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TRANSYLVANIA

Past and Future

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FOREWORD

Mr. Andrew Bajcsy-Zsilinszky, the author of this publication, is one of the most striking personalities in the limelight of present-day Hungarian politics. He was born in 1886.

His vigorous talent as a writer and orator in support of his political ideas soon attracted public attention. During the World War (1914-1918) his outstanding bravery on the battlefields won for him one of the highest military awards.

From 1919 onwards, we find him in the forefront of the national forward movement which was then coming into being thanks to the generous impulse imparted to it by Admiral Horthy. In 1930, breaking away from his quondam political friends, Mr. Bajcsy-Zsilinszky founded the National Radical Party, subsequently throwing in his lot with the small peasant independent party of which, at the time of writing, he is a most influential member and spokesman in matters of foreign politics. He is rightly considered as one of the artisans of the whole-hearted policy of complete co-operation between the small peasant party and the social-democratic party which represent the two major sections, viz. the working and democratic classes of Hungary.

Being of an outspoken character, Mr. Bajcsy-Zsilinszky belongs to that category of political leaders who prefer to combat rather than to bow the knee. Like all other politicians he has been obliged on more than

one occasion to change colour and to modify his views in matters political. But in the course of an already lengthy career, he never gave ground on essentials. Thus it may be said without fear of contradiction that he has never ceased to militate, on the one hand, in favour of a serious agrarian reform and of the respect due to democratic liberties within the framework of the ancient and venerable Hungarian constitution, and, on the other hand, in favour of the safeguarding of Hungary's independence allowing the country to fulfil its destiny in keeping with its own traditions and aspirations. In this relentless struggle for the independence of his country he allowed himself to be guided by the spiritual inheritance of that great Hungarian patriot Louis Kossuth, whose personality embodies to this day the ever-living symbol of a free and democratic Hungary.

This ardent desire for independence could not but come into direct conflict with certain tendencies which aim at looking upon the peoples of South-Eastern Europe as being of minor importance called upon to evolve in the wake of a foreign power whose interests are diametrically opposed to her own. Moreover, the democratic sentiments which he had at heart could not fail to be disturbed by the national-socialist agitation kindled by extraneous elements. Thus, from the very outset, Mr. Bajcsy-Zsilinszky has striven with indomitable energy and courage to prevent Hungary from becoming a pawn on the political chequer-board of Nazi Germany. Thus it was that he took sides against the adherence of Hungary to the Three Power Pact and repudiated as anticonstitutional the declaration of war on the U.S.A. and Soviet Russia.

The question treated by Mr. Bajcsy-Zsilinszky in this work is one of the most delicate and complex ones. As a Hungarian subject, he belongs to a nation which is one of the parties vitally interested in the matter.

But the author is especially qualified to treat with a certain chance of success this thorny problem. As a matter of fact, he has always proved himself anxious to favour a mutual understanding between his own compatriots and the other Danubian Valley nations and has often taken up cudgels in defence of the latter at the risk of displeasing erroneously-informed public opinion. In various circumstances, more especially in his speeches and writings as well as in the course of the numerous contacts he has had with the Rumanian elements on Hungarian soil, he has shown his active sympathy for the Rumanian people. If, in the course of this study, he never loses sight of Hungarian interests, he simultaneously makes a serious effort to reconcile them with those of the other inhabitants of Transylvania. His ideas may give rise to discussion but the wealth of information which is his, the entire good faith of his arguments and his desire for complete conciliation cannot be denied. The conclusion reached in his work expressed his own personal views, but they are the opinions of a political exponent with a long experience and to whom the ins-and-outs of the problem under examination hold no secrets. He is, moreover, a faithful interpreter of Hungarian democracy. He has more than one claim to the attention of all those who anxiously bend over the map of Europe with the object of endowing it with a territorial status based on justice and political and economical necessities which alone would be able to make it a lasting one.

INTRODUCTION

The problem of the political alignment — and therefore of the future destiny — of Transylvania is evidently still unsolved.

Transylvania was simply split in two by the 1941 Vienna Award, in a manner irrational and unjust in every respect, the smaller half being re-annexed to Hungary and the larger half being left within the framework of the Rumanian State. *Now, from 896 A.D. to 1918 Transylvania had always been a single unit forming an organic part of historical Hungary; and from 1920 to 1941 too it was incorporated — though by no means organically — as a single unit in Greater Rumania.*

It is an easy matter to describe briefly, by the aid of dates, the past of Transylvania as a Member of the State subject to the sovereignty of the Holy Crown of Hungary. From 896 — the year in which the Magyars occupied Hungary — until the disaster on the field of Mohács in 1526 that province existed as the *Voivodeship of Transylvania* enjoying a rapidly developing form of autonomy. Then, after a few decades of transitional conditions — after the Osmanli conquest had detached the central part of the country together with Buda, the Capital — , Transylvania assumed the status of an *independent State* ruled by *Magyar princes*, while retaining its ideal, political and cultural connections with the Western half of the *Hungarian*

Kingdom which had remained exempt from Turkish occupation. After the expulsion of the Turks, from 1691 to 1848, Transylvania lived under the centralists absolutism of Vienna (*i. e.* of the German-Roman and subsequently of the Austrian Emperors), which permitted a certain modicum of constitutionalism, figuring first as a " *gubernium* " (province subject to the jurisdiction of a governor) and later as a *Grand Principality*. Politically, its situation was uncertain, seeing that it was not re-incorporated in the realm of the Holy Crown; nevertheless, it maintained organic ties of spiritual unity and symbiosis with Hungary proper brought into being forcibly by the natural virility of Magyardom and occasional insurrections. In 1848 the *Union of Transylvania and Hungary* incorporated in law by the Hungarian Diet which had adopted the parliamentary system was realized *de facto* by the war of independence launched by Louis Kossuth. After the overthrow of this latest insurrection due to the intervention of Russia, the Austrian imperial absolutism which again came into power again separated Transylvania from Hungary, in respect both of political government and of public administration. This state of things lasted 17 years. The 1867 Compromise between Hungary and Austria, however, which once more put the great majority of the 1848 laws into force, re-incorporated Transylvania in Hungary. This union lasted until 1918, in international law until June 4th, 1920, the day on which the Peace Edict of Trianon was signed. From that date until August 30th, 1940 — the day on which the Vienna Award was published — ,Transylvania (with the addition of a considerable area of more westerly Hungarian territory) was *an integral part of Rumania*. During by far the greater part of this long period Transylvania enjoyed *an extensive autonomy* which

during the century and a half of its existence as a principality ruled by native princes developed into political independence; its extensive autonomy remained — though in a form permeated with a foreign spirit — also during the following 150 years (1691-1848), the period of Vienna absolutism, and in the transitional period of absolutism that ensued after the overthrow of the struggle for independence (until 1867), — the extensive autonomy of this province having therefore lasted *for a period of exactly 969 years!!* It *ceased to be autonomous* in 1848/49, during the war of independence, becoming a part of the Kingdom of Hungary and remaining without autonomy also during the period of existence of the Dual Monarchy (1867-1918); the whole period during which its autonomy was suspended being therefore *exactly 52 years*. Then *for 22 years* Transylvania was an integral part of the Rumanian State *not enjoying autonomy*. We see, then, that historically, as against 969 years of full autonomy *within the framework of a single State*, Transylvania has passed through *two episodes of existence without autonomy* lasting for 52 and 20 years respectively *within the frameworks of two States*.

As we see, the answer of history to the question *whether Transylvania needs autonomy or not* is unequivocal and unmistakable.

The present work endeavours also to answer another question — using the arguments of history, economics, reason and general European interests — , the question, namely, whether this Transylvanian autonomy can be realized better, more organically and more satisfactorily within the framework of the Hungarian or of the Rumanian State, whether the former or the latter solution is more in keeping with Hungarian and Rumanian interests alike, with general

European interests, and with the postulates of human justice?

Geography — the orographical and hydrographical map of Central Europe — offers very cogent arguments in favour of Hungary: the mountain chain of the Carpathians is almost as strong dividing line between Transylvania and " historical " Rumania as the English Channel between Great Britain and France. The orographical and hydrographical formation points to the natural *economic alignment* too. *The facts of history* also speak in favour of Hungary: during the ten centuries and a half of the development of the Hungarian State. Transylvania was at all times — except for a brief interval of twenty years — an integral part of the Hungarian Kingdom. What we may call *historical deserts* are also on the Hungarian side: for the history of Transylvania, its achievements and the glory attaching to its efforts in the service of the greatest human ideals, are almost exclusively manifestations of Magyar political ability, statesmanship, love of liberty, humanism and heroism. The claim of Hungary is supported just as effectually by *the higher standard*, the greater originality and soundness of *Hungarian culture* and by the superiority of its European achievements; a comparison between the values produced by the thousand-year-old culture of the Magyars of Transylvania and that of the Rumanians whose immigration into the province dates back for the most part only to the seventeenth, eighteenth and nineteenth centuries, would result in the discovery of an intellectual inferiority of a veritably humiliating character on the Rumanian side, so humiliating as to induce Hungarian policy, in the interests of future peace, to say as little as possible about it. And, finally, the 1025 years of Hungarian rule may safely bear comparison with the twenty

years of Rumanian rule *in respect of fair treatment of the minority nationalities* too.

The only argument left to support the Rumanian claim is therefore *ethnography*, or, to be more exact, the Rumanian ethnic majority. The mechanical, Wilsonian interpretation of the principle of " self-determination of the peoples " served only to disguise and palliate decisions taken for other reasons and by quite other forces, to disguise and palliate a crude and senseless enforcement of the ethnic principle.

The truth is that the highly suggestive principle (or rather catchword) of " self-determination of the peoples " was exploited to camouflage the expansion of the ethnic principle to an importance far exceeding that naturally due to it and actually — through the intellectual channels of the propaganda launched by Benes & Co. — to advance it to the dignity of the *non plus ultra* principle of State organization. And incidentally, as a consequence the international controversy between Hungary and Rumania was tragically reduced to the narrow limits of a mere question of " ethnic majority " .

Now this question of paramount European importance must once more be raised from these narrow limits on the basis of an accurate investigation of the natural intricacies of life — of national, economic and State life. Once more an appeal must be made to the conscience and the common sense of humanity to answer the question whether, if Transylvania had to be re-framed to-day — *absolutely anew* — without regard to the historical past, though at the same time without allowing any scope for prepossessions or petty partiality or interests, taking into account solely and exclusively the liberty of the peoples living there, their welfare, the vital interests of Europe and general human justice, whether under such circumstances any

scheme is conceivable which demarcated the frontiers of Transylvania *solely and exclusively* on the basis of " ethnic majority " and simply ignored the given geographical, economic and cultural conditions? But, even if such a scheme drafted without regard to history were to ensure the priority of the ethnic principle, the most it could do would be to create *an independent Transylvania*. Now, what can be said of the sagacity of the Trianon cartographers, who not only tore Transylvania from a thousand-year-old, monumental and organic unit created by nature and historical development, but actually refused to grant autonomy to that country with a glorious past which is of such paramount importance to the inner balance of Europe or to its peoples, having instead incorporated Transylvania in the Greater Rumania hatched in an incubator and in addition transferred to the latter country also enormous territories inhabited exclusively by Magyars which have never formed part of Transylvania?

We must thoroughly investigate also the majority principle itself which, after the first Great War, when Central Europe was re-adjusted, was endowed with omnipotence by the morbid political thought of a morbid age and by the shallow consciences of weak-minded statesmen. It is true, indeed, that the drafters of the peace-treaties immediately provided for a " mitigation " of the severity of this postulate in practice when — with a remarkable " grandiosity of gesture " — they simply refrained from putting it into force in all cases where it should have been enforced in favour of Hungary in connection with the demarcation of frontiers. The majority principle, however, in its rigid and mechanical form, is itself in need of a serious revision in the interest of a better order to result from a more natural, juster, more

peaceful and more fruitful symbiosis of peoples and nations.

Nowhere in the world could the sorely-harassed human formicary find sounder impulses or a more enlightening and a more suggestive example than in Switzerland, a country the federated peoples of which

— Germans, Frenchmen, Italians and Rhaeto-Romans (Romansh) —, having apparently fathomed the secrets of Nature's workshop, have discovered *the legal and social forms* and postulates of a peaceful symbiosis of peoples of various tongues and cultures and have at the same time developed also the *spiritual* proclivities and qualities indispensably necessary to ensure reciprocal esteem and cordial co-operation. And in that same country the majority principle has been enforced too where that has proved necessary and on the scale prescribed and organically developed in keeping with the postulates, *not of a so-called democracy, but of a real democracy nurtured by the roots of history.*

In his short monograph entitled *Tradition, Dogma and Evolution, and their Contributions to the Edifice of Swiss Democracy* which betrays a great profundity in respect of legal and social philosophy, *Fritz Fleiner* makes the following observations on the majority principle:

" The majority principle is justified only where it may be regarded as a positive irradiation of liberty and equality, of liberty, because the compulsion latent in law is only enforced by it with the approval *of the majority* of those subject to the law, and of equality because it opens up possibilities for the minority to secure a majority in the case of every fresh

¹ Fritz FLEINER, *Tradition, Dogma, Entwicklung, als aufbauende Kräfte der schweizerischen Demokratie.* Orell-Füssli-Verlag, Zürich und Leipzig.

decision. It is on this *alternating* change in the majority — this system of "rotation" — that the pure democracy existing in Switzerland is built. "

In other words, the majority principle is only justifiable where there are genuine possibilities of the minority also one day becoming a majority. And the evident conclusion to be drawn from this thesis is that in a democratic system *the application of the majority principle is out of place in all cases where this "rotation" or alternating change must be regarded as a priori impossible or almost impossible.* The ratios of the several elements of the population of Switzerland — Germans, 70.9%; French, 21.2%; Italians, 6.2%; Rheto-Romans (Romansh), 1.1% — remain on the whole unchanged, there being indeed no possibility of any material change; so, there is no possibility of any "rotation" in linguistic and minority questions, and, as a consequence the application of the majority principle in questions directly affecting race, language or ethnic culture would involve a "dictatorship" of the overwhelming majority of Germans over the various minorities.

The dominance of the numerical majority is a material — we might even say cardinal — principle or "law" of democracy. And yet the democracy of Switzerland does not entrust to the numerical majority of the citizens of the Confederacy the conduct of the cultural affairs of the peoples united in that Confederacy or of the affairs generally grouped together in other polylingual countries as "nationality question" or "minority question". On the contrary, it leaves that work in the hands of the historically developed cantons, most of which have their own peculiar ethnic character and form little States of their own and therefore possess a far-reaching autonomy.

But the Swiss Federal Constitution does not make the independent life and self-government of the cantons — the result of centuries of development — the plaything of mere numerical superiority either; for that would mean the "majorization" (i. e. ultimately effacement) of the smaller cantons and in the best case their uniformization — their being made to conform to the arbitrary wishes of the big cantons. And, because the Swiss Confederacy shows such wisdom in determining *the limits within which the majority principle may be asserted*, precluding the application of that principle in all cases in which it might involve a disruption of organic State, social and ethnic connections, there is no such thing as a "nationality question" in that lovely little country, not has even the tiny Rhaeto-Roman (Romansh) minority either the slightest ground for complaint.

Fleiner's exposition of the majority principle is no mere retort-theory, but a statement of the well-*tried practice* of a wise and unfaltering system of State-organization showing the utmost foresight deduced from the Swiss Constitution — *i. e.* from real, organic life. As compared with the *mechanical* survey of democracy previously in vogue it is at any rate one of the theses of a *more organically democratic* conception of paramount importance. Nor can there be any doubt that in the future, in connection with the solution of the question of national minorities, an increased importance will attach in the future to this more organic Swiss survey and to the convincingly triumphant example it offers after two decades of bitter fiascos experienced in connection with mechanical world-adjusting methods and solutions. Amid the maelstrom of political arithmetic, and after the shocking failure of political aspirations, endeavours and world-adjusting schemes, the better understanding

and clearer conscience of humanity will at long last awake to a consciousness of the elementary truth that *even in politics greatness cannot be measured by mere numbers — either in the case of individuals or in that of nations. And the Swiss nation — a nation of four million souls composed of four different ethnic elements — must become the spiritual master of masses of human beings comprising hundreds of millions in the fundamental question of the symbiosis of peoples — just as Hellas was of old in art and philosophy — if humanity would find a way out of the present strangling, murderous crisis of world-history.*

In this connection we are being constantly reminded of the words of Jacques Bain ville, the French academician, who as far back as 1920, in his masterly work entitled *The Political Consequences of the Peace*, prophesied — clearly and in a manner of an astonishingly concrete character, and with an uncanny clarity of vision unparalleled in political world-literature — the coming of the present world-crisis. It is monstrous enough that, when after the autumn of 1918 steps were taken to re-adjust Europe, not one of those in authority should have thought it necessary to apply for advice and guidance to the example and the equitable procedure of the people of Switzerland — a people with a great past formed at the cost of bitter and bloody struggles which, though small in numbers, possesses a great soul and a high spirit. And nothing proves more clearly the political depravity and helplessness of our age, its spiritual poverty and its moral cynicism — *retrogression ensuing in politics, both in the rationalistic and in the empiricistic field* — than the fact that, in the period that has since passed, the Swiss example and the glorious justice prevailing in Switzerland has proved so utterly incapable of inspiring and influ-

encing the thought and the conscience of our generation.

During this period of rather more than two decades the senseless dismemberment of Hungary has repeatedly — in many countries and in many ways — been made the subject of international controversy. Unfortunately, however, — and strangely enough — for the most part solely and exclusively from the ethnographical point of view. " Justice for Hungary " has been the slogan of many — excellent scholars, politicians, publicists, in all parts of the world; but this ideal clamour for justice has consistently lost its way in the dreary maze of ethnographical figures. The eminent sons of big and small nations whose States or Empires reflect in their whole structure, in their past, in their systems of life and in their modern spirit alike a veritably Luciferian denial of every ethnographical principle, all alike sought to render Hungary justice by shuffles of towns and villages. Not a single leader of the thought of post-War Europe was found prepared to impatiently and dictatorially put a stop to the dangerous overstraining of the ethnic principle and the whole mad system of ethnographical arithmetic which — strange to say — had been let loose primarily and indeed exclusively on Central Europe. Probably Paul Claudel was the only intellectual leader of Europe to call the attention of the public opinion of the world — on the occasion of the ninth centenary of the death of St. Stephen, the first King of Hungary — to the work done by the great mediaeval statesman and diplomat who established the Hungarian Kingdom, *to the organic structure of the historical Hungarian State and to the importance still attaching to the St. Stephen principles of State-organization as the foundations of a more logical order and a sincerer peace in Europe.* But it never occurred to a single one of the

intellectual leaders of this age to ask the conscience of the world why, if it was possible to wrest Transylvania, together with a considerable area of non-Transylvanian territory, from the possession of the thousand-year-old Hungarian State solely and exclusively on the basis of an ethnic majority, would it not be possible and just as legitimate to transfer — to "reincorporate" — German Switzerland in Germany, French Switzerland in France and Italian Switzerland in Italy? Or to annex Northern Ireland — on a majority basis — to the Irish Free State? or, *vice-versa*, to incorporate the whole of Ireland politically in Great Britain — also on a majority basis? or, why is it not possible to grant the Magyars of Transylvania (a minority of 38 %) the rights accorded, not only to the French minority of 21%, but also to the Italian minority of 6% and the Rhaeto-Roman minority of 1 % living in Switzerland? Or again, why is Switzerland, with its 70 % majority of Germans, not a German State, and why must Transylvania, with its 59% majority of Rumanians, be Rumanian? Now, Transylvania was built up, as an organic constituent element of Hungary with an autonomy of its own, by the Magyars; it was defended by the Magyars; and it was the Magyars that converted it throughout the course of dark centuries, the eastern source of light and enlightenment, into a veritable "fairy garden", the home of liberty of conscience and religious equality amid the throes of religious wars and the barbarism and devastations incidental thereto and of political tolerance and dispassionateness. And in the building up of the Swiss Confederacy the German majority has not in any respect been behind the Latin minorities, either in respect of intellectual efforts and achievements or in respect of sacrifice of life. . . . Yes, the ethnic and majority principle is either

of universal validity or not. If it is, then it must be enforced everywhere throughout the world. If not, then it must not be foisted on poor unfortunate Central Europe; and the doctors and the patients alike must try to find some more efficacious medicine and a better and more sensible solution.

There is, however, a further link — one of a quite special kind without a parallel in Europe — between Transylvania and the course of development and fundamental theses of Swiss history and the Swiss Constitution. For, by virtue of its development, *so parallel in its course and so profoundly akin in spirit and in its institutional machinery*, the historical autonomy of Transylvania and the Constitution of historical Transylvania has much in common with that of Switzerland.

During the 150 years of the Turkish occupation of Hungary, Transylvania was an independent principality and, under the direction of its great princes, played a very important role in the politics of the Europe of the day. This role is by no means unfamiliar — in its political bearings and in its historical services rendered in connection with the achievement of liberty of conscience — to the public opinion of the world, and in particular of the Protestant world. But the Constitution of the former independent Transylvanian State, built up on the foundations of the free popular self-government of the three "nations" (Magyars, Szeklers and Saxons), of the reciprocal equality of those nations and their firm unity, and of the union of the four approved denominations of Transylvania (Roman Catholic, Reformed, Evangelical and Unitarian), is but little known to-day even to public opinion in Hungary and cannot therefore be expected to be familiar to the political public opinion of Europe generally. The real beginning of Transyl-

vania's misfortunes dates back to the period when, after the abolition of the principality, its superb Constitution, *constructed on the same political principles as the federal Constitution of present-day Switzerland*, was absorbed in the absolutistic system of the German-Roman Empire directed from Vienna which employed force for the purpose of Catholicization, Germanization and centralization.

This historical parallelism between Switzerland and Transylvania is not in every respect a perfect one. The Swiss cantons came into existence by separation from the German-Roman Empire; and it was by *a process of further integration* that they developed into the exemplary federal State of to-day. Transylvania's independence came into being *by way of differentiation* within the unchanging and firmly established framework of the Hungarian Kingdom, when in the fifteenth century the strongly centralized Hungarian State proved unable to offer the peoples of Transylvania adequate protection against the advance and the constant menace and inroads of the Osmanli Power; at that time, in 1437, at the Diet held on Kápolna Field, the three Transylvanian "nations" — Magyars, Széklers and Saxons — joined in an alliance to avert the Osmanli menace. A hundred years later, when the pressure of the Osmanli conquest forced Transylvania to establish its independence as a State (as a principality Protestant in character), it had ready to hand the "federal" Constitution which had already developed *on the basis of the equality of the three "nations" and of the equal suffrage of those nations at the Diets too*. And the federal character of the Transylvanian Constitution — which was sovereign above the peoples concerned — the sublime idea of State-organization latent in it, its superior method and peculiar applicability to the

given circumstances, was thrown on the dust-heap by that same German imperial absolutism against which, before the Kápolna Diet, the Swiss free peasantry conspired on the Field of Rütli.

