

With or without Estates? Governorship in Hungary in the Eighteenth Century

Krisztina Kulcsár

National Archives of Hungary

kulcsar.krisztina@mnl.gov.hu

In the eighteenth century, the Hungarian estates had the greatest influence among the estates of the provinces of the Habsburg Monarchy. The main representative of the estates was the palatine, appointed by the monarch but elected by the estates at the Diet. He performed substantial judicial, administrative, financial, and military tasks in the Kingdom of Hungary. After 1526, the Habsburg sovereigns opted to rule the country on several occasions through governors who were appointed precisely because of the broad influence of the palatine. In this essay, I examine the reasons why the politically strong Hungarian estates in the eighteenth century accepted the appointment of governors instead of a palatine. I also consider what the rights and duties of these governors were, the extent to which these rights and duties differed from those of the palatine, and what changes they went through in the early modern period. I show how the idea and practice of appointing archdukes as governors or palatines was conceived and evolved at the end of the eighteenth century. The circumstances of these appointments of Francis Stephen of Lorraine, future son-in-law of Charles VI, Prince Albert of Saxony(-Teschen), future son-in-law of Maria Theresa and Archduke Joseph, shed light on considerations and interests which lay in the background of the compromises and political bargains made between the Habsburg(-Lorraine) rulers and the Hungarian estates.

Keywords: Hungarian estates, governor, palatine, Francis Stephen of Lorraine, Prince Albert of Saxony(-Teschen)

Introduction

In the Kingdom of Hungary in the early modern period, the privileges, rights, and obligations of the monarch and the estates were determined partly by customary law and partly by having been codified at the Diet over the centuries. As a result, the Hungarian estates were by far the strongest in the Habsburg Monarchy, and they enjoyed extensive rights.¹ Their main representative was the palatine, appointed by the monarch but elected by the estates at the Diet. In

1 H. Balázs, *Hungary and the Habsburgs*, esp. 58–62; Beales, *Joseph II*, 477–84; Evans, *Das Werden*, 177–87, 191–93; Pálffy, *The Kingdom*, 157–68, 186, 240–41; Szijártó M., *A diéta*, 32–35; Szijártó, *The Diet*, 137.

the Middle Ages, the palatine's term of office lasted for a specific period of time, until replacement, resignation or death.² From 1526 onwards, the post was given for life by law (Act XXII of 1526).³ The palatine played a mediatory role between the estates and the king and swore his oath of office after his election at the Diet in front of the monarch and the estates.⁴

As opposed to the palatine, the governor (*locumtenens*) received his post without the involvement of the estates. His mandate was usually temporary, and his tasks were defined by the ruler.⁵ The job of the governor was to execute the ruler's decrees and in the early modern period the office holder operated outside Hungarian constitutional law. His task was thus not the representation of the estates or mediation between the monarch and the estates. This is well illustrated by the fact that he swore his oath in front of the monarch alone, and the representatives of the Hungarian estates were not present at those occasions. The only Hungarians attending were royal office holders or church dignitaries.⁶

This paper focuses on the how the influence of the estates was reduced in the eighteenth century: the Habsburg practice of side-lining the Hungarian estates and appointing governors. The purpose of this contribution is to consider the people who filled the office of the governor with the aim of exploring what their rights and duties were, the extent to which these rights and duties differed from those of the palatine, and what changes they went through in the early modern period. I seek, furthermore, to examine the arguments the Viennese Court made when appointing governors, and why the Hungarian estates in the eighteenth century might have accepted these Habsburg appointees.

Palatine and Governor: Compromises prior to the Eighteenth Century

In the medieval Kingdom of Hungary, the palatine (*comes palatinus, comes palatinus regis*) was the highest-ranking secular official after the king. Initially, he was an official of the royal household (*comes palatii*)⁷ with important judicial powers. The governor was always appointed (and discharged) by the king, but according to

2 C. Tóth, *A Magyar Királyság nádora*, 37, 130–34, 334–35.

3 Ibid., 156–58; CJH I. Act XXII of 1526.

4 C. Tóth, "Az ország nádora," 444–45, 447; C. Tóth, *A Magyar Királyság nádora*, 344; Szócs, *A nádori*, 241–46; CJH I. Act XXXIII of 1492.

5 Pálffy, *A Magyar Királyság*, 280–89; C. Tóth, "A nádori cikkelyek," 38.

6 Cf. for example MNL OL, A 57 (Libri regii), vol. 5, p. 228–29, MNL OL, A 57 (Libri regii), vol. 47, p. 365–67, and MNL OL, A 1 (Orig. ref.), 1765/458.

7 Szócs, *A nádori*, 25–49; C. Tóth, *A Magyar Királyság nádora*, 32–33.

the most recent research, from as early as the middle of the fourteenth century, this office was elective by the Hungarian estates at the Diet.⁸ At this time, the name (*regni Hungariae palatinus*) and tasks also changed.

The title of palatine was not the same as the title of the deputy to the monarch, as the king endowed the latter with various powers. Until 1490, the king appointed a deputy (*vicarius*) for the period of his absence or when he was abroad, and this deputy could take steps on behalf of the king and could use his seal. After 1490, the monarch appointed governors (*locumtenens*), who could operate under their own name and seal.⁹ One must also distinguish between the case when the country had no monarch and when the legal heir was underage. In such cases, the estates themselves elected a deputy (*gubernator*) and invested him with royal prerogatives (e.g. János Hunyadi in 1446, who was the first person to hold this role in Hungary).¹⁰ This post, however, was different from that of both the palatine and the governor.

After their accession to the throne of Hungary in 1526, Habsburg rulers always resided outside the kingdom, so deputizing for them was of paramount importance. Initially, they governed through a governor (*locumtenens*, lieutenant-general), who stood in for the king not when the ruler was “temporarily” outside the country but when he was permanently residing elsewhere (even if permanent residence in Vienna was not considered by public law as a real absence from 1573 on¹¹). Until 1530, the monarch appointed the palatine as governor, thus fulfilling the wishes of the estates. In return, he could count on their military help. However, this powerful dignitary often proved too difficult to handle politically. The only way the king could counter the growing influence and power of the estates was by leaving the position of palatine unoccupied. Consequently, until 1554, the monarch relied on the governor he appointed as his deputy.¹²

As a compromise to resolve the conflict between the ruler and the estates, Tamás Nádasdy was appointed palatine (1554–1562). It would be logical to assume that the reason for this was pure military consideration in the context of the Ottoman threat and the military situation in Transylvania. However, King

8 For a time, the consensus in the secondary literature was that, since Act II of 1439, it was the custom for the Diet to select the palatine. This conclusion was reached on the basis of the fact that the practice was put into law in this act. However, recent research suggests that even a century earlier the palatine was chosen in this manner. C. Tóth, *A Magyar Királyság nádora*, 11, 18–21, 35–36, 157–62.

