

THE RUMANIANS OF TRANSYLVANIA AND CONSTITUTIONAL EXPERIMENT IN THE HABSBURG MONARCHY, 1860-1865

The purpose of the present essay is to trace the efforts of the Rumanians of Transylvania to achieve national self-determination during the half-dozen years of constitutional trial and error in the Habsburg Monarchy which followed the defeat of Imperial armies in northern Italy in 1859. As in 1848 and 1849, Magyar nationalism and Habsburg conservatism were the chief obstacles to be overcome. Once again the critical issue was the Magyar demand for the union of Transylvania with Hungary. Rumanian leaders, for the most part, pursued a moderate and conciliatory policy in the hope that they could create a spirit of harmony and cooperation among all the peoples of Transylvania. While they disclaimed any desire to dominate their Magyar and Saxon¹ neighbors, their insistence that they deserved special consideration as the oldest and most numerous inhabitants of Transylvania and that national representation in all the branches of government be based on population would, in effect, have established their preponderance.

Numbering a million and a quarter persons, the great majority of whom were peasants, the Rumanians since the Middle Ages had suffered the ignominy of a tolerated people without corporate constitutional rights. In the eighteenth century they had begun to experience a national revival which culminated in 1848 with demands for complete equality with their neighbors, who had dominated them for centuries, and for some form of political autonomy within the Monarchy.

In order to achieve these goals during the revolutionary struggles of 1848 and 1849 they had sided with the Habsburgs against the Magyars. Even though the Magyars were fighting for the same liberal principles which the Rumanians themselves professed, any hope of an alliance between them against the forces of conservatism and reaction was doomed by the nationalistic intransigence of the Magyars. They refused to guarantee to the Rumanians their right to develop as a nationality and insisted that they accept

1. The name by which the Germans of Transylvania were known.

the status of individual citizens — with full civil rights to be sure — in a unitary Hungarian state. Specifically, the Magyars of both Hungary proper and Transylvania demanded that their two countries be united, which the Rumanians regarded as simply a prelude to full-scale Magyarization. Thus, these two peoples who were fighting for the principle of national self-determination and liberal reform and who had every reason to join forces against the Habsburgs fought each other instead and thereby consummated one of the great tragedies of 1848.

The Rumanians' hopes that their sacrifices during the war had earned them the gratitude of the Habsburgs were soon dashed. Even during the most difficult period of the war Habsburg military commanders in Transylvania and the ministers in Vienna went out of their way to demonstrate their distrust of their Rumanian allies. They had welcomed aid from Rumanians during the winter of 1848-49 when Magyar armies were winning victory after victory, but had never accepted them as true allies or had shown any sympathy for their national aspirations. After the main Magyar field army surrendered in August 1849, the victorious Habsburgs subjected the peoples of Transylvania — ally and enemy alike — to a decade of centralization and absolutism which discouraged all manifestations of national feeling.

In 1859, military defeat at the hands of the French discredited the system of absolutism and persuaded Emperor Francis Joseph to try a new formula for maintaining his dynasty's domestic and international prestige. He and his ministers decided to enlist the support of the nationalities for the contemplated constitutional changes. They invited prominent persons from each province to come to Vienna to take part in the work of a "re-enforced" Imperial Council (*Verstärkter Reichsrat*). Andreiu Şaguna (1808-1873), Bishop of the Rumanian Orthodox Church in Transylvania since 1848 and recognized both at home and in Vienna as a national leader, was chosen to represent the Rumanians.

In the *Reichsrat*, which met on and off from May to the end of September 1860, Şaguna staunchly defended the right of all nationalities to equality and self-determination.² He argued that his own people, the oldest and most numerous inhabitants of Transylvania, could no longer be excluded from the political life of their country.³ He disavowed any desire "to turn the constitution of Transylvania upside down" — he had too much respect for tradition — but insisted, nevertheless, that long-established laws and

2. At. Marienescu, "Şchițe istorice din anul 1860", in *Transilvania*, 1901, Nr. 1, 17.

3. *Verhandlungen des verstärkten Reichsrathes* (Wien, 1860). 125: Şaguna's speech of September 14, 1860.

institutions be brought into harmony with the spirit of the times. That spirit was, in his opinion, nationalism, "[for] the chief preoccupation of every people [is] to further the development of its own nationality and language."⁴ The new constitution of the Empire must, he believed, guarantee each nationality the right to develop in accordance with its own traditions and institutions.⁵ It could best accomplish this by allowing local authorities a large measure of autonomy and by empowering the central government to ensure the maintenance of national equality.⁶ In this way he hoped that the various nationalities of the Empire could be persuaded to abandon the bitter rivalries of the past and to work together for the welfare of their common homeland.⁷

Francis Joseph paid little attention to Şaguna's or anyone else's views. He dissolved the *Reichsrat* on September 29, and on October 20, issued a diploma, which in the main reflected his own wishes. It provided for a federal organization of the Empire in which the so-called "historical" provinces — Hungary, Bohemia, Croatia, and Transylvania, for example — would have considerable autonomy. Provincial diets would exercise jurisdiction over local affairs, while the central parliament would concern itself with questions affecting the Empire as a whole.

While these events were taking place, the Rumanians of Transylvania had cautiously recommenced political activity after eleven years of quiescence. On the whole they applauded the principles which Şaguna had enunciated at the *Verstärkter Reichsrat*, but could not agree on how best to implement them. Those of Braşov were easily the most energetic. Their moving spirit was George Bariţiu (1812-1893), educator, founder and editor of the first Rumanian political newspaper in Transylvania — *Gazeta de Transilvania* (1838) and its literary supplement, *Foaie pentru minte, inimă și literatură* (Journal for Mind, Soul and Literature) (1838) — and a political leader of liberal views. In June 1860, some sixty leaders, including Bariţiu, drew up a petition to the *Verstärkter Reichsrat* in which they requested a lowering of the tax qualification for voting and the basing of representation in the provisional Transylvanian diet and the other organs of government on population.⁸

It was not until the end of October 1860, after the promulgation of the October Diploma which had suggested that constitutional reform was not

4. *Ibid.*, 42: Şaguna's speech of September 21, 1860.

