CONTRACTUAL MAJESTY
ELECTORAL POLITICS IN TRANSYLVANIA AND POLAND-LITHUANIA
1571-1586

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CONTRACTUAL MAJESTY

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ABSTRACT

Stefan Báthory (1533-1586) was chosen by the orders and estates of Transylvania to be their ruler in May 1571; in December 1575 he was also elected king of the Polish-Lithuanian Commonwealth and was crowned as such in May 1576. Although Báthory never returned to his homeland after he took hold of his Polish-Lithuanian throne, he maintained control over the affairs of Transylvania and ruled both countries simultaneously until his death in December 1586. This dissertation analyzes Báthory’s two elections while comparing them to similar phenomena in the rest of Europe and placing them in the larger framework of early modern constitutionalism and civic republicanism. The goals of this dissertation are to unveil the dynamics of electoral politics in sixteenth-century East Central Europe; to illuminate the political language at play during elections; and to clarify the values, intentions, and motivations of political actors—both candidates and voters—in the electoral context. Research findings indicate that electoral politics not only reflected, but also affected the identity, values, and behavior of citizens and rulers in elective constitutional monarchies, particularly at moments when citizens had to rule themselves and prospective rulers had to comply with the conditions of citizens in order to be able to occupy their thrones. Voters and candidates played intricate political roles that forced them to adapt their language and behavior to the complex realities of interregna and elections.

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INTRODUCTION

And such fairness and propriety in all respects was shown in the use of these three elements for drawing up the constitution and in its subsequent administration that it was impossible even for a native to pronounce with certainty whether the whole system was aristocratic, democratic, or monarchical. This was indeed only natural. For if one fixed one's eyes on the power of the consuls, the constitution seemed completely monarchical and royal; if on that of the senate it seemed again to be aristocratic; and when one looked at the power of the masses, it seemed clearly to be a democracy.¹

If kings and princes are the most obvious symbols of monarchic government, what can be said of their election by the citizenry of a commonwealth? What do such elections bring to the political makeup of a country, apart from the democratic element that allows the name of *forma mixta*? How are the rulers, and how are those being ruled influenced by the mere act of election? And also, quite simply, what were the practical devices and methods used in the elections of rulers in early modern societies? How were the contradictions and tensions between the notions of majesty, dignity, and popular vote resolved on the election field and beyond? These are only a few of the questions raised by the rare and puzzling phenomenon of elective monarchies in early modern Europe. It is with these questions in mind, as well as a sheer curiosity about how it all happened and what it possibly meant in relation to the political ethos of those societies which elected their rulers that I started working on this topic.

This dissertation revolves around two elections and one winner. Stefan Báthory was chosen by the orders and estates of Transylvania to be their ruler in May 1571; in December 1575 he was also elected king of the Polish-Lithuanian Commonwealth and was crowned as such in May 1576. Although he never returned to Transylvania after his departure from his homeland in March 1576, Báthory kept the title of prince of Transylvania and governed it “by remote control” through a chancellery he set up for this specific purpose in Cracow. In most general terms, this works focuses on Báthory’s two elections, their background, characteristics, and consequences, while comparing them, whenever possible, to similar phenomena in the rest of Europe and placing them in the larger framework of early modern constitutionalism and civic republicanism. Its goal is primarily to unveil the resorts and mechanisms of electoral politics in sixteenth-century Poland-Lithuania and Transylvania; the political language at play during elections; and, to the extent possible, the values, intentions, and motivations of political actors—both candidates and voters—in electoral context.

Why Poland-Lithuania and Transylvania? As recent scholarship focusing on political and economic practices in early modern Western Europe has started to question the validity of the claim that “absolute” monarchy left no room for
citizenship and self-government,\(^2\) it has become apparent that the combination of political participation and civic mindedness that had been so far considered the staple of only a few places in early modern Europe was perhaps less unique than previously thought—at least at the level of smaller communities if not at the level of their overarching political entities.\(^3\) From this perspective, the difference between early modern republics, mixed monarchies, and “pure” monarchies may appear more of degree than essence. Nonetheless, the dismal failure of Emperor Maximilian II, the losing candidate in 1571 in Transylvania and 1575-76 in Poland-Lithuania, suggests that monarchs operating in political systems that gave them broad independence—pleine puissance, soon to be puissance absolue\(^4\)—had lost touch with a politics that emerges from citizen self-government and were essentially unable to function in a climate that was predominantly republican and highly regulated constitutionally.


\(^3\) See for instance Rousseau’s comparison between the “sovereign” and the “village assembly,” which is analogous to the importance attached by Quentin Skinner’s pre-liberal “neo-romans” to the concepts of the body politic, its capacity for self-government, the importance of consent, and the method of determining the general will by the rule of majority. Jean-Jacques Rousseau, The Social Contract and Other Later Political Writings, ed. Victor Gourevitch (Cambridge, U.K: Cambridge University Press, 1997), IV:1, 108; Quentin Skinner, Liberty Before Liberalism (Cambridge: Cambridge University Press, 1998), 24-29.

Early modern constitutionalism attained its ultimate consequences in sixteenth-century Poland-Lithuania, and in a somewhat different form in Transylvania, in a procedure that set these polities apart from the rest of Europe: the non-dynastic election of their rulers. Leaving aside the Italian world, where various types of mixed government as well as the election of governing bodies had been dominating political arrangements throughout the Middle Ages and well into the early modern period, elective succession at the highest level of government was not a frequent occurrence in the rest of Europe at the end of the sixteenth century. When it happened in the true meaning of the word, elections replaced dynasties, rather than individual rulers. 5

Constitutionally regulated royal elections without regard to the dynastic principle and, most importantly, open to voting by all citizens—as was the case in Poland-Lithuania—were much rarer. While it is true that both the Pope and the Holy Roman Emperor were elected, the outcomes of papal and imperial contests were determined by a very small number of electors—the former by the College of Cardinals, and the latter by the seven imperial Electors. 6 Venetian and Genoan doges were also chosen by a limited number of electors, whose identity was determined by

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5 The French Estates General of the Catholic League, called by the duke of Mayenne, offer a failed example: Mayenne claimed to have the right to summon the Estates General to elect the King of France on the grounds that the dynastic family no longer had any eligible heirs. Henry IV’s conversion put an end to the Estates, but he did negotiate directly with them about the terms of his conversion, and thus about the terms by which they would accept him as king.

6 Imperial elections became a formality from the beginning of the sixteenth century onward, when the Habsburg dynasty started to strengthen its hold on the imperial throne.
a complicated process of selection. Electing monarchs was therefore not an uncommon phenomenon in early modern Europe, but wide citizen access to such elections was. From this perspective, Poland-Lithuania and Transylvania were special cases in sixteenth-century Europe.

The choice of case-studies for this project was therefore not hard to make. One may question, however, the validity of this comparison, based on the noticeable differences between the two countries. Poland-Lithuania was a large independent country with a history of monarchic rule going back several centuries. Transylvania, in contrast, was not a monarchy, but rather a principality with a rather dubious identity for the earlier part of its autonomous existence. It was under the suzerainty of the Ottoman Sultan and a recent breakaway from the Hungarian kingdom, the latter of which would have indeed constituted a more obvious element of comparison for Poland, had it not been reduced by the second half of the sixteenth century to a shadow of its former self, thanks to the simultaneous advance of the Ottomans, who took advantage of its internal divisions after the double election of 1526, and of the Habsburgs, who weakened its constitutional makeup.

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This project’s initial focus on Stefan Báthory’s election to the throne of Poland-Lithuania, which envisioned treating his prior experience as prince of Transylvania as background information, became increasingly harder to sustain as research progressed. My findings demonstrated that sixteenth-century Transylvania displayed a political ethos that was highly comparable to that of its neighbor to the North. The sources regarding Báthory’s election as voivode of Transylvania in 1571 are much scarcer and reveal a much simpler electoral process than in the Commonwealth, but Transylvania’s institutional separation from the rest of Hungary, effected with Báthory’s fateful election of 1571, as well as its subsequent electoral developments that mirrored Polish-Lithuanian trends—especially in the seventeenth century—convinced me that its electoral practices should be taken more seriously than had been previously the case in the historiography of the region.

The problems of sovereignty faced by Transylvania’s body politic in relation to its Habsburg and Ottoman suzerains did not make the position of its ruler any less elective, regardless of the attempts of outside powers to influence election outcomes. This aspect of Transylvanian politics, together with the other similarities between the two polities, such as the legislative role of the estates, their strong attachment to the idea of free elections, and the uncommonly high degree of state-sanctioned religious toleration, to say nothing of sharing the same ruler between 1576 and 1586, mitigates for a comparative perspective. That perspective highlights the differences between polities based on direct citizen participation and those in which the citizens, at least
at the ‘national’ level, had become subjects. The comparison of the two systems, made manifest in Maximilian’s efforts in 1571 and 1575, offers fresh insights into the nature of early modern European political systems at a critical moment of their development.9

Why Stefan Báthory? The reasons for closely examining Poland-Lithuania’s second interregnum and Báthory’s election in 1575, which was the starting point of this project, are twofold. Firstly, this dissertation intends to fill a certain historiographical gap, since Stefan Báthory’s election and reign have been generally left aside by recent Polish scholarship, despite (or perhaps because) of Báthory’s relative popularity with older generations of historians. By comparison to Henri of Valois’ short but momentous reign, as well as the many trials and tribulations of the Vasas, Báthory’s ten years in the Commonwealth, unless they are praised on account of the war with Muscovy, tend to be seen as an intermediary period, rather than a

9 The scarcity of scholarship in the English language on Transylvanian history—recently compensated by the multivolume series edited by Béla Köpeczi—as well as the rarity of studies focusing on the relations between Poland-Lithuania and Transylvania is an additional argument in favor of this approach. From the Köpeczi series, the first volume is relevant for the topic of this dissertation: Gábor Barta and András Mócsey, eds., History of Transylvania, vol. 1 (Boulder, Colo: Social Science Monographs, 2001). The work is solid and comprehensive, but its comprehensiveness represents both its strength and its weakness. A similar three-volume set edited by a team of Romanian scholars has been recently published, but the second volume (post-1541) was not yet available at the time of writing; see Mihai Bârbelescu, et al., The History of Transylvania, ed. Ioan Aurel Pop and Thomas Nädler, vol. 1 (Cluj-Napoca: Romanian Cultural Institute, 2005). In-depth studies of Transylvanian politics are still rather rare in English; for Hungarian recent contributions to the field, see the last section of the Introduction and the Bibliography attached at the end of this dissertation. Although not comparative in an institutional sense, a solid work on the subject of diplomatic relations between the two countries in 1576-1613 is Ludwik Bazylow, Siedmiogród a Polska, 1576-1613 (Warszawa PWN, 1967).
trend-setting one. His election was, after all, not the first of the Commonwealth, and
his reign not particularly long to warrant much attention. And yet, putting aside
Henri’s few months in Poland, Báthory’s was, for all intents and purposes, the first
full reign of an elected Polish-Lithuanian monarch, when the relationship between
electors and the elected may be observed beyond the moment of coronation.

If Báthory’s reign is an interesting subject of inquiry, his election is perhaps
even more so. It ended a long and tumultuous interregnum during which the citizens
of the Commonwealth were essentially forced to depose their previous king—thus
applying, for the first time, the right of disobedience that they had inscribed in their
constitution only two years before. From this perspective, the second interregnum is
a great opportunity to examine the ways in which the principles formulated during
the first interregnum were defended, attacked, and ultimately put into practice.

The 1575 election also confronted the Commonwealth’s citizens with a
double election: Maximilian II, Holy Roman Emperor, head of the Habsburg dynasty
and, among other things, King of Hungary, chosen by the archbishop of Gniezno and
a group of Senators; and Stefan Báthory, prince of Transylvania, vassal of the
Ottomans and, incidentally, of Maximilian, chosen by the majority of the Polish
nobility (szlachta). In December 1575, both were proclaimed king of Poland-
Lithuania by their respective camps, and the complications created by such an
unprecedented situation not only threatened public peace after the election, but
lingered on until Maximilian’s death in September 1576. The contested outcome of
the Commonwealth’s second election offers a great opportunity to explore some of the problems involved by the elective institutions of an early modern polity; the solutions found, arguments made, and behaviors displayed in such situations of crisis reveal underlying trends and decision criteria that are otherwise less noticeable in more harmonious circumstances.

Báthory’s Transylvanian election was a decisive moment not only in Transylvania’s history, but also in that of Hungary in general: the estates of the newly separated province chose to elect, for the first time in their history, a ruler separate from and with no claim to the Hungarian crown. Even though the Transylvanians had participated in elections of rulers before, these rulers had always been, up to that point, kings of Hungary and not autonomous rulers (or voivodes) of Transylvania alone. While there were several reasons that determined such a development, among which the chief one was the Ottoman presence in the region, of particular significance here is the insistence of the Transylvanians, together with the nobility from the adjoined Hungarian territories, on the right to freely elect their ruler. This phenomenon mandates the comparison between the Transylvanian and Polish-Lithuanian elective processes, given that the same man emerged victorious from both in 1571 and 1576.

**Intellectual affiliation; themes, questions and hunches.** This dissertation revolves around a set of themes that are treated separately in each of the following chapters,
even though their scopes overlap one another and the entire project in general. If I had to label each of this work’s parts from a thematic perspective, I would say that the first chapter is a study of enfranchisement in relation to the tension between security and liberty; the second chapter is about public values regarding the best possible ruler (as opposed to the best ideal one); the third chapter examines the theory and practice of unanimity versus the majority rule (as well as other issues related to voting methods in the election of rulers); the fourth chapter revolves around the notions of authority and rebellion; and the fifth focuses on the concept of contract between electors and the elected.

More generally, I place my work in the context of Andrzej S. Kamiński’s theory of citizenship in the Commonwealth of Poland-Lithuania, and his dichotomy between “citizens” and “subjects” in the early modern world.\footnote{See for instance Andrzej S. Kamiński, “The Polish–Lithuanian Commonwealth and its Citizens,” in Peter J Potichnyj, ed., \textit{Poland and Ukraine, Past and Present} (Edmonton: Canadian Institute of Ukrainian Studies, 1980), 32–57; and Andrzej S. Kamiński, “Imponderabilia społeczności obywatelskiego Rzeczypospolitej Wielu Narodów,” in Andrzej K. Link-Lenczowski and Mariusz Markiewicz, eds., \textit{Rzeczpospolita wielu narodów i jej tradycje. Materiały z konferencji "Trzysta lat od początku unii polsko-saskiej. Rzeczpospolita wielu narodów i jej tradycje,"} Cracow 15–17 IX 1997 r. (Cracow, 1999), 33–58.} The circumstances of election to the highest dignity in the republic—the king in Poland-Lithuania, and the voivode (later called prince) in Transylvania—offer an ideal opportunity to examine this dichotomy. How did the process of electing a ruler reveal citizen values and behavior? By looking at the reflection of the citizens through the mirror of election, one gains an image perhaps more truthful than one seen by gazing directly at the
citizens, because they reveal themselves as citizens through civic action. The candidates themselves, especially Maximilian II, similarly reveal their fundamental understanding of politics through the strategies they pursued to achieve election.

The questions that this dissertation poses, from this perspective, are as follows: if the prince is elected by citizens (rather than subjects), what kind of ruler is he? Is his dignity an *officium* or does it still retain—and in what degree—the marks of majesty and lordship inherited from that part of medieval tradition not influenced by constitutional thought? Put differently, what kind of ruler did these citizens want, and what kind of ruler did they eventually get? What factors influenced their choices—for instance, was it liberty, or was it rather the need for security? And ultimately, in making these choices, did they always behave like citizens, or were they sometimes subjects in search of a master?

Beyond the moment of election, these questions turn into issues of authority and power and their sharing among the members of the body politic. Why were rulers in elective monarchies able to retain their power, which seemed rather great domestically, despite their being elected? Is there something in the moment of election itself that may explain this apparent contradiction? How do election, authority and power relate to one another, and how are the latter two divided between electors and the elected? And, finally and most generally, what would the answers to these questions tell us about the political values of the Polish-Lithuanian
and Transylvanian societies in the second half of the sixteenth century? Did they truly belong to the space of civic republicanism, or to a different world altogether?

It is hard to speak of “working hypothesis” in the historian’s work, as that with which we start is often a “hunch,” a “puzzle,” or, perhaps more appropriately, “the irritation of doubt,”¹¹ rather than an actual hypothesis. My irritating doubt was caused by the paradoxical combination of political values involved in royal and princely elections. My hunch—based on logic rather than evidence—has been that the contradictions between citizenship and lordship (as modes of behavior) or between liberty and security (as political values) were not real contradictions, but rather integral elements of mixed governments, which by necessity had not only mixed institutions, but also mixed systems of reference and a mixed set of political values and practices. In other words, both lordship and citizenship had a place in an elective monarchy. What I was not able to surmise based on logic alone was the pattern in which these different elements were mixed together—whether certain behaviors and values were reserved for certain actors or moments alone, or whether they were mixed in that regard as well. I hope the following chapters can shed some light on these ambitious but necessary questions.

**Premises, assumptions and conceptual framework.** The basic assumptions, premises, and research questions on which this dissertation is based have been

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inspired by a series of paradigmatic approaches to early modern history that have profoundly influenced its author. Identifying the intellectual family to which this works belongs should help make its intentions clearer, as well as indirectly point to the perspectives and questions that were inevitably left out in the process of source selection and interpretation.

On the most general level, I have positioned this dissertation in the overlapping zone of three sets of conceptual dichotomies. They constitute the theoretical background of this work and have indirectly guided my questions and hypotheses. Firstly, the dichotomy between early modern civic republicanism and the incipient ideas of liberalism—identified and put forward most actively by Quentin Skinner and the group of scholars in his circle—constitutes one of the most basic theoretical instruments I have used in order to understand and diagnose the political values of the societies I examine below. Briefly put, acknowledging the differences between civic republicanism and liberalism is equivalent with differentiating between two different types of responses to the political dilemmas of the early modern time: one that looked back to ancient and classical—but especially Roman—republican models, and whose arguments and concepts were predominantly borrowed from authors such as Cicero and Livy; and the other, whose main classical inspiration was stoic thought, and which eventually came up, in the seventeenth century, with new ways of defining politics and the position of the individual in
society—as seen in the works of different yet related authors such as Hobbes and Locke.

From this perspective, considering the pre-liberal timeframe of this study, as well as the conclusions of existent scholarship on Central European political history, a basic expectation has been to find a climate that was overwhelmingly republican or “neo-roman,” as Skinner labels it\textsuperscript{12}—at least as far as discourse and values were concerned, if not always behavior and institutions. This predominantly civic atmosphere may have incorporated certain elements that were later going to become staples of liberalism—such as the concern for individual autonomy or the need for security—yet it was still a far cry from elevating them to the level of dominant political values, as was going to be the case in liberal environments from the seventeenth century onwards.

The second theoretical dichotomy in the background of this dissertation is one that regards institutions, rather than values, as it contrasts societies with constitutional political frameworks to those where theories of absolutism found imperfect, yet close correspondents in their governing bodies. This type of institutional analysis is not new; on the contrary, it goes back to the Aristotelian division of forms of government into monarchies, aristocracies, and democracies, later expanded by Polybius to explicitly include the Roman Republican version of “mixed government.” From the middle of the sixteenth century onward, the original

\textsuperscript{12} Skinner, \textit{Liberty Before Liberalism}, 24-29, 35-36.
classification seems, however, to lose some of its initial relevance, as most European polities adopted the monarchic model while at best incorporating elements from the other two systems, in the attempt to imitate the Roman—or Spartan—*forma mixta*.

Even Italian city-states—the traditional bastion of “pure” republicanism—gradually turned into principalities in the course of the sixteenth century, with the notable exception of Venice, which remained a model for early modern constitutionalists across Europe, including Poland-Lithuania.

Whether tempered by mixed government or not, one may say that monarchy enjoyed a relative triumph in the early modern world. As a result, the classification

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14 For the transformation of the Italian world in the sixteenth century, particularly from the point of view of political language, but also in relation to the main institutional changes, see Maurizio Viroli, *From Politics to Reason of State: The Acquisition and Transformation of the Language of Politics, 1250-1600* (Cambridge: Cambridge University Press, 1992).

15 Girolamo Lippomano, the Venetian ambassador to Henri’s coronation, wrote in 1575 that “the Serenissima is very esteemed by the Polish nation, even though they have not been able to have a precise knowledge of us in the past—as I gathered from the many requests they presented me [and] which they made because they think that the form of their government is greatly similar to ours.” Girolamo Lippomano, “Relazione (1575),” in Eugenio Alberi, ed., *Le relazioni degli Ambasciatori Veneti al Senato durante il secolo decimosesto*, vol. 6, Series I (Firenze, 1862), 314. For the Polish admiration for Venice and the ties between Poles and Venetians see also Krzysztof Warszewicki, *Wenecja*, ed. Teodor Wierzbowski (Warsaw, 1886); and Joanna Kostyło, “Commonwealth of All Faiths: Republican Myth and the Italian Diaspora in Sixteenth-Century Poland-Lithuania,” in Friedrich and Pendzich, *Citizenship and Identity in a Multinational Commonwealth*, 171-205, here 171-186. Genoa’s form of government was similar to that of Venice, and, like the Venetians, the Genoese managed to keep it functional throughout the early modern period. Genoa, however, was a much more discreet presence in the Italian world (partly because of its commercial decline, and partly because it became subordinated to the Spanish Crown), so it never acquired the status of political model that Venice enjoyed.
of forms of government was increasingly simplified. They generally focused, at least on the civic republican side, on the difference between tyrannies (or despotic governments) on the one hand, and free commonwealths—which almost always included some type of mixed government—on the other. At the beginning of the sixteenth century, Machiavelli maintained that a free state usually meant a republic, but for Harrington in the seventeenth century, as well as for most other defenders of the old ideal of civic republicanism (including Polish and Huguenot authors in the second half of the sixteenth century), a regulated mixed government in which the Senate served to temper both the monarch and the “people” was considered the best possible solution, considering that “there is no such thing as pure monarchy, democracy, or aristocracy.” At the same time, apologists of monarchic power went into the opposite direction: they saw the need, contrary to the civic-minded constitutionalists of their time, to increase the power of rulers, instead of that of citizens, and to make it indivisible, rather than to imagine ways of sharing it among the members of the body politic. In the absolutist mind-frame, there is no place for citizens in politics and, ultimately, there is no place for politics itself.

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16 Harrington, Oceana, 25. Skinner also cites cases of neo-roman authors who preferred mixed governments. According to Skinner, this model remained popular throughout the eighteenth century and eventually became enshrined in the American model, with the monarch being replaced by the president. (Skinner, Liberty Before Liberalism, 35-36.) For the Polish case, see for example Wawrzyniec Goślicki, The Accomplished Senator. In Two Books, ed. William Oldisworth (London: Printed for the author, 1733); and Maria Pryshlak, “The Well-Ordered State in the Political Philosophy of the Polish Aristocracy: Łukasz Opaliński’s “Rozmowa Plebana z Ziemianinem” and “Polonia Defensa”” (Ph.D. Dissertation, Columbia University, 1988).

17 In this context, I define politics in an Arendtian sense as the participation of citizens in public affairs.
As far as this dissertation is concerned, the opposition between absolutist and constitutionalist theory contributes a set of rival concepts that may be tested, with interesting results, in the context of elective monar- chies. These concepts include, on the one hand, a strong and all-encompassing royal authority or, in other words, *majestas* in its most imperial sense, in combination with the logic of medieval lordship on which early modern monarchist theory is partly based; and, on the other hand, the notions of citizenship and liberty as fundamental bases of the body politic, which tend to turn the role of the monarch into an office or *dignitas*, rather than encouraging the imperial, divinely-flavored *majestas*. In this context, this dissertation looks at elections and particularly their aftermath (in Chapters 4 and 5) in order to identify the nature and source of the authority of an elected ruler, as well as the challenges posed to it.

The third dichotomy is, to a certain extent, a combination of the previous two, because it opposes the republican mind-frame to the autocratic one, and it concerns political language, rather than values or institutions alone. It was inspired by Maurizio Viroli’s work on Machiavelli and the Italian world at the juncture between the Renaissance and the early modern period, which may be summarized as an analysis of the transition from the language of “politics” to the language of the “reason of state.” According to Viroli, the Roman republican ideal was generally

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abandoned around the middle of the sixteenth century, when a new definition of politics emerged and replaced the classical one. The Ciceronian model of the political man—built on an Aristotelian understanding of politics, filtered through the Christian scholastic school, and rejuvenated by the Italian humanists in the fifteenth century—came to an end with Botero’s definition of reason of state, which started a new era in the theory of politics. This “revolution of politics”\(^\text{19}\) shifted the focus from political virtues and their place in the republic to the pragmatic goal of preserving and expanding the state. Politics gradually came to represent a practical science, like rhetoric; it was dissociated from the concept of justice and no longer represented the “necessary completion of a truly human life”.\(^\text{20}\)

Viroli’s account of the changes that affected Italian political language during the sixteenth and seventeenth centuries is invaluable for the identification of the main recurring themes of early modern civic republicanism, as it contributes, similarly to the work of other intellectual historians, to what Thomas Kuhn calls “finding and disseminating a vocabulary that permits description and understanding of older times.”\(^\text{21}\) It nevertheless tends to present the tension between “politics” and “reason of state” like a zero-sum game that, despite a certain period of transition, essentially allows only one winner and no compromise. In the context of Italian republics succumbing one by one to princedom in the course of the sixteenth

\(^{19}\) Viroli, *From Politics to Reason of State*, 1.

\(^{20}\) Ibid., 271.

century, this perspective is undoubtedly difficult to avoid. It should be noted, however, that republican language was recycled by mixed governments in the rest of Europe in ways that allowed it to survive well into the age of autocracy and liberalism, without completely rejecting the logic of necessity and pragmatism that Viroli associates with the language of the “reason of state.”

From this perspective, the fundamental difference between a republican commonwealth and a modern state is perhaps not so much political language itself, but who speaks it. My research indicates that the mixed nature of early modern electoral politics went quite deep; successful political actors changed and adapted their language to the complex politics of mixed regimes. Particularly at times of interregna and elections, the citizens of Transylvania and Poland-Lithuania displayed a “multiple-personality syndrome:” they were not only preoccupied with the usual battery of civic republican values such as liberty, but they also talked and thought like pragmatic rulers concerned with order and security. At times, they even donned the political language of subjects, as emphasized in Chapter 2, which shows the extent to which Polish voters were still attached to the idea of royal blood and everything that it implied, and in Chapter 5, which underlines the extent to which citizens sought to preserve the traditional powers of the monarch. The evidence on which this project is based generally suggests that the two models, state and republic, were combined not only at the overarching level of the forma mixta, where separate groups of people—citizens and senators, for instance—represented different types of
thinking—“politics” and “reason of state”—but also at the individual level, where both types of thinking could be present in one and the same group. My research indicates, therefore, that the separation between early modern “citizens” and “subjects” (or between lower nobility and senators) was not as neat as political theory may suggest. This taxonomical confusion, however, is a question of attributes, rather than substance. What we might expect to be the main characteristic of a subject (an overwhelming need for security and a sense of fear and vulnerability that call for protection and order) may very well be present in a citizen as well, but without necessarily turning him into a subject, as the first two chapters of this dissertation suggest.

The explanation for such a mixture of attributes is most likely rooted in the political circumstances or the political “regime” in which these people operated. In a constitutional system, citizens—although primarily animated by civic republican values—were drawn to using the “language of the reason of state” much more easily than their civic-minded but essentially powerless counterparts in non-constitutional systems. They did so by virtue of the political roles they had to play particularly at times of interregna and elections, which placed them in positions of power that was more pronounced than at times of “normal politics,” both by accentuating their self-governing role which became greater in the absence of the monarch and, most importantly, by asking them to participate in the process of selecting the highest power in their commonwealth. As such, they were directly confronted with the age-
old problem of protecting themselves from the government they had created in order to protect themselves against enemies without and within. In contrast, in monarchical regimes such as late sixteenth-century and early seventeenth-century France, England, as well as many Italian cities, aspiring citizens remained to a great extent theorists and not practitioners of liberty. For that very reason, their political language remained divorced from the realm of political action and in this sense was purer than that of their Polish or Transylvanian counterparts. In contrast, the language and behavior of the latter indicate that the more power citizens had, the more they could afford to worry about things other than their own liberty and the more pragmatic they became about matters of government, without, however, having to relinquish their basic political values. The following chapters offer many examples illustrating this phenomenon.

**Method and paradigms of historical thought.** Focusing on language—the written language of political theory, in particular—even when done contextually, as Viroli

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22 Tocqueville made a similar observation about American politics: “no political bodies in the United States ever have shown so warm an attachment to general ideas as the Constituent Assembly and the Convention in France. At no time has the American people laid hold on ideas of this kind with the passionate energy of the French people in the eighteenth century, or displayed the same blind confidence in the value and absolute truth of any theory. This difference between the Americans and the French originates in several causes, but principally in the following one: The Americans form a democratic people, which has always itself directed public affairs. The French are a democratic people, who, for a long time, could only speculate on the best manner of conducting them. The social condition of France led that people to conceive very general ideas on the subject of government, while its political constitution prevented it from correcting those ideas by experiment, and from gradually detecting their insufficiency; whereas in America the two things constantly balance and correct each other.” Alexis de Tocqueville, *Democracy in America*, transl. Henry Reeve, vol. 2 (New York: D. Appleton and Company, 1904), 499-500.
does, almost inevitably creates a picture of politics that tends to be more intelligible and coherent than the reality of political life with all its complexity and contradictions. Whereas the written language of theorists certainly serves to identify subtle changes that otherwise would be lost in a sea of incongruous facts, it almost necessarily fails to take into account the composite and often paradoxical interweaving between language and behavior, which, as Peter Winch writes, “are just two different sides of the same coin.”

In this dissertation I cannot claim to completely or even “correctly” see both sides of the coin—the task is nothing less than Herculean. Nevertheless it should be made clear that this is not a history of political thought, but rather one of actual events. Its purpose is to grasp not only the ideas behind elective institutions and practices, but also their translation into (or confrontation with) human behavior, while trying to avoid the natural tendency to simplify this relationship by making it coherent at all costs. For this purpose, I take political language to include not only Pocock’s “idioms, rhetorics, specialised vocabularies and grammars” that form “a community of discourse,” but also actions and, to the extent possible, the intentions behind them as well; not only institutions, but also their functioning, as well as the often unsuccessful attempts to change them. In this context, I subscribe to Hannah

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Arendt’s belief in “the disclosure of the agent in speech and action.”

In more general terms, I place my research topic in a semiotic, Geertzian definition of culture (“man is an animal suspended in webs of significance”) which I approach primarily from an interpretive perspective, “in search of meaning,” rather than law, while remaining largely indebted to the Cambridge School of history of political thought.

This work may be inscribed within a very general “scientific” paradigm that has provided some of its most fundamental assumptions in the evaluation of its subject matter. It may be summarized as R. G. Collingwood’s assertion that “all human history is the history of human thought,” from which may be derived not only a certain fundamental causality leading from thought (including emotions) to actions, but also the privileged position of what Winch calls “voluntary behavior” over impersonal economic, geographic, psychological, or other such types of forces.

Within the context of thought, one of my guiding assumptions has been that thought

27 “[A]nyone who has ever worked intelligently at history knows that it is never about mere events, but about actions that express the thoughts of their agents; and that the framework of dates and places is of value to the historian only because, helping to place each action in its context, it helps him to realize what the thoughts of an agent operating in that context must have been like.” R. G. Collingwood, *The Principles of History*, manuscript cited by Jan van der Dussen, “Collingwood's "Lost" Manuscript of the Principles of History,” *History and Theory* 36, no. 1 (February 1997): 32-62, here 50.
28 On Collingwood’s concessions to the emotions related to thought, see Ibid., 51-52.
29 “Voluntary behaviour is behaviour to which there is an alternative; since understanding something involves understanding its contradictory, someone who, with understanding, performs X must be capable of envisaging the possibility of doing not-X;” “even given a specific set of initial conditions, one will still not be able to predict any determinate outcome to a historical trend because the continuation or breaking off of that trend involves human decisions which cannot be definitely predicted: if they could be, we should not call them decisions.” Winch, *The Idea of a Social Science*, 91 and 93.
does not necessarily equate rational calculation, nor is identical to “interest,” even though individual intentions are a part of it. On this subject I side with John Stuart Mill in refutation of the interest-philosophy of the Bentham school, the premise of which is that people’s actions (and particularly the actions of rulers) are always determined by their interests. The results of my research confirm—and my intellectual propensities rather prefer—Mill’s perspective on the matter:

The character and course of [the rulers’] actions is largely influenced (independently of personal calculation) by the habitual sentiments and feelings, the general modes of thinking and acting, which prevail throughout the community of which they are members, as well as by the feelings, habits and modes of thought which characterize the particular class in that community to which they themselves belong.³⁰

The emphasis on the collective dimension of both thought and actions—in other words, the emphasis on the political—does not exclude the belief in choice and volition as principal motors of behavior, even though they are not necessarily the expression of individual Will. Following Hannah Arendt, I see the political actors and actresses in this story as men and women “of action” who “confronted the abyss of freedom, knowing that whatever would be done now could just as well have been left undone.”³¹ This position is as much a theoretical assumption as it is a conclusion based on the findings of my research. The following chapters show several instances

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of people who dealt with similar “necessities” (security concerns, in particular) but who did not make the same political choices, despite their common cultural background and pragmatic tendencies. These choices were primarily determined by subscription to certain value systems that were expressed with the help of particular sets of political linguistic tools (“liberty,” “Republic,” or “Christendom”), which were perhaps more rigid than the beliefs they represented but, for that very reason, were also remarkably powerful motivators for political action. Chapter 1, in particular, shows to what extent the decisions to hold new elections in 1571 in Transylvania and in 1575 in Poland-Lithuania were choices that could just as well have been left unmade.

Interregna and elections were a milder, more regulated form of “exceptional politics” that were used to re-establish, after the death of each ruler, the bases of the political community according to the true spirit of its laws; in a sense, they were constitutionally-regulated revolutions. 32 Such moments of exception are reflective of the political values animating citizens to a higher degree than would be the periods of “normal politics,” precisely because they were times of choice. Even more, they were times of abstract choice—mostly due to the system of public voting widely

32 Here I am using Agamben’s notion of “exceptional politics” even though it does not strictly apply to Transylvanian and Polish-Lithuanian interregna and elections. For Agamben, “the state of exception” essentially means the suspension of law, but interregna and elections were legally regulated and, in the case of Poland-Lithuania, the process of ordinary justice was only partially interrupted between the death (or defection) of one king and the coronation of the next. See Giorgio Agamben, *State of Exception* (Chicago: University of Chicago Press, 2005), 4. For the idea of revolution as return, see Hannah Arendt, *On Revolution* (New York: Viking Press, 1963), 13-52.
used in early modern electoral contexts, analyzed in Chapter 3—which inextricably linked political speech to political action: voting for one candidate implied at once justifying that choice abstractly and exercising the power to implement it practically. The fact that these choices had to be made, more often than not, under duress, makes the study of such periods of “revolution” extremely interesting, because when the threat of civil war or external intervention put the community under extraordinary pressure, its members had a choice not only between alternative value systems (a “powerful” king vs. a “weak” king, a Habsburg vs. a Hungarian, an Emperor vs. a prince) but also between political values in general and mere pragmatism (the pure exercise of political liberty vs. the fear of the “Turk,” for instance). The following chapters elaborate on these choices, while indicating that they were not always “either-or” types of situations: sometimes, contradictory elements could be seamlessly reconciled in compromise solutions, not only at the level of diverging interests but at the level of conflicting values as well.

The scientific and conceptual paradigms mentioned above and within which this author operates have largely determined the structure and interpretation of this work. Besides training one’s openness to surprises, trying to identify the tradition of thought to which one belongs is possibly the only way to deal with this potential problem of scholarly inquiry. The theory of civic republicanism, which, together with its vocabulary and its modes of thought has sufficiently impressed this author as to potentially cloud her interpretation, should be discussed in a little more detail here.
Efforts at using appropriate sources and sound judgment in avoiding crass interpretive bias are of course at the basis of this work. Nevertheless, there is no question that, from the moment when the choice of research subject took place, a decision was made as to the emphasis that was going to be placed on a certain aspect of Transylvanian and Polish-Lithuanian societies, at the expense of different aspects which other historians may find more significant.

For example, in the case of Transylvania, my interest in republicanism and my alignment with the scholarship dealing with issues of citizenship and the body politic, as opposed to those favoring the paradigms of class, nation, ethnicity, or civilization will inevitably result in an image of early modern Transylvania where the estates’ interest in political participation will be more accentuated than, say, their interest in exploiting the Romanian peasant population—regardless of the fact that both perspectives may be supported with arguments and evidence. My choice of focusing on one aspect and not another is simply that: a choice. It reflects my understanding of the “spirit of the times,” as Machiavelli would put it, an understanding built on years of reading primary and secondary sources on early modern Europe, but which is difficult to be measured against rival approaches unless I were to undertake those approaches and test them as well—and for that I would certainly need a lot more years than what I have spent on these matters so far. After all, signs of ethnic and even “class” struggle can be found at any place and any moment of human history. Ultimately, the choice of focusing on political
communities and their values, and deeming that—and not what was happening at other levels of society—more relevant or interesting, is ultimately a choice that belongs more to the realm of philosophy than of science.

I should also add a comment on the inevitable seductions that research subjects exercise on historians. The study of sixteenth-century Europe has definitely made this author quite appreciative not only of the theory, but also of the practices of republicanism and constitutionalism. This appreciation of classical republican thought has not only determined the choice of topic and the normative tendencies of an author attracted to a certain value system, but—more dangerously—it may also affect the interpretation of sources and the general conclusions of this work by assigning more weight to evidence of republican values over signs indicating preferences for the logic of lordship (or “absolute” rule) or the pragmatism of the “reason of state.” Naturally, I have made constant efforts at avoiding such errors of judgment. One antidote is happily contained in the research topic itself: Stefan Báthory, with his autocratic, willful, ambitious, yet pragmatic tendencies, as well as his weaknesses and humanity, is just as seductive a hero as the Transylvanian and Polish-Lithuanian nobles who tried to bridle him. I hope that the balance which they seemed to have reached in real life, as unstable as it was, may be accurately reflected in this work.

If errors of judgment or interpretation were nevertheless made, I hope they are superficial or at least easily detectable by the reader thanks to a set of evaluative
criteria that are commonly used by historians, two of which in particular I have used extensively in this work; namely “thick description” and “triangulation,” as theoreticians of interpretive sciences have labeled them. “Thick description” is a phrase coined by Clifford Geertz (following Gilbert Ryle) in relation to ethnography, but it is particularly appropriate for history writing as it refers to using extensive quotations and detailed descriptions of the subject matter. Geertz justifies the need for such a method by explaining that “the ethnographer is in fact faced with… a multiplicity of complex conceptual structures, many of them superimposed upon or knotted into one another, which are at once strange, irregular, and inexplicit, and which he must contrive somehow first to grasp and then to render,” something that may as well describe the historian’s task. Although still subject to the dangers of bias, since choosing which sources and which paragraphs to cite, as well as translating them accurately is still solely in the authors’ control, “thick description” nevertheless allows glimpses—as unadulterated as they can possibly be—into the world one is trying to analyze.

“Triangulation,” on the other hand, is an evaluative criterion essentially meant to compensate for the dangers involved by the subjectivity of source selection. As a concept of interpretive science, it was chiefly developed by Norman Denzin and

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34 Geertz, The Interpretation of Cultures, 10.
it signifies the use of multiple points of references as a way to ensure the validity of interpretation. I have used triangulation not only at the source level (multiple points of view were shown whenever possible; the comparative element of the dissertation is also a type of triangulation, as well as the multiple types of sources used) but also at the level of conceptual framework, by intersecting and therefore testing against each other the three sets of theoretical dichotomies discussed in the previous section.35

Besides extensive quotations from multiple sources, this dissertation also spends a considerable amount of time describing, quite simply, what happened—not only because of an attempt at “thick description,” but also because most of such information and generally “the story” of Báthory’s elections in Transylvania and Poland-Lithuania has not yet been told, to my knowledge, in as much detail and particularly in this comparative format in English-language modern historiography before. Whether I have fallen into the trap of Collingwood’s biographer, who cannot help but include “unessential” details simply because they are amusing or interesting,36 or whether my effort has some loftier merit of instruction, I will let the reader decide.

36 “The biographer . . . includes in his subject a good deal which does not belong to the object of any historical study whatever. He includes some events which embody no thought on the part of his subject, and others which do no doubt embody thought, but are included not because they embody thought but because they have an interest, or what is perhaps better called an appeal, of a different kind.” R. G. Collingwood cited in Dussen, “Collingwood’s "Lost" Manuscript of the Principles of History.” 53.
Chronological and thematic limits. As far as the timeframe of this dissertation is concerned, it is quite clearly delineated by Báthory’s two elections: 1571 for Báthory’s election in Transylvania and the years 1575-1576 for his election in Poland-Lithuania. The extended analysis of electoral politics in the two countries goes beyond these chronological markers and spends a considerable amount of time on Transylvania under Báthory’s predecessor, János Szapolyai, as well as the Polish-Lithuanian elections of 1573 and 1587. Báthory’s direct reign in Transylvania between 1571 and 1575, a period relevant not only for the establishment of the newly autonomous authority of the Transylvanian voivode, but also for the examination of Báthory’s early “campaigning” strategies in Poland-Lithuania, will receive more attention than his reign in Poland-Lithuania, which bears lightly on a study of electoral politics.

The structure of inquiry has been determined by a central thread: the electoral mechanism in Transylvanian and Poland-Lithuania, its stages and its general characteristics. For this reason, some of the observations made here constitute points of departure for future research, rather than being able to settle the score on a few crucial questions about the social and geographical variations in the political culture of these two societies. Such is the case of the difference between the roles played by
castellans and palatines in Poland-Lithuania at the “county republican” level, but which is an entire project in itself and deserves separate attention. A similar project should be undertaken in Transylvania, where the Saxon and Seckler nationes should be compared more thoroughly with the nobility by making more detailed forays into county records, many of which are extremely sparse for the sixteenth century but offer a wealth of information for the seventeenth and later centuries.

**Sources.** This dissertation is based on a body of sources that is diverse not only in kind, but also in thematic and geographic scope. Putting aside the body of political theory (both early modern and modern) that has informed this project and is cited in it, the sources regarding the elections of Stefan Báthory in Transylvania and Poland-Lithuania come from manuscripts as well as rare or limited-availability printed material located in Polish, Hungarian, Italian, Romanian, and French archives and libraries. The languages used were, in the approximate order of their importance, Latin, Polish, Italian, Hungarian, French, Romanian, and German.

The diverse types of sources used lend themselves to qualitative content analysis, rather than quantitative evaluation. The available sources dealing with this

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38 For instance, a close examination of the largely uninventoryed Torda county records available in Direcția Județeană a Arhivelor Naționale din Cluj [hereafter DJAN Cluj], Fond 18 would be extremely interesting; most documents in that collection are from the seventeenth and particularly the eighteenth century and they cover judicial and donational matters primarily.
topic are irregular, incomplete, scattered, and highly subjective; moreover, they are mostly descriptive, prescriptive, or polemical. Many of the primary sources used in this work were published in the nineteenth and early twentieth centuries and are nowadays available in public or more restricted-access libraries in Poland, Hungary, and Romania; in my references I generally try to point to the published version of the document I am citing. I was not always aware of these published versions when I conducted my archival research but would sometimes find them accidentally during library forays, as many of these publications are not widely accessible or known even by local scholars; they sometimes consist of diverse compilations of documents that have little in common with one another. As is the case with all historical research, many more sources were used than cited for this work. Each of the chapters touch upon certain issues that are mentioned only cursorily and which could be developed into full projects based on the sources accumulated; some of these tangential issues, together with the evidence related to them, had to be put aside in order to make room for more detailed exploration of the central themes of this dissertation.

The sources cited may be classified—albeit somewhat arbitrarily—in four categories. *Narrative sources* would be those more or less ambitious or exhaustive histories written by authors contemporary with the events. They are used here both as sources of factual information (as reliable as such sources can be) and, more importantly, as bases for discourse analysis, while keeping in mind the biases of the
authors. Orzelski’s *Interregni Poloniae Libris*, for instance, emphasizes the perspective of the lower Polish nobility; Heidenstein’s *History of Poland* has a more pro-royal attitude; and Müller’s *Memoirs* are pro-German while showing due respect for Báthory (as he writes his account while the king is still alive). Narrative sources for Poland-Lithuania also include reports by foreigners (other than Müller) who were in the country for relatively short periods of time; such is Venetian ambassador Lippomano’s *relazione* which he presented to the Senate of the Serenissima in 1575 or the commentary of Horatio Spannochi, secretary of late nuncio Bolognetti, on the interregnum that followed Báthory’s death.

There are also several narrative sources for Transylvania, first and foremost, those written by locals, all of whom display varying yet substantial degrees of support for Báthory: István Szamosközy’s *Rerum Ungaricarum*, Ferenc Forgách’s *De Statu Reipublicae Hungaricae Commentarii*, and the seventeenth-century *Historia* of Farkas Bethlen, which, although not a contemporary account, is heavily based on Szamosközy and, moreover, offers an impressive amount of full-text document transcripts. Bethlen (a Unitarian) was not particularly sympathetic to the Báthorys, especially the pro-Jesuit, politically unstable Zsigmond, but for Stefan he had the respect that seems to be universally shared by historians of Transylvania, both early modern and modern. As far as foreigners’ accounts are concerned, the 1584 account of Transylvania by Jesuit Father Antonio Possevino deserves a chief place, as it goes into details that the local historians did not think to cover, such as
the political and administrative structure of the country. Other foreign sources include Giovan-Andrea Gromo’s account of Transylvania (1566-1567) and Pierre Lescalopier’s description of the same country (1574), which were published in Romanian translation in the *Călători străini în țări române* series. Lescalopier’s description of his travels (and his role as translator during the negotiations between Báthory and French envoy Thomas Le Normand) offers interesting information about Báthory’s motivations in seeking a connection with the Commonwealth, and eventually the Polish-Lituanian throne itself.

*Prescriptive sources* have a public and official character; they express decisions made either by the ruler, the assembly of the estates, or by smaller deliberating and self-governing units such as the local and regional assemblies (*sejmiki*) in Poland-Lithuania or the estates (nobles, Saxons, and Secklers) in Transylvania. Prescriptive sources do not reflect reality as much as they reveal wishes to control (or change) it. To this category belong the resolutions of the Polish-Lithuanian Sejm, published in the sprawling *Volumina Legum* series and, for the period relevant for this study, also (in expanded and more rigorous form) in a new series called *Volumina Constitutionum*. These two collections include some of the most fundamental documents regarding the subject matter of this dissertation, such as the Henrician Articles, Báthory’s written promises—before and after the coronation—and all the common decisions on which the Sejm was able to agree throughout the years. The Transylvanian equivalent of *Volumina*
Legum/Constitutionum is the series of volumes published by Szilágyi Sándor in the second half of the nineteenth century, Monumenta Comitialia Regni Transylvaniae (MCRT in my footnotes) which contain not only the resolutions of Transylvania’s partial and general assemblies from the sixteenth and seventeenth centuries, but also other relevant documents (such as some of the correspondence between Stefan Báthory and Maximilian II in the early 1570s). Copies of assembly resolutions are also available in the state archives of Sibiu (or Hermanstadt—the old capital of the Saxon natio in Transylvania) but Szilágyi’s compilation is more complete and his introductory notes still constitute one of the most comprehensive and well-documented studies of Báthory’s Transylvanian election.

Documents of a similar, but more wide-ranging nature may be found, as far as Poland-Lithuania is concerned, in the Warsaw National State Archives’ Metryka Koronna, a substantial collection based on the royal chancellery’s papers. I have used this collection (and particularly the series Libri legationum) mainly for sources pertaining to the war with Gdańsk in 1577. Alfred Pawiński published, in the second half of the nineteenth century, a selection of the most important Metryka Koronna documents that are relevant for Stefan Báthory’s reign in Poland-Lithuania in his Źródła dziejowe series, which also includes a volume containing the Commonwealth’s near-complete treasury’s records from that time. As far as Transylvania is concerned, the voivode’s official internal correspondence with local authorities (the parts pertaining to religious matters feature most markedly in this
dissertation) is available in Cluj, Sibiu, and Budapest archives. Some of these letters were published by Endre Veress in the 1940s in Báthory István Erdélyi Fejedelem és Lengyel Király Levelezése.