9 C. Tóth, *A Magyar Királyság nádora*, 11, 244.

10 Gábor, *A kormányzó*, 48–60; C. Tóth, *A Magyar Királyság nádora*, 198–99.

11 Gábor, *A kormányzó*, 121.

12 Pálffy, *The Kingdom*, 172–73.

Ferdinand I gave way also for another important reason. Given that until 1678 the Hungarian throne was not hereditary, the estates insisted on the free election of a king. In contrast, the king intended to crown his son Maximilian, so as a compromise, he agreed on the election of a palatine. The new palatine, Nádasdy obtained the medieval rights attributed to palatines, which were then codified for the first time.¹³ Nádasdy also received the title of Captain general (*generalis et supremus capitaneus*), since the monarch needed the estates to finance the defense of the borders. Eventually, in 1556 the palatine's excessive military power was curtailed: from that point on, military affairs were controlled by the Aulic War Council, and the palatine's military right was revoked.¹⁴

After the death of Nádasdy in 1562, successive Habsburg rulers appointed governors. These loyal officials were usually Catholic clergymen who were in need of support from the state against the Protestant Hungarian estates or were appointed because they were the monarch's siblings. This situation persisted until the early seventeenth century, which indicated the tense relationship between the monarch and the estates.¹⁵ Only loyal subjects of the dynasty could be appointed governors. As the estates of the Kingdom of Hungary converted to Protestantism, the governor, chosen from among Catholic prelates, could counterbalance the power of the Protestant estates. From the second half of the sixteenth century on, the governor still had several spheres of authority as "the deputy to the king": he could exercise his power to pardon (except those who wronged the king), donate land up to a certain size, issue decrees, summon assemblies, and had broad judicial discretion.¹⁶

Eventually, with the Treaty of Vienna of 1606, which put an end to the Bocskai uprising, the Hungarian estates achieved their aim: the ruler agreed to elect a palatine at the next Diet. At the Diet two years later, referring back to this promise, the election took place as a result of another compromise which was in place until Matthias II's coronation: the estates could again elect a palatine, who could protect the Hungarian constitution and the privileges of the estates.¹⁷ Act III of 1608 determined the details of how to elect palatines, which were thus posited for centuries to come. The monarch designated the candidates, first three and, after 1608, four candidates. Two of them had to be Catholic, the other

13 C. Tóth, "A nádori cikkelyek," 41–42, and C. Tóth, "Az ország nádora," 225.

14 Pálffy, *The Kingdom*, 95, 97–98.

15 *Ibid.*, 173.

16 Ember, *Az újkori*, 101.

17 Pálffy, *The Kingdom*, 224–25; CJH III. Act III of 1608.

two Protestant. The fact that the act ordained that the position of the palatine be filled within a year in the event of vacancy clearly indicated the growing power of the estates. The act also gave the right to other dignitaries to summon a Diet for the sake of electing a new palatine when the position was vacant, in case the monarch was not willing to do it himself. To our knowledge, this never happened¹⁸ but the act itself signals how crucial the post of the palatine was for the estates. From that point on, the position of the palatine intertwines with the post of the governor, as both titles were held by the palatine parallelly, and it also well-exemplifies the essence of the agreement between the Viennese Court and the estates.¹⁹ In the seventeenth century, however, the monarchs gradually deprived the palatine of his power to deputize for the king and his other political rights, leaving primarily his judicial role.²⁰

Nevertheless, following the conspiracy of the Hungarian noblemen of 1670, in which the palatine himself was involved, Leopold I yet again worked through a governor (who was the Archbishop of Esztergom) until 1681. In that year the Hungarian aristocrat Pál Esterházy was elected palatine by the Hungarian estates.²¹ Hence, his appointment was the result of a political compromise at the end of a domestic crisis in the Kingdom.²² As palatine, Esterházy represented the interests of both the king and the estates, and had a mediating role, but despite his loyalty to the monarch, he primarily protected the privileges of the Hungarian estates.

Appointment of Governors in the Eighteenth Century

After the insurgencies of the seventeenth century and the Rákóczi rebellion (1703–1711), at the beginning of the eighteenth century the ruler and the Hungarian estates came to an accommodation. Although the Rákóczi rebellion was suppressed, due to the external situation the Habsburg monarch was forced to make a compromise with the Hungarian estates. From 1705, Leopold I's son, Joseph I reigned over the Austro-Bohemian hereditary provinces and the Kingdom of Hungary. Yet, in 1711, before the end of the rebellion and the

18 Though the suggestion was allegedly raised in 1795 by Count Károly Zichy, the Lord Chief Justice, just before he was deprived of his office. Domanovszky, *József nádor*, vol. 1/1, 186, 205.

19 Ember, *Az újkori*, 103, 112; Pálffy, *The Kingdom*, 225–29.

20 Ember, *Az újkori*, 107.

21 CJH IV. Act I of 1681.

22 Iványi, *Esterházy*, 43–56, 244.

peace treaty, the king unexpectedly died. His successor was his brother, Charles VI, who proclaimed to be king of Spain in 1703 but did not actually succeed in getting the Spanish throne. After his brother's death, Charles quickly made a compromise with the Hungarian estates so that he could focus on the War of the Spanish Succession. Thus, the Hungarians could make a favorable agreement with the king, who did not impede the election of the palatine after Esterházy's death in 1714.

The post of palatine was considered of crucial importance after the Rákóczi rebellion, for both the estates and the Viennese Court. Nevertheless, the court was not dependent on the influence of the estates: with clever politics, it could successfully influence the election even in the seventeenth century, to make sure that the palatine's position (sometimes even that of the palatine and the governor at the same time) was held by a person suitable for the court. All the court had to do was to compile a list for the assembled estates, which included the person it wished to see in the position and three others that had no chance and no repute in the eyes of the estates. In the seventeenth and eighteenth centuries, electing a Protestant palatine was highly unlikely. Still, the monarchs could not be sure about the outcome of the election, as exemplified by the battle between the two aristocrats nominated, Count György Erdődy and Count Lajos Batthyány (the court's favorite), at the Diet of 1751.²³

However, the estates retained their extensive rights and hence formed an obstacle for the Habsburgs when it came to tapping into the kingdom's resources. Therefore, the monarchs used various tools to restrict the estates so that they could not interfere in the public affairs of the country much. First, they establish new administrative institutions, which were independent of the estates. In addition, successive rulers managed this situation by summoning the Diet less and less often and leaving important posts vacant. This is what happened with the office of the palatine. During the eighteenth century, it occurred three times that after the death of a palatine, the Habsburg ruler decided to appoint a governor.

The first of these governors was Prince Francis Stephen of Lorraine (the future son-in-law of Charles VI and the fiancé of Maria Theresa), who got the position of governor after Palatine Miklós Pálffy's death in 1732 and held it until 1741, when he became co-ruler.²⁴ Between 1765 and 1780, Prince Albert

23 See Nagy, *Rendi ellenzék*, 71–80; Szijártó, *A diéta*, 300.

24 MNL OL, A 57 (Libri regii), vol. 36. p. 709–710; see Bakács, *Franz Stephan*.

of Saxony, the future son-in-law of Queen Maria Theresa held the post of the governor.²⁵ In 1795, following the untimely death of Palatine Archduke Alexander Leopold, his brother, Archduke Joseph was appointed governor by Francis I.²⁶

Due to protests by the estates in the seventeenth century, it was important what grounds and arguments the Viennese court had when defeating the (potential) opposition of the estates concerning the appointment of governors. There were two notions the court emphatically applied in the documents. One was used to express that the situation was not permanent. In all three cases, partly in keeping with the letter of the law, they were in post only temporarily, *provisoriter* or *provisorio modo*. This way, in contrast with the appointment of governors in medieval times, they did not determine the duration of the assignment. In theory, their assignment lasted only until the next Diet would elect a palatine. Legally, as mentioned above, a Diet had to be convoked within a year upon the death of a palatine, as stated by Act III of 1608. Since the Diet was summoned by the ruler, he or she could sustain this temporary situation as long as they liked. The estates' response to this came in 1741, when, as a compensation for the coronation of Maria Theresa, the military support provided in the War of the Austrian succession, and the appointment of Prince Francis Stephen of Lorraine as co-ruler, the estates demanded all sorts of concessions. In 1741, for example, they had the obligatory election of the palatine reinforced (Act IX of 1741). This condition was included in the law because prior to that, in both cases, the country was administered only by a governor and the estates could not elect a palatine. Still, both Charles VI and Maria Theresa disregarded the law. Thus, the monarchs tried to avert the estates' opposition partly by employing the term *provisorio modo*.

