

INTRODUCTION



“It makes little sense to enrage a people used to freedom”: so did King Frederick II of Prussia characterize the political infrastructure of Hungary and the strength of the Hungarian estates at the end of the eighteenth century.¹ In a Europe of absolutism, the institutions in Hungary, ensuring comprehensive political rights for the estates, and the breadth of the political participation this brought with it, had few equals.² This present work seeks to introduce this political system, one that, in the eighteenth century, had the diet—the parliament of Hungary—at its center.

As it crossed into the eighteenth century, Hungary entered a new era of its history. The expulsion of the Ottoman forces (1699) brought an end to a century and a half defined by the struggle against the Ottomans; in 1687, meanwhile, the rule of the Habsburg dynasty, hereditary on the male bloodline, over Hungary was entered into law.³ Yet the constitutional and political circumstances of the eighteenth century were determined not only by the events of the end of the previous century, but also by those at the beginning of the eighteenth—most of all by the Rákóczi War of Independence, no longer defined by Protestant self-defense in the face of the Counter-Reformation, as had been the case for previous anti-Habsburg movements, but in the first instance by a broad dissatisfaction with the situation created by the wars that expelled the Ottomans: the almost impossible burden presented by the liberating imperial army on the one hand and the incursions on the political rights of the estates on the other. The estates had not exerted their right to levy war taxes since 1670; in these circumstances, the nobility was also taxed, as had often occurred since 1526. In a country ravaged by plague, the Rákóczi War of Independence might have suffered military defeat, yet it forced both sides to draw lessons from it: while Hungary’s frustration presented a serious problem for the warring Habsburgs, their eye on their dynastic interests in Western Europe, by tying up so many imperial regiments, also proved that Hungary’s resources were inadequate to win it full independence.



Map 0.1. The Kingdom of Hungary in 1750. Map by Béla Nagy. Published with permission.

The Treaty of Szatmár in 1711 stabilized the position of the Hungarian estates, restoring the dualism of king and estates of the previous era. The diet regained its control of war taxes, while the noble elite was freed from paying them. Hungary's ruler would no longer be elected, but two documents, the *diploma inaugurale* (coronation charter) demanded as a prerequisite of his coronation, and the coronation oath that was a short version of it, would inevitably win their final form as the result of a process of negotiation with the estates, thus retaining elements of the earlier conditions for election (*Wahlkapitulationen*). Within the framework of the traditional system of counties, the estates kept their monopoly over local and regional administration, and their broad rights over governance and the judiciary at the national level.

Testament to the success of the Treaty of Szatmár was the diet's acceptance on 30 June 1722 of the Pragmatic Sanctio, the Habsburgs' inheritance on the female blood line, enacted in the favorable atmosphere of the optimism embodied by the reforms prepared by the *systematica commissio*, and in particular of the policy of compromise espoused by Charles VI (as king of Hungary, Charles III), all the while in dread of the appearance of the troops of the Ottoman Empire. This decree determined not only the order of succession for the successors to Leopold I on the throne but also the "indivisibility and inseparability" of Hungary on the one hand and the other provinces of her king on the other.⁴ The Pragmatic Sanctio paved the way for Maria Theresa to ascend the throne. Her accession was



Figure 0.1. Presenting the infant Joseph II to the Hungarian estates at the diet in 1741 in Pressburg Castle, painted by Franz Messmer and Wenzel Pohl (1768), in the council room of the former Hungarian Royal Court Chancellery in Vienna. Photo by Bettina Neubauer-Pregl, BDA. Courtesy of Cantat Heritage & Innovation GmbH.

even clearer proof of the success of the Treaty of Szatmár. While the Bohemian estates elected Charles Albert, prince of Bavaria, later Emperor Charles VII, as their king, Hungary's estates remained loyal to Maria Theresa, thereby—at least according to Montesquieu—directly saving her empire.⁵

In the years that followed, the special treatment Hungary received was the result not only of Maria Theresa's heartfelt gratitude but also of the fact that by 1741 the treaty of 1711 had proved itself to be workable. The lands of the Hungarian crown had been left out of the reforms introduced by Count Haugwitz following the War of the Austrian Succession, the key goal of which was to increase the military potential of the Habsburg Monarchy to put it in a position to regain Silesia from Prussia. Changes to taxation not only brought in more money from the common people but also forced regular taxation on the clergy and the nobility. Institutional changes attached the seemingly unreliable Czech provinces more strongly to the core Austrian areas.⁶

Gyula Szekfű points out that the Haugwitz reforms can be seen as the origins of the separate path Hungary followed within the Habsburg Monarchy.⁷ True, Hungary was always a special case relative to the other provinces and countries in the monarchy, but it was precisely during the early part of Maria Theresa's reign that its unique character became consolidated into a divergent structure. The ultimate expression of this—and the point to which the Hungarian *Sonderweg* led—would be the creation of the Austro-Hungarian Monarchy in 1867.

