

Analysis of Central Public Administration Institutions in Voivodeship of Transylvania

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ABSTRACT: The present paper proposes the analysis of the institutions of the central public administration in Transylvania, in the voivodeship period. The topic was a researched one by different categories of professionals, and the analysis of these institutions had some peculiarities, depending on the area of study. Thus, historians have analyzed this topic in terms of historical events, the emergence and succession over time of public administration institutions at the central level. The lawyers studied the appearance and evolution of the legal norms that regulated the appearance and activity of public administration institutions. Economists have researched public administration institutions from an economic perspective. In our turn, we intend to analyze these institutions of the central public administration from an interdisciplinary perspective, to observe the particularities of the institutions in relation to the Transylvanian form of organization, both during the voivodeship. The purpose for which we started to develop this paper is to share opinions with professionals from different fields, in connection with the topic we have established, and to improve the public administration system, learning from the experience of past eras.

KEYWORDS: public administration, institution, congregation, medieval era

Introduction

The institutions of central public administration in the medieval era fascinated through the period we are talking about. The transition to the *medieval era*, also known as the *feudal era*, brought with it transformations, adaptations of the old ancient administrative institutions, but also determined the creation of new administrative institutions. The latter emerged as an effect of the evolution of society and as a need to adapt the administration to the new era.

Like the other feudal states, Transylvania experienced these transformations in the field of public administration. About the public administration institutions of Transylvania, we set out to make an analysis that we will present in this study. Because the public administration has a central and a local component, but also because medieval Transylvania experienced two stages, respectively, that of the *voivodeship* and later that of the *principality*, we chose to make a partial analysis. Thus, in this paper, we will study the institutions of central public administration in Transylvania, during the voivodeship.

1. The central public administration in medieval Transylvania

1.1. Terminological aspects

The public administration knew a series of institutions that acquired certain particularities specific to each epoch. For this reason, we will define these institutions and refer to the notions encountered in medieval Transylvania, for a better and more correct understanding of our study (Niță 2019, 125-138).

The notion of "middle age" or "medieval age" is the period between ancient and modern times. The difference between the notions of "middle age" and "feudalism" consists in the following clarifications: *the feudalism* has its origins in Old Frankish and designated wealth by the term feud, being used later, during the Carolingian Empire with the meaning of

piece of land given to be worked. According to some historians, the feud created the basis for relations between seniors and vassals.

As the period limiting the Middle Ages experienced feudal relations, the two phrases came to be considered synonymous (“middle age” and “feudalism”).

When we define “social relations” we start from the general theory of law and civil law, without neglecting the administrative law, in order to get acquainted with the relations established between persons, regardless of whether these relations are evaluable or not. In relation to the theme of our paper, we consider there is at least one a state authority among the persons between whom these relations are established (Botină, Nedea, Mirea 2017, 85-91).

The “norms”, whether social or legal, were the basis of the rudimentary organization of society, including during the primitive fog and have continued to this day. If we talk about social norms, they are rules that underlie the organization of society, and if we refer to legal norms, these are rules of conduct (Erimia et al., 1, 2016, 25-29). The public administration relied on certain rules according to which administrative institutions were established and relations were established between the state authority and the population.

The “principles” represent basic rules or guiding ideas, with a general or restricted vocation of application, which establish the direction of regulation of the norms we talked about before.

The “institutions” are a set of rules (usually legal rules), which govern a category of social relations and determine certain legal relationships. Also, with the term “institution” we will designate the administrative authority within the public administration (Rotaru 2019a, 232-234). The difference will be made by the context in which the word will be used.

Regarding the notion of “states” or the phrase “state based on condition”, they refer to social classes, more precisely, to certain groups (Erimia et al., 2, 2016, 891-898) within the privileged social classes. These “peaks” of society are those that will create some administrative institutions that we will talk about in the next section of our study.

The “states” were defined according to the number of persons, respectively: if we refer to the group of persons or collective subjects, the term “states” meant the multiplication of groups and social conditions that obtained the legal definition of their own freedoms and prerogatives, but also as social and political groups that share effective domination over a country. If we refer to the person viewed individually, some individuals could invoke (and sometimes even prove) a certain status, which justified them to claim that they possess a so-called “status” or “state” (Bichicean 2008, 17; DEX, 2016, 1154).