I would label as polemical sources those documents that contain expressions of clear partisan positions—both of political actors and observers. Narrative sources can certainly be—and usually are—polemical, so they fit in this category as well. Most of the narrative sources mentioned above contain versions of speeches by participants at assemblies—Orzelski and Bethlen are perhaps the most meticulous in this regard. Speech-transcripts have of course more in common with creative writing than with history-recording, but their merits cannot be overestimated, particularly if the transcribers were eye-witnesses as well. Orzelski, for instance, may have spent more time on the anti-Austrian speeches declaimed in December 1575 than on the utterances of Maximilian’s supporters, but that is not only natural—because of his personal preferences, but also honest—considering that he personally spent more time in the midst of the former, rather than the latter camp.

The practice of privately recording, more or less accurately, the debates of the Polish-Lithuanian general assembly (Sejm) was actually quite widespread in the Commonwealth at that time; for the period concerned here all such known “diaries” have been published (mostly) in the Scriptores Rerum Polonicarum series.\(^{39}\) The debates and resolutions of the lower, regional assemblies (sejmiki) remain, however,

\(^{39}\) A diary from the 1581 Sejm was published by Adolf Pawiński separately; see the bibliography for a complete reference.
a largely untapped resource, the usefulness of which the late Professor Andrzej
Gierowski has been an adamant advocate.\textsuperscript{40} While \textit{sejmiki} materials are of secondary
importance for the topic of this project—they illustrate some of its themes but often
have little to say about its central story, the election—they remain invaluable for the
general study of Polish-Lithuanian political culture. For the purposes of this
dissertation I have mainly used resolutions and deputy instructions from a few
palatinates in Little and Great Poland (mainly Cracow, Lublin, and Mazowsze)
available in the Warsaw National State Archives (AGAD), the State Archives in
Cracow, and the Library of the Polish Academy of Science (PAN) in Cracow
(mainly the \textit{Teki Pawińskiego} collection).

A different, more straightforward type of polemical sources is the genre of
political pamphlets, dialogues, or treatises. They were quite abundant during Poland-
Lithuania’s first interregnum, but decidedly less so during the second. The reasons
for this phenomenon are multiple; for one thing, it was not entirely clear that the
second interregnum was an interregnum until it was well under way. Another reason
may be the fact that Henri’s reign lasted so little that the second interregnum was, in
a sense, still the first—most of the candidates were the same, and issues did not
change much between 1572 and 1574-1575. Therefore, I have used some of the
sources pertaining to the first interregnum, as well as those few I was able to find

\textsuperscript{40} Professor Gierowski directed me on this path in the early stages of my research, before I had settled
on the issue of election. I am grateful for his advice; the time spent on \textit{sejmiki} sources has largely
informed my general understanding of the political culture of the Commonwealth and the material
accumulated at that time will serve at developing future projects.
that were written during the second interregnum, available in the Manuscript and Old Print collections of the Warsaw University Library and the Czartoryskich Library in Cracow (the Teki Naruszewicza collection, other various manuscripts, and the Old Print collection). These collections contain sources that are relevant not only for interregnum-related literature, but also for issues related to institutional reform (also illustrated in sejmiki materials) and Báthory’s reign in general. Teodor Wiebrzowski has published a few such sources in his Wiersze polityczne i przepowiednie, satyry i paskwile z XVI wieku; Jan Czubek’s monumental collection Pisma polityczne z czasów pierwszego bezkrólewia provides a wealth of polemical material on the first interregnum.

Transylvania’s polemical literature from the 1570s deals almost exclusively with religious issues—and quite daring ones at that—and almost not at all with political matters.\footnote{Endre Veress’ meticulous study of Transylvanian prints from the sixteenth and seventeenth centuries confirms my lack of success in finding political literature; see his Bibliographie roumaine-hongroise: 1473-1780, vol. 1 (București: Cartea Românească, 1931).} The only political treatise I was able to find is a very little-known dialogue from 1584, written by chancellor Wolfgang Kovacsóczy in relation to the change of the governing structure during Zsigmond’s Báthory’s minority and which, although very interesting in its own right, eventually found no place in this study.\footnote{Farkas Kovacsóczy, De Administratione Transylvaniae Dialogue (Cluj, 1584), available in the Teleki Library, Târgu Mureș (Romania). To my knowledge, only two historians from the early twentieth history have made mentions of it in their work: Endre Veress and Nicolae Iorga. This source certainly deserves more attention. There was no room in this dissertation for a detailed study of the transfer of power from Stefan Báthory to his brother Kristóf and from Kristóf to his son Zsigmond in 1576, 1581, and 1584, but I am considering this topic as a separate project in which De Administratione Transylvaniae would occupy an important place.}

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Werbőczy’s *Tripartitum*, a juridical compilation from the very beginning of the sixteenth century may be included in this category as well, although it may be considered both as a prescriptive and as a polemical source; on the one hand Werbőczy gives a detailed account of existing Hungarian laws, but on the other hand he also inserts wishful-thinking where no laws exist (such are his utterances about the equality among the nobility or their relationship with the Hungarian king).43 As far as the 1571 election is concerned, I used narrative sources and contemporary correspondence describing the climate before and during the election in order to be able to construct an idea about the political atmosphere in Transylvania at that time.

*Correspondence* is perhaps the largest category of sources used in this dissertation. It refers to Stefan Báthory’s correspondence, mostly published by Endre Veress in the first half of the twentieth century but also scattered throughout *Monumenta Comititialia Regni Hungariae, Akta Metryki Koronnej*, and other such document collections. I have also used the private correspondence of other important players in the elections of 1571 and 1575. Andreas Dudith’s letters, recently published in Hungary, bring a fresh insight into the Caesarist camp in the 1570s in Poland-Lithuania. The letter-collections of Jan Zamoyski, Marcin Kromer, and Jakub Uchański are a few other such sources of information—they are available partly in published form and partly in archives such as Biblioteka Czartoryskich and AGAD.

Among the collections of correspondence I have examined for the purposes of this dissertation, Italian sources constitute a special category. Letters and reports from papal, Venetian, and Jesuit envoys—referring both to Poland-Lithuania and Transylvania—are not only numerous; they are also extremely detailed and impressively nuanced—particularly those written by the apostolic nuncios in Poland-Lithuania, who had the training, time, and resources necessary for gathering information on a large scale by using a combination of local informants recruited from the ranks of young clergy eager to impress the Pope’s agents. Nuncios also had the interest and motivation to try to be as accurate in relating this information to their superiors as possible; they were not writing propaganda meant to persuade a public audience, but quite to the contrary, ciphered reports in which they consciously made the separation between information and their own judgment as clear as possible for the reader (namely, the Pope’s Secretary of State).

Certainly, the quality of their reports varied according to the personal abilities of the nuncios themselves—and from this perspective, Vincentio Laureo, the nuncio present in Poland-Lithuania at the time of Báthory’s election was certainly an extraordinary man, whose insights and shrewdness far exceeded those of his successor, Caligari. I initially read Laureo’s reports in the Vatican’s Archives (Segreteria di Stato, Polonia), but I have also used Wiebrzowski’s published version (which does not include the appendixes and additional materials attached by Laureo to his letters). My citations refer sometimes to the archival material, and sometimes
to the published material. The correspondence of Caligari and Bolognetti (Caligari’s successor) was edited and published in more complete format by Ludwik Boratyński; for these two nuncios I have only used the published version of their correspondence.

As far as the nuncio reports are concerned, it should be emphasized that, regardless of their efforts to be accurate and nuanced, they are strongly influenced by the interests and world view of the Holy See. That comes as no surprise, naturally, but it is important to keep in mind this aspect as far as the political language they are using is concerned. As will be visible in the following chapters, the agents of the Pope in general and Laureo in particular are quite versed in the language of the “reason of state,” and they are judging the world they are seeing mainly from that perspective. More on this subject can be found in the concluding remarks.

There were no papal nuncios in Transylvania in the second half of the sixteenth century (until 1592, to be more precise). Here, however, we have Jesuit sources—not quite as exhaustive and relevant to the topic of election as we might wish, but still quite useful. I have looked at the correspondence of the Jesuit fathers (particularly from 1579 onwards, the year when their order was introduced in Transylvania) and their annual reports available in the Society’s Archives in Rome, in the Hungarian Academy of Science (copies) as well as in published format (Endre Veress was responsible for this collection as well). Nevertheless, as far as Transylvanian political issues are concerned, I found Father Antonio Possevino’s
Transylvania, mentioned in the narrative category above, to be the most useful account by far.

The Venetian ambassadors to Poland-Lithuania, Constantinople, and Vienna represent another valuable source of information—both about Transylvania and Poland-Lithuania. Ambassador Girolamo Lippomano, who was in Cracow for Henri’s coronation, left the Commonwealth in 1575, but he reported rather extensively on the part of the interregnum that he did witness, including his meetings with the Transylvanian envoy who was there at that time. The ambassadors to Constantinople and Vienna are good alternative sources, one on the Ottoman side of the story, and the other on the Habsburg side, although it is surprising how little they seemed to know about what was happening in Poland-Lithuania and especially Transylvania at that time—particularly by comparison to the nuncios. They are important, however, inasmuch as they reflect the attitude of the local authorities; for instance, the gossip related by the Venetian ambassador in Constantinople tells us something about the decision-making process at the Porte, as well as the speed—or lack thereof—with which news about Central Europe circulated in the region. The dispatches of the Venetian ambassadors are available in Venice’s State Archives; those sent from Poland have not been published so far, to my knowledge.44 Their “relations” to the Senate (these were general reports presented publicly by the

44 See the bibliography for published editions of dispatches sent from Germany, and some of the final reports presented by the ambassadors upon their return to Venice.
ambassadors upon their return home) were, however, edited and published by Eugenio Albèri in the mid-nineteenth century.

**Outline and secondary literature.** The succession of chapters in this dissertation roughly follows the logical development of an election. Chapter one starts with the establishment of elective institutions and the decision to organize new elections in Transylvania and Poland-Lithuania in 1571 and 1574-1575. Chapter two focuses on the period of “campaigning” and the methods with which potential candidates tried to persuade voters of their qualities. Chapter three analyzes the electoral assemblies, together with all the practical and theoretical complexities involved by the act of voting. Chapter four examines the steps following the election, namely coronation and enthronement, which were meant to seal the choice of the electors with the marks of reigning authority. The last chapter focuses on the contractual aspects of these elections and examines in some detail a few of the promises made by the elected ruler to his electors both in Transylvania and Poland-Lithuania. The conclusions look at elective monarchies from a more general perspective by placing the findings of the chapters at the intersection between civic republican, liberal, constituent, and absolutist theories.

Beginning with Kaminski’s vision of early modern Polish-Lithuanian politics, I seek to develop, problematize, and test his theories in the context of sixteenth-century royal and princely elections. The idea of research on a Polish King builds upon
Robert I. Frost’s insistence on the relevance of royal power in the Commonwealth—not as desiderate, but as a reality that should not be obscured by the elective nature of the royal position. Although Professor Frost’s work generally deals with the seventeenth century, and his conclusions do not really apply to the late sixteenth- and early seventeenth centuries, he convincingly points out, in my opinion, the relatively late development of anti-monarchism in the Commonwealth (after the mid-1650s) and also, most importantly, the ambivalent attitude of the Polish nobility toward their kings.45 The latter observation is particularly suitable to the context of Báthory’s reign, as will be seen particularly in Chapter 4.

Graeme Murdock’s article on Transylvanian elections46 has also been particularly stimulating with its vision on the political culture of the Transylvanian estates, particularly the contradictory yet strangely functional combination of fear and love of liberty and self-government that animated Transylvanians each time they had to elect a new prince. The Transylvanian part of the first chapter is, in a way, a response and development of Professor Murdock’s ideas, which, like those of Professor Frost, deal with the seventeenth century rather than an earlier period. As far as the constitutional development of Transylvania in the 1570s is concerned,

Teréz Oborni’s work on the period before and after the Speyer Agreement has provided invaluable guidance.\footnote{Teréz Oborni, “Erdély közjogi helyzete a speyeri szerződés után (1571-1575),” in Tanulmányok Szakály Ferenc Emlékére, ed. Pál Fodor, Géza Pálffy, and István György Tóth (Budapest: MTA TKI Gazdaság- és Társadalomtörténeti Kutatócsoportja, 2002), 291-305.}

Chapter 3 relies quite extensively on the help of political science to help analyze voting methods in Transylvania and particularly in Poland-Lithuania. Among the scholars cited, I have used most extensively the ideas explored by Professors Colomer and McLean in their analysis of papal elections,\footnote{Josep M. Colomer and Iain McLean, “Electing Popes: Approval Balloting and Qualified-Majority Rule,” Journal of Interdisciplinary History 29, no. 1 (June 1998): 1-22.} as I found that some of their concepts—particularly “approval voting”—were applicable to Polish-Lithuanian elections as well. Konopczyński’s study of the liberum veto remains a valuable contribution to the field, and I have used it in this chapter as well.

Sándor Szilágyi’s introductory study on Báthory’s election in Transylvania (in the second volume of the Monumenta Comitialia Regni Transylvaniae collection) is valuable for its wealth of detail as well as the sources it cites, some of which I was not able to consult directly. As far as Poland-Lithuania’s second interregnum and the events of December 1575 are concerned, the pioneer work of Nisbet Bain and particularly Ludwik Bazylow, who, in my opinion, is the author of the best-researched study of Báthory’s election to the Polish-Lithuanian throne to date, has to be acknowledged,\footnote{Lajos Szádeczky also published studies (in Hungarian and French) and original documents related to Báthory’s election in Báthory István lengyel királylyá választása, 1574-1576 (Budapest: M. Tud. Akadémia, 1887), and “L’élection d’Etienne Báthory au trône de Pologne,” in Imre Lukinich and Jan Rodica Ciocan’s unforgiving study of Báthory’s
cautiousness in relation to the Ottomans—a novelty in historiography at the time it was written. As far as the Polish-Ottoman relations at the time of Báthory’s election are concerned, the recent research done in Turkish archives by Krzysztof Wawrzyniak for his Ph.D. dissertation, as well as Janusz Pajewski’s older study of the Porte’s role in the election of 1575 provided crucial information for this work. The studies focused on the structure, attendants, and issues of Polish-Lithuanian Sejms recently published by Ewa Dubas-Urwanowicz and Jan Dziegielewski\(^5\) have also helped enormously with concrete information and comparative elements that were crucial in Chapter 3. In the same line of historiography, the edited volume containing thorough studies of the Secklers’ situation in Transylvania before, during, and after Báthory’s reign in Transylvania (Răscoala Secuilor din 1595-1596: antecedente, desfasurari si urmari) was instrumental for Chapter 5.

László Péter’s and Teréz Oborní’s work on Werbőczy’s legal thinking and the complex structure of the political concept of the Crown of Saint Steven have greatly contributed to my understanding of early and mid-sixteenth-century Hungarian and Transylvanian political thinking.\(^5\) At the European level, Ernest Kantorowicz’s and Ralph E. Giesey’s profound analyses of the nature of royal

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51 Professor Oborní has also offered priceless guidance during my research in the Hungarian National Archives and the Széchenyi National Library in Budapest.
authority are fundamental for this project and their categories have repeatedly guided and instructed my interpretation. Last but not least, the enormous effort put by nineteenth- and twentieth-century historians and archivists into transcribing, editing, and publishing the vast document collections used in this work deserves more than appreciation; it demands respect. Without the results of their work, the research for this dissertation would have been even more arduous than it already was.

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Many of the sources at the basis of this dissertation have been used by historians of Transylvania and Poland-Lithuania before (with the exception of some of the Venetian dispatches\(^{52}\) and perhaps Spannochi’s account of the 1587 interregnum, which I have not seen cited elsewhere). What I am proposing below, therefore, is not so much the novelty of previously untouched material as an effort to illuminate old material from fresh perspectives, and to expose it to theoretical questions that have not been customarily asked in the context of East Central European history. Moreover, this dissertation brings together, for the first time, sources treated in parallel historiographies.

The comparison between Poland-Lithuania and Transylvania is a step in a direction that has not been sufficiently explored before, and which aims to contextualize and problematize the Polish-Lithuanian *sonderweg*. Even though it is

\(^{52}\) Bazylow does, however, cite a few letters written by the Venetian ambassadors in Constantinople (based on the copies available in the manuscript collection of the Hungarian Academy of Sciences). See for instance Ludwik Bazylow, *Starania Stefana Batorego o Koronę Polską* (Wroclaw: Zakłady Graficzne W. I. N. W., 1948), 17.
hard to deny that the Commonwealth took its constitutional and civic republican
principles further than its neighbors, it has to be underlined that it did not exist in a
vacuum. On the contrary, it fit into a distinct European tradition that was prevalent in
several regions of the continent and which it shared with Transylvania as well. The
similarities and differences between the two societies shed light not only on
themselves, but also on the larger universe to which they belonged.

Last but not least, I believe that the themes explored in this dissertation are
relevant for today’s world as well. The current struggle taking place on the European
and American continents in the effort to define the role and meaning of government,
as well as the extent of its power, is of essentially the same nature as the strife to
define the function and authority of rulers in early modern Europe. In particular, the
ongoing vacillation in the United States between republican and more liberal visions
of politics is, for all intents and purposes, a replication of the centuries-old tensions
between political liberty and personal security, self-government and efficient
government, the desire for greatness and the concern for fairness. However, unlike
the citizens of the early modern world, today’s citizens leave much of this debate to
politicians who play the role of expert-citizens, as it were. Voting for president—one
of the few political prerogatives still regularly exercised by common citizens today,
particularly in Europe—is certainly more orderly and less disruptive than voting for
king used to be in early modern elective monarchies. However, for these very
reasons, elections today rarely force voters to reexamine, reestablish and reaffirm the
bases of their body politic to the extent that they did in sixteenth century Transylvania and Poland-Lithuania. Whether stability is more important than direct—albeit chaotic—participation in politics is a matter of personal judgment, yet of collective consequence. What follows is a story about the people who wrestled with this dilemma four hundred years ago.
CHOOSING TO ELECT

a) Elective monarchies in early modern Europe

The practice of electing rulers was by no means a novelty or an exception in sixteenth-century Europe. By that time, the Venetian Doge and the Pope had been for centuries prominent examples of how elective institutions could function at the highest level of power of a political entity—be it a republican city, the secular Papal State, or the non-territorial community of the followers of Christ. Even some of the countries which had acquired a monarchic tradition in the Middle Ages West and North of the Italian world, were using elective practices to fill lower governing positions or have vacant thrones occupied when dynasties went extinct.

While it is true that a handful of Western European monarchies—the rising stars of the centuries to come—were either hereditary or they used dynastic principles in their succession rules, polities in Northern and Central Europe had used electoral methods in their monarchs’ succession since the late Middle Ages, either alone or combined with dynastic systems. Elective monarchies such as

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The Republic of Genoa also continued to elect its Doges until 1797, when it was incorporated by Napoleon into the Ligurian Republic; Genoa was not, however, as prominent an example of mixed government as Venice was, perhaps due to its subordination to Spain.

Ralph E. Giesey shows that few monarchies were truly hereditary, and that jurists always tried to use a “law” other than heredity—which was a notion belonging to private, not public law—in their justification of the existent rules of succession, such as “divine” law, customary law, the fictitious French “Salic” law, “fundamental” law, etc. See Giesey, “The Juristic Basis of Dynastic Right to the French Throne.”
Denmark, Sweden, and Poland were considered specifically “Germanic” and made a strong impression on sixteenth-century Huguenot constitutionalists and seventeenth-century Whigs just as early Teutonic society did on Tacitus in the first century C.E. The examples of Denmark, Sweden, and Poland were commonly used by supporters of the elective monarchy and its detractors alike: Francois Hotman, Jean Bodin, and Robert Filmer are but a few examples of theorists engaged in the elective versus hereditary monarchy debate.\textsuperscript{55} Hungary, because of its tragic fall—as its division between the Habsburgs and the Ottomans was commonly perceived in the sixteenth and seventeenth centuries—was not a common example in such works, even though Hungarian kings had also been elected by the estates since the second half of the fifteenth century, and Transylvania had perpetuated the practice on its own terms after 1540.

In the sixteenth century, however, most of the formerly elective monarchies were turning into dynastic ones; smaller offices were also increasingly nominated from above, rather than elected from below. The Holy Roman Empire, although theoretically an elective monarchy, had become dynastic under the Habsburgs, whose control of Bohemia and Hungary turned those kingdoms into shadows of elective monarchies as well. Sweden and Denmark were still elective in the sixteenth century, but in fact they were already ruled by dynasties in its second half and finally

\textsuperscript{55} See a short but insightful comment on this debate in Earl R. Wasserman, “The Meaning of "Poland" in The Medal,” \textit{Modern Language Notes} 73, no. 3 (March 1958): 165-167.
turned into formal hereditary monarchies around the middle of the seventeenth century.

At the end of the seventeenth century, Transylvania’s practice of electing its own rulers also ended. The last remnants of the Hungarian elective monarchy, which had been kept alive by Transylvania during its two centuries of autonomy, vanished after 1687 and particularly after the issue and ratification by the Transylvanian estates of the Diploma Leopoldinum of 1690, which maintained Transylvanian separation from Hungary, but not from Vienna. In 1711, its princes were finally replaced by Austrian governors. Thus, by the beginning of the eighteenth century, governments that still used elections in order to establish their rulers were drastically fewer than two centuries before: besides the Papal State, Venice and Genoa, and putting aside the special situation of the Dutch Republic and the Swiss cantons, which were strongly republican yet did not elect monarchs per se—there was only one political community which neither did away with its king or turned him into a symbolic figure, nor turned his throne into a hereditary possession, but instead insisted on repeating the electoral process time and again, ruler after ruler: The Polish-Lithuanian Commonwealth.

56 Some authors argue that other ecclesiastical territories, such as certain bishoprics and archbishoprics in the Holy Roman Empire (the Germania Sacra) were also “elective monarchies” in the lax sense of the term. See for instance Robert W. Scheller, “Art of the State: Forms of Government and Their Effect on the Collecting of Art 1550-1800,” Simiolus: Netherlands Quarterly for the History of Art 24, no. 2/3 (1996): 275-286, here 278.
Transylvania had been, however, just as stubbornly elective between 1571 and 1711. Its estates may not have taken constitutionalism as far as their Polish-Lithuanian counterparts, but they demanded, obtained, and defended their right to elect their own rulers just as adamantly as the Polish nobility after 1572. And yet, while early modern Western European theorists frequently illustrated their debates for and against elective monarchy with the example of Poland-Lithuania, Transylvania is virtually absent in such analyses. Its small size and minor commercial importance are perhaps part of the reason for such oversight. More likely, however, it was probably its uncomfortable position between Vienna and Istanbul that led outside observers to ignore its internal structure and hastily confuse it with either Habsburg Hungary or a territory directly ruled by the Ottoman Empire.

In all truth, Transylvania’s regional situation did influence its elective institutions; as a matter of fact, quite heavily so. If, in Poland-Lithuania, royal elections were meant to stave off the power that the king had over the rest of the body politic, Transylvania’s elections were intended by its estates as a bulwark not so much against their ruler as against Habsburg and Ottoman domination. The complex origins of its electoral institutions are examined below.

b) “Taking care of ourselves”: choosing to elect

Hungarian estates had been electing kings in their assemblies since the late Middle Ages, but—in theory at least—they could only do so after the death of a king
who lacked legitimate male heirs.\textsuperscript{57} From this perspective, the Hungarian crown was part-hereditary, part-elective, and as such offered a good basis for speculation to constitutionalist authors who supported the elective right of the estates in the sixteenth century. István Werbőczy’s \textit{Tripartitum}, a voluminous work that compiled the existing (and desired)\textsuperscript{58} legal principles of the Hungarian monarchy in the year 1514, states the fiscal and judicial privileges of the nobility and underlines their right to elect their kings.\textsuperscript{59}

These elections, however, were not strictly regulated; moreover, the \textit{Tripartitum} does not venture any specific interdiction against the dynastic principle. When Ulászlo II died in 1516, his ten-year-old son Louis II followed him on the throne with the assent of the assembled estates, who also appointed a royal council to govern the country until Louis’ coming of age. As was also the case with early medieval Germanic societies, dynasties were allowed to take hold of the Hungarian throne and the estates customarily gave their consent to the succession of the sons of kings until either death, incompetence, or usurpers put an end to their hegemony. At

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\textsuperscript{58} László Péter argues that some of Werbőczy’s principles were a “political programme rather than a legal fact,” particularly Werbőczy’s insistence on the equality of all noble members of the Holy Crown. Péter, “The Holy Crown of Hungary, Visible and Invisible,” 449.
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that point, the estates exercised their elective prerogative by either choosing a king from a different family, or by confirming a successful coup d’état. ⁶⁰

The Ottoman advance in Central Europe significantly complicated the issue of succession to the Hungarian throne. For fourteen years following the Ottoman victory at Mohács in 1526, during which Louis II of Hungary and Bohemia was killed, Hungary was divided between two kings. Two different assemblies of the Hungarian estates attempted, in late 1526, to replace the late Louis with their respective favorite candidates: Transylvanian voivode János Szapolyai and Archduke Ferdinand I of Habsburg. ⁶¹ The situation was never resolved; the two competed for the right to wear the Hungarian crown until 1540, when Szapolyai died and, according to a treaty concluded with Ferdinand in 1538, the Eastern part of the country that had previously been under Szapolyai’s effective control was supposed to revert to Ferdinand.

The Ottomans, who had supported Szapolyai in his struggle for the Hungarian throne and were very much against the Habsburgs gaining control over any more territory than they already had, moved swiftly after Szapolyai’s death and conquered Buda and the Central parts of the former Hungarian kingdom in 1541, thus expanding to the North the area they had been controlling since 1526. The result was a crystallization of Hungary’s threefold division, each with its own separate

⁶¹ Szapolyai’s name is sometimes written as Zapolya, particularly in Polish historiography.
ruling authority: the Habsburg part to the West and North, the Ottoman part in the center, and to the East the former province of Transylvania, which, together with some territories left of the Tisza River that had not belonged to the province traditionally, now became the autonomous principality of Transylvania under Ottoman suzerainty. Sultan Suleyman handed the new principality over to Szapolyai’s widow—Queen Isabella of Polish Jagiellonian extract—and to her newborn son, János Zsigmond Szapolyai.

That moment marked the beginning of Transylvania’s reinvention, a process that occurred independently from the rest of Hungary although it followed, at least in part, the Hungarian model. The conquest of Buda separated the Transylvanian estates from the Hungarian central government on which they were accustomed to rely, which in turn forced them to mobilize and put together a central government of their own, but only after Ferdinand of Habsburg repeatedly failed to recapture the Hungarian territories taken over by the Ottomans. In January 1542, the Transylvanian estates eventually confirmed the Sultan’s decision by investing Queen Isabella and her son with the authority to rule their country, and accepted Friar George Martinuzzi as locumtenens. During the following three decades, but especially during the first five years after the conquest of Buda, the estates of the Transylvanian ex-province defined the new principality’s constitutional structure

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62 Sándor Szilágyi, ed., *Monumenta Comitialia Regni Transylvaniae (Erdélyi Országgúlési Emlékek)* (Budapest: Magyar Tudományos Akadémia, 1875) [hereafter MCRT], vol. I, 64-67, 169. For more details on this period, see Barta and Mócsy, *History of Transylvania*, 422.
through a series of general assemblies where they negotiated and deliberated the shape of what was essentially a new European political entity.\(^{63}\)

The estates assembled at Torda in December 1542, recognized János Zsigmond as “king elect” of Hungary, and asked the Sultan to grant and confirm the right to freely elect a prince from among themselves in the event of János Zsigmond’s death.\(^{64}\) The wish was formally granted in an *athname* sent by Suleyman to the Transylvanian estates and orders in 1566.\(^{65}\) Based on the Porte’s green light, the general assembly at Gyulafehérvár inscribed this right in the country’s public records in September 1567.\(^{66}\) János Zsigmond had been formally proclaimed prince of Transylvania in 1556, after a series of changes of heart on the part of the estates and Friar George, who had oscillated between allegiance to Ferdinand and vassalage to the Porte. They eventually had to place their bets on the latter, due to the unreliability of the former.

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\(^{63}\) Hungarian historians are divided over the issue of Transylvanian autonomy before its separation from Hungary, oscillating between two positions: first, that Transylvania was an integral part of Hungary that was artificially cut off from the rest of the country by the Ottomans; and second, that it had been increasingly autonomous and had a distinct identity within the Hungarian kingdom well before Mohács and the conquest of Buda. For a short overview of this issue in Hungarian historiography, see Teréz Oborni, “From Province to Principality: Continuity and Change in Transylvania in the First Half of the Sixteenth Century,” in István Zombori, *Fight Against the Turk in Central-Europe in the First Half of the 16th Century* (Budapest: METEM, 2004), 165-179. Oborni represents the middle ground between the two extremes; according to this article, Transylvania exhibited signs of autonomy since the 15\(^{th}\) century, yet would have never become a separate principality without the support of the Ottomans.

\(^{64}\) MCRT I, 176.

\(^{65}\) See Farkas Bethlen, *Historia de Rebus Transsylvanicis*, vol. 2, 2nd ed. (Cibinii: Martin Hochmeister, 1782) [hereafter Bethlen], 84-85.

\(^{66}\) MCRT II, 330-338.
Ferdinand did not provide the military support the Transylvanians expected in 1551-1552, after Friar George had handed Transylvania over to imperial troops, in an attempt to reunite Transylvania to the rest of Hungary under Habsburg control. In retaliation, the Ottomans started a punitive campaign in late October 1551; the friar was assassinated in December, upon order from Vienna, who did not seem ready for open conflict with Suleyman; and imperial troops gradually lost their hold on Transylvania as Ottoman forces took border fortresses one by one in summer 1552. As a result, realizing that they could not count on imperial support, the Transylvanian estates recalled Isabella and János Zsigmond in 1556 and reconfirmed the latter as Hungarian king elect and “prince of Transylvania,” thus formally sanctioning the gap that had appeared between Transylvania and the other parts of the former Hungarian kingdom. Nevertheless, János Zsigmond was customarily called “king-elect” (or simply “king”) within Transylvania, throughout his reign; it was only the secret Speyer Agreement of 1570, signed by Emperor Maximilian II four days before János Zsigmond’s death, that sanctioned the title of “prince” for the ruler of Transylvania on the Habsburg side. When the prince’s feeble health eventually succumbed in 1571, the Transylvanian nations came together and decided

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67 MCRT I, 569.
68 Under the terms of Speyer, this title was only reserved to János Zsigmond and his offspring; if he died childless, as he did, Transylvania was supposed to revert to the Hungarian king, i.e., Maximilian II. See Chapter 4 for more details on the issue of titles. István Szamosközy offers the details of the Speyer Agreement in his contemporary narrative. See István Szamosközy, Történeti Maradványai, 1566-1603, ed. Sándor Szilágyi, 4 vols. (Budapest: A M. Tud. Akadémia Könyvkiadó Hivatala, 1876) [hereafter Szamosközy], vol. IV, 7-9. For a critical edition of the Agreement, see Roderich Gooss, Österreichische Staatsverträge: Fürstentum Siebenbürgen, 1526-1690 (Nendeln/Liechtenstein: Kraus Reprint, 1970), 182-204.
to hand over the voivodeship to Stefan Báthory, thus further separating Transylvania from Hungary. 69

Until his death, János Zsigmond had called himself electus rex Hungariae, Croatiae, Dalmatiae, etc. based on the fact that the anti-Habsburg part of the Hungarian estates had indeed elected him king of Hungary—within weeks of his father’s death in 1540, when he was still an infant. The Habsburgs, who were in control of the Western part of the kingdom, also known as Royal Hungary, contested his right to use that title and claimed it for themselves all throughout János Zsigmond’s lifetime. With his death in 1571, the challenge to the Habsburg hold on the Hungarian crown finally ended and the Transylvanian estates elected a separate ruler for themselves.

At that point, Transylvania ceased to be the seat of a rival Hungarian king and became a separate entity altogether, run by a ruler who initially used the title worn by Transylvanian governors when they were still appointed by the kings of Hungary: “voivode.” The election of a voivode in Transylvania, without any claim or publicly acknowledged allegiance to the Hungarian crown, decisively increased the distance between the former Hungarian province and the rest of the kingdom, even though the Habsburgs, in their position as kings of Hungary, continued to assert and even exercise—albeit covertly—a certain amount of control over the region. The structure of the Transylvanian administration stayed virtually the same, but the link

69 MCRT II, 471-476.
with Hungary, after having been weakened in 1526 and 1540, was seriously challenged, if not severed, in the years following the 1571 election.

An agreement had been concluded in 1570 at Speyer between János Zsigmond’s envoys and Maximilian II of Habsburg, according to which, in exchange for some territorial adjustments favoring Szapolyai, Transylvania was supposed to revert to Habsburg control in the event of János Zsigmond’s childless death. Nevertheless, the agreement was never ratified by the Transylvanian estates, as János Zsigmond had not found the opportunity to break the news to them; he knew there was going to be very little support for a new project of collaboration with the Habsburgs.70 When János Zsigmond died, the estates not only did not know about the understanding with Maximilian. The members of the estates viewed the idea of Maximilian having control over them with open hostility. Consequently, they rejected the seemingly ideal candidate for the job—Gáspar Bekes, János Zsigmond’s treasurer, ambassador to Maximilian, and a close friend of many of the main Transylvanian dignitaries—and elected instead the former captain of Várad and Szatmár, a relatively isolated military commander who had fallen into the court’s disfavor in recent years. The act of election makes specific mention of the right conferred in 1566 by Suleyman to the Transylvanian estates to elect their princes

freely; later that year, a letter from Sultan Selim reconfirmed the Transylvanians’ right to elections in general and Báthory’s election in particular.

The connection between the Hungarian custom of electing kings and the Transylvanian estates’ princely elections carries dual significance. Not only does it show how deeply rooted electoral practices were in the region, but it is also symptomatic of the gradual transformation from province to autonomous principality. Before 1540, the Transylvanian estates and orders sent delegates to Hungarian assemblies, whereas their governors were never elected, but appointed by the king. Immediately after the conquest of Buda, however, their assemblies turned from “provincial” to “general” and claimed the authority to elect a voivode whom they also, albeit not consistently, called a prince.

The fact that the position of governor of Transylvania had not been elective before does not weaken the link between the Hungarian elective tradition and the new Transylvanian practice; on the contrary, it shows its strength. By obtaining from the Porte the right to elect their own ruler in 1566, the Transylvanian estates essentially recreated a miniature Hungary on the other side of the Ottoman-controlled zone. The connection with Royal Hungary—already plagued by the mistrust and resentment accumulated on both sides since the 1550s—was seriously challenged in 1571, when this right was exercised against the will of the Habsburgs.

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71 MCRT II, 472.
73 Graeme Murdock questions this link in Murdock, “Freely Elected in Fear,” 217.
king of Royal Hungary, Maximilian II, and particularly in 1575, when the estates
gave formal sanction to the transfer of ultimate jurisdiction from the king of Hungary
to the Transylvanian voivode.

To the North, a similar process of state-building occurred, albeit in very different
circumstances. In 1569, the Polish Kingdom had united with the Grand Duchy of
Lithuania and formed a new political entity, the Polish-Lithuanian Commonwealth
(or “Republic,” in Latin and Polish). The new state not only inherited the
constitutional trends that had begun to define Polish society since the beginning of
the 16th century, but it also developed them further. In 1572, when King Zygmunt
August, the last king of the Jagiellonian dynasty, died without progeny, the Polish-
Lithuanian society took the opportunity to re-negotiate and re-define its political
structure. The republican current that was particularly strong within the Polish
nobility at the time gained the upper hand and, within three years of its creation, the
Commonwealth became, for all intents and purposes, a constitutional monarchy
where kings were not only elected—they had also been elected in the Polish
kingdom before, but they had held a hereditary claim on Lithuania which facilitated
their continued access to the Polish crown, and which they now lost—but were also
required to swear detailed oaths of compliance to the country’s fundamental laws
before their coronation.

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The terms of the first such covenant were put together by a general assembly of the estates in May 1573, and were confirmed by Henri de Valois, Poland-Lithuania’s first elected king, at his coronation ceremony in April 1574. The agreement consisted of a set of general governing principles, also known as the “Henrician Articles” (Artykuły Henrykowskie in Polish), which were confirmed verbally and in writing by all subsequent kings, and one separate document, called Pacta Conventa, in which specific conditions for each elected king were formulated; for instance, a treaty of friendship between France and Poland-Lithuania, in the case of Henri de Valois. The first article of the “Henrician Articles” specifically bans the usage of the term haeredis by the elected king and any of his successors, and it forbids any succession arrangements during the lifetime of the existing king. These conditions were not new—already in 1530, when Zygmunt I’s son was elected as his successor during his lifetime, the Sejm insisted on the exceptional nature of this election vivente rege and that in the future elections should only take place after the death of the monarch.

The Polish-Lithuanian monarchy had also been elective before Zygmunt August’s death. Then as well, interregna started as soon as the king died and ended

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75 Ibid., 326.
77 Zygmunt August’s election while his father was still alive, in 1529, was an exception to the rule.
when his successor was crowned. What differentiated the Polish elective monarchy from the Polish-Lithuanian one was that, for two centuries, the throne passed from father to son and elections were little more than a confirmation by the estates that the new king was fit to rule.\textsuperscript{78} It was only because of Zygmunt August’s lack of offspring and other suitable (i.e., male) relatives\textsuperscript{79} that the Commonwealth was forced to look for candidates elsewhere and, in the process, fundamentally alter its constitutional makeup. When it became clear that open elections were going to have to be held after Zygmunt August’s death, public debates in Poland became increasingly dominated by the issue of royal elections, their origins and principles. In this climate, constitutional-minded nobles from Little and Great Poland put a strong emphasis on the elective nature of the Polish throne and on its distant roots in the traditions of the Polish monarchy.

In order to establish a connection between the new system and the old, an anonymous writer underlined in 1569 that the Polish throne had never been hereditary and that, in previous centuries, the Poles elected the son of the deceased king “only if they liked him, and particularly if his father had been good and his

\textsuperscript{78} The Jagiellons’ extensive hereditary possessions, particularly that of the Great Duchy of Lithuania (before the union of 1569), significantly contributed to this continued presence on the throne. Jerzy Lukowski, “The Szlachta and the Monarchy: Reflections on the Struggle inter maiestatem ac libertatem,” in Butterwick, \textit{The Polish-Lithuanian Monarchy in European Context}, 136.

\textsuperscript{79} In Poland there was no invocation of a “Salic law” on the French model to justify the preference for male rulers; it was quite simply a custom. See “De eligendo rege Poloniae consultatio nobilissimo cuiusdam Poloni” in Jan Czubek, ed., \textit{Pisma Polityczne z Czasów Pierwszego Bezkrólewia} (Cracow: Nakl. Akademii Umiejetnosci, 1906), 259-271. For the French Salic law, see Giesey, “The Juristic Basis of Dynastic Right to the French Throne,” 17-22.
government orderly, lawful, and praiseworthy.”80 Yet, even with the wave of reforms brought on by the executionist movement in the 1560s, there is hardly any doubt that if Zygmunt August had had a son (and perhaps even a daughter), they would have ruled the Commonwealth just like their ancestors had ruled the kingdom of Poland and the Great Duchy of Lithuania. Even after Zygmunt’s death, the collateral lines of the Jagiellonian family continued to greatly influence Polish-Lithuanian elections well into the seventeenth century.81

Just as in the Hungarian case, the tradition of electing Polish kings had medieval roots and it was based on the same mixture of elective and dynastic principles as in Hungary. What separated the medieval practice from the early modern one in Poland-Lithuania was the specific ban of hereditary tendencies, a provision that was never made in Transylvanian constitutions. The other crucial difference was the explicit mention of the right of disobedience in the case of the king’s non-compliance with the terms of his election,82 which in Transylvania was implicit in the prince’s oath to observe and maintain the country’s laws and the estates’ liberties, but was not formulated as such—i.e., the right to disobey—in the general assembly’s constitutions until Gábor Bethlen’s election in 1613.83

81 See Chapter 2.
82 Article 21 of “Artykuły Henrykowskie” (the 1574 version) in VC 329.
83 MCRT VI, 359. The oaths are discussed in more detail in Chapter 5.
Beside the elective principle, Poland-Lithuania and Transylvania also shared laws of toleration that were not replicated anywhere else in Europe at that time. Transylvania had been gradually acknowledging the changes brought by the Reformation from 1548 onward, eventually incorporating into state institutions, the representatives of Lutheran, Calvinist, and Arian congregations, as well as protecting, to varying degrees, the Catholic and Orthodox Christian Churches.\textsuperscript{84} The estates of the Polish-Lithuanian Commonwealth also introduced a law of religious toleration in 1573, known as the Warsaw Confederation (\textit{Konfederacja Warszawska}), which was attached to the coronation oath of all subsequent Kings of Poland and Grand Dukes of Lithuania, just as the voivodes had to promise—immediately after their election and before their enthronement—to observe the religious liberties of the orders and estates of Transylvania. Although the legal guarantees of religious peace in the Commonwealth were less specific than those of Transylvania, Poland-Lithuania enjoyed a similar level of religious diversity in the second half of the sixteenth century.\textsuperscript{85} Whereas religious tensions were not lacking in either country, the level of religious persecution and violence was extremely low.\textsuperscript{86}

\textsuperscript{84} See Chapter 5 for more details.
\textsuperscript{85} For a comprehensive study of religious history on Polish-Lithuanian territories in the sixteenth century, see Ambroise Jobert, \textit{De Luther à Mohila: La Pologne Dans La Crise De La Chrétienté, 1517-1648}, Collection historique de l'Institut d'études slaves 21 (Paris: Institute d'études slaves, 1974).
\textsuperscript{86} See Maria Crăciun, Ovidiu Ghitta, and Graeme Murdock, eds., \textit{Confessional Identity in East-Central Europe}, St. Andrews studies in Reformation history (Aldershot, Hants, England: Ashgate, 2002); and Graeme Murdock, \textit{Calvinism on the Frontier, 1600-1660: International Calvinism and the
Despite sharing elective and religious toleration principles, Transylvania and Poland-Lithuania were different in certain fundamental ways. The greatest distinction may be identified in the ruler’s source of authority. Whereas the Polish-Lithuanian king had royal majesty that depended on no external authority other than that of God, and the Polish-Lithuanian estates needed no external power to either grant or confirm their right to royal elections, the situation in Transylvania was very different, due to its precarious position between the Habsburgs and the Ottomans. After all, it was on the basis of an ‘ahdname\textsuperscript{87} granted by Sultan Suleyman and confirmed by his successor Selim that the Transylvanian estates elected their voivode in 1571; moreover, as a symbol of its “protection,” and despite its rather limited interference in the internal affairs of Transylvania, the Porte would acknowledge each election by publicly sending to the newly elected prince a firman of confirmation—phrased very much like a letter of appointment, even though it simultaneously acknowledged the right of the estates to “free” elections—together


\textsuperscript{87} ‘Ahdnames may be translated as “peace treaties” between the Porte and the governments of other countries, but it must be noted that they often had a unilateral (and often commercial) character that took the form of a grant or privilege offered by the sultan, without any visible input from the receiving party. As far as the Polish-Lithuanian Commonwealth is concerned, until the second half of the seventeenth century these pacts had a more bilateral character, inasmuch as the Porte preferred to receive a confirmation of the ‘ahdname after it was granted by the sultan. This confirmation had to be sealed by the king and ratified by the Sejm. See Dariusz Kołodziejczyk, \textit{Ottoman-Polish Diplomatic Relations (15th-18th Century): An Annotated Edition of ‘ahdnames and Other Documents} (Leiden, [The Netherlands]: Brill, 2000), 4-7.
with a scepter and a cloak, thus making a display of the Sultan’s claim to having not only power, but also authority over Transylvania.\(^88\)

The Transylvanians accepted the Sultan’s power over them as a necessary evil, while doing whatever necessary to maintain their control over the elections per se. At the same time, when the Habsburg king of Hungary magnanimously decided to “allow” free elections to the Transylvanian estates in April 1571, their delegates angrily rejected it as arrogant and insulting.\(^89\) This contrast illustrates that the Ottoman presence was not simply a limitation on Transylvania’s independent existence; it was the very factor that made it possible in the first place. Without Suleyman’s conquests in Central Hungary, Transylvania would have most likely remained a part of the Hungarian kingdom and never gotten to the point where it elected its own princes. It therefore makes sense that its elective right was first and foremost connected to the Porte, rather than the king of Hungary.

Traditionally and historically, the king of Hungary had been the “maker” of the Transylvanian voivode. Before the territories of the Holy Crown of St. Stephen were scattered by the Ottomans, the king appointed the voivode of Transylvania and judicial sentences of the latter could be appealed to the former. Once the Transylvanian estates started electing their voivodes, they essentially cut the umbilical chord that connected them to Royal Hungary. They replaced the king with

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\(^{88}\) For a more detailed analysis of this issue, see Chapter 4.

\(^{89}\) Bethlen 224-225. This was in late May, at the enlarged electoral assembly after János Zsigmond’s funeral. At the preliminary partial assembly of April, Maximilian had sent a different letter that mentioned appointment, rather than elections. See MCRT II, 392.
the Sultan, but the newly forged connection with the Porte could not and was not meant to replicate the organic one that had linked the voivode to the king of Hungary. At least in the early stages of Transylvania’s separation from the rest of Hungary, the Sultan may have had the same power, but never the same authority as that which the king of Hungary had formally held over Transylvania; the difference was the same as that between might and right.

In this sense, the Sultan’s grant of free elections to the Transylvanian estates was specifically aimed at eroding that traditional authority of the king of Hungary which lingered in the minds of the Transylvanian estates even though it was not (publicly) enacted. From this perspective, the Sultan’s grant was aimed at the relationship between Hungary and Transylvania more than that between Transylvania and the Ottoman Empire itself. Suleyman and his successors did not hold Transylvania under their control only by force, but also by offering the estates a say at the time of elections, and their ruler more autonomy than he would have ever had under the kings of Hungary. Considering the context of that offer—a Royal Hungary ruled by the Habsburgs, whom the Transylvanians not only strongly disliked, but who had also proved quite useless in times of need—the choice to side with the Ottomans is not surprising.

The result may have looked like a simple change of suzerains: after all, Transylvania merely replaced one subordination with another, and even though it became more autonomous, it remained essentially un-free. Yet, as far as the authority
of the voivode and his suzerain are concerned, this change was fundamental. From this perspective, if the Habsburg king of Hungary was Transylvania’s negligent father, the Sultan was her abusive husband. Which one of them was worse is perhaps less relevant a question than the issue of the structural difference—despite the apparent similarities—between the two kinds of relationships, and which may be essentially summed up as the difference between a blood relation and an alliance.\footnote{See Blandrata’s oration on behalf of Stefan Báthory at the Polish-Lithuanian election Sejm of 1575, in which he claimed that the “Turk is a friend, not our master; if his advice is good, we will take it, if not, who is to stop us from rejecting it?” Świętosław Orzelski, \textit{Bezkrólewia Księgi Ośmioro (Interregni Poloniae Libros), 1572-1576} (Cracow: Nakl. Akademii Umiejętności, 1917) [hereafter Orzelski], 386-390. This optimistic vision of the relationship between Transylvania and the Porte did not necessarily reflect reality, but the choice of words is interesting. See Chapter 4 for more details on this issue. See also Teréz Oborni, “From Province to Principality,” in Zombori, \textit{Fight Against the Turk}, 165-179 for an overview of Transylvania’s constitutional changes in the mid-sixteenth century.}

Even with Transylvania’s increased autonomy from its suzerains, however, its voivode never acquired enough independence from the Holy Crown of St. Stephen to claim a \textit{majestas} of his own. And yet, after 1571, although the voivodeship continued to be understood in terms of office and \textit{dignitas} for a while, Báthory and his successors created and superimposed a notion of \textit{auctoritas} to their position.\footnote{See Chapter 4 for this point. For an analysis of the notion of \textit{dignitas} as separate from the person of the ruler, see Ernst Hartwig Kantorowicz, \textit{The King's Two Bodies; a Study in Mediaeval Political Theology} (Princeton, N.J: Princeton University Press, 1957), 383-450. For \textit{dignitas} in canon law and in the context of the French succession, see Giesey, “The Juristic Basis of Dynastic Right to the French Throne,” 6-7ff.}

One similarity between the Polish and Transylvanian political changes in the 1570s is that temporary alterations in the strength and position of the monarch led, in both cases, not only to a circumstantial, but also to an institutional weakening of the monarch’s place in the Republic. The main goal of the estates in Transylvania was to
prevent the disintegration of the body politic in the absence of somebody whom they could recognize as a legitimate ruler—first after János Szapolyai’s death in 1540, then after that of his son in 1571—a situation that was of course perceived as extremely dangerous, not only for the political community, but for the very fabric of society. The essence of this intention was very well captured by a witness to the general assembly of the Transylvanian estates that was held in December 1542, when a participant proclaimed that “we decided to have the son of the defunct [János Szapolyai] as our prince, send tax to the Turks and ask Ferdinand that—if he cannot help—he at least try not to expose us to danger and allow us to take care of ourselves.” The Poles and Lithuanians were doing the exact same thing when they assembled after the death of their last Jagiellonian king in order to decide what was to be done with their country; they were essentially “taking care of themselves:” “At this perilous time, without a reigning king, we did our best…, following the example of our ancestors, to defend and maintain the justice, order and protection of our Republic.”