There is no denying that, after the abolition of the principality, during the course of the eighteenth century Transylvania's exemplary, democratic constitutional machinery suffered a fatal breakdown. But, if the eminent Swiss authority on public law, Fritz Fleiner, is right in saying that the great French Revolution in reality merely lent a conscious character in the mind of the Swiss people to the democracy which that people, under the pressure of its own requirements, had developed practically instinctively out of its own should and by dint of its own capacity for State-organization — and if the same *savant* is right in saying that " *every philosophical State theory is able to strike root only in a prepared soil* " — then we Hungarians are also entitled to say that all that has to be done in Transylvania is to resuscitate the ancient traditions and way of thinking and to return to the original form of Transylvanian constitutionalism, to the free self-government of the nations living there and their reciprocal equality. There can be hardly any doubt that *the historical soil* is at present also well prepared for the realization in the souls of Transylvania's peoples of this spiritual and constitutional restitution.

We may without exaggeration say that, if Transylvania had been able, on the basis of a union of the three nations and four denominations, to retain and to further develop without let or hindrance its own autonomy with a history of well-nigh a thousand years and the constitution which in the days of the principality was perfected and refined, by incorporating in the splendid system, as fourth nation, the

Rumanians, to-day there would be two Switzerlands in Europe. . . .

In the eyes of every thinking Hungarian familiar with the Constitution of the historical Transylvania of former days who is conscious of the parallelism between Switzerland and Transylvania, particular significance attaches to the following passage from the work by Fritz Fleiner already referred to:

" The only influence exercised by abstract theories on the building up of Swiss democracy was indirect; the slumbering forces of popular life met them half-way. The Swiss people has at all times been convinced that the people — -the basis of the State — is not merely a totality of individuals held together and formed into a legal unit by a mechanical bond, the State Constitution. "

This *organic character* is the leading feature also of the ancient Hungarian State-structure and of the development of Transylvanian autonomy within the framework of that structure. The autonomy of Transylvania as a whole and the separate autonomies of the three " nations " living in that province did indeed develop *naturally* and *organically* as a consequence of the combined action of historical requirements and the available central (State) and social forces of organization.

The judicious solution of the question of Transylvania — and consequently of the rational re-adjustment of Central Europe — depends very largely upon whether it will prove possible to shelve the dreary, mechanical political outlook which came to the surface after the first Great War and to persuade the public opinion of the world to adopt a more organic outlook on life and political philosophy of a more biological (or, to use an older term, more historical) character and to accept politically too the spirit which under-

stands and is able to appreciate the older Transylvanian Constitution and the Switzerland of to-day.

The noxious and hopeless character of the mechanical political outlook operating solely with crude figures I would like to illustrate and reveal by the aid of a very simple example.

The right of self-determination of the peoples is a common treasure of mankind and is indeed the greatest ideal value of the Wilsonian heritage that has come to so lamentable an end. What was done, for instance, with this great idea and the eternal human ideal by the drafters of the Treaty of Trianon, particularly when deciding the destiny of Transylvania? The Pan-Rumanians cite the resolution passed by the Gyulafehérvár National Assembly held in the autumn of 1918 in the name of the Rumanian majority of Transylvania which declared for the union of Transylvania with Rumania. Well, let us imagine — a powerful imagination is indeed needed for the purpose, but theoretically such a procedure cannot be described as impossible — that one fine day the German majority of the Swiss Confederacy decides in favour of the incorporation of Switzerland — Frenchmen, Italians and Rhaso-Romans (Romansh) and all — in Germany. It is indubitable that the realization of this decision, which in theory appears perfectly legitimate, would encounter formidable international obstacles. Switzerland's manly, resolute and indeed martial neutrality is one of the most naturally developed sources of strength in Europe, one which has proved indispensable, even in the highly critical conditions prevailing during the gigantic world conflagration now raging, as a safeguard of the inner order and the equilibrium of Europe. Apart from being a nerve centre working towards the reconciliation in days to come too of three great peoples — the French, German

and Italian peoples — Switzerland is a factor in the safeguarding of the equilibrium in international politics of an importance expanding far beyond the limits of the Red Cross, extensive as those limits are, which has so far too proved to be indispensable in the work of building up human society and is bound to be just as indispensable in the more organic order of the world to be established in the future. And, should a Swiss generation nevertheless be found ready to turn its back on its own grand past, to repudiate the value and discard the memory of Switzerland's 650 years of heroic struggles and pre-eminent spiritual achievements and to yield to the dictates of some such hollow political arithmetic as that against which its ancestors had conspired on the Field of Rütli, there can be no doubt that the affection of humanity, of the best sons of Europe and of the vast majority of European nations would assert the mighty power latent in that affection and, *on behalf of higher human interests*, would leave no stone unturned to prevent — and would be able to prevent — so misguided an interpretation and so wantonly unprincipled an enforcement of the principle of the self-determination of the peoples.

That is what the public opinion of the world, higher human interests and possibly political power, could have to say in the matter. But the question must be asked whether, if the principle of self-determination of the peoples were strictly adhered to, though only on the most purely ideal basis, any Swiss generation *would be entitled* to take such a decision? *Is any single generation entitled to decide in defiance of the clearly-expressed historical will of six centuries and a half?* For a nation lives, not only in espace, but also in time. Indeed, a nation and State-formation boasting of so great a past as the Helvetian Confed-

eracy is spiritually so deeply rooted in the past, and the life-giving sap of *its present life* which feed its blood and its nerve system is so exclusively drawn from the past, that such a break with that past — philosophically taken — would look much more like suicide than self-determination. The great conception of relativity and the vista of a new world in being of a biological character is radiating the light of a dawn of great promise on the ethnic and majority principles, on the principle of self-determination of the peoples and on the political principles constituting an essential part of democracy destined so profoundly to influence also the destiny of mankind. . . .

This *biological* world, as explained by Dr. K. Neergaard, professor in Zürich University, in his brilliant work entitled *The Task of the Twentieth Century*, will in the near future supplant that *mechanical* world which, from the age of the Renaissance to modern times, has been the philosophical basis of human culture. It is very questionable, however, whether this change of worlds can ensue, even in the outlook and political philosophy of the intellectual leaders of humanity, until the time arrives for a re-adjustment of Europe and of the human world generally? Or, to waive the greater issue for the moment, is there any hope that at least a *more organic* political outlook will in the near future prevail over the obsolete mechanical outlook the helplessness of which has made it already odious?

According to Neergaard, the results achieved by modern physics — the quantum theory, relativity — must necessarily transform the *mechanical* world developed under the influence of Copernican astronomy and of the so-called " classical " physics into a *biological* world and thereby into a " more spiritual " one. Our author cites the words of James Jeans, the

eminent physicist: " The universe is beginning already to resemble a great conception rather than a great machine " . He explains, most clearly and convincingly, how *our present, three-dimensional system of thought* must necessarily transform into *one of four dimensions*, gradually supplementing our outlook in line, plane and space. " There is no life without a time-factor ", he says. But the book becomes peculiarly interesting and stimulating — at the same time illuminating the whole course of human culture — in the passage in which the author endeavours to apply this new biological outlook on the world to politics. There may be errors in details, and a few of the statements made may appear slightly exaggerated; but the reader finds the author's fundamental theses to be so powerful and unimpugnable in their simply monumentality and naturalness that he seems to hear the gratifying sound of the impending surrender of mechanical thought. Neergaard's train of thought finally converges on *the historical confederacy* of Switzerland; and he looks upon and exhibits the constitutional development of that confederacy as a model of State-building foreshadowing the coming biological age of humanity. The present writer would fain commend Professor Neergaard's work well in advance to the attention of all those who will — or may — have anything to say in connection with the coming re-adjustment of the world.

In Neergaard's opinion — and in our opinion too — the Helvetian Confederacy is a realization of " the organic principle of creative power ". " It is based, not on the unitariness of language, but on the will of independent peoples to undertake a common destiny and a common struggle. "

Taking the case of one of the cantons of Switzerland as his starting-point, Neergaard writes as follows

of the majority principle and the minority question:

" If the majority principle had been applied consistently in Graubünden without reciprocal regard for the minorities in the peculiarly organic federal spirit . . . such a course would long ago have led to a catastrophe " . We would ask whether the biological and political laws in force in respect of Transylvania and the peoples of that province differ so fundamentally from those in force in respect of Switzerland and the Canton of Graubünden?

In another passage Neergaard writes as follows:

" Our age is possessed with a mania for organization, which *under the influence of fictive principles does not shrink from destroying flourishing formations developed long ago and annihilating true, organic life* " . Well, was not the historical Hungary of former days a flourishing formation of the kind? and was not Transylvania such " true, organic life " within its framework?

" To use Bertalanffy's words " — our author writes — " we must stress the *historical* character of life. " This is what is demanded by the fourth dimension. For what is the fourth dimension — the time-factor in politics — but history? And, though Professor Neergaard speaks rather disparagingly of politicians (not without reason, it must be confessed, in the perspective of the last three decades), the genuinely great statesmen of world-history have in truth (without philosophizing about the dimensions of human life) always thought in four dimensions — or rather, according to the eternal rules of the political art, never leaving out of their calculations or their creations time — the past — *i. e.* history.

Now the recognition and enforcement of the historical character of life should surely mean primarily that it is our duty to measure and judge such organic

formations as historical Hungary and its constituent element, Transylvania, which have been in existence for ten centuries and during that long period have always been able to defy every danger and vicissitude, not with the time-measure of one or two decades (by the errors and lapses that may have been committed by one or two generations), but *by the whole course of their historical career*. That is why I have in the following pages outlined first Transylvania's past, doing so in order to be able to draft the scheme of its future on the foundations thus revealed.

I should like to send my work out into the world prefaced with some words of Bertalanffy, the world-famed biologist of Hungarian origin: " A painting, a melody, an intelligent sentence is more than a mere combination of coloured points, sounds and words " .

Transylvania too is infinitely more than a mere combination of so many Magyars, so many Rumanians and so many Germans.

**TRANSYLVANIAN AUTONOMY
IN THE PAST.**

SCHEME FOR THE FUTURE.

PART I.

**CAUSES, NECESSITY
AND PAST OF TRANSYLVANIA'S AUTONOMY.**

1. FROM ST. STEPHEN TO MOHÁCS
(1000-1526 A. D.).

The fact that Transylvania very soon developed a certain autonomy within the framework of the Hungarian State of St. Stephen — a characteristically centralized State diverging in system from the mediaeval particularism of the West — was due primarily to geographical and politico-military causes. The historical Hungarian State was encircled by sharply-defined natural frontiers and surrounded by the system of natural bulwarks of the Eastern Carpathians; Transylvania was geographically the most completely isolated part of the country. Though territorially not so pronouncedly demarcated as Hungary *as a whole*, Transylvania is nevertheless a geographical unit, with its own mountain and river system, which has always offered a basis for political autonomy.

The second fundamental cause is evidently to be found in the structure of the St. Stephen State, which had located its centre of government and administration in Trans-Danubia, the eastern parts of the country

being, as a consequence of the primitive conditions of communication then prevailing, very remote from that centre. Now, from the very outset the danger threatening the country from the East was present at all times; it was therefore necessary at all times and unceasingly to prepare vigorously against the inroads of the steppe peoples of the East. Consequently, it is only natural that there should have developed, during the first centuries of the rule of the House of Árpád, a certain form of Transylvanian autonomy under the direction and the jurisdiction of voivodes.

The development and perpetuation of Transylvanian autonomy was contributed to — apart from these causes of a geographical, political, administrative and national defence character — also by the popular form of self-government, which developed very rapidly, of the Széklers, a people of Hunnish or Avar origin very soon racially absorbed by the Magyars, a kindred people of Turko-Finno-Ugrian origin, who from the very first assumed the role of frontier guards or marchmen, and by the separate ethnic system of government of the Saxons settled in Transylvania in the middle of the twelfth century which developed with similar rapidity — and equally vigorously — in the early years of the thirteenth century. But in addition to the autonomous development of the Széklers and Saxons organized, not in counties, but in " Sees " , the Magyar counties of Transylvania also in many respects assumed peculiar (Transylvanian) features; and there developed — though within the framework of the Magyar legal system — a particular Transylvanian system of law and within the same separate Székler and Saxon systems. According to Werbőczy 's " Tripartitum " ,^x

¹ Pars III, I. II, III.

the general laws of Hungary were in full force in Transylvania too, while Transylvania was on all occasions invited to attend the ordinary Diets. But at the same time local government laws in force in Transylvania were also passed at the general assemblies of the voivodeship which it was customary to hold either by command of the King or by convocation of the Voivode. The ancient legal terms for these laws were " *leges constitutionales particulares, seu municipiales* " or " *statuta* " .¹

In the days of Werbőczy Transylvanian autonomy was already fully developed, both legally and administratively. Werbőczy speaks of the Transylvanian " *nations* " — the Magyars, Széklers and Saxons — already as the subjects of a remarkable system of public law. During the reign of Matthias Corvinus the separate autonomies of the three " *nations* " had already been stabilized, not only in equity, but also in written laws; and — what is even more important — the same had been done with the union of the three self-governing Transylvanian " *nations* " , the Magyars, Széklers and Saxons.

The autonomy of the Széklers had developed in a definitive form centuries earlier. The development of the self-government of the Saxons was completed by a deed executed at Fehérvár in 1464 by King Matthias, that self-government being finalized and given a definite shape as a consequence of the development and uniform autonomy of the *Saxon " universitas "* . The union of the three " *nations* " was also stabilized during the reign of Matthias, though it had originated prior to his time. The development of Transylvanian autonomy had been the result of the reaction of

¹ Pars III, T. III, § 10.

geographical conditions and politico-military necessity already in the days of the first kings of the House of Árpád; and in the same way *the most important and most characteristic of the institutions of Transylvanian autonomy — the union of the three " nations " — was also the result of a vital necessity.* The three nations discovered that they could not trust themselves entirely to the central *government* of Hungary. Not feeling secure against the Turkish inroads, being as they were, owing to the geographical situation of Transylvania, far removed from the centre of the Hungarian Kingdom and in consequence rather left to their own resources, they established their union *for their own protection and as a permanent institution of self-defence.* In 1437, on the Field of Kápolna, the Magyar, Székler and Saxon " nations " held a Diet presided over by Roland Lépes, Deputy Voivode, and concluded the first contract or treaty for the common defence of Transylvania as a whole and the mutual defence of the three nations. This union on the Field of Kápolna was as powerful and elemental a manifestation of the Transylvanian idea — of the necessity and practical wisdom of Transylvanian autonomy, though also of the unshaken self-confidence of these peoples and of the political ability of Magyardom, the alliance being lent a higher political meaning by the action of the Magyars and the Széklers — as was the oath taken the on Field of Rütli by the people of the ancient cantons in the history of free and independent Switzerland. The three " nations " of Transylvania undertook, even in their isolation, *the work of common and mutual defence against the Turks.* The free peasantry of Switzerland undertook to engage in a war of self-defence against another World-Power, the German-Roman Empire from which they had separated. The three " nations " of Transyl-

vania, however, had not the remotest intention of separating from the mother-country, the Kingdom of St. Stephen; they merely took into account the inexorable reality and by their own efforts organized the measure of independence dictated by necessity, *though at all times strictly within the framework of the Hungarian State.*

The union of the three "nations" decided upon on the Field of Kápolna was — in the period before the disaster on the field of Mohács in 1526 — renewed the following year, in 1438, at Torda, then in 1459 at Medgyes and in 1506 at Segesvár, in all cases alike by Transylvanian Diets.

In his authoritative work entitled *The History of the Autonomy of the Three Nations and Four Denominations of Transylvania*, Dr. Nicholas Endes, Judge of the Administrative Tribunal, writes as follows: "The main points in the treaty of union were the following: (a) the Parties were all to remain loyal subjects of the King of Hungary; (b) they were to mutually defend the ancient liberties and privileges acquired by their forbears: and in case of necessity each of the nations was to apply humbly as loyal subjects to His Majesty the King on behalf of each of the others for liberty and legal redress in the event of either being oppressed by the Voivode or the Székler Sheriff; (c) in the event of attack either by domestic or by foreign enemies they were to defend one another reciprocally and inseparably: in the event of a general emergency the Magyars and Széklers were to be admitted, with their families and all their goods and chattels, into the towns of the Saxons or into any of the fortresses."

There could hardly be any more eloquent proof of the indivisible and unshakable inner unity of the Hungarian State built up by St. Stephen or of the

mighty suggestive power radiating from the Hungarian State-idea and the political genius of Magyarom than the fact that the cold and selfish Saxons of Transylvania so jealous of their Germanhood and politically so narrow-minded who have never been capable of identifying themselves — either spiritually or legally or socially — with their adopted country — as have the Saxons of the Szepes District in Northern Hungary who also originated mostly from the Rhine region of Germany, that the Saxons of Transylvania, *developing their own separate autonomy by dint of a common consistency, dovetailed themselves unreservedly into the unit of thought and organization of the Hungarian State.* Barely a few decades after the finalization of the Saxon "universitas" by King Matthias, in 1481, Altenberger, Mayor (burgomaster) of Nagyszében, had a compilation made of the legal customs of the Saxons, which were based upon Nürnberg, Magdeburg and Iglau sources. In this compilation of Saxon law is to be found the oath that had to be taken by every official on entering office: "I swear by God, by the Virgin Mary, Queen of the Heavens, and by all the Saints that at all conferences I will be obedient and faithful to *Our Most Gracious Lord and King and to the Holy Crown*, as also to the Corporation to which I shall use every effort to do credit, to benefit and to further the justice of its cause; I will administer justice impartially to friend and foe, to rich and poor alike; I will waive all friendship, desire of gain or gifts; I shall take under my special care widows and orphans, defending them if required also out of my own resources; I will disclose the secrets of the meetings of the Council only to those who are entitled thereto. So help me God and all His Saints!"¹

¹ Nicholas ENDES, *op. Cit.*

Here we see the spell, the power and the strength of the Holy Crown figuring the solemn oath of allegiance taken by members of that nationality which is farthest removed spiritually from Magyardom and the Magyar nation. We see the working of the same irresistible suggestive power as converted the savage and fearless Hussite leader, Giskra, into King Matthias' most loyal mercenary general, who personally exhorted the citizens of Breslau to remain loyal to the Holy Crown in the future too.

When investigating the historical development of Transylvanian autonomy the fact must most emphatically be established that *this autonomy developed in its entirety at a period when, though the Hungarian Kingdom was internationally in a very precarious situation and was labouring under the menace of Osmanli advance, Hungary was nevertheless passing through the most brilliant and most flourishing epoch of its history, the system of autonomy being based chiefly, in respect of conceptions and organisation, on the union of the three " nations " of Transylvania.* Under the influence of menace and necessity, but not of compulsion; by the free and judicious decision to unite of the Magyars, Széklers and Saxons of Transylvania! And it is quite indubitable that without the centuries of preparatory work, which culminated just at the period of the greatest dangers and the acutest crisis, the independent political principality of Transylvania would never have been able to take shape so naturally and inevitably and to display — as it did from the very outset — so much healthy energy and potency as a Power. *Transylvania and its peoples entered this state of political independence which had really forced upon them by circumstances with a constitutional organization developed without let or hindrance spontaneously and of their own free will.*

The structure and organization of the Transylvanian autonomy founded upon the union of the three " nations " — as well as its natural character and at the same time its perfect adaptation to the ideal, legal and administrative unity of the Hungarian State — could not be more tellingly vindicated than it is by the fact that the most brilliant monarch, statesman, diplomat and military leader of the genuinely Magyar *imperium*, King Matthias — a genius who strove, both instinctively and as a follower of the traditions of the House of Árpád, toward a centralization of power — contributed decisively to further the definitive development of this Transylvanian autonomy.

The Act dealing with the union of the three " nations " passed or ratified respectively on the Field of Kápolna in 1437, at Torda in 1438 and at Medgyes in 1439 are included also in Werbőczy's " Tripartitum " (codification of Hungarian law), as are also the military regulations confirmed by King Matthias in 1463 (the " *constitutiones exercitiales universitatis trium nationum transilvanicarum Nobilium, videlicet Siculorum adque Saxorum a Serenis. Mathia Rege approbatae Budae anno 1463* "). In his " Tripartitum " Werbőczy refers, not only to the common laws of the three " nations " of Transylvania passed at the Transylvanian Diets, but *also to the local government (regional) laws drafted separately by the three nations.*

The autonomy of Transylvania was therefore completely and clearly defined already on the eve of the battle of Mohács (1526); in respect of organization and legally dovetailed into the immovable framework of the Kingdom of St. Stephen. Transylvania was represented at the Hungarian national Diets, though on the basis of the union of the three " nations " it held separate Transylvanian Diets of its own, the

united nations indeed each separately holding assemblies for purposes of legislation. Consequently, Transylvania to a certain extent constituted a separate unit in respect both of State-organization and of legislation; while, within the framework of Transylvania the three nations enjoyed further rights of self-government vested in the Magyars and their counties, in the Széklers and their towns and " Sees " and in the Saxons and their towns and " Sees " . *We see, therefore, that to a certain extent Transylvania possessed a separate organization and a separate Constitution already on the eve of the battle of Mohács, early in the sixteenth century — an organization and a Constitution of incalculable importance as a means of preserving and safeguarding the independence and sovereignty of Hungary through a century and a half of Turkish occupation.*

2. GLORIOUS TRANSFORMATION OF AUTONOMOUS VOIVODESHIP INTO INDEPENDENT PRINCIPALITY (1526-1571).

Without this fully developed autonomy and Constitution and without the unshakable unity of the three " nations " Transylvania, this eastern part of Hungary, would have been doomed to absorption by Osmanli occupation, while at the same time the independent sovereignty of the western and northern parts would have fallen a victim to the scheme insisted upon for centuries by the Habsburgs — fanatically and senselessly — of dovetailing Hungary (whether as an integral or a dismembered unit) in the union of Austrian Crown provinces and reducing that country to the primitive political (patrimonial) level of those provinces. It was not until after the disaster at Mohács that the autonomy of Transylvania which reached the culmination of its development during the reign of Matthias (1458-1490) was able to become the basis of the classical Transylvanian policy, not of the weak and vacillating King John Zápolya, but of the powerful diplomat-statesman Martinuzzi (popularly known as Friar George), which, while on the one hand endeavouring organically to further develop the independence and autonomy of Transylvania, on the other hand *at all times had in view the universal aims of the Hungarian Kingdom and strove to find ways and means to re-dovetail into the unchangeable framework of the State of St. Stephen the Transylvania*

whose independence had been reinforced and its institutions expanded.

What we may safely call the classical age of Transylvanian history was that between the establishment of the union of the three "nations" in 1437 and the consolidation of the independent Transylvanian State effected on the accession to power as Prince of Transylvania, in 1571, of Stephen Báthori. For it was this period of well-nigh a century and a half that concentrated and brought to the surface the genuinely great Magyar and human values of Transylvania and gave definite shape to the historical attitude of that country and to its institutions, *the unity of the Hungarian State not for a single moment losing a jot of its reality in the minds of the sons of Transylvania.* After all, not only King John Zápolya, but his son too, the far more able and in conception far greater John Sigismund, was elected King of Hungary, as was his western rival, Ferdinand of Habsburg. Now, *formally* Transylvania was not yet an independent State, merely the eastern focus of the Hungarian polity which had been dismembered on the south, badly mauled by Turkish occupation and *de facto* disrupted. Despite the shame-cringing of King John and of his son John Sigismund to the Turkish Sultan, Martinuzzi nevertheless to the end of his life made a desperate effort to hold the balance between the promises of the Habsburgs and the actual superiority of the Osmanli Power. To this period belongs indeed *every great ideal movement in Transylvania* which, apart from serving as the basis and vital source of the independent Transylvanian principality and of the later large-scale expansion of this small country, of its inner soundness and of its power, lent it a decisive importance in connection with the safeguarding of the Hungarian nation and

of the Hungarian polity and ensured it an outstanding role in the intellectual and political development of the eastern part of Central Europe.