Besides temporariness, the governor's kinship was also emphasized as a political tool in the hands of the Habsburgs. It served the purpose of preventing the estates from publicly protesting against the appointment of the governor and insisting on summoning a Diet to elect a palatine. Consequently, this element was stressed in the diplomas of appointment: Francis Stephen of Lorraine was called a 'blood relative',²⁷ and Maria Theresa also referred to her own future son-

25 MNL OL, A 57 (Libri regii), vol. 47. p. 363–64; see Kulcsár, *A helytartói státus*.

26 MNL OL, A 57 (Libri regii), vol. 36. p. 709–10.

27 MNL OL, A 1 (Orig. ref.), 1732/33. It is important to note this in part because it is indicated in the sources: the Hungarian estates considered Francis Stephen a foreigner and "extraneus." Kulcsár, *Der Kaiser-Mitregent*, 70.

in-law as such.²⁸ Prince Albert was actually the son of her cousin, Archduchess Maria Josepha, Electress of Saxony, that is, really a descendant of the House of Habsburg. This practice was not unprecedented: in the Austrian Netherlands and the Austrian Hereditary Provinces, the practice was to select governors from among the closest relatives of the Habsburg ruler.²⁹ In the Kingdom of Hungary, it was only King Rudolf II in the seventeenth century, who, because he resided in Prague, appointed governors from among his brothers. Archduke Ernest of Austria held the post of the (military) governor between 1577 and 1594, and was followed by his brother, Archduke Matthias.³⁰ As mentioned above, in the early seventeenth century the estates publicly opposed this and demanded the election of a palatine. In the eighteenth century, however, neither the appointment of Prince Francis Stephen of Lorraine nor that of Prince Albert provoked public opposition. Instead, all counties sent their congratulations to the new governor upon his appointment, even if for some of them it took five months to do so.³¹ In the late eighteenth century and in the nineteenth century, Habsburg-Lorraine archdukes filled the office of the palatine. This reason and reasoning thus proved to be a useful tool against the Hungarian estates, and the governors were viewed as guarantees for the monarch.

Reasons for the Appointment

After this historical overview, let us examine the reasons of the appointment of eighteenth-century governors. The most important reason was personal motivation. The cases of the two princes were similar: they did not have significant landed property or great incomes, yet they were the fiancé of a (rich) Habsburg(-Lorraine) archduchess. Furthermore, Francis Stephen, for instance, was to marry the heiress to the throne in 1732, but he did not have any considerable properties. A year after his appointment, when military troops marched into Lorraine, he really became dispossessed, because he had to give up his lands (the principality of Bar on September 14, 1736 and the principality of Lorraine in February 1737³²) to Stanisław Leszczyński, the father-in-law of

28 MNL OL, A 57 (Libri regii), vol. 47. p. 363–64. A document issued for the prince: MNL OL, N 13 (Arch. loc. Alberti Ducis Saxoniae), Lad. 67. Fasc. 1. No. 3.

29 Hertel, *Maria Elisabeth*, passim.

30 Pálffy, *The Kingdom*, 69.

31 For example: MNL OL, N 13 (Arch. loc. Alberti Ducis Saxoniae), Lad. 62. Fasc. 1. No. 11; No. 23 and No. 16.

32 Zedinger, *Franz Stephan*, 66.

the French King Louis XV, who was compensated for the Polish throne lost in the War of the Polish Succession. However, in Tuscany, which was promised to Francis Stephen in return, the House of Medici ruled until mid-1737, so for a while, his only “real” dignity was as governor of the Kingdom of Hungary, one of the most significant countries of the Habsburg Monarchy. Albert of Saxony (1738–1822) was in an even more difficult situation: as the fourth son of August II, Elector of Saxony, he had no properties of his own, nor a real rank, and his allowance was extremely small.

It was therefore important in both cases that the landless, poor prince should be granted an office that brought with it dignity and rank as well as some political power. The position of the governor of Hungary seemed suitable for this purpose. It offered, although temporarily, a title, a position and of course, income. It should be stressed that the mentioned *provisorio modo* also mattered to the estates. Francis Stephen of Lorraine was on course to be elected emperor of the Holy Roman Empire. Albert of Saxony and Archduchess Maria Christina were in line for the governorship of the Austrian Netherlands after the death of the incumbent officeholder, Maria Theresa’s brother-in-law, Charles of Lorraine.

The specific political reasons for the appointments of the two princes differed slightly. In 1732 Charles VI had grave reservations about the post of the palatine (as indicated by the fact that the new government office of internal politics established in 1723 received the modifier ‘Lieutenancy’ and not ‘Palatinal’³³). He heartily disliked the office of the palatine, especially because Palatine Miklós Pálffy (1714–1732) was very popular in Hungary and managed to widen the authority of his office. When Pálffy died in 1732, Charles VI himself said that one of the main defects of the country is the exaggerated authority and influence of the palatine, owing to the estates. This was what he intended to decrease by appointing a governor and thus increase royal power and authority.³⁴ For Maria Theresa, the main consideration was to provide his son-in-law with an appropriate position. There was, however, another political reason, namely that negotiations at the Diet of 1764–1765 were unsuccessful and the planned reforms (such as the regulation of the relationship between landlords and peasants, and the provisioning of standing army³⁵) fell through.

33 MNL OL, P 245 (Festetics Pál), IV. 15. Pál Festetics’s proposal on the authorities and prerogatives of the palatine.

34 ÖStA HHStA Habsburg-Lothringische Hausarchive, Lothringisches Hausarchiv 39-5. fol. 9v, fol. 10v–11r. “Instruktion und Anweisung...” Laxenburg, May 17, 1732.

35 Cf. Szijártó, *The Diet*, 133.

Nonetheless, with the help of decrees, the monarch had the power to introduce reforms even in opposition to the estates. This policy was better served by a loyal governor than a palatine protecting the estates' interests.

It may seem that Prince Albert's appointment came *ad hoc* and was motivated only by personal considerations, as a result of the marriage between Albert and the monarch's daughter, and indeed, the thought of appointing a loyal blood relative was not alien in Vienna. In 1765, Maria Theresa said in a compilation about her children's future that instead of the palatine, another person should lead the kingdom, possibly an archduke, preferably one of her sons. The proposal was not new, as the idea had already come up at the court. At the meetings of the State Council, operating since 1761, the idea of giving an archduke-palatine to the Kingdom of Hungary was already brought up in the early 1760s.³⁶ The fundamental idea probably came from Pál Festetics, vice president of the Hungarian Royal Chamber, who was one of the queen's trusted advisors in Hungarian matters.³⁷

When Palatine Count Lajos Batthyány died on October 26, 1765, the issue of whether there should be an election for palatine and who should receive the post was on the agenda. However, by then, Maria Theresa's elder sons had each been given a province of the Habsburg Monarchy to lead: the crown prince, Joseph was Holy Roman emperor and co-regent, while Leopold was grand duke of Tuscany. Archduke Charles died in 1761, and Ferdinand was intended to become governor general of Lombardy. The only possible candidate, Archduke Maximilian, was too young, only nine years old. In lack of reliable and competent Hungarian noblemen, Maria Theresa did not even consider the possibility of making her young son lead the kingdom. According to her own admission, she was unable to find suitably talented and loyal Hungarians to help him in the governance of the kingdom.³⁸ The landless Saxon prince marrying into the family came just at the right time. He was a relative with unquestionable loyalty, as he was indebted to the queen for his marriage, and his appointment helped solve the issue of governing the country.

36 Ember, "Der österreichische Staatsrat," 349, 1763: 2874.

37 MNL OL, P 245 (Festetics Pál), IV. 15. Pál Festetics's proposal on the authorities and prerogatives of the palatine.

38 ÖStA HHStA Habsburgisch-Lothringische Hausarchive, Hausarchiv, Hofkommission in Familienangelegenheiten 1-1. Verhandlungsakten. fol. 166v. The situation might have been different if Archduke Charles, the second-born son (1745–1761), had not died in 1761, who would have turned 20 in 1765, but so far, no traces of this possibility have been found in the sources.

In the case of Archduke Joseph in 1795, there were no such problems of livelihood and rank, but the fundamental effort to decrease or suppress the influence of the Hungarian estates is clearly noticeable. With the help of appointing a governor, Francis I wished to fill the post left vacant after the death of their brother, Palatine Archduke Alexander Leopold, and decided to appoint a governor mainly due to political reasons. The French revolution created a new political situation throughout Europe. Members of the reigning houses were even more afraid of their subjects' plotting. The members of a secret Hungarian plot of 1794, called Jacobins, were arrested and executed, but it seemed wiser to entrust the country to a governor who was a blood relation and loyal to the court than to let the seething estates elect a palatine and give them the opportunity to put a politically powerful Hungarian noblemen at the forefront of the estates.