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92 MCRT I, 172. The Transylvanian estates sent a similar message to the Hungarian king in December 1555: “We were pleased to have a Christian ruler and links to the Holy Roman Emperor, but it was not God’s will that this should endure, for we fear the enemy: it is near, has great numbers and might, and now that it is free of its Asian problems, it threatens us with all the power at its disposal. The enemy has warned us that our country will be put to fire and sword, and that we, our women, our children, our families will be exterminated. Those who witnessed the fall of Lippa and Temesvár know that this threat is genuine. We therefore ask that you either provide assistance sufficient to let us prevail against Suleiman, or release us from our oath.” MCRT I, 475, cited as such in Barta and Mócsy, History of Transylvania, 630-631.

93 28 January 1573, Warsaw Confederation in VC 306.
The sense of danger and uncertainty was pervasive as long as the position of highest power in the state remained vacant. The estates of Transylvania and Poland-Lithuania had to mobilize and find a way to secure the continuation of government despite the temporary disappearance of royal authority, which had traditionally been the guarantor of the most basic functions of government, such as the administration of justice, the collection of taxes, and, most importantly, the organization of the country’s defense at times of war. Most often, the end of a dynasty or the dismemberment of a country due to military conquest would typically bring a temporary disruption of government, until a new dynasty was established or a new allegiance secured. However, the Transylvanian and Polish-Lithuanian estates went beyond mere crisis management when they decided to change not only the persons in power, but also the structure and nature of their body politic. The goal was to prevent such situations of authority vacuum from re-occurring in the future, and to allow government to continue to function, albeit for a limited amount of time, independently not only of the monarch’s person, but also, to a certain degree, of his office.

c) “A free prince”: the road to Transylvania’s first election

If, in the case of the Polish-Lithuanian Commonwealth, identifying and delimiting each interregnum is generally unproblematic—despite the legal complications introduced by Henri’s departure—it is much harder to do the same
with pre-1571 Transylvania, due to Hungary’s geographical and political division, the double claim to the Hungarian throne, and the estates’ frequent switches of allegiance between the Habsburgs and the Szapolyais. Because János Zsigmond was elected king of Hungary, rather than prince or voivode of Transylvania, I consider Stefan Báthory’s election in May 1571 as Transylvania’s first, in the sense that it was the first occurrence of electing a ruler for Transylvania and its adjacent territories alone.

While it cannot be labeled as an “interregnum” for the simple reason that Transylvania was not going to elect a rex, but only—at best—a princeps, the period of two months between János Zsigmond’s death and Stefan Báthory’s election was, nevertheless, a period of power vacuum similar to interregna in the sense that it bridged the reign of the previous ruler and the next. In a purely Hungarian context, this was the first election that did not involve any claim to the Holy Crown of St. Stephen; in the Transylvanian context, it was the first to be regulated by a set of rules which were designed to ensure order and public peace during this transition period.

János Zsigmond died at the end of March 1571; on April 1st, his testament executors, who had been designated by the king-elect before his death,94 issued a letter convening the estates for the second half of May. The order of business for the assembly was the late king-elect’s funeral; no mention of an incoming election is

94 They included: Bekes Gáspár—Stefan Báthory’s counter-candidate and nemesis for the years to come; chancellor Csáky Mihály; Hagymásy Kristóf; Niezowski Stanisław, and Bornemissza Farkas.
made, nor is the word “interregnum” used in this decree. The convocation letter lays the ground rules for a safe transition period, without mentioning, however, what they were transitioning to. Whereas the councilors and executors of the late prince’s testament were trying to secure the application of the Speyer Agreement, a large part of the estates assumed that free elections were going to take place on the basis of the 1566 ‘ahdname, despite the lack of a public announcement in that sense.

The convocation letter issued by the late prince’s chancellor (Csáky Mihály) and the rest of the testament executors limited itself at regulating the administration of the country during the transition period. It also established the number of delegates that each of the estates was asked to send to János Zsigmond’s funeral, namely: ten deputies for each royal county, together with their respective counts or palatines (comes); ten for each Seckler see, together with their highest officials; and six for each Saxon see, together with their respective royal magistrates. During the

95 The word is not used in the documents of the 1571 electoral assembly, nor in any part of the correspondence between Transylvanian dignitaries and Maximilian, but contemporary authors allow themselves a looser understanding of the term and refer to April-May 1571 as a period of “interregnum.” See for instance Forgáč 462, Szamosközy I, 116. (The usage of the term may also be justified by the fact that János-Zsigmond had been, after all, “king-elect.”)

96 Transylvania’s estate structure was peculiar. It had been shaped by the settlement in the region, in the eleventh and twelfth centuries, of two ethnic groups that received territorial, fiscal and legal rights from the kings of Hungary: the Secklers (whose initial role had been mainly to guard the Eastern borders of the Hungarian kingdom) and the Saxons (who had also had a military function, but who eventually acquired a predominantly commercial and manufacturing role in the region). These peculiarities differentiated the Saxons and Secklers from the rest of the Transylvanian population—which also included Hungarians, Romanians, Slavs, and Jews—and eventually turned them into distinct estates, or—as they were called from the fifteenth century onwards—nationes. The nobility formed an estate (or natio) of its own. It was not ethnically defined, but it consisted mostly of Hungarians (or assimilated, Hungarian-speaking Secklers, Saxons, or Romanians) and, for this reason, it was frequently called natio Hungarica by the end of the sixteenth century. Together with the nobility, the Saxon and Seckler nationes sent representatives to local, Transylvanian, and general
assembly, one thousand and five hundred troops were to be placed at Torda under the command of Kristóf Báthory, who, as captain of Várad, held the country’s highest military position. The intention most likely was to keep an eye on the Seckler districts south and east of Torda, where trouble was fomenting; armed Secklers were already gathering in a camp at Tővis in April.  

Hungarian assemblies from the fourteenth century onwards. The three-natio structure of the Transylvanian population of freemen became crystallized in the first half of the fifteenth century and remained fundamentally unchanged throughout the early modern period. The (mostly Hungarian) nobility was territorially organized in counties [comitates], the Secklers in sees (on “Seckler land”), and the Saxons were grouped around major towns, also called sees located on royal land (fundus regius, also called “Saxon land”). The Secklers paid no taxes (except extraordinary ones) in exchange for military service; they also had a remarkably egalitarian society, which was subjected to major changes in the sixteenth century, due to the differentiation of elites and their tendency to appropriate land in royal counties and sometimes even on Seckler land. The Saxons also had extensive fiscal privileges and internal autonomy. There had also been a medieval Romanian estate, but it had lost its legal privileges when its elites integrated into the noble estate. For an overview of the different legal and ethnic groups in Transylvania from the Middle Ages onward, see Barta and Mócsy, History of Transylvania I, part III, ch. 2 (particularly pp. 406-433, 471-487, and 496-503 on the Hungarian royal counties, the Seckler and Saxon settlements, the Romanians in Transylvania, Seckler and Saxon developments in the later Middle Ages, and the evolution of the Transylvanian nations in the fourteenth century). For an analysis that focuses more on the Romanian perspective, see Ioan Aurel Pop, Geneza Medievală a Naţiunilor Moderne: Secolele XIII-XVI (Bucureşti: Editura Fundaţiei Culturale Române, 1998). For the evolution of Transylvanian institutions, particularly the estate assembly and the chancery, see Zsolt Trócsányi, Az Erdélyi Fejedelemens korának országgyűlései: adalék az erdélyi rendség történetéhez (Budapest: Akadémiai Kiadó, 1976); and Erdély központi kormányzata, 1540-1690 (Budapest: Akadémiai Kiadó, 1980).
Until the assembly and the funeral were held, public income was to be administered by the executors of János Zsigmond’s testament. They were supposed to receive the seals of the country (*regni sigilla*) from the first notary of the chancellery and keep them in their custody; only the court seals were to be used for whatever letters and commissions may be necessary during the interregnum. All estates were ordered to be prepared for military muster if need be. Most importantly, the April 1<sup>st</sup> resolution specified that, during the interregnum, “the laws are silent,” meaning that no judicial action was allowed until a new prince was elected. 98

The failure of János Zsigmond’s testament executors, who vainly tried to uphold the Speyer agreement, bypass elections, and hand the principality over to Maximilian II as soon as possible after János’ death, is remarkable and warrants attention. One factor explaining their lack of success is the fact that the Speyer

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98 This is Bethlen’s Latin rendition of the “interregnum” rules (Bethlen 212-213). The original Hungarian phrasing is less dramatic and simply states that no courts were to pass sentences before the May assembly (MCRT II, 385).
agreement was secret, which significantly limited the Emperor’s and the executors’ maneuvering space. The reasons why this agreement had been kept secret are also the reasons why it was ultimately ineffective. First, Maximilian feared, and probably rightly so, that the Ottomans would have moved in immediate military retaliation had they found out that the Emperor was plotting to reestablish his hold on Transylvania. Therefore the plan was to face the Sultan with a *fait accompli*, once the estates transferred power—i.e., the main fortresses of the principality—over to the Habsburgs. Another reason for keeping these plans secret was the mounting anti-Habsburg sentiment among the Transylvanian estates, which had not gotten over Ferdinand’s failure to protect their country against the Ottomans in the 1550s, nor had they forgotten the skirmishes between Habsburg and Transylvanian troops in the North Western part of the principality in the late 1550s and early 1560s.  

Therefore, without the legalistic argument of a treaty that needed to be observed, János Zsigmond’s executors were left with their personal social and political capital as their sole instrument in this endeavor. Yet that capital was clearly insufficient, as became apparent in May. In a letter they wrote to Maximilian shortly after the general convention, they described the circumstances of Báthory’s election:

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99 Contemporary historians István Szamosközy and Ferenc Forgách describe in detail the skirmishes and negotiations with the Habsburgs in the 1550s and 1560s, as well as the resulting mutual mistrust between Transylvanians and Habsburgs throughout the second half of the sixteenth century; the same attitude is also reflected in Bethlen’s later work, which is largely based on Szamosközy’s account (with added transcripts of original documents for illustration). See Szamosközy (particularly vol. I); Forgách; and Bethlen (particularly vol. II).
There are several factions in the population in what concerns the election of the voivode, [and] uproars are stirred particularly by the Secklers and the nobles as it seems that they do not want to elect a voivode according to the ancient custom, as an official, but rather as a free prince ruling on account of a princely dignity. On May 21 the Secklers and many nobles gathered in arms in a place near Alba Iulia, whence they sent ten delegates for each county and each see [to attend] the funeral of our late prince and the general convention, as per the resolution of the previous convention [of April 1st]. As they greatly disagreed with us, we were forced to postpone the date of our lord’s funeral for the day of May 23rd, which was chosen for the mourning of the common subjects, according to our prince’s dignity.  

On May 24 those selected delegates started to move and agitate for the election of the voivode. Although most recently we had let your Majesty know about diverting their efforts both with the election and the speech of the çavuş,101 about which you may read below, however, we realized that the people were disturbed and agitated, and a great number of them were demanding an election,

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100 “According to our prince’s dignity.” Here they refer to János Zsigmond, who on the basis of the Speyer Agreement had given up the title of “king-elect” and was recognized as “prince” (princeps or dux) of Transylvania by Maximilian. Szamoskőzy IV, 8.

101 Ottoman envoy. This word was transliterated in many different ways across the region; here and after I use the Turkish spelling. For a general overview of Ottoman diplomacy and the role of envoys, see Kołodziejczyk, *Ottoman-Polish Diplomatic Relations*, 179-184.
[therefore,] as we wanted to prevent arriving to armed violence on account of public dissension between us and the people [of this country], we were forced, despite your Majesty’s latest instructions, which cannot be known by all the people, particularly since it had to remain hidden from the Porte’s çavuş and the Temesvar Pasha’s two envoys, that we agree with the election.102

The evolution of the situation immediately before the election of Stefan Báthory on May 25 suggests that the orders and estates of Transylvania, and particularly the Seckler and the Hungarian natios, had strongly attached themselves to the idea that they had earned the right to elect a “free prince,” an idea to which they seemed to attach a tremendous importance. It is also significant that the executors reporting to Maximilian were very careful to call János Zsigmond “prince” and not “king-elect” in their letter, thus keeping to the spirit of the Speyer agreement which had insisted on János Zsigmond’s renunciation to his royal claim in exchange for a hereditary hold on Transylvania.

Also pointing in that direction is a letter from Báthory to Maximilian, which he wrote on April 29 and in which he emphasized to the Emperor the importance of holding elections, the purpose of which was to minimize “tumults” and assuage the Turks’ suspicions. Báthory’s advice for Maximilian was to manipulate elections, rather than bypass them altogether, by selecting three or four candidates from among

102 MCRT II, 454-455.
the councilors who are already faithful to the Emperor and allow the people to elect one of them “freely,” while only disclosing the method of selecting the candidates to the most important councilors and dignitaries. Báthory stressed in his letter that the Sultan’s envoy had arrived in the country two days before and had already made clear that the Porte was willing to uphold Transylvania’s liberties and right to free elections only as long as it remained in the Sultan’s obedience, which meant paying tribute and military fealty to the Porte. This was what made Maximilian’s wish to have the estates take or even discuss an oath of obedience to him during the May general convention not only difficult, but also dangerous. Maximilian assured Báthory that everything would be done in such a way that the suspicions of the Turk should not be aroused and internal peace be conserved, which was why the conditions of the election (i.e., the Emperor’s involvement in the process) would have to remain secret.

Maximilian’s intention to circumvent elections was therefore not apparent to the greater part of the country’s estates that were not privy to the circle of the testament executors, aside for the few delegates who had been present at the convocation assembly in April. Evidently Maximilian heeded Báthory’s suggestions, as well as the reports from the executors who let him know about the

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103 MCRT II, 451.
105 MCRT II, 398.
inevitability of the elections, because in May he sent a public letter showing that he made no objections to letting the estates select their voivode after all. In this letter Maximilian avoided making any mention of the idea of appointing a voivode and generally played a rather cautious card: he stated that he was not in position to either defend or aspire to Transylvania, and that he therefore “permitted” free elections; he also asked the estates that they conserve the peace and friendship with him, and that they do not solicit the Sultan’s help against him, “as has often happened before.” According to some sources, despite the Emperor’s effort to show moderation in his attitude, the representatives of the nationes were extremely displeased with the tone of the letter, because it seemed to them that Maximilian infringed on their liberties by ordering them to proceed with the election when the Habsburg Emperor had no business telling them what to do.\textsuperscript{106}

The correspondence between Maximilian and the main Transylvanian dignitaries suggests that the Emperor was negotiating the increase of Habsburg leverage in Transylvania on more than one front. On one hand, he had made a deal with Bekes, who was still in Vienna at the beginning of April, but already organizing his party in Transylvania on 10 April.\textsuperscript{107} Bekes had promised to hand over Transylvania’s fortresses and bring the realm effectively under the Emperor’s control, as had been agreed at Speyer one year before, in exchange for being

\textsuperscript{106} Forgách 467; Bethlen 224.  
\textsuperscript{107} MCRT II, 391.
appointed governor of Transylvania. On the other hand, Maximilian was keeping in touch with Báthory, preparing for the possibility that the May assembly would turn out to be an election after all and trying to ensure that, even if the winner was not who he hoped to be, he would at least have a say in the matter. The opening paragraph of Báthory’s letter to Maximilian suggests that, as soon as János Zsigmond died, Maximilian contacted Báthory (and most probably, Transylvania’s other important dignitaries) in an attempt to secure their fidelity and support of the Habsburg presence in the principality. Whether Báthory was already considered a possible candidate at that point is difficult to establish, but it is likely that Maximilian contacted him even before learning from the executors that he had the favor of the Ottoman Sultan. At the same time, Báthory was building his own campaign by playing Maximilian’s game and trying to covertly acquire the acceptance of his possible ascendance to the throne.

Báthory’s personal history explains why the Ottomans preferred him—rather than Gáspár Bekes—as the next ruler of Transylvania. Between 1557 and 1565 Báthory had led several campaigns against imperial troops in the contested Tisza region, where a handful of fortresses constituted the point of endless contention between the Royal Hungary and Transylvania. He had also been János Zsigmond’s envoy in Vienna during the armistice periods of this “fortress war,” trying to

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108 Forgách 470-472.
109 The Ottoman Sultan arrived in Gyulafehérvár on 27 April (MCRT II, 391-392); Báthory’s response to Maximilian’s letter is dated 29 April.
negotiate, without much success, difficult settlement terms with Maximilian’s representatives. His last embassy eventually got him arrested; between 1565 and 1567 he was held in Vienna as a gesture of retaliation for the arrest of the imperial envoy at the Porte, which was in turn a result of János Zsigmond’s decision to enlist the Sultan’s assistance in his negotiations with Vienna. It was only at the insistence of Polish king Zygmunt August that Báthory was released in 1567.

When he returned to Transylvania, Báthory found János Zsigmond surrounded by new people and Gáspár Bekes as the prince’s most trusted councilor. The following few years were spent in relative obscurity. An Italian soldier who spent a few months in Transylvania around that time, wrote in 1567 that Stefan and his older brother, Kristóf, the captain of Várad at that time, remained two of the most important people in Transylvania, yet they were isolated from the court by reason of their religious conservatism—they had remained firmly Catholic whereas the prince and almost everybody else at the court had adopted various shades of Protestantism—as well as János Zsigmond’s impression that the failure of the military campaigns, negotiations and subsequent captivity in Vienna were Kristóf’s and particularly Stefan’s personal fault.

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111 Gromo’s account in Maria Holban, ed., Călători Străini despre Tarile Române, vol. 2 (București: Editura Științifică, 1968) [hereafter Călători], 365, 371.
The Porte’s endorsement of Báthory—although kept undisclosed by the executors until after the election—was therefore based on Báthory’s resume as one of the few prominent nobles in Transylvania who had not been included in János Zsigmond’s pro-Habsburg team. Considering the rapprochement with the Habsburgs that the late king-elect had started in the late 1560s, Bekes’ sudden rise to prominence, and Báthory’s rather precarious position at the court, together with a certain amount of public trust and recognition on account of his past anti-Habsburg military exploits, free elections indeed seemed to be Stefan’s only path to the throne. Therefore, the association between Báthory and the movement in favor of the estates’ electoral rights, whether intentional or not, became inevitable on account of the anti-Habsburg sentiment in the principality.

Bekes’ own political clumsiness further aggravated the nobles’ and Secklers’ anti-Habsburg sentiment at the electoral convention of May 1571. When Bekes arrived in Alba Iulia in April, he and the other executors did not disclose the extent of their affiliation to the Habsburg cause, but he made a speech before the partial convocation assembly, which proved to be a major mistake and marked the beginning of his fall from grace in Transylvanian politics: according to a

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112 MCRT II, 392-399.
113 The Saxons had often been on Vienna’s side in the 1550s and then again around the year 1600 during the Long War. However, despite preliminary agreements between the testament executors and the main magistrate of the Saxon natio, they remained quite passive in May 1571 and did not try to oppose Báthory’s election in any way. Moreover, during Báthory’s reign the Saxon cities were stable supporters of the establishment, and were wise enough to avoid taking sides in the ongoing Bekes-Báthory struggle. See Chapters 3 and 4.
contemporary account, he stood up and proposed that all fortresses, including Alba Iulia—the “seat of power itself,” observed the indignant witness—be consigned to Maximilian at once, and the entire regnum be “forced” into the Emperor’s protection. A general reaction of outrage and fury ensued among those present, as they remembered the Emperor’s incapability to defend not only Croatia, Slavonia, and Bosnia, but even Hungary and Austria themselves. The executors risked lynching at the hand of the offended delegates, “if it were not for Stefan to restrain them”.\footnote{Forgách 470. Forgách was a distant relative of Báthory (his mother was a cousin of Stefan’s) and Transylvania’s chancellor until he left the principality in 1575 (he spent the last two years of his life in Italy, treating his poor health); he was also one of the few remaining Catholics in the country. He clearly did not have much sympathy for Bekes and his Historia should perhaps be taken with a grain of salt, particularly in what concerns his descriptions of public opinion, yet there is little reason to doubt the factual details he gives in his book. Perhaps Bekes did not really risk lynching and not everybody was outraged at his proposition, yet there is little doubt as to the growing hostility of a sizeable part of the Transylvanian estates toward János Zsigmond’s testament executors, which is verified not only by historians such as Forgách, Szamosközy, and Bethlen, but also by the correspondence between Maximilian, Báthory, and the executors. An additional reason for the antagonism between the executors and Transylvania’s estates was Bekes’ own personal lack of popularity. More on this matter in Chapter 2. For the convocation assembly in April, see Szilagy’s account in MCRT II, 391-392.} At the same time, the rumor that the Ottoman Sultan wanted to appoint Báthory as their ruler also started circulating among the delegates, determining all factions to fear the worst.\footnote{MCRT II, 392.}

At this point it became clear that the May assembly was going to be more than the electoral race between two rivals, but rather the contest between two different visions of Transylvania: one that was subordinated to the Ottomans, and the other to the Habsburgs. The right to hold free elections was, however, an integral part of both scenarios; in their struggle over the principality, both Maximilian and
Selim had to concede that right to the Transylvanians, if only for appearances’ sake. The delegates of the natios, and particularly the Secklers and the Hungarians, made it clear that they did not want their ruler to be appointed, but elected, and manifested that right in May 1571 by crying Vivat! for Báthory, in reaction to Bekes’ and the testament executors’ pro-Habsburg position.

What they did not know was that their freely elected ruler had just hours before secretly negotiated his relationship to Maximilian with the testament executors, and that at the end of election day they all drafted a letter in which Báthory swore allegiance to the King of Hungary, defined his title as officium, and promised to preserve “his Majesty’s fortresses and goods” until the moment when the Emperor would decide their restitution and the revocation of his voivode’s “office.”  They were, however, not mistaken in putting their bets on Báthory. Maximilian’s former prisoner, current vassal, and future rival in the race for the Polish-Lithuanian throne would use all his shrewdness in avoiding the weightiest consequences of his oath—and he eventually succeeded. Despite the Emperor’s repeated requests, Transylvania’s estates and, most importantly, the castellans in charge of its North Western border fortresses never swore allegiance to Maximilian during Stefan’s lifetime, and the estates maintained their right to elect their princes throughout most of the following century.

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116 MCRT II, 458.
d) “Orphans”: Poland-Lithuania’s second interregnum

1571 and 1574-1575 represented crucial moments in the development of the elective monarchy in Transylvania and Poland-Lithuania not only because they marked the first stages of elective institutions in these countries, but also because, in both instances, there were other reasonably valid alternatives; new elections were not the only solution to their current political crises. The fact that elections were nevertheless held, as well as the circumstances in which they were conducted, was the expression and result of intense domestic struggles over the nature and direction in which these societies were headed. They were the outcome of a conscious—and by no means unanimous—choice to elect. Nothing illustrates this choice better than the unusual circumstances that preceded Báthory’s election in Poland-Lithuania, because, although the elective nature of the Polish-Lithuanian monarchy had already been established in 1573, the Commonwealth’s second interregnum was not an inevitable occurrence.

Poland-Lithuania’s first elected king, Henri de Valois, had been crowned a mere two months before he heard news of his brother’s death. Being next in line and with the French monarchy in a precarious position after the escalation of religious tensions in 1572, Henri decided to sneak out of the royal castle in Cracow and run all the way to Paris to secure his hold of the throne. Senators and courtiers were
baffled. Their king had left in the middle of the night, leaving only a few letters behind promising his return as soon as his affairs in France were in order. He had not consulted with the Senate about his departure, as protocol required, and that insulted virtually everybody in the realm—not only the nobility, but also the senators. Yet from affront to revocation of the royal title is a long way, and the Poles and Lithuanians could have very well chosen to wait patiently for their king to return, instead of deciding that they were entitled to elect a new one instead.

The Sejm had to convene three times and wait one year and a half before finally agreeing that new elections could be organized. The central issues of these assemblies’ debates were of a legal and theoretical nature: could the Commonwealth deprive Henri of the royal attributes that it had bestowed on him several mere months before? What was the legal basis of declaring an interregnum while the current king was still alive? Sure enough, this could not be an election *vivente rege*, as this was precisely the danger that opponents of the dynastic principle fiercely fought against in the wake of Zygmunt August’s death. The angle preferred by those who pushed for the second interregnum to be declared as soon as possible was the violation of the 21st of the Henrician Articles, which guaranteed the right to disobedience in the event that the king went against the conditions on which he had been elected and crowned. According to the proponents of this argument, Henri had

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117 See for instance the letter from the Polish Senators to their Lithuanian counterparts about the need to convene after Henri’s departure from Poland and the difficulties thereof (Cracow, 23 June 1574), in Archiwum Główne Akt Dawnych [hereafter AGAD], *Archiwum Zamoyskich*, sygn. 3046.
abandoned not only his throne, but also the obligations included in his oath. Therefore, the Commonwealth was free of the allegiance that it owed him and entitled to place somebody else at its rudder.

The argument was not devoid of ambiguities, however, and many were reluctant to go against their own oath of allegiance, which they had sworn to Henri not long before. The members of the Senate and particularly Archbishop Uchański, whose responsibility it was to pronounce the interregnum, refused outright to do so. Uchański was perhaps the one person in the entire Commonwealth who was the most inconvenienced by Henri’s departure. Declaring himself *interrex* while the king was still alive posed insurmountable legal and moral difficulties to him—not least because of the pressures exercised on him by papal nuncio Vincenzo Laureo, who, on Vatican’s orders, was a supporter of Henri at that time. The Archbishop maintained, not without justice, that a general convention of the Polish-Lithuanian estates and orders could not be convoked in the king’s absence, unless the king is dead and an interregnum declared, following which the Sejm could get together in order to schedule and organize new general elections.

For all those who realized that Henri was not going to be back anytime soon, the burning question was whether the orders could convene in the king’s absence, without an interregnum being declared, and whether an interregnum could be declared if the elected and crowned king of the Commonwealth was still alive and well, particularly if the Archbishop of Gniezno was reluctant to even convoke the
orders in order to discuss the issue. Yet since Uchański was not willing to take the responsibility of making a decision on his own in such complex circumstances, he eventually agreed to a convocation of the Sejm for September 1574 in Warsaw, without, however, proclaiming the beginning of the interregnum. This decision posed the technical problem of ordering a general assembly without actually having the required authority to do so, since only during interregna would the Archbishop become interrex and hold the prerogative to convene the Sejm. Nevertheless, the situation was convoluted enough for this detail to be overlooked.

An entire series of such “technical” details had to be overlooked and were in fact never corrected by the end of this interregnum, thus contrasting it starkly with the previous one. The impression of legality and the relative degree of order that preceded and dominated Henri’s election was swept aside by the nature of the conundrum in which his departure placed the Commonwealth. Soon nobody was certain whether they still owed loyalty to their fugitive king or not, and the pre-Sejm provincial assemblies that gathered in the summer of 1574 were divided between supporters of the status-quo (i.e., of Henri) and those who saw his departure either as an affront to the Poles and Lithuanians, as an opportunity to take a hold of the throne, or both. In the meantime, courts continued to battle the case backlog that had plagued them since the 1550s whichever way they saw fit, either by taking on cases that normally belonged to the Sejm’s or the king’s jurisdiction, or by completely closing down business, while Henri himself maintained a feverish correspondence
with almost every important dignitary in Poland-Lithuania in an attempt to persuade them to refuse that new elections be organized.

The general attitude in the wake of Henri’s departure was that of extreme confusion and unrest, and those who did not particularly like the king before had an extra reason to be angry at him now: after all, he had just plunged the country into chaos and danger, by putting a sudden stop to its regular domestic affairs in which a lot of interest was invested, such as office distribution, by indefinitely delaying the payment of overdue salaries to army troops who had been involved in the war with Muscovy over Livonia, and, most perilously, by leaving the country without a military leader at a time when the armistice with Muscovy was approaching its agreed end. Olbracht Łaski, the unruly palatine of Sieradz and a former supporter of Henri during the first interregnum, had already become dissatisfied with the king’s behavior before his departure, as he publicly declared on several occasions. Soon afterwards Łaski changed his attitude and even wrote to the king entreating him to come back—a gesture reflecting his affiliation to the papal nuncio’s pro-Henri, soon-to-be pro-Habsburg camp, which included Archbishop Uchański, most of the bishops and other senators. The nuncio’s and bishops’ motivation was mainly

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118 In June 1574 Łaski publicly called Henri “ungrateful,” he also accused the king of having committed perjury (for not having confirmed the Henrician Articles at his coronation, as he had promised to do in writing). See Laureo 58. The nuncio’s subsequent dispatches, particularly those from July-August 1574, show how he orchestrated Łaski’s recruitment to the Habsburg side during the second interregnum. Łaski already showed inclination in favor of Archduke Ernest (in conjunction with Anna Jagiellonka, Zygmunt August’s sister, as spouse) quite soon after Henri’s departure (Laureo 63, 30 June 1574), but his loyalty to the Habsburg cause took some time and certain incentives to become secure. See Chapter 2 for the means used to recruit Łaski, and Chapter 4 for Łaski’s situation after Báthory’s coronation.
religious: they were opposed to, or at least in favor of delaying a new election for fear that a “heretic” Piast\textsuperscript{119} might become king if their camp (in which the nuncio counted, in July 1574, Vilnius castellan Jan Chodkiewicz, Sieradz palatine Olbracht Łaski, Court marshal Andrzej Zborowski, Czechowice castellan Stanisław Tarnowski, and Bełz palatine Andrzej Tęczyński) did not have the necessary time to regroup.

On the other side of the fence, there were those who saw opportunities in Henri’s departure, particularly the “Piasts”—both candidates and supporters—who were quick at trying to take advantage of the situation by organizing their patronage networks in such ways that they hoped would bring them as much support as possible at the following elections. Those who thought they had a shot at being elected to replace Henri became loud supporters of moving on to the second interregnum as soon as possible; such were the palatines of Sendomierz (Jan Kostka) and Podole (Mikołaj Mielecki), with support from Sendomierz captain Andrzej Firlej or the very politically active Biecz castellan Stanisław Szafraniec.

Generally, the representatives of the Cracow and Sendomierz palatinates were the most active in support of swiftly organizing a new election, even though Cracow palatine Piotr Zborowski seemed rather reluctant at the beginning, since his family had heartily supported Henri during the first interregnum and were generally

\textsuperscript{119}“Piast” was the name used to refer to indigenous candidate, as opposed to foreign ones. The name came from Poland’s first royal dynasty, which ruled the kingdom from the 10\textsuperscript{th} to the 14\textsuperscript{th} century. More on the Piasts in Chapter 2.
in favor of a foreign king, rather than supporters of the Piast camp. The nobility of the palatinate, however, mobilized very quickly after Henri’s departure. Ambassador Lippomano, who was in Cracow at that time, wrote that the nobles were “all up and ready for a new election at the coming assembly;” instead of sending representatives, as they would do for a normal Sejm, “they all want to come in person and in arms,” as it was normally done for elections; “but these affectionate senators who are obligated to the King are going to the provinces to calm the nobles down… and the Archbishop of Gniezno and other bishops are saying that having a new election without first sending ambassadors to the king means rebellion… So they want to send ambassadors to France, to Constantinople in order to maintain the peace, and… to Muscovy in order to renew the armistice.”

As a whole, the Prussians, Lithuanians, and Masovians remained loyal to Henri—or just cautious—for a while, and the general atmosphere on their part in the summer of 1574 was one of pronounced reluctance to unilaterally renounce allegiance to Henri. Whether they liked him or not, nobody was particularly joyous to see their new king go so soon after his coronation, and themselves pass through the trials and tribulations of another election. For some, such as those looking for advancement in the royal administration or a resolution to their last instance appeal,

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121 Arch. di Stato di Venezia, Dispacci degli ambasciatori al Senato, Polonia, Filza 1, #26, f. 1-2 (letter from 18 July 1574).
Henri’s absence was a significant inconvenience. For others, if we believe the records of certain provincial assemblies, it was a calamity. The estates and orders of the Plock palatinate, which gathered in August 1574 in order to decide what their position should be at the following Sejm, declared that Henri’s departure was God’s way of punishing them for their sins, “as He decided to make us orphans with the departure of our king;” yet though their king may have left them for orphans in the middle of numerous perils, this was not and could not be an interregnum, but only a temporary state of affairs during which the process of ordinary justice must continue, the courts remain open, and the starostas\footnote{The document here refers to the office of \textit{starosta grodowy} (as opposed to \textit{starosta generalny}); the \textit{starosta grodowy} was a county official responsible for fiscal duties, police and courts, and the execution of judicial verdicts.} execute their sentences and punish negligent captains according to regular statutes.\footnote{\textit{"Literae universales ex conventione Racięziensi"} in Biblioteka Naukowa Polskiej Akademii Umiejętności i Polskiej Akademii Nauk w Krakowie [Bibl. PAN], \textit{Teka Pawińskiego} 19, 8336 (Akta Woj. Płock., 4 August 1574), f. 25.}

At the Warsaw convention of August-September 1574, a debate for and against the interregnum was first held in the Senate. Abraham Zbąski was selected to defend the position of those in favor of declaring the interregnum right away. Krzysztof Warszewicki represented the “status-quo” camp, keenly supported by nuncio Laureo and with the added moral weight of the Archbishop of Gniezno. In the end, Warszewicki managed to convince the senators that the most prudent course was to allow Henri a certain amount of time to return to the country, instead of
jumping to a hasty deposition, and send envoys to Paris in order to present him the resolutions of the Sejm.

The nobles of the lower chamber were not so easily persuaded. Unlike their “older brothers,” as the senators were customarily called, the deputies seemed more inclined to regard Henri’s unannounced absence as sufficient grounds for declaring the interregnum. Świętosław Orzelski addressed the senators’ reluctance to agree to a new election *vivente rege* with a legally sounding argument: according to him, the interregnum may be triggered not only by the king’s natural death, but also by his “civil” death, which may be brought on by the king’s either failing to fulfill or effectively violating the conditions of his election, in which case Article 21 of the Henrician Articles (*de prestanda inobedientiae* in Orzelski’s words) absolves the senate and everybody else in the Commonwealth from their oath of allegiance to the king.¹²⁴ Other arguments did not necessarily insist on the disobedience article as much as on the pure and simple absence of the king from the country, underlining that this, after all, was the rule laid down under Zygmunt August, to organize elections either after the king’s death or in the event when the king “vacated” the country—and quite clearly, “we have no king in the country.”¹²⁵ These arguments, however, were not enough to assuage all doubts, which were also copiously entertained by the nuncio’s agents, who were assiduously lobbying against declaring

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¹²⁴ Orzelski 250-51.
¹²⁵ Archiwum Państwowe w Krakowie [hereafter APK], *Archiwum Sanguszków, Rękopisy B. Goraczka*, A Sang Rkps 32, p. 31 (letter from Cracow palatinate representatives to the Senate and Archbishop Uchański, 18 July 1575).
the interregnum at that time.\footnote{Laureo 85-90 (letter from 12 September 1574, in which Laureo reports on the proceedings of the convention and on Warszewicki’s crucial role in preventing the formal declaration of the interregnum).} After some debate, the deputies voted in favor of the solution that had won the day in the Senate. Henri’s deadline was fixed for May 1575 and envoys were sent to Paris.

By the beginning of the Stężycy Sejm of May 1575, it had become clear to everybody that the king was not going to make the deadline. Most of those present were in favor of interpreting Henri’s continued absence as a \textit{resignatio} from the throne, even if there were some who still disagreed. On the first day of the Sejm, the nobles gathered around the senators’ tent cried for election in one voice,\footnote{Laureo 188.} and there was persistent talk of issuing a decree of “degradation” for Henri, yet despite the many debates about its basis, content, and implications, nothing came of it, nor did the convention accomplish any other official resolution, except the public reading of an “election degree” on May 26.\footnote{Laureo 205.}

One of the reasons why Henri was not deposed was the insistence on the part of some of the senators that doing so would also have to mean an annulment of the provisions of the convocation Sejm preceding Henri’s election, namely, the Warsaw Confederation of 1573.\footnote{Orzelski 257 (debates from 3 September 1574).} Whether that was a fallacious argument or not, the \textit{szlachta} hesitated before doing anything that might have shed any legal doubt over the Warsaw Confederation. During this entire time, Lithuanian delegates were
camped a few miles away, unwilling to participate unless this was an actual election. They did not recognize the proceedings of the present convention because it was conducted following the order of matters established at the previous one, which they had not attended and recognized either. The Prussians had more or less the same position and were notoriously absent at Stężyc, thus boycotting the Sejm that might have otherwise sanctioned the official beginning of an interregnum which, by then, was unofficially well under way.

At the following Sejm, which convened near Warsaw in November-December 1575, the citizens of the Republic were finally convoked to make their appearance *virūtīm* [in person, rather than through delegates]\textsuperscript{130} and cast their votes in Poland-Lithuania’s second election. Interregnum and election rules had been published in Poland-Lithuania in January and April 1573 but not in 1575, most likely because of the haphazard way in which the second interregnum started, without a formal interregnum declaration by the Archbishop of Gniezno, and, for that matter, without a formal revocation of Henri’s prerogatives. The main concern of the 1573 regulations was to keep order and peace throughout the interregnum and during the election proceedings.\textsuperscript{131}

\textsuperscript{130} See Henryk Rutkowski, “Wolna Elekcja—Zasady i Praktyka Wybierania Królów Polskich” in Marek Tarczynski, ed., *Elekcje Królów Polski w Warszawie na Woli, 1575-1764: Upamiętnienie Pola Elekcyjnego w 400-Lecie Stołecznosci Warszawy* (Warszawa: Oficyna Wydawnicza Rytm, 1997), 39-56. See also Chapter 3 for details on who voted and how the votes were expressed and counted.

\textsuperscript{131} “Porządek na sejmie walnym do obierania Pana i Króla Naszego,” in *VC* 310-311.
Similar regulations were also issued once during the second interregnum, but not for the purposes of the viri\(t\)im Sejm that gathered in late 1575 to elect a new king, but rather for the first Sejm after Henri’s departure, which had been convoked by the Senate for August 30, 1574. The convocation letter, dated August 27, listed the matters to be discussed in the convention: first, the implications of Henri’s departure and whether it meant that he had renounced his throne or that he was still supposed to be the Commonwealth’s king, and second, the manner of conducting judicial affairs during the king’s absence. It also enumerated four methods of voting that could be used in the debates, and made a rather vague appeal to the participants to set their private enmities aside and put the Republic’s best interests above everything else. Lastly, it forbade the presence of any foreigners at the Sejm’s debates, a clause that was also used at elections, when foreign envoys were invited to make their speeches at the beginning of the assembly, but they were not allowed to attend the following discussions and voting sessions of the estates.\(^{132}\) The rule concerning foreigners was particularly relevant at that time, since Poland in general and Cracow in particular were swarming with ambassadors and envoys who had just attended Henri’s coronation in May and had stayed behind for audiences or permanent missions.\(^{133}\)

\(^{132}\) “Porządek Konwokacji” in VC 336.
\(^{133}\) Venetian ambassador Girolamo Lippomano had been particularly frustrated to not be able to witness all coronation ceremonies. See Arch. di Stato di Venezia, *Dispacci degli Ambasciatori al Senato*, Polonia, Filza 1, Dispatch #4, f. 2-2v. Lippomano remained in Cracow until November 1574.
The interregnum had still not been formally declared by mid-December 1575, when the Commonwealth found herself split between two rival camps proclaiming the almost simultaneous election of two rival kings, Maximilian II of the “House of Austria” and Stefan Báthory of Transylvania. On his part, Henri never recognized the validity of this election and continued to add Poland-Lithuania’s domains to his French royal titles until his death in 1589. As some contemporary observers lamented in early 1576, in the space of two years the Commonwealth had managed to pile on a nice collection of three kings, all of whom were physically absent yet seemed more apt to cause troubles than to hold any significant unifying or otherwise beneficial potential for the country.134

e) An absent king is not a king: pressing concerns before elections

One of the most interesting aspects of the second Polish-Lithuanian interregnum, and of the fact that it happened in the first place, (instead of the estates and orders of the Commonwealth waiting patiently for Henri to return) is the estates’ unwillingness to encourage and accept a long-distance relationship with their ruler. This aspect of early modern monarchies—be they elective or hereditary—is not often noted but is tacitly understood: an absent king is as good as a dead king. Henri’s departure would have probably put him out of business—as a roi fainéant—even

134 Letter by Marcin Kromer in Biblioteka Czartoryskich, Teka Naruszewicza [hereafter Bibl. Czart. TN] 85, f. 9-10. See also Orzelski 481 on the fear of civil war and external enemies and the general sense of danger.
without the explicit stipulations of Article 21, which did not seem to be the weightiest factor in Henri’s replacement anyway. Since Henri had not been patient enough to negotiate a solution for his absence with the estates, which would have ensured a more or less smooth continuation of the Commonwealth’s daily affairs, the Poles and Lithuanians had little choice than to resort to the institutional tools that their elective system put at their disposal.  

As for ruling the country by remote control from Paris, that was simply not an easy option. With several countries in between, which delayed communication and diluted the urgency and importance of affairs that needed solving, the Commonwealth would have been paralyzed waiting for instructions from Henri. Moreover, the physical presence of the king, while essential to any early modern monarchy, was particularly so in the case of Poland-Lithuania, because of its military and judicial needs at the moment. On one hand, the armistice with Muscovy that had interrupted the conflict over Livonia was approaching its end and war could break out any moment. Henri, as the army’s supreme captain, was needed not only for his

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135 This is exactly what the more sensible Stefan Báthory did in early 1576. After he was elected king of Poland-Lithuania, Báthory made sure he left no power vacuum behind and made preparations to govern Transylvania by remote control. First of all, he reserved for himself the authority to decide on the most important Transylvanian matters, particularly defense and foreign policy issues. For that purpose, he set up a chancellery for Transylvanian affairs in Cracow, headed by Marton Berzeviczy. His tasks pertaining to the day-to-day administration of the country were left to replacements: his older brother, Kristóf, until his death in 1581, and thereafter Kristóf’s son, Zsigmond. Even though Stefan Báthory retained a great amount of control over Transylvania, it is significant that the “stand-in” voivodes who replaced him were not simply appointed by him, but they were also elected—or rather confirmed—by the estates assembled in general conventions, according to the procedure used at regular elections. Moreover, they received the firman and insignia usually sent from the Porte in confirmation of each new voivode.
military skills (which had been a factor that contributed to his election)\textsuperscript{136} and the morale boost that his presence would have given his troops, but also for the much promised pecuniary contribution that he had promised would help alleviate the Commonwealth’s arrears to its soldiers.\textsuperscript{137}

Moreover, the backlog of \textit{ultima instantiae} appeals that had been piling up since Zygmunt Stary’s last years on the throne did not make things any easier. A supreme judge and an army commander were badly needed and Henri’s defection determined the Polish-Lithuanians to realize how important their king was. During the following two interregna the main concern with foreign candidates was precisely that they could take off and go back to their home countries whenever a similar situation of crisis ensued; what Báthory had in his favor was the relatively small distance that he would have to travel between the Commonwealth and his native principality if need be.

The decision of the orders and estates of Poland-Lithuania to go against whatever scruples they may have had in replacing Henri with a new king in 1575 is significant in more than one way. On one hand, it is testimony to the nobility’s will and perhaps impatience to manifest their newly enhanced role in the Commonwealth’s politics; on the other, it shows the degree to which elective monarchies were prey to factionalism and power politics, or rather, the visibility that such political behavior acquired in the context of electoral politics, whereas it tended

\textsuperscript{136} See Chapter 2.
\textsuperscript{137} See the letter and instructions to the envoys sent to Henry in 1574 (Bibl. Czart. TN 84).
to remain behind the scene in hereditary monarchies—unless they degenerated into
civil war as was the case in France in the 1570s.

The speed with which factions started regrouping and new candidates began
circling the Polish-Lithuanian throne in 1574 illustrates the worst and the best of
electoral politics: the bitter rivalries, the greed and self-interest, the cliques and their
instability; but also the direct involvement of a large portion of the population in
local and central politics, the quest for accountability, the courage for self-
government, and the concern for and ongoing redefinition of the public good. The
stakes were high: not only were the most prominent dignitaries within and a host of
princes and monarchs without hoping to get a hold on the vacant throne, but also
everybody else in between used whatever political leverage they had in an effort to
influence or get support for the issues about which they cared the most. The recurrent
themes of public debates during the interregna allow a quick diagnostic of each
country’s most problematic areas.

The expansion and constitutional crystallization of the estates’ liberties,
including religious freedom and the right to elect the monarch, had been the main
issues that dominated the Commonwealth’s first interregnum. Religion remained
an important matter during the second Polish-Lithuanian interregnum, but other
issues took precedence in 1574-1575. One was circumstantial: it was created by the
manner in which the second interregnum began, namely, Henri’s furtive departure in

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138 See for instance the polemical writings regarding religious issues in the context of the 1573
election in Bibl. Czart. TN 82, 475, 527-528, 580ff.
June 1574, thus forcing on the estates the delicate task of withdrawing their allegiance to Henri—and justifying this allegiance to themselves and the world.

A more nagging issue of the second interregnum in Poland-Lithuania was extremely complex and it illustrated the difficulties involved by the contradiction between the principles of elective monarchy and those of a legal system that relied on royal jurisdiction in periods of vacancy of the throne. Unlike in France, where “the Crown and Justice never die”\textsuperscript{139} due to the rapid succession from the defunct king to the next, in Poland-Lithuania royal jurisdiction lapsed with the death—or, in Henri’s case—the absence of the monarch.\textsuperscript{140} Already during the first interregnum several provinces of the Commonwealth had organized courts of appeal that dealt with the cases that normally fell under royal jurisdiction, because of the enormous case backlog that had accumulated since before Zygmunt August’s death. This situation posed intricate problems of court legitimacy and exacerbated the conflicts of legal interests between estates, particularly between the clergy and nobility, since these provincial courts of appeal were generally run by judges elected from among the local nobility. The clergy involved in litigation with noble parties, otherwise

\textsuperscript{139} An eye witness to the funeral of Francis I (1547), cited in Kantorowicz, \textit{The King's Two Bodies}, 417.
\textsuperscript{140} See also Almut Bues, “The Formation of the Polish-Lithuanian Monarchy in the Sixteenth Century,” in Butterwick, \textit{The Polish-Lithuanian Monarchy in European Context}, 70. In Transylvania as well justice ceased after János Zsigmond’s death and even before his funeral, as seen above in the convocation letter for the funeral assembly signed by the testament executors in April 1571.
known as “mixed cases” and which normally belonged to royal jurisdiction, refused to submit to the authority of the ad-hoc courts of appeal organized by the nobility.  

In February 1576, the nobles and senators who supported Báthory’s election assembled at Andrzejów to re-confirm their choice of candidate and list the issues that they wanted discussed in the following general conventions. The three most urgent matters that they wanted resolved with the newly-elected king’s help were: the regulation of justice administration across the territories of the Commonwealth (\textit{iustitiae norma}); the rules for conducting future royal elections (\textit{modus electionis regiae}), and a solution to the judicial and financial conflict between the ecclesiastical and noble orders (\textit{compositio inter status}). The issue of justice administration was eventually resolved during Báthory’s reign thanks to the establishment of the Crown and Lithuanian Tribunals (1578 and 1581); the interregnum following Báthory’s death and Sigismund III Vasa’s early reign had to grapple with the remaining two issues, of which the former—\textit{modus electionis}—was never truly tackled before the first partition of the Commonwealth.  

\textsuperscript{141} Even though this issue is not as apparent in the debates of the general Sejm during the second interregnum, it is pervasive in the debates of the pre-Sejm assemblies of certain palatinates, particularly Mazovia. I have discussed the matter in more detail in “Monarch, citizens, and the law under Stefan Batory: the legal reform of 1578,” in Friedrich and Pendzich, \textit{Citizenship and Identity in a Multinational Commonwealth}, 19-48.  
\textsuperscript{142} Orzelski 547.  
\textsuperscript{143} More details on this issue in Chapter 5.  
\textsuperscript{144} For reform proposals in the second half of the eighteenth century, see Jerzy Lukowski, “The Szlachta and the Monarchy,” in Butterwick, \textit{The Polish-Lithuanian Monarchy in European Context}, 140-143.
In 1571 Transylvania, the most burning public debates were not focused on either religion or justice administration. The Reformation had been particularly successful in Transylvania and freedom of worship for Catholics and the Protestant branches that were active in Transylvania at the time (Lutherans and various shades of Calvinists and Anti-Trinitarians) had been constitutionally established in a series of laws going back to 1548. The administration of justice did not pose as many problems as it did in Poland-Lithuania for at least two reasons: first, there was no significant case backlog left over from János Zsigmond’s reign, and second, the 1571 interregnum was short enough (it lasted less than two months) that it did not require any ad-hoc local courts of appeal, as was the case during Poland-Lithuania’s first two long interregna.