5. Valeriu Moldovan, *Dieta Ardealului din 1863 - 1864* (Cluj, 1932), 18.

6. *Verhandlungen des verstärkten Reichsrathes*, 42 - 43, 431.

7. *Ibid.*, 432.

8. Enea Hodoş, *Din corespondența lui Simion Bărnuțiu și a contemporanilor săi* (Sibiu, 1944), 70.

merely an empty phrase, that the Rumanians of Braşov made their full program public.⁹ They called for the complete overhaul of the constitution of Transylvania, which for centuries had deprived them of their national rights; the recognition of Rumanian political autonomy within the Habsburg Monarchy; the drawing up of new territorial boundaries which would respect as closely as possible national differences; the guarantee of personal liberty, freedom of the press and of association, and jury trials; the election of members of the diet on the basis of moderate voting qualifications; the use of Rumanian and Magyar as the languages of legislation; the right of local organs of power to decide what language or languages they would use; and the holding of a Rumanian national congress as soon as possible. Bariţiu was the probable author of this document. A compound of nationalism and liberalism which he had advocated since 1848, it far exceeded the proposals advanced by other Rumanian leaders.

On November 5 and 6 at Sibiu, an Orthodox diocesan synod was held. It concerned itself solely with church business, for Şaguna, who presided, insisted that his church stay free from political entanglements which might compromise what little independence it possessed. After the synod had concluded its business, some fifty prominent clergymen and laymen held a private conference to debate the relative merits of an autonomous Rumanian "district" possessing the same rights as those of the other nations of Transylvania before 1848, or, as an alternative, an electoral law with a property qualification low enough to enable the Rumanians to use their numbers to good advantage. They could reach no final decision, but did declare unanimously for the maintenance of Transylvania's autonomy and against its union with Hungary.¹⁰

Some forty members of what we may call the Braşov "group" met again on November 25 to discuss the program of the Sibiu "group" and to find a common ground for further action. Bariţiu, their spokesman, chastized his compatriots in Sibiu for their lack of imagination and their failure to appreciate the realities of the present situation. They seemed to think that all that was necessary was a new electoral law and a redistribution of seats in the diet. He also criticized them for their reluctance to accept responsibility for their own destiny and for their apparent willingness to yield the initiative to the Emperor and his ministers.¹¹

9. *Gazeta de Transilvania*, Nr. 50, November 8, 1860, 206 - 207. Dates of newspapers and private correspondence are given in the old style. Twelve days should be added to obtain the correct date.

10. *Ibid.*, November 1, 1860, 203.

11. *Ibid.*, November 22, 1860, 225.

The Braşov group took advantage of the occasion to air its views on the language question in Transylvania. The failure of the Rumanians and Magyars to reach agreement on the rights of their respective languages had been one of the principal causes of strife between them in 1848. The group now proposed that Magyar be maintained in all places where it was in common use, but that Rumanian should inherit the position which its "late mother," Latin, had once held.¹² Since Latin had been the official language of Transylvania up to 1848, they apparently envisioned its becoming the predominant language in legislation and administration.

All Rumanian factions — Braşov "liberals" and Sibiu "conservatives", Orthodox and Uniate — agreed on the necessity of making their wishes known to the Court and of obtaining the support of influential persons there. As they had frequently done in the past, they decided to send a delegation representing all shades of opinion to Vienna. Its tasks would be twofold: to obtain assurances that the autonomy of Transylvania would be maintained and that national equality would prevail, and the right to hold a Rumanian national congress.¹³

In order to achieve harmony among the various factions, Rumanian leaders had worked diligently to reconcile Orthodox and Uniate churchmen. During the preceding decade the Court's deliberate policy of favoring the Uniates over the Orthodox had embittered relations between the two churches. Şaguna had taken the initiative in re-establishing communications with the Uniate Archbishop in Blaj, Alexandru Sterca Şuluţiu (1794-1869). On October 4, shortly after his return to Sibiu from the *Verstärkter Reichsrat*, he had urged Rumanians of both confessions to put aside past differences and to work together to achieve their political goals.¹⁴ In the following weeks he had held numerous meetings with lay and church leaders, Uniates as well as Orthodox, which did much to assuage past bitterness and misunderstanding. On November 16, as a supreme gesture of reconciliation, he proposed that Şuluţiu head the delegation to Vienna chosen at the recent Sibiu conference.¹⁵

Although in poor health, Şuluţiu accepted Şaguna's invitation. The delegation, consisting of twenty members, arrived in Vienna on December 10. They immediately set about to interview as many ministers and other influential persons as possible in order to obtain their support for the peti-

12. *Ibid.*, 225.

13. Ilarion Puşcariu, *Documente pentru limbă și istorie*, 2 v. (Sibiu, 1889 - 1897), I, 348.

14. George Bariţiu, *Părţi alese din Istoria Transilvaniei*, 3. v. (Sibiu, 1889 - 1892), III, 57.

15. Puşcariu, *Documente*, I, 347.

tion they intended to present to the Emperor. These interviews were not especially encouraging. Count Bernhard von Rechberg, the Minister of Foreign Affairs, and Baron Francis Kemény, a Magyar aristocrat soon to be appointed Transylvanian Chancellor, would go no further than to make vague promises that the Rumanians would enjoy equality of rights and would have "suitable" representations in the new diet and administration.¹⁶ The Minister of Justice, Joseph Lasser, expressed his satisfaction with the loyalty which the Rumanians had shown the Imperial House in the past and hoped that their situation would improve, so that even their brothers beyond the Carpathians might be persuaded to associate themselves with Austria.¹⁷