After the disaster at Mohács, in the very same year (1526), Hungary split into two parts, for she had elected two kings, John Zápolya and Ferdinand of Habsburg. Then, during the ' thirties, there developed — though only as under occupation of a foreign Power — a third part, the centre of the country occupied by the Turks. In 1538 John and Ferdinand concluded the Peace of Nagyvárad, which divided the country between them; as a consequence the Hungary still left unoccupied by the Turks was split in two *de jure* also. This treaty proclaimed the community of defence of the two parts of the country, though this provision could not be carried out in practice. John died in 1540; very shortly after the Sultan seized Buda, while the eastern part of the country elected John's son, John Sigismund, King of Hungary. But great efforts were made already in the life-time of John Sigismund by the most eminent Hungarian patriots, under the leadership of Martinuzzi, the brilliant statesman of the age, to unite the whole country. Though at that time slightly larger than the Transylvania of history, having annexed a few of the eastern counties of Hungary proper (the so-called " Partes "), the Hungarian generation of this age still continued to regard the separation of that province from the Hungarian Kingdom as merely provisional. In 1567 too the Gyulafehérvár Diet passed a resolution declaring that the three " nations " were required, under pain of being branded for all time as traitors, *to unite with the inhabitants of Hungary proper* for the purpose of safeguarding the property of the country (Art. 9).¹

¹ Cf. Nicholas ENDES, *op. cit.*

Martinuzzi displayed an indefatigable activity for the furtherance of the internal legislative work and for the administrative, political, military and financial strengthening of the Transylvania supplemented by the addition of the eastern countries of Hungary. *And, while keeping the Turks at bay by specious promises, he strove consistently to further the unity of the country.* And in 1551 he achieved his object, compelling John Sigismund to abdicate and handing Transylvania over to Ferdinand. But he soon realized that Ferdinand was neither firmly resolved nor indeed did he possess the power to defend Transylvania; and for that reason, afraid that Transylvania would be visited by the vengeance of the Turks, he kept postponing the carrying into effect of the treaty, for which reason Castaldo, the mercenary general of Ferdinand's army, with the approval of the King, had this really great Hungarian statesman murdered. Transylvania did not however remain in Ferdinand's hands; now that it had become absolutely evident, that Transylvania was being left by Vienna at the mercy of the Turks, the three nations in 1556 recalled John Sigismund and re-instated him in his royal prerogatives.

The lamentable character of Ferdinand's five years of government (1551-1556) throws into relief the far-seeing and judicious sagacity of Martinuzzi's policy in the matter of the unification of the State which, though realized on paper by the treaty made with Ferdinand, was both politically and militarily quite impracticable, and explains the disillusionment of the last months of his life, as well as the vacillation and dilatoriness due to his misgivings. The great Friar himself exonerates himself in the eyes of history in the following passages of one of his letters: " After having again and again reflected in my mind on the

danger which has so long threatened this country and seen how this danger was daily penetrating deeper and deeper into the most sacred organs of our homeland, so that without the special providence of God this country would not be able to hold out much longer, in obedience to my conscience I devoted my every care and strove in every possible way to discover by what means I could best serve the Christian community and avert the danger now knocking at our gates. I was actuated in this by the circumstance that all the support and assistance against the savagery of an inhuman foe promised our unfortunate and downtrodden country *by the Christian princes had so far remained a mere promise, so that we should have been doomed to utter destruction, had I not resorted to another method for the purpose of saving our native land.* "

The consolidation of the internal independence of Transylvania and of its relative independence in foreign affairs, the organic linking up of the "Partes" with Transylvania, the complete assertion of the Transylvanian constitutionalism based upon the autonomy and the union of the three "nations" and the incorporation in law, in anticipation of the rest of the European Countries, of the principle of liberty of conscience — all these achievements are connected with the name and the age of John Sigismund as results of the activity of Martinuzzi.

The three "nations" of Transylvania saw clearly — after the disaster at Mohács or rather after the Peace of Nagyvárad (1538) — though even more clearly in the period between 1551 and 1556, their eyes being opened by the fiasco resulting from the agreement with Ferdinand and the attempt made by the Habsburgs to unify the country, that they must unite as closely as possible if they would save Transylvania

and safeguard its existence. At the Diets held at Torda in 1542 and 1543 the three " nations " decided that *they would maintain agreement and peace between them at all costs, and would conduct all the affairs of the country by common deliberation and agreement*, appointing as head of the country a Governor (Martinuzzi) and as his assistants councillors selected from each of the three " nations " , and resolving to protect one another against both domestic and foreign enemies. The " Partes " for a time deliberated separately; but, as a result of the work of organization and unification of Martinuzzi, in 1544 Transylvania and the " Partes " already held a common Diet at Torda. And this co-operation eventually became the organizational and territorial basis of Transylvania's existence as a separate and independent State.¹

The Constitution of Transylvania was *de facto* built up on the iron structure of the ethnic autonomy and the union of the three " nations " ; and this three-fold conception recalling the Swiss Constitution — *the unbiassed human spirit and respect for liberty manifested in it — this whole early system of Transylvanian democracy* — reflects eternal glory on the fine political creative genius of Magyardom. As the cantons in Switzerland, the " nations " of Transylvania too participated in the super-nationality, State concert each with its own divergent internal machinery and with the divergent institutions of its own, historically developed autonomy. The Magyar " nation " of Transylvania was represented by the county nobility. These Transylvanian counties had developed in all essential points — like those in the other parts of the Kingdom — from the royal castellanships established by St. Stephen. The counties had in fact inherited

¹ Cf. Nicholas ENDES, *op. cit.*

the spirit of *political liberty* of the tribes that conquered the country, which became legally and in respect of organization the privilege also of the vassals. The autonomy of the Széklers — their system of " Sees " — had a different development. Farther removed as they were from the influence of the West and from the very outset engaged in performing the duties of marchmen, the Széklers derived the institutions of their autonomy directly from the nationality organization. They never knew anything of feudalism; on the other hand, they preserved a more ancient and more democratic — the " free Magyar " — form of nobility. It was the Széklers who preserved in its purest form — institutionally too — the free, democratic spirit of the conquerors which tolerated no shackles or tyranny or attempt to dominate them. Politically speaking, the exclusive standard-bearer of the Magyar " nation " of Transylvania was the nobility; while *every Székler* — possessing *de facto* noble privileges — was a member of the Székler " nation " , except such as voluntarily assumed the status of vassals. And the autonomy of the Saxon " nation " developed in a manner entirely diverging from that of the two other " nations " — by the expansion *de facto* of the self-government accorded the Saxon towns by privileges conferred on them by the kings. The burgesses were the members of the Saxon " nation " enjoying political rights. The Saxons undertaking the status of vassals or serfs — as in the case of the Széklers — were not entitled to these political rights; on the other hand, even Saxons raised to noble rank were only entitled as burgesses to exercise their political rights within the territory of the Saxons.¹

¹ Cf. Nicholas ENDES, *op. cit.*

The annexation of the "Partes" to Transylvania undoubtedly reinforced the numerical predominance of the Magyars. The political genius of Magyardom reflected in the organization of Transylvanian independence, however, for a long time (for centuries) made no attempt to exploit this predominance. Indeed, the most interesting feature of the autonomy of Transylvania and one of the most pregnant proofs of its super-nationality impartiality, is the circumstance that *at the Diets the three "nations" voted by nations, as collective units*. And, although at the 1542 and 1543 Torda Diets the validity of the resolutions submitted was made dependent upon *the agreement of the three "nations"*, at the Diet held at Gyulafehérvár in 1557 this rule, so difficult to carry into effect, was amended, *the third "nation" being required to acquiesce in whatever was decided upon by two "nations"*. But the reciprocal independence and co-operation of the three "nations" was the basis, not only of the work of the Diets and of the system of taking decisions at those Diets, but also of national defence. Each of the three "nations" established a separate army of its own to serve in the common defence of Transylvania. The army which the Saxons had to equip for service in case of emergency was numerically the smallest; the strength of that army in the period immediately following the disaster at Mohács was 2,000 men: but in 1554 it had increased already to 6,000 and in 1556 it numbered 7,000 men. The Magyars and Széklers had naturally to provide much larger armies. On the other hand, in order as it were to, militarily too, symbolize the equality of rights and of rank of the three "nations", in terms of decisions dating from 1540 each of the "nations" had to contribute to Transylvania's standing army 1,000 men fully equipped and under

arms. In 1544 this number was raised to 1500, and in 1,580 to 2,000.¹

The incorporation in law of *the equality of rights and liberty to exercise the four received religions* was an achievement reflecting the attitude of this period of an importance vying in every respect with that of the independence of the three "nations" and of their free autonomy, their union and co-operation and constitutional equality, of the system of voting by "nations" at the Diets and of the decisive force of the majority thus brought into being. Already in 1550 the Torda Diet granted permission for the exercise of the Evangelical religion, Cardinal Martinuzzi having on this occasion shown a statesmanlike sagacity by approving the decision. The relevant Act declared that "every one should abide by the faith received from God, no religion to be under any pretext whatsoever interfered with by any of the others". By passing this Act Transylvania anticipated the Passau Convention by two and the Peace of Augsburg by five years, this first incorporation in law of the principle of liberty of conscience preceding the work even of Germany, the country of origin of the Reformation. *The final establishment of liberty of conscience by legislative action was however effected by the 1557 Torda Diet, which extended that principle also to the Calvinist religion and declared that "every one is entitled to follow the faith which he himself chooses, whether of the older or newer persuasion; but the followers of the new faith shall not molest those who profess the older faith"*.² It was only after the incorporation of this Act that the Unitarian faith began to spread; but the 1571 Diet incorporated in law the liberty of this religion

¹ Cf. Nicholas ENDES, *op. cit.*

² Cf. Nicholas ENDES, *op. cit.*

too and thereby brought to a triumphant conclusion the exceptionally admirable and glorious struggle of Transylvania to achieve liberty of conscience and thereby *laid the corner stone of that Transylvanian independence and constitutionalism which had been built upon the strong pillars of the liberties and the autonomies of the three " nations " and the four religions.*

3. TRANSYLVANIA AS AN INDEPENDENT PRINCIPALITY (1571-1691).

Formally, we can only reckon the period of Transylvania's existence as an independent State from the election of Stephen Báthori — after the death of John Sigismund — as Prince of Transylvania. *De facto, however, and in all essential points* John Sigismund himself was already the first Prince of that country. His title as King of Hungary remained in fact merely a title, whereas he filled his office as Prince of Transylvania in a not unworthy manner. In any case, when Stephen Báthori mounted the throne of Transylvania the constitutional and religious ideas and principles had been so far clarified and the work of institutionally consolidating the independence of the little State so far completed, that the exceptional statesmanship and genius as a ruler of the new Prince, later on to become the powerful King of Poland, proved able to provide, through the medium of a viceroy, for the efficient government of *the new principality the structure of which had long rested upon firm and unshakable foundations.*

Even the greatest of the Princes — Báthori, Bocskai, Gabriel Bethlen, George Rákóczi I. — had to make only trifling changes in the intellectual, constitutional and organizational bases of Transylvania's independence. What they did was rather merely to further develop the rich historical heritage bequeathed to them. We may say that the independent State-

organization of Transylvania was a natural a product of time and history as every other important, firm State-formation figuring in world-history.

The separate status and autonomy of Transylvania within the framework of the Kingdom of the Holy Crown, in the days of the voivodeship prior to the disaster at Mohács, showed a certain resemblance to the situation of Croatia in Italy; while after the development of the union of the three " nations " it in certain respects resembled the autonomy of the Croatia based upon the Hungarian-Croatian Compromise of 1868. But independent Transylvania was after all not a continuation of the voivodeship, but *of the Hungarian State within a territory necessarily limited in area, its independence being however based upon the spiritual, constitutional and institutional foundations of that developed in the days of the voivodeship.* There cannot be the remotest doubt that the Transylvanian principality could never have developed — and would most certainly not have been able to cope with the formidable internal and external difficulties confronting it for a hundred and fifty years (from the election of John Sigismund, formally as King of Hungary, though *de facto* only as Prince of Transylvania, in 1541, to 1691, the year of the *actual* abolition of the independence of Transylvania), when *wedged in between the spheres of interests of the selfish imperialism of two mighty World-Powers* — without the foundations laid in the days of the voivodeship and after the disaster at Mohács.

The independent organizations and the union of the three " nations " continued to act as the peculiarly firm constitutional pillar of the independence of the Transylvanian State, continually gaining indeed in strength and solidity. In the same way as the Hungarian Parliaments continued after Mohács to avail

themselves of every opportunity that offered to repeatedly stabilize legislatively the independence and sovereignty of Hungary, the Transylvanian Estates again and again incorporated in law the union and unity of the three " nations " first established in 1437. This union and unity was incorporated in law in succession by the 1573 Medgyes, the 1607 Kolozsvár, the 1613 Kolozsvár and the 1649 Gyulafehérvár Diet, the latter indeed declaring also that the union was to be renewed every twelve years, the result being that it was formally renewed by the 1658 Marosvásárhely, the 1660 Görgönyszentimre and finally, in 1681, by the Gyulafehérvár Diet.

During the days of the principality the Transylvanian Constitution founded upon the union and cooperation of the three " nations " was formulated in two collections of laws passed by the Diet — the "*Approbata constitutio* " , which contains the constitutional decisions of the period between 1540 and 1653, and the "*Compilata constitutio* " , a collection of those passed between 1654 and 1669.

The legal statutes relating to the union of the three " nations " are summarized in Chapter I of Part III of "*Approbata constitutio* " — according to the interpretation of Nicholas Endes — as follows:

" The free exercise of the four received religions shall be upheld in Saxon Transylvania and in the parts of Hungary proper annexed to Transylvania; in all places those denominations which are in the majority may employ priests to confess the sick, while in case of emergency the priest of any of the denominations may go anywhere to baptise children.

" The country consists of three " nations " ; should any of the " nations " suffer any infringement of its liberty, its immunities, its privileges or the rites or procedure of long standing to which it is accustomed,

it shall appeal to the two other " nations " , which shall be required, in conformity with their oath and duty, to apply — if necessary, also in the Diet — to the Prince and the Council for redress of the grievances of the " nations " making the complaint. In respect of all legitimate complaints all three nations shall do everything in their power to assist one another. Should any noble suffer any infringement of his liberty or any injury to his person, his estate or his property inflicted upon him by the Prince, he shall report the case to his county or his " See " ; should the county or " See " respectively judge the complaint to be well-founded, it shall report without delay to the Prince and the Council: and, in the event of such application proving of no avail, the county in question shall notify the case to the other counties of Transylvania and the annexed " Partes " , to the Széklers and Saxons, who shall be required, in conformity with their oath and duty (without waiting for the convening of a meeting), to apply for redress to the Prince and the Council, whereupon the Council shall, after seriously considering the matter, with due regard for the public liberties and laws of the country, for the duty devolving upon the Council and for the provisions of the law relating to the case in question, shall redress the legitimate grievance of the plaintiff by intervention with the Prince, by taking a decision and by exerting its influence. The same procedure shall be followed in the event of any grievances being filed by walled or market towns or villages in the counties or in Széklerland. Whatever shall be deemed by the Diets in full agreement to be of advantage in respect of the preservation of our homeland, its peace and order, its liberty and the observance of its laws, each individual person setting aside his own profit and personal interests in favour of the cause

of our nation and our liberty — and indeed of the legitimate cause of a private individual — all three " nations " and all the Estates shall unanimously and with one will unite and protect one another. Wherever certain persons unjustly and falsely accuse any one or co-operate for the purpose of accusing such individual in the work of arresting him or bringing him before court or seizing his cattle or property, those persons shall be deemed guilty of the crime of petit treason. "

The same spirit which in defence of the Constitution at all times insisted on the kings taking the coronation oath — or rather issuing the " inaugural diploma " — as a *sine qua non* of their being crowned with the Holy Crown, thereby demanding the solemn renewal of the constitutional rights and liberties regarded by the nation as of most importance, actuated also the three " nations " of Transylvania when on the occasion of the election of a Prince they insisted on the formulation of certain conditions which to all intents and purposes took the place of the coronation oath or " inaugural diploma " of the Hungarian kings. These " conditions " included a demand made by the three " nations " that " *the Prince shall maintain peace with his neighbours, shall not attack them without due reason, and if they should give cause for attack, shall take such measures only with the consent of the " nations " and with the approval of the Porte* ". The " conditions " framed for observance by Gabriel Bethlen, for instance, also provided that the Prince should select four councillors from each of the three " nations " to assist him. This fact too proves the depth to which the consciousness of the need for peace and co-operation as between the three " nations " had penetrated into *the public opinion even of Transylvania's golden age*.

Nicholas Endes, the eminent authority on the historical autonomy of Transylvania, in the work already referred to notes that the Széklers are known to have more than once come to terms with the voivodes of Moldavia and Wallachia and that the Saxons rather frequently concerted with Vienna in support of imperial aims; but adds that *the affairs of independent Transylvania only prospered when the three "nations" were of one mind.*

During the century and a half of the existence of the Transylvanian Principality, this small country was visited more than once by the vicissitudes of a grave internal crisis, particularly after the death of Cardinal Martinuzzi, during the rule in Transylvania of Ferdinand (1551-56) lasting down to the recall of John Sigismund, and even more particularly in the period between the abdication of Sigismund Báthori and the insurrection of Bocskai (1599-1605), the period in which a reign of terror was organized by Vienna and stage-managed by Basta, the Italian mercenary general in the imperial pay.

Nothing can prove more convincingly the historical need for an independent Transylvania than the fact that within a period of fifty years this small country was visited twice by a catastrophic crisis, anarchy and a reign of terror as a consequence of the attempt made by the German-Roman Emperor resident in Vienna, who was at the same time King of Hungary, to seize possession of Transylvania too — on the plea (or rather, under the pretext) of a desire to re-unite that country with Hungary proper. Eagerly as the Magyars both of Hungary proper and of Transylvania desired — and aspired — to restore the territorial integrity of the lands of the Holy Crown, the realization of that desire had so far on all occasions proved — for the moment at least — to be politically

and militarily impossible. For the central part — what we might safely call the heart — of the country had, together with the Capital, Buda, been torn from this thousand-year-old territorial unit by Osmanli conquest. It was impossible for the western and northern peripheries of the dismembered kingdom — in view of the fact that communications were difficult owing to it being necessary to make considerable détours, the means of communication being also extremely primitive, a state of things aggravated still more by the anti-Magyar feelings and ambitions of Vienna — to offer any assistance of a decisive character for the defence of Transylvania. The great statesman Cardinal Martinuzzi realized this fact too late; that was why he had to fall a victim to the knife of an assassin. Stephen Bocskai too was just as late in realizing the fact; that was why he had to stir up an insurrection, begin a struggle for independence and march against Vienna, after having the whole of his life followed in the footsteps of Martinuzzi and endeavoured to bring about a union and co-operation with the other parts of the kingdom still unoccupied and with Vienna. *It had been proved that Transylvania could maintain its existence only out of its own resources, with the means of self-defence and as an independent State. That was why it had endorsed the union and organic, constitutional co-operation of the three " nations " which had been developed so energetically already at an earlier period.*

There is no disputing the fact that the great statesmen of Transylvania, above all its eminent Princes, though only with the assistance of the three Transylvanian " nations " , showed an unparalleled ability and made unprecedented sacrifices when organizing this system of self-defence. And, while the independence of Transylvania was being developed,

enabling that province to act as the intellectual, national and political stronghold of the dismembered Kingdom of St. Stephen, its leaders were engaged for a century and a half in the most marvellous diplomatic game in history: *they held in check Vienna and prevented the absorption of the Hungarian Kingdom by the German-Roman Empire — or rather its incorporation in the Austrian family dominions of the Habsburg Emperors — that end being accomplished by the aid of the wars of independence waged by its Princes, Stephen Bocskai, Gabriel Bethlen, George Rakoczi I., Francis Rakoczi II., and of their campaigns against Vienna, while at the same time they held Constantinople too at bay by keeping alive the idea of the possibility of achieving the never-abandoned aim of union with the Hungarian Kingdom and of bringing about an understanding with the Emperor in Vienna.*

The words of Cardinal Martinuzzi quoted above were endorsed by the statements given below made by three other brilliant Hungarian statesmen — Stephen Bocskai, Gabriel Bethlen and Bethlen's great West-Hungarian rival, Cardinal Peter Pázmány — in vindication of this exceptionally shrewd Transylvanian policy.

In his last will and testament, which is so full of meaning and will at all times move the heart of every true Magyar by the directness of its appeal, Stephen Bocskai, the victorious insurgent leader and Prince, uses the following terms to explain the significance of Transylvania's independence and the irrefragible ties and indissoluble unity binding together the western and eastern parts of the Hungarian Kingdom — Dismembered Hungary and the Transylvanian Principality — which *the splitting in two of the country had separated against their will:*

" This is how we conceive the possibility of per-

petuating the unity: *the principalities, though they may indeed change, in both places according to free election, should never attack one another, by whomsoever instigated or incited thereto. And, so long as the Hungarian Crown shall be in the keeping of a nation stronger than ours, the German, and the Hungarian Kingdom's fate depends upon the Germans, it will always be necessary and profitable to have a Hungarian Prince in Transylvania, for he will ever be ready to protect and assist them (the Hungarians). And, should God grant that the Hungarian Crown be entrusted to Hungarian hands in a Hungary subject to a crowned king, we exhort the Transylvanians too not to separate therefrom or resist, but on the contrary to support the king to the best of their ability and unanimously to subject themselves to the said Crown as of old. "*

In the last will and testament of Gabriel Bethlen we find moving passages relating above all to the respect due to the liberty of conscience of all men, to religious tolerance and also to the moral loftiness of the Transylvanian Constitution in guaranteeing the liberty and equality of the four received religions:

" Be united among yourselves, fearing God truly and faithfully taking care of His Holy Church, loving one another with sincere hearts, *not disputing with one another about religion, but entrusting the decision of such matters to the Great High Priest who dwells in the Heavens and will pay every one according to his deserts:* do not be priests or wish to save any one by force, but let every one accept that one of the four received religions which he chooses, as provided in the country's Constitution " .

But nothing could reveal more clearly or more startlingly the bitter, trying lot of the Magyars, " between two heathens " , than *the agonized cry of warning against the German danger uttered by the great Prince*

in his last will and testament: "*We are shedding our blood in torrents and our lovely country is being defaced in their service; we are preserving their country intact, and they would show their gratitude by endeavouring to drive us out of what is left of that country; and they would have driven us out, had not God Almighty employed the Turks, our great enemy, to protect us*".