Domestic issues were naturally important in the context of Transylvanian electoral politics as well, yet the questions that awoke most passions in Transylvania around the election of 1571 were rather those that concerned the regional balance of power. The Transylvanians’ most pressing worry was one of security and it had dominated the region’s politics ever since the Ottoman victory at Mohács and Hungary’s subsequent dismemberment. After a series of vacillations between the Porte and Vienna in the 1550s and 1560s, marked by failures and disillusionment, Transylvania was again, in 1571, marked by significant division between a pro-Habsburg group, which attempted to continue the policies of the late prince, and a

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See Chapter 5.

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growing part of the estates that supported a pro-Ottoman stance and believed that the Porte, as loathsome as it was, was in a better position to offer them protection than the Habsburgs ever have. According to Báthory’s first chancellor, Ferenc Forgách, the division was black and white: on one side Bekes’ camp, which included János Zsigmond’s testament executors, was supported by groups of renegade soldiers from Hungary, and was animated by venal goals, and, on the other side, the greater and “stronger” part of the Transylvanians—as indeed proved to be the case during the election—who cared about the liberty and salvation *patriae* above everything else.¹⁴⁶

Bekes’ and the executors’ position was, of course, more complicated than that. Regardless of their less altruistic goals, of which Báthory himself was not completely devoid, the executors were trying, after all, to uphold the conditions of a treaty that János Zsigmond had concluded with Maximilian in what he had thought was best for Transylvania. Most importantly, the Speyer Agreement promised to return to Transylvania one of the castles that had been captured during the “fortress wars,” namely Huszt. Their attachment to the late prince’s policy was as much a gesture of loyalty as was one of self-interest, since János Zsigmond had indeed endowed them with significant real estate, as well as other goods, shortly before his death. Whether subjecting themselves to the Habsburg Emperor was in their country’s best interest, after all, remains a matter of interpretation.

¹⁴⁶ Forgách 463-464.
In their defense, the Ottoman presence in the region was generally and genuinely viewed as an abomination, even among those who seemed to have gotten quite used to it. Being the Sultan’s “slave”\textsuperscript{147} was more degrading than being the Emperor’s vassal. Even Báthory himself regarded his uneasy alliance with the Ottomans as a burden of which he dreamed to rid himself as a matter of principle, whereas the bumpy relationship with the Habsburgs seemed to have gone sour rather because of accidentals such as personality clashes, betrayals, deception, and misunderstandings.\textsuperscript{148} However, a great part of the Transylvanian nobility (i.e., the Hungarian \textit{natio}) tended to be, just like its Polish\textsuperscript{149} counterpart and significantly more than the Secklers, increasingly hostile toward any Habsburg attempt to exercise control over their country. An offer of protection from either Emperor—Habsburg or Ottoman—came to be regarded as equally suspicious, yet not equally unavoidable, due to Vienna’s repeated failures at defending its own territories and the Porte’s ability to keep its hold on the territories it controlled in Central and Eastern Europe.

In this context, a vote for one of two candidates, Bekes or Báthory, represented in reality a vote for one of two suzerains, Maximilian or Selim. Because of the balance of power between the two, coupled with their actual unwillingness to

\textsuperscript{147} One of the most frequent arguments used against Báthory during the second Polish-Lithuanian interregnum was that he was paying tribute to the Sultan. The Poles feared that if he was the “slave” of the Turks, then his subjects would be the Sultan’s slaves as well. See for instance the “Komornik a Burmistrz” dialogue in Czubek, \textit{Pisma Polityczne}, 650.

\textsuperscript{148} Laureo 548-549 (letter from 10 May 1577).

\textsuperscript{149} The Lithuanian nobility proved generally more supportive of the Habsburg candidates than the Poles during the Commonwealth’s first three interregna. See Chapters 3 and 4 for details on this matter.
resort to military actions, both the Ottoman and the Austrian Emperor were willing to concede the Transylvanian estates the right to free elections and hence, domestic autonomy, in exchange for the right to use Transylvania for their own strategic purposes. In the second half of the sixteenth century, the Transylvanian estates generally preferred the play the two against each other, yet it is unquestionable that Báthory’s victory represented a clear move away from the Habsburg claims over the former province of the Hungarian kingdom. Because of Transylvania’s traditional position of subordination within the rest of Hungary, the distancing from the Hungarian crown translated into a move toward independence, albeit under Ottoman protection. Whether this was their primary goal or just a side effect, the Transylvanian estates came to appreciate their enfranchisement not only because it empowered them, but also because it seemed to be the only safe way of running their country, considering that their traditional king was now a secret—and therefore fictitious—protector, whereas their current suzerain was a jealous—and therefore dangerous—one. That is the reason why, in 1566 and 1571, the Transylvanians demanded and obtained from the Ottoman Sultan not the right to elect a voivode, as Maximilian would always be careful to emphasize, but that of electing a “free prince”.

If for Poland-Lithuania the issue in 1574 was Henri’s absence, for Transylvania it was rather Maximilian’s occult presence. The game of half-hidden truths between Vienna and Istanbul turned Transylvania into the vassal of two
suzerains who simultaneously pretended that it was free. Between the two, however, Maximilian’s role became gradually meaningless, particularly after 1575 when the king of Hungary lost jurisdiction over Transylvania. By contrast, the Sultan’s role kept its relevance until the end of the seventeenth century, when, after 1683, Ottoman forces finally started to lose significant ground in Central Europe. The preference of the Transylvanian estates for elections (and Báthory) was a conscious choice against Maximilian and in favor of autonomy. At the same time, Báthory’s own secret oath to the Habsburg king of Hungary and his subsequent circumvention of it suggest that, as far as Transylvania was concerned, a secret king was not a king.  

Conclusions

The case of Transylvania illustrates the paradoxical relationship between the need for security and the desire for liberty and self-government, which, although contradictory values in theory, did not always work against each other in practice. The strong preference of the nobility and the Secklers for free elections, as opposed to having a ruler appointed by either the Sultan or the Holy Roman Emperor, was based on both reasons combined: in this case, liberty meant security—perhaps not from the power of the elected ruler, whom there was no time to shackle with as many

150 Báthory made conscious use of this line of reasoning when he proceeded to strengthening his authority in Transylvania after his enthronement, by emphasizing the public source of his authority, i.e., the election by and contract with the estates (as opposed to the secret relationship with Maximilian). See Szamosközy I, 118; and Chapter 4 for more details on this issue.
and precise conditions as was going to be the case in Poland-Lithuania two years later—but certainly from that of mutually hostile neighbors. In the Transylvanian context, the meaning of liberty was what Machiavelli saw in a “free commonwealth,” which was first and foremost free from outside intervention, and only secondly also free from the tyranny of a prince. By electing their prince, the Transylvanians were first making sure that they were not ruled by outside tyrants, postponing their protection from inside tyranny for later—namely, the seventeenth century, when the first detailed conditions were posed to their elected princes before enthronement. Ironically, without the security concerns caused by the Habsburgs and particularly the Ottomans, the Transylvanians would have probably never sought self-government to the point of electing their own autonomous rulers in the first place, and they would have most likely continued to have appointed governors, as it had been before the fall of Mohács. It is from this perspective that it may be said that liberty—a civic republican value—and security—a stoic or pragmatic one—actually worked toward the same goal in this case.

The Polish-Lithuanian case also shows a heightened concern for order and security in the second interregnum. There as well, the general climate of insecurity and fear led to more liberty, in the form of new elections, rather than less of it, in the form of accepting the decisions of Henri or the senators who were against deposing the current king. Both cases show the estates, and particularly the lower nobility, taking control and making pragmatic decisions while being guided mostly by
security concerns, yet without sacrificing their fundamental liberty—self-
government—in the process; the reason for that was simply that self-government was
not a liability to their safety, but to the contrary, the speediest and most efficient way
to solve their security concerns. The assumption generally made by monarchic
theorists that the pragmatic solution to fear is more autocracy simply did not apply to
Transylvania and Poland-Lithuania in 1571 and 1574-1575, where citizens chose to
elect not only because some of them had read Polybius and Cicero, but also, and
perhaps more so, because they were pragmatic and were concerned with the
preservation of their community and form of government.
II

CAMPAIGNING

Voter preferences and the factors leading to Báthory’s electoral success

There are many sources that illustrate the expectations, dilemmas, and difficulties surrounding the first election of the Polish-Lithuanian Commonwealth, such as pamphlets, satires, dialogues, political treatises, as well as simple enumerations of candidates along with the advantages and disadvantages they would bring to the country if elected to the throne. There are almost no such sources for the second interregnum, unless we are counting the records of debates that were held in the general Sejm of May-June 1575 and the election Sejm of November-December 1575 left behind by Świętosław Orzelski. The political literature dating from the second interregnum and from Báthory’s time in the Commonwealth amounts to little more than a handful of pamphlets, almost all of which were written around the time of his death rather than that of his election.¹⁵¹

There are at least two reasons for this stark difference between the two interregna. On one hand, at least half of the debates of the second interregnum were dominated by the confusion of Henri’s getaway to France and the question of

¹⁵¹ Compare, for instance, the collection of sixteenth-century political verses put together by Teodor Wierzbowski in Wiersze Polityczne i Przepowiednie, Satyry i Paskwile z XVI Wieku (Warszawa: Druk K. Kowalewskiego, 1907), with Jan Czubek’s voluminous collection of political literature from the time of the first interregnum (Czubek, Pisma Polityczne). My own research did not reveal any new sources of this nature dating from the second interregnum.
whether to declare the interregnum or not. Senators and deputies alike were
preoccupied with the practical and legal circumstances of their situation; district and
regional assembly resolutions were dominated by urgent matters of public order and
jurisdiction, rather than electoral concerns. It seems as if, at that point, having a king
was more important than debating which one it should be: “we are now like a body
without a head… like sheep without a shepherd…” lamented the nobility of the
Cracow palatinate in 1575.”152 On the other hand, it was almost as if all the musings
about candidates and their qualities and defects, both abstract and concrete, had been
exhausted during the first interregnum. When the second one came along, it seems
that there was not much else to be put down in writing, except for a few biting
remarks about Henri and the French in general.153 After all, the general issues had
not changed significantly—only the circumstances had. Moreover, the candidates
themselves, as well as their voters, were virtually the same as they had been in 1573,
so perhaps writing about them again seemed redundant at the time.

While a certain electoral fatigue may be noticed in the Commonwealth’s
second interregnum, this does not mean that people did not talk about these matters,

152 Resolution of Cracow palatinate sejmik passed on 11 July 1575 in Proszowice, in Stanisław
Umiejętnosci, 1932), 52, 53.

153 See Czubek, Pisma Polityczne, 588-724. The first piece of that period published by Czubek
(“Rozmowa Bibracha i Wiklera z Niemcy”), containing harsh statements of French dislike for the
Poles allegedly transcribed from the words of Henri’s main counselor, was widely circulated at that
time. The Venetian ambassador to Cracow sent two versions home (in Latin and Italian) on 1 August
1574. Another similar letter had been published in Poland recently; Lippomano copied and sent it
home on 18 July. See Archivio di Stato di Venezia, Dispacci degli ambasciatori al Senato, Polonia,
Filza 1, #26 and #29.
nor does it mean that their minds were already made up about which candidates they were going to support in this new, unexpected, and uncertain election. Despite the relative lack of political literature, indirect sources such as dispatches of foreign ambassadors who were present in the Commonwealth at that time suggest that informal but passionate political debates about the next election, as well as heated arguments for and against a number of possible candidates, started very soon after Henri’s departure—at least in the Cracow region, where these ambassadors were mostly stationed. These dispatches, together with the transcripts of Sejm and sejmiki debates surviving from that time, suggest that in the second interregnum, “campaigning” was essentially picked up from where it had been left off two years before. There were no more systematic discussions about the qualities of an ideal king put in writing, and almost no political brochures or pamphlets were published at that time. The patient reviews of all candidates and the methodical examinations of pros and cons were replaced by a more radicalized form of electoral competition that did not have much time for literature but spent all its energy, on one hand, on fighting for or against the next election, and on the other hand, on making sure the “right” candidate was elected this time.

**a) The line-up: overview of candidates in 1571 and 1575**

Excluding Henri, who continued to argue his right to keep the Polish-Lithuanian crown until the day he died, but who cannot be counted as a regular
contender in the second interregnum, the list of candidates was virtually unchanged from the time of the previous election. Not even Stefan Báthory was a total newcomer to the fighting ring: at least two sources locate him among the candidates who were taken into consideration, however briefly, during the first interregnum.154 The only change was on the Italian side: the Duke of Parma, who had been a candidate in 1573, was replaced by the Duke of Ferrara in 1574-1575. The heavyweights, just like the first time around, were the Habsburgs (of whom Archduke Ernest was the main contender in 1573, and Maximilian II in 1575), the Muscovite tsar, and the king of Sweden.

Then came an odd assortment of rulers of lesser principalities such as the Chan of the “Precopensi” Tatars, other Habsburg contenders (Archduke Ferdinand), a Baron Rosemburg of Bohemia (who seamlessly turned from being Archduke Ernest’s promoter into his own and then again one of Maximilian’s agents), and, according to Girolamo Lippomano, who was writing about the first interregnum, a grand total of thirty-six “Piast” candidates who gave up their claims the moment “a wise senator” suggested that they should not take part in the debates, seeing that, just like the foreign ambassadors were forbidden to attend, they were also interested

154 The first source is a Polish text written during the first interregnum in favor of Henri’s candidacy. It enumerates and evaluates all candidates, including “Batory, the Transylvanian voivode;” whom it is not a good idea to elect because “it is not good to have to answer to the Turk.” Jan Czubek offers details on the various versions of this text in his preface; I have also found an identical copy of it in a manuscript that Czubek himself does not mention. See “Sententia cuiusdam de eligendo rege,” in Czubek, Pisma polityczne, 447-448. Also see Bibl. Czart. TN 82 (1573), 559-560. The second source is Girolamo Lippomano’s relation after his return from his embassy to Poland-Lithuania, in Albéri, Le relazioni degli Ambasciatori Veneti, 298.
parties and should not be allowed to interfere. Despite this apparent withdrawal from the competition, the Piast bid held on until the last moments of the 1573 election: Jan Firlej, palatine of Cracow and Crown Marshall, was obliquely supported by a rather large number of “heretic” nobles even though he claimed he did not want the position. In 1574-1575, the native nominees were equally hard to pinpoint, despite the size and determination of the Piast camp; perhaps the savvy’s senator’s observation of two years before had left its mark on possible contenders; perhaps their apparent modesty had something to do with the idea that the future king should not ask for the throne, but be offered it in appreciation of his qualities, because *qui petit, indignum se iudicat*. In the late stages of the interregnum, two possible native candidates were singled out for their charisma and influence on the rest of the nobility: Andrzej Tęczyński, palatine of Belz, and Jan Kostka, palatine of Sandomierz (who had also been among the Piasts of the previous election), but they also had a rather discreet candidacy and in the end declined their nomination when

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155 Ibid., 297, 299.
156 “Jakiego króla Polakom nie trzeba?” in Czubek, *Pisma polityczne*, 274. Mark A Kishlansky makes a similar point in *Parliamentary Selection: Social and Political Choice in Early Modern England* (Cambridge [Cambridgeshire]: Cambridge University Press, 1986), 8-12; Kishlansky refers to the pre-seventeenth-century English process of parliamentary selection that contrasted with the later phenomenon of contested elections in which candidates no longer “stood for office” but “ran” for it. In Venice, campaigning was officially forbidden and “men were sought by offices rather than the other way around;” see Coggins and Perali, “64% Majority Rule in Ducal Venice,” 713. It is interesting to see how the two notions—“standing for office” and “running” for it—were combined in Polish-Lithuanian royal elections, which welcomed competition but still held onto older, pre-competitive forms of selection. Báthory’s election in Transylvania reminds much more of Kishlansky’s process of “selection” than of “election” in the Polish-Lithuanian sense (particularly in the light of his contested election in 1575).
the szlachta offered it to one, and then the other, in December 1575. Anna Jagiellonka, Zygmunt August’s sister, was another name that was commonly mentioned during both interregna, as will be seen below.

This colorful collection of candidates illustrates the complex nature of “campaigning” in early modern elections, which was further complicated by the fact that sometimes it was not altogether clear who the competing candidates were or how large the list was even supposed to be. In theory, any citizen of the Republic could nominate virtually whomever he pleased, and that would make the nominee a candidate whether he expressed any desire in that direction or not. In practice, however, such openness was only possible in the case of native candidates; the foreigners had to send envoys in order to be taken into consideration, and they were even running the danger of offending the electors if they did not send a proper embassy. Such was the case of the Muscovite tsar, who only sent an arrogant-sounding letter to the first election Sejm, to the estates’ great displeasure, and a lowly envoy with a similar letter to the second, with the same effect. Báthory did not make this mistake in 1575: he sent two envoys as soon as it became clear that an election was going to take place, in order to have his name included on the list of

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157 See Chapter 3 for more details.
159 Orzelski 390-391.
contenders and prepare the arrival of the orator who was going to formally represent him before the estates of Poland-Lithuania.¹⁶⁰

Even some of the foreign candidates hesitated to announce their interest in the Polish-Lithuanian crown, not because they did not want it, but because of the intricate network of intrigues and alliances they shared with the other candidates. Such was the case during the second interregnum, when Maximilian delayed sending an embassy with the explicit goal of supporting the Habsburg candidacy because he hesitated crossing the newly crowned king of France, whom he had rather cleverly aided in his desertion of the Polish-Lithuanian throne. While the Habsburgs publicly supported, in 1574 and early 1575, the French king’s right to keep the Polish crown, and the Emperor claimed that he would not submit his candidacy to the Polish-Lithuanian crown unless Henri renounced his right to it himself,¹⁶¹ letters disclosing Henri’s dislike for the Commonwealth started arriving mysteriously from Vienna, where his cavalcade had stopped for a while on the way to France.¹⁶²

At the same time, Pope Gregory XIII’s own support of Maximilian in the second Polish-Lithuanian interregnum was supposed to remain secret throughout 1574 and 1575, with the aim that the nobility of the country, particularly those who

¹⁶⁰ Imre and Samuel Sulyok went to the Warsaw assembly of 3 October 1575, which was not a real Sejm; it only lasted one day and did not accomplish anything except establish the dates of the election. The Sulyok brothers went back to Transylvania; one month later Giorgio Blandrata went in their place as Báthory’s orator at the election Sejm of November-December 1575. See Bethlen 390-391.
¹⁶¹ See Lippomano’s dispatch from 18 July 1574 in Archivio di Stato di Venezia, Dispacci degli ambasciatori al Senato, Polonia, Filza 1, #26, f. 3.
¹⁶² For Maximilian’s delay in entering the race but his campaigning behind the scenes see Archivio Segreto Vaticano [hereafter ASV], Segr. Stato, Polonia 10, f. 125v-127v.
did not feel much affection for Rome, did not turn this alliance against the interests of the already flailing Catholic Church of the Commonwealth. In accordance with this goal, nuncio Laureo did everything in his power to stay behind the scenes and use Archbishop Uchański as his front man throughout the interregnum, and during the election. Obviously, the nuncio’s efforts at discretion did not prevent the anti-Austrian camp from getting wind of his machinations and turning against him to the point where not only he, but also the Archbishop, were fearing for their lives.\(^{163}\)

Deceptive campaigning was not an exclusive tool of the Habsburg camp during Poland-Lithuania’s second interregnum. Báthory himself claimed, through the speech of his orator, the Italian physician Giorgio Blandrata, that he was ready to do anything for the Poles and Lithuanians if he were to be elected, but that he could only accept the crown if the Emperor and his son (Archduke Ernest) had been already excluded from the race, as he owed Maximilian too much respect to be able to be his rival. Blandrata repeated the same arguments to Laureo, in private, while emphasizing Báthory’s piety and deference for the Apostolic See, which must have sounded strange coming from the mouth of a notorious Arian.\(^{164}\) It is ironic that


\(^{164}\) Blandrata’s November 15 speech in Orzelski 387; also see Bethlen 391. Blandrata’s November 13 and 26 conversations with Laureo in Laureo 274 and 292. Laureo on Blandrata’s religious convictions and how they reflected on Báthory in Laureo 252. The Arians (or Anti-Trinitarians) were a radical reformed group who were particularly strong in Transylvania and Poland-Lithuania at that time (they were outlawed in the rest of Europe). Its main doctrinal squabble with Catholicism and the milder Protestant currents was the composition and even validity of the Trinity; its most radical members denied Jesus’ divine nature. For more information on Arianism in Central Europe in the second half of the sixteenth century, see James Miller, “The Origins of Polish Arianism,” *The Sixteenth Century Journal* 16, no. 2 (Summer 1985): 229-256. See also Joanna Kostyło, “Commonwealth of All Faiths:
Báthory took such precautions toward Maximilian in November 1575 only to throw them to the wind from December onwards, when he did exactly what he insisted he would never do; this behavior, however, is explained by his own position as prince of Transylvania and the complex history—with the Habsburgs in general and Maximilian in particular—that this position entailed.\textsuperscript{165}

To complicate matters even more, the Ottomans saw fit to meddle by endorsing certain candidates who, in their consideration, posed no danger to their possessions in Europe (the Piasts, the king of Sweden, and Báthory) and warning against electing others (the Habsburgs and Ivan IV). Seeing that the Pope’s agents were secretly but actively supportive of the Ottomans’ archenemies, the Habsburgs, the Commonwealth’s second election may be seen as the battleground of two parties that had been pitted in a bitter clash against one another since the first interregnum.\textsuperscript{166} Moreover, the fight between pro-Habsburgs and everybody else was going to be continued into the third interregnum as well.

These intricate strategies shed some light on the nature of elections in Poland-Lithuania, which was such that each interregnum exacerbated long-term regional rivalries that otherwise remained latent throughout the relatively uneventful
but tense period following the 1571 battle of Lepanto. East Central Europe at the end of the sixteenth century was the board of a game in which the biggest competitors were Vienna, Constantinople, and the Vatican. Between 1572 and 1574, the French monarchy also featured prominently as Vienna’s rival and the Porte’s ally, but its presence dwindled after Charles IX’s death and France’s retreat inwards during its successive waves of civil wars. Far from being peripheral to the rest of the continent, East Central Europe was in fact central to the most important players of the day precisely because of its geographical position at the frontier between Christendom and Islam, where old schismatics, new heretics, and infidels mingled and conspired against each other in a fluid world.

The transformation of Poland-Lithuania into an elective monarchy open to foreign candidates obviously lent the Commonwealth an even greater importance in regional politics than it had previously had. Not surprisingly, neighboring princes were immediately interested in the opportunity to extend their control over the vast expanses of wheat plains, sea ports, and manpower of the Commonwealth. The stakes were high not only on the level of resources, but also on that of power: whether the French, the Habsburgs, or the Ottomans influenced these elections would directly affect their weight in the politics of the region and indeed of the entire continent.

During the Commonwealth’s first interregnum, in particular, it was already obvious that candidacies to the vacant throne were submitted as an extension of a
broader-scale competition between Europe’s most powerful monarchies; after all, it was “following the example of the Emperor” that Catherine de Medici took a sudden interest in Poland and advanced her son’s candidacy in 1572; after Henri’s victory in 1573, the queen mother boasted not as much about securing the Polish-Lithuanian throne, as about winning the race against Maximilian. During the second interregnum, not only were there subtle rivalries played out between the Habsburgs, France, and Transylvania, but quite explicit tensions and threats were also displayed, as was the case with the Ottomans’ “suggestions” about desirable and unacceptable candidates. Furthermore, the Polish-Lithuanian voters themselves were so involved in European politics that the difference between domestic and foreign affairs—already weak in the early modern world—completely lost its meaning.

Transylvania’s throne had certainly less of an international value, considering that it was only open to native candidates. Compared to Poland-Lithuania’s elections, the Transylvanian ones were simple affairs with only a few possible candidates drawn from the landowning and military elites of Transylvania and particularly the Partium. In 1571, the contenders were only two—Stefan Báthory and Gáspár Bekes—and the “campaigning” period, as well as the election itself, took significantly less time than they would in Poland-Lithuania. This is not to say that

168 Gábor Barta makes the observation that Transylvania’s elites under János Szapolyai and his mother, as well as under the Báthorys, came from the Partium and Western Hungary rather than Transylvania proper. See Barta, History of Transylvania, vol. I, 644-645.
there was no persuasion involved in the process, or that there were no outside powers interested in the outcome. The only difference is rather one of scale, since the main two outsiders who were not only interested, but also fully involved in Transylvania’s elections were also going to be the main rival powers embroiled in the Polish-Lithuanian races soon thereafter. From that perspective, the most notable absence in Transylvania is that of the Vatican, which is not surprising, considering that the Pope had lost hope about that part of Europe because, since the 1550s, Transylvania had been resolutely Protestant to the point of not allowing a Catholic bishop within its borders. For the rest, the main competing outside powers were the same as in Poland-Lithuania: on one hand, the Holy Roman Emperor—not as a candidate but, in his position as King of Hungary, claiming the right to appoint the ruler of Transylvania as he would any other royal officer in Hungary; and on the other hand, the Ottoman Sultan, who did not hesitate to indicate his preference for one of the competitors—here perhaps with more reason than in Poland-Lithuania, considering Transylvania’s vassal status vis-à-vis the Porte.

Just as in Poland-Lithuania, the list of candidates in Transylvania was fluid and often not explicit. Even though potential candidates might have started “campaigning” weeks or months before the election moment, everything depended on whether the electors cared to nominate them during the election assembly. In 1571, for instance, although Gáspár Bekes had been intently promoted by the late prince’s “testament lords” during private talks with the country’s most important
dignitaries in the few days preceding the election, at the election assembly itself nobody got up to propose Bekes as the next voivode; the only name circulated was that of Báthory. According to the leader of the pro-Habsburg camp in Transylvania, Kristóf Hagymási, when he saw that during the proceedings Bekes’s name was mentioned neither by the Saxons, nor even by his own friends and followers, he made up his mind to approach Báthory with the purpose of reaching an understanding on behalf of Maximilian and the Speyer agreement.\textsuperscript{169} Technically, the 1571 election had only one nominee, and that was Stefan Báthory.

As for why the Transylvanians never considered electing a foreigner, it has never been stated explicitly, but it may be speculated that it had something to do with the nature of the country’s autonomy from Habsburgs and Ottomans alike. When the Transylvanian estates wrote to Ferdinand of Habsburg that he had better let them take care of themselves if he was not able to do so, the implication was that no outsider was capable of accomplishing the job that Ferdinand proved unable to perform. Most importantly, it is hard to imagine that either Habsburgs or Ottomans would have accepted an outside candidate in the contest for the Transylvanian throne; Transylvania’s autonomy only extended so far. Furthermore, wherever elective monarchies were in place in early modern Europe, it was more common to elect natives than to open elections to foreign candidates, and so the question is why the Poles chose to do so, rather than why the Transylvanians did not.

\textsuperscript{169} Hagymási’s letter from 27 May 1571 in Kemény, \textit{Erdélyország Történetei Tára} [hereafter Hagymási], 106-110. See also Szilágyi’s commentary in MCRT II, 398.
b) Likes and dislikes: factors influencing voter preferences

Natives versus foreigners. In a report written soon after Stefan Báthory’s death, Horatio Spannochi, the former secretary of the late cardinal and apostolic nuncio Bolognetti, elaborates on the Polish seemingly paradoxical preference for foreign kings:

One could truly witness [the Poles’] little affection for foreigners at the Estates General [of 1585] when the nobility greatly complained about the king having used other soldiers than his own subjects during the war with Muscovy, and having given them higher ranks and pay…

Spannochi goes on to say that the general impression of foreigners had been spoiled as early as 1574 by King Henri, who—the Poles felt—had mocked them with his behavior; moreover, king Stefan’s recent conflicts with the szlachta had not improved matters in the least.

According to Spannochi’s knowledge, which was based on the four years he had spent in the Commonwealth in the service of Alberto Bolognetti, many

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171 Bolognetti arrived in Poland in the summer of 1581 and left for Rome in early 1585 (where he soon died). For details on Bolognetti’s mission see the three volumes of his correspondence with Rome (and mainly with the Cardinal of Como) in Monumenta Poloniae Vaticana, Vols. V-VII: Alberti Bolognetti Epistolae et Acta, 1581-1585 (Cracow, 1923-1959), particularly the preface of Vol. V by
Polish-Lithuanian nobles seemed quite inclined to believe, in the 1580s, that a native king would be best suited for the job: not only would he share the customs and the language of his subjects—a factor that had also been mentioned in the debates of previous interregna—but he would also understand, better than any foreigner could, the needs of the country. Most importantly, a native king would be capable to manage with more accuracy than a foreigner the distribution of offices and dignities—a task that was, according to Spannochi, the main royal prerogative now that the king’s judicial duties had been drastically reduced by the establishment of the Crown and Lithuanian Tribunals. As an anonymous senator wrote in 1569,

In every Republic things can go well only if she is governed by one who has grown up on her lands, not otherwise… In all things we must

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Edward Kuntze and Czesław Nanke on pp. XXXIV-XLIV. For a few details on Horatio Spannochi’s life, also see Scriptores Rerum Polonicarum XV: Analecta Romana (Cracow: Sumptibus Academiae Litterarum; apud Bibliopolam Societatis Librariae Polonicae, 1894), 228. The relation cited above was first published in Italian sometime at the beginning of the seventeenth century, a copy of which I was not able to find, but which was also reprinted in French (1608) and Latin (1609-1610), copies of which I was able to examine in the old print collection of the Warsaw University Library (BUW). The Latin version, catalogued as Gáspár Ens L., Thesaurus Politicvs: Relationes, Instructiones, Dissertationes, Aliosque De Rebus Ad Plenam Imperiorum, Regnorum, Provinciarum, Omniumque Quae Abiis Dependent Cognitionem Pertinentibus Tractatus Complectens, 2 vols. (Coloniae: Apud Gerardum Greuenbruch, 1609), does not contain Spannochi’s relation, but the French version cited above (Trésor politique, 1608) does. It does not have a precise date, nor does it have a dedication, but at any rate it is certainly different from the report offered by the same Spannochi in April 1586 to his new protector and secretary of Pope Sixt V, Cardinal Rusticcuci. The 1586 report, although quite detailed, limited itself to an analysis of Poland-Lithuania’s religious and ecclesiastical issues and the specifics of Alberto Bolognetti’s mission there; it was published in Scriptores Rerum Polonicarum XV, 227-357.

Spannochi 350-355.
defend the deeds of our ancestors more than our own, because if we want to change what they have left us, it will not be good for us.¹⁷³ Nevertheless—Spannochi concludes quite accurately—the chances that a Piast king would be elected at the conclusion of the Commonwealth’s third interregnum were extremely low, for two reasons. First, the rivalry between Poles and Lithuanians was so bad as to make it impossible for the Lithuanians to accept a Polish king, and vice-versa. Second, regardless of their being Polish or Lithuanian, the nobility was divided by such fierce factionalism that they would never consent to be ruled by the leader of another faction, and, simultaneously, not one faction was strong enough to determine the rest to accept its own native candidate. What is more, even if a perfectly qualified and absolutely neutral candidate were to be found among them, they would not trust to elect him precisely because of his neutrality, as they would fear that he would not sufficiently support their private aims and ambitions.¹⁷⁴ These concerns were certainly shared by the Poles and Lithuanians as well. According to an anonymous treatise written during the first interregnum, a candidate extracted from among the citizens of the Republic carried the danger of turning into a king who would give in too easily to the temptation of favoring his friends and family and neglecting valuable men in public affairs, thus protecting his own private interests.

¹⁷³ “Senator Anonima Deliberacye” in Ulanowski, Sześć Broszur, 181-182. The author was a senator from Great Poland, most likely Jan Sierakowski, castellan of Kalisz between 1563-1566 and palatine of Łęczyca from 1566 onwards (see preface by Stanisław Kutrzeba, pp. XIII-XIV). Sierakowski was still the palatine of Łęczyca in 1575, when he opposed the election of Maximilian and eventually joined the nobility of his palatinate in support of Stefan Báthory’s election. See Orzelski 449-450.

¹⁷⁴ Spannochi 353.
and encouraging the factionalism already plaguing the country.\textsuperscript{175} Around the same time, Venetian ambassador G. Francesco Morosini stated in his 1573 relation about Henri’s election to the Polish-Lithuanian throne that the Poles had no choice but to elect a foreigner because they were “determined not to give in to one another.”\textsuperscript{176} Interestingly enough, even though the reformers of the eighteenth century insisted on excluding foreigners from being eligible for election, the native kings who were not connected to a dynasty (Mихаил Корбут Вишневецкий, Jan Sobieski, Stanisław August Poniatowski) ended up being as disliked as their foreign counterparts—if not more.\textsuperscript{177}

The Jagiellonian spell. Spannochi continues his relation by reviewing all possible candidates who might be taken into consideration as Báthory’s successors to the throne of the Commonwealth. Despite the politically correct respect he expresses for the Austrian candidates, and particularly for Archduke Ernest, Spannochi seemed to think that Sigismund, the eldest son and heir of the king of Sweden, held most of the chances.\textsuperscript{178} The relation was clearly written quite soon after Báthory’s death, yet Spannochi’s account proves for the umpteenth time how thoroughly well-informed

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\item \textsuperscript{175} “De eligendo rege Poloniae consultatio nobilissimi cuiusdam Poloni” in Czubek, \textit{Pisma polityczne}, 262.
\item \textsuperscript{176} “Relazione di G. Francesco Morosini,” in Albèri, \textit{Le relazioni degli Ambasciatori Veneti}, 255.
\item \textsuperscript{178} Spannochi 358-366.
\end{itemize}
and attuned to local realities the Pope’s agents were. Bolognetti’s former secretary
takes many pages to explain in a systematic fashion why Sigismund was most likely
to win, as well as why, in fact, his election would also prove beneficial for the
Catholic Church. Báthory’s “party,” i.e. Zamoyski and such others who had been
loyal to the late king, also supported the Swedish candidacy this time around, but,
despite the rather good relationship that had been forged between Rome and Báthory
during the latter’s reign in Poland, Pope Sixtus V remained attached to the ideal of
the Empire extending its power well to the East and endorsed Archduke’s
Maximilian’s candidacy. He thus remained faithful to his predecessor’s obstinate but
ill-fated support of the Habsburgs at the previous two Polish-Lithuanian elections
and, consequently, given the persistence of the strong anti-Austrian sentiments of the
most vocal part of the Polish szlachta, the result of the Commonwealth’s third
interregnum was another double election, which had to be settled in even more
dangerous circumstances than had been the case twelve years before.

One of Spannochi’s arguments in favor of Sigismund Vasa’s candidacy
commands a special interest from the more general perspective of voter preferences
in sixteenth-century Poland-Lithuania. According to Spannochi, the most important
factor that was going to weigh heavily in Sigismund’s favor was his mother,
Katarzyna Jagiellonka, sister of the late king Zygmunt August.\footnote{Ibid., 361.} To put it simply,
the fact that the future Sigismund III had Jagiellonian blood in his veins mattered a
great deal to his electors—even if only half of his blood, so to speak, came from the great Lithuanian dynasty. A half-foreign, half-Jagiellonian candidate could reunite the best parts of two separate worlds: both a “native” (thanks to his maternal side) and true “royalty” descending from two illustrious dynasties (an asset that none of the local “Piast” candidates could boast), Sigismund had more than enough of the genetic material required for the job.

Spannochi’s line of argumentation is confirmed by several pamphlets written in Poland-Lithuania soon after Báthory’s death, which enumerate the possible candidates who might take his place on the throne. In one of these pamphlets, the Swedish prince is mentioned first on the list, because “by blood he is certainly worthy of wearing the crown/… born to be king, to a king-father and a Polish queen-mother,/ with Polish customs and language; and even his religion is suitable,/ as long as he does not force anybody to adopt a certain faith or religion.”180

Spannochi adds more arguments in Sigismund’s favor to his list, but they go beyond the scope of this study, as does the question of whether Sigismund’s reign confirmed the hopes that were put in him at his election. What matters is the way in which Spannochi’s account illuminates the general mechanism of electoral politics and particularly the preferences of the electors during the first few interregna of the Commonwealth. Both the native-foreigner debate and the ongoing fascination with the Jagiellonian family, the loyalty to which was never entirely abandoned as long as

180 “Echo Grodniana ad ferarum latebras, mortem Sermi Stephani regis lugens” (1586) in Wierzbowski, Wiersze Polityczne, 57.
its direct or indirect descendants were still around—despite the rather severe antidynasticism promoted by parts of the nobility in post-1572 Poland-Lithuania—were issues that had been hard at work in the previous interregnum as well.\footnote{On the receptivity of the szlachta to ideas of dynastic continuity, see Jerzy Lukowski, “The Szlachta and the Monarchy;” and Robert I. Frost, “Obsequious Disrespect: the Problem of Royal Power in the Polish-Lithuanian Commonwealth under the Vasas, 1587-1668,” in Butterwick, The Polish-Lithuanian Monarchy in European Context, 133-134 and 160-161ff.}

**Anna Jagiellonka.** The seduction of dynasty and particularly that of the Jagiellonian family remained strong in Poland-Lithuania after Zygmunt August’s death, despite the szlachta’s stubborn insistence against the principle of hereditary monarchy. The first three interregna of the Commonwealth were characterized by the candidates’ attempts to use their already existent connections with the Jagiellons, or establish new ones through marriage alliances. Not only had Henri briefly flirted with the idea of marrying Anna Jagiellonka in the first interregnum, but she was also courted by the Habsburgs, the Duke of Ferrara, and the Piasts, and surely enough, she ended up marrying the winner of the Commonwealth’s second election. Báthory himself considered securing the succession to the Polish-Lithuanian throne for his favorite nephew Stefan by having him marry Anna, daughter of the Swedish king and niece of his Jagiellonian wife;\footnote{Laureo 688 (letter from 15 May 1578). The nuncio lent his assistance to Báthory in his secret negotiations with the Swedish crown.} his plans were not accomplished, but his calculations were not completely off the mark, considering that the third election was eventually won, true, not by Anna’s husband, but by her brother, Sigismund.
In 1587, Sigismund Vasa was the closest one could get to a Jagiellonian king, and he won the election—albeit not without difficulties. In 1575, however, he was too young to be taken into consideration, and his father’s candidacy was complicated by his problematic religious preferences and the fact that, after all, he was not a Jagiellon but was only married to one. Moreover, there seemed to be a dislike of the fact that he was already a crowned king, which is not surprising, considering the Poles’ recent experience with Henri. Nevertheless, his seven-year old daughter, Anna, was considered by some in the Piast camp. One pamphlet dating from 1575 advices voters to elect “a Piast king,/ A prudent adolescent,/ With great fear of God,/ To whom the princess of Sweden,/ Of great bashfulness,/ You should give in marriage,” but the idea never gained much momentum during the debates of the second interregnum, no doubt because the plan to rebuild a local dynasty by joining in holy matrimony an unnamed Piast king and a seven-year old princess was a rather long shot. The princess’s aunt, however, was an adult, lived in Poland, was still unmarried, and although her age no longer permitted her to start a new hybrid

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184 “Wolność zaleca obrać królem Piastem” (1575), in Ibid., 48. A contemporary note in German on top part of the document (which Wierzbowski found in Vienna’s archives) shows that the pamphlet was written or at least circulated at a sejmik of the Cracow palatinate convened at Proszowice, with no date being specified. Wierzbowski suggests that it was the sejmik that convened on 31 December 1575, but this would make the content of the pamphlet quite outdated in the context of that assembly, considering that the Piast party had already elected Báthory two weeks before on the election field outside Warsaw. Moreover, the pamphlet contains a reference to the election that was supposed to take place “immediately after Easter,” i.e. the general Sejm that convened in May 1575 in Stężyca to mark the expiration of the one-year term given to Henri to return to the country (Easter fell on 22 April that year). That Sejm was preceded by a sejmik of the Cracow palatinate held in Proszowice on 13 April. See *Akta Sejmikowe Województwa Krakowskiego*, 48-50.
Jagiellonian dynasty, she was at least both willing and able to input her share of royal prestige into whichever scheme was going to win the Commonwealth’s second election.

Anna Jagiellonka’s name appeared early in the second interregnum, and even before that, she had also been an element in Henri’s election and short reign—yet not exactly as a candidate herself, but as queen-consort. The Poles wished that Henri would marry her at some point after his coronation, and vague promises and negotiations had been exchanged on this issue even before Henri’s arrival in the Commonwealth. However, when he finally made his appearance in Cracow, he did not show much interest in Anna—much to her chagrin. Back in France, his own mother had shown public displeasure at the idea of her son marrying somebody who was almost twice as old as Henri at that time.

Henri’s desertion from Poland-Lithuania in June 1574 made the issue irrelevant, but when the list of candidates for the Commonwealth’s second election started to be narrowed down during the three Sejms that punctuated that interregnum, Anna’s name started being circulated again by the local supporters of various bidders to the throne. In most of the scenarios introduced in May and particularly November-December 1575, Zygmunt August’s sister featured as the wife of either the future...

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185 See the dispatch sent home by Venetian ambassador Lippomano on 18 July 1574, soon after Henri’s departure, where he relates the atmosphere among the nobility and the candidate names they had already started to consider for the next election. Anna’s name was mentioned, but it was not discussed “that much,” wrote Lippomano. Archivio di Stato di Venezia, Dispacci degli Ambasciatori Veneti al Senato, Polonia, Filza 1, #26, f. 3.

king or somebody in his immediate family, be he Archduke Ernest, the Duke of Ferrara, or, as it eventually happened, Stefan Báthory. Anna’s role in the Commonwealth’s first two interregna was not a unique occurrence; on the contrary, it followed a pattern noticeable in other European monarchies, where women with royal blood were crucial in helping establish the political legitimacy of a new king or dynasty and in unifying the realm.\textsuperscript{187}

Anna was never seriously considered as a candidate on her own. The closest that she came to such a position was during the szlachta’s final and particularly confused debates of December 1575, when the difficulties that the nobles encountered in their attempts to nominate one native candidate determined them to expand their options and include the “Infans” in their calculations. After the election field outside of Warsaw was divided between pro-Austrians and “Piasts” and the Archbishop had already proclaimed Maximilian king on December 12, those who opposed this option were at a loss to find a suitable counter-option. It was at this point that Anna’s name started being circulated more insistently in various native-Jagiellonian combinations, in order to strengthen, with her pedigree, the candidacy of native nobles who did not feel up to the task of confronting such a powerful rival on their own. After two such prominent nobles declined their nominations at the beginning of debates on 13 December, the “Infans” was the only native person

\textsuperscript{187} See for instance the moments of dynasty change in the French monarchy in 1498, 1515, and 1589, when the new king always ended up marrying the royal woman who was most likely to create or deepen divided loyalties: Anne de Bretagne (widow of previous king), Claude de Bretagne (daughter of previous king), and Marguerite Valois (sister of previous king).
specifically mentioned by the “Piasts;” otherwise they would express their preference for a local king with the rather vague “indigena.”

From the eight palatinates that expressed a preference for a native king on that day, three (Bełz, Ruś, and Podole), all under Jan Zamoyski’s influence, favored a scheme featuring Anna as queen under the supervision of one of the Piast nominees, who would act as her tutor with the main task of making sure that she would not marry a Habsburg. The nobles of one palatinate (Lublin) protested that she could be too easily absolved of this obligation and thus voted for either an “indigena” or, if that was not possible, the tsar of Muscovy; and only one palatinate (Plock) rather vaguely voted for “an indigena or the Infans,” thus allowing the possibility of Anna as sole ruler or the Commonwealth, but without insisting on this idea or clarifying what they meant. In any case, no debates centered on this particular possibility, and instead they focused on trying to narrow down their list to one candidate who could reunite everybody’s votes.

Anna’s role in the electors’ minds remained essentially a secondary one; she was seen more as a liability because of her marital status than as a candidate in her own right. The final solution, that of joining Stefan Báthory and Anna Jagiellonka in matrimony, was meant to satisfy the diehard Piasts who still had misgivings about electing a foreign prince as well as some of the Masovians who had a certain attachment to their duchess, but also to eliminate the danger that Anna might marry

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188 See Chapter 3 for more details on these debates.
189 Orzelski 474-475.
somebody from the “House of Austria” somewhere down the line and bring her husband to the Commonwealth’s throne once the opportunity to do so presented itself. The fear was not unfounded; Anna had been negotiating various marriage projects with the nuncio and the Habsburg envoys ever since the beginning of the second interregnum, and even in the weeks following her nomination as Báthory’s consort she still flirted with the nuncio’s suggestion that she could marry Archduke Ernest and become queen after Maximilian’s death, assuming that the latter was indeed going to be crowned king of Poland-Lithuania, as the Austrian camp still hoped at that time.\textsuperscript{190}

Besides the prestige and illustriousness of her blood, as well as her own political ambitions, Anna’s insistent placement in all these combinations—by otherwise contrary factions of electors—was also due to her huge personal inheritance, bestowed on her by her late brother and mother, and which the Sejm was trying to make her renounce in exchange for the queenly title, “in order that she have no private qualms with the Commonwealth on account of [her brother’s testament].”\textsuperscript{191} Loyalty to the royal line of the Jagiellons, as well as the helpful “Piast” flavor that Anna would have brought to any foreign candidate, were certainly important factors that explain the support Anna received from various parties, but the inheritance issue was an element that weighed in her favor as well. Whether the end result—Anna as queen and her right to her inheritance forfeited—was truly in her

\textsuperscript{190} ASV, Segr. Stato, Polonia 11, f. 61 (letter from 28 December 1575).
\textsuperscript{191} Orzelski 655; Heidenstein 227-228.
favor is quite a different question. As things stood, however, she could not have it both ways, and arguably made the right choice between a publicly disputed inheritance and a position of power, although that power certainly proved to be less than what she had initially hoped. In any case, even though when in December 1575 the szlachta mentioned Anna’s name before that of Báthory in their act of election, Stefan made sure that his position on the throne was not entirely dependent on his marriage to Anna, and that he would still be king if she refused to be his wife. Indeed, the marriage was officiated two days after Báthory’s and Anna’s coronation. According to contemporary accounts, Anna was quite dissatisfied with having to renounce her inheritance and she resisted the idea, although eventually she had to acquiesce to the conditions of her election. On the day after her coronation, she was required to take an oath that had her essentially swear a small treasure off.

**The small and weak versus the great and powerful.** The attachment to the Jagiellonian dynasty and the fascination it continued to exert in the Polish-Lithuanian Commonwealth well into the seventeenth century illustrate one of the main weaknesses of the Piast camp at the beginning of the elective period. According to nuncio Laureo, many of the senators were attracted to the idea of a native king in

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192 Laureo 425-426. See also Chapter 5 on the problems between Báthory and Anna.
193 Specified in Báthory’s *Pacta Conventa*; see Chapter 5.
194 Heidenstein 233.
195 The deputies and senators who gathered in Cracow for the coronation Sejm initially wanted Anna to renounce her inheritance before the coronation, but Anna refused to do so, wanting to be crowned first (Laureo 407). For Anna’s eventual renunciation and related ceremony, see Orzelski 657.
November 1575, yet they had trouble naming one, let alone agreeing on the same candidate.\textsuperscript{196} It is significant that, in December, most of the senators finished by supporting Austrian candidates, despite their initial attraction to the Piast idea. In his description of the Piasts, Laureo seems to identify the same problem that Spannochi would emphasize twelve years later: the numerous factions of the country were a serious obstacle on the way to achieving consensus over one native candidate.