On December 11, Francis Joseph received Şuluţiu and Ioan Popasu, Orthodox protopope of Braşov. The rest of the delegation was not admitted to the audience chamber because, as Francis Joseph himself explained, to have allowed it entrance would have set a dangerous precedent, and he would have had no rest. Although several members of the delegation, peeved at their exclusion, refused to sign the petition, Şuluţiu and Popasu presented it anyway. In it they requested the Emperor to make clear that under the new order of things the Rumanian nationality and language would enjoy perfect equality with the other nationalities and languages of Transylvania. They suggested that since the Rumanians were the first and the most numerous inhabitants of the land, bore the heaviest burdens of taxation, and gave the largest number of recruits to the army, the office of Chancellor should be filled by a Rumanian and a suitable number of positions in the Chancellery and the government of Transylvania should be given to Rumanians. Since the Rumanians possessed no national political body through which they could act, they urged that they be permitted to hold a national congress under the chairmanship of the Orthodox and Uniate bishops.¹⁸ In reply, Francis Joseph assured them of his sympathy and promised that the new constitution of Transylvania would satisfy their grievances.¹⁹ In subsequent conversations with Anton von Schmerling, the Minister-President, Şuluţiu obtained permission to hold a national congress of some 200 to 300 persons in January 1861.

Şuluţiu left Vienna on December 23 and travelled directly to Sibiu to

16. Biblioteca Academiei Republicii Populare Romine (B.A.R.P.R.), Bucharest, Ms. rom., v. 992, Axente to Bariţiu, December 11, 1860, 288; Axente to Bariţiu, December 23, 1860, 294 - 295.

17. *Ibid.*, December 11, 1860, 288 - 289.

18. Haus, Hof, und Staatsarchiv, Vienna, Jüngerer Staatsrat Z. 696, August 25, 1862; *Foaia pentru minte, inimă și literatură*, Nr. 49 - 50, December 10, 1860, 365 - 367.

19. Puşcăriu, *Documente*, I, 349.

report to Şaguna. The latter was disappointed with the treatment accorded the delegation. He felt uneasy over the fact that the Emperor had not received the entire delegation and that it had taken no official part in subsequent negotiations: "This fatal circumstance, that the deputation was not allowed to present itself before the Emperor reminds me of 1848, when they spoke soothing words to us. Of what use were they? They remained mere words."²⁰ Ioan Axente, a member of the delegation, believed that the explanation lay in the fact that the Magyar aristocracy was dominant at Court and was using its immense influence to maintain Magyar supremacy in Transylvania.²¹ This judgment seems to have been borne out by the appointment of two Magyar aristocrats, Baron Kemény and Count Imre Mikó, as Transylvanian Chancellor and provisional Governor, respectively, both of whom remained in office until the fall of 1861.

Nevertheless, at the beginning of the new year, Rumanian leaders had cause to be optimistic. On December 21, 1860, Francis Joseph had instructed the Transylvanian Chancellery to organize a meeting of Magyar, Saxon, and Rumanian representatives at Alba-Iulia for February 11, for the purpose of discussing the reorganization of the Transylvanian constitution. Rumanian leaders did not fail to note the significance of this — for the first time they would negotiate with the Magyars and Saxons as equals.

In a mood of quiet confidence some 150 Rumanian priests, lawyers, teachers, and public functionaries, divided equally between Orthodox and Uniate, met from January 13 to 16, 1861, to plan their strategy for the Alba-Iulia conference and to adopt a common program of action.²² Şaguna and Şuluţiu, the joint chairmen, opened the meeting with an appeal for unity within the Rumanian nation and for peace and understanding among all the peoples of Transylvania. In his address Şaguna urged Rumanians, Magyars, and Saxons to regard themselves as "sons of one and the same country, working together for the common good through constitutional means and in accordance with the principles of national equality, fraternity, and liberty."²³ Şuluţiu tried to quiet the fears of "our fellow citizens" that the Rumanians intended to form a Daco-Rumanian Empire in concert with their brothers in Moldavia and Wallachia.²⁴

The conference unanimately declared the Rumanian nation to be a po-

20. *Ibid.*, 352 - 353.

21. B.A.R.P.R., Ms. rom., v. 992, Axente to Bariţiu, December 27, 1860, 297.

22. *Foaia pentru minte*, Nr. 3, January 18, 1861, 17 - 22.

23. Nicolau Popea, *Archiepiscopul și Metropolitul Andreiu baron de Şaguna* (Sibiiu, 1879), 277 - 278.

24. *Foaia pentru minte*, Nr. 2, January 11, 1861, 10 - 11.

litical entity independent of the other nations of Transylvania. It expressed dissatisfaction with the manner in which the provisional government and the Chancellery were being organized, for too few Rumanians had obtained posts in either; in the Chancellery, for example, there was only one Rumanian councillor and one secretary. The conference also complained that the Rumanians would be inadequately represented at the Alba-Iulia Conference, for there would be twenty-four Magyar delegates representing 500,000 inhabitants, eight Saxons representing 200,000, and eight Rumanians representing 1,400,000.²⁵ In order to guarantee the Rumanian nation representation in the new diet and the administration commensurate with its numbers, the conference proposed the adoption of a liberal electoral law, which would extend the franchise to every citizen who had reached his majority and who owned landed property or a house—no value was specified—or had an income of fifty florins a year. The electors would vote directly for the candidates, and secret ballot would replace voice-votes and shows of hands.²⁶

Some delegates, especially those from the Munții Apuseni (Western Mountains), reminded their colleagues that in 1848 they had attempted to unite all the Rumanians of the Habsburg Monarchy into a single "duchy." They argued that they could do no less in 1861 and suggested that steps be taken to create a Rumanian "duchy" with Transylvania, "the ancestral home of the Rumanians," as the nucleus.²⁷ The conference refused to take action on these proposals, for they were obviously too far ahead of official thinking in Vienna. The two bishops and a majority of the delegates preferred, for the time being, to follow the lead of the Court.

At its final session the conference approved a petition to the Emperor embodying its proposals and elected a Permanent Commission to co-ordinate national activities.²⁸ It chose Șaguna and Șuluțiu as presidents and George Barițiu, Ioan Axente, and Ioan Rațiu, a lawyer from Hațeg, among its eighteen members. The Commission never fulfilled the high hopes of its creators and remained largely inactive.