And this is what Cardinal Peter Pázmány has to say about George Rákóczi I., Prince of Transylvania — words which are a vindication, not only of Cardinal Martinuzzi, but also of his powerful enemy, Gabriel Bethlen, George Rákóczi I.'s predecessor: "*We have examples enough to show that German assistance is unable to defend Transylvania against the Turks*". And, in a letter to John Kemény, the Cardinal wrote as follows: "Accursed would be the man who should endeavour to persuade you to break with the Turks and turn against them. For, though, as you see, my son, we have power and authority enough at present with our gracious Lord the Christian Emperor, *that will be of avail in the eyes of the German nation only so long as a Hungarian Prince is known to flourish in Transylvania.*"

No one — no document — could prove more authentically or in a manner more pregnantly expressive of a brilliant and statesmanlike mind *the formidable character of the task of saving the consciousness of its mission and the State-idea formulated by St. Stephen which — in the bloody eighteenth century, by virtue of the grand "combination" of dismembered Western Hungary and the Transylvanian Principality of the East — undertaken and fulfilled by the Hungarian nation pressed between the millstones of two World-Powers which had lost so much blood and had been so terribly weakened.* And, while in the machinery of the Constitution of Transylvania the Magyars and the Szék-

lers renounced the enforcement of their undoubted numerical and intellectual superiority, the separate autonomies and the peculiar, " curial " system based upon the equality of the three " nations " being introduced instead, nevertheless — without such a course being in any way dictated — the Hungarian language was raised to the status of Transylvanian State language and of the diplomatic medium employed in the intercourse between Hungarians and Turks. And, while the work of one of the States serving as models to Europe in respect of the autonomy and equality of rights of three nations and four denominations was in progress, the Transylvanians, supported by the European authority thus acquired, were able to act — apart from being the defenders of their own small State — indirectly as the protectors of the general cause of the whole Magyar people and of the St. Stephen State-idea too, becoming at the same time the champions of human progress, enlightenment, super-nationality, impartiality, humanitarianism and the conception of liberty of conscience that was then only feeling its way elsewhere in Europe. *All we need do, if we would see revealed in all its glory — even in the eyes of every impartial judge — this wonderful Transylvanian achievement of Magyar genius accomplished amid the unceasing clash of arms, is to compare the substance of the ideas and institutions dating from the periods of rule as Princes of Transylvania of the devout Catholic, Stephen Bâthori, later King of Poland, and of the equally devout member of the Reformed Church, Gabriel Bethlen, with the hollowness of the Vienna policy of the day — comparing the lofty enlightenment of Gabriel Bethlen's age, for instance, with the savage religious and politico-philosophical excesses of the Thirty Years' War.*

This period of Transylvanian history, to be sure,

had its shady sides too — many of them. The harmony of the three " nations " was certainly not always quite sincere and complete. The Saxons often proved refractory; for Transylvanian independence was a costly affair: and the soldiers had to be paid, nor did the Princes show much indulgence in the matter of taxes, particularly towards the Saxons, who in addition had to supply soldiers — sometimes in considerable numbers — for the defence of Transylvania, though they would have preferred to restrict their military obligations to the defence of their own towns or castles. The Széklers too often proved intractable — generally with reason. Nor was the constitutionalism of Transylvania always complete or untampered with; for the Princes at times overrode the laws, as did other European princes of the same period. On the other hand, however, *no one ever dared or proved able to resort to the absolutistic methods then in vogue in the West, at most coquetting with such methods.* In the Transylvania which had developed a decidedly Protestant character even the religious resolutions of the 1557 Torda Diet were not always carried into effect to the letter. Nor is there any denying that the equality in matters of conscience and religion did not extend to the Greek-Oriental (Orthodox) Church, the church of the continuously growing Rumanian minority. Nevertheless, these defects and the excesses committed against the Catholic Church were mere child's play compared with the savage persecution of the Protestants of Hungary proper in the days of the Counter-Reformation. And Gabriel Bethlen, a Member of the anti-Habsburg Protestant League, showed unparalleled tolerance when he admitted the Jesuits into his country. At the same time, the Princes and the Estates of the three " nations " — even in this age of the bitterest and most savage reciprocal religious

persecution — displayed considerable tolerance and goodwill towards the church organizations, priests and educational activity of the Greek-Oriental Rumanians. During the reign of Prince Sigismund Rákóczi the Diet granted permission for " the free exercise of the orthodox religion among the Wallachians " and for " the persons professing this faith to elect a bishop of their own " . The " Approbata constitute " expressly terms the Greek Oriental faith a " *tolerated religion* " . In a deed dated June 9th, 1609, Gabriel Báthori conferred various privileges on the priests of the Rumanians. Gabriel Bethlen co-operated with Cyril Lucaris, Patriarch of Constantinople, in the work of reforming the Rumanian-Orthodox Church. He endeavoured to provide for the education of a properly instructed, scientifically trained Rumanian priesthood and began the work of translating the New Testament into Rumanian, the completion of this work being only prevented by his death.

In his work entitled " *Investeatura Crestneasca* " (Christian Education), Timothy Cipariu, Canon of Balázsfalva, a learned student of Rumanian literature, notes that the first book printed in Rumanian was Luther's Shorter Catechism, adding that *the first seven works printed in Rumanian were all published in Transylvania, at Szeben, Szászváros and Brassó.*

It is true, indeed, that the liberty of the Orthodox-Rumanian Church rested solely on the *attitude of tolerance* adopted by the Princes and the Diets; but this attitude of tolerance on their part anticipated by some 200 years the Edict of Tolerance — guaranteeing the Protestants the free exercise of their religion — of Joseph II., the most enlightened of the Habsburg monarchs.

It may therefore be said that the Transylvanian Principality was quite able to maintain itself on the

spiritual level of the Europe of the day, despite the exceptionally difficult conditions prevailing; indeed, it took the lead of the peoples of Europe in showing respect for and furthering the ideas of human dignity, liberty of conscience, freedom and equality of rights. And, in the union and autonomy of the three " nations " it taught the whole world *how to induce a lofty harmony of peoples of very divergent mentalities and organize them to work jointly in a single State.* It is surely no easy matter to conceive of a greater spiritual distance between people and people in this human world of ours than that dividing the mentality of the Magyars from that of the Saxons of Transylvania. Yet the Estates and Princes of Transylvania were able to bring about a more complete harmony — even in respect of the autonomy of the Saxons — than that induced later on by the policy of Vienna centralism, which favoured the Saxons and represented and propagated the German spirit, but was politically incapable and insensitive.

Special stress must be paid also on the circumstance that, though the Magyar was numerically and materially far the strongest of the three " nations " — forming indeed, together with the Széklers, who were separated from the Magyars of Transylvania only by differences of a social character, by differences of profession and of the customs originating from their respective professions, not by racial differences, a very considerable numerical majority, while their political and military superiority ensured them veritably overwhelming odds, over the Saxons — it never occurred to the Magyars to attempt to assert this enormous superiority in numbers of their own people together with the Széklers when selecting the representative of the Estates who elected Gabriel Bethlen or indeed in connection with any other manifestation

of the co-operation of the three " nations " . It is true, on the other hand, that the highly refined — almost modern — political art and democracy of the Magyars of Transylvania nevertheless succeeded in impressing the stamp of Magyar political superiority on the whole machinery of Transylvania — on its intellectualism, its Constitution and its legal system. Indeed, they achieved that end primarily by the help of the conception of the three " nations " and by the assertion of the equality of rights and rank of those nations taken as separate units.

The State-building conception that led to the introduction in the Diets of the " curial " system of voting of the three " nations " — enforcing that principle consistently *during the whole period of the existence of the Principality* and adopting the view that a " majority " did not consist in a mere mechanical numerical majority of Members of the Diet, but of the unanimity and agreement of two of the three Transylvanian " nations " as units — still figures as a vital and decisive constitutional principle in the structure of both the Swiss Confederacy and of the United States of North America.

Against the conception of the autonomy and union of the three " nations " we cannot legitimately object — as is usually done by critics in our enemies' camp — that there is no reason why the Rumanians, numerically the majority of the population, should have been omitted from the list of Transylvanian " nations " . For it should be remembered, on the one hand, that in the middle of the sixteenth century, when the Transylvanian autonomy of the three " nations " was put definitively in force, the Rumanians who had for centuries been slowly filtering into that ' country — even according to the data supplied by Archbishop Verancsics, the historian, and to the

evidence of other trustworthy sources — constituted at most one-fourth of the population of Transylvania. More than that, it should be remembered that these Rumanians were socially on an extremely low level, most of them being nomadic shepherds or serfs engaged in agriculture who could hardly be regarded as definitively settled, living as they did everywhere either on the outskirts of the villages or on the mountain slopes, the result being that the political system of life of the Middle Ages and of the modern age developing from the latter had proved quite unable *toût* this people — as fourth " nation " — into the union of Transylvanian " nations " . Those of the leaders of the Rumanian shepherds and serfs who betrayed any superiority to the *primitive and disjointed* masses were granted noble rank and joined the Magyar nobility. Now, the rank and file of the Rumanian shepherds and serfs (villeins) naturally possessed no political rights and were just as unable to acquire such as the Magyar serfs. Consequently, it is quite impossible for any objective critic on sound historico-political or sociological grounds to find fault with the age of the Transylvanian Princes for having failed in the course of the century and a half of Transylvania's existence as an independent principality to include the Rumanian people as fourth " nation " in the wise and lofty conception of the three Transylvanian " nations " . In weighing this question the sober critic must take into account also the quite peculiar manner in which *the Rumanians of Transylvania increased their numbers almost imperceptibly by infiltration*. This process of infiltration was practically uninterrupted as from the thirteenth century; for the Wallachian shepherds followed a perfectly natural instinct in fleeing towards the better protected areas of Hungary which ensured greater security of life to

escape from the chaotic conditions prevailing in the Balkans. Only quite small fractions of the Rumanians of Transylvania were *settlers* invited to the country by the kings of Hungary in the Middle Ages, who conferred certain privileges on them as such. *The vast majority* of these people filtered imperceptibly over the frontiers, flooding the mountains and valleys of the Eastern Carpathians with nomadic shepherds and flocks of sheep and settling either on the outskirts of villages or withdrawing among the hills and establishing settlements there at will, *on estates belonging to others* or in thwaites or assarts, causing no end of confusion in respect of the distribution of landed property which had long before been stabilized and proving a terrible nuisance to the older inhabitants of the Hungarian State, to its villages and institutions. The real immigration of Rumanians on a large scale — or rather, to be more exact, *the infiltration EN MASSE of that people* — did not begin until the Balkans and the Voivodeships of Moldavia and Wallachia, where the Rumanian people had established settlements in their own peculiar way, were subjected to Turkish rule. The Rumanian shepherds and agriculturists fled in great masses to the territories of Transylvania and Hungary to escape the unheard-of violence and extortions of the Turkish authorities and more particularly of the so-called Phanariot voivodes of Moldavia and Wallachia, men mostly of Greek origin appointed by Constantinople who paid large sums for the offices allotted to them. According to the data collected by the Jesuits in their statistical surveys of Transylvania, this infiltration — during the , century and a half of the existence of that country as an independent principality, down to the turn of the eighteenth century — raised the proportion of Rumanians living in Transylvania to about 40% of

the total population. But — owing to the very manner of the Rumanian immigration (viz. infiltration) — this considerable advance in the number of Rumanian inhabitants was naturally not taken cognizance of by the political public opinion of the Transylvania of those days. On the one hand, the Rumanian people, as a result of its disjointed character and the primitive character of its social and cultural standards, was not in a position, despite its numerical strength, to formulate any claim to be regarded as a fourth " nation " . And there is no precedent in the whole course of world-history for an infiltration tolerated in a spirit of benevolence and rather carelessly serving as pretext for a State like Rumania, which was *brought into being*, not by its own State-building, political or military power, but *artificially as a kind of by-product of international conditions and treaties*, in the short period of four decades (1878-1918) to deprive a thousand-year-old State which had, while defending its own independent existence, made incalculable sacrifices to safeguard the greatest values of humanity, of its most valuable territories, *the only title adduced in justification of this procedure being the very conerical increase of a persecuted people which had fled from its persecutors to the territory of that thousand-year-old State and been received there with the utmost goodwill*. For all the world as if the immigrants who penetrated into the U.S.A. centuries after the foundation of the American State were to exploit the growth of their numbers for the purpose of rising in an unguarded moment against the Anglo-Saxons who had granted them an asylum and of detaching a good third of the territory of the United States on purely ethnic grounds!

The Princes of Transylvania and the peoples of that country who were autochthonous or had struck

deep roots there and developed into political nations were often exasperated and disquieted by this Rumanian infiltration, but made no serious attempt to defend themselves against it. Indeed, the Princes issued instructions that " wherever there were poor people who had come from Wallachia, no one should interfere with them or molest them " . The Princes and their authorities from the very outset showed tolerance and goodwill in their treatment of the Rumanians filtering into the country and their management of their affairs, never imposing upon them in general more serious burdens than those which had to be borne by the Magyar villeins; indeed, the enlightened and magnanimous Transylvanian Princes endeavoured by making serious provision for them to pave the way for the spiritual, moral and social progress of these uninvited, unfortunate newcomers — these refugees who had fled from persecution in search of security and a subsistence.

Therefore, should any charge be brought on historical grounds against the Hungarian State or Transylvania — against the Hungarian nation or against the Magyars of Transylvania — accusing them of not having hastened to raise the Rumanians to the dignity and status of the fourth " nation " of Transylvania, it must be objected that no blame attaches in this connection to the Magyars of the independent Transylvania which was more or less in a position to manage its affairs, to its responsible statesmen or to its constitutional order. Later on this charge — and then only to a certain extent — appeared more justified; but it must be laid at the door, not of the independent Transylvania which clung tenaciously to its internal autonomy, to its division into three " nations " and to the constitutional order based upon that system, but of other ages and other factors.

4. TRANSYLVANIA AS AN AUSTRIAN " GUBERNIUM " AND GRAND PRINCIPALITY (1691-1848).

The deterioration of the situation in Transylvania leading to the gradual dissolution of one of the most admirable achievements of Magyar political genius began to ensue when Leopold I., one of the most narrow-minded and most prejudiced of the Habsburg kings of Hungary, after the expulsion of the Turks — the Estates having on June 17th, 1691, at the Fogaras Diet, taken the oath of allegiance to the King — took possession of Transylvania and, on the insistence of the three Transylvanian " nations " , in the same year issued the " Diploma Leopoldinum " , a document designed to clarify the political situation of Transylvania which was drafted partly with the co-operation of Magyar political sagacity. Although it was approved by the Szeben Diet held in the following year, this Diploma *simply did away with the Transylvanian Principality* — with a gesture that, in the light of the Hungarian Constitution, of which the Transylvanian Constitution was merely an offshoot — *without attempting to resuscitate the Transylvanian Voivodeship of pre-Mohács days*. Yet nothing would have been more natural — both in respect of the structure of the State and of public law — or more in keeping with the spirit of the Hungarian Constitution, which had at all times clung and still clings to the unity of the State, than that, the cause (Turkish occupation) having ceased to exist, the effect (the

splitting up of the St. Stephen State) should also cease to exist, and that there should be a " restitutio in integrum " , a restoration of the unity of the Kingdom of the Holy Crown. But the Diploma Leopoldinum did not re-annex Transylvania to the Holy Crown, on the contrary incorporating that country as an independent province in the system of the Habsburg family provinces governed centralistically from Vienna which formed part of the German-Roman Empire. This short-sighted act of absolutism completely disorganized the magnificently developed Constitution of Transylvania, retaining only those elements of its written provisions and of its institutions — though not of its spirit — indispensably necessary to facilitate the realization of the King's centralizing and Germanizing aims. Nor did the Diploma annex the " Partes " territorially to the mother-country, despite the perfectly natural and repeatedly expressed wish of the Estates of those " Partes " . It replaced the Prince by a " Gubernátor " (Governor), characteristically enough making the Capital of Saxonland, Nagyszeben, the political centre of the province and organizing the " Gubernium " in the latter town, and establishing a Chancellorship and appointing a Court Chancellor to take the place of the Prince's Council and to serve as the agent of Vienna. As first Governor of the Transylvania which had been thus degraded politically and confined within the shackles of foreign institutions Leopold appointed George Bánffy, the son of the Denis Bánffy who had been beheaded, conferring the office of Chancellor of Transylvania on Nicholas Bethlen.

But even after the incorporation *in law* by the Diet of the Diploma the absolutism wearing the disguise of semi-constitutionalism had no easy task in the historical atmosphere of Transylvania saturated

with a spirit of liberty and self-government. In 1701 Michael Abaffy II. was compelled to finally renounce his title as Prince, General Rabutin having had him taken already in 1696 to Vienna, whence he never again returned home. In 1702 John Sárosi, Member of the Governor's Council, was arrested; and in 1704 the Chancellor himself, Nicholas Bethlen, was arrested on the charge of *lèse-majesté*. He was put on his trial and found guilty; and, though the sentence was never made public, *the first Habsburg Chancellor of Transylvania ended his days in prison*, after eight years of confinement. At the turn of the eighteenth century, both in Hungary proper and in Transylvania, a reign of terror resembling that stage-managed by Basta a hundred years earlier cast its shadow before; the persecution and oppression of the Magyars generally and even of the serfs assumed such dimensions that it finally led, in 1703, to the outbreak of the insurrection headed by Francis Rákóczi II. and to the — unfortunately only short-lived — restoration of the Principality in the person of that brilliant statesman, diplomat and military leader. It was only after the Emperor's generals had defeated Louis XIV of France, thus frustrating Rákóczi's international schemes and impeding the realization of the conception underlying his diplomatic activity — the conception, namely, of co-operation between an independent Hungary and France — that Vienna succeeded in finally overthrowing the struggle for independence of the Hungarian "kuruc" armies (*Crusader*, the name given to the insurgents fighting under Rákóczi). But the efforts of the "kuruc" soldiers had given the centralists politicians of Vienna much food for reflection and had dealt them severe blows, both politically and militarily; and the treaty concluded with Rákóczi's general, Alexander Károlyi, resulted in mitigating for

a few decades the severity of Austrian absolutism in Transylvania too.

Formally, the Transylvanian Principality ceased to exist only in 1744, when at the Diet of Szeben the Estates abolished Transylvania's right to elect a Prince; but at the same time the Estates incorporated in law the " Pragmatic Sanction " , a solemn contract between Hungary and her sovereign which, while on the one hand securing Hungary's independence and political sovereignty, on the other hand instituted the system of " common defence " of Hungary and the Austrian hereditary provinces. The complete disorganization of Transylvanian public law was however the result, not of this incorporation in law of the abolition of Transylvania's right to elect its own Prince, but of a monstrous lapse in respect of constitutional law made by the same Diet when the Estates — while incorporating in law the " Pragmatic Sanction " — took the oath of allegiance, not to Maria Theresa, the duly crowned Queen of Hungary, but to the Queen's consort, Francis, German-Roman Emperor, who could never have been more than a " distinguished foreigner " in Hungarian territory. The manner in which this oath was taken suffices in itself to show the terrible deterioration and havoc ensuing in the short space of barely fifty years in the public life of Transylvania, in respect of the political and moral spirit, as a result of the brutal and senseless dislocation of that country's historically developed constitutional order.

The Constitution of Transylvania was the work — of exceptionally fine structure — of the acute and practical Magyar political genius. It resembled the peculiarly delicate clockwork constructed by an eminent master-workman which not only showed the time, but also played music; though after the master

— the creative, independent spirit of the Magyars of Transylvania — had gone, an unworthy posterity did not know what to do with it. We may go so far as to say that the absolutism which had intruded into this brilliant eastern workshop of the political creative spirit of Magyarom *brought with it from the West* — and naturalized in Transylvania — *nothing but political barbarism*.

This inroad of political barbarism and the brutal oppression of this barbarian absolutism effaced the grandest achievements of the constitutional development of five centuries of so magnificent a character which were at one and the same time natural, empirical and profoundly rationalistic. We need not be surprised that the continuous persecution of the best sons of the Transylvanian " nations " and of the Magyars and Széklers and the consistent flouting of the self-government and self-defence institutions developed by those " nations " in the course of centuries should have led gradually to a more and more intensive assertion of a cynical opportunism, of political corruption and of intellectual and moral contra-selection. It is only in the knowledge of this ruthless contra-selection of fifty years that we can possibly understand the action taken by the Szeben Diet of 1744, at which — shamefully enough! — the Estates voted for allegiance to the Emperor Francis, who was an absolute and complete stranger to both Hungary proper and Transylvania.

This half-century saw the disappearance and annihilation or at least the forfeiture of its meaning and significance: (1) of the free autonomy of the three " nations " — Magyars, Széklers, Saxons; (2) of the equality of rights of the three " nations " so jealously guarded for centuries; (3) of the union of the three " nations " ; and (4) of the curial system of voting (by national units)

practised at their Diets by the three " nations " . But this half-century saw also the abeyance of the principle of liberty of conscience, of religious equality and of that refined and already institutionalized spirit of respect and understanding for other peoples which impelled Gabriel Bethlen to try to discover an honourable and human solution of the religious and educational affairs of the Rumanian people of decisive importance also from the point of view of the State.

And there is not the slightest doubt that, if this fifty years of oppression, persecution, absolutism, undermining of the Constitution and flouting of laws was able to make the 1744 Szeben Diet approve the oath of allegiance to the German-Roman Emperor, there would have been just as little difficulty in getting the Rumanians — in principle at least — raised to the rank of fourth " nation " . But that was not done — because Vienna did not want it done. The elevation of the Rumanian people to equal rank with the three Transylvanian " nations " would have involved a strengthening, a renewal and an up-to-date continuation of the ancient Transylvanian Constitution; and just the opposite was what the interests of the anti-Magyar Vienna Emperor demanded. The same Szeben Diet declared that the union with the Catholic Church of a considerable part of the Rumanians which had ensued at the turn of the eighteenth century *had not secured that people national rights*, though it is at least extremely probable that a hundred years after the days of the far-sighted government and magnanimous nationality and cultural policy of Gabriel Bethlen towards the Rumanians that people — as a natural result of the further development of Transylvanian autonomy within the framework of a resuscitated Voivodeship — must have been fully qualified to be raised to the dignity of " fourth "

Transylvanian " nation " . Certainly if we take into account the sociological level and the measure of constitutionalism characteristic of the age! It is true, indeed, that the Rumanians were a disjointed people of villeins — agriculturists and shepherds without bourgeoisie which had not built any towns and indeed did not live for long in towns and that the insignificant fraction which had risen to noble rank had for the most part become absorbed ethnically too in the Magyar nobility — the " *una eademque nobilitas* " . *But in the atmosphere of religious equality that developed so early in Transylvania the Rumanian people should have been qualified by the reception of the Greek-Catholic and Greek-Oriental religions to be acknowledged as fourth " nation " — not indirectly, indeed, as it did not yet possess, even in the middle of the eighteenth century, the necessary sociological or political framework, but indirectly, as fifth and sixth received denomination.* Had it been made possible for the Greek-Oriental religion — that of the bulk of the Rumanians — to rise to the status of a received religion, it would have been impossible for the Szeben Diet to declare so cynically that the recognition by the legislature of the liberty and equality of rights of the religions did not mean also that the adherents of those religions had obtained national rights. *But by that time the political ingenuity and constructive force, as well as the refined and humanistic spirit of toleration and impartiality so wise also from the political standpoint which had been in general so characteristic a feature of the Transylvanian Principality, had_ been utterly extinguished in the Transylvania with a deformed and defective Constitution which was governed from Vienna.*

It is true that at that period the Magyar Estates too failed to insist on justice being done and a develop-

ment of the kind being promoted. But no sober critic would be inclined to severely reprimand them for having — after half a century of persecution and of flouting of the constitutional system, autonomous and human rights developed or acquired by them respectively at the cost of bitter exertions and sacrifices — taken but little interest in the legitimate constitutional claims of their compatriots of Rumanian nationality. For they had then to defend the most elementary vital rights of their own race and their own nation. No one can blame a drowning man for not taking any particular interest in his neighbour. The fact must however be stressed with peculiar emphasis *that it was the degradation of the Transylvanian Principality to the status and level of a Habsburg province that checked the natural development which by the middle of the eighteenth century — in keeping with the natural automatism of the development of organic things — would undoubtedly have already supplemented the conception and Constitution of the three Transylvanian " nations " by the admission of the fourth " nation " , the Rumanian — though perhaps for the moment, owing to the lack of adequate sociological possibilities, only through their Church, as a denomination.*

During the reign of Maria Theresa there nevertheless ensued a certain improvement, at least in the economic and social fields. But the work of wearing down the autonomy of the three " nations " — particularly of the Magyars and Széklers — continued. In 1763 and 1764 Maria Theresa's generals organized the Székler frontier district on the German model which was placed under the direction of foreign officers, doing so at the cost of seriously infringing the ancient liberties and autonomy of the Székler people, the resistance of the Széklers being choked in blood "

with insidious ruthlessness. As if to counterbalance this flouting of Székler autonomy and Székler self-respect and the heinousness of the Mádéfalva mass-murder Maria Theresa gave the Saxon nation — already known as " *alma natio* " the name of " *inclyta natio* " and raised Transylvania to the status of a Grand Principality (or Duchy).