The governors appointed in the eighteenth century were unique not only due to their person and their closeness to the dynasty. There were several differences in their tasks and scopes of authority, as compared to those of the palatines and previous governors.

Formal and Informal Tasks of the Governors of the Eighteenth Century

Formal tasks

The duties and tasks of the eighteenth-century governors were the same as those of the palatines of the eighteenth century, but they certainly differed from those of the governors of the previous centuries. This was largely linked to changes in authority and responsibilities, as well as to certain historical events.

In the eighteenth century, the palatine kept his rights, which authorized him to represent the estates in the early modern period. These rights included presiding over the Diet and, more specifically, from 1608 onwards, over the sessions of the Upper House composed of members of high clergy and aristocracy.³⁹ At the Diet, the palatine was a mediator between the estates and the monarch, that is, his role was not limited to representation only. His tasks included appointing the members of the delegation of the Upper House, participating in joint meetings with the Lower House. The palatines (and palatine-governors) of the early modern period fulfilled all these duties related to the Diet. Nonetheless, as governors, neither Francis Stephen of Lorraine, nor Prince Albert had to act at the

³⁹ Szijártó M., *A diéta*, 108–11.

Diet, since during their years as governors the monarch never summoned one.⁴⁰ At the end of 1795 the situation was completely different. Archduke Joseph was expected to preside over the sessions in the Upper House as governor (before his election as palatine). This unusual situation generated tension and was opposed particularly by members of the Upper House.⁴¹ Although the Hungarian State Councilor József Izdenczy argued that there had been thirty Diets between 1553 and 1606, when, for lack of an elected palatine, the appointed governor became the president over the sessions of the Upper House, so only because of the Diet there would not have been any need for a palatine and thus for an election of a palatine, either.⁴² Opposition at any rate only lasted until the Diet began, when the archduke took his place as president, jointly with the Archbishop of Esztergom.⁴³ This time, beyond the urgent political need, being the ruler's relative again helped solve the conflict between the estates and the monarch.

Additionally, however, the governor acquired new responsibilities connected to the Habsburg administration in Hungary in the eighteenth century: most of all palatines and governors had to preside over the sessions of the already mentioned Hungarian Royal Lieutenancy Council.⁴⁴ The governor chaired the meetings and signed the orders sent to the kingdom's local institutions, counties, and cities. This was definitely a new responsibility, as seventeenth-century officials had no such administrative tasks.

Administration of justice was another important responsibility for the palatine and the governor, a task they had been carrying out since medieval times. In the eighteenth century, as the Chief Justice of the country, twice a year, they presided over the meetings of the Court of Appeal, a court that took the place of the court of the palatine and that of the royal governor. Here, lawsuits were only reheard in case of complaints or "appeal."⁴⁵ This responsibility remained unchanged; the appointed governors continued to participate in the meetings. In terms of the law (Act LXXVI of 1659), the palatine was lord lieutenant of Pest-Pilis-Solt county. This title was also given to the governors, but due to their

40 The role Francis Stephen played as a governor in the concursus of the 1730s (an assembly of the estates which proposed an extraordinary war tax) need further clarification. Szijártó M., *A diéta*, 235–42. Especially 238.

41 Domanovszky, *József nádor*, vol. II/1, 124; Domanovszky, *József nádor*, vol. I/1, 214.

42 MNL OL, I 50 (Privatbibl.), Fasc. 39. 1796. Landtag. Extractus diarii... Bemerkungen des Staatsrates Izdenczy. October 31, 1796.

43 Domanovszky, *József nádor*, vol. I/1, 184–216.

44 MNL OL, A 1 (Orig. ref.), 1765/448.

45 Varga, *A Királyi Curia*, 17–18; CJH IV. Act XXV of 1722–1723.

absence, they governed the county via an administrator. In the case of Prince Albert, for example, the substitute was ordered to be appointed by the queen instead of him.⁴⁶ When it came to border disputes between counties, the palatine (or the governor) gave orders for an investigation and had the right to make the decision.⁴⁷ In the Middle Ages, the palatine was chief justice of the Jasz and Cuman privileged groups and, after their territory was purchased in 1745, the responsibility was exercised by the incumbent palatine or the governor.⁴⁸ They received remuneration for the post and for presiding over the Hungarian Royal Lieutenancy Council,⁴⁹ and these incomes partly ensured livelihood according to their rank.

For long, the title of captain general was regarded as one of the most important responsibilities of the palatine. It was believed to originate from the Middle Ages, but recent research has revealed that it was only added to the palatine's responsibilities as a result of the election of a palatine in 1554, claiming it was an old, medieval tradition. Back in the Middle Ages, palatines did not possess this title but charged the royal governor with the responsibility. When the Aulic War Council was established in 1556, the palatine, with his autonomous and wide military power, was deemed to be a hazard, and so the responsibility was withdrawn from him. Therefore, with the exception of Archduke Ernest, governors in the early modern times had no specific military responsibilities in Hungary, up until Prince Albert.

Informal tasks

Due to their closeness to the monarch, however, much more was expected from the governors. These were their “informal” tasks. They were to execute the ruler's decrees with precision, serve as a source of reliable information and lend their support to certain causes. This can be illustrated by the secret instructions which were given by Charles VI to his future son-in-law Francis Stephen. In the context of Habsburg re-catholisation efforts of the 1730s, the instructions emphasized that the governors' duties were to be fulfilled in defense of the

46 ÖStA HHStA KA StR Prot. 1765. Nr. 2656.

47 MNL OL, A 1 (Orig. ref.) 1765/448. Proposal by the Hungarian Royal Chancellery, November 11, 1765.

48 Ibid.

49 Iványi, *Esterházy*, 279.

Roman Catholic religion. He was also to reduce the number of noblemen with the dual aim of weakening noble influence and increasing tax intake.⁵⁰

There were specific instructions made for Prince Albert's new post, which differed considerably from the usual instructions for the palatine.⁵¹ His task was not to solve general or on-off problems, as customarily stated in the documents prepared for the appointment of Hungarian noblemen. Instead, the surviving *addendum* regulated the handling of issues in the Hungarian Royal Lieutenantcy Council and the governor being treated according to his rank.⁵² Concerning his judicial duties, however, he was not given any additional instructions.⁵³ The sources reveal that there were also secret instructions included for Prince Albert himself,⁵⁴ but the document has not survived.⁵⁵ Consequently, it cannot be ascertained what special tasks he was ordered to carry out, or whether there were any delicate matters to which he had to pay special attention, as there are no special provisions in the documents.

In 1795, two different governor's instructions were made for Archduke Joseph as well. The "official" order was rather personal in tone, and served more as moral guidelines, including advice on how the young, inexperienced archduke should behave.⁵⁶ In this document dated August 8, 1795, Francis I did not put emphasis on policies and tasks as his great grandfather Charles VI did, nor did he specify the administrative responsibilities as it was the case with Prince Albert in 1765. On the same day, Archduke Joseph received additional secret instructions, the content of which was connected to the political situation caused by the French Revolution and particularly with the monarch's loss of trust due to the Jacobin movement in Hungary. The text reveals that these were not new instructions. Apparently, Francis I endorsed the late Palatine Archduke

50 ÖStA HHStA Habsburg-Lothringische Hausarchive, Lothringisches Hausarchiv 39-5. fol. 13r. fol. 17r–20v.

51 Cf. Kulcsár, "Nádorság," 53.

52 MNL OL, A 1 (Orig. ref.), 1766/2. and MNL OL, A 35 (Con. exp.), 1766. I. No. 6.

53 MNL OL, A 1 (Orig. ref.), 1766/299; ÖStA HHStA KA StR Prot. 1766. Nr. 14. Proposal by the Hungarian Royal Chancellery, January 3, 1766.