The Alba-Iulia Conference opened on February 11. The attitude of the Rumanian delegation, led by Șaguna and Șuluțiu, was conciliatory but firm. In a long historical disquisition Șuluțiu argued that the Rumanians, as direct descendants of the Romans, were the oldest inhabitants of Transylvania and had enjoyed equality with the Magyars and Saxons for centuries

25. Ion cavaler de Pușcariu, *Notițe despre întâmplările contemporane* (Sibiu, 1913), 52.

26. *Foaia pentru minte*, Nr. 3, January 18, 1861, 19 - 20.

27. *Ibid.*, Nr. 1, January 4, 1861, 1 - 4.

28. B.A.R.P.R., Ms. rom., v. 992, Axente to Barițiu, January 26, 1861, 306; February 3, 1861, 309.

after they had first settled there; all that the Rumanians desired now was to enjoy once again that same equality on a basis of eternal friendship and brotherhood.²⁹ He opposed the union of Transylvania with Hungary, for its inevitable result would be to stunt the growth of Rumanian nationality.³⁰

The Magyars possessed an eloquent spokesman in Louis Haynald, Roman Catholic Bishop of Transylvania. He insisted that the union of Transylvania with Hungary in 1848 had been accomplished in strict conformity with constitutional procedures. The diets of Hungary and Transylvania had approved it and the Emperor had given it his sanction in June 1848. The Transylvanian diet had then dissolved itself, and the country had proceeded to elect delegates to the Hungarian diet in Pest. Consequently, the only matter which the present conference could justifiably consider was the drawing up of an address to the Emperor requesting him to allow Transylvania to send delegates to the Hungarian diet, which alone could legally exercise jurisdiction over it.³¹

The Rumanians to a man rejected Haynald's proposal on the grounds that they had not been represented in the diet which had approved the union, even though they had constituted a majority of the population. They repeated their demands that the autonomy of Transylvania be maintained, that elections to the diet be held on the basis of the electoral law proposed at the Rumanian national conference in January, and that they be recognized as a political nation enjoying full equality with the Magyars and Saxons.³² It was obvious to all concerned that there could be no agreement, and the conference adjourned on February 12.

As events were to show, the discussions at Alba-Iulia had been purely academic. Francis Joseph and certain of his advisers, including Schmerling, a confirmed centralist, feared that the October Diploma had given the constituent provinces of the Empire too much autonomy and had jeopardized the unity of the *Gesamtmonarchie*. Upon Schmerling's initiative, an imperial patent was issued on February 26, 1861, which restored the centralized monarchy of the 1850's and deprived the provincial diets of most of their legislative powers. Although they would still have some power over local affairs, their chief function, as far as Schmerling was concerned, would be to provide the new *Reichsrat* with deputies. This body, which under the Octo-

29. *Foaia pentru minte*, Nr. 8, February 22, 1861, 57 - 60.

30. *Ibid.*, 61 - 62, 66; Miklós Mester, *Az autonom Erdély és a román nemzetiségi követelések az 1863 - 64 - évi nagyszabeni országgyűlésen* (Budapest, 1936), 103 - 104.

31. Friedrich Teutsch, *Geschichte der Siebenbürger Sachsen für das sächsische Volk*, 4 v. (Hermannstadt, 1907 - 1926), III, 404 - 405.

32. *Gazeta de Transilvania*, Nr. 10, February 4, 1861, 41.

ber Diploma had been an enlarged Crown Council, now took on the attributes of a true imperial parliament. The Patent provided that if, as might be expected in Hungary, a diet refused to elect representatives to the *Reichsrat*, the Emperor could order direct elections.

Even less than the October Diploma could the new decree satisfy Magyar aspirations. The concentration of power in Vienna merely increased their intransigence. The Patent, which simply repeated the general assurances of the Diploma concerning national equality, failed also to satisfy the Rumanians. It made no specific reference to their future form of political organization or to the social and cultural questions which they had repeatedly brought to the attention of the Court.³³

Following the issuance of the February Patent, the Court proceeded rapidly with the organization of constitutional government in the provinces, for the convocation of local diets must necessarily precede that of the *Reichsrat*. In Transylvania, the task could not have been handled less skilfully. Francis Joseph instructed the Transylvanian Chancellery to complete the organization of county government by the end of April 1861, so that the election of the diet could take place as soon as possible. In his haste he made no effort to redefine the relationships of the several nationalities to one another, but allowed the Chancellery to use the political system in effect before 1848 as a basis for its work.³⁴ The effect of this was to place the responsibility for organizing the government of Transylvania in the hands of those who professed no sympathy for the principles set forth in the February Patent. The Magyars, through Chancellor Kemény and Governor Mikó, already dominated the central administration; now, they were given the opportunity to dominate most of the county governments as well. They worked unceasingly to frustrate the establishment of a centralized monarchy and to achieve the only objective which really mattered to them: the union of Transylvania with Hungary. The result was to upset the orderly processes of government and to delay for two years the convocation of the diet.

The Court's policy may be explained in large measure by Francis Joseph's inability, shared by most of his advisers, to appreciate the important role which nationalism was playing in the political life of the Empire. They were still guided by the aristocratic ideas of government in fashion under the Old Regime. As a consequence, they regarded the nobility, Magyar or Magyarized, as the only class fit to govern in Hungary and Transylvania. The demands of the Rumanians, most of whom were peasants or of peasant

33. *Ibid.*, Nr. 16, February 25, 1861, 69.

34. *Ibid.*, Nr. 22, March 17, 1861, 91.

origins, for greater participation in the political life of the provinces which they inhabited threatened the whole structure of the state and of society. This may explain why the Court continued to rely on Magyar aristocrats as advisers in Vienna and as functionaries in Cluj and why it failed to develop a comprehensive program of equality for the nationalities of Hungary, which would have helped to neutralize Magyar opposition.