This gracious patronage of the Saxons shown by the Queen in the darkest days of the oppression and persecution of the Széklers, the Transylvanian " Gubernium " followed by a Grand Principality, the selection of Szeben to serve as Capital, the brutal and malicious treatment of the leaders and general rank and file of the Magyar and Székler peoples, the deliberate reinforcement of the Germans of Transylvania by the introduction of new settlers from abroad (the exact data referring to this process ¹ will be found in the work: " *Ethnographie der Oesterreichischen Monarchie* " , edited by Baron Charles Zoering and published by the Directorate of the Imperial and Royal Statistical Bureau), the furtherance in a distinctly anti-Magyar spirit of the infiltration of the Rumanians from the Moldavian and Wallachian territories left under Turkish rule and from the Balkans — a process of infiltration which was speeded up during the course of the eighteenth century — , the desire and endeavour of Vienna (already become institutional) at all costs to reduce the Magyars and Széklers of Transylvania to the position of a minority — these are the moments which taken together clearly outline the features of a policy which suppressed all life, spreading barrenness and bringing destruction. It was a policy of take, but not give. It refused to grant the Rumanian people even their

¹ Cf. Nicholas ENDES, *op. cit.*

natural demand for religious equality; but it was unable to give even the " famous " Saxon nation — either in the political or in the economic field — more than had been given by the free, independent Transylvania of old. While this policy was busy demolishing the magnificently developed, free autonomy of the Transylvanian Magyar and Székler nations, undermining the natural, self-developed priority of the Hungarian language and abolishing its role as a bond of connection between various peoples, shattering the spiritual and constitutional harmony of the three nations brought into being at the cost of such enormous efforts, and upsetting the equality of rights and rank as between the four received religions — by its attack on and extermination of the spirit of autonomy it destroyed all the genuine vitamin-content of the symbiosis of the peoples of Transylvania, of their spiritual and constitutional harmony and of the further development of that harmony.

There is not the slightest doubt that, just as the historical development of Transylvanian self-government during the course of centuries with unerring consistence prepared — through the medium of the institutions of the Voivodeship, though more particularly through that of the development, self-government and union of the three " nations " — the spiritual and institutional foundations of the independent Transylvanian State, in like manner the wicked and senseless destruction of this great Transylvanian work provided material ready to hand for the use of Maria Theresa's son, Joseph II. in his endeavour to utterly annihilate the independence of Transylvania both internally and in respect of foreign relations.

Even the remaining tatters of the autonomy and union of the three Transylvanian nations disappeared

as a result of the Germanizing and centralizing measures of the "hatted" King (Joseph II. was so called because he refused to allow himself to be crowned). These measures were so destructive to every spirit and all development of autonomy as a result of their mechanical uniformization that even the Saxons, who were advantageously affected by the spirit of Germanization, rebelled against them — in the spirit at least.

In the meantime the last decade of this very lamentable period of a hundred years — which began with the issue of the "Diploma Leopoldinum" and ended with the accession to the throne of Leopold II. in 1790, the year in which the independence and sovereignty of Hungary was once more ratified (by Act X of that year) and the great Hungarian Age of Reform opened — passed away with Joseph II. on the throne.

There can be no doubt that *the Trianon grave too* — not only that of Transylvania, but that of the whole Hungarian State and *of the St. Stephen conception of a Hungarian Kingdom* — was dug primarily by the hundred years from 1691-1791. Under the leadership of the Bocskais, Báthoris, Bethlens and Rákóczis — great statesmen, military leaders and princes according to European standards too — Transylvania had been well on the way towards the development of a super-nationality model State such as that of Switzerland within the framework of the dominions of the Holy Crown. The Transylvanian conception and Constitution of the "three nations" offered a sure and ready framework facilitating the admission as fourth "nation" of the Rumanian people which had immigrated in such large masses. Transylvania, with the "curial" system of voting of the three nations put into force in its Diets which reminds us of the Constitution of the Swiss Confederacy, offered the world a model example of the

organization of various peoples within one State in a manner ensuring each of those peoples equal liberty and equal opportunities of development. This was the development brought to a standstill in 16gi.

And the events of the hundred years of destruction that followed, their political degeneracy and the petty particularism that developed in the course of the persecution to which the Hungarian were subjected — all these moments obstructed the development in Transylvania of *a natural solution of the situation in harmony with Hungarian and Transylvanian history.* By the time the process of fermentation had begun in Hungary (in 1790) and preparations had been made at the Pozsony Diet for the great work of reform, all the achievements of Transylvanian constitutionalism had already — in essence at least — been brought to nought, all the really great traditions and sound spiritual foundations of that constitutionalism having withered away. Yet, *only the unbroken constitutionalism of Transylvania suitable for further development would have been able* — -by the maintenance in full of its brilliant achievements — *to successfully cope with the uniformizing spirit of the nineteenth century* which tried to find in a synthesis of a highly centralized national State and free individualism — and believed it had found — a solution of the great vital questions of man and nations and showed but little sense for the intermediate organizations developed historically as between the State and the individual of which the autonomy of historical Transylvania was an outstanding example. *Only the natural further development, within the unitary State of the Holy Crown of the grand and enlightened self-government of the Transylvanian Principality as interpreted by Gabriel Bethlen which was based upon liberty and equality and the manifest and striking results achieved and the European prestige*

*acquired by that self-government, would have been able to safeguard Transylvania and the judicious and natural system of symbiosis of peoples reflected in the combination of the Transylvanian " nations " — no longer three, but already four — against the prejudices — in so many respects cynical and mechanically unifying — of the nineteenth century. What happened instead was, however, that a cynical absolutism characterised by incapacity and fatal to every form of autonomous spirit or suitability for autonomy the hollowness of which was disguised by a show of pseudo-constitutionalism, eliminated the creations, institutions, traditions and mentality of the Gabriel Bethlen era. So much so, indeed, that, when in 1791, when the Hungarian Age of Reform opened, the Rumanian people of Transylvania appealed to the King in a memorandum entitled " Supplex libellum Valachorum " expressing the very natural and perfectly legitimate desire that the Rumanian people should be accorded the same rights of citizenship as the other peoples of Transylvania and that the Greek-Oriental religion should be allowed to enjoy the same rights as the other religions, the 1790/91 Kolozsvár Diet — *horribile dictu!* — narrow-mindedly and cynically refused to endorse the desire of the Rumanians. This Kolozsvár Diet had assembled after the abrogation of Joseph II.'s absolutistic system for the purpose of implementing the restoration of Transylvanian constitutionalism and did actually within the space of two years pass 162 Acts of legislation; but of these only 64 were confirmed by the King — such as were calculated merely to serve as the basis of mock, sadly mutilated constitutionalism for the next fifty years. Many questions of more or less importance were adjusted; only the adjustment of the greatest and most important problem of all — the Rumanian*

question — was simply ignored. The solution of this question was indeed an exceptionally difficult matter under the given conditions, for it was impeded by the failure to re-establish historically and further the natural development of the autonomy of the Transylvanian Magyars, Széklers and Saxons, a deficiency which it was no longer possible to make up for, all that was practicable at the time was in some way to bridge over the gap by some sort of internal compromise. For that purpose, however, there would have been need of an exceptional political creative spirit on the level of the great statesmen of the age of the principality; but such a spirit can derive only from the practice of free institutions and a genuine self-government. On the other hand, too, the question of the equality of the citizens had not yet matured — a further fifty years of development were needed to ensure the Rumanian people the benefits of constitutional protection at least by according it equality of rights.

It is useless to deny, however, that this cynical rejection by the Diet was a hopeless and ill-omened overture to this half-century of Transylvanian history, which coincides with one of the most glorious epochs in the history of Hungary proper. But — to the objective historical critic — very little more could have been expected of the constitutional order of Transylvania which had been deprived of its basic " foundation — the union of the self-governing " nations " — , had been placed upon the foundations of foreign institutions and given a false interpretation, being at the same time far more directly subject to the influence of Vienna than that of Hungary proper. The 162 Acts passed at the 1790/91 Kolozsvár Diet, of which only 64 were actually put into force, themselves reflect the predominance of the influence of Vienna. Neverthe-

less, it is impossible to exonerate the weakness and the inability to cope with historical obligations originating from the decline of the previous century. It must in justice be noted that *the bulk of the responsibility devolved upon the pressure brought to bear from without which could only afford to train weak generations and deprived even the weak Magyar generation in question of the means of free determination and action.* The Kolozsvár " constituent " assembly did indeed declare (in Act 6) that Transylvania was a State possessing an independent Constitution and public administration, being subject to the authority of the Holy Crown and not a province absorbed in the Empire, so that it would not be governed after the model of other provinces (" ad normam aliarum provinciarum "). But it never succeeded in enforcing the provisions of this Act.

Indeed, Leopold II.'s successor, Francis I., in 1806, — after he had lost the Western basis of his power as a result of the dissolution of the German-Roman Empire — proclaimed himself Emperor of Austria and, with less ability, though with greater practical sense, than Joseph II., decided once again to implement the old Vienna scheme of building up a Greater Austria of a German character governed from Vienna — a new " Gesamtmonarchie " — and of absorbing in that Empire Hungary and Transylvania. Eventually the efforts to that end made by him and his great diplomat-Chancellor, Prince Metternich, proved abortive, though even after the death of Francis I., during the reign of Ferdinand V., Metternich continued to make the attempt. The half-century down to 1848 brought Metternich's system diplomatic successes; but his efforts were all the more abortive in the fields of State-organization and government, the Chancellor proving to be a weak statesman employing obsolete

methods. All he was able to do was to defer the natural course of development, in the spirit of the international and governmental system of the " Holy Alliance " — but he failed to check the advance of time. The revolutionary storm which in 1848 arose in Paris and swept over the whole of Europe reached the Habsburg Monarchy too, where it swept out of existence Chancellor Metternich and his system,

But, although the centralizing and Germanizing scheme of Vienna of such long standing had for the moment again ended in smoke — even in the Austrian Crown provinces, and still more effectually in the lands of the Holy Crown, a fresh obstruction of natural development again lasting half a century, the diversion of events into unhealthy channels and a renewed contra-selection produced fruit in Transylvania too. There, one of the chief and gravest troubles in evidence was the loss of confidence, even among the most eminent of Transylvanian patriots, in the virility of that country. The public life and constitutionalism of Transylvania, the symbiosis of its social classes and its various peoples had during the eighteenth century become so deeply infected with poisonous elements that in the first half of the nineteenth century men's minds became dominated more and more by the conviction that, as a consequence of the chaos so deliberately engineered during a century and a half, Transylvania could no longer expect to cure itself out of its own resources or by the help of its own institutions and the means at its disposal. The magnificently organized symbiosis of the three " nations " , the constitutional, governmental and cultural forms and institutions of that symbiosis, and the whole system of union of the three " nations " that had been so sagaciously thought out and so superbly built up — all were long thinners

of the past. And, the system of self-government having decayed, dragging with it the spirit and will essential to constitutional construction, the country had forfeited, not only the framework, but also the inspiration, the mental force and the sobriety of judgment required to enable it to solve at long last the Rumanian question as one of the tasks of organic State-development of decisive importance the fulfilment of which could no longer be deferred.

The best sons of the Magyar people had indeed long felt and realized the exceptional importance of this question and the urgent need for its solution. A whole century and a half had already passed since the days of Gabriel Bethlen, separating that age from the epoch of the Kolozsvár Reform Diet: and during that long period and subsequently too the Rumanian infiltration continued unceasingly at a constantly increasing rate, that resulting in the ranks of the Rumanians of Transylvania being swelled to a formidable extent. This immigration continued also in the early decades of the nineteenth century — until the Moldavian and Wallachian Voivodeships came under the rule of the Russian Tsar, *de facto*, though not in international law. And, although in the middle of the sixteenth century, at the time of the establishment of the Principality, the Rumanians constituted only about one-fourth of the total population of Transylvania, at the turn of the eighteenth century, when the existence of the Principality was interrupted, their ratio of the population had advanced to 40% — some 200,000 souls. Barely fifty years later, in 1760, there were already 547,000 Rumanians living in Transylvania and in the annexed "Partes" of Hungary, their number increasing by 1811 to 950,000, that meaning that during the course of the eighteenth century the

number of Rumanians had more than quadrupled. It was no longer possible to remain for long blind to the existence and the measure of the danger involved in this rapidly increase of the number of Rumanians. It was the appreciation of this danger — and the voice of the Hungarian conscience — that found expression in the action of Baron Nicholas Wesselényi sen., when, in 1791, at the Kolozsvár Diet, during the debate on the " *Supplex libellum Valachorum* " submitted to the King, he shouted in stentorian tones to his fellow-deputies who, on hearing that there was a fire in the city, had risen from their seats and hurried to the windows: " Remain in your places and do not run away, for a big enough fire is burning in this House, — would we could extinguish it! "

And indeed there was a mighty fire burning then in Transylvania; but neither the readiness nor the power nor the faith required for its extinction was to hand.

All that was left then of the grand institutions of former days and of the mentality implanted by them in the minds of generations was merely their rudiments. What had been left of the self-government of the three " nations " was the dregs of the wine — petty selfishness and particularism. What was left of the superb constitutional equality of the three " nations " was a jealous, pettifogging " retailing " as between the " nations " of obligations, offices and spheres of authority. The union of the three " nations " had lost its constitutional significance, though the tradition of that union was still exploited for the purpose of serving as a bulwark of isolation and exclusiveness and a psychological barrier to impede the reception as fourth " nation " of the Rumanian people. Destruction usually works more rapidly and is easier than construction: and the 150 years from 1691 to

1848 proved a long enough period to destroy most of the glorious creations and values brought into being in the fields of State-construction and social organization by the preceding half century of Transylvanian history.

Nicholas Wesselényi jun., the "boatman of the floods" — who personified most unequivocally the virtues of an unbiassed judgment, superior impartiality, patriotic passion and courage and who was perhaps the greatest opposition politician of the age in Transylvania — was himself lacking in confidence with regard to the future of that province. He declared that in the thoroughly macerated Constitution of Transylvania there was no longer any virility or capacity for development. In his opinion the three "nations" and the four religions were merely seven different, selfish groups which found their pleasure in envy and feuds and in distributing offices among themselves in exact numerical proportions. There were three other groups — the nobility, the burgesses and the people. He was convinced that these ten groups could again be reconciled though that was only one side of the dismal picture. The other side of the picture, according to Wesselényi, was reflected in the fact that the nations protected within the bulwarks of the Constitution did not include the nation — the Rumanians — which happened to be numerically the greatest, that the religion which happened to be the strongest numerically — the Greek-Oriental — had also been left out of the category of "received" religions, and that the people — the "misera plebs" — which again formed the vast majority of the population, has likewise been kept deprived of citizen rights. Another moment which in his opinion contributed to the desolate character of the situation, was that Hungary was far more directly and more closely

dependent upon Vienna than Hungary proper. He could find no way out calculated to save Transylvania within the framework of self-government. He too regarded as the only hope of deliverance — a union with Hungary.

5. UNION WITH HUNGARY (1848-49; 1867-1918).

It is true that the union of Transylvania and Hungary, both in respect of organization and in public law, was the natural desire of the national public opinion of Hungary and Transylvania alike originating from the liberal outlook of the age. In this age men's minds were firmly convinced that all that was necessary was to make the individual free — everyone alike — and that the general liberty would as a matter of course adjust things satisfactorily, would bridge over the difficulties and would reconcile all social and nationality antagonisms. It would by that time have undoubtedly been already too late to launch any Transylvanian Reform scheme resuscitating the constitutionalism of the age of the Principality in keeping with the standards of the nineteenth century — however grand or wise that scheme might have been; *every one alike was convinced that the better future of that province and its peoples depended on the realization of individual liberty and equality and on the absorption of Transylvania — without any form of separate autonomy — in the Hungarian State-unit.* This desire assumed an elemental force both this side of and beyond the Királyhágó (the pass dividing Hungary from Transylvania) and was included also among the Twelve Points drafted by the Hungarian students who led the revolutionary movement in March, 1848. And it was actually realized, as one of the first of the 1848 reforms. But, when we recall the disillusion-

ment of Wesselényi of which mention has already been made, it is difficult to avoid conjecturing that an important role was played among the factors urging and preparing the way for the union by *a desire to escape obligations that appeared impossible of fulfilment*.

The last struggle for independence of the Hungarian nation was fought in 1848/49, under the leadership of Louis Kossuth, by Hungary and Transylvania acting in full concert and in cordial co-operation. The absolutism that followed the overthrow of the struggle and continued for a period of 19 years once more tore Transylvania and Hungary asunder, but the 1867 Compromise, which restored the validity of the 1848 laws, re-established the union with Transylvania.

The fifty years between the Compromise and the outbreak of the first Great War were by no means favourable to a resumption in a serious form of the question of Transylvanian autonomy. This period, which did not go far beyond accepting the principle of the legitimate equality of all citizens of the State — actually regarded the 1868 Hungarian-Croatian Agreement implemented by Francis Deák as an infringement of the unity of the Hungarian nation and of the St. Stephen State-unit, thereby displaying very considerable short-sightedness in respect of the "nationality" question. This national public opinion did indeed — in the spirit of the 1848 traditions and mentality — accept the superb Nationality Law drafted by Francis Deák (Act XLIV of 1868); "but the following generation of politicians already betrayed considerable indifference in respect of the realization and carrying into effect in full of the provisions of this exceptionally important law. Yet it is indubitable that the execution without reserve of the provisions

of this law would have done much to take the sting out of the tension prevailing in the nationality question. It must however be admitted that the responsibility for the shelving in practice of those provisions lay, not so much with the short-sightedness of the second Hungarian generation of the Age of the Compromise, as rather with the Rumanian, Slovak, Serbian and Croatian nationalities of Hungary, with the demands put forward by them, which were frequently excessively exorbitant, and even more with the persons responsible for starting nationality movements which constantly revealed the ultimate object — the dismemberment of the Kingdom of St. Stephen. These phenomena veritably impelled Hungarian society to renounce any inclination it might have had — and it never betrayed any particularly cordial readiness — to carry into effect in full the provisions of the Nationality Law.

But, however we divide the responsibility for the aggravation of the nationality question between Magyars and non-Magyars, the fact may be established beyond a doubt that many things would have taken a different course in 1918, if the Hungarian policy of the second half of the Age of the Compromise had dealt with the extremely important and extremely delicate question which had in many respects been so badly bungled, in the spirit of Deák and his National Law. It is true, indeed, that the realization of the internal adjustment of the Hungarian Kingdom and of peace with the nationalities could not have been fully guaranteed *only* by the splendid Nationality Law⁷ drafted by Francis Deák which will always reflect credit on Hungarian statesmanship and Hungarian legislation, even if it had been carried into effect in its entirety or had merely been further developed on the basis of individual rights. For the

complete success of the operation of this Law there would have been an urgent need for a nationality environment of a character quite different from that surrounding Hungary at the time, as the result of the existence in her neighbourhood of an independent Serbia, an independent Rumania and a Croatia and a Bohemia aspiring to independence. But in the exceptionally difficult situation in which she found herself as a consequence of menaces dating back a thousand years, wedged in between East and West, between North and South, compelled in consequence to play the role of a buffer State and a factor of equilibrium, particularly owing to the lamentable reduction of the number of Magyars due to the constant struggles of ten centuries, Hungary could only hope to continue to maintain intact and undisturbed her thousand-year-old State and to fulfil her historical mission — in the days of world-crises too — by virtue of an exceptional and far-sighted shrewdness tempered with wisdom and a sense of justice, and of a highly-developed nationality policy ready to acquiesce in far-reaching territorial autonomies and to follow in the historical path marked out of old. That was however impossible owing to the lack of such traditions in the recent past, particularly in Transylvania: the whole history of the century and a half (1691-1848) worked towards the elimination of any such power of discrimination. But *the age* lacked also the sense to approach these questions from the right angle; the whole world of ideas and system of thought of the second half of the Age of the Compromise contributed to weaken the ancient Magyar power of understanding the nationality question. In addition, the absorption of non-Magyar elements in Magyar-*dom* — and in particular *the superficiality and incompleteness of the work of assimilation* — assumed such

dimensions in this age that it too contributed to obscure that lofty spiritual readiness, impartiality and refined sense of justice of the true-blue Magyars a conscious cultivation and enhancement of which would have been the only means enabling the Hungarians to cope successfully with the mass of obligations involved in the nationality question. Yet the calm and dispassionate critic is perfectly entitled to affirm that the execution in full of the provision of the 1868 Nationality Law — if accompanied by a more sagacious, more far-reaching and more Magyar foreign policy and social policy — would at least have succeeded in helping the Hungarian State to survive the crisis of the first Great War and to subsequently begin a fresh campaign and initiate a fresh development on the ancient basis by a return to Magyar traditions and a re-construction on the foundations marked out by Hungarian history.

It was a particular misfortune for Hungary, for the Transylvanian question, and for the Dual Monarchy itself too, that even after the final separation of Austria from the German Empire in 1866 — despite all the goodwill shown by the Emperor-King Francis Joseph I. and his endeavour to bring about a general nationality reconciliation displayed also within the "parity" framework of the 1867 Austro-Hungarian Compromise — King Charles IV. of tragic memory was in fact the first Habsburg monarch who proved able — unfortunately too late — to turn his back definitively on the fixed ideas of his predecessors and to reconcile the existence of the Hungarian State of St. Stephen with the postulates of a *by no means anti-Magyar* federalization of the Dual Monarchy. But, when in 1916 he ascended the throne, he was no longer in a position to save either Hungary or the Monarchy as a whole.

PART II

DRAFT PLAN OF SELF-GOVERNMENT FOR A TRANSYLVANIA TO BE RE-ANNEXED AS A WHOLE TO THE HOLY CROWN.