This present volume examines an institution of central importance to eighteenth-century Hungarian history, the diet, between 1708 and 1792.⁸ After depicting the political chessboard of the dualism of king and estates, it presents the structure and operation of the national assembly. As part of the process of *tractatus diaetalis*, a negotiation took place between the ruler and the estates, during which the government could usually count on the support of the upper house, on the *personalis* (who acted as speaker of the lower house),⁹ on the royal court of justice (fully present at the lower house), on the clergy, and on the envoys of the royal free cities.¹⁰ Government initiatives usually faced resistance from a bloc of opposition-minded deputies from the Hungarian counties (*vármegyék*).

Political life in the first decades of the century was dominated by religious divisions within the estates, but in parliamentary history this dualism of king and estates dominated by confessional questions only lasted until 1729; afterward, the question of religion was no longer on the diet's agenda. This made it possible for the essential political battle lines to be redrawn—for the estates to form a united front against the king to defend lower taxes and noble privileges. In the second half of the century, the estates increasingly saw these questions as ones of a constitutional nature, with no place for compromise; from the diet of 1764–65 onward, politics became decidedly more confrontational. An examination of alterations to the text of the *diploma inaugurale*, so important to contemporaries, offers an opportunity to interpret these changes from the perspective of legal his-

tory, explaining the achievements of the eighteenth-century diet as efforts taken to repair the damage caused by the “joint interpretation clause” (a clause added unilaterally by the government to the *diploma inauguralis* in 1687).

In its clashes with the party of the government, the main opposition force—the county deputies—grew in strength. Their actions were in part motivated by personal ambition. But the generative model based on the political positions taken during the deliberations of the diets in the middle of the century tells us that, when interpreting the second half of our period, and in addition to old confessional considerations and Namierian self-interest, there is a third motivational factor to be discovered: one we could refer to as the tendency toward a dualism of king and estates dominated by constitutional questions. It was with the strengthening of this tendency that the political battle lines between loyal supporters of the ruler and the exponents of the opposition became visibly hardened. While in the previous era—including the first half of the period under investigation—support for government and opposition opinions could easily be mixed, these two positions would later become mutually exclusive possibilities.

The development of the diet and its various mechanisms within the flexible common law system of the dualism of king and the estates gave expression to changing political power relationships. Likewise, the eighteenth-century history of decision-making procedures applied by the diet, the evolution of the relationship between the upper and the lower house, and the history of the so-called district session all display the rise of the county deputies to a position of political dominance. Using a social-historical interpretation to provide an explanation of this change, we see in the background the social emancipation of the *bene possessio-natus* nobility—that is, the affluent gentry—and its acquisition of power, first asserting itself in the political life of the counties, then finding expression at the diet.

Calling on speeches given at the diet to assist us, we see that by the end of the century the notion of the ancient Hungarian constitution had taken center stage in the interpretation of the historical actors themselves, a constitution that had to be defended at all costs—against the actions of the crown. It was in this fashion that the concept of the common good was downplayed, which seemed at a certain historical moment to present a possibility for cooperation, offering a joint platform for collaboration between the estates speaking the political language of republicanism and the government speaking the political language of enlightened governance. The concept of a constitution quickly became rooted in political parlance and was retrospectively used to describe Hungary’s specific political system—which, ultimately, is the subject of this book.

In the last decades of the eighteenth century, the room for cooperation between ruler and estates would be restricted from many sides: the emphasis on the constitution brought with it a distinct decline in the previous potential for compromise in politics and an increase in the confrontational nature of politics at the Hungarian diet. Two opposing political elites were formed, between which

the possibility for passage became much less than it had been. This was perhaps the most important outcome of the emergence of the dualism of king and estates dominated by constitutional questions: the high level of political participation seen at the assemblies of the Hungarian counties and at the diet, which a twenty-first-century historian can think highly of for its emphasis on constitutional traditions and which had few rivals in *ancien régime* Europe, formed a politics so confrontational as to project the shadow of serious conflict onto the nineteenth century.