Yet that does not explain entirely the odd combination of strong appeal and simultaneous weakness of the Piast option. Besides factionalism, it may have been equally due to an altogether more ineffable reason. While a significant part of the Piast camp, particularly those with stronger republican inclinations, supported this option because they welcomed the idea of having a king who would be “one of them” and thus not only know better than any foreigner how to rule the country,\textsuperscript{197} but also do so without any of the misplaced arrogance or tyrannical tendencies that seemed to characterize most of the great families from abroad,\textsuperscript{198} another part of the same camp was rendered rather uneasy precisely because the king would be “one of them” and, therefore, not be able to have the required distance to rule those who had been his equals until recently, and would probably get embroiled in petty “altercations” not fit for a king.\textsuperscript{199}

\textsuperscript{196} Laureo 287 (letter from 23 November, 1575).
\textsuperscript{197} See, for instance, the long (self-serving) pro-Piast speech credited by Heidenstein to Andrzej Tęczyński, held during the Senate debates in November 1575. Heidenstein 199-205.
\textsuperscript{198} “De eligendo rege Poloniae,” in Czubek, \textit{Pisma polityczne}, 262.
\textsuperscript{199} Piotr Zborowski’s speech in the Senate, on 18 November 1575, in Orzelski 399-400.
In the same line of thought, a candidate who was perceived as having led a “private life” held next to zero chances of being elected, regardless of how rich, kind, saintly, or brave he was. In 1587, in his list of possible candidates for the throne, Spannochi also reviews Báthory’s three nephews, who had grown up in the Commonwealth and continued to live there at the time of their uncle’s death. Putting aside their family name and ethnicity, which hurt their chances considerably but could be ignored for the sake of theory, Spannochi paints a very generous image of Andrzej, Balthasar and Stefan, but in the end he concludes that even if the Poles and Lithuanians were willing to elect another Hungarian, they would probably not elect any of the three Báthorys mentioned above because, despite their many qualities, “they had always lived a private life and it would not seem good to offer such a great kingdom to a gentleman of such small standing.” From this point of view, their cousin, prince Zsigmond Báthory of Transylvania, was more suitable for the job.200

What this essentially means, in a country where all nobles were supposed to be equal, is that a suitable native candidate had to have held some notable public office or at least have distinguished himself on public occasions to even be taken into consideration as a viable option for the throne. The Commonwealth was still a far cry from Habermas’ eighteenth-century state where “private people… because they held no office, were excluded from any share of public authority,”201 but this does not

200 Spannochi 368-369.
mean than just about any citizen could entertain the ambition of holding the highest public office in the country, without already having made himself known and appreciated in the public sphere. “Personae privatae” were not excluded from political authority in the Commonwealth—they could influence public matters in the sejmiki, after all, or start a public career by running for local office—but that was exactly what turned them, from private persons, into public ones.

This perspective on “private persons” or people leading a “private life” complicated the position of the Piast camp significantly, because in the language of the day the native candidates who were drawn from the nobility of the country—the Piasts—were also designated by the term of “personae privatae,” as a way of distinguishing between them and the foreign candidates, who were generally rulers of kingdoms, duchies, or principalities. There was only one exception: Rosemberg, who was a baron in the Holy Roman Empire but who did not rule over any territory and was thus, strangely enough, sometimes labeled as a “Piast” by the observers of the time.

On 18 November 1575, for instance, Cracow palatine Piotr Zborowski held a speech in the Senate that expressed his preference for electing somebody who was neither a powerful ruler of a neighboring country and thus a potential tyrant (in other words, the Habsburgs or the Muscovite), nor a regular person of “minuscule” standing who could not handle government affairs with the required authority and even-handedness (in other words, a Piast). He advocated instead the election of “a
man of medium standing, either a prince or a duke,” who could be easily chased out of the country, for the sake of its citizens’ liberty, if he went against the laws of the country, without running the risk of being invaded by the armies of his neighboring kingdom. At that point Crown Marshall Opaliński and Archbishop Uchański—both sympathizers of the Habsburg camp—urged him to limit himself to nominating a specific candidate and stop delaying the debates (even though all senators had the right to justify their votes with a speech). Zborowski may have suddenly felt a little confused under the pressure, or perhaps he changed his mind on the spot, because he strangely ended up nominating Rosemberg, who, despite being quite powerful in Moravia, was neither a prince, nor a duke, nor was he one of the candidates that the Zborowskis had been promoting on and off during that year (i.e. the Duke of Ferrara, Stefan Báthory, or, to a lesser extent, one of the native candidates). Nuncio Laureo, who received daily reports from the election field, described the incident to the Pope’s secretary of state in a letter he sent to Rome a few days later, and commented that Zborowski must have voted for somebody who simply did not correspond to his intentions, because, instead of naming “un Prencipe mediocre,” he nominated “a private gentleman (un Signore privato) who is one of the Piasts.”

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Laureo, letter from 23 November about the votes in the Senate on 18 November 1575. ASV, Segr. Stato, Polonia 11, 28v-29. Zborowski may have in fact been stalling for time in an attempt to help radicalize the Habsburg-Piast contest, which—if the rivalry was pushed far enough—could eventually exclude both Habsburgs and Piasts from the race and create room for his real preferences (a “mediocre” prince like Ferrara or Báthory)—as it actually happened in December. There is no hard evidence pointing to this scenario, but such calculations were old electoral practices. See Chapter 3 for more examples of such possibly strategic voting (particularly the support for Ivan the Terrible that the Lithuanians’ and a part of the nobility of Little Poland displayed in December 1575).
Whether they were Piasts or “mediocre” princes, Vicentio Laureo labeled them all as *re debole* (“weak king” in Italian) material. In his reports from the second interregnum and Báthory’s early days in the Commonwealth, the nuncio described the Piast camp as favoring whomever they perceived could be a “weak king,” a preference that incidentally coincided with that of the Ottomans, who encouraged the election of “a Piast, in order to have a weak neighbor and the certainty of having no difficulty in oppressing him.” Horatio Spannochi notes the persistence of the same tendency among the Polish nobility into the 1580s:

> It does not seem that this nobility will consent easily to the election of a Prince of great standing and great power, fearing that he might make a great effort one day to enslave all these peoples and take all their liberty and make himself tyrant; so much that everything we have shown above [to be in favor of Sigismund] might be greatly favorable, but it might also be considered the opposite with just as much vigor.

When the native option had lost its validity in December 1575, the Piasts’ preference for lesser foreign candidates (Zborowski’s “mediocre” princes) such as the Duke of Ferrrara and ultimately Stefan Báthory inscribed itself in the same logic: the Habsburg Emperor and the Muscovite tsar were perceived as too powerful by the

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203 ASV, Segr. Stato, Polonia 10, f. 54 (letter from 6 October 1574). Argument repeated several times later, for instance in May 1575 (ibidem, f. 139).
204 Spannochi 364-365.
Piast camp. On 28 December 1575, almost two weeks after the disastrous double election of Maximilian II and Stefan Báthory, Laureo bitterly wrote to Cardinal of Como that “these gentlemen [the anti-Austrian part of the nobility] want a Prince who is weak (debole), [from] far away, and rich, in order to be able to treat him whichever way they want, and to use his money both for public and for private purposes.”

Power and money had the same ambivalent meaning in Transylvanian elections as well: even though Bekes was rich and powerful, a contemporary writer says about Báthory’s rival, he was simply not as loved and appreciated as Báthory.

When Báthory became the legitimate king of the Commonwealth and Laureo was finally able to make his acquaintance, the impression that he was truly “one of them” was confirmed in Laureo’s eyes by the Transylvanian modest demeanor and clothes, and the Poles’ lack of reverence in his presence. The descriptions of Báthory’s entry into the country in March 1576 and his first few meetings with the Polish nobles who welcomed him close at Medyka or Tarnów also dwell on his simple appearance and plain clothes, which Báthory accentuated by a short, heartfelt, and modest speech. Laureo heard rumors about Báthory’s simplicity as early as June 1576; according to those reports, he imposed little respect on the Poles who

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205 ASV, Segr. Stato, Polonia 11, f. 60v.
206 Szamosközy 129.
207 Laureo 497, 526, and ff.
generally favored a more luxurious lifestyle; when Báthory casually took his boots off in the Senate to reveal a pair of worn-out slippers, he elicited the wonder and derision of the senators.\textsuperscript{209} From the nuncio’s point of view, such a king had little chances to be respected by and control his subjects, let alone keep guard at the frontiers of the Christian world. From Laureo’s perspective, the insufficiency of financial means—both personal and royal, together with Báthory’s character traits, made him “a poor king, and by consequence a weak king” who put utility and glory (“l’utile e la gloria”) above everything else.\textsuperscript{210}

Sure enough, as soon as Báthory proved to be more Catholic and heavier-handed with his subjects than anybody expected, Laureo started appreciating his character and quickly envisioned a place for the new king in Rome’s long-dreamed plans of Holy War. That is not to say that Báthory did not make a strong impression in and of himself—despite his lack of adornment and ceremony (he had the habit of addressing people in quite a direct manner, according to witnesses),\textsuperscript{211} he did seem to have a certain presence and sense of dignity that the Poles may not have found particularly decorous, yet which imposed a certain respect—or at least fear.\textsuperscript{212} Laureo soon realized that, for all his weakness as a king, Báthory was not a weak man.

\textsuperscript{209} Laureo 424 and 427 (letter from 5 June 1576).
\textsuperscript{210} Laureo 565-566. See Chapter 5 for Báthory’s peculiar combination of pragmatism, desire for glory, and concern for reputation.
\textsuperscript{211} See for instance Lescalopier’s report in Călători, 434-435.
\textsuperscript{212} Spannochi 376.
**Friend or foe of the Turk?** A small treatise written during the first Polish-Lithuanian interregnum by a Polish noble analyzes the qualities that the voters should look for in the future king. One of the sections of the work is entitled: “Either on the Turkish Emperor’s side, or that of the Christian Emperor?” The conclusion is not black-and-white. After mentioning the strength of the Ottoman Sultan’s armies, which are more “formidable” than those of the entire Christendom, the writer ends by saying that the king should be “neither an enemy, nor a great friend of the Turk. If he is an enemy, it will be difficult to avoid war, but friendship may also end up in our disadvantage.”

Undoubtedly, the relationship with the Ottoman Empire held a great deal of importance for the nobility of the Commonwealth; the issue springs up in the political literature of the first interregnum as well as in all the sources related to the second. Despite Rome’s dreams of anti-Turkish League, nobody within Poland-Lithuania—not even the pro-Habsburgs—wanted to irritate the Ottomans to the point of giving them the idea of attacking the Commonwealth. In Transylvania, which was already under the Porte’s control and had recently experienced first-hand the military capacity of the Ottomans, the matter goes without saying. That is why, despite their insistence of free elections devoid of any outside influence, voters in both countries took the Porte’s suggestions regarding their elections very seriously. In this context,

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the fact that the Sultan favored Báthory’s candidacy influenced the outcomes of the Transylvanian and Polish-Lithuanian votes to a great extent, and directly aided Báthory’s “campaigning” on both occasions.\footnote{For Transylvania’s position vis-à-vis the Porte, see the older but useful studies by Biró Vencel, “Erdély és a Porta,” Századok (1923) and Erdély Követei a Portán (Cluj-Kolozsvár: Minerva, 1921), as well as the more recent Sándor Papp, Die Verleihungs-, Bekräftigungs- Und Vertragsurkunden der Osmanen für Ungarn und Siebenbürgen: Eine Quellenkritische Untersuchung (Wien: Verlag der Österreichischen Akademie der Wissenschaften, 2003). For the Ottoman role in the Polish-Lithuanian second interregnum, see Janusz Pajewski, Turcja wobec elekcji Batorego (Kraków: Wydawnictwo Księży Jezuitów, 1935). For works primarily based on Ottoman sources, see Kemal Beydilli, Die Polnischen Königswahlen und Interregnen von 1572 und 1576 im Lichte Osmanischer Archivalien: E. Beitrag Zur Geschichte D. Osman. Machtpolitik (München: Trofenik, 1976); Kołodziejczyk, Ottoman-Polish Diplomatic Relations; and Krzysztof Wawrzyniak, “Ottoman-Polish Diplomatic Relations in the Sixteenth Century” (Institute of Economic and Social Sciences of Bilkent University, Ankara, 2003). Kołodziejczyk’s book contains annotated editions (both in the original language and in English translation) of ‘ahdnames and other documents relevant for Polish-Ottoman relations in the 15th-18th centuries, including the ‘ahdname granted by Murad III to Stefan Báthory in July 1577 and Báthory’s confirmation of the treaty in November 1577 (Kołodziejczyk, Ottoman-Polish Diplomatic Relations, 123-125, 268-283). For a detailed chronology of the missions and negotiations between the Commonwealth and the Porte after Báthory’s coronation, see Kazimierz Dopierała, Stosunki Dyplomatyczne Polski z Turcją za Stefana Batorego (Warszawa: Państwowe Wydawn. Nauk, 1986), 47-96, 169-170.} As far as Poland-Lithuania was concerned, however, the Ottoman factor had ambivalent effects on voters. Contemporary observers noted that the Turkish support for Báthory and the Piasts, while promoting their cause, simultaneously hurt their chances as well. As far as Báthory was concerned, the Porte’s support served to remind everybody that he, as prince of Transylvania, was paying tribute and was thus subordinated to the Ottoman Sultan. Even the Piast cause was hurt by the Porte’s endorsement to a certain extent, simply because nobody expected “good advice” from the Sultan, thus his approval of the Piast camp put the latter in a somewhat questionable light.\footnote{Heidenstein 205-206.} In a dialogue written after Henri’s departure from Poland-

\footnote{For Transylvania’s position vis-à-vis the Porte, see the older but useful studies by Biró Vencel, “Erdély és a Porta,” Századok (1923) and Erdély Követei a Portán (Cluj-Kolozsvár: Minerva, 1921), as well as the more recent Sándor Papp, Die Verleihungs-, Bekräftigungs- Und Vertragsurkunden der Osmanen für Ungarn und Siebenbürgen: Eine Quellenkritische Untersuchung (Wien: Verlag der Österreichischen Akademie der Wissenschaften, 2003). For the Ottoman role in the Polish-Lithuanian second interregnum, see Janusz Pajewski, Turcja wobec elekcji Batorego (Kraków: Wydawnictwo Księży Jezuitów, 1935). For works primarily based on Ottoman sources, see Kemal Beydilli, Die Polnischen Königswahlen und Interregnen von 1572 und 1576 im Lichte Osmanischer Archivalien: E. Beitrag Zur Geschichte D. Osman. Machtpolitik (München: Trofenik, 1976); Kołodziejczyk, Ottoman-Polish Diplomatic Relations; and Krzysztof Wawrzyniak, “Ottoman-Polish Diplomatic Relations in the Sixteenth Century” (Institute of Economic and Social Sciences of Bilkent University, Ankara, 2003). Kołodziejczyk’s book contains annotated editions (both in the original language and in English translation) of ‘ahdnames and other documents relevant for Polish-Ottoman relations in the 15th-18th centuries, including the ‘ahdname granted by Murad III to Stefan Báthory in July 1577 and Báthory’s confirmation of the treaty in November 1577 (Kołodziejczyk, Ottoman-Polish Diplomatic Relations, 123-125, 268-283). For a detailed chronology of the missions and negotiations between the Commonwealth and the Porte after Báthory’s coronation, see Kazimierz Dopierała, Stosunki Dyplomatyczne Polski z Turcją za Stefana Batorego (Warszawa: Państwowe Wydawn. Nauk, 1986), 47-96, 169-170.}
Lithuania, where two characters evaluate the French king’s possible replacements, the Transylvanian voivode is rejected simply based on the fact that he pays tribute to the Turks; if he is their slave—one of the characters says—that would turn all his subjects into the Sultan’s slaves as well.\(^\text{216}\)

It was almost the opposite in Transylvania. There as well, an Ottoman çavuş invited himself to the general assembly of the estates to express the Sultan’s preference for Stefan Báthory. Even though Bekes had also courted the Porte seeking the Ottomans’ support for his candidacy,\(^\text{217}\) they eventually preferred Báthory, probably based on the knowledge of his earlier brushes with the Habsburgs during a series of military clashes and his ill-fated embassy to Vienna in the 1560s.\(^\text{218}\)

Moreover, even though nobody in Transylvania was thrilled to do as they were told by the Porte, Bekes’ connection with the Habsburgs did him more harm than good at

\(^{217}\)Széchényi Library, *Protocollum Bathorianum*, f. 163.
\(^{218}\)Báthory’s negative experience with the Habsburgs started in the 1560s with his participation in the on-and-off war for the Partium fortresses, his embassy and captivity in Vienna, whence he was released only after Zygmunt August’s intervention, and his return to Transylvania, where he found a new crop of councilors with pro-Austrian leanings. As far as the fortress war is concerned, during which Báthory lost some castles to Habsburg forces, which in turn caused him to lose favor at the Transylvanian court in the 1560s, the Italian traveler Gromo gives us Báthory’s version of what happened. In short, the then-captain of Varad thought Maximilian was bent on peace; when he was sent over to Vienna to negotiate the terms of the armistice, he followed his prince’s instructions to the letter, but since János Zsigmond’s terms were rather inflexible, Báthory ended up offending Maximilian and being taken prisoner. The consequence was that he lost favor at the Transylvanian court for a failure for which he did not believe he was responsible. In this context, it becomes clear that Báthory’s dislike for Maximilian had very personal undertones, not only because of his two-year long forced stay in Vienna, but also because that led to the decline of his influence in Transylvania. See Gromo’s account in *Călători*, 365. Báthory’s short memoirs of the castle wars were taken down in Latin (at Báthory’s dictation) by historian I. M. Brutus and published by Endre Veress in *A történetirő Báthory István király* (Cluj, 1933), 31-38. Also see Imre Lukinich, “La jeunesse d’Etienne Báthory,” in Lukinich and Dąbrowski, *Étienne Báthory*, 18-46.
the 1571 election. The Transylvanian estates were so insulted by Bekes’ proposal that all fortresses and public income be ceded to Maximilian’s control, as well as by Maximilian’s own handling of the matter in a public letter that sounded too arrogant to their ears, that they decided it was easier to hold on to their freedom under the Ottomans than under the Habsburgs.219

Regardless of the damage that the Ottoman support may have inflicted to Báthory’s candidacy in Poland-Lithuania, the final outcome of the 1575 election essentially followed the same logic as that of the 1571 Transylvanian vote. The anti-Habsburg opinions of the most important part of the nobility determined, almost by necessity, a result that favored a pro-Ottoman orientation. In both countries, the strong dislike of the Habsburgs in particular and the “Germans” in general led, either by elimination or simply by accident, to Báthory’s electoral success.

The reactions to what was perceived as “German” arrogance, when compared to those regarding the Ottoman threat, raise the question of why it was considered more insulting to be ordered around by the Holy Roman Emperor, rather than by the Sultan. Sources do not have a direct response to such a question, because, officially, everybody depicted the Ottoman Empire as their absolute enemy. The only answer that comes to mind is pure speculation: perhaps it seemed more normal that the “barbarian” (be he the Turk or the Muscovite, for that matter) be a tyrant; it was almost expected from him to do whatever he could to enslave Christians as soon as

219 Forgách 470.
he got a chance. The Emperor, however, in his position as king of Hungary, on one hand, and leader of Christendom, on the other hand, was supposed to protect the Transylvanians, Poles, and Lithuanians, and not try to take over their territories or leave them undefended in front of the Ottoman armies after having promised support—something for which the Transylvanians never forgave Ferdinand of Habsburg. Moreover, the Holy Roman Emperor’s own title, “Caesar,” was certainly not to his advantage in a country like Poland where a large part of the nobility was educated in the classical republican tradition that held the Roman Republic in more esteem than its successor, the Empire.²²⁰

From this perspective, the Habsburg attitude seemed deceptive and treacherous, whereas the Ottoman position was, at least, clear and consistent. Moreover, the Ottoman sense of pride and sheer military capacity rendered the Sultan a better protector than the Habsburg Emperor, considering the propensity to strong reactions on Istanbul’s side each time their vassals or allies were bothered (or courted) by third parties—something that the Habsburgs had not done very well for most of the sixteenth century. Even though the Ottomans were generally considered a scourge that everybody wanted to rid themselves of, the impression remained that both Transylvania and the Commonwealth were safer on the Ottomans’ side than they were on that of the Habsburgs. That was not only because on the Habsburg side they would automatically become the Sultan’s enemies, but also because the

²²⁰ See Zamoyski’s speech about the virtues of Roman Republic before election in Orzelski 426-434.
Habsburgs themselves appeared as enemies in their own right, not to mention that Constantinople was, after all, much further from Cracow than was Vienna.

**The least-favored nation clause.** Even though Maximilian had virtually everything in his favor—power, resources, the Pope’s support, an interesting mix of ambassadors designed to appeal to Catholic and Protestant voters alike—the Poles had a fixed idea about the Austrian dynasty as the definition of tyranny and Catholicism on the offensive. Much of this attitude was related to the Piast camp’s preference for a native king, and from this point of view any foreigner would have been considered a bad idea, but it is hard to dispute that the anti-foreign discourse during the first three interregna in Poland-Lithuania had a distinct anti-German flavor.

Part of the reason why this was the case was the predilection to use the Hungarian and Czech examples to illustrate why foreign kings were a nuisance to the countries they ruled. In this logic, the inclusion of Bohemia and part of Hungary into the territories controlled by the Habsburgs became the textbook example of how electing a foreign king can go wrong. Andrzej Tęczyński’s pro-Piast speech in the Senate in November 1575 uses the same formula to demonstrate that choosing a king
who does not understand the customs and laws of the country, particularly if he is
“German,” is a recipe for disaster.221

The political literature of the first interregnum is flooded by such references
to the “German” threat. A pasquillum from 1572 warned the Poles about the
Germans’ propensity to use force in order to enlarge their possessions, suggesting
two possible fates: either the “Germans” take over, as happened with the Czechs, or
they promise protection and fail to deliver, as was the case with the Hungarians:

Ask our Czech brothers what is happening with them,
Or about their ancient freedom that is now vanishing,
Ask the Hungarians, what they have for protection today,
Although there is a double-headed eagle above them
Their freedom is vanquished, their fatherland taken,
Their cities ploughed to the ground as a sign of slavery…222

Another text from the same year examines the nature of the Polish elective monarchy
from the Piast perspective. According to its author, even though there have been
differences of opinion at previous elections, “our ancestors always put suos privatos
affectus aside” for the good of the Republic, but whatever they did, “they always
made sure that they would never have a Lord with a different tongue [and] from a
foreign nation, particularly the German nation, because that nation does not wish for

221 Heidenstein 199-205.
222 “Interregnum Jana Głuchowskiego do wszystkich stanów Królestwa Polskiego i Wielkiego
Księstwa Litewskiego 1572 po śmiertci najaśniejszego książęcia Zygmunta Augusta, z łaski Bożej
króla polskiego etc. etc. wydane” in Czubek, Pisma polityczne, 18.
our growth and is almost always against us.” He then goes on to say that the first
Jagiellon was Lithuanian, true, but he was different from all his brothers, adopted the
laws and religion of the Poles, united them with his own and essentially became
Polish.\textsuperscript{223}

Girolamo Morosini, the Venetian ambassador to France on the occasion of
Henri’s election to the Polish-Lithuanian throne in 1573, offers more details about
the sources of the anti-Habsburg feelings in Poland-Lithuania in his “relazione”
presented to the Senate upon his return to Venice. According to Morosini, there were
three reasons that explained Archduke Ernest’s failure to win the crown. The first
was that the Poles feared the “Germans” as powerful rulers, whose nearby armies
could always invade the Republic; the second was that they worried that a Habsburg
king would drag them into war with the Ottomans, “as it seems to them that the
Emperor cannot possibly keep the peace with the Turk for long;” and the third reason
was that, “by nature, the Poles are not very good friends of the Germans.”\textsuperscript{224}
Spannochi also testifies to the lack of popularity that the Germans enjoyed in Poland,
where they were perceived as “haughty and conceited,” which traits, the Poles
feared, would get much worse were a Habsburg to be elected, as that would
determine them to become prouder and demand more respect from the Poles, which
the latter would greatly resent.\textsuperscript{225}

\textsuperscript{224} Morosini, “Relazione,” in Albèri, \textit{Le relazioni degli Ambasciatori Veneti}, 256.
\textsuperscript{225} Spannochi 359-360.
Despite the plethora of reasons offered in defense of the anti-German sentiment in Poland-Lithuania, it is still hard to pinpoint the exact source of this peculiarly strong dislike for the Habsburg candidates. The Polish nobility was also extremely suspicious of the Muscovite tsar’s tyrannical nature, and yet, after Archbishop Uchański led a part of the Senate and some of the nobles away from the election field to proclaim the election of Maximilian II, among those who remained on the field there were some who preferred Ivan’s candidacy to that of Maximilian.226 And yet, Maximilian was no Ivan the Terrible: in all fairness, he was, after all, a moderate and sophisticated ruler, with certain Humanist sympathies, a rather sedate Catholicism, and a keen understanding of intellectual debates.227 The only plausible explanation for the support displayed by some of the Polish nobility for Ivan (after Maximilian’s nomination) is that they did not seriously consider either of the two as the winning candidate, and that they were rather using the former in order to offset the electoral advances of the latter.

Whether hostility to the Habsburgs was a simple case of ethnic type-setting or, more likely, the expression of the Polish szlachta’s political aversion to the sheer display of imperial power and the way in which the Habsburgs handled their campaign—the nuncio’s manipulation of the archbishop did not help matters either—it is important to note that not every voter in Poland-Lithuania was anti-

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226 See the votes expressed by the nobles from Cracow, Sandomierz, Lublin, and Kiev in favor of Ivan on 13 December 1575 in Orzelski 474.
German. The Lithuanian leading families, for instance, after initially supporting the
Muscovite candidacy, switched their preference in favor of the Habsburg bid for the
crown toward the end of the second interregnum. Furthermore, the Germans were
not the only ones who were detested by the Poles. After Báthory’s reign, the
Hungarians attracted a comparable degree of hostility—as Spannochi testifies in his
commentary. Whatever advantage the Poles might have gained from Stefan’s just
government, wrote Spannochi, they thought it was counterbalanced by what they
considered to be the losses inflicted on them by the insolence of the Hungarian
troops that followed the court everywhere it went. That, together with the
Zborowskis’ wrath at Báthory’s decisions against their family, made it very unlikely
that Poland-Lithuania would elect another Hungarian in 1587, Spannochi
concluded.

In 1575, however, the Poles still regarded the Hungarians rather favorably, at
least by comparison to the Germans. Laurentium Müller, a German lawyer who
traveled and lived in the Commonwealth for a number of years and wrote an account
of Báthory’s election and reign in 1585, claimed in his political memoir that “the
Polish gentlemen in the depth of their hearts were not very inclined to the German

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228 There were numerous complaints about the Hungarians—either that they caused trouble wherever
they were stationed, or that they were paid more than the Polish soldiers. These complaints were not
orchestrated by anti-Báthory high-politics players; sejmiki instructions refer to very concrete
dissatisfactions with the foreign soldiers. See for instance the December 1580 instruction from the
Lublin sejmik asking why the Hungarians were paid and the Poles were not (in the context of the war
229 Spannochi 369.
people, and at that time they stuck to the Hungarians entirely, whose fashion, arms and customs imitated more than we Germans—thank God—did.”

I would venture to guess that the main reason why the Poles themselves did not speak of these sympathies more extensively during the election—with the exception of those instances when the fate of the Hungarians was decried—was that Báthory was not a favorite candidate until very late in the race. When, close to mid-December 1575, he finally became a likely winner, the time for lofty discussions of cultural affinity between Poles and Hungarians (or any other people for that matter) had long passed; faced with Maximilian’s proclamation by the Caesarist camp on 12 December, the rest of the voters eventually scrambled a unified support for Báthory not because of their fondness for Hungarians—despite indications that such fondness existed—but rather because of their aversion for Germans.

The Poles’ dislike of Germans in particular and foreigners in general (especially if ruled by them) was not a unique phenomenon: for instance, dislike of Italians and Spaniards permeated early modern French political discourse. Moreover, such ethnic hostility must not necessarily be taken as a sign of irrational xenophobia. To a certain extent, the concerns regarding foreign candidates were rationally justified by the Piast camp in terms of efficiency and public utility. Such was the issue of language, which obviously regarded the simple but crucial matter of easy

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230 Pamiętniki Milerowe do panowania Stefana Batorego (Poznań, 1840), 3-4.
communication between king and subjects. Such was also the matter of similarity of customs and laws, which was preferable inasmuch as it permitted the king to understand and observe the Commonwealth’s laws and customs more easily. “That is why our ancestors always preferred a Lord who shared their tongue. [Otherwise] each one of us would need an interpreter for every matter [introduced] to our Lord, and he would have to do the same before us,” writes an anonymous senator in 1572. Giorgio Blandrata, Báthory’s orator at the election Sejm of 1575, does not neglect the issue and underlines the similarity of customs and laws between Transylvania and Poland-Lithuania; as far as language is concerned, his prince’s Latin would be more than sufficient, considering that this was the language used for communicating with the country’s dignitaries and most of the nobles back in Transylvania; moreover, if need be, Báthory could learn Polish within the year, he added somewhat riskily.

The ethnic factor was at work in Transylvanian elections as well, even though this aspect was of course muted by fact that the candidates were, after all, locals. Nevertheless, a contemporary historian explained the failure of Gáspár Bekes, Báthory’s rival, to collect more than a handful of votes to the fact that he was of

231 Maximilian’s camp emphasized that Báthory did not speak the language of his electors—not because Maximilian did, but because Báthory was supported by the Piast party. The Caesarists were thus pointing out the inconsistencies of the Piasts. See AGAD, Archiwum Zamoyskich, sygn. 3081, f. 56.
233 Orzelski 388. According to Bethlen, Blandrata’s speech in front of the Polish-Lithuanian estates mentioned Báthory’s knowledge of German and Italian and left out the part about learning Polish, mentioning instead that it was not so crucial to master Polish in order to govern the country. See Bethlen 398-399.
Romanian origin: “the estates would bear anybody as their prince, rather than a Valach,” he writes.\textsuperscript{234} The reasons for disliking Bekes were, of course, more complex than his mere ethnic background, which was all but invisible to the naked eye, considering that he spoke Hungarian, had been educated in Padua, and was of the Calvinist (and lately, Arian) confession. His failure probably had a lot more to do with the Habsburg involvement in Transylvania’s first election, which involvement was perceived with great hostility by the country’s two non-German estates and which was essentially voted down in May 1571.\textsuperscript{235} To make ethnic generalizations even more difficult, the Saxon natio, although traditionally pro-Habsburg and showing interest at the testament lord’s proposals in the few days preceding the election, did not offer explicit support to Bekes either—not even to nominate him on election day—and generally displayed a passive attitude.\textsuperscript{236}

Bekes’ failure was also explained by contemporary observers in terms of his personal lack of charisma.\textsuperscript{237} According to some sources, the greater part of the Transylvanian delegates disliked Bekes’ taste for luxury and his tendency to boast

\textsuperscript{234} Szamosközy 129. Antonio Possevino, the Jesuit father who wrote an account of Transylvania in 1581, writes that Bekes was in fact of Serbian origin; see Antonio Possevino, \textit{Transilvania (1584)}, ed. Endre Veress (Budapest: Tip. artistica Stephaneum, 1913), 106. Whatever the truth was, Bekes was clearly Magyarized by the time he became active in politics, and his religious preferences followed those of most Hungarian nobles. The confusion between the two ethnicities may have come either from the religion of his family (most likely Orthodox Christian) or the fact that for six years he was captain of Fogaras, a fortress in a region heavily populated by Romanians and whence the few Transylvanian Romanian nobles usually came. Historians Endre Veress and Eudoxiu Hurmuzaki follow Szamosközy’s contention that Bekes was in fact of Romanian or “Wallachian” origin.

\textsuperscript{235} See Chapters 3 and 4 for more details on the Habsburg interference with the 1571 election.

\textsuperscript{236} MCRT II, 398.

\textsuperscript{237} Szamosközy 129.
flamboyant Italian clothing. Bekes’ taste for fine clothing and luxury items seem to have set him too much apart from the rest of his countrymen; he lacked the wholesome impression that Báthory made on people, and the sense that he was “one of them,” something at which Báthory, with his soldierly demeanor, was much better—both at home and in Poland-Lithuania.

Interestingly enough, Báthory lost that effect on his Polish subjects the moment he proved to be more austere than they would have liked. Perhaps because of the influence of Lutheranism and Calvinism on public life, a certain strictness and severity in public demeanor seemed to be the norm rather than the exception in Transylvania, whereas the Poles were famous throughout Europe for their taste for luxury. Báthory’s rather restrained attitude disappointed the Poles, who expected a longer and more flamboyant celebration after his coronation, for instance. His devoutness and loyalty to the Catholic Church also became a source of frustration for his subjects, particularly in Transylvania, where his edicts against Arian gatherings and publications, as well as the active support of the Jesuits were not greatly appreciated.

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238 Bethlen 215-225.
239 The contrast between Henri III and Henri IV of France was similar in that regard.
240 On Renaissance (Italian) culture as a rather isolated phenomenon that was embraced primarily by the court and the elites, while being rejected by the rest of the population and particularly the Saxons and Secklers, see Barta et al., History of Transylvania, 740-742.
241 Laureo 424 (letter from 5 June 1576).
242 See Chapter 5.
Faith. Whereas religious factors were of a somewhat secondary importance in the Transylvanian elections of 1571, due to the weakness of the Catholic Church there, the fact that the decimae had already been transferred to the state and the nationes interest in mainly maintaining toleration, the religious undertone of the Polish-Lithuanian second interregnum cannot be overstressed. From this perspective, the Commonwealth was in limbo due to the an entire array of judicial and fiscal problems related to the advent of Reformation which were still pending, such as compositio inter status and the issue of the decimae, which were neither paid to the Church nor formally transferred to the secular government as had been done in Transylvania. In Poland-Lithuania, the preference for a Catholic king was rather strong, as was the desire to maintain working relations with Rome—a factor that held no importance in Transylvania, where the first nuncio in half a century was not going to be sent before the 1590s.

In this context, it is significant that Maximilian sent a particularly colorful set of envoys to Poland to advertise his candidacy: of his three main official advocates, one was a Lutheran, one a Catholic bishop, and one a former bishop with strong Arian inclinations who had been excommunicated for having married a Polish noblewoman.243 Stefan Báthory had the same strategy: his first envoy to the Polish-Lithuanian Sejm was his personal physician, George Blandrata, a notorious Italian Arian who had taken part in public debates on the nature of the Trinity and other

243 Laureo 318 (17 December 1575).
similarly risqué topics, had spent time in Cracow in the 1540s and 1550s after being expelled from Italy for his religious beliefs, and spoke to his Polish-Lithuanian audience about liberty, Europe, and his prince’s affinity with the Commonwealth’s values. But when criticism of Báthory’s apparent religious laxity broke out in Catholic circles (especially those in close contact with the Vatican), Báthory sent out a second envoy, Marton Berzeviczy—a Lutheran in civil relations with Rome, where he had been sent with an embassy from Báthory in the winter of 1573-1574 to prove that the prince of Transylvania was a good Catholic seeking friendship with the Pope. Moreover, Berzeviczy’s experience as Transylvanian chancellor, where there had been no Catholic bishop since 1556, had trained him quite extensively for dealing with a religiously diverse society.

In all truth, Báthory’s choice of envoys had less to do with political strategy than with political contingency: most of Transylvania’s dignitaries and particularly those who had traveled and studied enough to be fit for embassies belonged to one or another Protestant sect; the only qualified Catholic at the princely court those days was probably his own older brother Kristóf, who was by then too aged for such missions. Maximilian’s choice of envoys, on the contrary, was probably more calculated, since there was no lack of Catholic dignitaries in Vienna. It seems that

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244 See Blandrata’s speech in Orzelski 387-388.
245 Laureo 252.
246 See Antal Molnár, “Relations between the Holy See and Hungary During the Ottoman Domination of the Country”, in Zombori, Fight Against the Turk, 217.
247 On the virtual absence of Catholics at the Transylvanian court in the 1570s, see Possevino, Transylvania, 64.
with the Pope’s secret but extremely effective endorsement, on one hand, and this
colorful collection of ambassadors’ wordless testimony to his tolerance, on the other
hand, Maximilian had intended to create a winning combo meant to simultaneously
maximize the number of Catholic and “heretic” votes.

Maximilian’s intention in adding the Hungarian apostate Andreas Dudith to
his group of envoys was, therefore, politically shrewd: Dudith was not only living
proof of the Emperor’s patience with religiously unorthodox elements, but also, by
that time, a political asset in himself. Dudith, former bishop of Poszony,
scandalously married in 1567 to a Polish lady of the court whom he met on one of
his diplomatic missions to Poland, became a widower in 1573 and picked his
second wife from one of the most influential families in Poland at that time, the
Zborowskis, who incidentally included some of the most vociferous anti-Habsburg
agitators in the Commonwealth at that time. Maximilian’s hope evidently was that
Dudith would manage to turn the Zborowskis around—after all, his persuasive and
oratorical skills had made him the French delegation’s most formidable rival at the
previous election. While Dudith himself undoubtedly wished for success on the
imperial side and seems to have enjoyed Maximilian’s sincere appreciation, he was
conceivably also seeking insurance against a possible defeat of his powerful but

248 For a detailed and well documented biography of Dudith, see Pierre Costil, André Dudith,
Humaniste Hongrois, 1533-1589: Sa Vie, Son Oeuvre Et Ses Manuscrits Grecs (Paris: Société
249 Ibid., 151.
distant protector by marrying into the Zborowski family and thus gaining not only proximity to power, but also hopes for concrete political advancement.250

Playing the religious diversity card while at the same time using the support and resources of the papal network was, however, not without its risks; nuncio Laureo and Maximilian’s non-Catholic ambassadors clashed more than once. For instance, although they worked toward the same political goal, Laureo repeatedly refused to meet with Dudith in public, due to the latter’s religious convictions.251

More strikingly, in December 1575, right before the Habsburg Emperor was to be proclaimed elected king of Poland-Lithuania by the “Austrian camp,” Uchański tried, in exchange for his (and the Church’s) support of Maximilian’s election (and at the secret prompting of nuncio Laureo), to force Maximilian’s envoys to sign a letter promising to uphold the clergy’s traditional jurisdiction in the Commonwealth, including over cases which involved “heretics”. Dudith downrightly refused to do so, which inspired the less decided Lutheran, Matthäus of Logau, to follow suite. Exasperated, Uchański sent word to the nuncio to check if the signature of only one or two of the envoys was sufficient to be considered binding, while Martin, bishop of Breslau [Wrocław]—Maximilian’s third envoy and the only Catholic in the imperial

250 According to certain sources, the most decidedly anti-Habsburg members of the Zborowski family promised Dudith the chancellery if he gave up his support of the imperial cause. Dudith’s second Polish wife, whom he married in September 1574, was Elżbieta Tarnowska, nee Zborowska. Elżbieta was the sister of the Zborowski brothers and the widow of the late Jan Tarnowski (hence giving Dudith access to an alliance with another hugely powerful family of the Commonwealth, the Tarnowskis). Dudith’s entry into the Zborowski family was not very smooth, however. With the exception of the younger Samuel and Krzysztof, the other Zborowskis’ attitude toward Dudith ranged between hostility and mere toleration. See Ibid., 157-158, 161.

251 See for example Laureo 389 (April 1576).
embassy—did not make matters easier by remarking out loud, when he realized who was on top of the chain of command in the Austrian camp, how surprised he was at the nuncio’s great authority in Poland. Further tensions among Maximilian’s supporters were caused by the article on religious peace, which was included in the Henrician Articles and which Maximilian would have had to confirm if elected.

While the Emperor’s secular supporters in Poland-Lithuania insisted on his confirming the Articles and particularly the one regarding religious peace, Uchański and the bishops were openly opposed to it—undoubtedly at Laureo’s prompting, considering that Uchański had been for the Confederation of Warsaw in 1573.

Dudith’s presence in Poland as one of Maximilian’s envoys at the time of Báthory’s candidacy for the same throne is a fascinating story in itself. Certain sources place him in Padua at the exact time when Báthory was attending law courses at the local university; according to these sources they were friends and rivals at the same time, more so at the popular sword games common among students than in the lecture hall. The two friends apparently had a falling-out after going back to their respective homes: it seems that Dudith did not respond to Báthory’s letters of friendship and moreover, betrayed him by disclosing them to Maximilán. According to this scenario, Báthory never forgave Dudith for his betrayal and,

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252 Laureo 318-319.
253 See Teodor Wierzbowski, Dwie kandidatury na polskiej przestol (Warszawa, 1889), 301.
254 Endre Veress, ed., Matricula et Acta Hungarorum in Universitate Patavina Studentium, 1264-1864 (Budapest, 1915), 42-43, 47-48 (notes on Báthory’s and Dudith’s stay in Padua; Báthory mentioned indirectly in letters of Padua student Ferenc Révay in 1549).
adding the latter’s support for Maximilian in the Polish race, the friendship between
the two could never be re-instated. Interestingly enough, Báthory’s closest
Transylvanian counselors who had gone to Padua around the same time as he and
Dudith—particularly Blandrata—remained in constant touch with Dudith, even
during the Polish interregnum, although it is true that their correspondence avoided
touching upon hot topics such as the elections.

Whereas at the first two elections the prospect that a Protestant king might be
elected (most likely from among the native candidates) was perceived as a tangible
possibility, after Báthory’s death even the Pope’s agents—always prone to panic
about what they perceived as the worst possible outcome of the Polish-Lithuanian
elections—realized that the chances of non-Catholic candidates had significantly
decreased since the first few years of the Commonwealth’s elective monarchy.
Beyond the earlier-dated misgivings in connection to Henri and the St.
Bartholomew’s massacre and the political literature connected to the first
interregnum, Polish sources do not reveal much about these rather subtle religious
preferences, but the Vatican’s men were quick to note them to their superiors during
the second and third interregna. In December 1575, for instance, Vincentio Laureo
wrote to Cardinal of Como that the “heretics” agreed with the Catholics about

255 Endre Veress, ed., Documente Privitoare la Istoria Ardealului, Moldovei și Țării Românești
(București: M.O., Imprimeria Nationala, 1929) [hereafter Documente], vol. II, 22. See also the letter
from Báthory to Dudith in András Dudith, Epistulae, 4 vols. (Budapest: Akadémiai Kiadó, 1992)
[hereafter Dudith], vol. II, 562-564 (letter from 25 nov. 1573); and Báthory corresp. II, 273-74.
electing a Catholic king simply because they could not agree on a Protestant candidate among themselves.  

In 1587, Horatio Spannochi constructed a more elaborate explanation. According to his commentary on Poland-Lithuania’s third interregnum, Catholic candidates had most chances of success, but tolerance of “heretics” was still perceived as a desirable quality for any candidate to the throne, because religious peace continued to be highly valued in Poland-Lithuania fourteen years after the Warsaw Confederation.  

That is why, in Spannochi’s view, the Swedish prince’s position was particularly strengthened by the mixed religious makeup of his own family. The fact that Sigismund’s father had been a “heretic”—while Sigismund himself and his mother were Catholic—was a great advantage in a religiously diverse, yet still largely Catholic, Poland-Lithuania. 

Spannochi elaborates his point based on the opinion of the notoriously “heretic” palatine of Vilnius, Mikołaj Radziwiłł. According to Spannochi, Radziwiłł defended the idea of a Catholic king for political reasons: not only was a Catholic more likely to honor his promises—but all, the Commonwealth’s elective monarchy was founded on such promises, i.e., the Henrician Articles and the Pacta Conventa—but he would also be sure to keep the friendship with the Pope, whose

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256 ASV, Segr. Stato, Polon. 11, f. 60v (letter from 28 December 1575).
257 Spannochi 364.
258 That was, presumably, because of the traditional significance of oaths in the Catholic world, and the fact that some of the more radical Protestant sects dismissed them as worthless and sometimes refused to swear them altogether. In the same line of thought, see the contested legitimacy of law courts from the Anabaptist perspective in Miller, “The Origins of Polish Arianism,” 22.
political and financial support were not to be dismissed, in addition to rallying the supposedly unconditional support of the ecclesiastical senators.\textsuperscript{259} Having grown up in Sweden, a country where Lutherans were in the majority, with a Protestant father who was, however, under the religious influence of his unambiguously Catholic Jagiellonian wife, and educated by Jesuits, Sigismund’s religious portfolio was simply ideal as far as his Polish-Lithuanian electors were concerned, Spannochi concluded.

The importance of religion and specifically that of being Catholic in Poland-Lithuanian elections is also illustrated by the arguments used by the Lithuanian supporters of Ivan IV in 1575. According to the Venetian ambassador, Girolamo Lippomano, the Poles objected not only to Ivan’s notoriety as a brutal and pitiless tyrant, but also to his religion. To this the Lithuanians responded that they were going to elect him, “not his laws,” and besides, he would be easy to convert, considering that the “Ruthenian creed” was not against Christianity, but “Greek,” and only different from Catholicism “because of some of their barbarian superstitions.”\textsuperscript{260}

\textbf{Military skill} was a crucial factor that weighed in Báthory’s favor, both in Transylvania and in Poland-Lithuania. Early modern kings had to be good soldiers,
and electors in Transylvania and Poland-Lithuania, who were confronted with military threats from the Ottomans, Muscovites, Tatars, Swedish, and Austrians, took this criterion most seriously when they selected their kings. Henri of Valois’ reputation as a good army commander had been one of the factors that weighed in his favor in 1573. Fourteen years later, the soldierly qualities of the candidates to the throne had not lost any of their electoral value. A little pamphlet from 1587 reviews the candidates of the third interregnum, among which Sigismund receives by far the most positive comments; the only thing that is unclear are his military abilities: “of youthful age, deft at everything, similar to us; if he is a good soldier, then let him be king.”

In 1575, Báthory’s military skills were perhaps his greatest asset in the bid for the Polish-Lithuanian crown. His victories against Gáspár Bekes’ repeated attempts to usurp the Transylvanian throne in 1573 and 1575 had already turned Báthory into a regional celebrity of sorts. To start, his first success against Bekes in October 1573 had won him favor at the Porte, according to Dudith’s friends in Transylvania. Báthory’s second victory against Bekes, in 1575, determined the grand vizier to definitively accept Báthory’s position in Transylvania as well as promote him to the Polish-Lithuanian throne, according to the Venetian ambassador.

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262 Dudith III, 53-54, January 1574 (Dudith to Maximilian II, citing from a letter he had received from Báthory’s court physician, Giorgio Blandrata).
resident in Istanbul.\textsuperscript{263} Even the nuncio acknowledged, in May 1576, that the
Transylvanian was “versed in the military art” and doing everything he could to get
Poland-Lithuania under his control, whereas Maximilian was “doing nothing.”\textsuperscript{264}
Antonio Possevino wrote in his 1584 account of Transylvania that Bekes, “having
tried to take the principality from Stefan, had in fact made him stronger and enlarged
his reputation in such a way that this victory was not the smallest of the reasons that
made [Stefan] rise to the real dignity of Poland.”\textsuperscript{265}

Báthory’s soldierly qualities had also proved to be an electoral advantage at
his election as prince of Transylvania in 1571. According to one early modern
Transylvanian historian, Báthory was widely appreciated for his military
achievements as captain of Varad, particularly during the “fortress wars” with the
forces of the Holy Roman Empire during the 1560s.\textsuperscript{266} Bekes, on the other hand, was
hardly a soldier and certainly not a good commander, as he more than sufficiently
proved in the summer of 1575, when he undermined his own rebellion with poorly
thought-out troop movements that allowed Báthory to regroup and mount a hasty
offensive that eventually drove Bekes out of the country.\textsuperscript{267}

\textsuperscript{263} Archivio di Stato di Venezia, Archivio Proprio Constantinopoli, Reg. 6-7, f. 505v, 510 (dispatches from July-August 1575).
\textsuperscript{264} ASV, Segr. Stato, Polonia 11, f. 126v (letter from Warsaw, 29 May, 1576).
\textsuperscript{265} Possevino, Transylvania, 121.
\textsuperscript{266} Bethlen 220-222. Also see Imre Lukinich, “La jeunesse d’Etienne Báthory,” in Lukinich and Dąbrowski, Étienne Báthory, 18-46.
\textsuperscript{267} See Chapter 4.
 Báthory’s Polish supporters were aware of the value of his military talents and used them accordingly. Very soon after the double election of Maximilian and Báthory, when nobody knew for certain who was going to occupy the throne and everybody feared that war—civil or otherwise—might have to decide the matter, a propaganda poster was circulated in Poland showing a portrait of Báthory looking particularly grim in his simple Transylvanian attire, decisively holding a scepter in his right hand and holding his left hand over what must be his sword (only his head and torso are visible in the portrait). He is wearing a hat with three feathers attached on the left side, in the fashion characteristic of Transylvanian voivodes, a simple tunic and mantle, and his coat of arms is reproduced in the background. Underneath the portrait, fourteen verses introduce the newly elected king of Poland-Lithuania to his electors and anybody else who might be in doubt about the identity of their ruler: “if you want to know the king… he wears the name… Batorus… which is to say, the scepter-bearer of the Empire.”