The “order” is an association of people who have the same condition and the same social status, political and legal point of view. What is important to remember in defining this term is that this association, as well as the condition and the status of the person are not only recognized by the person in question, but the association and characterization of the condition and the status are recognized by several people who have the same status or condition. This association can also be recognized by other persons of different condition and status. Depending on the latter recognition, additional value may be given to the association or order we talk about (Erimia et al. 3, 2016, 468-475).

We mention that in other eras than the medieval one (including nowadays) there are certain professional categories (usually) that are organized in the so-called “order”, which are not part of the public administration, respectively: the order of architects, the order of midwives, etc.

1.2. Institutions, bodies, states and orders

Central institutions are what doctrinaires call “public law institutions” and refer to the extent to which in the Middle Ages a distinction could be made between “private” and “public” at the level of state organization. Next, we will present some landmarks that make the connection between

the organization of the medieval European society and the particularities that Transylvania assumed in the same period.

The 13th century saw what some authors call the “state based on state/condition” or “state monarchy”. Thus, starting with the second half of this century, at European level, social states began to organize and create representative institutions in the administrative system of medieval states. Like the idea of “states/conditions” at European level, in the Romanian countries and social states react and begin to organize, imposing representatives at the level of the central state administration. Among them, in Transylvania it was best to observe the organization of these states/conditions and the effect produced by the existence of state representatives in the institutions of central administration (Tătaru 2021, 123-128).

During this period, the central administration of the medieval state has a dual power. This duality assumed a monarchical component and another component of the representatives of social states (privileged or without holding a certain privilege).

From the perspective of state duality, the historical sources believe this was possible because the monarchy did not have the capacity to concentrate the functions of the medieval state well enough. Therefore, this was the main reason for the appearance of the second power / authority in the state. This second authority was formed by the so-called assemblies of states/conditions, which included representatives of the privileged social categories of each medieval state (Rotaru 2013, 11-21).

The evolution of the process of political division was also possible as a result of the emergence of a hierarchical structure that included some newly emerged or developed institutions from archaic, non-specialized institutions. From the category of institutions that contributed to the building of this hierarchical structure we mention: “bodies”, “orders” or “states/conditions”, “representative assemblies” or “countries” (Lousse, 1937; Bichicean 2008, 16).

The medieval period knew, according to the documents of that age who serve as a testimony, three categories of order or privileged states/conditions, respectively: the clergy, the nobility and the so-called “third state/condition” (Braşoveanu 2012, 83).

In the Romanian countries, in the medieval age, three fundamental authorities of the structure of the central administration of the state were known: “domnia”, “the princely/royal council” and “the assemblies of states/conditions”. The origin of the term “domn” and his family of words is purely Romanian, it has not been encountered or translated as such in any other state, to this day. However, the origin of the notion “princely/royal council” must be related to the historical, political and administrative significance (also of Romanian origin, being the organization of authority around the ruler/domn), but also with origins that go back to the dawn of history, when “the council the primitive fog” or “the advice of good and old people” have fully contributed to the organization of society. As for the “assembly of states/conditions”, this notion certainly has its origin in the similar notion that appeared at European level and which we mentioned earlier and we will return with detailed explanations in the next section (Duţă 2018, 21-24).

2. Central Public Administration in the Transylvanian Voivodeship

2.1. The institution of the voivode and the voivodship

From a historical perspective, medieval Transylvania experienced what historians call the “Romanian-Slavic coexistence” between the 8th-9th centuries. As a form of territorial organization there were and functioned quite efficiently at the level of society the forms of feudal organization such as “village communities”. From the point of view of the political organization, after the period of the previous forms of the state organizations, respectively, between the 9th-13th century, there were mainly two forms of state organization, namely, the cnezat and the

voivodeship. During the 9th-13th century, the Transylvanian autonomies were about to be abolished by the Hungarians settled in the Pannonian area, as well as by Byzantium.

The location in space and time of the central institutions of medieval Transylvania requires us to distinguish between the historical stages that took place in its constitutional development. They result “naturally from the very characteristic notes of this country's past, so from the specifics of Transylvania” (Lupaş 1988, 3-50; Bichicean 2008, 88).

Corresponding to the socio-political and economic evolution, in the constitutional development of medieval Transylvania the following phases are distinguished:

- the phase of formations prior to the organization of the state;
- the phase of the voivodship, which includes the period of the Romanian voivodships and the period of the Transylvanian Voivodeship, as a feudal state under the suzerainty of the Hungarian king;
- phase of the principality or autonomous principality, which, in turn, was divided into the “period of electoral autonomy” and the “period of succession autonomy” (in which Transylvania steps towards the modern era) (Ghencea 2020, 58).