Notes

1. P. von Mitrofanov, *Joseph II. Seine politische und kulturelle Tätigkeit* (Wien–Leipzig: 1910), 224, cited in H. Haselsteiner, *Joseph II und die Komitate Ungarns: Herrscherrecht und ständischer Konstitutionalismus* (Wien–Köln–Graz, 1983), 221.
2. On Sweden as a “broad political nation” and on the importance of this, see, for example, J. Scherp, “The Swedish Model, Early Modern Edition: Cooperation and Constitutionalism in the Swedish Parliament,” retrieved 31 July 2019 from https://www.academia.edu/13881317/The_Swedish_Model_Early_Modern_edition_cooperation_and_constitutionalism_in_the_Swedish_parliament, 2. In Sweden, the Age of Liberty was both preceded and followed by absolutism, but Robert Frost argues that even “absolute monarchy was limited monarchy” in Scandinavia, the consent of citizens being crucial. R. Frost, “Monarchy in Northern and Eastern Europe,” in *The Oxford Handbook of Early Modern History, 1350–1750*, ed. H. Scott (Oxford, 2015), 2:414.
3. The area of the Temesköz (Temesi Bánság/Banat) was only returned to Hungary by the Treaty of Passarowitz in 1718. The complete restoration of the country’s territorial integrity would not take place even after this, however, as the Principality of Transylvania (later the Great Principality) remained separate, while the area of the borderlands to the south was governed directly from Vienna. As the Principality of Transylvania was governed separately and had its own representative assembly, it will not be covered by this study.
4. Gy. Ember, “Magyarország a Habsburg-birodalomban,” in *Magyarország története 1686–1790*, ed. Gy. Ember and G. Heckenast (Budapest, 1989), 382–85; Gy. Ember, “Az országgyűlések,” in *Magyarország története 1686–1790*, ed. Gy. Ember and G. Heckenast (Budapest, 1989), 404.
5. Montesquieu, *The Spirit of the Laws*, trans. and ed. by A. M. Cohler, B. C. Miller, and H. S. Stone (Cambridge, 1989), bk. 8, chap. 9, p. 119.
6. P. G. M. Dickson, *Finance and Government under Maria Theresia, 1740–1780*, 2 vols. (Oxford, 1987), 2:267–68; Ch. W. Ingrao, *The Habsburg Monarchy, 1618–1815* (Cambridge, 1994) 161–63; W. Schulze, “Die Ständewesen in den Erblanden der Habsburger Monarchie bis 1740: Vom dualistischen Ständestaat zum organisch-föderativen Absolutismus,” in *Ständetum und Staatsbildung in Brandenburg-Preussen: Ergebnissen einer internationalen Fachtagung*, ed. P. Baumgart (Berlin, 1983) 267; J. Barta Jr., *Mária Terézia* (Budapest, 1988), 94; G. Klingenstein, “Skizze zur Geschichte der erbländischen Stände im aufgeklärten Absolutismus der Habsburger (etwa 1740 bis 1790),” in *Ständetum und Staatsbildung in Brandenburg-Preussen: Ergebnissen einer internationalen Fachtagung*, ed. P. Baumgart (Berlin, 1983), 346; R. J. W. Evans, “The Habsburg Monarchy and Bohe-

- nia, 1526–1848,” in *Conquest and Coalescence. The Shaping of the State in Early Modern Europe*, ed. M. Greengrass (London, 1991), 147.
7. B. Hóman and Gy. Szekfű, *Magyar történet*, 5 vols. (Budapest, 1935), 4:510. (The author of the cited volume is Gyula Szekfű.) Cf. R. J. W. Evans, “The Habsburgs and the Hungarian Problem, 1790–1848,” *Transactions of the Royal Historical Society*, 5th series 39 (1989), 42.
 8. There is currently a debate in Hungarian historiography as to whether the representative assembly of the Rákóczi rebellion can be considered to be the *országgyűlés* (*dieta*) or just the *országos gyűlés*. Sándor Gebei argues for the latter, pointing to the example of the Polish confederations. (S. Gebei, “A Rákóczi-szabadságharc országos gyűlései,” in *Rendiség és parlamentarizmus Magyarországon: A kezdetektől 1918-ig*, ed. T. Dobszay et al. [Budapest, 2014], 162–72.) In any case, in this period, the present book limits its scope to the “official” diet, convoked by King Joseph I in 1708. The last diet of the century, that held in 1796, features here only in passing to indicate the survival of some tendencies of the early 1790s after the execution in 1795 of the leaders of the conspiracy of the so-called Hungarian Jacobins. The threat to Habsburg power from the two secret societies organized by Ignác Martinovics was considerably magnified by events in Paris. The 1796 diet focused on the needs of the war waged against revolutionary France; it was short and otherwise quite insignificant.
 9. Throughout the text of this book, special terms have been translated when this seemed possible, and not translated if an English version might mislead readers. So, *horvát bán* or *banus Croatiae* is rendered as “viceroy of Croatia,” as this expression should give the reader a correct notion of the holder of this office. But translating *főispán/supremus comes* as “lord lieutenant” would evoke a specific political, social, and cultural context and thus misinform the reader. Therefore the term *personalis* will also be used in this Latin form.
 10. Here I should like to note that I will use obviously anachronistic terms such as “government” and “opposition” without quotation marks, as a simplification of the basic political relations of the dualism of king and estates. The “court vs. country” antithesis was not in use at the time.