 BETWEEN VIENNA AND CONSTANTINOPLE: NOTES ON THE LEGAL STATUS OF THE PRINCIPALITY OF TRANSYLVANIA

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In the sixteenth and seventeenth centuries, the Principality of Transylvania, a vassal of the Ottoman Empire, functioned as a state with limited sovereignty. While the documents relating to Transylvania’s vassal status have been well-studied, little attention has been devoted to the documents defining the legal relationship between Transylvania and the Kingdom of Hungary under Habsburg rule. In fact, there are a significant number of treaties and agreements that attempt to define and re-define the complex relationship between the two states.\(^1\) What is more, research on these treaties and agreements shows that in many cases the two parties had contrasting interpretations of the relationship between Transylvania and its prince on one hand, and the Kingdom of Hungary and its monarch on the other.

This article does not address the vassal status of the Principality of Transylvania because several studies have examined it already.\(^2\) Instead,
I focus on the complex relationship through which the principality was linked to the Kingdom of Hungary. The present study is only a brief summary of my ongoing research and covers only parts of the principality’s century-and-a-half-long history. Still, the study approaches the legal status of the Principality of Transylvania in the early modern period from a new point of view.

From the perspective of the Kingdom of Hungary, the discussion of the legal status of the principality during its 150-year-long existence can be pursued along three main lines. The first revolves around the name and title of the ruler of Transylvania (voievod or prince). The second is the conceptualization and definition of Transylvania as a province (provincia) or a country (regnum) as laid down in the relevant treaties concluded between the representatives of the Kingdom and Transylvania. The third concerns the recurring debates over the free election of the prince (libera electio). The definition of these legal categories is crucial in order to understand the establishment and the legal nature of the principality, thus the treaties and agreements concluded between the Kingdom of Hungary and the Principality of Transylvania, as well as the laws passed at the diet of Transylvania constitute an important body of sources for our topic. As the topics and perspectives above are closely interrelated and appear together in most of the legal documents, the three aforementioned questions continue to reoccur throughout the analysis.

The Formation of the Transylvanian State and the Title of Its Ruler

In the Middle Ages, the territory called Transylvania functioned as an integral part of the Kingdom of Hungary. The legal terminology of the age—surviving well into the sixteenth and seventeenth centuries—conceptualized this relationship by calling Transylvania a member (membrum) of the Hungarian Holy Crown. At the same time, this theoretical