 The rest of the verses paint the image of a protector who was “blessed by Mars with warrior virtue;” they also dwell on the visual elements of the portrait that emphasize these traits, such as his scepter and the “grey wolf teeth” painted on his coat of arms, with which he is ready to defend his “sheep” and his reign from all danger.

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268 “Bátor” means “valiant,” “bold,” or “brave” in Hungarian.
Defense and protection from danger were dominant themes in the second interregnum, and particularly after the double election of December 1575, when the sense that the Commonwealth was on the verge of chaos, civil war, and invasion by either imperial, Muscovite, or Ottoman armies had rendered voters perhaps even more sensitive to the military skills of the candidates than they had been during the first interregnum. The sense of peril and the need for security are clearly expressed in the document attesting Báthory’s election, which insists on the necessity to have a king who could provide “the best protection and justice” and who could defend the patria against its enemies and rebels.\textsuperscript{270}

\textbf{Age} was another factor that weighed on the outcome of elections. According to the Renaissance view of the world, a man’s life was divided into seven ages, which corresponded to seven planets and seven liberal arts. Youth stretched from the age of twenty-three to that of forty-one, was ruled by the Sun and was best suited to the exercise of Arithmetic; Manhood, ruled by Mars and best matched to Music, did not start until forty-two and it lasted until the age of fifty-six, after which Old Age started (from fifty-seven to sixty-eight), followed by Terminal Age (from sixty-nine onward).\textsuperscript{271}

Understandably, voters wanted a ruler who was neither too young, neither too old; he had to be mature enough to be able to administer the country, command its

\textsuperscript{270} VC 338, 346.
\textsuperscript{271} Rosenborg series in Helsingør castle, Denmark.
armies, and judge its trials wisely, but not well past his prime because his judgment would be impaired and government difficult, and references to the last two Jagiellonians were often made in this context. In this light, Báthory’s age was ideal: thirty-eight when he became prince of Transylvania and forty-two when he was elected king of Poland-Lithuania, he was “mature but still young, therefore apt to deal with the many perils and challenges of government.”

From the point of view of age, Maximilian also had the qualifying age: forty-eight years old in 1575, he was definitely mature and had had more than enough governing experience at the head of the Holy Roman Empire until then. However, he was not in good health and was in fact going to die only one year later. Nevertheless, the reason why it was Maximilian, and not one of his sons, who was nominated by Archbishop Uchański in December 1575 may have had less to do with his maturity and more with Gregory XIII’s decision to promote the Emperor this time around, seeing that Archduke Ernest had failed to gather the necessary amount of votes in 1573. Nuncio Laureo, on his part, believed that Ernest still held more chances than Maximilian, but when the Cardinal of Como insisted on supporting Maximilian, Laureo could do nothing more than conform to his instructions.

Several contemporary accounts underlined the tender age of certain candidates as a potential problem. For instance, in his 1587 analysis of Sigismund

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272 See for instance “Summa tych rzeczy, które mają być optatzone, postanowione przed obraniem nowego króla” in Czubek, Pisma Polityczne, 172.
273 Bethlen 225.
Vasa’s bid to the throne, Horatio Spannochi admits that the Swedish prince, who was twenty-one and practically a teenager at the time, may be a little too young for the position, yet this inconvenience may also be turned into an advantage, since the Poles, writes Spannochi, will relish being finally able to enforce the law requiring that four resident senators be in the king’s presence at all times. Spannochi adds that the rule of resident senators, which was inscribed in the country’s laws, had not been applied to Stefan Báthory, who had managed to evade it throughout his reign, but would have been more easily imposed on a young king who would be more easily dominated by the resident senators and, among other things, forced to observe the laws and discouraged from turning into a tyrant.\footnote{See Henrician Articles 7 and 8 in VC 327-328.}

\textbf{The fear factor.} Events and decisions in both Poland-Lithuania and Transylvania were often determined by, or at least discussed in the context of one omnipresent factor: fear. Fear of the Ottomans, fear of the Habsburgs, fear of the Tatars or the Muscovites, fear of religious violence, fear of civil war, and fear of war in general. The age of endless baroque lamentations about “la qualita dei tempi”\footnote{Spannochi 365.} is already under way; in 1571, Báthory courteously writes to one of Maximilian’s officers that he would have gladly refused the voivodship of Transylvania in this time of “imminent and great difficulties” had he not wanted to serve the Holy Roman

\footnote{See for instance a letter from Laureo where the nuncio expresses his relative satisfaction with the outcome of the justice reform of 1578, “considering the quality of the times” (Laureo 661).}
At the Jędrzejów assembly of January-February 1576, the Polish-Lithuanian nobility confirmed their choice of December 1575 and underlined the pervasive sense of danger that dominated that period: “we have been so long without a ruler, without protection, without efficient justice” in these “perilous times…”

At the Transylvanian election of 1571, the Ottoman pressure was obvious. The main dignitaries of the country, knowing that the Sultan’s firman, which an envoy was waiting to read to the estates of the country, contained what was basically an appointment of Stefan Báthory as voivode, made everything possible to rush with the election before the firman were read, even sacrificing their preferred candidate in the process (Bekes) just to make sure that the ruler of the country was elected by the estates rather than appointed by the Sultan. Even though that may not have been an entirely honest argument, it was again the “fear of the Turk” that determined Báthory and the testament executors to keep his allegiance to Maximilian secret from the estates.

The secrecy was justified with the all-too-convenient bogeyman threat: the Ottomans. Similarly to the situation in Poland-Lithuania a few years later, the Sultan sent his envoy to recommend a candidate and, most importantly, to reconfirm

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277 MCRT II, 463.
278 VC 345.
279 MCRT II, 397-399.
281 This is not to say, however, that the Ottomans only posed an empty threat and were not prepared to retaliate militarily whenever they got wind of Habsburg moves on Transylvanian grounds. In 1575, when the Porte heard that Bekes received imperial support, the Sultan ordered the (successful) attack and occupation of two fortresses located at the frontier between Royal Hungary and Ottoman territories.
the right to free elections on the condition that the chosen voivode did not belong to the Austrian dynasty or bring the “Germans” into the country; if he did, the Sultan guaranteed swift and sudden “protection” from them. Incidentally, the fear of losing the right to free elections was one of the main criteria for ranking candidates to Transylvania’s throne well into the seventeenth century. In 1607, for instance, the estates elected a prince who was not only old, but also quite ill, simply because they did not want to accept the candidate who had been nominated by the previous prince before he died.

At Poland-Lithuania’s election assembly of 1575, the fear of the “Turk” weighed just as heavily on the electors’ minds. The act of election of 15 December 1575 assigns the decision to settle on Stefan Báthory to the fear of going against the Ottoman electoral “recommendations,” which approved of electing the Swedish king, a Piast candidate, or Stefan Báthory, but warned against choosing Maximilian or Ivan. The choice of the szlachta, and particularly that of “our brothers from Ruś,” who had recently taken the blunt of the Ottoman “warning” in the form of a series of vicious Tatar raids in October that year, had been determined, the document claims, by that fear.

The feeling had been shared by nuncio Laureo who, while busily

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282 See MCRT II, 400, and Gromo’s relation in Călători, 371. Also see Graeme Murdock, “Freely elected in Fear,” for the presence of Ottoman troops and general atmosphere at Transylvanian elections in the seventeenth century.


284 VC 338. Wawrzyniak cites and discusses Ottoman sources showing that the order for the raids had originated from Mehmed Pasha specifically for the purpose of putting pressure on the Polish-Lithuanian voters. See Wawrzyniak, “Ottoman-Polish Diplomatic Relations in the Sixteenth Century,” 57-58. Moreover, the Porte postponed renewing the peace treaty with the Commonwealth—
manipulating the senators into electing Maximilian, became increasingly alarmed by
the danger that Stefan Báthory might turn up in Poland backed up by Ottoman
forces, which would dissolve the situation into chaos, civil war and, if worse comes
to worst, occupation by the Ottomans.  

It was not only the “Turk” that worried voters; very early in Poland-
Lithuania’s second interregnum, the Venetian ambassador, Girolamo Lippomano,
reports that the Lithuanians, unlike their brothers in Poland, seemed more intent to
elect the candidate

…who is the most potent and with the most authority, and not without
reason, because by not having the French king as their king any
longer, they see very well that they have turned the Turk into their
enemy… The Lithuanians are all inclined and have almost decided to
make the Muscovite king, because of the very great fear that they
have of him, especially those poor people who live at the frontier and
who are raided by Muscovite troops everyday, even now during the
armistice… They also say that they need to make the Muscovite king
in order to counterbalance the Turk’s weight within Christendom, and
that if these two very powerful states were united [Muscovy and

which expired in 1574—until after the election, despite the Polish envoy’s efforts to have it concluded

285 ASV, Segr. Stato, Polonia 11, f. 97v (letter from 10 April 1576).
Poland-Lithuania], that would bring security not only to the Kingdom of Poland, but also to all the Christian Princes.

Lippomano goes on to say that the Lithuanian leaders claimed that if the Muscovite tsar were elected king of the Commonwealth, then they would be secure against both the Muscovite and the Ottoman threat, particularly since they hoped to “recover” Moldova [from Ottoman control] and start a great campaign against the Turks. “On the other hand, if they elect the son of the Emperor [Archduke Ernest], both the Muscovite and the Turk would be at their throat in an instant.” To the Poles who objected to the choice of a ruler who was known as a cruel tyrant, the Lithuanians responded with Ivan’s own words from the letters he addressed to the electors of the Republic: if he is cruel, it is only because of the bad quality of his subjects, whereas “in these parts” he would not have the occasion to be so.286

Despite similarities in the “language of fear” during the second interregnum in Poland-Lithuania, there were also some notable differences among supporters of different candidates and particularly between the Piast and Caesarist parties. Even though virtually every speech expressed concern for the common good and the well-being and protection of the Republic, the pro-Austrian senators used a particular motif that was absent elsewhere: Christendom. In the “universal” proclaiming Maximilian’s election by Uchański and the senators associated with him, dated 19

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286 Lippomano dispatch from 18 July 1574, Archivio di Stato di Venezia, Dispacci degli Ambasciatori Veneti al Senato, Polonia, Filza 1, #26, f. 2-3.
December 1575, the choice is justified not only on the basis of Poland-Lithuania’s public good, but also—repeatedly—on behalf of the “good of all Christianity:”

His Grace Archbishop of Gniezno, with the consent of all, solemnly nominated us as king (nam pana nominowal) Maximilian II of the Austrian House… who lovingly governs the Christian people, and who desires this country not for himself, but as a wise king and the head of Christendom he wants to make sure that no weak or unsuitable king governs this country, which is on the route to all Christendom and which can bring danger not only onto itself, but also onto its neighbors and almost the entire Christendom.287

The sources of the period generally paint the picture of a fluid and perilous world, where not only the actions of smaller polities like Transylvania were determined by fear, but those of the main regional powers as well. For instance, when Báthory decided to put an end to the negotiations with Gdańsk and start a military offensive against the rebellious city in 1576, he did so because he assumed—correctly—that Maximilian, “by fear of the Turk,”288 would not dare react openly in support of a community that he had been encouraging, by covert means, to resist Báthory’s takeover of Poland-Lithuania. Selim’s and, after 1574, Murad’s policy was one of tough words masking a “wait-and-see” attitude, an attitude at which Maximilian

287 AGAD, Archiwum Zamoyskich, sygn. 3081, f. 54, 55. The idea is repeated in various forms throughout the document.
288 Laureo 470 (letter from Wroclaw, 29 August 1576).
himself excelled during the latter years of his life. Both Vienna and Constantinople preferred, in the 1570s, to put their bets on the internal divisions of Transylvania and Poland-Lithuania and take advantage of those as they best could, rather than risk open action. In 1575, for instance, the Porte nominally supported Báthory during Bekes’ rebellion of 1575, but the grand vizier was simultaneously leading on Bekes’ envoy as well. In fact, according to Giovanni Correr, the grand vizier and Sultan were secretly hoping that the instability caused by this conflict would escalate into enough chaos to permit an easy take-over of Transylvania by a few Ottoman troops. Báthory’s swift victory against Bekes overturned those hopes.\textsuperscript{289}

Maximilian had a similar attitude in early 1576, when nuncio Laureo found out, to his great dismay, that the Emperor had no intention to come to Poland-Lithuania and attempt to wrest the throne from Báthory by force not because of the fear to break the peace with the Ottomans, but simply for lack of money. Instead, Laureo inadvertently found out from Maximilian’s secretary, the Emperor was trying to keep the Commonwealth in its divided state and support the Habsburg camp with small amounts of money, just enough to “keep the flame going,” and with this division and the complicity of the Muscovite tsar he hoped to get a hold of Prussia and Lithuania, either for himself or for Archduke Ernest, without much money, effort, and obligations, leaving Livonia to Muscovy in exchange. As far as Báthory was concerned, the Emperor’s secretary hinted, the Emperor knew that he was little

\textsuperscript{289} Archivio di Stato di Venezia, \textit{Archivio Proprio Constantinopoli}, Reg. 6-7, f. 505v, 510 (dispatches from July-August 1575).
feared by the Poles, hence “debolissimo,” which meant that, for his own interests, he was going to do everything possible to keep the Ottomans away—“otherwise from king of Poland he would become slave of the Turk”—thus assuring peace with the Porte for the Empire as well. Laureo actually suspected that Maximilian was in secret negotiations over Poland-Lithuania with Mehmet Pasha (the grand vizier of the Porte) with the purpose of prolonging the peace between the two empires; the Emperor’s agents—thought Laureo—were doing everything in their power to convince the vizier that the division of the Commonwealth between Muscovy and Vienna was a good thing for the Ottomans inasmuch as it prevented Ivan from taking over the entire country.

“In short—Laureo concludes bitterly—the Lord’s path is not followed straightly, and the only concern there [in Vienna] seems to be about how to increase power (accrescer’ li stati), so much that the matters of the Holy Religion are hitting rock bottom.” At the same time—Laureo continued disapprovingly—the Emperor was apparently getting money from all sorts of sources under the pretext of a Polish campaign, thus being able not only to cover his expenses, but also to provide for some of his other, unrelated needs. As soon as he realized that Maximilian was not intent on occupying the throne, the nuncio started sending letter after letter to the Holy See advocating ideas that were meant to reinforce Báthory’s legitimacy and pacify the Republic, with a rather surprising fervor which suggests that at that moment, between his superiors in Rome and his allies in Vienna, Laureo seems to
have been the only one who spent some time worrying about “the peace and union of this poor country.” He insistently asked Cardinal Como, for instance, that he be allowed to be present at Báthory’s coronation in order to offset the consequences of the Archbishop’s decision not to attend; permission was eventually denied by the Pope. Moreover, the nuncio thought that the Poles should postpone Báthory’s coronation until they reached general concord and re-confirmed his election in an all-inclusive general convention—seeing that the assembly at Jędrzejów had been boycotted by Prussians and Lithuanians. Laureo thought that a broader-scale confirmation Sejm would bring greater legitimacy to the new king, but he was aware, at the same time, that Báthory’s supporters did not know what he knew, i.e., that the Emperor was not going to wage war against them. Naturally—wrote Laureo—they still feared that Maximilian was going to invade the country, which is why they were going to rush to crown Báthory before reaching consensus, thus only prolonging the internal division of the country.

The Ottomans, on their part, despite their pompous letters peppered with threats and rudeness, were far from eager to engage, in the 1570s, in any kind of large-scale conflict with the Emperor’s troops, be it over Bekes’ successive attempts to get Transylvania’s throne or the Polish-Lithuanian elections. During the 1571 election, for instance, Ottoman troops were kept occupied by the Holy League in the

290 In consequence, because of the affront caused to the new king of Poland-Lithuania, Laureo had to leave the Commonwealth until early 1578, when he was finally allowed by his superiors to reconcile with Báthory.

Mediterranean. Later on, the attention of the Sultan was at times more focused on the Middle East than on Europe. According to Giovanni Correr, the Venetian bailo in Constantinople, rumors reached the Porte in September 1576 that Maximilian was ready to enter Poland-Lithuania and take the throne from Báthory with the assistance of the Lithuanians, Prussians, and Masovians, while Bekes was going to launch a simultaneous attack on Transylvania, in order to make Báthory’s brother unable to send any help to Poland. The Porte, whose attention, says Correr, had been distracted by Persian matters at that time, was thrown into utter confusion at this sudden news and sent hasty orders to Moldova, Transylvania, and the pasha of Buda to have troops ready for confrontation. Finally, two letters arrived from the pasha of Buda dispelling these false rumors and bringing entirely different news, namely that there were no imperial troops at the Silesian border with the Commonwealth, that the Emperor had obtained no support in the imperial Diet for his Polish project, and that the Poles were actually getting accustomed to their new king, Báthory.292

All these hesitations—generally unknown to all but a few insiders—were obviously not enough to stop the Transylvanians, Poles, and Lithuanians from fearing their powerful neighbors in what seems like equal amounts. It is at times difficult to determine whether the Ottomans, the Habsburgs, or the Muscovite tsar were feared more; Stefan Báthory, for instance, in a conversation with the nuncio, essentially put the Holy Roman Emperor and the Ottoman Sultan on the same plate.

when it came to those who threatened Transylvania’s security. Báthory had been bitterly disappointed by the fact that in the summer of 1575, at the height of Bekes’ rebellion, an envoy of Maximilian’s had disclosed to the Sultan the details of his 1571 secret treaty with the Habsburg Emperor. Feeling betrayed by “those who, by reason of state, should have favored him,” determined Báthory to summarize his position between Ottomans and Habsburgs as one of extreme difficulty: “God only knows what my friendship with the Muslims and with perfidious princes has brought onto me.”

Poles, Lithuanians and Transylvanians were afraid. Yet the result of their fear was not, as was the case a century later for those who thought that life was “nasty, brutish and short,” a retreat in private life and the pursuit of individual security and prosperity. There is no abandonment of politics to the government of an essentially unchecked ruler with absolute “sovereignty,” nor is there descent into religious violence or civil war. What could have degenerated into prolonged, full-fledged civil war in 1575 in Transylvania and in 1576-77 in Poland-Lithuania was kept under control, albeit more forcefully than was perhaps necessary. Yet there is little doubt that the choices of voters in both countries were determined to a large extent by the element of fear, and it is in this respect that the results of elections were the results of a negative, rather than a positive selection.

293 Laureo 548-549 (letter from 10 May 1577).
294 See Laureo’s commentary that it was in order to enhance his “reputation” that Báthory preferred to move his army against Gdansk, rather than solve the issue by negotiating. Laureo 470.
c) “Campaigning” tools: means for winning support

Campaigning for royal elections in sixteenth-century Transylvania and Poland-Lithuania was not all about the candidates’ qualities and defects being compared and evaluated by the voters from afar. Candidates and their supporters could obviously influence opinions during before the elections in ways that were more proactive than being particularly virtuous or having the right age.

For instance, having a good reputation certainly helped, but what helped even more was using it in the right way to influence decisions. Propaganda posters, such as the one printed in Báthory’s support in December 1575, are one way in which this could be done. Another, more common method was to prepare cleverly crafted speeches for the orators who were going to represent candidates in front of election assemblies. The sheer physical presence, even, of the candidates or their ambassadors, was crucial at times of elections. For instance, according to one historian, if Bekes had been in Transylvania when prince János Zsigmond died, he would have most likely collected more votes from those who held Maximilian in respect, or had respect for Bekes’ own position as the late prince’s most important councilor (Bekes arrived in Gyulafehérvár on April 10, ten days after the election assembly had been convoked).²⁹⁵

²⁹⁵ Bethlen 224-225. MCRT II, 391.
Campaigning also extended behind the scenes, from strategic marriage proposals to covert alliances between rival candidates to pure and simple bribing. Both Bekes and Báthory appealed to the Porte for support of their bid to the Transylvanian throne. Báthory did the same thing again in 1575, when his envoy to the Porte was constantly trying to convince Mehmed Pasha to include Báthory’s name among the candidates supported by the Sultan; he did not shy away from amplifying rumors about Ivan’s popularity in Poland-Lithuania in order to prompt the grand vizier into a more active involvement in the election.296 Even Maximilian approached the Porte early in the Commonwealth’s second interregnum seeking support for one of his sons’ candidacy—namely Archduke Ernest—or rather letting the Porte know about it, for form’s sake.297

Pecuniary means were employed by virtually all the candidates in order to win the support of voters. Maximilian sent or promised money in an effort to convince palatines Łaski, Mielecki, and Kostka to support his candidacy; Báthory did the same with the Zborowskis, giving them the task to recruit more supporters; Jan and Andrzej Zborowski received 43,000 guldens, for instance, in exchange for convincing Lithuanian senators to be on Báthory’s side—evidently not with much

297 Pajewski, _Turcja wobec elekcji Batorego_, 17. The parleys led by imperial agents in Constantinople for this purpose were disclosed to the Polish Senate in September 1574 by Ottoman envoy Ahmet, evidently on direct orders from the grand vizier, who sought to discredit the Austrian candidates in the eyes of their Polish supporters. The strategy was not without effect, judging by the dismayed reaction of the senators during the audience. Ahmet’s disclosure and the Poles’ reaction to it may constitute one reason why Ernest’s candidacy was abandoned in favor of that of Maximilian. See Orzelski 237-238; and Pajewski, _Turcja wobec elekcji_, 17-18.
success, considering the election results a few months later.\textsuperscript{298} Nuncio Laureo casually mentions the dilemmas into which some of the nobles had put themselves by accepting gifts from more than one candidate, or those who seemed to prefer one candidate but were eventually drawn toward another because he could help pay their debts.\textsuperscript{299} Bribing did not guarantee success, however. In May 1571, Bekes tried bribing some of the most important people in Transylvania, or luring them with promises of advancement, yet with very little success.\textsuperscript{300}

Another type of bribing was the gifts offered to Ottoman officials in exchange for their support in the competition for the Transylvanian throne. Usurpers sometimes promised higher tributes to the Porte, as was the case with Bekes, who guaranteed raising the annual tribute of Transylvania by half if the Sultan helped him seize the throne from Stefan Báthory. After Báthory had chased Bekes out of the country, the Sultan requested from him the same augmented amount that Bekes had promised (fifteen thousands golden thalers) as a compensation for the military help that Báthory had received from the Pasha of Temesvar in his fight against Bekes, and

\textsuperscript{298} For the money spent or promised by the Habsburgs, as well as Báthory, in their campaigning effort, see Szádeczky, \textit{Báthory István lengyel királylyá választása}, 93-96, 177; and Bazylow, \textit{Starania Stefana Batorego}, 8-9, 28.

\textsuperscript{299} Laureo wrote that Chodkiewicz seemed attracted to the idea of voting for Ernest or Maximilian (indeed he voted for the Austrians in the Senate on 19 November 1575), but that, because of his money quarrels with Dudith “and perhaps forced to take money from the Transylvanian,” he did not agree to Uchański’s proclamation of Maximilian as king of Poland-Lithuania on 12 December and “he left before it was done, not wanting to agree to it.” ASV, Segr. Stato, Polonia 11, f. 60v (letter from 28 December 1575). Chodkiewicz was indeed one of the first Lithuanians to start leaning in Báthory’s favor a few months later, around coronation time; but for several months after the election the Lithuanian senators’ front was still rather unified in favor of the Holy Roman Emperor. See Chapter 4.

\textsuperscript{300} Forgách 471.
the Sultan’s protection in general. The tribute stayed at this level until the end of the seventeenth century, when Transylvania was incorporated into Habsburg Hungary.

Whereas candidates were expected, to a certain extent, to spend money in their effort to convince electors, financial support coming from the Vatican in support of the Habsburg candidates was a totally different matter. When, in April 1576, it was divulged that the Pope had sent 100,000 scudi to Vienna for the purpose of supporting the Emperor’s bid in Poland-Lithuania, the Polish nobility was outraged. The Archbishop and the nuncio took the blunt of this scandal in the form of public accusations and even threats to their personal safety.

Money used in electoral purposes was not all illicit; candidates to the throne of Poland-Lithuania made official pecuniary promises to the estates of the country, in various amounts, according to the size of their coffers. Henri Valois, for instance, promised four hundred fifty thousand florins per year; Stefan Báthory promised only two hundred thousand per year, but he also pledged to ransom all captives taken by Tatars out of his own pocket. These promises were inscribed in each king’s Pacta Conventa and their fulfillment was insistently requested when it was delayed. Such was the case with both Henri and Stefan, who only sent installments of the promised amounts before their arrival in the Commonwealth; the szlachta wanted to know

301 Archivio di Stato di Venezia, Archivio Proprio Constantinoli, Reg. 6-7, f. 570v (dispatch from 10 January 1576).
302 ASV, Segr. Stato, Polonia 11, f. 95, 96v.
303 VC 322, 355.
when the rest would arrive. Báthory collected the money he promised at the risk of causing rumblings among the Transylvanians, who soon became dissatisfied with having to send public money to Polish coffers, instead of their own treasury, which had already been burdened with the increase in the tribute owed to the Porte.

Besides money, candidates promised a number of other clauses that were recorded in their *Pacta Conventa* if they were indeed to be elected, such as bringing troops from their home country, concluding peace agreements with their home countries’ allies, and solving certain specific issues in the Commonwealth; this is most likely the reason why the senators had to collect the orators’ speeches in writing—for future reference.

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304 Báthory fulfilled his promise almost in full before the end of January 1576. See Chapter 5.
305 Venetian ambassador Soranzo writing from Constantinople to Venice, mostly based on information from Báthory’s envoy to the Porte (Arch. di Stato di Venezia, *Archivio Proprio Constantinopoli*, Reg. 6-7, f. 505v, 569v, 570v, 578v). For the newly increased tribute and related expenses, see László Szalay, *Erdély és a Porta, 1567-1578* (Budapest: Lauffer és Stolp, 1862), 300-305 (lists detailing money and gifts sent to Istanbul dated from 10 September 1575 to early 1576). Transylvanians were not the only dissatisfied party in the bargain; after Báthory’s death, there were rumors circulating among the Poles, according to which Báthory had amassed great quantities of gold and silver and sent them Transylvania. Even Spannochi thought that was true, and that Stefan’s nephews could use that money for a successful candidacy in 1587. See Spannochi 367. Adolf Pawiński shows, however, that the situation of the Commonwealth’s treasury improved during Báthory’s reign. See Adolf Pawiński, *Skarbowość W Polsce i Jej Dzieje Za Stefana Batorego* (Warszawa: skł. gł. w Księg. Gebethnera i Wolffa, 1881), and Adolf Pawiński, ed., *Księgi Podskarbińskie Z Czasów Stefana Batorego: 1576-1586: W Dwóch Częściach* (Warszawa: skł. gł. w Księg. Gebethnera i Wolffa, 1881). For Báthory’s expenses in relation to Transylvania and the Hungarians in Poland-Lithuania, see Endre Veress, ed., *Rationes Curiae Stephani Báthory Regis Poloniae Historiam Hungariae et Transylvaniae Illustrantes, 1576-1586*, vol. 1, Monumenta Hungarorum in Polonia, 1575-1668 (Budapest: Stepheuneum Nyomda R. T. Nyomása, 1918).

306 The practice of recording and publishing speeches was not unique to Poland-Lithuania. In France, when one of the three orders designated a spokesman for the Estates General of 1576, 1588, or 1614, his speech would be published. In 1614, the young bishop of Luçon, Armand du Plessis, launched his political career with his speech on behalf of the clergy. See Joseph Bergin, *The rise of Richelieu* (Manchester University Press, 1997), 112ff.
Despite all the well-thought criteria considered by the voters, and all the electoral strategies employed by the candidates, sometimes random loyalties had the upper hand over rational choice. At the end of his analysis of Poland-Lithuania’s third interregnum, Horatio Spannochi muses that, in the end, “most of these senators and nobles will close their ears to all persuasions, having already taken the side of various equal Princes and making thus a whole deal of opposition, according to the time and circumstances.”

Báthory’s election to the Commonwealth’s throne was therefore somewhat accidental if election criteria and the local context alone are taken into consideration. Perhaps, what made all the difference between what seemed as a random candidacy and a winning campaign was his pro-active attitude toward the Commonwealth and the almost constant presence of his envoys in Poland-Lithuania. In fact—like the rest of the candidates who had participated in the first election of the Commonwealth—Báthory had actually started “campaigning” as early as the end of 1573.

d) Báthory’s early interest in the Polish crown

There are at least two separate sources who mention Báthory as a potential candidate in Poland-Lithuania’s first interregnum. One is Polish, the other Italian, and they both list and review each candidate, more or less extensively, depending on their respective chances and popularity at the time. The Polish source gives Báthory

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307 Spannochi 365.
a cursory mention: “[Regarding] Batory, the Transylvanian voivode, it is not good to be accountable to the Turk together with him;”\textsuperscript{308} the Italian one, which reviews the first interregnum at a later time (1575), only mentions Báthory’s name among “the other competitors.”\textsuperscript{309}

That Báthory’s ambition to occupy the Polish-Lithuanian throne had been awakened already during the first interregnum is confirmed by a letter he wrote to his brother in March 1574, where he lamented that he had been “too weak” to obtain the Polish crown when it was free; now he had to wait “so many years” to get what he wanted (including getting back at Maximilian for his support of Bekes).\textsuperscript{310} Stefan did not, however, just crossed his arms to wait for the next Polish-Lithuanian interregnum: immediately after Henri’s election, sources start mentioning Báthory’s interest in a marriage project with Renée de Chateauneuf, one of Catherine de Medici’s French ladies in waiting.\textsuperscript{311} The aim was obviously an alliance of sorts with France, but also, most importantly, with Poland-Lithuania, via Henri de Valois.

Maximilian’s envoy to Poland, Andreas Dudith, worried in July 1573 that this new

\textsuperscript{308} Bibl. Czart. TN 82 (1573), 559-560. Copies of this same account are to be found in manuscript form in several Polish collections; it was also printed by Jan Czubek in Pisma polityczne, 447-448. Báthory’s name (without any comments) also appears in a collection of documents from the first interregnum available in AGAD, Zbiór Branickich z Suchej, sygn. 36a/50 (mikr. 18962), f. 40. See also Bazylow, Starania Stefana Batorego, 13. Pajewski mentions that the idea of a Transylvanian on the Polish-Lithuanian throne had been discussed as early as 1553, when Crown Marshall Piotr Kmita suggested that János Zsigmond could be Zygmunt August’s successor, an idea that was primarily based on the blood relation between the two (János Zsigmond’s late mother, Isabella, had been Zygmunt August’s sister). Szapolayai’s party was gaining strength in Poland in 1570, but these plans were interrupted by the prince’s death in 1571. See Pajewski, Turcja wobec elekcji Batorego, 9-10.

\textsuperscript{309} Lippomano, “Relazione (1575)” in Albèri, Le relazioni degli Ambasciatori Veneti, 298.

\textsuperscript{310} Cited in Bazylow, Starania Stefana Batorego, 23.

\textsuperscript{311} Dudith II (1573), 421, 521, 537; Lescalopier’s report in Călători 434-435, 438-439.
friendship between Transylvania and France aimed to reinforce Ottoman power and surround the Empire with French-Ottoman allies.  

In late 1573 to early 1574, Ferenc Forgách was sent to Poland-Lithuania to negotiate a treaty with Henri’s ambassadors who were awaiting the king-elect’s arrival in Cracow. Again, Dudith suspected secret dealings between Poland-Lithuania, France, and Transylvania. When he met Forgách in January 1574, Dudith’s worries were temporarily appeased after Forgách managed to persuade him that Báthory was not planning any “machinations” against the Habsburg House. To make his speech even more assuring, Forgách claimed that Báthory would seek Maximilian’s advice when he decided to marry.

Negotiations with the French court continued nevertheless. A French ambassador, Thomas Le Normand, was sent to Transylvania in May 1574 in order to arrange the terms of Báthory’s marriage with Melle de Chateauneuf. Le Normand’s secretary, Lescalopier, left a report about the trip to Transylvania, from which we learn that the negotiations were, to put it mildly, a fiasco. To begin, Le Normand spoke no Latin and could not communicate with Báthory directly. He only knew French and German—but Báthory did not know the former and, according to Lescalopier, refused to speak the latter (in order to not displease the Ottomans), and

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312 Dudith II (1573), 417, 418, 420 (letter to Maximilian, 22 July 1573).
313 Dudith II (1573), 623; Dudith III (1574), 53, 64-65.
314 Dudith III (1574), 140.
315 Lescalopier’s report covers the period 24 June-16 August 1574; it was partially printed in Călători 420-445.
therefore Lescalopier, who knew Latin, had to be used as a translator at all times. As a result, Báthory ended up spending more time with the translator than with the actual negotiator. To make matters worse, an Italian troubadour who had spent some time in France arrived to Gyulafehérvár at that time and started spreading rumors not only that Melle de Chateauneuf was not a cousin of Henri, as Báthory had been apparently told, but that her virtue was quite questionable too.

On 9 July 1574, after the French envoys returned from trips in the country, Blandrata told Lescalopier that the marriage projects were unfortunately not likely to come to fruition. It seems that Henri’s departure from Poland had been the true deal breaker, together with the suspicion that Báthory’s future wife was not related to the royal family. Blandrata explained that, considering the news coming from Poland that the nobles wanted to elect a new king, it made no sense for the voivode to do something for which he had no reason, “for he could not expect any help from France, which is on its way to losing its current well being, and even less from a neighboring king who is not even related to his would-be wife.” On 20 July Báthory confirmed Blandrata’s words, only in more diplomatic terms. He said that “it was not appropriate to bother princes who are upset by such conflicts with questions of marriage” and that the question should be postponed to more propitious times.

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316 Lescalopier was well received at the Transylvanian court at least partly because he happened to have studied with Báthory’s nephew, also named Stefan, in Padua. The voivode’s nephew recognized Lescalopier when he saw him, he gave him a warm welcome, and spoke Italian to him (Călători 434).
317 Ibid., 435.
318 Ibid., 438-439.
Changing his mind about a marriage actively sought by Catherine de Medici and approved by Mehmet passa\textsuperscript{319} was not a little thing; Báthory and his councilors had clearly decided to abandon one ambition for another. Although there is no way of proving the exact sequence of events and Báthory’s train of thought, it is likely that at that time he had already decided to try his luck for the Polish-Lithuanian throne—again. Samuel Zborowski, who had been banished from the Commonwealth on account of his act of lese-majesty at the coronation Sejm of 1574, took his exile at Báthory’s court where he was welcomed, thanks to Blandrata’s help, before the end of 1574.\textsuperscript{320} Samuel is credited by Transylvanian historians with having encouraged Báthory’s candidacy and convinced his brother, Piotr Zborowski, palatine of Cracow, to support it.\textsuperscript{321} Regardless of whose idea it was, it is very likely that Báthory was already thinking, in July 1574, when he broke his negotiations with the French, that he should try to be the king of Poland-Lithuania instead of merely seeking an alliance with him. By 15 August 1574 already, news had reached Dudith

\textsuperscript{319} From Lescalopier’s report it may be understood that Catherine de Medici wanted that marriage more than Báthory (perhaps to rid herself of Melle de Chateauneuf for one reason or another); Lescalopier also mentions that the French ambassador to Constantinople, Monsieur d’Acqs, had convinced “Mehmet passa to give his agreement to this marriage which was demanded in France.” Ibid., 434.

\textsuperscript{320} Blandrata helped Samuel get established in Gyulafehérvár based on his previous acquaintance with him in the 1560s, when Blandrata lived in Cracow for a while. The coronation Sejm that banished Samuel ended on 2 April 1574; it is likely that Zborowski arrived in Transylvania shortly after that, considering Dudith’s report that his brother, Piotr Zborowski, was already getting involved in Báthory’s candidacy in August that year (see below). Also, Samuel’s signature is on Báthory’s confirmation of the Henrician Articles and Pacta Conventa given at the Medgyes assembly of the Transylvanian estates in February 1576. See VC 359; Bazylow, Starania Stefana Batorego, 24.

\textsuperscript{321} According to Bethlen, Samuel wrote to Piotr and Piotr responded by encouraging Báthory to send envoys (Samuel and Emeric Sulyok) to the election Sejm planned for October 1575 (Bethlen 389-390). Laurentium Müller also confirmed the role of the Zborowskis’ in Báthory’s election, although with fewer details. See Pamiętniki Milerowe, 1.
that Báthory was indeed intent on getting the Polish crown, and that, after all, Transylvania seems more faithful to the Sultan than to the German Emperor. Dudith feared that this unexpected candidacy, as ridiculous as it sounded to him, might hurt the Emperor’s cause to a certain extent: “It is astonishing that the Transylvanian is actually trying to get votes; the palatine of Cracow is giving him hope, hoping to get something [out of it] himself…”

**e) Strategy and accident: Báthory’s recipe for electoral success**

Considering the chances he had at the beginning of the second interregnum in Poland-Lithuania, Báthory’s election by the anti-Habsburg faction on the field outside Warsaw on December 15, 1575 may qualify as a near-perfect accident of history. After all, it was only after Maximilian’s nomination and proclamation as king of the Commonwealth that the opposing faction pulled itself together and decided that, if they could not agree on a Polish candidate, they should give their votes to one of the three foreigners who were favored by the Porte and were not members of the Habsburg dynasty: the Swedish king, the Duke of Ferrara, or the voivode of Transylvania. Almost by elimination (none of the Polish candidates had a strong enough following and the Swedish king was Protestant, hence problematic for

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322 Dudith III, 225 (letter to Maximilian, 15 august 1574). At that time, Dudith was not yet married to Piotr Zborowski’s sister, but marriage arrangements or at least negotiations to this effect were most likely already under way, considering that the wedding took place in September. Dudith’s veiled hostility toward Piotr may be explained by the lack of enthusiasm with which the Zborowskis themselves welcomed him into the family. See Costil, *André Dudith*, 158-159.
Catholic supporters), but most importantly, due to the last-minute advocacy of the influential Zborowski family, who suddenly shifted their support from the Duke of Ferrara to the Transylvanian candidate, “a great part of the senate and almost the entire nobility” set their squabbles aside and cried in unison for Báthory’s election.

The decision of December 15 was not so much in favor of the Transylvanian as against Maximilian II. Nuncio Laureo stated, in a later discussion with Báthory himself, that the new king owed his throne to the Holy Roman Emperor, pointing that nobody thought about him until after the Emperor was nominated. It was only then that the anti-Habsburg camp was forced to elect him simply because they had not found any other candidate with enough reputation and the capacity to oppose Maximilian among the neighboring princes. According to Laureo, Báthory made no attempt to contradict his summary of the 1575 election. As a matter of fact, certain contemporary observers had also seen the previous election in similar terms. G. Francesco Morosini, Venice’s extraordinary ambassador to France on the occasion of Henri of Anjou’s election to the Polish throne, wrote in 1573 that Henri’s selection was essentially the result of a compromise between the anti-Muscovite and anti-Habsburg camps in Poland-Lithuania.

323 Laureo 557.
324 Morosini, “Relazione (1573)”, in Albèri, Le relazioni degli Ambasciatori Veneti, 256. Girolamo Lippomano, Venice’s ambassador to Poland-Lithuania in 1574, gives a more nuanced account of the first election: according to him, Maximilian’s son, archduke Ernest, lost powerful supporters in Jan Chodkiewicz (captain of Samogitia and castellan of Vilno) and Olbracht Łaski (palatine of Sieradz) because the imperial envoys made the strategic error of also courting the support of two of their “enemies” (the dukes of Ostrogski and Stuck); following Chodkiewicz’s and Łaski’s falling out with the Emperor’s men, Catholic voters panicked that the Piast faction might take over the crumbling
The anti-Habsburg feeling was particularly strong among the Polish nobles. The Lithuanians, whose votes generally supported the political preferences of the Radziwiłł family and its allies (particularly Jan Chodkiewicz), did not seem to have much of a problem with either the Habsburg or the Muscovite candidates, whom they favored at different times throughout 1574 and 1575, as shown in the frequent reports done by papal nuncio Vincentio Laureo. As far as the Polish hostility reserved for the Habsburgs is concerned, it was frequently justified in letters and official documents as being related to the Commonwealth’s security: the Ottoman envoy had clearly stated the Sultan’s express request that neither the Holy Roman Emperor nor the Muscovite tsar be elected, and suggested choosing a local candidate, the Swedish king, the Transylvanian voivode, or the Duke of Ferrara instead. Yet there was more to this than the fear of the Sultan’s wrath; Poles had developed an entire anti-“German” folklore in the decades surrounding the 1573 Warsaw Confederacy, which associated the “Austrian House” with tyranny, hereditary ambitions, and Catholic intolerance—an attitude that had been visible in the previous interregnum as well. The fact that the apostolic nuncio Vincentio

Habsburg camp and that a native “heretic” would end up on the throne; as a result, they regrouped behind the French candidate and against Jan Firlej, palatine of Cracow, who led the Piast party. See Lippomano’s 1575 relazione to the Venetian senate in Ibid., 299-300.

325 Orzelski says that the Radziwiłłs and Chodkiewicz had reduced the entire Lithuania to their will, and occupied most of its land, “either by terror or by money.” Orzelski 438-439.

326 The position of the Lithuanian delegation was, however, quite confused in late 1575 as the final votes were cast. See, for instance, the vacillations of the Vilno palatine (Mikołaj Radziwiłł) between the Habsburg candidates, Stefan Báthory, and the Duke of Ferrara in Laureo’s letter from November 23, 1575 in Laureo 284.

327 See the oration of the Ottoman envoy to the Polish-Lithuanian estates, September 1574, in Szádeczky, Báthory István lengyel királylyá választása, 315.
Laureo had been the hyper-active supporter of the Holy Roman Emperor’s cause in Poland-Lithuania since 1574 did not help his cause either, considering that the most vocal and politically active part of the Polish nobility in Little and Great Poland at that time was either Protestant, Arian, or weakly Catholic (and not particularly eager to start paying regular tithes after a decade or more of fiscal chaos). Considering the weight of the nuncio’s Habsburg sympathies, it would not be an exaggeration to say that the double result of the 1575 election was determined as much by the Vatican’s meddling as by the szlachta’s obstinacy in response to this meddling.

Based on the available accounts, it is probably safe to argue that without nuncio Laureo’s unwavering support of the Habsburg candidates, his influence on archbishop Uchański, and Uchański’s strong attachment to keeping his word to Laureo—regardless of the many types of unpleasantness it generated for himself—the antagonizing Habsburg factor would have most likely been avoided and a candidate that was neither pro-, nor particularly anti-Austrian elected. As late as December 12, 1575—the date of Maximilian’s election by the “Caesarist” camp—the apostolic nuncio candidly speculated that, had he not primed Uchański into supporting the Habsburg candidacy so insistently, the Duke of Ferrara would have probably been agreed upon by most senators and deputies, and no splitting of camps would have occurred.328 A pamphlet written in the first half of 1576 bitterly suggests that it was Rome that had fatally “blessed” the Polish people with the German

328 Laureo 332-333.
scourge. The division of the Commonwealth’s population between pro- and anti-Habsburg camps, as well as the problems and inconsistencies within the Piast camp, which were due not only to its factionalism, but also to its ideological contradictions, were ongoing issue that characterized each of the first three Polish-Lithuanian interregna and determined surprise winners in the first two.

Besides having the virtue of not being Maximilian II or any of his sons, Báthory’s eventual success in the Commonwealth’s seemingly haphazard race of 1575 was also due to a mixture of factors that made his candidacy appealing to what may have been the most politically active part of the Polish nobility at that time. Following Maximilian’s nomination, the szlachta could have settled on any of the remaining candidates, be it the Duke of Ferrara, the king of Sweden, and even the tsar of Muscovy, and yet they chose Báthory. Whereas a certain degree of arbitrariness is undeniable—as will be shown in the following chapter—it is no less true that Báthory’s profile was a combination of features that appealed to the Piast party once they realized that a native candidate was not a feasible solution in the context of a split election field. After Maximilian II was proclaimed king of Poland-Lithuania by a break-away fraction of the Senate and the nobility, the remaining electors realized they had to pick not just a king, but a king that would have to stand up against the Holy Roman Emperor.

329 “Benedictio gentis polonicae, Roma allata” (1576) in Wierzbowski, Wiersze polityczne, 50-51.
330 Ivan the Terrible’s name was mentioned in the votes of the Polish nobility in mid-December 1575, but it is hard to tell whether the votes in his favor expressed genuine electoral preferences or, as seems more likely, a delaying or bargaining tactic.
In that context, the only foreign candidates mentioned after Maximilian’s nomination were Ivan IV and Stefan Báthory. Strangely enough, Alfonso d’Este, Duke of Ferrara and a “mediocre” prince with French royal blood, was not even mentioned—evidently because the Zborowskis had finally made a choice, by that point, between him and Báthory. The latter’s anti-Habsburgism (not only had he been a prisoner of Maximilian in his youth, but he had also recently diffused Bekes’ Habsburg-backed coup d’état), pragmatic religious tolerance combined with personal Catholicism, lack of tyrannical tendencies (which, from the perspective of the szlachta, seriously undermined both Maximilian’s and Ivan’s candidacy), as well as his military skill and experience, were all factors that weighed in his favor.

Moreover, the fact that, from 1573 onwards, Báthory had been more present than the Duke of Ferrara on the Polish-Lithuanian scene, may have been the drop that made the balance tip in his favor on the election field outside of Warsaw in December 1575. On top of everything else, Báthory had also been backed by the Ottomans, while Ivan had been explicitly put on the black list of the Sultan.

As far as Báthory’s success in Transylvania is concerned, contemporary accounts dwell on his positive traits such as age, wisdom, excellence in war, and

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332 For the Ottoman endorsement of Báthory’s candidacy (whose name was last on a list including Jan Kostka or any other Piast, and the Swedish king), see Orzelski 237-238 (audience in the Senate on 10 September 1574) and 368 (speech in the election Sejm on 17 November 1575).
imposing physical persona, all in contrast to Bekes’ subservience to the Habsburgs, haughtiness, and fashion blunders. It must have also helped that Maximilian himself, while interfering with the Transylvanian election as much as he could (and thus hurting Bekes’ chances inadvertently), did not place great importance on the identity of the elected prince, as long as he agreed to be his vassal. Whereas Bekes was preferable, Báthory was, after all, also willing to deal with Vienna—albeit only secretly—and had the presence of mind to negotiate with Maximilian’s supporters even before his public election in May 1571. Maximilian, although he would have liked to directly appoint Transylvania’s voivode, was ready to accept elections as long as they were not really free; at the same time, the Sultan was ready to accept elections as long as the outcome did not budge Transylvania from the zone of Ottoman control.

As far as Báthory’s candidacy to the Polish-Lithuanian crown is concerned, what mattered in the end, besides the confusion of the anti-Habsburg camp, was that he was a “principe mediocre” coming from a country with similar customs and laws—although, strangely enough, nobody seemed to focus much on Transylvania’s form of government and particularly on its type of elective monarchy. Interestingly, Báthory’s secret pact with Maximilian was not so secret after all. Not only had it been revealed to the Porte by Maximilian’s own agents, but the Poles also knew about it; in the period between Báthory’s election and coronation there were voices trying to use Báthory’s status vis-à-vis Maximilian as a negotiating tool, arguing that
the vassalage of the former toward the latter might in fact be a guarantee of peace with the Empire.\textsuperscript{333} In this light, it seems that having a vassal of Maximilian’s—or of the Ottomans’, for that matter—on the throne of the Commonwealth was not necessarily perceived as such a bad thing, as long as Maximilian himself was not seated on that throne and as long as Ottoman armies were not invading the country.

\textbf{Conclusions}

The debates weighing and comparing candidates before the elections reveal some of the most important traits of what was considered to be the best possible ruler in Transylvania and Poland-Lithuania in the second half of the sixteenth century. Considering that many of the electoral preferences expressed in 1571 and 1574-1575 were related to transient circumstances and not necessarily to stable political values, these traits should not be taken as immutable elements in the political culture of the two societies. Nevertheless, they do illuminate the dominating concerns of the age and the political imagination of the voters who took the trouble to get involved in the elections at those particular times.

The Polish-Lithuanian interregnum, because of its duration and the comparatively high number of sources concerning the pre-election period, offers a more complete image of voter preferences than its Transylvanian counterpart, but the image of the ruler does not seem to differ in radical ways between the two countries.

\textsuperscript{333} Orzelski 486.
The native-foreigner debate, as well as the attraction to the Jagiellonian dynasty in Poland-Lithuania reveals to what extent citizen-voters were still attracted to an older, more “lordly” view of monarchy and to the idea of royal blood. At the same time, a part of the Polish szlachta had a strong dislike for powerful rulers, which seems to contradict this tendency, while the nobility’s simultaneous inclination to mistrust the Piasts and their inability to settle on a native candidate rather confirms it. These contradictory factors and the electoral dilemma they created are illustrated by Piotr Zborowski’s vacillation and his eventual choice of a “mediocre prince”—neither too strong to threaten the liberty of the Republic, nor too weak to let it fall apart.