54 Ibid. 1765. Nr. 2997.

55 There is no sign of the draft in the State Chancellery in Vienna, and the copy which was held in the documents of the State Council was burned. No other information about the secret instructions which were given to Albert can be found on the notecards of the State Council in Győző Ember's bequest. MNL OL, P 2093 (Ember Győző hagyatéka), Staatsrat protocollumok, Gépelt kivonatok, 1765:2849.

56 ÖStA HHStA Habsburg-Lothringische Hausarchive, Hausarchiv, Handarchiv Kaiser Franz 12-4-6. Instruktion von Kaiser Franz II. für Erzherzog Joseph, seinen Bruder als Locumtenens (Statthalter) in Ungarn, 1795. fol. 131–150. The printed version: Domanovszky, *József nádor*, vol. II/1, 18–28.

Alexander Leopold's proposition dated April 16, 1795, which had a considerable political bias against the Hungarian estates. On the basis of this, it can be clearly stated that as governor, Archduke Joseph was ordered to act as counterbalance and take action against the Hungarian estates.⁵⁷

Political Latitude

However, the sources indicate that the governor within the Kingdom of Hungary had only limited powers. He was not allowed to make decisions autonomously but was reliant, rather, on the ruler's decrees from Vienna which he was to put into practice. Although Charles VI was allegedly tempted to grant rights to Francis Stephen of Lorraine that would have exceeded those of the palatine, as a precaution for future monarchs he decided against doing so.⁵⁸ Nonetheless, the sources discussed so far also indicate that eighteenth-century rulers intended to give governors a certain political importance beyond mere representation. By keeping the monarch's authority in view, they could limit the power of the Hungarian estates. For example, Charles VI promised Francis Stephen of Lorraine in his secret instructions that he would listen to his private opinion and support him, and he would decide in accordance with it, even against the opinion of the Hungarian Royal Lieutenancy Council. The ruler also gave him advice on how to treat the members of the council and suggested that he have preliminary discussion of the matters to be brought up in the council with a trusted advisor appointed to help him.⁵⁹

In the case of Prince Albert, the queen's wish was even more straightforward: she wanted her son-in-law to play an active role in the life of the kingdom. In his memoirs, the prince recalled this as follows: "Since merely playing a symbolic role in this position was against my beliefs, and since the queen herself expected me to exercise my responsibilities with the utmost zeal, through hard work and

57 The original copy of the secret instruction was burned in the archives of the archduke. One copy can be found in Vienna, ÖStA HHStA Habsburg-Lothringische Hausarchive, Hausarchiv, Handarchiv Kaiser Franz 12-4-6. Instruktion von Kaiser Franz II. für Erzherzog Joseph, seinen Bruder als Locumtenens (Statthalter) in Ungarn, 1795. fol. 169–227. Alexander Leopold's version was published in: Mályusz, *Sándor Lípót*, 808–51. (1795. No. 181.) Palatine Joseph's version begins on p. 815. See Domanovszky, *József nádor*, vol. II/I, 29. I would like to thank András Oross of the Hungarian archival delegation in Vienna for his help.

58 ÖStA HHStA Habsburg-Lothringische Hausarchive, Lothringisches Hausarchiv 39-5. fol. 11r–v.

59 ÖStA HHStA Habsburg-Lothringische Hausarchive, Lothringisches Hausarchiv 39-5. fol. 11v, fol. 12r–v.

practice I acquired all the necessary knowledge. I never neglected my duty of presiding over the meetings of the Lieutenancy Council, I carefully read every letter and every report, I read through and signed all the documents. To put it simply, albeit somewhat reluctantly at the beginning, I conscientiously carried out all the tasks that my new post required.”⁶⁰ The prince’s work was aided by noble officials loyal to the court, whose opinions and beliefs the state counselors in Vienna did not doubt.⁶¹

As governor and president of the Lieutenancy Council, the princes dealt with the most crucial matters concerning the kingdom. Official records testify that the princes were regularly asked for their opinions; what is more, when Francis Stephen of Lorraine was absent, copies of the minutes of the Lieutenancy Council meeting were sent after him, either to Vienna or, in wartime, to the theater of operations in the south.⁶² A more detailed future research on certain cases shall help us ascertain how much the stance the princes took determined the ruler’s decision and whether there were any issues of greater or lesser concern to them.

It should be noted, however, that in certain cases the princes themselves drew up drafts to improve the handling of the kingdom’s matters. This clearly shows how much they identified with their post, particularly in military issues. Both princes had experience in the theater of war: Francis Stephen of Lorraine gained this experience in the war against the Ottoman Empire (although he was not a very successful commander), while Prince Albert fought against the Prussians, first as a volunteer, then, from 1760, as lieutenant general in the Habsburg army. Later he became Captain General of the Kingdom of Hungary. Understandably, due to this, both princes expressed their opinion on military issues. On the basis of the personal experiences gained throughout his travels in the kingdom,⁶³ and with the help of some members of the Lieutenancy Council, in the early 1770s Albert proposed a new, fairer distribution and billeting of the troops stationed in the country. In 1772, a draft of a new system of tax assessment was drawn up by him and his counselors. Likewise, this did not happen as a result of an official request but was an individual initiative made with the approval and support of the prince.⁶⁴

60 MNL OL, P 298 (Albert hg. iratai), Nr. 2. A. II. 12/2. fol. 3r-v.

61 Kulcsár, *A 18. századi helytartó*, 1087–88.

62 MNL OL, C 1 (Prot. sess.), Duplicated minutes.

63 Cf. Kulcsár, *II. József*, passim.

64 MNL OL, A 39 (Acta gen.), 1771/5806, and 1772/2869.

It can also be shown that sometimes the elaborated reform plans of the governor were somewhat modified. For example, the 55-page draft he submitted about reforming the administration of the Lieutenancy Council was not fully accepted.⁶⁵ The draft, however, was made upon an official request to find mistakes and elaborate a new method of administration. The monarch's final decision indicates that only certain parts of Albert's proposal were used, while several elements (such as the reform he proposed concerning the work of the commissions of the council) were entirely neglected. In this case, the prince governor's task (despite his title) was to express his opinion and make a suggestion, but the draft was not accepted unconditionally, as it was stated in the secret instructions by Charles VI in the case of Francis Stephen of Lorraine. During Maria Theresa's reign the aim was different: they wished to prepare a comprehensive, well-substantiated regulation this way. Despite not always acting on his recommendations, the prince's intention was never doubted, and his work was always appreciated.

The governors' ill-defined sphere of authority occasionally led to problems. In 1766, for instance, Prince Albert arbitrarily sent back the nomination of Ferenc Subich, an official to Vienna, and transferred him to another position in his own governor's office, instead of giving him the post of secretary of the Lieutenancy Council.⁶⁶ By doing so, he overruled the queen's decision, a step the Hungarian Royal Chancellery called unprecedented and highly hazardous, as it was an insult on the monarch's authority and the chain of command. The queen, however, did not question the loyalty of the prince, who was grateful and indebted to her.⁶⁷ Thanks to his close relationship with Maria Theresa, Prince Albert was not punished for this unthoughtful and careless action. The queen unconditionally trusted the prince and knew that he did not act out of disrespect. However, in the following 15 years Prince Albert carefully limited himself to making proposals for nominations and awards, such as in the case of officials to be transferred from the Hungarian Royal Chamber to the Lieutenancy Council,⁶⁸ but their appointment remained to be the responsibility of the queen.

