

On the Legal and Governmental History of the Principality of Transylvania

Introductory remarks

Teréz Oborni 

Special editor of the block

History writing has already processed the political history of the Principality of Transylvania, clarifying many of its details. Nevertheless, the way state administration functioned, including the judiciary, is still very much a mystery, although understanding the framework of everyday life is vital in investigating past ages. As the leading researcher of Transylvanian political and governmental history, Zsolt Trócsányi states in his still abiding 1980 monograph, the elaboration of the Principality of Transylvania's administrative history is not commensurate with that of the political-historical line. Source publications in recent decades have tried to change this situation. The *Erdélyi Történelmi Adatok* [Transylvanian Historical Data] series, published in Cluj-Napoca, and especially the publication of *Erdélyi Királyi Könyvek* [Transylvanian Royal Books] written at the Princely Chancellery, the regesta volumes of the minutes of Transylvanian *loca credibilia* ('places of authentication' at ecclesiastical colleges), and the county minutes (Torda County) have brought considerable advancement to the field. Also recently published is the Constitutional History of Transylvania, a summary volume.¹ However, there are extant sources that shed light on the peculiarities of the principality's statehood, government, and system of adjudication, but have not yet been used by historians. Since the central archives of the Principality suffered great destruction in the seventeenth century, with no more than their fragments surviving, only through meticulous research in family and municipal archives and manuscript collections in Hungary, Romania and Austria can surviving sources be found.

The members of the research group formed at the Institute of History of the HUN-REN Research Centre for the Humanities (Budapest) and the Research Institute of the Transylvanian Museum Association named after Zsigmond Jakó

1 Veress, Emőd, ed. *Constitutional History of Transylvania*. Studies in the History of Law and Justice 25. Heidelberg: Springer, 2023.

(Cluj-Napoca) have set out to discover, publish, and analyse new archival sources on the statehood, government and judiciary of early modern Transylvania.² The first volume of our source publications published is the minutes of mobile inquisition (1679–1701) in Sepsiszek.³ In addition to helping us understand the characteristics of lower jurisdiction, the minutes of mobile inquisition contain full population lists of certain settlements. As they list the military population, as well as villeins and newcomers, they contribute to obtaining a more accurate picture of Székely Land's everyday life, population, and the ethnic composition of its villages.

The Principality of Transylvania existed as a vassal state of the Ottoman Empire, but it also maintained relations with the Kingdom of Hungary, defined by secret or less secret treaties, in which the Transylvanian princes continued to consider their country a member of the Hungarian Holy Crown. Therefore, it is not surprising that the political system of the Principality, as well as princely jurisdiction evolved on the basis of the legal and governmental traditions and customary law of the medieval Kingdom of Hungary of the time, following the formation of the new Transylvanian state. In this period, the branches of government and judicial power, and legal customs were much more closely intertwined than they are today; therefore, the problems to be explored are closely interrelated.

In this issue of HSCE, we report on some of the new findings of the research team regarding the statehood and the judicial system of the Principality. Teréz Oborni presents her view on the Unions of Estates, the unions as a basic element of the constitution, which formed the cohesive force of the state of the Principality of Transylvania. Balázs Viktor Rác reports on the specific legal status of Székely society, the particular 'Székely law' that developed in the Middle Ages, and on the changes in the jurisprudence of Székely Land in the early modern period. Zsolt Bogdándi's research focuses primarily on the Principality's judicial system. Based on dietary decisions and archival sources, he describes the organization of the top-level adjudication, the independent Transylvanian central court of law, the so-called Royal/Voivodal/Princely Table (*Tabula* or *Curia*). As part of her research concerning the Habsburg governmental bodies in Transylvania between 1602 and 1605, Petra Mátyás-Rausch analyses the governmental changes planned in 1604.

2 Supported by the NKFIH (National Research, Development and Innovation Office) research project, number K 139281.

3 Rác, Balázs Viktor, ed. *Sepsiszéki cirkálási jegyzőkönyvek 1679–1701* [The Minutes of Mobile Inquisition in Sepsiszek 1679–1701]. *Monumenta Hungariae Historica. Diplomataria*. Budapest: ELKH BTK, 2023.