1. IN THE STEPS OF THE HISTORICAL PAST.

The facts ascertained by this frank Hungarian historico-political self-criticism — which may perhaps here and there appear downright harsh — cannot in any way exonerate the international political stupidities of the Trianon Peace Edict.

A thousand years is a long period in the life of a nation, a State or a country: offering abundant opportunities and a wide framework for the drafting of a true historical balance-sheet. The Hungarian nation — and in particular its leaders — may surely have committed blunders during the long period of the Magyars' presence in Europe. We may nevertheless safely submit this past to the judgment of our own conscience and to that of the world and humanity at large, in respect of Transylvania too. We shall have no reason to be ashamed if the many-sided and magnanimous Transylvanian policy pursued from the thirteenth to the end of the seventeenth century is compared by an objective critic — whoever that critic may be — with the political shallowness and the barbarisms forced upon us in the eighteenth century and the first half of the nineteenth

century in a Transylvania groaning under the oppression of Vienna — or with the unparalleled shallowness and by the no means fully developed barbarisms of the internal and foreign policy pursued by Greater Rumania in Transylvania in the two decades following the Treaty of Trianon. In illustration of the character of the latter period it will fully suffice to establish the fact that in the level of its provisions and in the substance of its stipulations for the protection of the minorities the Minority Treaty concluded at Saint-Germain-en-Laye which was intended as a supplement to the Treaty of Trianon and was signed by Rumania too would have been far inferior to the Hungarian Nationality Law (Act XLIV of 1868 drafted by Francis Deák), even if Rumania had observed and carried its provisions into effect to the letter. The description of the sufferings of the Magyars as a majority does not however form part of our subject.

But it must be noted that this work — this Hungarian historico-political self-examination — has nevertheless been written to throw light in connection with the Transylvanian question on the ten centuries of development of Hungarian State-building, though even more particularly to reveal the mistakes and omissions committed on the Hungarian side and — most important of all — *to help the world to find in the moelström of a thousand years of organic State development those lessons, those fundamental principles and methods of State organization and government tried in the fire of centuries and not found wanting, and those self-government institutions which during the course of long centuries, even in exceptionally precarious international situations, proved able to unite and stimulate the various peoples of Transylvania to join harmoniously in common efforts, in reciprocal self-defence and in cultural advancement.*

This is not solely a Hungarian, but a general European question. It has been proved that without the internal peace and a satisfactory adjustment of the Danube Valley there can be no peace or tranquil development in the centre of Europe, and that that Valley cannot be organized or efficiently governed with Rumanian, Czech or Serbian *peripheries round it* simply as a means of one-sidedly, unpractically, childishly pampering favourites à la Trianon. *This ivork of organization can be directed — at is was without interruption for a thousand years — solely and exclusively from the Hungarian centre.* It has been proved also that to split up the unexampled bulwark-system of the North-Western, Northern, Eastern and South-Eastern Carpathians means simply to cripple the natural self-defence *of the heart of Central Europe* against the imperialistic expansion of other and more mighty Powers. It is therefore, not merely a Hungarian interest, but may safely be described, if viewed in the light of judicious self-criticism, as *even a higher Rumanian interest and above all a general European interest*, that Transylvania should as an integral unit be restored to the Holy Crown. On the other hand, however, ways and means must be found — and must be found on the Hungarian side above all — to arrive at a lofty and in every respect re-assuring solution of the nationality question so excessively aggravated and brought to a head in Transylvania which will once for all establish a peaceful symbiosis of the Magyars and Rumanians of Transylvania, and will at the same time prepare the way for a peaceful and fertile co-operation between Hungary and the Rumania which must at all costs be maintained within its historical frontiers.

The present historico-political outline was therefore written ultimately also for the purpose of showing

that *there is no need for us to return to the practically unrealizable State-adjusting priority of the Wilsonian ethnic principle*, or to bring forward some construction " smelling of the lamp " , if we would solve the Transylvanian question properly and permanently in a manner calculated to re-assure both Magyars and Rumanians and to further their peaceful symbiosis. All we need do is to investigate thoroughly and searchingly the history of Transylvania in the two hundred and fifty years between 1437, the year of the Kápolna Diet which set the seal on the union of the three " nations " , and 1686, the year of the recovery of Buda from the Turks, and we shall be enabled to find in the Magyar policy and constitutional development of these chapters of our history, which, though exceptionally critical, were pregnant with great ideas and produced great results, the correct principles of organization, institutions and methods required for the solution of the Transylvanian question. Let us sift out of the material of this age of Transylvanian history the ideas and institutions suitable for use in the construction of the future with the aid of which the Hungarian political genius was still able to take its own course and, even under the pressure of historical necessity, to create and select, on the basis of a free and unrestricted examination, the means best adapted to further its work of State-building and State-government.

Furthermore, we may safely unveil the past history of the Magyars in Transylvania, not only to our own public opinion, but also to the impartial public opinion of foreign countries which feels an interest in the historical efforts and achievements of our nation simply and solely *from considerations of human solidarity and of a love of justice*. We need not fear that the conscience and public opinion of the world

will be likely to condemn our procedure in those periods when we were our own masters. On the contrary, *from the general human point of view* too the periods when Hungary was independent and self-governing were periods of our history in which all the peoples of Transylvania alike lived in peace and reciprocal good-fellowship and prosperity. And the periods in which that independence and sovereignty and that absolute liberty at home and in relations with the outside world was confiscated or reduced to a shadow, were periods in the history of Transylvania which saw the decline of general human interests and of the intellectual and moral standard.

The new development of human society, as well as the lessons and fatal consequences of the Paris treaties of peace, the ridiculous fiasco of the two decades of the new Danube and Balkan policy based upon those treaties (Little Entente, Balkan Alliance) — all these moments alike seem to encourage a better understanding, both on the Hungarian and on the European side generally, for the lessons of the past revealed in outline in these pages. Humanity has gradually shaken off the historical condemnation of the national (unitary) State of the nineteenth century which thought the nationality question too had been finally settled by the codification of equality and individual rights. And it would appear as if the world were recovering also from the ethnic epidemics of the periods following the first and preceding and introducing the second Great War — as if thinking men were gradually awakening to a consciousness that the two are in essence identical. The spiritual bent to accept *a more organic and more historical conception* is coming to life in the womb of time. The question at issue is *an organization of a satisfactory character ensuring the freedom of further development*

of the national and State existence of Europe and. above all of the Danube Valley whose destiny has for centuries been uncertain, and indeed of the whole long and broad expanse of territory wedged in between Germany and Russia, from Norway to Greece and the Dardanelles — in reality of a mass of some 140,000,000 human beings. And, in this complexity of questions of such decisive importance for the further destiny of Europe, exactly at the point where the two lines running from east to west and from north to south in search of the geographical centre of Europe lies Buda, surrounded by Hungary and the Hungarian people. This is the geographical heart of Europe; indeed, not only the geographical heart. And this heart cannot be torn easily and without danger from the centre of the course of the Danube and the ring of the Carpathians created by God.

This is however a fact which must be realized primarily by Hungarians; and it is primarily our duty to weigh the importance of the mission devolving upon us in consequence. That mission — which is neither an easy nor a contemptible one — is *the consequence of our living in the heart of Europe*, or, to be more exact, *the consequence of Hungary, in whatever form, being and meaning the heart of Europe.*

2. THE VITAL POINTS OF THE INTERNATIONAL DISPUTE OF MAGYARS AND RUMANIANS FOR THE POSSESSION OF TRANSYLVANIA

It was only in the welter of the first Great War that Transylvania really became the subject of an international controversy between Hungary and Rumania. Though Rumania did not denounce the treaty of alliance concluded with the Austro-Hungarian Monarchy in 1883. during the first period of the first Great War, Rumanian policy nevertheless always dreamed of detaching Transylvania from Hungary — had done so even before the conclusion of the treaty with Austria-Hungary and continued to do so all the time that treaty was in force. And that policy went to work, particularly in Paris, with the co-operation of western historiography — a science employing deliberate and by no means over-scrupulous methods then occupied primarily in the study of Central European questions — to prepare the ground well in advance for the creation of a Greater Rumania to include Transylvania. But the leading statesmen of the Entente Powers had no intention, even during the early stages of the first Great War, of so brutally dismembering the Monarchy; and it was only after Rumania's entry into the war — a step taken by her with circumspect cunning — that certain promises respecting Transylvania were given in return for her adherence. And it was only in the last year of the Great War — and only in the middle of that year — that by his machinations Benes, who had a finger

in every political pie, succeeded (and that only just before the war came to an end) in *getting* the Entente to accept his scheme for the dismemberment of the Dual Monarchy and of Hungary too. But even this decision did not yet apply, in 1918, to Rumania's claim to Transylvania. For Rumania had, in the spring of 1918, concluded a separate peace (that of Bucharest) with the Central Powers and had thereby withdrawn from the ranks of the Associated Powers. And even in 1920, just before the final signature of the Treaty of Trianon, the leading statesmen of the victorious Great Powers were still reluctant to listen to Rumania's application; and it was only the cunning sophistry of a lawyer, André Tardieu, that finally overcame their reluctance and prevailed upon the Entente to re-include Rumania among the Associated Powers. The establishment of Greater Rumania, as we see, was effected under the leadership of Jonel Bratianu, that very capable international mountebank, in a very different way and by very different methods than the conquest of Hungary had been, just 1022 years before, by Duke Árpád at the head of his mounted hosts. It is no disgrace to us — though we commit many faults, having blundered more than once in the course of our history, particularly to our own detriment, and having been guilty of errors enough in the last third of the nineteenth century and at the turn of the twentieth century, for instance — but to the victors in the first Great War, that a nation should have been allowed to be thus trampled in the dust and a country humiliated which had had a glorious past of a thousand years which had deserved a better fate — a nation and a country which had for centuries been the bulwark of protection of Europe and Christian culture against the most formidable dangers. And the greatest disgrace of this decision taken in

the Trianon is not the unheard-of measure of the injustice committed there, but the *senseless stupidity and meanness* which allowed two extremely primitive considerations to serve as bases of the Greater Rumania hatched in a political incubator. We refer in the first place to the fact that Rumania succeeded at long last by dint of desperate exertions and abject supplications in getting the Great Powers to forget the separate peace concluded at Bucharest and in prevailing upon those Powers *de post facto* to re-include her among the Associated Powers, receiving abundant reward, as we know, not indeed in return for any military or political services, but in return for the achievements of a political mountebank. And, in the second place, we should not forget that the Rumanians were in the majority in Transylvania and that, though the great bulk of this people consisted of persons who had filtered into the Kingdom of St. Stephen during the seventeenth and eighteenth centuries as refugees, being generously given a home there, and though devoid of culture or State-building ability and having no historical efforts or services to their credit — they evidently deserved the gift they received in the Trianon (Transylvania and indeed a good deal more) on the plea of the ethnic epidemic and its postulates. If we leave out of account the services of Rumania as an Associated Power — services in any case of a dubious character — the only serious argument in favour of the transfer of Transylvania, remaining (for the childish fable of Daco-Rumanian autochthonism and the extremely suspicious and insidious character of the Gyulaféhérvár " plebiscite " of 1918 cannot be allowed to weigh seriously in the balance) the only relevant plea adducible in justification, is the ethnic principle, the numerical majority of the Rumanians.

On the other hand, the arguments adduced at the time — arguments still valid — in favour of leaving Transylvania within the framework of the State established by St. Stephen are:

1. The perfect geographical unity of Hungary, which, while dividing Transylvania from Rumania by the massive chain of mountains of the Eastern and South-Eastern Carpathians broken only by a few passes, on the other hand leaves the territory of that province (sharply defined geographically too) open in the direction of the Hungarian Basin through the valleys of the Maros, Szamos and the two Körös and by the gradual merging of the whole Transylvanian plateau in the Hungarian Lowlands.

2. More than a thousand years of European history, and the development during that period of the strong, firmly established Hungarian State in the Middle Danube Valley which until 1918 had been unshakable in its foundations.

3. The incalculably great historical services rendered by the Magyar nation and the Hungarian State (inclusive of Transylvania and the Magyars of Transylvania) during their struggles for their existence and in their self-defence by their sufferings and their sacrifice of blood and by the efforts and creations of the generations of ten centuries which — even judged by the standard of world-history — were magnificent in character — services to which the masses of Rumanian shepherds and primitive agriculturists who fled to Hungary to escape persecution contributed practically nothing, either intellectually or physically.

4. *The lofty mission which the Hungarian nation and the Hungarian State will have to fulfil in the future too as dictated by the country's international situation and the unchangeable importance attaching to it — a mission which no other nation or country can possibly*

fulfil and which the Hungarian nation and Hungary cannot possibly fulfil either without the full restoration of the integrity of its historical territory. For the distribution of the protective system of bulwarks afforded by the Carpathians among various States and the senseless disruption of the Hungarian national defence system which must result, would be bound to undermine the independent existence, the free development and the effectual self-defence of the Danube *Valley* as a whole (taken in the widest sense) and of all the peoples living in that Valley.

5. The Northern nations and countries (with the exception of Finland and Denmark) which in former days lived in a more effectually defended and more secure situation, both internationally and in respect of inter-State relations, as well as Greece and Turkey in the Balkans, were only awakened to the dangers threatening them from the East and the West — some of them being menaced more seriously from the West and others from the East — by the recent happenings in world-history. These nations and countries have only just awakened to a consciousness of the situation in which Hungary and Poland have been living for a thousand years, struggling and suffering in an effort to maintain their very existence. Now, *this zone of self-defence stretching from Scandinavia to the Greek isles and to the Bosphorus cannot even be organized unless its heart and centre is occupied by a strong and courageous nation and country — the Hungarian nation and Hungary — which, while insured by centuries of struggles and ready to make the necessary sacrifices, is rich in military qualities and political ability.* In a far-reaching conception of the kind only roles of a subordinate character — as auxiliaries — could possibly be assigned to Rumania, merged as she is in the sea of Russian peoples, or to Bohemia,

surrounded as she is on three sides by the German ethnic ocean.

6. Now, wedged in between the Northern — Scandinavian — and Southern — Balkan — block of the zone of self-defence proposed by this mighty conception, there stand the two historical countries (Hungary and Poland) which have for a thousand years been playing this role of self-defence and bearing the full weight of all the bitter burdens and sacrifices involved thereby. And one condition indispensable to the full development of Poland on a firm, secure and free basis — a condition of the significance of which Poland too is profoundly conscious — is *the existence of a very strong Hungary capable to the highest degree, both politically and militarily, of maintaining her independence and securing her self-defence, as well as the closest possible co-operation and union with Hungary, a co-operation postulating a common Polish-Hungarian frontier along the whole line of the Carpathians.*

These are arguments of international significance and importance in favour of Hungary's claim to Transylvania. And in contrast the only anaemic argument in favour of Rumania's claim to that province — the mere existence of an ethnic majority, which in any case shrinks into insignificance as compared with the decisively absolute majority (70%) of the Germans of Switzerland — appears simply ridiculous.

But a just and re-assuring solution of the nationality question of Transylvania too would be far more surely attainable within the framework of the Hungarian Kingdom, which:

(a) Has behind it the practice of ten centuries in the humane treatment of non-Magyar peoples;

(b) In Transylvania, perhaps in anticipation even of Switzerland, in institutions working with perfect

precision solved the problem of the free and equal symbiosis of three various peoples, and

(c) In the nineteenth century too was the first to adjust, in a liberal Nationality Law, the rights of the ethnic minorities and their free development, veritably putting to shame both the so-called Minority Pact drafted after the first Great War and the minority protection afforded by the League of Nations.

On the Hungarian side, on the other hand, people must admit the mistakes and omissions committed in connection with the nationality question, it being in particular realized as a categorical *sine qua non* of future Hungarian policy that all available political ingenuity, every jot of our sobriety of judgment and love of justice, must be concentrated on *the adjustment on a far-reaching scale and on secure foundations, in all countries belonging to the Holy Crown, of the nationality question in general — and above all in Transylvania — in a manner making it impossible even for the malignance of hostile criticism to find anything to take exception to.*

3. THE FUNDAMENTAL CONDITIONS OF THE HUNGARIAN SOLUTION

First of all, we ourselves — and our friends and enemies too — must realize that Transylvania's present situation, as a result of its senseless division into two parts involving the loss of its virility, is untenable. There are only two possible alternatives: Transylvania must belong either to the Holy Crown or to Rumania. *From the very first moment — both prior to and subsequently to the conclusion of the Treaty of Trianon — the Hungarian nation has decidedly and unequivocally insisted on its claim to the whole of Transylvania.* Never will there be a Hungarian generation, however adverse its fortune, prepared to renounce this sacred historical claim. The nation is prepared at any moment to take up arms to assert that claim and, if necessary, to bleed to death in the struggle. *Without Transylvania there is no Hungarian State, no Hungarian mission to fulfil, no Hungarian life.*

It is equally indubitable, on the other hand, that — alike for geographical, historical, ethnical and international reasons — *Transylvania can be brought tinder the authority of the Holy Crown only as an independent country possessing a very far-reaching autonomy (as an independent State establishing a union with Hungary on the basis of parity, if no other solution can be found), subject to the approval of the public opinion of the world and without doubt of the new Peace Conference too. But such a solution too could reckon on*

the full approval of the Rumanian people living within the territory of the Holy Crown and on the acquiescence of the Rumanian nation living within the territory of Rumania (whose independent existence must be safeguarded), only in the event of Transylvania returning in the structure of its own Constitution to the conception and the institutional establishment of a union of the free and self-governing Transylvanians based upon equality of rank and rights.

Strong as is the Hungarian position with regard to Transylvania, and weak as Rumania's one single argument — the fact that there is a Rumanian ethnic majority — may be in itself, it would be a mistake on the Hungarian side to disparage the significance of that majority. Moreover, account must be taken of the memories and mentality resulting from twenty years of Rumanian rule in Transylvania and the effect of the Pan-Rumanian conception which has for well-nigh a century been instilled into the minds of generations both this side and beyond the Carpathians. In the eyes of a sober-minded critic taking account of the working of folk-psychology and also of the Hungarian and Rumanian national, State-organizing endeavours of the past hundred years, *the only solution of the question of the self-government of a Transylvania to be re-fitted into the framework of the Kingdom of the Holy Crown likely to induce peace and co-operation between Rumanians and Magyars would be one ensuring the Rumanian people of Transylvania a far-reaching freedom of development and self-assertion just as acceptable to the Rumanians of Hungary and of Rumania as is the independence of French Switzerland and Belgium to the French and to French policy and as the separate existence of German and Italian Switzerland has been for centuries to the Empire and to Italy respectively.*

At the 1791 " Constituent " Diet of Kolozsvár the exhaustive memorandum of the leaders of the Rumanian people of Transylvania — the " *Supplex libellum Valachorum* " — came up for discussion. This Diet was by no means its own master; for only roughly one-third of the laws passed by it received the royal approval. But there can be no doubt whatsoever that future developments might have been very significantly influenced, had the estates of Transylvania shown more understanding for the legitimate and equitable demands of the Rumanian people. It is true, indeed, — as already explained — that the generation of Magyars in question had been conceived in the womb of a diseased century and a half. It is equally true that the late settlement in the country of the vast majority of the Rumanians of Hungary, their social primitiveness and disjointed character* and their being included almost without exception in the ranks of the villeins or in no " class " at all, were moments which for centuries — down to the attainment of equal rights of citizenship in 1848 — acted as fatal obstacles to a solution of the Rumanian question in constitutional law. And, finally, the aged itself showed little understanding for a full appreciation. It must nevertheless be affirmed it would be a matter definitively fatal to the Hungarian nation if to-day, after so many bitter experiences and so much suffering, and with so many lessons to learn from, the *élite* of our people still failed to understand that *the new " Supplex libellum Valachorum " has been sent to our generation, not by a king residing in Vienna, but by world-history itself.* And there would be nothing now to excuse us, if we entered into a discussion of this question with the same short-sightedness and chauvinism as that shown just a hundred and fifty years ago by our Transylvanian forbears.

In this question — at least in respect of the clarification of matters — we must prepare the scheme of solution in good time, on our own initiative, in a Magyar spirit and with a Magyar mind, and thereby anticipate the rapidly moving events and changes which show but little interest in — and are perhaps even blind to — the affairs of Hungary or rather of the Danube Valley.

To draft the scheme of solution, we must first of all clarify the fundamental principles — the fundamental principles which are sound:

1. Geographically and economically,
2. *Historically*, and
3. *Ethnically*,

and are calculated to induce a harmony of the various points of view.

1. *Geography*

clearly favours the inclusion of Transylvania within the framework of the Hungarian State; but it postulates equally clearly the necessity of Transylvanian autonomy, seeing that this autonomy began to develop already in the early centuries of the existence of the Hungarian Kingdom, in a perfectly natural manner, expanding within the limits and on the scale dictated by the times, organically and gradually, perhaps already in the tenth century.

2. *History*,

following the dictates of geography, which always influences — and at times practically prescribes — the course of politics, during the ten centuries of Transylvania's life under Magyar direction ran almost to a hair the course which the first glance at the map shows to be prescribed by geography. Not only did Transylvania develop its autonomy gradually, as it

were under the pressure of natural forces, organically; this self-government was consciously and instinctively a supplementary part of the Kingdom of St. Stephen — of the Realm of the Holy Crown — even when in respect of State-organization, during the days of the Principality, the province separated, under the pressure of international politics, from the mother-country. *And Transylvanian autonomy, with all the wealth of its ideas and institutions, its valuable creations and the whole structure of its Constitution, came into being and developed naturally and gradually as the product of the creative genius of Magyardom, during those periods in which the Hungarian nation was on the whole its own master in this territory.*

The substance of this historical Constitution of Transylvania was the independently developed, free autonomies of the three " nations " , the union of these autonomies and their equality in the legislature and government of Transylvania.

It was this Constitution that created in Transylvania among the peoples living there, encouraged free development and furthered prosperity. *The Transylvania of the Princes was indeed a super-nationality, federal State, resembling the Switzerland resulting from the union of the cantons and the balanced federation of the three Swiss nations.* Already in the middle of the fifteenth century the three " nations " of Transylvania — in the Magyar spirit and with Magyar mentality, without guidance or instruction from without — laid the foundations of this principle of dual State-organization, which it developed and raised to a height of perfection in the sixteenth and seventeenth centuries — the same separate autonomies and equality of the peoples forming the federation and the same organization of these independent autonomies into a federal State as that

still forming the basis of the Swiss Constitution of to-day. The only defect of this Constitution in later times was *the Magyardom which had lost its power of self-determination* failed — and for fundamental reasons of social organization was indeed quite unable — in good time to raise the Rumanians who had filtered into the country in a peculiar manner and had gradually increased in strength (as fourth " nation ") to a position ensuring them the protection of the Transylvanian Constitution. *The path marked out by the history of Transylvania is nevertheless unmistakable: the self-government of Transylvania must be once more realized within the framework of the State of the Holy Crown, on the basis of the free autonomies, equality and union of the nations living there, steps being taken to renew also the old Transylvanian system of voting by nations (the so-called " curial " system) in some form of legislative body.*

3. *The ethnic principle*

cannot be adopted as the sole and exclusive decisive principle of State-organization — at least not in Central Europe, and above all not in the Hungarian State-system of the Holy Crown. But it would be silly to attempt to deny its importance. And, if it was impossible already at the end of the Middle Ages to build up the Constitution of Transylvania and the autonomous organization of that country ensuring the peaceful symbiosis, the community of the State-idea and the co-operation of its peoples otherwise than *by the development of the separate autonomies of those peoples and a union of the self-governing units*, no sober-minded critic could — in view of the present general aggravation of the nationality question and in particular of the artificially enhanced and ill-timed aggravation of the Hungarian-Rumanian

question and of the antagonism between the two nations — believe in the possibility of bringing about a solution of the question of Transylvanian peace and of a lasting co-operation between the peoples living there within the framework of the historical Hungarian State without a constitutional machinery calculated to ensure all peoples alike (or, to use the old Transylvanian terminology, every " nation ") — to-day also, as a consequence of the identity of Széklers and Magyars, in reality still only three " nations " , the Magyars, the Rumanians and the Saxons — the greatest possible measure of political, intellectual, religious and administrative autonomy.