65 MNL OL, A 1 (Orig. ref.) 1769/33. November 17, 1768.

66 MNL OL, N 13 (Arch. loc. Alberti Ducis Saxonie), Lad. 67. Fasc. 1. No. 4. December 29. 1765.

67 MNL OL, A 1 (Orig. ref.), 1766/253.

68 MNL OL, A 39 (Acta gen.), 1772/5440.

Changed Spheres of Authority and Roles

Firth of land donation

Besides excessive political influence, there was another economic reason for governors being deemed more suitable by the monarch in the eighteenth century. This was closely linked to a sphere of authority that had changed considerably from the late seventeenth century on. In the eyes of the court, the palatine's most contested sphere of authority was the so-called palatine's firth of land donation, which meant that the palatine could grant landed properties smaller than 32 serf's plots to any nobleman without the preliminary consent of the ruler. This right was believed to have originated in the Middle Ages, though there is no basis for this conclusion. In fact, the firth of land donation was a royal prerogative, exercised by the monarch or, in case he or she was underaged, by the gubernator acting on his or her behalf.⁶⁹ The first example recorded was in 1509, when governor Imre Perényi donated some part of a land that fell to the monarch.⁷⁰ Later, too, the right could only be exercised by governors, not palatines. Act XXVI of 1567 mentioned the right as the governor's firth of donation. Still, during the seventeenth century, the right became increasingly linked to the post of palatine, presumably due to the two positions being filled by the same person.⁷¹

Eighteenth-century sources make clearly mention of the palatine's firth of land donation, on the basis of Act LXVI of 1609. The attitude to the palatine's exercising of the right had fundamentally changed: it was believed that the governor could not enjoy this royal prerogative. This restriction is also detectable in the appointment documents of the governors: despite their close relationship to the monarch, the princes were not to impinge on the ruler's power.⁷² The reason for revoking this sphere of authority may be economic. Apparently, these donations posed a great disadvantage for the Royal Chamber. In the mid-1750s, Pál Festetics was commissioned to investigate in what ways this sphere of authority of the palatines could be limited, if not terminated. In a lengthy report written in Latin and German, Festetics examined the history of the palatine's firth of land donation. Citing the law, he argued that the idea of the firth of land donation originating from medieval times was incorrect, since

69 C. Tóth, "Az ország nádora," 199.

70 Ibid., 216.

71 Iványi, *Esterházy*, 76; C. Tóth, "Az ország nádora," 252.

72 Cf. MNL OL, A 1 (Orig. ref.), 1732/33. Point 5. and *ibid.*, 1766/448.

it was first mentioned in Act LXVI of 1609 (then confirmed in Act XXX of 1659 and Act I of 1681). Until then, as recent research also reveals, only the gubernators as deputies of the monarch could enjoy this right, and it was not linked to the post of palatine in any way.⁷³ By the eighteenth century, the law had changed and Palatine Pál Esterházy's practice became the dominant one for the donation of lands. This, however, often put the Royal Aulic Chamber at a disadvantage, since land donations frequently exceeded the designated size or, at times, those receiving the donations managed to get a royal donation as well, and thus could take the income of more properties away from the Chamber. To solve this problem, Festetics proposed that in case of vacancy for the palatine's position, an archduke should be appointed governor (whose sphere of authority could be restricted as needed). Moreover, the councilor also suggested that somehow the estates themselves be made to initiate the appointment. Another proposal of his which was later implemented by the queen was that in case there was no archduke in the dynasty to appoint as governor, the firth of land donation should be withdrawn from the appointee so that the number of noblemen exempt from paying taxes would not increase. The kingdom could have considerable economic benefits if smaller landowner noblemen moved to the cities, where they were obliged to pay taxes and could even be of use to the state by doing some trade or official activities.⁷⁴

Based on Festetics's reasoning, the issue of land donation must have been a rather difficult one in the eighteenth century. To eliminate the disadvantages, from that century on, the right was revoked from the appointed governors: neither Francis Stephen of Lorraine, nor Prince Albert could exercise it.⁷⁵ As testified by the records on lands donated by the palatine, there were no new donations introduced between 1732 and 1740, and 1766 and 1780.⁷⁶ It may be ascertained, then, that by the eighteenth century this had become the greatest difference between the sphere of authority of the palatine and the governor: the firth of land donation was exercised only by the palatine, a right he practically obtained from the governors of the early modern times. This right was withheld from the governors of the eighteenth century.

Another example of change in the sphere of authority and political thinking was the debates concerning Archduke Joseph's appointment as governor in 1795.

73 C. Tóth, "Az ország nádora," 216, 228–29, 238, 241, 248–53.

74 Cf. H. Németh, *Polgár vagy nemes*, 81, 84–85, 95–96.

75 ÖStA HHStA KA StR Prot. 1765. Nr. 2656.

76 MNL OL, Donacionales palatinales (A 119).

In fact, by that time, even the Hungarian advisors loyal to the dynasty believed that, as opposed to the palatine, the governor should not have the firth of land donation. Thus, when in the summer of 1795 Archduke Joseph's appointment was discussed, in light of the previous examples, it was not considered to be a good idea to give him this sphere of authority. In the end, as proposed by State Councilor József Izdenczy, the archduke received the same rights as his late brother, Archduke Palatine Alexander Leopold, including the firth of land donation. However, this was not only the result of deepening trust but also had a political goal. The councilor believed that this was a way of preventing the estates from pushing for the election of a palatine.⁷⁷

The role of the palatine at the coronation

The other sphere of authority of the palatine that had considerably changed from the late seventeenth to the late eighteenth century was his role at the coronation. According to the general view of (eighteenth-century) contemporaries and theoretical literature, the role of the palatine was indispensable at the ceremony. This argument, however, is not supported by the sources: this function of the palatine did not exist in the Middle Ages,⁷⁸ and there is mention of only one such case in the course of the following centuries. In 1527 the palatine was present at the coronation of Ferdinand I as king of Hungary, and, despite the medieval tradition, managed to get the opportunity to place the crown on Ferdinand's head together with the bishop of Nitra.⁷⁹ Nevertheless, it did not become an established practice, mostly because the country did not have a palatine for decades to come. As a secular dignitary, the palatine first received a role at the coronation of Queen Eleonor Magdalene of Neuburg 1681, when Palatine Pál Esterházy helped out the elderly and sickly archbishop by jointly touching the queen's shoulder with the crown.⁸⁰ In 1687 the palatine received an even more prominent role at the coronation of the child Joseph I. Although by this time the Lord Steward's Office in Vienna had already demonstrated on the basis of old documents that the palatine had traditionally no active role at coronations, he only asked the estates three times whether they intended to crown the future king. Still, the influential Palatine Pál Esterházy made an agreement with the

77 Domanovszky, *József nádor*; I/1, 205; Domanovszky, *József nádor*, vol. II/1, 18.

78 Holub, "A nádor," 89.

79 Pálffy, "Küzdelem," 302.

80 This custom began to spread in 1681. Bartoniek, *A magyar királykoronázások*, 150. and Pálffy, "Küzdelem," 300–1; Bak and Pálffy, *Crown*, 97.

archbishop and could eventually place the Hungarian crown on the king's head together with the archbishop.⁸¹ From that point on, the palatine became an active participant in the coronation of Hungarian rulers and in the course of the following centuries he became an indispensable figure at the ceremony. The Hungarian estates themselves insisted on this “established right” and, in tense political situations, such as prior to the coronation in 1741, they required the election of a palatine as a precondition to crowning Maria Theresa. At the end of the eighteenth century, State Councilor József Izdenczy claimed that it was wrong to believe that the palatine's presence and active participation was required at the ceremony and brought up the coronation of Maximilian II as a counterexample.⁸² Still, it must be noted that the Hungarian estates used this tool rather cleverly in the seventeenth century, and often required the election of a palatine as a precondition of coronation, thereby symbolizing their power.⁸³

The sphere of authority of captain general

According to the widespread notion, one of the major roles of the palatine was his sphere of authority as captain general of the country (*Capitaneus generalis*), as originating from the Middle Ages. Investigating the medieval example, however, proved that the title of captain general could only be received by appointment and not as part of the post of palatine, and persons other than the incumbent palatine could also receive the title.⁸⁴ The title of captain general was not mentioned with regards to governors either. Although in 1554 Palatine Tamás Nádasdy received the title of captain general but he only managed to do so with the false claim that his predecessors had also had it. The document put in writing then and later called the Palatines' Act of 1486 came to existence at that time, and they tried to prove its authenticity with the made-up medieval origin.⁸⁵ This was, then, the result of the negotiations between Ferdinand I and the Hungarian dignitaries.⁸⁶ In the sixteenth and seventeenth century, however, the sphere of authority was fully withdrawn from the governors and from the palatines as well. It only made back into the law in 1681, when Pál Esterházy was appointed, on the basis of what was thought to be the Act of 1486. Later Diets repeatedly

81 Pálffy, “Küzdelem,” 307–8.

82 MNL OL, I 50 (Privatbibl.), Fasc. 39. 1796. Landtag. Extractus diarii... Bemerkungen des Staatsrates Izdenczy. October 31, 1796.

