The fourth period (1657-1661) - the time of deterioration

The powerful, peaceful, wealthy and successful Principality deteriorated in four years²⁷. The Transylvanian diplomacy had not obtained the Polish throne since the reign of Stephen Báthory. The actual political situation and the Ottoman alliance and pressure until Prince George Rákóczy II. could prevent real actions in Poland. However, Prince George Rákóczy I.'s second son Sigismund had a real chance under the support of the protestant Radziwill Dukes, but because of his early death the plan finally failed. However, Prince Sigismund's brother, the ruling prince George Rákóczy II. started a war for the Polish Crown without Ottoman consent. The result was diplomatically and militarily a tragedy and ended with an Ottoman, Tatar and Wallachian invasion of Transylvania²⁸.

The fifth period (1661-1690) - The Apafis, fight for survival

After a short interregnum Transylvania had rebuilt itself. In this period the main diplomatic direction was the secret anti-Ottoman alliance. The Ottoman Empire had been 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 until 1687 there was no official break with the Ottoman alliance. Transylvanian diplomacy forced every possible diplomatic step to recognize and preserve its independence, but the global political balance changed dramatically. As a member of the Holy League, Transylvania was an allied power of the Habsburgs, of France, of the Papal State, of Venice, it still had good relations with the Wallachia and Moldova, with Poland and the protestant states²⁹. As a result of the successful war between the Holy League and the Ottoman Empire, Transylvania nominally got its sovereignty back, but under the Habsburg Monarch by way of the Diploma Leopoldinum of 1691, as one of the Habsburg Monarchies in Europe³⁰. Transylvania was not reunited with Hungary, it got its separate governmental institutions within the Habsburg Monarchy.

27 Köpeczi 312-317.

28 Romsics 422-424.

29 Köpeczi 325-327

30 Romsics 424-427.

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 many wars of independence³¹. Those wars named after the leading persons like Prince Emerich Thököly, Prince of Northern Hungary and Transylvania, or Prince Francis Rákóczy II., 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 had Dutch and English mediations too. Under Francis Rákóczy II. Transylvania was a member of the Confederation of Hungary and Transylvania, thus Transylvania had no independent foreign policy, so only the National Assembly functioned. Prince Francis Rákóczy II.'s title of ruling prince of Hungary was not recognized internationally, thus in international relations he used the traditional and undisputedly recognized Transylvanian princely titles. However, most of the territory of the principality was under Habsburg rule during the wars.

V. Conclusion

The Principality of Transylvania was created and developed as a legal heir of the medieval Kingdom of Hungary. Its role was quite important in the Hungarian and Romanian history and cultural heritage, as fatherland of many nations and nationalities. To discuss and explore its history, especially legal history can have some effects nowadays too. The Transylvanian tolerance is proverbial and based on its balanced international policy in the past, which resulted for example the first act on freedom of religion in history and the survival of the 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, such as the international documents, the dynastic connections and the political and diplomatic behavior of the countries at that time. Formally, in the beginnings, it was an equal allied state of the Ottoman Empire, in the end, as a consequence of Prince George Rákóczy II.'s foreign policy it became a vassal state and lost its independence. In its history there were periods when it had to pay a kind of fee to the Ottoman Empire, or the Ottoman Empire appointed the head of state, but this appointment constituted an exception. For example, in the golden era, or the Báthory era, the National Assembly freely elected the prince, under Gabriel Bethlen or under the Rákóczys Transylvania paid no fees, or just symbolically tributes of its yearly income. Transylvania most of the time investigated was not under other state's sovereignty, was not annexed or occupied. The reason was clear and the Ottoman Empire realized it also: the route

31 Köpeczi 327-337.

to Vienna was not across Transylvania. The Habsburgs would not gladly occupy that eastern country, they needed their forces against France, or against the other Ottoman fronts. The inner policies, such as cultural, educational, religious and defense policy were absolutely free of foreign and Ottoman effects, maybe more free than nowadays as members of different international organizations or entities, or member states of the European Union. Many historians believe that because Transylvania was obliged to pay tax tribute or fee to the Ottoman Empire, this fee is an evidence of its vassal status. To pay such fees or taxes was not out of the ordinary for that time. For example the Habsburg Kingdom of Hungary was also obliged to pay such taxes and fees to the Ottoman Empire in its history, mostly much more than Transylvania. Thus to pay 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 the heir to the Hungarian medieval state, but was also an buffer state between two global powers. Both of those powers wished and were interested in its independence, semi-independence and neutrality from their conflicts. As heir to the Hungarian statehood, the Principality of Transylvania rescued the Hungarian culture, literature and legal system, developed them further and created a specific, Transylvanian culture and identity, mixed with the rescued Romanian, Saxon, Armenian, Jewish elements and heritage as well. After almost two hundred years of sovereignty it lost its independence, formally and nominally preserved it until 1867 when union was formed with Hungary, within the Austro-Hungarian Empire.