In March and April of 1861, efforts were made to organize local government on the basis of the February Patent. Except in the county of Făgăraș, where the Rumanians formed an overwhelming majority of the population and where a Rumanian had been appointed Count, the Magyars and the Saxons continued, as in the past, to dominate county government.

In Cojocna, Cetatea de Balta, Alba Inferioară, and generally throughout Transylvania the Magyars controlled the county assemblies even when they constituted only a small minority of the population.³⁵ Everywhere they refused to consider Rumanian demands for at least equal representation in the county assemblies and in the administration and for full rights for the Rumanian language. They insisted that only the revolutionary laws of 1848 had any validity and that the only function of the county assemblies was to petition the Emperor to recognize the union of Transylvania with Hungary which his predecessor had sanctioned.³⁶

The government in Cluj gave them unwavering support. Both Kemény and Mikó regarded the union of Transylvania with Hungary in 1848 as legal.³⁷ Immediately upon taking office in the fall of 1860, Mikó had begun the systematic elimination from county government of all laws, institutions, and even personnel, which the Austrians had introduced in the preceding decade.³⁸ Everywhere he reserved the most important offices to Magyars. As far as new judges were concerned, for example, the main criterion for office was the candidate's refusal to serve during the period of absolutism. Since there were few who could satisfy this requirement, vacancies were often filled with incompetents, which resulted in injustice and confusion.³⁹ In regions such as Făgăraș where the Magyars were too few to gain control of the county

35. *Ibid.*, Nr. 49, June 17, 1861, 212; T. V. Păcățian, *Cartea de aur, sau luptele politice - naționale ale Românilor de sub coroana ungară*, 8 v. (Sibiu, 1904 - 1915), II, 508 - 509, 533 - 534, 539 - 542.

36. *Ibid.*, II, 534.

37. *Aemiliche Actenstücke betreffend die Verhandlungen über die Union Sibenburgens mit dem Königreiche Ungarn* (Hermannstadt, 1865), 145 - 146.

38. Teutsch, *Geschichte*, III, 411.

39. Josef Bedeus von Seharberg (?), „Siebenbürgen und sein Landtag“, *Unsere Zeit*, N.F., I (1865), 484.

government, the government in Cluj annulled all actions taken by the Rumanian majority.⁴⁰

Throughout 1861, Rumanian leaders vigorously resisted these arbitrary acts. They believed that the maintenance of Transylvania's autonomy offered the best means of guaranteeing the free development of their nationality. George Barițiu took the lead in proposing a new territorial division of the principality which would, hopefully, eliminate the chief causes of past national antagonism. New districts whose boundaries would be determined on the basis of nationality would replace the old counties. In districts where there was only one nationality its language would be official. Where there were several nationalities the language of each would be used in each numbered at least twenty percent of the total population. All languages could be used in the central administration, the higher courts, and the diet. For the sake of convenience and efficiency in dealings with other provinces there would be a single official language — that spoken by the majority. Public office would be open to all, with ability and merit the only criteria for selection. The churches, schools, and literary societies of all nationalities would have complete freedom to pursue their work.⁴¹

Rumanian leaders faced a serious dilemma: to overcome Magyar resistance to their demands should they rely upon their own resources or should they cast their lot once again with the Habsburgs? Some, like Șaguna, believed that both Magyars and Austrians were using them as pawns and that if and when these two reached an accommodation the Rumanians would simply be abandoned.⁴² With the memories of their "co-operation" with the Austrians in 1848 and 1849 still fresh in their minds, several Rumanian leaders, notably Simeon Bărnuțiu and Alexandru Papiu-Ilarian, both leading figures in the revolution of 1848 who were now living in Moldavia and Wallachia, respectively, urged that their countrymen rely upon no one but themselves. Bărnuțiu seemed bitter over the fact that they were too willing to do what the Austrians told them and to accept a few crumbs in return.⁴³ Papiu-Ilarian urged them to stand firmly by their historical rights as a constituent people of Transylvania and not to be led by empty promises into dependence upon Austrian benevolence for the satisfaction of their demands.⁴⁴

These views probably represented the feelings of the majority of Ruma-

40. B.A.R.P.R., Ms rom., v. 999, Dimitrie Moldovan to Barițiu, May 6, 1861, 40; Păcățian, *Cartea de aur*, II, 510, 550.

41. B.A.R.P.R., Ms. rom., v. 992, Barițiu to Axente, June 26, 1861, 327 - 328.

42. Barițiu, *Părți alese*, III, 572 - 573; Șaguna to Barițiu, June 16/28, 1861.

43. *Foaia pentru minte*, Nr. 43, November 25, 1861, 336.

44. I. Colan, "O scrisoare a lui Papiu - Ilarian" *Tara Bârsei*, 1931, III, 375.

nian leaders. Yet, however wary they may have been of Austrian intentions, they were at the same time obliged to recognize their own weakness. They lacked national political institutions and a territorial base from which to operate. Their numbers, which could be used as a counterweight to the Magyars, did, indeed, offer them something to use in bargaining with the Austrians; yet, once the latter had achieved their objectives there was nothing to prevent them from following precedent and forgetting their promises to the Rumanians. Since a choice had to be made, it appeared to most that they could expect more from the Austrians than from the Magyars.

Those who favored at least limited co-operation with the Austrians prevailed and in June 1861, they sent a delegation to Vienna to pledge their support to Schmerling and to obtain some definite assurances concerning the future. Schmerling proved to be well-informed about the situation of the Rumanians of Transylvania, for his secretary regularly read their two most influential newspapers — the *Gazeta de Transilvania* of Braşov and the *Telegraful Român* of Sibiu, Şaguna's newspaper. He promised the delegation that they could hold a national congress prior to the convocation of the diet, that the voting qualifications would be moderate enough to enable a "sufficient" number of Rumanians to be elected to the diet, and that the Rumanian language would be accorded the same rights as German and Magyar.⁴⁵

On September 19, 1861, Francis Joseph convoked the Transylvanian diet for November 4, and instructed it to give priority to projects which would assure the equality and well-being of the Rumanians.⁴⁶ In Cluj Kemény and Mikó protested strenuously and refused to carry out the Emperor's instructions,⁴⁷ whereupon Schmerling replaced them both. Count Francis Nadasdy, a Magyar whose family had served the dynasty well, became the new Chancellor, and Count Ludwig Folliot de Crenneville, an aristocrat whose loyalty to the Court was beyond question, became Governor. Most Magyar functionaries resigned their posts in protest.