83 Pálffy, *The Kingdom*, 201.

84 C. Tóth, *A Magyar Királyság nádora*, 306–15, especially 310–11.

85 C. Tóth, “A nádori cikkelyek,” 42.

86 *Ibid.*, and C. Tóth, *A Magyar Királyság nádora*, 315–16, 332–33.

reinforced this law.⁸⁷ Eighteenth-century governors were not given this sphere of authority; Francis Stephen of Lorraine, for instance, had no control over the Hungarian army. Yet, in the case of Prince Albert, a considerable change took place when Maria Theresa appointed him captain general (*Capitaine général*), commander-in-chief of the foot soldiers, cavalry units, garrisons, fortresses, as well as each unit belonging to the Habsburg army stationed in Hungary.⁸⁸ In terms of title and authority, the new rank seemed to be the same as that of the palatine, but the sphere was rather limited owing to the Habsburg military leadership, and in fact Prince Albert had no real military authority. The new military rank was established on the basis of practice in the Austrian Netherlands and Italian territories (Tuscany and Lombardy). In 1773 the same instructions were given to the captain generals of the three provinces or countries, including Hungary, regulating the title and post of governors or governor generals.⁸⁹ Further research is needed to determine how much this post was linked to and differed from the Hungarian example attributed to the palatine. The end of the century witnessed a rearrangement: the palatine's post fulfilled by archdukes was again joined with the medieval rank of captain general (or, at least, with how it was posited in 1715), and it was even codified.⁹⁰

Despite having had his authority concerning the military withdrawn, the palatine retained one military role: were there a general noble military mobilization (*insurrectio*), if the monarch was not in the position to attend to his duties, the palatine became commander of the troops.⁹¹ In the period examined by the present paper, the only case when the nobility could have been mobilized without the palatine was during the War of the Prussian Succession in 1778. Advisors at the Viennese Court faced the problem of having to find reasons with which they could convince the nobility to mobilize without a palatine in position, but they decided to do so by referring again to the Diets between 1563 and 1608. As for the estates, they rightfully inquired who the commander of the troops would be, since the position of palatine was vacant.⁹² Eventually, the

87 CJH IV. Act I of 1681, Act XXI of 1715.

88 MNL OL, A 57 (Libri regii), vol. 47, p. 368, 379. On the comparative irrelevance of the appointment, see Kulcsár, *A helytartói státus*, 59.

89 ÖStA KA ZSt HKR Akten 1773–37–60.

90 CJH IV. Act V of 1790.

91 C. Tóth, *A Magyar Királyság nádora*, 38.

92 MNL OL, A 45 (Acta praes.), P. 1778/11. “Daß in Königreich Hungarn 46 Jahr hindurch....” Kulcsár, *Der Kaiser-Mitregent*, 76–77.

dilemma of public law did not have to be solved, as the planned Diet was not summoned.

A Special Situation: Archduke-Governors and Archduke-Palatines

Changes in the palatines' sphere of authority and the policies of the Viennese Court manifested themselves even more in the late eighteenth century. In 1790, after Joseph II's death, Leopold II had to make a choice, because, as already mentioned, since 1687 the palatine's presence was necessary for the coronation ceremony. Without a palatine, he could not be crowned; however, if he permitted the estates to elect a palatine, it would increase the influence of the estates, who probably felt after Joseph II' anti-constitutional reign that they would finally have the opportunity to protect their rights and privileges. In 1790, given the French revolution and the general crisis of the Habsburg Monarchy, this idea seemed dangerous. As a compromise, Leopold II resurrected an earlier plan from the time of his mother, Maria Theresa, in a somewhat changed form.

As shown earlier, in the 1750s Pál Festetics and, then, in the 1760s the State Council of Vienna made the suggestion that someone from the Habsburg-Lorraine family could be nominated to the position of the palatine and elected with the estates' support. Even the name archduke-palatine was coined at this time. (Nevertheless, Maria Theresa probably would have preferred an archduke-governor rather than an archduke-palatine.) In 1790 the Viennese Court also wanted to postpone the election of a palatine. Initially there were discussions of appointing a governor instead. Later, during the selection of the candidates, they clearly tried not to let the estates have much influence over the matter: the advisors recommended an elderly nobleman or a completely loyal dignitary for the list, and the other candidates stood no chance whatsoever. This way, if the palatine died or resigned by mutual agreement, the monarch would have had the opportunity again to appoint a governor. However, as a gesture towards the Hungarian estates, Leopold II agreed to the appointment of a palatine. His willingness to reconcile is well-illustrated by the fact that he had the names of acceptable noblemen written on the list and agreed to his fourth son being recommended for the post without nomination, even if it meant that the archduke's name would not even come up or the Diet would elect someone else. Indeed, the election did not go very smoothly, as 25 counties insisted on electing a Hungarian nobleman for the post. The recalcitrant counties were eventually either intimidated or made to agree by the delegates loyal to the monarch. The

method of the “election” signals how limited the estates’ former right to elect a palatine now was: in the course of this well-prepared theatrical performance, Archduke Alexander Leopold became palatine by acclamation, that is, he was elected before the envelope containing the names of the four Hungarian noblemen recommended by the monarch was even opened.⁹³

When Alexander Leopold died five years later, the new Habsburg ruler, Francis I (II) did not summon a Diet but once again nominated a governor from the House of Habsburg-Lorraine only a few days after his brother’s death.⁹⁴ He appointed another brother of his, Archduke Joseph.⁹⁵ The uncertainty of the court is clear to see when the arguments for and against the election-appointment is examined. Advisors fighting against the influence of the Hungarian estates went as far as suggesting that Francis I should appoint his brother Joseph not as governor but as palatine, thereby neglecting the estates’ right to choose, which would have gone completely against the statute law as well as customary law.⁹⁶ Eventually, the archduke was appointed as temporary governor of the kingdom. A year later, in 1796, when planning the next Diet, the Viennese Court again seemed reluctant to have an election for a palatine. On the one hand, it would have been offensive towards the ruling house if, discarding the model of the 1790 Diet, the Hungarian estates would have not elected the archduke by acclamation. Due to his rank, Archduke Joseph’s name could not be listed among the king’s four candidates. On the other hand, (similarly to the events of 1790), the court was afraid that election by acclamation would set a precedent and thus in the future persons not from the reigning house could be elected simply by acclamation and not in the traditional way.⁹⁷ In the end, owing to the threatening external situation, Francis I agreed to summoning a Diet to vote on the issues of military recruitment and war tax and to elect a palatine. During the ceremony, they kept to the formal process: even before the monarch’s envelope was opened, the estates elected Archduke Joseph by acclamation.⁹⁸

93 Mályusz, *Sándor Lípót*, 38–45.

94 MNL OL, A 39 (Acta gen.), 1795/8425.

95 MNL OL, N 22 (Misc. off.), 1795. No. 1. Francis I to his brother Joseph, Schönbrunn, July 20, 1795. and MNL OL, A 39 (Acta gen.), 1795/8166.

96 Domanovszky, *József nádor*, vol. II/1, 122, no. 44.

97 *Ibid.*, 122–24; Mályusz, *Sándor Lípót*, 43.

98 One finds a clear indication that the initial uncertainty had come to an end in the fact that, although a list of candidates was made, Francis I placed a blank sheet of paper in the sealed envelope instead of the names of the candidates. MNL OL, I 50 (Privatbibl.), Fasc. 39. The annexes to Izdenczy’s letter, November 12, 1796.