According to the ancient, historically developed Constitution of Transylvania, the " nations " themselves as collective political units or persons and the several individuals as Members of the " nations " , were entitled to political rights without this ethnic autonomy being precisely connected with sharply-defined territories. Such a procedure was indeed practicable in more primitive ages. It is, however, manifest that *to-day it is impossible to find a solution satisfactory in every respect without attaching the autonomies of the Transylvanian peoples to certain well-defined territories*. Nor can there be any doubt to-day that neither the countries within their historically developed territories nor the urban autonomies could no longer be taken as adequate basis — the history of Transylvania shows that in the recent past too they proved to be an inadequate basis — for the realization of a satisfactory and fruitful autonomy of the Transylvanian nations. It is therefore quite evident that what is required is *the establishment of autonomies — territorial units — containing a predominant majority of citizens belonging to one or other of the Transylvanian peoples and enclosed by certain fixed, canton-like*

frontiers. And at the same there would be need of a Constitution which, drafted in the spirit of the ancient Transylvanian Constitution and showing a resemblance to the relation of the present-day Swiss cantons to the Swiss Confederacy, *would make the canton-like formations of an ethnic character the centres of gravity of the respective autonomies* and at the same time, by the application of the ancient Transylvanian and present-day Swiss methods, eliminate all brutal assertion of the majority principle.

4. DRAFT CONSTITUTION OF A SELF-GOVERNING TRANSYLVANIA.

Territory.

When determining the territory of Transylvania as dictated by common sense, the geographico-economic, historical and ethnographical points of view must be simultaneously enforced and an effort made to harmonize them. It would be foolish to ensure either of the three points of view absolute priority. Only a combined and harmonious assertion of all three is calculated to result in the demarcation of a frontier line satisfactory to both Parties between Hungary and Transylvania. It would indeed be impossible to enforce these points of view rigidly and one-sidedly; for the geographical frontier of Transylvania on the side facing the Hungarian Lowlands becomes gradually more and more indistinct and uncertain, while it would be difficult to restore Transylvania's historical frontiers to the letter, seeing that the "Partes" — their area continually varying — for a century and a half formed an organic part of the Transylvanian Principality, and the ethnographical distribution shows so little conformity with the geographical distribution throughout Transylvania — in the frontier areas too — that no sober-minded critic could take that distribution in itself as a rigid basis for the determination of the frontier, at least not without very gravely prejudicing the economic conditions of subsistence of the population.

The draft scheme for determining the frontiers of

Transylvania on the North and the West — as also for its division in respect of self-government — which is shown on the annexed ethnographical map, has been elaborated with the most careful consideration for all these points of view and an endeavour to scrupulously reconcile them.

When demarcating the frontier between Transylvania and the Hungary with which it was connected for a thousand years a member of an ideal State-unit, it is manifestly necessary that *the northern half of the frontier line in the North must be drawn in conformity rather with historical and geographico-economic considerations and that the southern half must be made to conform rather with ethnic considerations.*

From the thousand-year-old frontier right down, through the Radna Pass to the Királyhágó and indeed further south, to the Királyerdő (Royal Forest), *the frontier of historical Transylvania* would be left unchanged everywhere — though *without the "Partes"*. Geographically, the Radna Alps, the Lápos range, the Avas range, the Meszes range (Limestone Mountains), the Királyhágó and the Királyerdő would provide the northern part of Transylvania with a sharply marked principal line. And, in respect of the thousand-year-old division into counties, this frontier would run everywhere as far as the Királyerdő along the common boundary-line separating the Counties of Besztercenaszód, Szolnokdoboka and Kolozs, on the one hand, and Máramaros, Szatmár, Szilágy and Bihar, on the other.

In this northern part of Transylvania the boundaries of the "Partes" changed frequently during the course of history, though generally embracing the Counties of Central Szolnok and Kraszna and the environs of Kővár (i. e. a considerable part of the Szilágy County of later days), together with the

Nagysomkút Hundred of Szatmár County, as shown also on the annexed administrative map showing the state of things in 1847. This territory — the "Partes" — was at all times merely an appendage of Transylvania, never belonging organically to it. In the days of the Transylvanian Principality too it always figured as a separate area annexed to Transylvania; and it always — constitutionally too — remained outside the union of the three "nations". At the Diets it was represented separately as a unit distinct from the union of the three "nations". After the expulsion of the Turks the Estates of the "Partes" never ceased demanding the re-annexation of that area to Hungary proper, that showing that after the abolition of the independent Principality of Transylvania too the people of the "Partes" were fully alive to and conscious of the fact that their territory formed an integral part of the mother-country. Szilágy County and Zilah and the Magyars of the Szilágy region are so closely interwoven historically, culturally and economically with the life of the Magyars of Szatmár County and the Upper Tisza region — while the mechanical transfer to Transylvania of the part of this territory with a Rumanian majority would seriously injure such vital geographical and economic popular interests — that the cutting up of these areas on purely ethnographical grounds would not be in the interest even of the Rumanians living there.

There is a considerable proportion of Rumanians living in the southern part of Máramaros County too; on the one hand, however, the Radna Alps and the Lápós range form a sharply-defined geographical dividing line between Máramaros, Szolnok-Doboka and Besztercenaszód Counties, and on the other hand this territory never at any time belonged to Transylvania, while in the third place this region with a

Rumanian majority is connected by vital economic ties which admit of no severance with the mining and industrial districts of Máramaros: consequently, here too it would be absurd to ensure the ethnic principle the priority and on that basis to cut up an organically united area.

Quite other criteria must be employed in respect of the question of the frontier to the South and West of the Királyhágó and the Királyerdő respectively. In this part the south-eastern section of Bihar County between the Bihar mountains and the Plesz-Kodru range, together with the Black Körös valley, as also the eastern half of Arad County, together with the White Körös valley, and the north-eastern corner of Temes County lying south of the Maros and the whole of Krassószörény County too, form an area with so strong a Rumanian majority that when demarcating the frontier the ethnic principle — which is here irreconcilable with the geographical and economic points of view — might much rather be ensured priority. Such a procedure would indeed not be endorsed either by history (seeing that this territory never belonged to Transylvania) or by the racial interests of the Magyars (seeing that the annexation of Krassószörény County to Transylvania would place one of the richest iron-ore and colliery districts of historical Hungary under the rule of an autonomy with a Rumanian majority). Nevertheless, that is the proper solution dictated by the ancient spirit of impartiality of the Hungarian Kingdom; for it is a real interest, not only of Transylvania, but also of the Hungarian nation, that all peoples alike — the diligent Rumanian people too — should thrive and feel at home under the jurisdiction of the Holy Crown.

The political frontier of Transylvania would run

from the point where the western boundary of Kolozs County meets the boundary of the Belényes Hundred of Bihar County for some distance westwards along the ridge of the Királyerdő and then from end to end of the northern and western boundaries of the Belényes Hundred as far as the boundary of Arad County, turning from thence southwards along the western boundary of the Borosjenő Hundred and running as far as the western boundary of the Tornova Hundred and then further southwards to the Maros. In its course from the Maros it would leave the larger half of the Lippa Hundred (including Lippa itself) in Transylvania, then, cutting through the Temesrékás Hundred in a southerly direction, leaving Temesrékás itself in Hungary, would run as far as the northern boundary of the Buziás Hundred and, allotting the south-eastern corner of that hundred to Transylvania, would continue to run southwards to the boundary of Buziás Spa and along the eastern boundary of that watering-place and along the common boundary of Temes and Krassószörény Counties to the Danube.

In this, southern, part of Transylvania, therefore, very considerable territories would be allotted to that province which have never belonged to it, either historically or administratively. As it is, however, important frontier areas with Rumanian majorities (*e.g.* to the East and South of Nagyvárad and to the East of Arad and Temesvár, and in the North in particular in the eastern half of Szilágy County) would be left within the frontiers of Hungary. But the environs of Nagyvárad and Arad manifestly belong both geographically and economically to the living-spaces and spheres of attraction of these two *historical Magyar towns*. The ethnic autonomy of all these frontier areas of a Rumanian character remaining in the mother-country would be ensured by the

provisions of the superbly-drafted 1868 Nationality Act, which is still in force, though it might eventually be expanded, by a far-reaching regard for minority rights and above all by the introduction of a polyglot public administration. To the South of the Maros, on the other hand, Temesvár, the intellectual and economic centre of a quite different conglomeration of nationalities (Magyars, Serbs, Rumanians, Germans), territorially indivisible, which for that very reason cannot possibly be dovetailed into Transylvania and, together with the whole area of Temes and Torontál Counties, must be provided with the machinery of self-government.

The Transylvania thus circumscribed would be considerably larger than historical Transylvania. And its frontiers of the North and West would mean the realization of a sober and sensible mean between the geographical, historical and economic principles on the one hand and the ethnic principle on the other.

We do not know — and cannot indeed know — exactly and precisely the absolute numbers and the relative proportions of the nationality distribution of this territory. But, although more than thirty years have passed from the 1910 Hungarian Census, the data of the latter nevertheless offer us the most straightforward *point d'appui* in respect of the nationality ratios of Transylvania; for four years prior to the outbreak of the first Great War no one had yet thought of obtaining possession of a country by means of the falsification of demographical statistics. And, if at the time of the taking of the 1910 Hungarian Census there may have been even thousands who, out of mere opportunism, declared themselves to be Magyars, though in reality they were not, the Hungarian State had then no particular motive for

employing Census statistics to save the country; for the Hungarian State still stood firm on the territorial foundations and the foundations laid by the principle — that of equality of rights — which it had maintained intact for a thousand years. The Hungarian State left it to the conscience and good faith of each and every one of its citizens to himself decide to which nationality he belonged; but it never curtailed the rights of citizenship of any one and never prejudiced the vital interests of any one simply for declaring himself to be a Rumanian or a member of any other nationality. That was not the procedure taken by the Rumanian State, which in Transylvania infringed and flouted the Hungarian principle of equality of rights, systematically persecuted the Magyars, classed the Jews *en bloc* as a separate nationality though the vast majority of the Jews had always declared themselves to be Hungarians (Magyars), invented the silly fable that the Széklers — who are more Magyar than the Magyars — were in reality Magyarized Rumanians, employed every means of economic " thumb-screwing " — above all, that of extortionary taxation — in the service of its mean and brutal nationality policy, carrying out a scheme of land reform at the cost of the Magyars, sequestering the estates of Magyar landowners in defiance of the solemn obligations imposed on it by international treaties, but at the same time depriving the Magyar peasantry of the benefits of the reform, invented the system of " name analysis " for the purpose of re-classifying loyal Magyars as Germans or Jews at least, persecuted the Magyar workers employed in mines or by railways and factories, drove Magyars out of their offices in ever increasing numbers — even from the highest offices, organized and exploited both the administration of justice and all the authoritative means

at the disposal of a cultural policy for the purpose of undermining the ethnic strength of the Magyars and artificially strengthening the Rumanians and of Rumanianization, sequestered the ancient, magnificent Magyar University of Kolozsvár, churches, religious houses and theatres from that Magyardom during the reigns of whose princes three hundred years earlier the first seven Rumanian books had been printed, and the Greek-Oriental Church of the Rumanians and their priests protected. It is to be hoped that the complaints and lamentations will all one day be brought to light from among the dust-littered files of the League of Nations to indict a hypocritical system which amid a jumble of League of Nations phrases allowed Rumanian minor officials daily to flout and tear to pieces all the well-intentioned work initiated by the powerful treaty-makers of 1920 and above all the solemn Minority Treaty which Rumania had undeservedly concluded with the victorious Great Powers. A census taken by a system of this kind — anxiously eager to safeguard and justify its illegitimate and undeservedly allotted spoil and the equally illegitimate increase of territory, does not deserve to be credited by any one. The pre-War Hungarian system may have had — and certainly had — its faults and defects too; and in the present work we have made no attempt to disguise or hide these defects. But only a partiality which had lost its equilibrium could venture to compare these faults with the arbitrary brutalities and falsifications of the twenty years of Rumanian rule in Transylvania — all committed at the cost of the Magyars.

There can be no doubt that the conscience of humanity will be compelled to rise in revolt sooner or later, all over the world, against the growing barbarism of crude figures. Were figures to rule with

sovereign rights over the history and the destiny of mankind, as the last 2-3 decades would have us believe, there would never have come into existence a Hellenic culture, a Roman Empire, the intellectual domination of Europe by the Italy of the Renaissance, the mediaeval " balance of power " established in the heart of Europe by the Hungarian Kingdom of the House of Árpád, the Transylvanian " fairy garden " of Gabriel Bethlen brought into being in the very centre of a world writhing in the mad paroxysms of a religious war, the France of Richelieu, the Swedish Great Power established by Charles XII, the intellectual Great Power symbolized by Switzerland even today, the wonderful Neo-Hellenism of the numerically miniature Finnish people reflected in its art, its science and its gallantry — nor would the world have seen the rise of a " small " Turkey over the ruins of the once mighty Osmanli Empire — and still less the World Empire of the " tiny " British Isles.

This profound human — and Magyar — truth could not have been expressed more finely and more genuinely than it has been by Daniel Berzsenyi in his Ode " To the Magyars " :

" Not the multitude, but
The soul and a free people work wonders.
It is this that made Rome the master of the
world,
This that made Marathon and Buda famous. "

And it is no use for the megalomania of " Greater Rumania " to attempt to disguise its real littleness and its incapacity to play any great role in Central Europe. Even the greatness of Russia must still be measured, not by Peter the Great, but by Tolstoy and Dostoievsky and Gogol.

Naturally no one can swear by the figures of the 1910 Hungarian Census statistics relating to Transylvania either — now, after the lapse of 33 years. Even from the point of view of the nationality ratios all we can say today is that in all probability there were no material shiftings — that being true particularly in respect of Northern Transylvania, since the re-annexation of which territory the gaps caused by the Magyar emigration (withdrawals) of previous years have been counterbalanced — and are still being counterbalanced — by very large-scale Magyar re-immigration.

In the territory of Transylvania now under discussion the 1910 Hungarian Census showed the presence of 3,425,000 inhabitants distributed as follows: Rumanians, 2,000,800 (59%); 964,700 Magyars (28%); 295,300 Germans (8.6%); and 144,700 "Others" (44%).

Louis Thirring, the eminent statistician, writes as follows in the July, 1940, number of the Hungarian Statistical Review: " We have no exact figures of the population of Transylvania since 1930; on the basis of the so-called " computed " strength of the population given in detail, by counties, by Rumanian sources and relating to the middle of 1939, it would appear that the number of souls living in the parts of Transylvania and Eastern Hungary respectively which have now been re-annexed to Hungary exceeded 2,500,000, and may indeed be estimated at some 2,600,000 " .

Well, if we accept as our starting-point in relation to the year 1940 the numerical strength of the population as given above, and compare it with the number of souls — 2,185,000 — shown as living in the same territory by the 1910 Hungarian Census, we find an increase of some 19% and — inclusive of the natural

increase of the 3 years that have since passed — of at least 20%.

It is not likely that the increase of the population of the new Transylvania proposed in these pages will deviate materially from this average of 20%. And that means that the Transylvania as thus proposed contains roughly 4,110,000 inhabitants — almost as many as the number of inhabitants of Switzerland in 1936 (4,165,000).

A. *The Autonomies of the Peoples of Transylvania,*

The only possible basis suitable to serve as the starting-point for the drafting of the future Constitution of Transylvania would be the free autonomy of the various peoples living there.

In the past there were three " nations " in Transylvania — the Magyars, the Széklers and the Saxons. The first part of the present draft-scheme has explained fully why, in the period of Transylvania's existence as an independent State it was impossible for the Rumanians — then still a minority, though numerically very strong — could not advance to the rank of fourth " nation " , and why and during the period of the severe pressure exercised on Transylvania by the absolutism of Vienna (also a period of 150 years) — primarily owing to the corruptive despotism then prevailing, though partly also to the omissions of a Magyar generation brought up without the benefits of the life-giving and educative atmosphere of liberty and genuine self-government, though very largely owing to fundamental sociological reasons too — the constitutional reception of the Rumanian people as the fourth " nation " was not effected either.

Today it would be untimely to speak of the four " nations " of Transylvania; for according to modern

conceptions and to the modern nationality outlook there is no Székler nation, only a Magyar nation, of which the Széklers are merely one of most characteristic and perhaps the most valuable branch. On the other hand, the Magyars are no longer so *considerably* superior in intellectual, social and cultural respects to the Rumanians as they were centuries ago, when the latter fled to the territory of the Hungarian Kingdom, mostly to Transylvania, as refugees escaping from the scourge persecution, extortion and inhuman treatment and settled there. It would be an injustice on the part of any other people *to* despise this Rumanian people; there is no denying its many-sided ability or its fine human qualities. This Rumanian people, which passed through unheard-of historical sufferings and in Transylvania too, it must be confessed, for long — particularly after the abolition of the Transylvanian Principality — was treated to much contempt and neglect, may be said to have to a certain extent come closer to Magyardom. For its many good qualities it fully deserves to enjoy the esteem, the sympathy and even the affection of the Magyars. Like every other people, the Rumanians too have their faults — plenty of them; but, if we weigh in the scales their good qualities, we shall not find ourselves entitled to say that the faults predominate. The incalculable suffering and humiliation inflicted on the Magyar and Székler peoples during the twenty years of Rumanian rule, should be laid at the door rather of a government intoxicated by power and of a controlled public opinion and much less at that of the honest and good-natured Rumanian people. It is true, indeed, that the Rumanian people itself also at times were guilty of grave excesses against Magyars who had given them a welcome and were at bottom magnanimous; but the savage atro-

cities of the Hóra and Kloska insurrections and the brutalities committed during the War of Independence of 1848/49 are to be attributed primarily to the instigation of Vienna.

This Rumanian people living within the territory of the Hungarian State must be taken to its heart by the Magyars on both sides of the Királyhágó with feelings of respectful affection. Without the life-giving warmth of such conduct even the most perfect conception and system aiming at adjusting the symbiosis of the two peoples is bound to prove a failure. Such conduct would also serve to bridge over and reconcile the inevitable deficiencies of the political, administrative and other regulations relating to this symbiosis arising from the exceptionally complicated situation.

There can be no doubt whatsoever that the Rumanian people living in Transylvania must be accorded what is its unconditional due — not only because of its numerical strength, but also because of its unwavering unity and its national self-consciousness — viz. *the character of an independent nation*. The self-government of Transylvania and the Constitution forming the basis of that self-government, must therefore be framed and realized in a manner enabling the Rumanians to take their place in the system as an independent, self-governing nation. Now, this condition cannot possibly be fulfilled, unless — by dint of a modern further development of the older, historical autonomy of the original three "nations" of Transylvania — the self-government of the present-day three "nations" of that province (Magyars, Rumanians and Saxons) is restricted to sharply-defined territories.

It is no easy matter to implement the territorial distribution of Transylvania by division according to

peoples; for the location of the settlements of these peoples is so irregular and complicated, in places making their separation absolutely impracticable and territorially undefinable. Moreover, within the frontiers of the new Transylvania too due account must evidently be taken of both the given geographico-economic and the historical conditions. It would not be an extremely difficult matter, geographically for instance, to divide Bihar County into a western part belonging to the mother-country and a south-eastern part belonging to Transylvania. The same is true also of Arad County; but it does not apply to Szatmár and Szilágy Counties — for the reasons explained above. The division of Transylvania into inner ethnic self-government areas is easier in some places, and more difficult in others. Ethnographically, Széklerland — Marostorda, Csik, Udvarhely and Háromszék Counties — shows almost exclusively a predominant Székler majority. In Brassó County, on the other hand, the mingling of Magyars, Saxons and Rumanians is so intensive that here priority must be ensured the geographical and economic points of view, which advocate the annexation of this County to Széklerland rather than to the predominantly Saxon Counties of Kis- and Nagyküküllő or to the predominantly Rumanian County of Fogaras.

Nevertheless, with the necessary goodwill and judgment it is quite possible to find the respective frame-works for autonomy in Transylvania, territorially too, which ensure the Magyar (Székler), Rumanian or Saxon character respectively of the autonomies in question. But it would be impossible, both geographically and economically, to solve the problem in the event of our desiring to include the bulk of the Rumanians within the framework of a single territorial autonomy. In the northern part of Tran-

sylvania there is a numerically strong, compact Rumanian block extending to several counties the direct territorial connection of which with the southern half of Transylvania is interrupted and cut off by the settlement of the Magyars.

The annexed map shows four territorial units of the kind within the proposed frontiers of Transylvania; of these one is of Magyar (Magyar-Székler), two of Rumanian and one of Saxon character.

Using a Hungarian historical term, these autonomies (self-governing units) might be called " banats " ; in public law too the term " banat " in Hungarian history denoted a far-reaching autonomy.

The Magyar-Székler " banat " would be formed of Kolozs County, the southern part of Szolnok County the southern hundreds of Besztercenaszód County, the greater part of Tordaaranyos County, the north-eastern part of Alsófehér County, the northern part of Kisküküllő County, and the Counties of Marostorda, Csik, Udvarhely, Háromszék and Brassó.

The Upper Rumanian " banat " would stretch to the North of the Magyar-Székler " banat " , and would consist of the greater — northern — part of Szolnokdoboka and Besztercenaszód Counties.

The Lower Rumanian " banat " would lie to the South of the Magyar-Székler " banat " , and would comprise the south-eastern part of Bihar County, the eastern (larger) half of Arad County, the western third of Tordaaranyos County, the greater (south-western) part of Alsófehér County and of Hunyad County, the larger (south-western) part of Szeben County, Fogaras County, Krassószörény County and the north-eastern corner of Temes County.

The *Saxon " banat "* would lie between the Magyar-Székler and the Lower Rumanian " banats " ; it would comprise the southern part of Kisküküllő County, the

southern part of Hunyad County, the greater part of Nagyküküllő County and the north-eastern part of Szeben County (with Nagyszeben and environs) — the ethnographical character of the frontier areas of this County being adjusted accordingly.

This division of Transylvania into four " banats " — apart from taking into account the given ethnic, historical, economic and geographical conditions — would reflect justly and fairly the existence of a Rumanian majority in Transylvania and indeed to some extent, in the number of " banats " , the ratios of distribution of the several nationalities living in the country — though slightly at the cost of the Magyars as compared with the Rumanians and the Saxons.