It was impossible for the diet to meet under such circumstances. Magyar opposition had become so intense, and their obstructionist tactics in the counties had so far undone the orderly processes of government, that Schmerling decided to postpone indefinitely elections to the diet. Instead of proceeding at once with the reorganization of Transylvania in close alliance

45. Zenovie Păclişanu, "Din corespondenţa doctorului Ioan Raţiu," *In amintirea lui Constantin Giurescu la douăzeci şi cinci de ani dela moartea lui (1875-1918)*, (Bucureşti, 1944), 378 - 379, 384.

46. *Gazeta de Transilvania*, Nr. 76, September 27, 1861, 319.

47. *Aemtliche Actenstücke*, 145-146.

with the Rumanians, he decided to wait in the hope, apparently, that the Magyars would see the folly of their ways and take a place in the *Gesamtm monarchie*.

As a result, 1862 was a year of uneasy stalemate in Transylvania. The Austrian government failed to put to good use the nationalist enthusiasm which the Rumanians had manifested in the preceding year. The Council of Ministers was reluctant to encourage national movements for fear that they might get out of hand. Count Rechberg, obviously unaware of the immense progress which the Rumanians had made in the last three or four decades, warned his colleagues that the Rumanians of the Empire in their enthusiasm might seek some kind of coalition with their brothers beyond the Carpathians. Folliot de Crenneville opposed concessions to the Rumanians on the grounds that the Magyars and Saxons would demand the same, with the result that Transylvania would be plunged into greater disorder than before.⁴⁸

The general political crisis within the Empire finally brought an end to the stalemate in Transylvania. The continued passive resistance of the Magyars and the withdrawal of the Czechs and Croats from the Imperial *Reichsrat* endangered the whole system envisioned in the February Patent. Schmerling needed a demonstration in favor of the constitution, and it could come only from Transylvania. He therefore proceeded with uncommon haste to rally the support of the Rumanians as a preliminary to the convocation of the diet. As a first step Francis Joseph on February 17, 1863, granted them permission to hold a national congress of 150 delegates under the joint chairmanship of Şaguna and Şuluţiu.

The congress opened in Sibiu on April 19. Şaguna summed up the feelings of his compatriots when he declared that there could be no return to the Old Regime in Transylvania. All the privileges of the past must be abolished and the political life of the principality henceforth based upon a constitution which would guarantee the equality of all nationalities. "Otherwise," he concluded, "there will be no place for us in our own country."⁴⁹

George Bariţiu, speaking for the liberals, agreed with Şaguna that the principles expressed in the October Diploma and the February Patent should form the basis for the future constitution of Transylvania. He was disturbed, however, by the fact that neither document made any mention of personal liberties, freedom of speech and of the press, or of the desirability of Ruma-

48. Haus -, Hof -, und Staatsarchiv, Kabinettskanzlei, K.Z. 587/1863, M.R.Z. 1120.

49. Ioan Lupaş, "Vieaţa şi faptele mitropolitului Andreiu Şaguna," *Mitropolitul Andreiu baron de Şaguna. Scriere comemorativă la serbarea centenară a naşterii lui* (Sibiu, 1909), 252.

nian national unity. He urged the congress to include them in its address to the Emperor.⁵⁰ In private he also tried to persuade his fellow delegates not to allow the Rumanian nation to become involved in the quarrel between the Magyars and Germans; they had done so in the past and had always suffered.⁵¹

At its final session on April 23, the congress drew up a petition to the Emperor incorporating the proposals of Şaguna and Bariţiu. Şaguna led a small delegation to Vienna which presented it to Francis Joseph on May 4.

By this time, preparations for the election of the diet, scheduled to meet in July, were already well advanced. Enthusiasm was running high among the Rumanians, for the individual property qualifications for voting — the payment of eight florins a year in taxes — were the most liberal in the history of Transylvania and would enable more Rumanians to go to the polls than ever before. Everywhere, priests and intellectuals campaigned vigorously on behalf of Rumanian candidates. In areas with a Rumanian majority they took care to have only one candidate for each position, so that they would not split their vote and thus make possible the election of a Saxon or a Magyar.⁵² In many communes priests, who served as political as well as spiritual leaders, brought their people *en masse* to the polling places. The result of their labors was a Rumanian plurality: 46 deputies to 42 for the Magyars and 32 for the Saxons. The Emperor's appointment of 43 regalists — persons prominent in the public life of the principality — gave the diet its definitive composition: 57 Rumanians, 54 Magyars, and 43 Saxons.⁵³

When the diet convened at Sibiu on July 15, a third of its members were absent. The Magyars, in spite of the fact that they had participated in the electoral campaign, refused to take their seats when it became evident that the Rumanians and Saxons would reject their demand that the diet merely send representatives to the Hungarian diet in Pest and then dissolve itself. They regarded the present diet as unconstitutional and superfluous, since its predecessor had voted the union of Transylvania with Hungary and had thus given the Hungarian diet jurisdiction over the affairs of the principality.⁵⁴ The Austrian government, furious at this new defiance, ordered new elections. The results were the same — almost to a man the original Magyar delegation was re-elected — and the Rumanians and Saxons were obliged to carry on without them.

50. *Gazeta de Transilvania*, Nr. 29, April 18, 1863, 113.

51. *Ibid.*, Nr. 30, April 20, 1863, 117.

52. *Gazeta de Transilvania*, Nr. 41, May 29, 1863, 162; Nr. 45, June 12, 1863, 178.