The archdukes of Habsburg-Lorraine who were appointed as governors (or palatines) thus found themselves in completely new circumstances, which differed greatly from those of the other two eighteenth-century governors and of palatines in the early modern period. The novelty of the situation lay not only in their person and actual membership of the ruling family. The circumstances of their election to palatine was also unique: without the announcement of the list of candidates, by acclamation, the estates had decided to elect the archdukes. The way they took the oath changed too: both the palatine and the governor took an oath to the monarch.⁹⁹ The dispute concerning the content of the oath offers clear evidence of the gradually decreasing power of the estates: they did not manage to include the stipulation that the archduke-palatine was responsible for protecting the rights of the estates and the country. All the archduke-palatine swore to do was to fulfil his duties to the monarch.¹⁰⁰

The spheres of authority bestowed on the archdukes were also transformed to a great extent: the tasks of presiding over the Diet and their role at the coronation ceremony have already been discussed. Beyond these, the monarchs were willing to make other concessions, owing their being close relatives. The ruler's confidence in his brother is shown by the fact that in 1795 Archduke Joseph was granted a much wider sphere of authority than his predecessors. Still, the Hungarian officials originally prepared the documents of appointment on the basis of the precedence of eighteenth-century prince-governors, and Prince Albert's instructions were attached as an example. When formulating the text for the appointment of the archduke, they relied not on the prince's document granting a more narrow scope of authority but on the certificate of the late Palatine Alexander Leopold.¹⁰¹ The sphere of authority of Archduke Joseph was exactly the same as that of his deceased brother who bore the dignity of the palatine, in terms of the firth to donate land, discussed in detail above, which was a privilege of Archduke Joseph.¹⁰² The ceremonial welcome and inauguration of the archduke, however, followed the tradition of the 1766 ceremony in Pozsony (today Bratislava), and the one in Buda in 1791. This symbolized continuity and aimed at following the previous patterns of representation. In fact, what may

99 MNL OL, A 39 (Acta gen.), 1791/209; MNL OL, N 22 (Misc. off.), 1795. No. 2. MNL OL, N 31 (István főh.), 1847/149.

100 MNL OL, A 39 (Acta gen.), 1790/16917.

101 MNL OL, A 39 (Acta gen.), 1795/8425.

102 Domanovszky, *József nádor*, vol. II/1, 18. Instruktion. and cf. ÖStA HHStA KA StR Prot. 1796. No. 646.

come as a surprise is that in 1791, they followed the example of the governor's march in for the archduke coming as palatine, instead of creating a unique, more solemn welcoming ceremony.¹⁰³

Archduke Joseph was thus the third governor in the eighteenth century who was close links to or directly descended from the reigning house. The Hungarian estates made no objections against his appointment either. Those who were dissatisfied or prone to revolt were won over by the argument of family relationship, others considered the archduke's appointment to be an honor. Archduke Joseph only held the post for a short time: his spheres of authority as governor were terminated in 1796 when, following the example which had been set in 1790, the estates elected him palatine at the Diet. In the end, the archduke held this position until his death more than fifty years later.

The role of archduke-governor and archduke-palatine became important once more in 1847, at the eve of the revolution. The sources provide evidence of the fact that by then the Viennese Court was already accustomed to having an Austrian archduke as the Hungarian palatine. The government tried to achieve the goal of having an archduke appointed as palatine, so they returned to the practice of 1790: instead of reading out the names of the candidates, they unequivocally elected the palatine by acclamation. The acceptance of this unwritten law is well-illustrated by the fact that the Hungarian Royal Chancellery itself made the proposition of electing Archduke Joseph's son, Archduke Stephen as palatine when the post would be vacant. One important reason for this decision was that the other archdukes did not have an adequate knowledge of the country, nor a close relationship with it.¹⁰⁴ By this time, the eighteenth-century practice had become so accepted that the nomination of candidates only served to keep up the appearance of lawfulness, since the court was certain about the outcome of the election. Thus, the right of the free election of a palatine was not even an issue. Nevertheless, until the Diet was summoned, the king only appointed his cousin as governor in 1847, but his extended sphere of authority was maintained, as Archduke Stephen, too, could have all the rights and responsibilities of his predecessors before the Diet.¹⁰⁵

The appointment of archdukes as palatines clearly indicates the end of an era. The former practice of having governors in Hungary for years was now unnecessary. By filling the office of the palatine with a family member, the

103 MNL OL, A 39 (Acta gen.), 1791/9255.

104 MNL OL, A 39 (Acta gen.), 1847/917. draft; 1847/1365. Proposed on January 14, 1847.

105 MNL OL, A 39 (Acta gen.), 1847/1362.

Habsburg ruler gained a reliable and constitutionally rooted representative in the county. The manner of their appointment gradually decreased the estates' freedom of choice, while Archduke Stephen's nomination signaled a completely new practice. Although in 1790 the question arose whether the post of the palatine could become hereditary by repeatedly being filled by archdukes from the ruling family,¹⁰⁶ the estates were no longer worried. Due to the events of the Revolution of 1848–1849, the system of estates ceased to exist, and positions of dignity also disappeared, a change that cannot be examined in this paper. The political role of archduke-governors and archduke-palatines, as well as their relationship with the Hungarian estates requires further research to reveal the extent to which they held a position in the estates as palatines and were loyal to the court.

Conclusion

In the early modern period, the relationship between the Hungarian king, from 1527 a Habsburg, and the Hungarian estates were often characterized by conflicting interests. The degree to which the relationship was, at times, tense and, at other times, peaceful is illustrated in part by how much room the monarchs gave to the Hungarian estates, which were trying to protect their rights and privileges. In order to preserve their power within the country, and to ensure the financial and personal conditions necessary in warfare against the Ottoman Empire, the estates and the monarchs alike were forced to make compromises or concessions. The main platform for demands in the early modern period was the Diet. If, however, the monarch did not summon the Diet, he or she could limit the influence and power of the estates and govern without them. The power of the estates could also be decreased by leaving high positions vacant or by appointing the monarch's own loyal subjects to fill these posts. As shown above, by neglecting the post of palatine, that is, the highest position for the estates, and appointing a governor, the ruler had more political room to manoeuvre. Therefore, the ruler did not have to make any political compromises. Royal decrees issued from Vienna were executed by institutions, for example from 1723 by the Hungarian Royal Lieutenancy Council (headed by the palatine or the governor). There was no doubt about these governors' loyalty, since they were dependent on the ruler. Hence, the governor's role was independent of the

106 Mályusz, *Sándor Lipót*, 42.

estates. Such concentration of the ruler's power made it possible to introduce reforms in Hungary.

The side-lining of the estates in this period is most visible in the way they failed to present their complaints and demands at the Diet. Between 1732 and 1741, as well as 1765 and 1790, no Diets were convoked, so the estates could not bring forward their need for an election of a palatine, mandatory since the early seventeenth century. When in 1778 the possibility of summoning a Diet came up, the Viennese Court firmly insisted that only the issue of military recruitment be discussed. Any other political proposal would have been rejected.¹⁰⁷ Eventually, the Diet was not convoked, so the estates could not demand the election of a palatine. In other words, the appointed governor, Prince Albert, did not have to be replaced. Over the course of the eighteenth century, the influence of the estates gradually decreased, and the power of the monarch increased. One sign of this change was the gradual limitation of estates' right to elect a palatine. By the nineteenth century, the method of election developed in the early seventeenth century had become a mere theatrical performance, when the preliminary designated member of the ruling family was elected palatine by acclamation. In the eighteenth century the post of palatine was not filled three times. Instead, the country was administrated by a governor, which meant that governing increasingly took place without the estates. The case of the governors also exemplified the new strategy of the Viennese Court: they were not Hungarians but relations to and close relatives of the monarch, first the future husbands of archduchesses, then archdukes of Habsburg-Lorraine. This way, the proposal made in the mid-eighteenth century, was finally realized: instead of a Hungarian palatine, the Kingdom of Hungary was administrated by an archduke-governor (or archduke-palatine) so that the monarch could reign without interference by the estates.

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