The first state-type form, inside the Carpathian arch, was the voivodeship and, at its foundation, a series of internal and external conditions contributed, among which the existence of autonomous prestatial formations and the materialized intention of the Hungarians to conquer Transylvania played a significant role (fact confirmed by the documents of the time - year 1222).

The information about the institution of the voivodship, which we understand as an institution that preceded chronologically and territorially the organization of the voivodship of Transylvania as a feudal state, reveals old Romanian structures, with a corresponding social and military stratification. Although embarrassed by the migration of peoples, this organization could not be dislocated. She maintained the old customs, preparations and ordinances of the Romanian population, supported by its own strength and wisdom. Their resistance was based on political and military organizations - the village community, the *cnezat*/principality, the “country”, the voivodeship.

In order to reach the institution of the voivodship, we will make some clarifications regarding the hierarchically inferior state formation, respectively, the principality/*cnezat*. The principality/*cnezat*, in its simplest form we can speak of, corresponds from a territorial point of view to the village community (Bichicean 2008, 89). During the period before the creation of the state, another institution was organized hierarchically, which, superior to the valley principality/*cnezat*, corresponded to the socio-political and military organization within a “country”. This institution was par excellence the *voivodeship*.

The voivodship appears as a distinct political and administrative institution from those of the Hungarian kingdom. Its origin, as well as that of the principality/*cnezat*, goes beyond the contact of the Romanians with the Slavic nations (Mitra-Niţă 2016, 111-115), from which these two names were grounded and not the institutions themselves. According to some authors, it is natural that the institution of the voivodship, the title and the attributions of the voivode of Transylvania remain the same. The addition on the Hungarian kingdom, however, was something new.

The preservation of the old local name has, on the one hand, the significance of the existence of the Romanian population, and on the other hand, it emphasizes the resistance of the locals to the model previously imposed by the conquerors, respectively, the “principality”. Between the 13th-14th century the voivodes assume several prerogatives. From an administrative point of view, the Hungarian royalty tried to impose the “county” as a form of administrative organization. The first organized county was that of Bihor, documented in 1111, followed by others, such as the counties of Alba, Arad, Crasna, Cluj, Dăbâca and Sătmar.

In the other areas of Transylvania, the old forms of administrative organization are maintained, respectively, the districts, as we find them in: Făgăraș County, Rodna Country, Oaș Country, etc. These included the old cnezate/principalities or parts of some voivodeships, being led by voivodes, cnezi/princes or juzi/judges, who applied the principles of “the custom of the place” or of the “custom of the land” or “legea țării”, keeping the custom to the rank of law, even if it was not a written law.

The central political leadership belonged to the voivode of Transylvania. He was at the head of the territory and the orders, occupying one of the most important places in the hierarchy of dignities in the Kingdom of Hungary.

It is significant that the oldest Hungarian chronicle (*Gesta Hungarorum*) depicts Romanians in their own political formations under the obedience of a duke (*Gelou dux*, *Gelou ducem blacorum*). The term “dux” (*belli dux*) appears as an equivalent form of the Slavic title of voivode (*voj voda*), which has remained in the name of Romanian voivodes at the local level and the dignity of the political leader of Transylvania, as a central institution.

The voivode was named by the king of Hungary one of the strongest and most loyal nobles in Transylvania or abroad, in the latter case the aim was to eliminate the possibility of making strong connections within the country, allowing him to coalition antimonarchical forces. Little is known about the appointment and investment of the Transylvanian voivode.

Attribute of the king, the appointment took an oral procedural form, followed by the handing over of a flag and the ceremony of taking the oath of allegiance. The states/conditions of Transylvania were notified by royal letter. The appointment of the voivodes is attested by three documents, known until now.

Appointed by the king of Hungary, the voivode had no constitutional guarantee and exercised only part of the prerogatives of sovereignty. He could be deposed by the unilateral will of the king. The change of the rule of local law, *libera electio*, supported the action of strengthening the Hungarian authority in Transylvania. The frequent changes at the head of the voivodeship are a sure indication that the king avoided the creation of voivodship dynasties. However, the distance from the royal court was made by establishing the institution of the duchy, superior to the voivode, as a privilege of the sons of the royal family, and by strengthening the authority and position of the voivodes in times of crisis in the kingdom.