From this perspective, the inevitable inclination, in elective monarchies, to treat a prospective ruler as someone who would merely occupy an office or “dignity” was certainly complicated by the sense that being royalty, a prince, or at least somebody who had accumulated experience in a position of authority, was an intangible yet definite advantage for any candidate. There were distinct difficulties attached to the king’s being too much of “one of us,” as was visible in Poland-Lithuania. In Transylvania as well, Báthory’s leadership skills, combined with a certain confidence and aloofness (he did not get embroiled in the debates of the electoral assembly in May 1571, but waited silently as if he already owned the place)\(^{334}\) certainly made the right impression; he was one of them—as opposed to Bekes, who did not seem to fit Transylvanian cultural and social standards very

\(^{334}\) See the following chapter for more details.
well—and above them at the same time. And he was certainly no mere citizen: his extended family had engendered three voivodes so far, two of whom had also been called Stefan [István] Báthory.335

Rulers, whether elected or not, still had to be the highest member of the body politic with a capacity to unify, not divide; such candidates were favored who were perceived as capable of rising above the petty squabbles of the citizens, and capable of more virtue, or at least more control, than any of the members of the community. In a sense, although they were an integral part of the body politic, they had to be outside it as well—a task rendered difficult by the rules of election, which subordinated candidates to citizens at first, and later raised them above as their rulers. From this perspective, the contradictions of royal elections are not much different from those encountered in modern presidential elections; in both cases, the lost majesty of royal blood had to be replaced with “leadership” skills that replicated it on several levels, thus setting apart elected king (or president) from the rest of society in a legitimizing way.

The mixed form of government of Poland-Lithuania and Transylvania demanded and created rulers with mixed profiles who were capable of combining the majesty of a master with the dignity of an office-holder. In this context, it is remarkable, but not surprising—considering the political climate of the time—that

335 The first István Báthory (of the Ecsed branch of the family) was voivode between 1479 and 1493; the second (Stefan’s father, of the Somlyo branch) was voivode in 1529-1533; András Báthory (again, from the Ecsed branch) ruled for only a few months in 1552-1553.
the Poles chose the only foreign candidate who had “leadership skills” but no royal blood in his veins. Báthory’s election in December 1575 was a dramatic step in a direction that demonstrated the szlachta’s willingness to sacrifice their undeniable appreciation of dynastic royalty in favor of their attachment to liberty. At the same time, there were limits to how much of their traditional values the citizens of the Commonwealth were ready to sacrifice. Anna’s addition to Báthory’s winning ‘team’ shows that, under pressure, the szlachta were capable of combining the conflicting political values that dominated the Commonwealth at that time into compromise solutions that were more functional and more likely to be accepted by Polish-Lithuanian society as a whole than purer forms of either monarchism or republicanism could have been.

Fear and its immediate consequence, the concern for security, continued to be a deciding factor on many levels of the “campaigning” phase of an election. The preferences of voters were fundamentally influenced by the dangers they perceived; their decisions were made accordingly—not only with a view to accomplishing certain goals, as will be apparent in Chapter 5, but also, and perhaps more so, with the aim of avoiding certain evils. This “negative” aspect of royal and princely elections will be further explored in the following chapter.
III

VOTING

Election regulations and practices in Poland-Lithuania and Transylvania

In the second half of December 1575, Emperor Maximilian II received a letter signed by the palatines of Cracow, Lublin, and Belz on behalf of “the entire nobility” of the Polish-Lithuanian Commonwealth, asking him to keep in mind the good of their Commonwealth and of the entire Christian Republic and to withdraw from the Polish electoral race that had resulted in two candidates being declared winners in the space of three days in mid-December 1575. The signers of the letter accused Maximilian’s supporters of having acted against the law when they proclaimed Maximilian king and sang the Te Deum in his honor on December 12, 1575 because, according to their laws, “the king cannot be proclaimed if all do not agree.”

All certainly did not agree in Poland-Lithuania in December 1575. Although Maximilian’s adherents included the archbishop and some of the most important dignitaries in the country, they were fiercely opposed by what this letter and other documents call “a great part of the senate and almost the entire nobility,” who assembled in protest after the December-12 election and decided to give the royal throne to the Transylvanian “palatine” Stefan Báthory, on the condition of his marriage to the late Jagiellonian king’s sister, Anna. The authors of the letter expressed their conviction that Maximilian would not let “these few votes” that he
had received bring their country—indeed, the whole Christianity—to “extremity,” and that the Emperor would graciously refuse to recognize the validity of the offer made by his supporters and, instead, accept Báthory’s victory.336

The tone of the letter would have us believe that the Transylvanian voivode could count on a great number of determined followers in Poland-Lithuania, yet by no means had Báthory been a favorite during the race. The Habsburgs themselves, whose camp was more organized and better funded than any other, did not seem to have had as many spontaneous supporters as did, at various points during this interregnum, the duke of Ferrara, the king of Sweden or Muscovy’s Ivan IV, to say nothing of the idea of a native king. As is perhaps the case with most elections, preferences in Poland-Lithuania were stronger on the negative side than they were on the positive. Allegiances and preferences were extremely fluid; they shifted from month to month following rumors, artful public speeches, and intense lobbying funded by one candidate or another. Among the Polish nobility, however, those with the most articulate political opinions and in a position to sway everyone else this way or that, seemed to have a much clearer idea of who exactly they did not want to win, than of who they did. Apart from the Habsburgs’ diehard supporters, who included a majority of the senators and the Prussian estates, the Poles were overall divided between two main categories: the undecided, who included almost everyone with a right to vote, and a majority of whom welcomed the idea of having a native king.

(without, however, knowing exactly who that might be), and a core of vocal and rather persuasive Polish nobles from both provinces of the Crown, who were certain about one thing: that they “would rather prefer death, or in fact be slaves of the Turks, than be under the House of Austria.” In these circumstances, the race was really a pro-versus anti-Habsburg match, and, as it happened, the anti-passions were inflamed to such an extent that it was not the most favored candidate, but rather the least opposed who ended up winning the contest.

a) The theory of voting in European context

Consensus was one of the basic assumptions of decision-making in the Polish-Lithuanian elective monarchy and indeed in most of the early modern world. The matter did not have to be explained or justified; it was obvious to everybody that laws could have no force and kings no legitimacy if they were not accepted (if not exactly decided) by all. The medieval principle of “what touches all must be approved by all,” which was one of the main sources of the early modern vision of consensual politics, evolved in different ways in the various European polities. Its legacy persisted in early modern political language, including in the coronation rituals of hereditary monarchs. The coronation of French kings, for instance, included a ceremonial expression of consensus populi. This element, along with

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337 Archivio di Stato di Venezia, Archivio Proprio Di Giacomo Contarini, Filza 20, f. 182v. (Dispatch from 16 October 1575)
more or less valid historical evidence from the early Middle Ages was used in the second half of the sixteenth century, first by Huguenot and then by Catholic League writers, in support of a rather short-lived attempt to demonstrate that the French monarchy had been—and perhaps should again be—elective.339

Consensual politics was—at least nominally—quite common in sixteenth-century Europe, but voting by unanimity, especially when it came to elections, was unique. The voting procedures for electing popes had long abandoned the unanimity requirement, which had produced so many antipopes up to the middle of the twelfth century, for a qualified majority rule of two-thirds—sometimes called “supermajority” or “heavy majority”340—that is still in place today.341 The rule was instituted by Pope Alexander III in 1179, at the Third Lateran Council, and it was meant to prevent the reoccurrence of divisions within the Church such as the schism that had opposed antipope Victor IV to Alexander III for eighteen years after the


341 Pope John Paul II introduced an amendment in 1996 that allowed cardinals to use the simple majority rule after 13 days and when 33 or 34 ballots had already been held. In June 2007, however, Benedict XVI reversed John Paul’s amendment and restored the old rule, according to which a two-third majority is always required to win. See Mary Ann Walsh, ed., From Pope John Paul II to Benedict XVI: An Inside Look at the End of an Era, the Beginning of a New One, and the Future of the Church (Lanham, Md: Rowman & Littlefield Publishers, 2005), 75-76; and “Pope Restores Two-thirds Rule for Papal Election.” America 197, no. 2 (July 16, 2007): 8.
double election of 1159. Victor had been supported by Frederick I Barbarossa before
the Emperor finally recognized Alexander in 1177; most importantly, even though he
had obtained fewer votes than Alexander, his supporters proclaimed Victor IV as
Pope on the grounds that his voters claimed to constitute the “sanior et maior pars”
(the weightier and sounder part) of the college of cardinals-electors.

The *sanior et maior pars* argument was a type of “weighted voting”
borrowed from Roman times, when different “classes” of voters were assigned
different weights. 342 It had been sanctioned by St. Benedict and revived by Gratian
in his canon code of 1139-1140, and it corresponded to the priority that the cardinal-
bishops had had over their priest and deacon colleagues since Nicholas II’s Bull of
1059, which reserved the actual election to the bishops, who then had to obtain the
assent of the other cardinals as well as that of the rest of the clergy and the “people.”
The argument was used in situations of divided elections in order “to create apparent
unanimity when it did not exist.” 343 In this context, *maiore* could mean “weightier” or
“greater” rather than simply “bigger,” and it was a reinforcement of the *sanior*
adjective, rather than a separate numerical qualifier (or it was simply ignored in
favor of *sanior*). 344

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342 Kim, “We (the Supermajority of) the People,” 368.
344 Colomer and McLean take *maioren* to unequivocally mean “majority” in the numerical sense (“the
“sanior pars” often did not coincide with the “maiore pars,” p. 7), and so does Konopczyński when he
says that the adoption of the qualified majority rule in papal elections made the “maiore” part coincide
with the “sanior” one; see Władysław Konopczyński, Le Liberum Veto: Étude Sur Le Développement
Du Principe Majoritaire (Paris: Champion, 1930), 47. This perspective is justified by the meaning of
“maiore” in the Roman Senate (“haec pars maiore videtur,” ibid., 33), which was indeed used in the
Due to the occurrence of contested papal elections, the Third Lateran Council of 1179 settled the disputes over the meaning of *sanior* and *maior* by essentially decreeing that the *sanior* part always coincided with the majority—namely, two-thirds of all the present cardinals. It thus abolished the practice of granting priority to senior members of the college and it replaced weighted voting with the assumption that there was parity among all electors.\(^{345}\) From the twelfth century onward, neither “zeal,” nor “merit,” but “solely numbers” were the arbiters of papal elections; as long as they made up two thirds of the cardinal college, they were understood as the expression of the Holy Ghost, “which may not be resisted.”\(^{346}\) After secrecy of voting—which had already been practiced for a while—was formally established at the Council of Trent (1545-1563), all discussions of *sanioritas* ceased.\(^{347}\)

The origin of the “supermajority” rule in papal elections is a subject of debate, but the connection with Venice is made by most scholars dealing with this subject. Venice’s complex voting procedures were essentially based on several versions of the majority rule, as were those of many other municipalities throughout numerical sense by an institution that was already based on the majority principle. Nevertheless, it seems to me that the meaning of *maior* was not as clear before the introduction of the two-thirds rule in ecclesiastical elections, and that for a while it could simply mean “more important,” to only subsequently acquire (or re-acquire) a simple numerical significance—otherwise “sanior” and “maior” would not have been used together as qualifiers of the same *pars* at the time when the *sanior* part was not necessarily the more numerous one.

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\(^{345}\) Kim, “We (The Supermajority of) the People,” 369.
medieval and early modern Europe. The two-thirds rule had also been applied in Roman municipal practices as a quorum requirement, as well as in the election of some abbots. The English Parliament used a simple majority requirement throughout most of its history, except during the Interregnum, when it experimented with the “supermajority” rule. Since the thirteenth century, the Holy Roman Emperor had also been elected on the basis of a simple majority rule: after the reign of Rudolf I of Habsburg and particularly after the sanction of the Golden Bull of 1356, four out of the seven Prince Electors were enough to decide the outcome. Decisions of the Transylvanian assemblies also used a qualified majority rule: three out of the four groups of delegates to assemblies (the “noble” natio being divided between the Partium and Transylvania proper) had to agree in order to pass new legislation. In brief, by the time of Poland-Lithuania’s first interregna, the

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349 The 1177 peace between Alexander III and Frederick I was concluded in Venice and it is quite plausible that the Pope drew inspiration from the practices of the Serenissima, which included a three-fourths qualified majority for electing the Doge. See Kim, “We (The Supermajority of) the People,” 370, n. 16. For the Roman and monastic practices, see Colomer and McLean, “E electing Popes,” 9. Kim thinks that, even though Venice may have used the “supermajority” principle before its introduction into papal election procedures, the church was probably more instrumental in popularizing this rule throughout the rest of the Christian world.

350 Kim, “We (The Supermajority of) the People,” 370-371.


352 Possevino, Transilvania, 62.
majority rule seemed to have been the favorite voting procedure throughout most of Europe, both in elections and at various levels of the legislative process.\footnote{353 The case of North Central European federations (the Hanseatic League, the Low Countries, and the Swiss cantons) presents a more complicated history. Konopczyński shows that the Swiss Confederation, for instance, registered a “regression” in the usage of the majority rule between the 16\textsuperscript{th} and the 19\textsuperscript{th} centuries. Konopczyński, \textit{Le Liberum Veto}, 104-110.}

Despite the growing popularity of the majority rule, the ethos of unanimity lived on. Even though the Holy Roman Emperor was elected on the basis of the majority rule, “such an election shall be as valid as if all the princes had agreed unanimously and without difference upon a candidate.”\footnote{354 Chapter II of “The Golden Bull.” The formula is almost identical with the definition of the election by acclamation in the Fourth Lateran Council of 1215 (“ab omnibus quasi per inspirationem sine vitio”), cited in Konopczyński, \textit{Le Liberum Veto}, 46.} Moreover, the election of Transylvanian voivodes and princes seemed to require a level of consensus which had not been exactly formalized and was therefore not very strict, yet was clearly expressed in the language of election decrees.\footnote{355 See for instance MCRT II, 472 (Báthory’s election in 1571).} Hungarian, Bohemian, and Danish kings had also been elected based on \textit{consensus populi}. Yet none of these polities went as far as the Polish-Lithuanian Commonwealth in the literal application of the unanimity rule, particularly in the procedural rules of regular—as opposed to election—Sejms.

The classical apology of the unanimity principle, taken to a whole new level in the seventeenth century with the rule famously known as \textit{liberum veto}, belongs to Andrzej Maksymilian Fredro, who unwaveringly supported it even after having served as the Marshal of the first Sejm to be nullified by an unexplained and
temporarily anonymous veto.\textsuperscript{356} In a variation on the \textit{sanior pars} argument, Fredro explains that \textit{liberum veto} is necessary in order to allow intelligent people—who always form but a minority—to stop the majority from making bad decisions. In his opinion, as long as the \textit{sejmiki} function properly, it would be no disaster if a Sejm were disrupted; after all no new laws are needed in a well-designed \textit{respublica}.\textsuperscript{357}

Modern historians have generally condemned the unanimity principle as the foundation of Polish “political anarchism.”\textsuperscript{358} Józef Gierowski uses the word “anarchy” in order to describe the Polish-Lithuanian political system, and in his account of the “failings of the noblemen’s democracy” he focuses on the institution of the \textit{liberum veto} and the regulations that limited the deputies’ freedom of action in the Sejm.\textsuperscript{359} Jerzy Lukowski, focusing on the developments of the 18\textsuperscript{th} century, states that in 1652 the Sejm was unable to pass any bills because of one veto which was heard on the last day of the debates, without any argumentation as to the nature of the disagreement. See Konopczyński, \textit{Le Liberum Veto}; Władysław Czapliński, \textit{Dwa Sejmy W Roku 1652; Studium Z Dziejów Rozkładu Rzeczypospolitej Szlacheckiej W XVII Wiek}, 1st ed. (Wrocław: Zakład im. Ossolińskich, 1955), 115-130.

\textsuperscript{356} Andrzej Maxymilian Fredro, “Responsum,” in Mieczysław B Biskupski and James S Pula, eds., \textit{Polish Democratic Thought from the Renaissance to the Great Emigration: Essays and Documents} (Boulder, Colo.: East European Monographs, 1990), 156-167. Fredro shared this sentiment with Classical authors, such as Tacitus, and with his contemporaries, such as James Harrington. In the eighteenth century, Jean-Jacques Rousseau, who belonged (mostly) to the same republican tradition, defended the idea of a reformed \textit{liberum veto}. See Harrington, \textit{Oceana}, 41; and Jean-Jacques Rousseau, “Considérations sur le gouvernement de Pologne”, in \textit{The Political Writings of Jean Jacques Rousseau}, 424-516.


century, criticizes the *szlachta* and the political elements that it held dear with a catchy phrase: “liberty’s folly”.

Already in the seventeenth century, natives and foreigners alike questioned the rule. Bernard Connor, the English physician who produced one of the first detailed descriptions of Poland-Lithuania available to the Anglophone public, based on the time he spent there in the second half of the 17th century, disapproves of the rule despite his admiration for the Poles’ attachment to liberty. Connor believes that the particular institutional arrangements that characterized Poland-Lithuania were “pernicious” because they allowed “Unruly and Mutinous People to disturb the Commonwealth” by way of *liberum veto*, but also because the officers of the state were able to keep their “Employ” for life in most situations—and thus not be held accountable for their actions.

Poles were disquieted by the side-effects of the unanimity rule as well. In one of Lukasz Opaliński’s dialogues, the proponents of different political ideals agree on at least one thing: “the disorder in our Parliaments… increasingly grows prominent to the greater shame and disgrace of our nation, and what is more, to the ultimate

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361 “The Poles are too proud a Nation to agree with those Politicians that measure the Grandeur of a Prince, and Happiness of a State, by the Despotic Power of him that Governs it… This vassalage would suit well enough with the Slaves of Asia and Africk, or with the Moscovites and Turks, who all suffer themselves to be govern’d like Beasts, and led by the Nose according to the different Caprice or Pleasure of their Prince.” Bernard Connor, *The History of Poland in Several Letters to Persons of Quality Giving an Account of the Ancient and Present State of That Kingdom*, ed. John Savage, vol. 2 (London: D. Brown, 1698), 10-11.
362 Ibid., 21.
imperilment of our fatherland and our freedom”. The memoirs of Jan Chryzostom Pasek, covering a good part of the second part of the 17th century, offer a picture of Poland-Lithuania’s accumulating internal dissensions and external threats as much as they represent a manifesto of classical republican principles. Yet even though Pasek was a staunch defender of the Golden Freedom, neither he, nor his contemporaries shied away from pointing out the problems that the exercise of liberum veto was already starting to pose:

As it is through frequent, unfounded, and illegal vetoes that the Diets are dissolved and, being cum summo Reipublicae detrimento we commend their honorable lordships, our deputies, above all to find a modum concludendi the Diets, of limiting such vetoes by firm law so that we might once again bring a session to a successful end.

And yet, the unanimity rule continued to be applied to the proceedings of Polish-Lithuanian Sejms until the Commonwealth ceased to exist; the reason for that must be sought in the mystical and political significance of this principle. Decisions that were based on the unanimity rule were considered to be directed by divine providence and they were supposed to result in the discovery of the truth; only thus could men reach the certainty that they were doing the right thing. The unanimity

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rule endured well into the early modern period in Norway, Sweden, and Denmark, whereas Aragon employed a device called *dissentimiento*, which was very similar to the Polish *liberum veto*.\(^{365}\) In papal elections, even after the introduction of the majority rule, election by “acclamation” or “quasi-inspiration” was still considered superior to “compromissum” and “scrutiny,” which were supposed to be used only in cases of disagreement among electors. The fact that neither “acclamation,” nor “compromissum” was much used in Church elections after the more practical two-thirds rule had gained acceptance, did not change the fact that election by acclamation was regarded as the closest possible way of channeling divine inspiration.\(^{366}\)

That was why it had been deemed not only preferable, but necessary to apply this logic, at least in appearance if not in actuality, to the elections of monarchs, in those places where monarchs—be it the Pope, the Emperor, the king of Hungary, Bohemia, Poland-Lithuania, or the prince of Transylvania—were elected: if a multitude reached consensus about a difficult matter such as this, then it can truly be said that God’s will was manifest in the result—and God’s will had to be manifest; otherwise the king’s majesty would be dented.\(^{367}\) From this point of view, elected

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\(^{366}\) The Fourth Lateran Council of 1215 listed all three methods as acceptable options for all Church elections. “Compromissum” consisted in designating, out of the total number of electors, a small commission to whom the final decision was deferred, if repeated failures to reach consensus had made unanimity unlikely. By the fourteenth century it had fallen into disuse and was only acceptable in case of scrutiny failure. See Colomer and McLean, “ELECTING POPES,” 6, 15.

\(^{367}\) Royal majesty was generally understood in monarchist literature to be the expression of the king’s connection to God. “You see the image of God in the king, and you have the idea of royal majesty.”
kings were not much different from hereditary monarchs: in both cases they were seen as having been appointed by God, regardless of whether the appointment had been done directly through heredity or indirectly via *consensus populi*. It was only the manner of making that appointment apparent to the members of the body politic that differed—in hereditary monarchies, by birth; in elective ones, by the “call (vocatio) manifested by the Holy Spirit in the hearts of all men.”

Both Maximilian II and Stefan Báthory referred to their almost simultaneous elections in 1575 as acts of providence, predestination, or will of God, without paying the slightest heed to the possible contradiction contained in the conundrum of a double election; by necessity, if one camp was right, the other was wrong, as God surely would not appoint two kings for one kingdom. “You and any others who are opposed to this election and to its result are turning your backs on the divine will,” is Maximilian’s warning to those responsible for announcing Báthory’s election in December 1575. Báthory, in turn, declaims the minute he sets foot on Polish soil that

Jacques Benigne Bossuet, “Political Treatise,” in *Readings in European History*, ed. J. H. Robinson, vol. 2 (Boston: Ginn, 1906), 276. However, the Roman understanding of majesty placed it with the people, whence it emanated onto the king. Jean Bodin uses the Roman definition of majesty in his *Six Books of the Commonweale*.

Record of Stefan Báthory’s election dated 15 December 1575, in VC 339. A similar reasoning was used in the resolution of the Jędrzejów assembly from February 1576: “Igitur rationibus istis consideratis, quia/ isto saeculo Deus non monstrat digito reges creandos, sed corda voces/que multorum per inspirationem inclinet, voxque populi divina esse/ censeatur, et legum patriarum praescripto, non unius hominis renun/ciatio, alteriusque promulgatio, sed omnium consensus pareat regem/ adversariorum etiam regis designatio privato, illegitimo, non circum/scripto, vallato, publicatoque et publica pace firmato, loco, neque debito/ aut ordinato tempore, citra infinitae multitudinis equitum voluntatem fieret,/ praesenti quoque conventu perversus et seditiosus successus condemna/tus, Annaeque et Stephani renunciatio cum toto processu approbata.” Diploma Andrejoviensis Conventus, 4 nonas Febr. 1576, in Bibl. Czart. TN 85 (1576), 77-78; also: “vox populi, vox Dei est” in VC 345 (Jędrzejów, 1 February 1576)

Bibl. Czart. TN 84, 331.
“it was neither the ambition to rule (ambitio regnandi), nor the desire to master (cupiditas dominandi) that brought me to Poland, but predestination [and] the will of the most sacred and all-powerful God, so that I can be of help to you in [the midst of] so many disturbances and discords.”

b) Warsaw 1575: the making of a double election

The process of miraculously getting from twelve to twenty thousand excited noblemen to hear the same call in their hearts and agree upon one candidate from among half a dozen that had all promised money, military help, and justice has been described as one of “collective intuition,” a phrase that certainly captures the chaos and confusion that reigned in December 1575 on the Wola field outside Warsaw. This is not to say that there was no logic involved in the process; on the contrary, both the senators’ and the nobility’s debates were nothing if not prolonged sessions of collective reasoning. Yet reasoning did not get very far in the Commonwealth’s second election. The extensive comparisons between the pluses and minuses of each candidate and the concern with the new laws of the country that had occupied much of the previous election were replaced with more intense security worries and more pronounced rivalry between the two main camps: pro-Habsburgs

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370 Bibl. Czart. TN 85, 56 ( Báthory’s response to Orzechowski’s welcome speech at Przemysł, 11-14 April 1576). Also printed in Szádeczky, 394.
371 These were the numbers estimated by historians for the elections of 1575 and 1587. See Dubas-Urwanowicz, Koronne Zjazdy Szlacheckie, 293; Dziegielewski, Sejmy Elekcyjne, 71.
372 Davies, God’s Playground, 254.
373 See the tables of commoda and incommoda discussed in Chapter 2.
and Piasts. As one contemporary observer writes, “just like earlier, so too now, the parties were the same, but their agitation and stubbornness was greater… There was some talk in passing about the defense of the country at the beginning, but nothing about laws and liberties.”\(^{374}\) This phenomenon was perhaps to be expected: the candidates as well as the broad issues that the estates wanted solved were essentially the same as in 1573, but the legal and political circumstances had changed. Only weeks before the election assembly was supposed to be opened, a Tatar raid had caused mayhem in the South-East of the Commonwealth, radicalizing the opposing camps because it strengthened the szlachta’s fear of the Porte’s retaliation in case the new elected king was to be either a Habsburg or the Muscovite.

**Overview.** The election Sejm opened on the 7\(^{th}\) of November with fasting and a mass led by the Archbishop. During the first few days, as the electors were still arriving, nobles from the South-Eastern palatinates arrived with terrible news of Tatar attacks. The envoys of the foreign candidates also made their speeches in front of the common assembly, after which the voting started. The senators expressed their opinions, one by one, between 18 and 22 November. There was only one round of nominations and no interruptions, except for the clamor caused on the first day by the Ruthenian nobles, who insistently requested that a commission be formed immediately to organize the defense of the South-Eastern part of the country, which

\(^{374}\) Heidenstein 182-183.
was done after some much protested delay. The rules of debate in the Senate emphasized individual opinions; that was the closest that the Commonwealth would get to counting individual votes. Yet if agreement could not be reached after all senators expressed their thoughts (“without repeating what was heard before”), two more methods of deliberation were provided: first, each camp could select representatives, who would then defend their respective positions in such ways as to convince as many voters as they could by the force of sheer argumentation, as had in fact happened at the first Sejm that convened in Warsaw after Henri’s departure, when the issue of proclaiming the second interregnum was examined. Another method, similar to the ‘compromissum’ used in the last resort by the College of Cardinals, allowed for the selection of representatives for each category of senators (two for the bishops, three for the palatines, four for the castellans), who would then decide for the rest, without specifying the rules of voting for this restricted assembly.

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375 Orzelski 392-393.
376 See for instance the sheet of calculations based on the votes that the senators expressed between November 18 and November 22 in Szádeczky, Báthory István lengyel királylyá választása, 320-322 (dated wrongly November 18-21), probably scribbled down by one of Maximilian’s agents, which shows, without going into the details of the debates (as Orzelski does) only the preferences expressed by each senator on the four days of the Senate deliberations. At the end, the votes are added to show the total number of supporters for each candidate; the total numbers do not actually correspond to the individual votes; see below.
377 For the 1575 election, see “Porzdek konwokacji,” 27 August 1574, in VC 336.
378 The medieval House of Lords used a similar procedure. Bracton’s thirteenth-century treaty on the laws and customs of England mentions the possibility that the peers may select a few, and those few, even fewer (up to one) of their own in order to determine their council to the king in “difficult cases,” particularly if civil war was impending. That method, however, was only meant to alleviate decision-making in situations when reaching absolute majority—not unanimity—was difficult. See Bracton cited in Konopczyński, Le Liberum Veto, 57.
The second and third methods were not applied, since a majority of senators—although by no means all of them—followed the preference expressed by Uchański and most of the senior senators for the Austrian candidates. When their voting ended, more than one-third of the Senate supported non-Habsburg candidates; the pro-Habsburg votes were divided among Maximilian (20), archduke Ernest (13), and “the house of Austria” (4). Both the pro-Habsburg and the Piast (12) camps had some difficulty in uniting their front in favor of one clear contender. Seven senators voted for the Duke of Ferrara, four nominated the king of Sweden, three mentioned Anna Jagiellonka (either alone or in matrimony with Ernest), there was one vote for Rosemberg, another one specifically against him, and one lonely mention of Báthory (as an alternative to the Duke of Ferrara). After the voting ended, Crown Marshal Andrzej Opaliński summarized the votes by focusing on the two most popular options—Austrian and Piast—and discarding the rest. He entreated the Piast supporters to join the majority of the senators who were for the House of Austria and particularly for Maximilian, whose nomination Uchański had so unequivocally pronounced. In the end, those senators who did not identify with the Archbishop’s determination to nominate Maximilian eventually joined the nobility of 

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379 Laureo’s own vacillations illustrate the dilemmas of the Caesarist camp: although he thought Archduke Ernest was a more viable candidate, the nuncio ended up advocating Maximilian’s candidacy, primarily due to the Pope’s request, but also in response to his impression that the Emperor was more popular than Ernest in the Commonwealth. See Chapter 2.

380 Sources and historians contradict each other on these exact numbers; the main reason is the manner of voting (which allowed expressing support for more than one candidate). See below (“approval voting”) for more details.
their respective palatinates in order to oppose the election of a Habsburg and ended up supporting, after Uchański’s short-lived victory on December 12, Báthory’s candidacy.

The general assembly of the nobility voted after the senators were done. The first round of voting was held between 23 and 30 November; on the last day it became apparent that the majority of nobles leaned in favor of the Piast option, although the Austrian candidates, as well as Ivan IV, the Duke of Ferrara, and Rosemberg also had their supporters.\footnote{See Sejm Marshall Sienicki’s speech wrapping up the votes of the szlachta in Orzelski 441-444.} There were no categorical rules of debate, except the rather vague precedent of the previous election, which had been mentioned as a model already at the Stężyca Sejm. On November 17, before any deliberations started, the nobility of the Sandomierz palatinate had proposed that the szlachta express their preferences by palatinate, as had been done in 1573. The Lithuanians and Prussians, on the contrary, tended to express their opinions as whole provinces, rather than by palatinate, whereas the most important towns (Cracow, Poznań, Gdańsk, Toruń, and Elbląg) sent their own delegates, who generally stood by the nobility of their own regions.\footnote{The delegates of the towns are mentioned by Orzelski on pp. 390 and 415.} Nobles first discussed their votes within their respective województwa and usually followed the opinions of their formal or informal leaders, be they starostas, castellans, or even palatines (if the latter chose to join their palatinates in the common assembly or the subsequent secession).
On the first day of voting, all nobles assembled together in a great crowd, in an atmosphere that did not exactly encourage much reflection:

The noise was unbelievable; the moment somebody said something that pleased the szlachta a great deal, they immediately started shouting. Those who were further back, not knowing what was going on, shouted even louder, and all the others joined in, or else they had to give in to [the power of] numbers and force.\textsuperscript{383}

The palatinates probably followed the same combination of methods mentioned in the case of the Senate, whereof the weightier part would determine the rest to stand by the same preference and thus reach consensus. Sometimes, consensus was hard to reach even within palatinates. The Masovians, for instance, needed an entire day of separate deliberations among themselves to decide what their common position should be.\textsuperscript{384} The difficulty to level disagreements among Masovians was most likely connected with their large number, which illustrates once again the difficulties involved by the application of the unanimity rule to big assemblies. The Poznanians and Kaliszians, on their part, were divided between Piasts and “Austrians” on the first day of voting, and although there was a clear majority in favor of the Piast option, they elected speakers for a debate between the two most popular positions.\textsuperscript{385}

\textsuperscript{383} Heidenstein 206.
\textsuperscript{384} See Orzelski 435-436.
\textsuperscript{385} Orzelski 415.
On the 1st of December, the two chambers came together in order to deliberate in common, according to the rules, but the conflict over the Habsburg candidates, whom the Archbishop and most of the senators supported, and to whom most of the nobility was strongly opposed, made consensus and even compromise impossible. The result was that, on the following day, most of the nobility separated itself from the pro-Habsburg, mostly senatorial camp, thus breaking the common assembly in two. This was done, according to Heidenstein, immediately after the speech of the Piast camp (delivered by Mikołaj Sienicki), which asserted the unwillingness of the nobility to accept a foreign king, and particularly an Austrian. The nobility separated without waiting for the Senate to make a reply, but also without leaving the “legal” election place that had been established in the convocation letters, namely, the field outside of Warsaw, nearby the village of Wola. The “secessionists”—i.e. the “Piasts” as well as some who claimed to support Ivan—simply moved over to one side of the field and away from the “Caesarists,” employing a tactic that had been used at the previous election as well. Back in May 1573, those who opposed Henri’s candidacy left the election field entirely and went to nearby Grochów, promising to come back only if certain conditions were introduced among the articles that the new king was going to have to confirm. Secession, although strictly illegal, was a way of bending the unanimity rule and the *nemine contradicente* principle to one’s advantage, not with the aim of

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386 Heidenstein 222.
breaking the election, but as a “negotiating” device meant to force a compromise with the rival faction.

In December 1575, however, the negotiations that ensued after the szlachta’s secession ended in complete fiasco. The nobility did concede, after approximately a week of back-and-forths between the two factions, to accept any other candidate that the Senate would propose as long as he was not a Habsburg, but this accomplished nothing. The pro-Austrians, instead of letting their hand be forced by the nobility’s contradictio, not only refused to compromise, but, quite to the contrary, they seceded as well. Archbishop Uchański led the pro-Habsburg faction, which amounted to little more than half of the Senate and several dozens noblemen\textsuperscript{387} out of the election field and onto the other side of Warsaw, close to the royal stables in Nowe Miasto. He then sent a delegation formed of two palatines (Kostka and Mielecki), Crown Marshal Opaliński and “a few castellans from Ruś” to those who had remained on the election field, with the request that they accept the Austrian Emperor as their king, for the “love of the fatherland and the public good.” Evidently Uchański had little faith in this delegation, since he proclaimed Maximilian II king of Poland-Lithuania before the sun was set, without waiting for the return of the negotiating

\textsuperscript{387} Dubas-Urwanowicz, *Koronne Zjazdy Szczechanie*, 301. It is interesting that not all 36 senators who nominated a Habsburg candidate at the first round of voting ended up signing Uchański’s nomination of Maximilian. (Dziegielewski estimates that the pro-Habsburg faction that followed Uchański on December 12 numbered a few hundred noblemen in total; see Dziegielewski, *Sejmy Elekcyjne*, 71. These nobles were mostly from the palatinates of Rawa and Płock. After the departure of their pro-Habsburg brothers, the remaining Ravenses voted for Báthory; the Plocenses for a Piast king or Anna Jagiellonka. See Orzelski 474.
The Caesarist party soon broke off; Uchański, joined by bishop Myszkowski, proceeded to sing a hasty and fearful *Te Deum* behind the closed gates of the royal castle in Warsaw. The following morning, those who had remained on the election field (mostly nobles from Little and Great Poland) gathered in protest against Uchański’s decision and counted their votes again, palatinate by palatinate, fully determined to not recognize Maximilian’s nomination but to finally oppose it with a definitive candidate of their own.

Most accounts paint a rather homogenous image of the two camps—one was pro-Habsburg, the other pro-Piast (and anti-Habsburg)—but the situation was more complex and certainly more confusing, as shown above in the context of the Senate’s votes. On December 13, only one day before they were to reach the decision that would make history, the voters who were left on the election field expressed their preferences for the following candidates: the tsar of Muscovy (three palatinates); a “native, or, if not possible, then a foreigner,” (two palatinates); Stefan Báthory (three palatinates); the “Infanta” Anna in association with a Piast tutor (three palatinates); “a native, or the Muscovite” (one palatinate); “a native, or the Infanta” (one palatinate); “a native only” (one palatinate). The representatives of one county did not express any identifiable preference, and those of one palatinate were “disgusted with these delays.” As far as the Piast nominees were concerned, they had already

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388 Heidenstein 223-224.
389 Orzelski 470.
390 Orzelski 474.
proved that they did not have what it took to be the Emperor’s rivals: on December 9, when confronted by the Archbishop on the subject of their possible nomination by the nobility, both Jan Kostka, palatine of Sandomierz, and Andrzej Tęczyński, palatine of Bełz, had declined to take this burden on their shoulders.

Kostka and Tęczyński did the same on December 13, when the nobility urged first one, and then the other to accept their nomination. Tęczyński’s answer expresses the difficulties involved in the job: “not even Solomon could keep the reins of Poland in such discord.” Following this response, the nobles of Poznań and Kalisz—the two palatinates that had not specified their preferred candidate (“a native, or, if not possible, then a foreigner”)—decided to move in support to Báthory. Two speakers from Great Poland protested at Báthory’s vassalage to the “Turk” and—mockingly perhaps—proposed Maximilian instead. At that moment, seeing that the debates were going down a dangerous path, Piotr Zborowski suddenly intervened and interrupted the quarrel that had ensued between the two speakers and some of the nobles from Ruś; he warned them and everybody else that their discord was only helping the Emperor take hold of the country. Zborowski’s intervention indirectly tilted the balance in favor of Báthory, since it silenced those who were most opposed to his candidacy: “in that way, the Transylvanian had the part [that was] greater, both in number and in importance” (maiores et numero et pondere partes). Seeing that a majority had been formed, Stanisław Szafraniec, castellan of Biec (Cracow palatinate), stepped in and started urging the remaining nobles who
were still against Báthory to “change their minds for the sake of concord” (*studio concordiae*), which the Krakowians did at that very moment. Immediately afterwards, Jan Zamoyski and “his three palatinates” (Bełz, Podole, and Ruś) followed course and “crossed over to that same part,” and so the tables were turned. Some of the Masovians, who did not agree with any other candidate but a Piast, and who were probably the most numerous group on the field, continued to oppose the decision to elect Báthory and “did not participate in the consensus.” Eventually they agreed as well, but only upon the condition to unite Anna and Báthory in marriage and thus mitigate the reality of electing a foreign king by adding a Piast element to the mix—an idea credited by Heidenstein to Zamoyski and by another source to Piotr Zborowski, and which might have seemed inspired at the moment, but considerably less so in the light of the relationship that the two forged later on.

The following day, after a positive response from Anna Jagiellońka, the nobility cried for Báthory as one man:

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391 Dziegielewski estimates that the Mazovians amounted to about two thousand in 1575, and generally ranged between 26% and 35% of the total number of nobles present at elections throughout most of the seventeenth century. See Dziegielewski, *Sejmy Elekcyjne*, 73-74. This phenomenon can simply be explained by the fact that elections were held in Masovia (outside of Warsaw). The costs and fatigue (as well as the cold, if elections were held in wintertime, as was the case in 1575) involved in attending an election Sejm deterred many nobles from participating.

392 Orzelski 474-475.

393 Heidenstein 225.

394 See diary of election assembly credited by Wierzbowski to Giovanni Simonetta, one of Archduke Ferdinand’s envoys to the election, in Wierzbowski, *Dwie kandidatury*, 281.

Then Sennicius [Jan Sienicki, Marshal of the Sejm], at everybody’s behest—after he had asked three times the assembly if they wanted Stefan Bathoreus, the Transylvanian Prince, to be king, and they had all unanimously agreed—said: “I pronounce Stefan Bathoreus King of Poland, upon the condition that he marry the Infanta Anna.”

What happened afterward is the stuff of diplomacy and expediency rather than that of deliberative politics. The Crown nobility attracted more adherents to their December decision and confirmed it in January 1576, at the Jędrzejów Sejm. Maximilian’s delay in formally accepting the crown, in spite of Laureo’s and other “Caesarists” desperate entreating to do so as soon as possible, and Báthory’s swift reaction—the Transylvanian voivode was already entering the country in March—determined the final resolution of this double election, although not without bloodshed.

Unanimity and public voting. The sequence of events described above shows that unanimous decisions in Polish-Lithuanian elections were in fact a combination of deliberative methods. In the early phases of an election Sejm, both in the Senate and in the lower chamber, a scrutiny based on an informal and rather flexible majority rule was used; acclamation was only the last stage of a long process of assessing the

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396 Orzelski 476.
397 See the following chapter for instances of refusal to recognize Báthory’s election even after his coronation, and the practical and theoretical implications thereof.
opinions of the majority and cajoling the rest to join in. Unanimous elections were certainly not miracles that happened out of the blue in the midst of an anomic assembly that mutely raised their hands (or scribbled down their votes) in favor of one candidate or another, and then discovered that all had voted for one.

In this context, the second crucial characteristic of the suffrage in Poland-Lithuania, besides the unanimity rule, was that voting was public, or “aloud.” Unlike papal and imperial elections, as well as many categories of municipal voting, which by the sixteenth century already employed variations of the Athenian, Roman or Venetian secret ballot, in Poland-Lithuania, just like in Transylvania, voting was conducted in an atmosphere of ongoing debate. All electors had the right to defend their position with a speech (votum), and, in case of consistent disagreement, several rounds of voting took place before a final decision was reached. If the diversity of opinions was too great, the most politically active politicians would go around the field and harangue the brothers of other palatinates until more and more supporters joined one side or another. The debates in the Senate were naturally more orderly—there were fewer people involved, after all—and consensus was more easily reached there. In principle, however, they functioned in the same manner in both chambers of the Sejm: voting would go on until the stronger argument (or camp) won the upper hand. The Marshals of each chamber (the Crown Marshal and the Marshal of the Sejm) were the ones whose job it was, officially, to urge

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398 The meaning of votum in this context is closer to “opinion” than to “vote” in the modern sense.
dissenters to bend to the opinion of the majority and reach consensus. They also led negotiations between the two chambers or seceding camps—as was the case in December 1575, when not only Marshals Opaliński and Sienicki, but also Zamoyski, on the noblemen’s side, as well as Krasiński, bishop of Cracow, Mielecki, palatine of Podole, and Kostka, palatine of Sandomierz, on the senators’ side, went back and forth between the two camps attempting (and failing) to convince the others.

Words like “unanimously,” “consensus,” and “concord”—heavily used by the proponents of both camps and symbolically enacted in the custom of acclamation—are somewhat misleading, because they suggest a system in which everybody had the same opinion, which is perhaps possible in smaller assemblies like the Senate but an unattainable feat in gatherings of thousands of people. For this reason, the principle of unanimity seems strange to modern minds—to have a mass of people upholding the same decision, to the last man, is unthinkable in the age of the secret ballot. In the context of sixteenth-century consensual politics, however, the unanimity rule did not imply that large masses of men could hold identical opinions, but rather that they were capable of changing what opinions they had. Thanks to the grace of God, the civic virtue of men, and the power of the rational arguments that were bestowed upon everybody by the wisest members of the community, good
citizens were expected be able to reduce the initial multiplicity of opinions to that which was the best attainable one.\textsuperscript{399}

The citizens of the Polish-Lithuanian Commonwealth, although attached to the somewhat inflated language of Roman republicans, seemed in reality closer to the spirit of Aristotle’s more sedate “best likely regime.”\textsuperscript{400} The tone of the debates and the type of down-to-earth arguments used during voting suggest that nobody really thought that the final outcome of the election would be the embodiment of their best hopes and the solution to all public problems. On the contrary, many electors were acutely aware that elections were based on compromise and were ready to exchange what they believed was best, for what they understood was possible: “the Posnanians and Kaliszians wanted a native to be elected, but if that were not to happen, they promised to support a foreigner…” “Mikołaj Tomicki [said]: I do not expect a foreigner to be elected, nor do I doubt that a native will be [chosen]… but if it comes to a foreigner, I would rather have the Emperor than Báthory.”\textsuperscript{401}

Perhaps this type of flexibility was less of a reliance on the sixth book of the \textit{Politics} than a de facto (if not yet discursive) transition to the Tacitean “rhetoric of necessity,”\textsuperscript{402} but the reality of the matter is that the unanimity principle functioned,

\textsuperscript{399} The practice has not completely disappeared from modern electoral politics: a similar thinking is applied in American party conventions when a delegate from the losing side moves that the party nomination be made unanimous.

\textsuperscript{400} Aristotle, \textit{The Politics}, ed. Carnes Lord (Chicago: University of Chicago Press, 1984), Book VI.

\textsuperscript{401} Orzelski 474-475.

at least as far as royal elections were concerned, like a closeted majority rule: concord was achieved only after those who disagreed eventually gave in to the power of the stronger part—usually when they realized that they had no chance to win. When those who had initially disagreed with the stronger or more persuasive camp eventually accepted their defeat, the result was “consensus.” That obviously did not mean that the original dissidents changed their inclinations entirely, but rather that they were ready to concede victory to those who held a more viable position—ideally after having modified that position to accommodate some of their own preferences as well, as had been the case with some of the Henrician Articles in 1573 or the marriage clause in 1575. The essence of the rule of unanimity, therefore, was not that all agree, but rather that, eventually, nobody disagrees—regardless of the fact that in the end, many might wish a different solution had been reached. This was the basic assumption of the nemine contradicente principle, which would become better known as the liberum veto in the seventeenth century. Nuncio Laureo, in his summary of the events on May 26, 1575 at the Stężyca Sejm, perfectly illustrates this

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403 Hilary J. Bernstein reached a similar conclusion in “The Benefit of the Ballot,” 625. Bernstein’s article argues—accurately, in my opinion—that the role of influence (i.e., the influence of the powerful and/or wise) in decision-making was not perceived negatively in early modern political thought, except in situations where elections results were contested. See also Bernstein’s book Between Crown and Community: Politics and Civic Culture in Sixteenth-Century Poitiers (Ithaca: Cornell University Press, 2004), especially chapter 2, “Public Politics and the Need for Consent.”
idea: “the election decree was read out loud by the Crown Marshal [first] in the
senate and then in the yard, to the nobles, without contradiction.”

In an article on the liberum veto, Andrzej Wyczański argues that the
unanimity rule made sense in a world where numbers simply did not matter in the
same manner that they do today; in early modern societies, a minority was not a
minority if it contained the most important or, I would emphasize, the most vocal
people in the country. Wyczański’s perspective is certainly accurate; it was only after
the general acceptance of liberal principles in politics that voting became universally
understood as a lonely process in which rigorous limits were placed on the tactics of
persuasion employed by candidates and fellow citizens alike, and where each
individual vote was to become eventually anonymous and—by necessity—had to
weigh as much as the next one. However, as tempted as one might be to restrict to
the English seventeenth century the development of liberal principles and (what I see
as) the related gradual increase in the seduction of the secret ballot, it must be

404 Laureo 205, letter from May 28, 1575 (about the Stężycy Sejm). My italics.
405 Andrzej Wyczański, “Le phénomène de l’unanimité: Quelques réflexions sur le liberum veto en
Pologne”, in Daniel Tollet, ed., L’Europe des Diètes au XVIIe Siècle: Mélanges Offerts à Monsieur le
406 Weighted voting survived well into the modern era in some polities (in Imperial Germany, for
instance, it remained in effect until the beginning of the twentieth century).
407 Charles I banned the use of ballot boxes by any company or corporation within the city of London
in September 1637, which shows that the practice was becoming popular at the time. Charles Gross
was one of the first historians to point out that secret voting had been in use in England at least since
the 16th century, particularly in municipal elections, although it was not applied to elections to the
American Historical Review 3, no. 3 (April 1898): 458. Charles II was also opposed to the method,
which was apparently applied in the Scottish Parliament in the early 1660s. H. H. Asquith, “The
Ballot in England,” Political Science Quarterly 3, no. 4 (December 1888): 655. (The two articles cited
above are an illustration of the heightened interest that British scholars took in the issue of the secret
noted that anonymous voting had also been practiced, both in ancient and early modern times, in contexts that may be seen as overwhelmingly republican or at least structured on the model of Aristotelian or Polybian mixed constitutions. Athens, Rome, Florence and Venice, and many French and English municipalities all employed it in a number of versions, to say nothing of papal and imperial elections; in all of these instances, the secret ballot was—and had to be—combined with various versions of the majority rule.