53. Bariţiu, *Părţi alese*, III, 181, 184.

54. *Gazeta de Transilvania*, Nr. 59, July 23, 1863, 234 - 235.

At first, their progress was slow, owing in part to the Rumanians' unfamiliarity with parliamentary procedure and in part to the use of three official languages, German, Magyar, and Rumanian. The debates tended to be too long and involved, and often strayed far from the subject at hand. National sensibilities also had to be catered to. For example, a Rumanian deputy wasted precious time over the correct spelling of "Rumanian" in the official minutes. He explained at considerable length his objections to "Rumānen" and "Rumunen" and insisted that his nationality be designated „Romani."⁵⁵

In spite of these difficulties, the diet accomplished much during its first session. An unaccustomed harmony prevailed between Rumanians and Saxons. They found themselves to be in fundamental agreement on the need for national equality and the maintenance of Transylvania's autonomy. The Rumanians, led by Şaguna, pursued a policy of conciliation with both Saxons and the few Magyars regalists who had taken their seats. The Rumanian people, he declared, wanted equality with, not hegemony over, their neighbors. They did not seek innovation but only enjoyment of those historical rights of which they had been deprived.⁵⁶

The most important legislation which the diet prepared for imperial sanction were Laws I and II. The first provided that Magyar, German, and Rumanian would be employed on an equal basis in all branches of the provincial and local government. Although Rumanian was the most widely spoken of the three languages — it had long served as a *lingua franca* — Rumanian leaders did not seek special privileges for it. In order to implement the new law, Şaguna proposed that as soon as possible civil servants be obliged to know all three languages and that the teaching of them be introduced into all elementary and secondary schools.⁵⁷ The second law recognized the full constitutional equality of the Rumanian nation and its two churches with the other nations and churches of Transylvania. The special significance of these laws for the Rumanian deputies, beyond the fact that they were the culmination of over a century and a half of struggle, was that they themselves had helped to enact them.

The first session of the Diet of Sibiu ended on October 13, 1863. Its members were on the whole satisfied that they had inaugurated a new era of constitutionalism in Transylvania. Their last act was to choose twenty-four of

55. Haus-, Hof-, und Staatsarchiv, Nachlass Reichenstein, Karton 3, Minutes of the Diet of Sibiu, July 23, 1863.

56. *Ibid.*, Nachlass Reichenstein, Karton I, Şaguna to Reichenstein, June 13, 1863.

57. *Ibid.*, Minutes of the Diet of Sibiu, September 16, 1863.

their number to represent Transylvania in the Imperial *Reichsrat*. In so doing, they disregarded Barițiu's advice that they ought first to obtain the Emperor's sanction of the legislation of the diet and only then send representatives to the *Reichsrat*.⁵⁸ He wished to have the Emperor formally recognize the autonomy of Transylvania as a guarantee of its independence from Hungary and of the free development of its peoples. Șaguna and Șuluțiu, however, felt that this was too much to ask at that time and expressed confidence that Schmerling would keep the promises he had made to them.⁵⁹ They used their immense prestige to win the support of the other deputies.

Their reception in Vienna in November must have quieted, at least temporarily, even Barițiu's misgivings. At a banquet held in honor of the delegates to the *Reichsrat* from Transylvania, Schmerling toasted the Rumanians for their "unusual acts of devotion and patriotism" and promised them that they would see what it meant to be part of the Empire.⁶⁰

The Diet of Sibiu reconvened on May 23, 1864. On the same day, the Emperor's sanction of Law I concerning the three official languages, and two days later, that of Law II granting equality to the Rumanians were solemnly read. During the remainder of this session the diet dealt mainly with the organization of government, the courts, and economic life. The Rumanian deputies did not take so active a part in its work as in the previous session. Many, including Șaguna, were absent for extended periods; Barițiu did not come at all.⁶¹ It may be that they had a presentiment of disaster, for by the summer of 1864, the attitude of the Court toward Hungary had begun to change. In August, Șaguna confided to Barițiu that he was anxious about the future and that the only certain refuge for Rumanian nationalism was the church.⁶² His disenchantment with Austrian promises probably caused him to boycott the diet. When invited to return, he is reported to have exclaimed that he would not be a party to the execution of his nation.⁶³

These forebodings proved to be fully justified. On October 29, 1864, the diet was prorogued, so that its representatives could attend the *Reichsrat*.

58. Barițiu, *Părți alese*, III, 160.

59. *Ibid.*, III, 206.

60. Lupaș, Șaguna, 269; *Memoriile Arhiepiscopului și Mitropolitului Andrei Șaguna din anii 1846 - 1871* (Sibiu, 1923), 94 - 95.

61. *Gazeta de Transilvania*, Nr. 38, May 13/25, 1864, 153; Nr. 38, May 16/28, 1864, 156; Nr. 40, May 20/June 1, 1864, 160.

62. G. Barițiu, "Cincispredece ani din activitatea Asociațiunii Transilvane," *Transilvania*, 1888, 142.

63. Haus -, Hof -, und Staatsarchiv, Nachlass Reichenstein, Karton I, Ladislaus Popp to Reichenstein, June 20, 1864.

When it met again the following year, it would be for the sole purpose of proclaiming the union of Transylvania with Hungary.

It had become increasingly evident to Francis Joseph that Schmerling's experiment in constitutionalism had neither strengthened the position of the dynasty at home nor enhanced the Empire's standing in continental affairs. In fact, it was having quite the opposite effect. The resistance of the Czechs, Croats, and especially the Magyars to the regime provided for in the February Patent had disrupted the normal functioning of government. The German liberals, who had backed Schmerling, were disenchanted with his sham constitutionalism and were now actively seeking an agreement with their Magyar counterparts. Thus, Francis Joseph felt himself threatened by a genuine constitutional regime which would oblige him to share control over foreign affairs and the army with politicians, whom he detested. In foreign affairs an imminent showdown with Prussia over leadership in Germany made a settlement of internal problems imperative.