Under these circumstances, true voivodship dynasties were formed, the function of voivode becoming *de facto* hereditary, without their weapons being confused with those of the country and becoming heraldic heritage after the extinction of the dynasty. They represent only their high rank, which gave them the right to access at the dignity of voivode and only during this period were they representative for Transylvania.

2.2. *Organs of the Transylvanian public administration during the voivodeship*

Council of the Voivode. We do not know much about the institution “Council of the Voivode” (or those who advised the voivode) from Transylvania because it was not an institution as well known as that of the other medieval Romanian countries. It is known for certain that he had a purely consultative role. In fact, the Transylvanian voivode had a limited staff of officials who helped the smooth running of the chancellery. This institution is also called by some authors “the voivodship scriptural body”.

At the beginning of the organization of the voivodship, the attributions regarding the recording of information regarding the activity of the general congregations belonged to the church environment (Mitra-Niță 2021, 161-170), respectively, to the Calvary church from Cluj-Mănăstur. Subsequently, some of these responsibilities were taken over by the

voivodship chancellery. This institution was composed of a protonotary, 1-2 notaries and several scribes.

The "Protonotary of Transylvania" had the rank of governor, who functioned only with those who held high dignities in the Hungarian kingdom (such as the *leader/jude* of the counties, the palatine, the treasurer and the voivode of Transylvania). If at the beginning of the appearance of this function the protonotaries had attributions of management of the chancellery administration, later, the function acquired an increased importance especially regarding the jurisdiction.

The "notary" appeared in the documents of the medieval world for the first time in the early 14th century.

Another ruler of medieval Transylvania was the *jude*, which was referred to in the documents of the time and with the names of "the county/jude court of the voivode" or "the county voivode of the country".

As a result of the activity of the voivodship chancellery, there are few testimonies that tell us about the Transylvanian administration or about judicial issues, but we note that the vast majority of these documents come only after public meetings (which we will discuss below in the form of central congregations/local) debated issues related to administration and justice in the Transylvanian voivodeship (Stan 2007, 190-219).

The institution of the "Council of the Voivode" was organized as a result of the concerns of the sons of the Hungarian kings, who were interested to have around them a well-organized administration (composed of various rulers, such as the palatine, the country's judge, the treasurer mastered territories, the ruler of the Banat of Severin and the bishops the ruled territories).

Regarding the position of deputy-voivode, this position was occupied by the voivode by selecting one or more persons from his closest servants, being the highest position among the governors. Among the attributions of the deputy voivodes is the convocation of the voivodship congregations/general assemblies.

General/central and local congregations. The territorial-administrative unit of the Saxons and Szeklers was called "chair" and, according to some documents of the time, was of Romanian inspiration (Nicolau 2014, 166).

The Saxons were settlers of German origin, historically attested since the 12th-13th century. According to the document entitled "Golden Bull of the Saxons" (1224), they were brought by the King of Hungary, Andrew the II-nd, and colonized in areas inhabited mostly by Romanians, such as: Bârsa Country or Bistrita area. They played an economic, military, political and religious role, being rewarded with a number of privileges. In the 13th century, the conquest of Transylvania by the Hungarian royalty was completed with the colonization of the Teutonic Knights (between 1211-1225).

The Saxon seats/chairs were established in the first half of the 14th century, within an autonomous administrative-territorial unit (Saxonum University). At the head of each chair is a royal county/jude, with prerogatives similar to those of the committees. The royal county/jude was assisted by a deputy-judge. At the same time, the locals had the right to choose a county seat (*iudex sedis*). Saxonum University was under the leadership of a committee who representing the king, but in fact was under the authority of the voivode. At the 15th century reorganization, all the Saxon seats/chairs were placed under the leadership of a committee elected by the Saxon community that met in Sibiu.

The Szeklers represented the shield of the Hungarian army during the campaign to conquer Transylvania, as they had exclusive military responsibilities. Historical sources claim that the origin of the Szeklers is controversial, but we will not enter into the analysis of this opinion, as it is not useful for the study of our topic at this time. The areas where the

Szeklers are attested were the following, in the order of their documentary attestation: Bihor, the area of Târnave and, later, in the Eastern area (where it is still today).

The Szekler seats/chairs were distinct administrative units with a military organization. This specificity was given by the fact that, in exchange for some privileges, the Szeklers had the duty to defend the eastern border of Transylvania from the danger of the Tatar invasions.