According to the data of the 1910 Hungarian Census, the distribution by nationalities of the several " banats " would be as follows:

	<i>Magyars</i>	<i>Ruma- nians</i>	<i>Ger- mans</i>	<i>Others</i>	<i>Total Population</i>
Magyar-Székler "Banat" . .	792,200 (56.1%)	542,600 (38.4%)	74,500 (5.2%)	3,900 (0.3%)	1,413,200 (100.0%)
Upper Ruma- nian "Banat"	18,500 (8.6%)	185,200 (86.1%)	8,600 (4.1%)	2,800 (1.2%)	215,300 (100.0%)
Lower Ruma- nian "Banat"	127,000 (8%)	1,215,000 (77%)	101,000 (6.4%)	134,000 (8.6%)	1,577,000 (100.0%)
Saxon "Banat"	27,000 (12.3%)	78,000 (35.4%)	111,000 (50.5%)	4,000 (1.8%)	220,000 (100.0%)
Altogether . .	964,700 (28%)	2,020,800 (59%)	295,300 (8.6%)	144,700 (4.4%)	3,425,000 (100.0%)

The nationality distribution in this territory is not likely to have materially changed since 1910. From the northern half of Transylvania now under Hungarian rule most of the elements from Old

Rumania — officials and military persons who had previously settled there — retired after the re-annexation of this area in Hungary; while thousands — perhaps even tens of thousands — of Magyars who had emigrated during the previous twenty years returned. As Louis Thirring tells us in his work dating from 1940 which has already been referred to: " Seeing that the Northern Transylvania of today forms the greater part of the Magyar-Székler " banat " which it is proposed to establish, and that the Hungarian Government has taken — and is still taking — certain measures to ensure the economic (and more particularly the industrial) strengthening of Transylvania, as is shown primarily by the settlement in that area of Hungarian skilled workers, it is more than probable that without having recourse to any " nationality " settlement of Magyars in the new " banat " (a measure which would have no sense and for which there is neither time nor the necessary material possibility), the ethnic ratio of the Magyars in the Magyar-Székler " banat " will improve, advancing to — say — 60% " .

B. *The " Banals " as the Centres of Gravity
of Self-government.*

The work of building up the new Constitution of Transylvania must manifestly be begun by the territorial demarcation of autonomies of an ethnic character ensuring the predominance of the members of one or other of the three " nations " . And the first step in the determination of the substance of the " banats " must be to ensure them *the predominance in the self-government of Transylvania — in other words that they shall have the control of all affairs not expressly referred by the Constitution to the sphere of authority of the superior — common — Transylvanian legislative*

*and governmental organs embracing the self-government of the three " nations " . This would mean the condensation in the " banats " — in the manner of the Swiss cantons — of the bulk of the work of self-government, though naturally without the " banats " receiving the character of separate little States similar to the older Swiss cantons. This State character is in any case already losing much of its importance in the cantons too, their political status having become more and more uncertain since 1848, when the former federation of Swiss States was finally and definitively converted into a Federal State. It is however indubitable that the re-organized Transylvania must resemble the Swiss federation of States in one point — viz. in the bulk of the work of self-government being done in the lower branches, i. e. in the ethnic " banats " . That is the only way to ensure the Magyars and Széklers, the Rumanians and the Saxons being able each to freely build up its own self-government and to freely live their own independent lives and thereby to provide that the supreme Transylvanian autonomy shall obtain a super-ethnic " federal " character. Were the Constitution of Transylvania not to develop in this manner, *either the Rumanian majority would assert itself forcibly* within the framework of the superior Transylvanian autonomy *or artificial means would have to be resorted to to paralyse the dominance of this Rumanian majority.* In the first case the free self-assertion of the Magyars and the Saxons would be rendered precarious, and in the second case the Rumanian people would be entitled to feel that they had been unjustly overreached.*

A question of decisive importance in connection with the building up of the Transylvanian Constitution is how to provide that the ethnic majority shall not be able to assert itself brutally and forcibly and on the other

hand that this majority shall not be artificially neutralized. That is why the autonomies of the " banats " must be constructed in a manner enabling the free creative energy of each of the Transylvanian " nations " to exhaust itself in those autonomies, leaving only the higher functions of co-operation and harmonious collaboration as between the several ethnic autonomies to be exercised in the common constitutional organizations and institutions of Transylvania — in the legislature and government.

The two Rumanian, the Magyar-Székler and the Saxon " banats " should therefore be given a *canton-like* character in respect of the drafting of legal regulations and of administrative and governmental functions — not indeed in full keeping with the original State character (still more or less in existence) of the Swiss cantons, but to the extent of allowing these " banats " to transact *the general, predominant part* of Transylvanian self-government. *That is the only way to realize in the supreme — common or national — institutions of Transylvania the equality in principle and in practice of the three " nations " and to ensure a sincere co-operation between them fruitful of results and as far as possible immune from all friction.*

In the several " banats " — apart from the unavoidable overlappings — the historically developed counties and hundreds should everywhere be left intact; on the one hand, because their boundaries have been determined for the most part by serious geographical and economic interests, and, on the other hand for the purpose of enabling them to form as it were *one of the general organizatory cellular tissues* of the Kingdom of the Holy Crown as a whole and to serve the consolidation of that Kingdom. A third reason for leaving these units intact is that counties and hundreds have everywhere — both in Hungary

in particular and in the world in general — proved to be most efficient intermediate branches of the public administration. Only they would have to be made more democratic and once more impregnated with a serious spirit of self-government. The ethnic autonomies of the " banats " would themselves only become living realities if they had the counties to act as intermediaries between their central — legislative and governmental — institutions and the villages, which must likewise be saturated with a sincere spirit and the veritable substance of self-government. A fourth reason for leaving these units intact is to enable them to co-operate with the urban autonomies as auxiliary and balancing institutions in cases where it has not been possible to demarcate " banat " boundaries inducing an unexceptionable solution of the question of nationality self-government. For — naturally — the " banats " will everywhere contain enclaves (sporadic islets) differing in nationality from the bulk of the population, which will in places be rather large — as, for instance, in the case of the Magyars in the environs of Petrozsény and of the Rumanians in Kolozs County. The ethnic self-government of these enclaves must be ensured within the framework of the county (hundred, parish) and town administration, as provided in the Nationality Law of 1868.

The satisfactory realization of this new Transylvanian self-government to be built up on ancient historical foundations and the traditions of centuries, according to traditional forms, which must carefully take into account Swiss development, Swiss experience and Swiss achievements, will depend primarily upon how far we succeed in *judiciously distributing the self-government by functions among the " banats " and the central institutions of Transylvania respectively.*

For the solution of this " problem " of European importance posed by events, an effort must be made, before the present Great War is over, to concentrate all the ingenuity of the statesmanlike and juristic creative power of Magyardom, all its traditional sober moderation and objectivity. This is the most formidable and most difficult " problem " with which the State-organizing genius of the Magyars has in recent centuries been confronted by history. We have our ancient basis — our forms and examples — available for our instruction in the past; and we have before us the living reality of the Swiss precedent still endorsing the historical constitutionalism of Transylvania. The question is whether there is sufficient mental comprehension and elasticity in our nation to enable us to bridge over the gap between the ancient, firm Transylvanian basis and the Switzerland of today due to the errors and infatuation of recent centuries not to be paid at the door of the political creative power of Magyardom and whether that nation will be able to find its way back to the superior State-organizing 'spirit of King Matthias and Gabriel Bethlen? Those who are thoroughly familiar with the history of Transylvania can have no doubt that the whole structure of the independent Transylvanian Principality — in respect of its development, organization and constitutional framework — for a long period followed a path on the whole parallel to the internal development of Switzerland. And it was only unfortunate historical events that interrupted this development and diverted it into other directions, until finally they forced it to converge on the uniformizing, mechanistic world of political thought of the nineteenth century which in many respects showed no sense whatsoever for historical development and then landed it in the senseless territorial solutions

following the first Great War. *And now the Hungarian nation, with the help of unadulterated Magyar political thought and creative power, will have to suppress and overcome all this intermediate morbidity of development and mentality, in order to be able to find its way back — in the Transylvanian question too — to the right road pointed out by its ancient traditions.*

This present study — designed merely to clarify fundamental principles — cannot enter into details in connection with the discussion of the draft plan for a new Transylvanian Constitution rooted in the ancient past. But we shall not be overstepping the limits of our subject in establishing the fact that *the whole system of the cultural autonomy of the Transylvanian peoples ought to be such as can be so fully dealt with in the ethnic " banats " that — as in Switzerland — there will be no need whatsoever of any central (governmental) cultural administrative body.* The Swiss Federal Council (Government) has no Minister of Education in it, seeing that the question, liberty and development of education and culture find a perfect solution — by peoples — in the cantons. And, if, in addition to the institution of cultural autonomy, adequate liberty of action is ensured within the framework of the " banats " for the adjustment also of all political, economic, social, legislative and judiciary questions, as is done in the case of the Swiss cantons, the only other problems left to be solved by the legislature, government and administration of the " Transylvanian Federation " will be the administration of customs and currency affairs, communications, the general economic policy, the common system of national defence and the common foreign affairs service, a certain part of which would devolve in respect of Transylvania upon the organs of the Realm of the Holy Crown. And

if we take into account the fact that the Magyars; Rumanians and Saxons of Transylvania are living under far more complicated conditions of settlement than the Germans, Frenchmen, Italians and Rhaeto-Romans of Switzerland, taking to heart the only conclusions to be drawn by sober judgement (from the point of view in particular of the cultural autonomy of the peoples of Transylvania) from the complicated state of affairs prevailing there, and if it proves feasible to supplement the division into " banats " by the possibilities of self-government afforded by the counties, towns and villages and everywhere to ensure the requirements of the free autonomy of the ethnic minorities — doing so by means of bi-lingual and tri-lingual administration in the " banats " and of compulsory tri-lingual administration in the central (" federal ") government and administration — the problems of Transylvanian symbiosis and co-operation which today appear to be insolvable will and must solve themselves and — slowly and gradually — every trace of the spirit of animosity and jealousy must disappear from the life of the interdependent peoples of Transylvania.

The following would be the central organs of the " banats " :

- (a) the Ban elected by the people and confirmed in office by the King;
- (b) the Banat Council functioning as the Government of the Banat;
- (e) the Banat Chamber to be organized by popular election on the basis of the system of universal suffrage by secret ballot to be in force in the whole of Transylvania.

C. *Transylvania — a Union of the Three " Nations " .*

The basis of the whole scheme is therefore the freest and completest possible self-government of the ethnic — Magyar, Rumanian, Saxon — " banats " in the spirit and on the institutional foundations of the Constitution of the Transylvanian Principality. This is the basis upon which must be built up the common, general super-nationality institutions of the new Transylvanian Constitution — also in the spirit and on the foundations of the Constitution of the Transylvania of the Princes.

The firmer and more perfect the foundations, the easier is bound to be the work of constructing the building. And, the greater the number of organic elements employed in the work of laying the foundations, the greater will be the vital force saturating the upper *structure* and furthering its conversion into an *organism*.

In this stage of constitution-building too were we involuntarily reminded of the Swiss parallelism. The greater the resemblance assumed by the " banats " to the virile autonomy of the Swiss cantons which even today have something like an independent State-character, the more striking will be the other side of the Swiss-Transylvanian parallel — the resemblance of the union of the three " nations " of Transylvania to the Swiss Confederacy! And we might continue this train of thought a step further. For five centuries Switzerland was an absolutely loosely-knit alliance (federation) of free States, and it was only gradually — and finally and definitively not until the middle of the nineteenth century — that it was converted into a Federal State. Since that period there has been a continuous strengthening of

the federation (as a natural process of development), the growth of the sphere of authority of the Federation being accompanied by a parallel weakening of the sovereignty of the cantons. But this phase of development would never have ensued without the firm foundation provided by the extensive liberty and independence of the cantons, in the unimpugnable possession of which the peoples living in the cantons have come to realize more and more fully that the constitutional organs of the Federation must be ensured an ever-widening sphere of authority to prevent petty particularism dominating the life of the Swiss nation. This historical example must warn all Hungarians concerned about the future destiny of their country, their national and their State not to fight shy of as complete and far-reaching an expansion as possible of the sphere of authority of the ethnic "banats". For the opportunity to utilize to the full their ethnic individuality must eventually awaken the "nations" of Transylvania — though perhaps only gradually — to a realization of the fact that they will all enjoy freer and greater possibilities of living their own lives — greater strength, power and opportunities of self-assertion — if the harmony between the peoples of that province is firmly established, if there is a sincere and complete co-operation between them and if utilize this co-operation for the purpose of enhancing one another's potentiality.

The common, sup er-nationality, national institutions of Transylvania must be developed with the help of the combined suggestive force — and on the foundations — of the union established in the days of the Principality and of the living example of the Swiss Federation. It would not be wise to arbitrarily enforce some sort of Transylvanian centralism; on the contrary, it will be best to allow as complete a decentralization of the

self-government of the ethnic " banats " as possible, in order to *px^Ade that as small a share as possible of the problems should be left to be solved by the balancing and harmonizing functions of the national (central) institutions of the country.* The new Transylvanian Constitution should refer to the sphere of authority of the national — central — legislative, governmental and administrative organs only such matters as can be solved solely and exclusively by joint efforts and by regulations of general application. *The example of Switzerland should be followed in establishing the competency of the " banat " authorities in general and that of the federal institutions in special questions.* Incalculable importance attaches to the distribution of functions being implemented with wise moderation and proportionately. For that is the only way to ensure the question of the ethnic majority as between nationalities being practically ruled out of court, or at least its importance diminished and its acuteness abated, in the national — central — organizations. The ratio of the Germans in Switzerland is 70%; while that of the Rumanians in Transylvania is much smaller as compared with the ratios of the Magyars and Saxons — and can indeed be barely more than, say, 60%, a proportion slightly exceeding the 59% shown by the 1910 Hungarian Census. Yet no one in Switzerland dreams in sober earnest of throwing into the scales in any question — insignificant or important — this absolute German majority of 70%. Yet the French minority of 21.2% and the Italian minority of 6.2% have no claim to any superiority over the 70% German majority by virtue of any cultural achievement or historical service. That is not the case with the Magyars and Széklers of Transylvania, who in addition represent minorities far exceeding in their ratios the proportion of the

French minority of Switzerland and have also, as the whole world knows, borne the lion's share in the work of culture, in historical achievements and in the work of building up and protecting the thousand-year-old Hungarian State. But the result achieved in Switzerland too has been achieved only by long experience and by superb constitutional institutions, based upon the lessons of that experience any of the practical functioning of those institutions.

Nevertheless, the Swiss example is only of secondary importance in respect of the future Constitution of Transylvania, being as it were a parable of living institutions showing how the higher State functions can even today rise above petty racial egotism and prepossession. But the primary and the best example is that of Transylvanian history showing how centuries ago it proved possible to provide that in the legislature of Transylvania — just as today in the *Conseil des Etats* or Council of States (a kind of Senate) of Switzerland^ — the decisive factor should not be the numerical proportions of the federated peoples, but that — like the cantons in Switzerland — the " nations " should be represented by equal numbers of deputies irrespective of their numerical ratios and should vote collectively as national units in the legislative assembly.

It would in any case be impossible to copy the Swiss example. In the first place, because the nationality question is, for historical and sociological reasons, far more acute in Transylvania than it has even been in Switzerland; and in the second place, because Transylvania must belong within the framework of a higher State or political unit, so that its autonomy cannot be so complete — so complete in itself and so sovereign in every respect — as that of the Swiss Confederacy. Switzerland has two federal legislative

bodies — the National Council, a Chamber of Deputies representing the people of Switzerland as a whole elected on the basis of popular suffrage, and the Council of States consisting of an equal number of representatives of each canton. The National Council corresponds to the Lower Houses of parliamentary countries, the Council of States to the Upper Houses or Senates of chanceries employing the parliamentary system. The two combined constitute the Federal Assembly — the federal parliament of Switzerland.

In the peculiar situation in which Transylvania is placed it would hardly be possible to construct the legislative system adjusted in Switzerland as described above otherwise than by ensuring a full assertion of popular representation in the "banats" and in the central legislative body of the Kingdom of the Holy Crown to which Transylvania too would have to send representatives to sit in both the Lower and the Upper House; the Transylvanian central legislative body should, on the other hand, consist of a single Chamber in which the three "nations" should be represented by equal numbers of Deputies, that rendering possible the elimination — exactly in the manner and the spirit of the ancient Transylvanian Constitution — of any brutal assertion of the numerical majority. However, should there appear to be any ground in connection with this question for the objection that this spiriting away, in keeping with the ancient spirit of Transylvania and the present-day spirit of Switzerland, of the numerical majority of the Rumanians would be an obstacle to peaceful co-operation, a distribution of ratios should be realized in the Transylvanian legislative body which, while reflecting the Rumanian majority, would nevertheless not allow of any brutal and forcible assertion of that majority. Acting in this spirit, it might be conceivable to deter-

mine the ratios of the distribution of seats in the legislative body as between Rumanians, Magyars and Saxons as 3, 2, and 1 respectively. Any further concession to the numerical majority of the Rumanians would kill the ancient federative principle of equality of the Transylvanian " nations " which for ever remains modern.

The national — central — organs of Transylvania would be:

- (a) the elected Voivode, to be confirmed in office by the King;
- (b) the Voivodeship Council — *i.e.* the Government presided over by the Voivode;
- (c) the Voivodeship Assembly (Diet).

D. *Transylvania and the Holy Crown.*

As explained above, Transylvania cannot be developed literally into an Eastern Switzerland, if only because this country must remain for all time a complementary part of the Hungarian State — or, to use the phraseology of constitutional law which has so long been common property, a constituent element of the lands of the Holy Crown.

The following unforgettable passage from the last will and testament of Prince Stephen Bocskai is addressed to the conscience of every generation of Magyars: " And, should God grant that the Hungarian Crown be entrusted to Hungarian hands in a Hungary subject to a crowned king, we exhort the Transylvanians too not to separate therefrom or resist, but on the contrary to support the king to the best of their ability and unanimously to subject themselves to the said Crown *as of old* ". What do the words " as of old " mean? They mean that *Transylvania should be subject to the jurisdiction of the*

Holy Crown, though retaining the free forms of life of its own historical autonomy.

There has always — from the very outset — been a strong tinge of a centralizing tendency in Hungarian State-organization; but that tendency has never asserted itself with such mechanical rigidity as, for instance, Austrian imperial policy when it attempted to force upon Transylvania too the artificial centralism imbued with a German spirit which was directed from Vienna and endeavoured to plunge Hungary into the semi-constitutional, patrimonial position and reduce her to the level of the hereditary provinces. In the Middle Ages and early in the modern age down to the catastrophe at Mohács in 1526, Hungary derived many advantages and benefits from her natural centralistic machinery based on public law as contrasted with the particularistic, decentralized system based upon private law of the West of those days. But she derived many advantages and benefits also from *the elasticity of the centralism imbued with the Magyar spirit* which with an air of patronizing superiority took cognizance of or indeed actually fostered the independent internal machinery of the associated countries bound by closer or looser ties to the Holy Crown and recognized even varying methods and measures of annexation to the Holy Crown. The political reality and elasticity of the Magyar way of thinking with a bias towards universality of thought and intensively juristical in spirit which instinctively and consciously preserved the unity of Hungarian law, is proved, *not only by the fundamental feature of Hungarian public law tending towards universality and by the centralistic foundations of the Hungarian State, but also by this wise, traditional concession to special public law and to a decentralization of State-organization.* Practically from the very beginning of the

Hungarian work of State-building, Transylvania has embodied the Hungarian concession to special law and a decentralization of State-organization in the Hungary proper so jealous of the unity of her law and possessing a decided centralistic bent and a decidedly centralistic political machinery.

The great question — the great historical problem — facing our generation is *how, to what extent and subject to what forms should this separate existence (independence) of Transylvania in respect of legal system and State-structure be asserted?*

We have four examples from Hungarian history to guide us:

The first is the Transylvanian Voivodeship established already in the days of the kings of the House of Árpád which during the reign of Matthias Corvinus brought into being the free self-government and union of the three " nations " , though it did not develop this Transylvanian self-government to a measure exceeding that of the Croatian autonomy introduced by the Hungarian-Croatian Compromise of 1868.

The second is independent Transylvania, which under its Princes developed into a separate, sovereign State, though nevertheless it maintained its ideal connection with the dismembered Hungarian Kingdom — a connection far closer in respect of the measure of the possibilities provided by it than a mere alliance — not for a moment losing sight of the ultimate aim of an ideal unity in the distant future with the Holy Crown.

The third example is the historical autonomy of Croatia — particularly in the re-adjusted form set down in the 1868 Compromise.

The fourth is the union between Hungary and Austria stabilized on the basis of parity by the Austro-Hungarian Compromise of 1867.

In principle and in practice these four historical examples or models are really two: *Transylvania should either try to find the conditions of its own free and independent existence within a framework reproducing the measure of autonomy ensured Croatia under the 1868 Hungarian-Croatian Compromise (and this would be the more natural and to all appearances wiser solution), or, in the event of a historical "must be", it should adopt the institutional forms of a Hungarian-Transylvanian Union based on parity.*

In the former case, Transylvania would — as did Croatia under the 1868 Compromise — send an adequate number of representatives to the Hungarian Parliament. In the latter case, the "common" institutions of the Union would have to be established for the administration of the inevitably "common" foreign affairs, military affairs, financial affairs and economic policy on the model of the national "delegations" prescribed by the 1867 Compromise and of the "common" — Austro-Hungarian ministries.

It is in the interest, not only of the Hungarian nation, but also of the peoples of Transylvania, that the autonomy of that province should not exceed the measure of the Croatian autonomy established in 1868. A Hungarian-Transylvanian Union to be realized on the model of the Austro-Hungarian Union of 1867 would in reality disrupt the geographical and historical unity of the Hungarian Kingdom, would replace that unity by a certain auxiliary mechanism and would, for petty reasons of ethnic prestige or owing to a narrow-minded dogmatism, thwart harmonious and organic development.

The Hungarian nation must however, even in the present difficult situation in which it finds itself, possess sufficient self-confidence — being entitled to that self-confidence by right of its glorious past, of

its magnificent historical achievements and of its great abilities — to prevent it shrinking from the second solution, if there is no other way out of the *impasse*. In default of a better solution, the organization of a common Hungarian-Transylvanian administration of " common " affairs — foreign affairs, national defence, finances, customs affairs, a common currency, a harmonious, far-reaching economic and social policy — under the jurisdiction of the Holy Crown would at least be able to ensure (to the measure indispensably necessary) the inner unity of the Hungarian Kingdom and the essential harmony and spiritual unity of the peoples living in that Kingdom in all questions of vital importance.

Between Great Britain and the dominions there is no " real " or personal union, the only links between them being the Empire-idea and the person of the King; yet even in times of serious world-crises this connection between the parts of the Empire has proved unshakable. The Hungarian nation too must have confidence in its ability, its historical genius and its good fortune (to quote the words of Nicholas Zrínyi, " sors bona, nihil aliud "), and must, in the consciousness of its refined political sense sharpened by the trials and ordeals of strenuous struggles and bitter sufferings, in respect of Transylvania undertake, not only the better solution, but — if there is no other way — also that which is more of the nature of a compromise. *Only we cannot yield on the essential point, which is that: Transylvania must be restored as a whole — as an integral unit — to the jurisdiction of the Holy Crown.*

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