In July 1865, Francis Joseph inaugurated a new period of constitutional experiment by dismissing Schmerling and those ministers who had supported him, including Nadasy. He had decided to seek an accommodation with the Magyars, in his view the most important and worthy of the non-German peoples of the Empire, and required a new complement of officials to carry it out.

The Magyars persisted in their demands that the autonomy of Hungary and the territorial unity of all the lands depending upon the Hungarian Crown — including Transylvania and Croatia — be recognized before they would enter into serious negotiations on the question of Hungary's relationship to the Empire. As a concession to them, Francis Joseph accepted in principle the union of Transylvania with Hungary. By this act he also announced, in effect, his abandonment of the Rumanians. These decisions were reached at a conference in August 1865 between the new Austrian ministers and the representatives of the Magyar aristocrats of Transylvania — Francis Kémény, Imre Mikó, and Samuel Josika.⁶⁴

The Rumanians counted for little in the calculations of the Court. It was only at the end of August — after the important decisions had been made — that Francis Joseph summoned Şaguna to Vienna to inform him of the new course. In a private audience he explained to the shocked prelate that the vital interests of the Empire had compelled him to abandon his previous policy toward the Magyars and that it would be impossible for the new ministry to fulfil all the promises which its predecessor had made to the Ruma-

64. *Gazeta de Transilvania*, Nr. 65, August 18/30, 1865, 258.

nians.⁶⁵ Şaguna, whose loyalty to the dynasty had been unflinching, recovered his composure sufficiently to reply that "The will of Your Majesty is a command for the Rumanian nation," but upon leaving the audience chamber, he was heard to mutter, "We have been sacrificed to the Hungarians."⁶⁶

On September 1, Francis Joseph dissolved the Diet of Sibiu and ordered election for a new diet to meet in Cluj on November 19. All who paid at least eight florins a year in direct taxes on landed property would be eligible to vote. This meant that fewer Rumanians would go to the polls than in 1863, for the qualifications at that time had specified eight florins in direct taxes generally. This change favored the Magyars, who were on the whole better off than the Rumanians. The only question with which the diet would have to concern itself would be the "revision" of Article of Law I of 1848, which had provided for the union of Transylvania with Hungary.⁶⁷ Sensing what the reaction of the Rumanians would be, the new Transylvanian Chancellor, Count Haller, forbade under heavy penalty the holding of any "meeting of a political or demonstrative character."⁶⁸

The Rumanians were overwhelmed with shock and disbelief at the complete turnabout which the Court had made. Many demanded the holding of a national congress, so that they might better co-ordinate their opposition to the new regime. They resented the fact that the Court had seen fit to communicate only with Şaguna, for, they maintained, he had no authority to act on behalf of the Rumanian nation until it had made its will known in a national congress.⁶⁹ Şuluţiu invited Şaguna to join with him in convoking a national congress with or without the approval of the Chancellery. Şaguna refused, for he did not wish to overstep the bounds of legality; he believed that their cause was just and should not be compromised by any rash act.⁷⁰

No national congress was held, but in every part of the country Rumanian leaders decided to boycott the elections to the diet in the hope that they might be as successful as the Magyars had been in their campaign of passive resistance. They refused to attend a diet which completely ignored their interests and whose results they could predict beforehand.⁷¹ Şaguna regarded

65. Bariţiu, *Părţi alese*; III, 314-315; *Memoriile... Şaguna*, 97.

66. Puşcariu, *Notiţe*, 85-86.

67. Josef Redlich, *Das österreichische Staats- und Reichsproblem*, 2 v. (Leipzig, 1920-1926), II, 409-410, 416-417; *Aemtlliche Actenstücke*, 151-153.

68. *Gazeta de Transilvania*, Nr. 78, October 2/14, 1865, 315.

69. *Ibid.*, Nr. 74, September 18/30, 1865, 296.

70. Puşcariu, *Notiţe*, 88; *Memoriile... Şaguna*, 97-98.

71. B.A.R.P.R., Ms. rom., v. 994, Cipariu to Bariţiu, October 3/13, 1865, 252; *Gazeta de Transilvania*, Nr. 83, October 20/November 1, 1865, 339; Nr. 86, October 30/November

the boycott as sheer folly. It was bound to fail, he believed, because the Rumanians, unlike the Magyars, were not an essential element in the new order of things and could simply be ignored. The only course open to them was to participate vigorously in the elections and in the diet, so that they might preserve as much as possible of what they had gained at the Diet of Sibiu.

Elections took place during the first week in November. Of 108 deputies elected only fourteen were Rumanian, and of 190 regalists appointed only thirty-four were Rumanian. This gave the Magyars an overwhelming majority with which to force through their proposal on the union. Şaguna, Şuluţiu, and Ioan Raţiu protested strenuously against the "unconstitutional and unrepresentative character of the whole proceeding," but to no avail.

On December 18, the diet voted an address to the Emperor recommending that the present diet be dissolved and that new elections be held as soon as possible to choose the representatives of Transylvania to the Hungarian diet. On December 25, Francis Joseph agreed and ordered the immediate holding of elections. However, he made the final union of Transylvania and Hungary dependent upon the guarantee of rights to the several nationalities and churches of Transylvania.⁷² He made this reservation in order to retain some bargaining power, but would abandon it after the military defeat by Prussia in July 1866. On January 9, 1866, he prorogued the Diet of Cluj *sine die*, and Transylvania ceased in effect to exist as an independent state.

For the second time within a generation the Austrian Court had deserted the Rumanians after it no longer required their services. The Austro-Hungarian Compromise of 1867 was simply the finishing touch. These experiences profoundly affected the subsequent development of the Rumanian national movement in Transylvania. While Şaguna and his followers remained faithful to the dynasty, the more aggressive nationalists abandoned the policy of total reliance upon Vienna and accepted the fact that only the Rumanians themselves could adequately serve the national interest.

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11, 1865, 352, 354; Nr. 89, November 10/22, 1865, 365; Nr. 90, November 13/25, 1865, 369.

72. Păcăţian, *Cartea de aur*, III, 853 - 855.