At the head of the chair were two governors: the greatest of the army (*maior exercitus*) or the captain (*capitaneus*) and was higher in rank than the second ruler called the earthly county/jude (*iudex terrestris*). The Szekler community (*universitas Siculorum*), with its capital at Odorhei, was under the leadership of a committee called the king. Then the voivode of Transylvania became a county/comite of the Szeklers, depriving them of autonomy. The seats/chairs were under the leadership of captains or lieutenants, with military, administrative and judicial powers, assisted in legal matters by seat judges. Starting with 1426, the Szekler counties were represented in the seats by a royal county/juzi, with judicial control attributions being chosen by the inhabitants of the seat.

It can be considered that the voivodeship of Transylvania was the first Romanian medieval state.

Among the central institutions that emphasized the individuality and autonomy of Transylvania are the general voivodship congregations. The differentiated character of the assemblies from Transylvania determined their hierarchy in several categories. Along with the assemblies organized and held on the scale of the entire voivodship, there were local assemblies (*congregatio generalis*) of the nobility, of the Romanians, Saxons and Szeklers. They correspond to the administrative-territorial organization, respectively county (noble), seat/chair (Saxon and Szekler) and district (Romanian and Saxon) (Bichicean 2008, 103).

Stopped to manifest itself as a university at the central level, the feudalism of the Romanians remained, as a small and medium nobility, within the old local Romanian "countries", which, together with the common people, preserved their autonomy through various means, including maintaining local assemblies initially controlled by cnezi/princes, then by ennobled cnezi/princes, was a way of prime importance.

Based on the tradition of the old assemblies gathered by "good and old people" and the tendency of the incipient Romanian feudalism to grant *consilium et auxilium* to the cneaz/prince who had been elected voivode, these assemblies adopted, in order to function, the official rules - issued documents in Latin, adopted the forces, set specific days of reunion, sometimes agreed to be presided over by high rulers of the kingdom and voivodeship, etc.

The continuity of the local institutions is also based on their recognition by the voivodes of Transylvania (Tătaru 2020, 14). They convene the Romanian assemblies in the same way as the Szeklers and in a form identical to them, but also with that of the Saxon seat/chairs assembly and the Transylvanian general congregation (*Septem Sedium Nobilium Walachicalium*).

The highest representative institution of the Saxons in the province of Sibiu, which comprised seven seats/chairs, was the general congregation. The assembly of the Saxon seats solves more important administrative and judicial problems.

Representatives of the Saxon University met once or twice a year, usually in Sibiu, to discuss issues common to all seats/chairs (issues of general interest, regulating relations with other administrative and political institutions, judging misunderstandings in the territory under its subordination, etc.). The chairs had their own headquarters in Sibiu, used for such occasions.

The institution that synthesized all the prerogatives and attributions in the Szekler seats/chairs in the Szeklers was the general assembly of the seat/chair (*congregatio generalis*), in which all the men in that chair took part. Until the middle of the 16th century, the representatives of the three states (*trium generum siculorum*) - the leaders (*primores*), the

primipils (a term taken from ancient Rome, being the highest rank among the centurions, in the Roman army) participated in the general meetings) and ordinary Szeklers. Later, due to the uprising of 1562, ordinary Szeklers were excluded from these assemblies.

The supreme authority of all Szekler seats/chairs was the General Assembly of the Szeklers (*universitas Siculorum*), chaired by the Szekler committees (*comes Siculorum*) and which usually met in the main seat/chair at Odorhei. Its competence included all the issues that were the subject of debates in the (local) seat/chair assembly. At the general assembly, all three states were represented, from the seven Szekler seats/chairs. The assembly was convened as many times as necessary, and decisions were made by raising the right hand, as evidenced by a document from 1505. Along with the committee, an important role in the general meetings of the Szeklers was played by captains and judges (royals and seats/chairs).

Conclusion

With the elaboration of this material, we aimed to highlight the way in which the institutions that came from the previous era found their utility and applicability in the medieval era. At the same time, we were interested in the way in which some of the central public administration institutions appeared in Transylvania (Rotaru 2019b, 243-245), how many of these institutions represent local creation and how much it knew the influence of the peoples with whom the natives came into contact.

Although we proposed as a topic of analysis the central public administration institutions in Transylvania, during the voivodeship, we considered important to link the central public administration institutions with some local public administration institutions, to understand the need and specific attributions of the first type of institutions.

We are aware that this paper contains a brief analysis of a very attractive topic and is also only a challenge for those interested in studying the history of public administration. As a result, we will continue to follow this topic and complete the ideas presented in this analysis.

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