It is fair to say, however, that in the sixteenth century, voting was a long way from becoming universally accepted as a “private” matter, particularly in polities where the unanimity rule was still in place, such as Scandinavia and Central Europe. As far as political theorists were concerned, although some of the classical and early modern republican writers allowed for majority voting, they

\[\text{ballot after a bill requesting that the method be introduced in Parliament was passed in 1872). Mark Kishlansky examines the increasing popularity of polls and the related “depersonalization of the process of parliamentary selection” in Parliamentariy Selection, 20-21, 116, 182.}\]

\[\text{408 A fundamental difference should be noted, however, between the secret ballot and the election (or rather, selection) by lot. See Bernstein, “The Benefit of the Ballot,” 626.}\]

\[\text{409 The secret ballot was already being used in papal elections by the sixteenth century; for elections of the Holy Roman Emperor, see Nicolas of Cusa’s proposal for a system that was supposed to make the Electors’ written votes unidentifiable, in order that they could “act with greater freedom and general harmony.” Ibid., 627.}\]

\[\text{410 Harrington’s advocacy of the secret ballot as practiced in Venice is one extra proof that he was not a “classical” republican, but rather a “liberal” one. See James Harrington, The Benefit of the Ballot: With the Nature and Use Thereof: Particularly in the Republic of Venice ([London?], 1680). Harrington’s indebtedness to Hobbes and his “liberal republicanism” is argued by John A. Wettergreen in “James Harrington's Liberal Republicanism,” Polity 20, no. 4 (Summer 1988): 665-687.}\]

\[\text{411 Gross cites extensively from seventeenth-century (and later) municipal regulations that use the adverb “privately” when describing the various methods of voting by ballot. See Gross, “The Early History of the Ballot in England,” 459-461.}\]

\[\text{412 See Konopczyński, Le Liberum Veto, particularly chapter 8.}\]
tended to be more cautious about the secret ballot. The practice was defended by Contarini in his apology of the government of Venice, but had been only partially supported by Cicero, for instance, who agreed that the “lower people” would feel freer to vote anonymously, but that they should be obliged by law to show their ballot if anybody asked, in order to induce a certain sense of civic responsibility to the common voter. Montesquieu believed that the methods of suffrage had to be harmonized with the form of government of each polity: public voting for democracies, and secret voting for aristocracies. \(^{413}\) In general, theorists saw the secret ballot as a way to limit the power of “influence” in politics, but they also recognized that it was particularly prone to illicit behavior. By contrast, although public voting allowed the powerful to influence the weak and sway their opinions, it also limited the possibilities for electoral fraud. \(^{414}\)

As far as Poland-Lithuanian elections were concerned, the secret ballot would have made no sense in a system where voting was synonymous with deliberating and represented a public act by excellence. Persuasion was not reserved to candidates alone, but it was practiced by voters with as much gusto—if not even more—much to the likeness of regular parliamentary practices today, which liberal systems, however, do not apply to general elections. Surely enough, one of the consequences of the public character of Polish-Lithuanian elections was collective voting: entire


groups of people were influenced by the opinions of their local leaders and voted accordingly. They did not do so unwittingly: citizens expected to deliberate collectively and they strived for a final opinion that would represent them as a community, not as individuals. Naturally, there were always individuals who disagreed with their own communities, but the unanimity rule in combination with public voting aimed at ensuring that that they did so not by separating themselves from the rest, but by trying to persuade them of the righteousness of their opinion, knowing full well that if they did not succeed, their cause had no chance of winning.

Since votes did not (and could not) have equal weight in elections that were based on public deliberations—Piotr Zborowski’s opinions were certainly more influential than those of a country nobleman who owned one village and held no public office—the unanimity rule was also designed to ensure a certain degree of equality among the brothers of the Polish szlachta by counterbalancing the enormous influence of the elites with the possibility of dissent. 415 However, for “the good of the Republic,” and before the times when the liberum veto would become a fashion of sorts, dissenters were constantly urged to acquiesce to the position of the majority if they were not able to change it. The ethos of deliberations by public persuasion did, however, wane in the seventeenth century, when the ability to compromise seems to have been overrun by less flexible types of opposition. The events of 1652, when for the first time a Sejm was disrupted by an unexplained veto—was that the

dawn of the secret ballot and of “liberal republicanism” in Poland-Lithuania, perhaps?—shocked the entire Commonwealth and was a clear abuse of the system; the unanimity rule could only function meaningfully within the framework of public debate, which allowed each participant “to know and be known, show his parts and improve them.”

“Approval voting” and interaction on the election field. One aspect related to the consensual and public character of voting in Poland-Lithuania was that each elector had the right to specify several candidates in his “votum” (which is perhaps best translated by the word “nomination”): a preferred one, an acceptable one, and, in some cases, an unacceptable one (an “exclusion” vote). This procedure, which was also used in papal elections from the first half of the fourteenth century until it was finally abolished in 1621, is also known as “approval voting” in social choice theory: in contrast with categorical voting, approval voting “tends to promote consensual, relatively high social-utility winners… and it is relatively easy to implement. Although AV has some pitfalls… its advantages make it a highly desirable procedure for single-winner elections with more than two candidates—as in the election of

\[\text{Epimonus de Garrula’s complaint that the Venetian ballot did not offer the chance “to know and be known, show his parts and improve them” (in Harrington) was seen by Pocock as a valid criticism of Harrington’s “utopian mechanization of English politics.” Both cited in Alan Cromartie, “Harringtonian Virtue: Harrington, Machiavelli, and the Method of the Moment,” The Historical Journal 41, no. 4 (December 1998): 1005.}\]
What that all meant in the context of Polish-Lithuanian elections was that, during the several rounds of voting, electors could hear the opinions of their colleagues and subsequently change their leanings according to those of the majority, in order to reach consensus, thus making “early results resemble polls in mass elections.” Voting for multiple candidates made these changes easier and gave voters a chance to prevent the election of an undesirable candidate, either by using the “exclusion” vote or by specifying a second-choice candidate, thus increasing the chances of an acceptable candidate over those of an unacceptable one. In the context of approval voting, all the nominations received by a candidate mattered, regardless of whether they were first- or second-choices. Granted, exact numbers were never explicitly stated in public, but it was based on these more or less precise calculations that the Marshals of each chamber of the Sejm determined in which direction they were supposed to cajole the voters for the purpose of reaching concord.

Fifty-one senators voted between November 18 and November 22 but, because of the nature of “approval voting,” the total number of nominations amounted to sixty-four; there was one “exclusion” vote (against Rosemberg); and

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418 Ibid.
419 Ewa Dubias-Urwanowicz counts 54 senators who arrived to Wola in November (one of whom, the Rawski castellan, Miaskowski, died before the voting started). Combining Dubias-Urwanowicz’s information with my sources, I calculated a total of 55 senators (including the deceased one). Two castellans (Szafraniec and Sierakowski) refused to vote in the Senate and expressed their opinions in the assembly of the nobility. Of the 52 remaining ones, only 51 voted on 18-22 November; the Podole palatine, Mikołaj Mielecki, did not vote; the Konarski castellan, Śładowski, is mentioned as having voted for Ferrara in Orzelski, but not mentioned in the Austrian source published by Szédeczky. See
thirteen senators offered one or two alternatives to their first choice, “in case concord [is] difficult.”

The *szlachta* did not usually follow the preferences of their palatines, but were rather more easily influenced by junior senators such as the castellans. For instance, the palatine of Sieradz (Olbracht Łaski) supported Archduke Ernest on the second day of voting in the Senate, and then switched to Maximilian after his proclamation by Uchański on December 12. The castellan of Sieradz also voted for Maximilian on the third day of voting. At the end of deliberations in the Senate, seven other senators from this palatinate were on the Austrian side. By contrast, on November 26, the speaker of the “Siradienses”—a certain Sebastian Rudnicki—expressed suspicion at the senators’ preference; on December 13, the nobility from

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420 Summary of Łęczyca palatine’s vote on November 21, Ibid., 321. Remarkably, the source published by Szádeczky computes the votes erroneously at the end, after having listed all nominations (which, however, do not exactly correspond to Orzelski’s account, which gives more information about second-choices and includes the vote of one castellan—Śladowski, in favor of Ferrara—that Szádeczky’s source leaves out). In that anonymous note, the calculation at the end shows the following numbers: 19 for Maximilian, 12 for Ernest, 4 for the House of Austria, 8 for Piast, 5 for Ferrara, 5 for the king of Sweden, 2 for Infanta, 1 for Rosemberg (and the vote for Báthory is not mentioned), amounting to a total of 56 votes. I cannot discern a consistent method of computation, since for some candidates all expressed nominations are counted (including second-choices) and for some, namely the Piast and the Swedish candidates, only the categorical votes were counted, leaving out even those multiple votes that mentioned them as first choices. It certainly makes the Piast camp look smaller, but I am not sure what purpose this might serve, considering that the list of individual votes is visible just above these numbers, unless the author either counted on the laziness of the reader, or simply had poor arithmetic skills (a less likely, yet still plausible interpretation, considering that in our author’s calculation Maximilian ended up with 19, instead of 20 votes). Szádeczky and Bazylow come up with different total numbers but do not explain the method of computation used. See Louis Szádeczky, “L’élection d’Etienné Báthory au trone de Pologne,” in Lukinich and Dąbrowski, *Étienne Báthory*, 96; and Bazylow, *Starania Stefana Batorego*, 32. I consider Orzelski’s account to be more reliable, if only because it gives more detail of the actual debates. My calculations (in the text above) are mostly based on Orzelski, but take Szádeczky’s Austrian source into account as well, and also use Dubas-Urwanowicz’s survey of the senators’ attendance cited above.
Sieradz were the first to voice their preference for Stefan Báthory. Similarly, the palatine of Cracow (Piotr Zborowski) was in favor of Rosenberg on November 18, whereas on December 13, when final consensus about Báthory had not yet been reached, the Krakowians were arguing that the Muscovite tsar was the only one who could counterbalance the menacing weight of the Emperor. The castellan of Bełz (Jan Zamoyski), on the other hand, single-handedly determined the nobility of Bełz, Podole, and Ruś to shift their support from the scheme he had convinced them to support earlier (a complex arrangement featuring Anna as queen and one of the Piast nominees as her tutor) to Báthory on December 13, when the necessity of compromise had become obvious. Stanisław Szafraniec, castellan of Biec, (in Cracow palatinate) was also extremely active and proved to be remarkably persuasive on the election field throughout the debates and ensuing negotiations. At the very beginning of the election Sejm, some senators accused Szafraniec of having had something to do with certain counties in Cracow (which neighbored his own) having passed resolutions that threatened the nobles with punishment if they did not attend the election, which, Heidenstein writes, accounted for the large numbers of nobles present. Consequently, the voluntary character of the viritim election had to be reiterated and the resolutions of those particular sejmiki that attempted to force

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421 Orzelski 425 and 474; Szádeczy, Báthory István lengyel királylyá választása, 320.

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participation were annulled, in a move that certainly served more than one purpose on the Senate’s part.\textsuperscript{422}

The ambiguous position of the castellans between the Senate and the lower nobility is also illustrated by the refusal of two of the castellans, Stanisław Szafraniec (Biecki castellanate) and Stanisław Sierakowski (Kowalski castellanate), to express their votes in the Senate; they stated that they preferred to give their votes during the assembly of the nobility instead.\textsuperscript{423} Furthermore, after the szlachta’s secession on December 2, the first senators who decided to join the “secessionists” were six castellans (Górka, Potulicki, Szafraniec, S. Sierakowski, Wodyński, and Śladowski, who held the Międzyrzecki, Przemęcki, Biecki, Kowalski, Liwski, and Konarski castellanates, most of which were located in Great Poland).\textsuperscript{424} The anti-Habsburg palatines themselves (Zborowski—Cracow; Tęczyński—Bełż; Tarło—Lublin; and Jan Sierakowski—Łęczyca), even if they also disagreed with the rest of the senators’ preference for the Austrians, tended to disapprove of the nobility’s secession and acted initially as mediators between the Senate and the szlachta.\textsuperscript{425}

Orzelski offers a good example of szlachta leadership when he enumerates the positions of the more prominent noblemen from Great Poland on the first day of voting in the assembly of the nobility. He provides the names of seventy-two nobles,

\textsuperscript{422} Heidenstein 183.
\textsuperscript{423} Orzelski 409, 412.
\textsuperscript{424} With the exception of Szafraniec’s castellanate, which was located in the Cracow palatinate.
\textsuperscript{425} Orzelski 449-450. The mediating role of the palatines is underlined by Dubas-Urwanowicz in Koronne Zjazdy Szlachectie, 296, 300.
according to their preference: fifty-one in favor of a Piast king (including the two
deleagtes sent by the burghers of Poznań), sixteen in favor of the Austrians, two for
Rosenberg, two for the duke of Ferrara, and one for the Swedish king. There was a
“multitude” of others who supported either these candidates or others, whose names
Orzelski says it would be too “tedious” to write down. Among those whose names
were worth mentioning, on the Piast side, there were three castellans, one comes, one
pocillator, one tribunus, one prouiedex, and one prodapifer; on the Austrian side: the
praefectus of Great Poland, the Referendarius and Poznań’s dapifer; on Rosenberg’s
side: a praefectus; and for the Swedish king, a succamerarius (of Kalisz). The
delegates from Poznań were a “physician and astrologist” and a “doctor of
medicine.” The remaining fifty-nine mentioned were nobles without public office.
Later on, when some of the senators joined the nobility in the common assembly
(and after the first “secession”), their influence was noticeable in the debates, but
until then, it was rather nobles with lower offices or no office at all who dominated
the deliberations. 426

News about changes of heart in other palatinates would ripple across the field
and provoke a domino effect among the nobility, as indeed happened on that fateful
day of December 13, when the Poznanians and Kaliszians first, followed by the
Krakowians, and then by the nobles of Belz, Ruś, and Podole made up their minds to
support Báthory, although the impact that Zborowski, Szafraniec, and Zamoyski had

426 Orzelski 415.
on them cannot be overemphasized. The domino effect seemed to function—
primarily if not exclusively—according to a rather simple geographical principle (a
regional kinship of sorts) that is clearly discernible in the list of preliminary
preferences expressed by the nobility. For instance, at the first round of voting that
was conducted on December 13 among those who had remained on the field after the
departure of the pro-Habsburg senators and nobles, the neighboring palatinates of
Cracow and Sandomierz on the one hand, those of Poznań and Kalisz on the other,
and those of Sieradz, Łęczyca, and Rawa had grouped around common preferences:
the first supported Ivan IV, the second were uniformly vague about their favored
candidates (native preferred, foreigner acceptable), while the third group preferred
Stefan Báthory.427

Furthermore, quarrels during debates often had nobles from one region
confronting their “brothers” from a different region, particularly if questions of
security were concerned, as was the case with the argument ensued between some of
the nobles from Great Poland and the “Russians” (nobles from the palatinate of Ruś)
on December 13. Stanisław Kryski of Drobnin, castellan of Raciąż (in the Plock
palatinate), expressed his wariness at Báthory’s connection with the Ottoman Porte,
and warned that electing him might make Poland vulnerable to the Sultan’s control.

427 It seems that deputies from Cracow, Sandomierz and Lublin had made a habit of agreeing on
common positions at regular Sejms as well; at least that seems to be the case based on a sejmik
Mikołaj Tomicki, the son of Gniezno’s castellan\textsuperscript{428} (located in the Kalisz województwo) supported Kryski’s objection by retorting that he would much rather have Caesar as king, than Báthory—although he certainly preferred a native. The Ruthenians, on the other hand, had recently learned (the hard way) to be more concerned with the “Turk’s” wrath if they elected somebody that the Sultan’s czaus had expressly advised against, than with the danger of being included, along with the Transylvanians, under the Sultan’s banner. It would be precisely if the Emperor became their king, they exclaimed, that they would be forced to seek the protection of the Sultan, “if they wanted to keep their possessions safe.” Jan Sienieński, bailiff of Sanok (in Ruś) added a comment which beautifully illustrates the influence of geography on the interests of the voters and hence, their electoral preferences: “I would gladly vote for your candidate [Maximilian] if, having moved your own possessions to Ruś, I myself could stay in Great Poland, seeing as the Caesar is the neighbor of Poland and the Turk, that of Ruś.”\textsuperscript{429}

Regional alliances happened at the senatorial level as well. Before the election Sejm of November-December 1575, four of the most important Lithuanian senators (among whom there was Wilno palatine Mikołaj Radziwiłł and Trocki

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\textsuperscript{428} Orzelski 131 n. 3.
\textsuperscript{429} Orzelski 475. Sanok was actually closer to the Habsburg-controlled lands of Royal Hungary than to Ottoman or Tatar territories, yet that strip of neighboring Hungary was barely Habsburg, whereas the Ottoman presence beyond—in Central Hungary, Transylvania, and Moldavia—was certainly more palpable than that. The South-Eastern palatinates had been repeatedly affected by Tatar raids, one of the strongest of which had happened only shortly before the beginning of the election Sejm, in October 1575, and which had delayed the arrival of many of the Ruthenian nobles. See Orzelski 366-367 (opening of debates on November 7).
palatine Stefan Zbaraski) signed an agreement that they would support either Archduke Ernest or Maximilian’s candidacy, and that if there would be need to change their vote, they would do so together, “as one man;” they also promised to defend and stand by each other at the upcoming Sejm.\textsuperscript{430} Their votes in the Senate (18-22 November) indeed reflected this agreement\textsuperscript{431} and were also generally imitated by the minor Lithuanian senators (the castellans), thus presenting a united “Lithuanian” front in the Senate and in the Sejm at large. This was a phenomenon that was not guaranteed to occur in Great or Little Poland, where castellans often allied themselves with the \textit{szlachta} and went against the preferences of the more senior senators.

Beyond regional kinship, which was a combination of familiarity and common economic and security interests, every noble was as susceptible as the next to the entreatying of the most articulate agitators of the field, particularly Zamoyski and Szafraniec, but also some of the Zborowskis (Andrzej and Piotr in particular), Jan Sienieński, Stanisław Orzechowski, Mikołaj Tomicki, and others like them. The

\textsuperscript{430} AGAD, \textit{Archiwum Zamoyskich}, sygn. 3081, f. 77-78. (The document has no date; an archival note places it in 1576, mistakenly.)

\textsuperscript{431} Orzelski 402-403, 408; Wierzbowski, \textit{Dwie kandydatury}, 236-237; Szádeczky, Báthory István lengyel királylyá választása, 320-321. Szádeczky’s Austrian source is mistaken, in my opinion, to report that Mikołaj Talwosz, castellan of Żmudz and one of the signatories of the pre-election agreement, voted for the Swedish king on 20 November—not only because he was very unlikely to break his promise, considering the tremendous power of Radziwiłł and the fact that the Lithuanians had a more or less unified position, but also because, according to the two other sources, he actually voted for Ernest (Orzelski adds that he also mentioned Anna as Ernest’s wife). For the report of eight Lithuanian senators (including the four above) issued to the rest of the province after their return from Warsaw, in which they describe the election Sejm and explain their eventual support for Caesar, see AGAD, \textit{Archiwum Zamoyskich}, sygn. 3081, f. 79-85.
range of factors that determined voters’ opinions was quite complex, including not only economic interest (the fear of losing one’s property if the Sultan ordered a Tatar raid in retaliation for the election of a Habsburg), but also the public good, which was evoked when the larger issues of civil war and tyranny were concerned. It was often the job of a few orators to remind those present of their patriotic duties, appeal to their sense of solidarity with the Ruś nobility, as well as remind them of the more pragmatic goals of compromising for the sake of necessity—in this case, the necessity to counterpoise a viable alternative to the Senate’s unacceptable candidate.

The role of public orators was generally played by the most important members of the noble estate, but their weight greatly fluctuated according to each individual’s charisma, power, and sheer oratorical skill, the latter of which truly seemed to matter at times of large assemblies such as election Sejms. That explains why rhetorically gifted junior officials such as Zamoyski and Szafraniec could determine the choices of greater numbers of voters than “princes” of fabulous wealth such as Łaski were ever able to do. This aspect of Polish-Lithuanian politics was mostly ignored by the imperial and papal agents who had been working in favor of Maximilian’s nomination from the beginning of the interregnum, as their efforts concentrated almost exclusively on the most notable senators and they predominantly employed the logic of power and influence while neglecting the importance of the junior senators and their place among the lower nobility.
Sanior et maior. The language used in late 1575 and early 1576 to explain and justify the division of the Commonwealth in two uncompromising camps—the pro-Habsburgs and the Piasts—demonstrates both the theoretical and the practical implications of the unanimity rule, while qualifying Wyczański’s assertion that numbers did not truly matter in early modern societies. While it is true that nobody counted individual votes in the general assembly of the nobility, it certainly did matter if the majority of the palatinates leaned in one direction or another. As shown above, when “the greater part, both in number and in importance,” shifted their support to Báthory, the Piasts’ choice was made. Furthermore, when each camp justified their choice, they naturally minimized the rival faction, but, interestingly enough, they did so with arguments that focused not so much on the quality or importance of those who composed the other camp, but rather on their small number, while inflating their own. For instance, on 15 December 1575, the “Bathorians” wrote to Maximilian about the double elections in the following terms: “a part of the Senate and almost the entire nobility intended to elect a king of our own people and blood” but as that had not been possible, they had settled on Báthory and Anna; a few lines below, they let Maximilian know that his supporters had proclaimed him king, “against almost the entire nobility and a great part of the senate… [and] against our laws, according to which it is forbidden to proclaim the king if all do not agree.” On 28 December, Maximilian responded in kind:

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432 Bibl. Czart. TN 84, 297-298 (also printed in Szádeczky, Báthory István lengyel királylyá
As was sanctioned by the providence of God, to whom the
distribution of kingdoms belongs (except that you and a few other
senators, together with some part of the nobility, are trying to divert
His plans into different directions), not only the entire Senate,
together with a great number of Polish nobles, but also all
Lithuanians and Prussians who were present, by mature reasoning…
decided to favor us among all the other competitors to the point of
electing us unanimously, and [we] were nominated and solemnly
proclaimed by them, to whom this job pertains…

A German lawyer writing a short account of the election ten years after it happened
also used the word “majority” in his description of the event: “Emperor Maximilian
was elected Polish king with the majority of the votes.”

Despite functioning within the framework of consensual politics intensely
regulated by the unanimity rule, interestingly enough, in the context of a contested
election, both camps fell back not only on some sort of a de facto majority rule, but
they also justified the rightness of their choice by the sheer force of numbers—a
device that could arguably work only in a community based on egalitarian principles,
where the Senate, for instance, did not formally weigh more than the lower chamber
of the parliament, regardless of what the senators themselves believed should be the

választása, 339). My italics. The same language is used in the act of election dated December 15,
1575 (Volumina Legum 137). See also Orzelski 485-486.
434 Pamiętniki Milerowe, 2.
Although the events of December 1575 and particularly the secession of the senators who chose to leave the election field and nominate Maximilian away from the rest of the electors can certainly be assigned to the vision according to which the Senate should weigh more than the deputies’ chamber, the language used to publicly justify the move did not betray that logic and instead subscribed to the egalitarian logic of numbers. In order to legitimize their act, the senators did not emphasize their senatorial dignity, but rather the presence of the “many” noblemen who supported their decision, as well as the agreement of the representatives of the large Prussian and Lithuanian provinces.

Maximilian made a subtle point when he underlined that the Lithuanians and Prussians “who were present” had voted for him. In all truth, the two provinces together made up approximately two-thirds of the Commonwealth’s population and they conferred, at least nominally, great weight to the imperial camp. However, they were grossly underrepresented at the 1575 election, which is why the Poles found it easy to disregard the opinions of the few Lithuanians and Prussians who made it to Warsaw in November-December 1575. So few Lithuanians were present that, according to Orzelski, “if they voted by palatinate, following the Polish custom [and] as the Marshal of the Sejm demanded them to do, there would have been fewer persons than there are palatinates [in that province].”

By consequence, on

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436 Lithuania was composed of nine palatinates (województwa) and one duchy.
November 28 they insisted on voting as one entity in the name of the entire Lithuania.\footnote{Orzelski 437.}

The Prussians, on their part, sent two delegates only; on November 15, one week after the Sejm had started, the palatine and castellan of Chełmno made their appearance in the middle of the debates, interrupted Piotr Zborowski, who was delivering a speech, and expressed their wish to deliberate with the rest of the estates of the country in the name of all the orders of Prussia. Offended by their “arrogant” entry, Zborowski replied sourly that they were setting a dangerous example, and that it was unheard of—in Poland at least—to participate in the king’s election not personally, as it was pertinent, but \textit{in absentia} by the power of envoys and with “a piece of paper” while “staying lazily at home.” Zborowski added that the two newcomers could vote in their personal name only, one as palatine, and the other as castellan—and “all the others agreed.”\footnote{Orzelski 390.}

The same argument was repeated two weeks later as the nobility was preparing to make their final decision. The Lithuanians expressed their opposition to the idea of electing a Piast and requested, like the Prussians, the right to vote by envoys, considering that their numbers were too low to matter if they were counted \textit{virætim}. Stanisław Szafraniec, castellan of Biec, retorted that the law required that the king be elected in person and that such a serious matter can be accomplished neither...
by envoys, nor in private homes, but in a public place, “so as to be known that the creation of the king rests not on fear, but on wise council.”

Absentee voting was not allowed in papal elections either, a decision that “resulted not so much from expediency as from the idea that people were more apt to make informed decisions when they are together.” The issue also illustrates the ways in which the *viritim* rule could be used to influence election results in the Polish-Lithuanian context. According to Heidenstein, the supporters of the “Austrians” in the Senate established the date of the election Sejm very soon after they received news of Tatar raids in the South-East (October 1575) in order to make sure that the “Russians,” who were most vehemently opposed to the Habsburg candidates, would not be able to make it on account of having to defend their homes. The “Russians” did make it, albeit with some delay, but it is not clear to what extent the impression they made on the rest of the nobility was due to their numbers, the fact that they were simply there, the sense of solidarity they awakened with their pleas and speeches, their pure doggedness, or Zamoyski’s charisma alone.

As in the case of the Lithuanians and Prussians discussed above, there seemed to be a sense of how few was too few, but that threshold was probably higher for entire provinces such as Prussia and Lithuania and supposedly lower for individual palatinates.

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439 Orzelski 446.
441 Heidenstein 181-182.
It is quite telling that those who did make references to the quality (“better” vs. “worse”) of the opposed camp are foreigners who did not belong to the Polish-Lithuanian political system. A good example is the account of State Secretary Tolomeo Galli’s about Báthory’s advent to the throne of the Commonwealth, written a few years after the event:

If Maximilian had come to Poland quickly, he would have won the country without any difficulty, but his procrastination was the reason why Stefan [was able to] get there before him and secure its possession, even though he had been chosen by *la minore et peggior parte*; but it also helped that he had on his side Chancellor Zamoyski, a person of great authority, and princess Anna, sister of Sigismondo, late king of Poland, who favored Stefan with the intention to marry him later, as she did.\(^4^{42}\)

It is not surprising that a papal official would use such terms in describing Polish-Lithuanian electoral factions, considering the career of the “sanior et maior pars” artifice in papal elections. The argument, which had initially been used to justify the imposition of the opinions of a “wise” minority on a less enlightened majority, and subsequently changed to make the majority rule more palatable for the ethics of divine unanimity, presented a reservoir of ambiguities that the members of any competing faction could simultaneously exploit.

In Poland-Lithuania, however, this type of argument was almost never used, with the notable exception of Orzelski’s reference to the greater “number and importance” of those who had decided to support Báthory on December 13 (maiores et numero et pondere partes). Orzelski’s turn of phrase arguably shares the logic of the “maior et sanior pars” formula to which Galli’s vision clearly belongs, but it does so, nevertheless, in the disambiguated context of the majority rule, according to which maior is sanior, but not the other way around, as Galli seems to suggest.

Orzelski qualifies his “maior” with two different signifiers—one equivalent to the sanior portion of the medieval phrase (“pondere”), and the other a purely numerical criterion (“numero”)—and we may speculate that he does so to include in the “greater parts” not only the sanior Zborowski, but also the force of the number of voters included in the six palatinates that had just decided to support Báthory at that point.443 This kind of argumentation is certainly never used in formal documents such as the letter announcing Báthory’s election or the diplomatic back-and-forth between Maximilian, Báthory, and their two respective camps in Poland-Lithuania, where the formal ideology of the Commonwealth’s noble egalitarianism is observed more carefully than in less public types of discourse such as Orzelski’s.

443 There were nobles from 16 palatinates on the field that day, and until then 8 had expressed their preference for various versions of the Piast option, 4 for Ivan IV, 3 for Báthory, and 2 were undecided. At the moment when the first shift toward Báthory occurred, the 6 palatinates that decided to support him were, therefore, barely forming a simple majority at that point—if we are counting by palatinate. Since the exact number of those present is not known, we can only speculate that the six palatinates that formed, on December 13, the “greater part, both by number and weight,” were probably not just a handful of people and probably represented a majority (approximately 50%+1?) if counted by head as well.
Ironically, months later, Báthory and his allies turned around the story of his election and used the version according to which he had been elected by the *weaker* party, in order to persuade his opponents of the excellence of his governing skills, as well as to warn them that the rest of the country had rallied behind the king and they were the only ones left out. Báthory’s envoy to Gdańsk was instructed to say that the king “came almost by himself to a troubled and foreign country where the *stronger* party was against him, yet he managed to do what other kings can only accomplish after many efforts: [the estates] agreed not only to taxes but also to *levée en masse*…”

If numbers and “weight” mattered in a rather ambiguous manner, legality was, by contrast, a much more powerful argument. Both camps used it against each other. From the perspective of the *szlachta*, Uchański had “almost secretly” nominated Maximilian after having left the official election place, which meant that he had done so “against our laws.” In essence, the Archbishop had gone against the Commonwealth’s fundamental principles, according to which elections were public events that were supposed to be held in predetermined, open places, and not in hiding. From the perspective of Uchański’s camp, the nobility had simply elected a king without the approval of the greatest part of the Senate, which meant that there

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444 Heidenstein 252-253.
445 Bibl. Czart. TN 84, 297-298; Szádeczky, Báthory István lengyel királylyá választása, 339; *Volumina Legum* 137; Orzelski 485-486.
was no consensus to legitimize their choice.\textsuperscript{446} The supreme argument, on both sides, was the secession of the rival faction: refusing to compromise and shunning concord was the most important fault imputed to the opposite camp. Needless to say, neither party was in a particularly compromising mood in December 1575, yet the “Bathorians” underlined, in their act of election, their willingness to accept any other non-Habsburg candidate, while emphasizing the inflexibility of the “Caesarists.”\textsuperscript{447} By leaving the election field, the pro-Habsburg senators had not only made their proclamation of Maximilian technically illegal, according to the rules of election established in beforehand, but they had also abandoned any pretense of participation in the consensual politics that was supposed to constitute the basis of royal elections and the foundation of the Commonwealth in general.

**General characteristics of the 1575 election.** A summary of voting rules and their application during Poland-Lithuania’s second election underline a number of general characteristics. Firstly, election results were based on the application of a hidden majority rule, initially within the Senate, then within each palatinate, and lastly in a common assembly on the election field (and within each secessionist camp, eventually) where the *nemino contradicente* principle was, however, faithfully applied, causing the two secessions of December 2 (when the *szlachta* and the few senators who were opposed to the Habsburgs separated from the Senate) and

\textsuperscript{446} Bibl. Czart. TN 84, 299.  
\textsuperscript{447} *Volumina Legum* II, 138.
December 12 (when most of the Senate and the few noblemen who supported them left the election field).

Once a discernable majority was formed, and after as many as possible of those who disagreed or were undecided were incorporated into it, it was considered that this expanded majority not only represented, but actually was “everybody” (cuncti, omnes). The minority who refused to agree with “everybody” (and, in extremis, seceded from the rest) was committing, from the point of view of the “others,” an act of self-exclusion from the community who had managed to reach consensus, therefore essentially putting themselves outside the public space. After the debates and negotiations that led to consensus (be it partial or general) were over, the ritual of the “unanimous” acclamation of the king-elect was performed—for Maximilian on December 12 and for Báthory on December 14, each in its respective camp. The final stage was the “publication” of the election act—i.e., its public display in the central market square in Warsaw. The Court Marshal Andrzej Zborowski did so on behalf of the “Bathorians” on December 15; the gesture was repeated by Crown Marshal Andrzej Opaliński for the “Caesarists” on December 18.⁴⁴⁸

The second characteristic of election rules in Poland-Lithuania was that it was based on consensual decisions that were facilitated by the method of “approval voting,” one of the consequences of which was the election of surprise winners that

⁴⁴⁸ Orzelski 478-480; the sequence of events at this election is also recounted in detail in Dubas-Urwanowicz, Koronne Zjazdy Szlacheckie, 298-300.
came out as solutions to difficult conundrums between candidates strongly opposed by competing factions.\textsuperscript{449} Such was the case in 1573, when Henri’s election was the result of a compromise between the Habsburg and the Piast camps, and then again in 1575, when, despite the lack of compromise between those same two camps, it was again a surprise candidate who won eventually, and not one of the initial favorites. The most serious difficulties arose when “exclusion” votes (“we do not want a German king”) coincided with categorical votes or extremely strong first-choices (Uchański’s and other senators’ determination to support the Habsburg candidates no matter what); in such situations compromise was impossible and the politics of the \textit{fait accompli} had to replace electoral politics in order to break the conundrum.

Thirdly, the method of separate deliberations—the Senate on one hand, and the rest of the electors on the other—created a certain contradiction with the \textit{szlachta}’s idea that all votes were equal, and defeated some of the most important purposes of the unanimity rule. The rest of the electors were able to witness the senators’ speeches, but most of them—partly for logistical reasons, considering the numbers involved—remained completely uninvolved in the process that led to the Senate’s common position (provided that it existed). Separate deliberations covertly perpetuated the logic of the \textit{sanior pars}, yet they did so extremely inefficiently, as they were unable to impose it onto the rest of the electors, thus constituting one of

\textsuperscript{449} For an analysis of the phenomenon of surprise winners in the context of approval voting in papal elections, see Colomer and McLean, “ELECTING POPES: APPROVAL BALLOTING AND QUALIFIED-MAJORITY RULE,” 21.

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the structural problems of the Commonwealth’s electoral system. True, the second election of the Commonwealth mitigated this problem somewhat in as much as it allowed common sessions before and after each chamber’s deliberations, whereas at the election Sejm of 1573 only the representatives of each palatinate were allowed to take part in these “plenary” meetings. Many of the modi eligendi Regis discussed in the sejmiki preceding the first election proposed to abolish this separation and envisioned one large assembly that would have included all, undoubtedly with the aim of erasing the difference of status and weight between senators and szlachta. The gesture of the two castellans who chose to express their votes in the nobility’s assembly, as well as the fact that the anti-Habsburg senators, including the palatines, eventually joined the szlachta after compromise with the rest of the Senate had failed, were manifestations of the same tendency to level between the two chambers of the Sejm. Even though the projects that attempted to institutionalize that equality amounted to nothing in the end, it was nevertheless the maior pars, and not those who may have seen themselves as sanior, that ultimately imposed its will regarding the outcome of the Commonwealth’s second election.

Lastly, and most importantly, the voting rules of the Commonwealth and particularly the nemine contradicente principle did not and could not function well outside the republican ethos of the public good, which would have normally pushed electors toward compromise and concord, as illustrated by the position of the

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450 Dubas-Urwianowicz, Koronne Zjazdy Szlacheckie, 306.
Protestant nobles in the 1573 election.\textsuperscript{451} In 1575, however, that ethos was visibly challenged by a competing logic of power and individual, rather than public, obligations—the \textit{commoda privatae} criticized in a brochure from the late 1560s\textsuperscript{452}—best exemplified by Archbishop Uchański’s behavior after having been essentially dragged by nuncio Laureo into leading the Commonwealth onto the path of a contested election. Despite Uchański’s fear of civil war and his sincere dismay at what was happening around him (his loyalty was, after all, divided between country and Pope), his submissiveness to his ecclesiastical superior and the related anxiety to keep his word of honor toward him proved to be stronger than his concern for peace, concord, and ultimately the public good.\textsuperscript{453} To put it simply, Uchański behaved at the 1575 election Sejm like a delegate (of the Pope) with a strictly limited mandate, and not like one “cum plena potestate” as would have been desirable in the context of the voting rules that were in place in Poland-Lithuania at that time, had delegates been allowed instead of \textit{viritim} voting. Since the unanimity rule was fundamentally connected with the possibility of negotiation among voters with flexible opinions, “delegates” like Uchański simply invalidated the system.

\textsuperscript{451} See below in this chapter for more details on this issue.
\textsuperscript{453} See chapter 2 for Uchański’s hesitations before eventually committing to the Habsburg cause. Laureo gives a rather humorous image of the poor Archbishop and his uncomfortable position between his personal weakness and divided loyalties. Laureo wrote that Uchański wanted to nominate, at the beginning of the Sejm, Maximilian II, the Swede, and the Muscovite at once; the nuncio made fun of the Archbishop’s broad views (“why not nominate the Sultan as well?” asked Laureo sarcastically) and eventually shamed Uchański into nominating the Emperor alone. ASV, Segr. Stato, Polonia 11, f. 24-24v (letter from 15 November 1575).
The agreement signed by Maximilian’s envoys with the Lithuanians on December 9 was part of the same phenomenon: the representatives of Lithuania were essentially pulled into making a commitment to one of the candidates before the end of the election and even before Maximilian was formally nominated by Uchański.454 Surely enough, the anti-“German” stubbornness of most of the Polish nobility may be qualified as equally inflexible, yet it is hard to deny that their willingness to consider virtually any other candidate contrasts quite strongly with the Caesarists’ refusal to elect anybody but a member of the Habsburg dynasty. Without doubt, Báthory’s election in 1575 did not quite correspond to the Commonwealth’s lofty ideas about unanimity and consensus. Heidenstein, for all his support of Báthory, did not shy away from stating the obvious: “and thus was elected a great future king, who was not known by anyone, rather out of the boldness of one faction, than by the authority of the Senate and general consent.”455

Proposals for voting reform in Poland-Lithuania. Girolamo Lippomano, the Venetian ambassador to Poland-Lithuania on the occasion of Henrí’s coronation,

454 The envoys promised, in Maximilian’s name: that Archduke Ernest would marry Anna Jagiellonka; that the Emperor would send six thousand cavalry and three thousand infantry troops for the defense of Lithuania and the Inflanta against the attacks from Muscovy; and that the king would reside in Poland one year and in Lithuania the next. In case the Lithuanians and Prussians were the only supporters of Maximilian during the election, the Emperor also promises to send Ernest with his army as military reinforcements on Lithuania’s and Prussia’s side, thus overtly encouraging the possibility of civil war. Document cited in Dubas-Urwanowicz, Koronne Zjazdy Szlacheckie, 303.

455 Heidenstein 225.
presented a report to the Serenissima’s Senate on his return from his embassy. He said,

I find it quite a novel and amazing thing that the Poles have no clear order that they can use to avoid making mistakes when they elect their king, on whom the life of the republic depends as he is [the republic’s] head; they are putting everything in danger by looking for the methods as they go along, which in such circumstances is difficult to do because at those times men are more confused than they are resolved. As I was reasoning about this with some of the senators, they told me that neither they, nor their superiors wanted to deliberate about an express order for the king’s election, in order to prevent the ambition of men—who would dare to think of treacheries as soon as the law was made—from accomplishing its designs by malice and tricks.  

The Poles were proud of their right to elect their kings and jealous of doing so personally, publicly, and unanimously, without designing voting devices that would encourage fraud. Nevertheless, due to the confusion of the first and particularly the second election Sejms, they started to feel the pressing necessity to define more clearly the exact rules of royal election. *Modus eligendi Regis*, together with *compositio inter status* and the *forma judiciorum* were matters that the orders and

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estates of the country insisted upon throughout Stefan Báthory’s and his successors’ reigns; only the last of these three requests was solved before the end of the sixteenth century; *compositio inter status* was only partially tackled in the seventeenth; and *modus eligendi* was never decisively resolved.

One reason for the perpetuation of unclear voting rules from interregnum to interregnum was that the senators and the nobility often had conflicting images of their respective roles in the electoral process and, consequently, they were unable to unite their competing projects into one common set of regulations. For lack of a new law, elections after the death of Zygmunt August fell back on the customs of previous, pre-Commonwealth elections of the Polish kings. Yet not even those were very clear or had been consistently observed in the past. The first known sixteenth-century *modus eligendi*, written sometime between 1501 and 1506, summarized the methods of election and coronation of the Jagiellonian kings by giving priority to the “prelates and barons” of the country, to whom the unanimous election of the king belonged. The orders and estates of the country were supposed to be there in person if they wanted—if not, they could send envoys “cum pleno mandato.” After the senators would have reached concord, the Marshal of the Sejm would go “outside” and announce their decision to the “community,” whose role was merely to acclaim

457 Requests for setting a clear *modo Electionis* were sent from local assemblies to the king periodically. One example is the resolution put together by the Lublin sejmik for its deputies in December 1580, in which the king is reminded “de modo Electionis, which he had promised to deal with both when he was still in Hungary (sic) and at his coronation.” APK, *Archiwum Sanguszków, Rękopisy B. Goraczka*, A Sang Rkps 32, p. 26.
the new king, “nemine ex nobis, cooperante Spiritus eiusdem gratia, a votis et voluntatibus unanimibus discrepante.”

Zygmunt I’s election in 1507 followed these very principles: in the presence of the entire Senate and those nobles who were sent as envoys or chose to come in person, as well as delegations from Cracow, Lwów, and Gdańsk, thirty-six senators were selected who then unanimously pronounced themselves for Zygmunt. The Archbishop then proclaimed him king, and the Marshal went to those assembled outside the Senate’s tent to ask them ( thrice) if they wanted Zygmunt as king; to which they agreed in one voice. Elections were supposed to happen after the death of the previous king, but already in 1529 Zygmunt I and Bona Sforza had their son elected in a regular Sejm, vivente rege. The constitutions of the 1530 Sejm reiterate the szlachta’s desire to participate in elections viritim, as opposed to regular Sejms, and assign special status to election assemblies. The viritim rule for election Sejms was confirmed by Zygmunt August in 1550, although in rather vague terms: “no king shall be crowned unless he was first freely elected by all estates, according to the Crown statutes.”

The project eligendi Regis proposed by the deputies in 1558-1559 did not go into many details about voting rules, but specified that the votes of the senators were to weigh as much as the votes of the deputies—a clause found

459 Dubas-Urwanowicz, Koronne Zjazdy Szlacheckie, 263.
460 Volumina Legum I, 245.
461 VC 13.
 unacceptable by the senators, who claimed that it went against *dignitas senatoria* and voted it down.  

Matters were laid to rest for almost a decade, until worries of Zygmunt August’s impending death jolted the Commonwealth into debates about election methods once again. From 1565 the issue reappeared on the agenda, but it did not get very far in Sejms, which repeatedly postponed it for subsequent meetings. There were, however, a number of published brochures which discussed the matter, such as the “Deliberations” of an Anonymous Senator, which proposed that the king be elected by an assembly composed of senators and delegates sent forth by each palatinate, therefore rejecting the idea of the *viritim* election. In 1572, there were at least two distinct *modi eligendi* that were circulated in brochure format; one most likely put together by a senator, and the other seemingly by a member of the szlachta, but both supporting the idea of delegating the right of election to representatives. The senator’s proposal (“Alia forma de interregno et modo eligendi Regis”) gave, unsurprisingly, numerical superiority to his own kind: senior senators would have selected ten delegates for the election; junior ones—eight; and the szlachta—six. All electors would have deliberated in one common committee. The unanimity rule was to be kept: if two voting rounds had not resulted in consensus, a

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464 However, in light of the castellans’ affinity with the lower nobility—the debates in various Sejms and sejmiki show that it was them, together with certain *starostas* and other middle and lower officials, who tended to be the spokesmen of the szlachta—the superiority of the (senior) senators is questionable; this project in fact grants a weightier role to the nobility than it appears at first sight.
version of “compromissum” would have been applied, whereby the electors would have chosen even fewer electors from among themselves and charged them with reaching a decision in the name of all. The other proposal (“Szlachcica polskiego to rycerskiego koła braciej swej milej o obieraniu króla krótka przemowa”) assigned equal weight to the Senate and the deputies’ chamber, each of which were to select four electors; all provinces of the Commonwealth had to be represented and the specified voting rule was again unanimity. Disagreement was supposed to be solved in quite an unexpected manner, considering the importance of the position to be filled: election by lots.

In contrast to these visions of delegated voting that were circulated in print, it seemed that in real life, the general nobility was much more comfortable with the idea of the *viritim* election, as shown by the resolutions of the local assemblies of many palatinates—particularly those of Little Poland, Ruś, Podole, and Wołyń—in the months preceding the first election after Zygmunt August’s death. Jan Zamoyski followed the same trend at the January 1573 convocation Sejm, when he spoke in defense of the *viritim* election; his popularity determined many to support that position. Zamoyski’s most original contribution to the discussion was the idea of a qualified majority rule, which was a novelty in Poland-Lithuania and which he must have picked up during his travels abroad and particularly in Italy. His official

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465 Biblioteka Narodowa w Warszawie [BNW], rkp. 4538, f. 253v-258v.
466 Both these projects discussed in Dubas-Urwanowicz, *Koronne Zjazdy Szlacheckie*, 267-268.
468 Heidenstein 55.
instructions as deputy of the Bełż palatinate, handed to him in December 1572 in view of the convocation Sejm of January 1573 and which most likely were his own harangues that had been approved by the nobility of his palatinate, contained the following proposals: that voting at the election Sejm would first be done within the tent of each palatinate, where two-thirds of the votes would decide the preference of that particular palatinate, and then again on the field among all palatinates assembled together, where the final decision would be based either on a two-thirds or a three-fourths rule.469

Unsurprisingly, this proposal did not succeed; although the nobles welcomed Zamoyski’s support of their right to elect their king in person, they were opposed to the majority rule and many insisted that “reason has to prevail over numbers,”470 even though there were more than one voice that suggested adopting the Venetian method of electing “the prince” at that election Sejm.471 And reason did prevail at the 1573 election: despite their apprehension of a French king, particularly on account of the reports of the St. Bartholomew’s massacre that were circulated in Poland, the predominantly Protestant “secessionists” of Grochów eventually accepted the will of the majority, yet not before including their own conditions in the

470 See the issues of the first convocation Sejm (January 1573) in Orzelski 23-28. Also discussed in Konopczyński, Le Liberum Veto, 173-174.
471 Lippomano’s 1575 “Relazione” in Albèri, Le relazioni degli Ambasciatori Veneti, 298.
Henrician Articles: “it is the Lord’s punishment for our sins that, despite having expressed our choice, no good has come of it for ourselves, and we can only expect evil from it, but when so many people have shown a liking for something, it is better to allow it than to live through the destruction of our dear fatherland and the spilling of our brothers’ blood.”

In the early 1570s, when the basic principles of the elective monarchy in Poland-Lithuania were being molded and redefined, acclamation ceased to be the superior method of voting favored by the Church in papal elections, and started to be perceived as a custom that went against the noblemen’s right to freely and personally participate in the deliberations leading to the election of their kings. At the partial Sejm of the Great Poland palatinates in 1572, the castellan of Gniezno, Jan Tomicki said: “when a crowd shouts, one has to remain quiet and agree with that crowd, even though this will not be for the good of the Republic, but rather for its harm.” One participant in Báthory’s election by the anti-Habsburg camp on 14 December 1575 appeared less badly disposed toward acclamation, which seemed to remain one of the most entertaining parts of the election, yet then again somebody spoke against it: “the Lord turned almost everybody’s heart to him [Stefan Báthory] so suddenly that they immediately cried “Good, good, let us settle on him.” But Szafraniec, throwing his hat on the ground, shouted: “Be quiet. What is with these acclamations, which

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472 Jan Firlej cited in Dubas-Urwanowicz, Koronne Zjazdy Szlacheckie, 280.
bring the ruin of the republic? Let us vote, so that *libere in libera electione* everyone may give his opinion.” And so it was done. But very quickly we all voted in agreement with that opinion, saying to that “Amen”.*474

These anti-acclamation opinions were not poised against consensus and unanimity but rather as a defense of the chance to express, explain, and defend one’s vote and perhaps disagreement, with the indirect purpose of reaching consensus via debate, negotiations, and eventually compromise, rather than directly through the imposition of the random fancy of the crowd. This was, to a certain extent, similar to Fredro’s later defense of the *liberum veto*, and corresponds, to a certain extent, to the *sanior pars* argument. Interestingly enough, nuncio Laureo, who was aware of the two possible ways of voting, estimated that the chances of each candidate differed according to which method would be used. On the day when the debates started in the lower chamber (23 November) Laureo wrote to his superior in Rome that, unless there was going to be “secession,” the nobles would push for a quick nomination “on account of the cold and the expenses” involved in being away from home for so long. In that case, if the nomination were going to be by acclamation, then “they could either resuscitate the faction of the Muscovite or favor that of the Piasts, but if the nobles will divide themselves, as is more likely, by their respective palatinates, with regard to the number of persons in each palatinate, then after the *casa d’Austria*,

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*474 Cited in Dubas-Urwanowicz, *Koronne Zjazdy Szlacheckie*, 300.*
the *duca di Ferrara* would not have a small part [of supporters].” Laureo was clearly wrong, and that was essentially because he assumed that voting by palatinate meant taking into account their population, rather than the number of those present (and even that was not entirely the case). The fact that the two candidates he thought would have more chances in the context of acclamation were actually the “favorites” after the first round of voting both on November 30 and on December 13 suggests that Laureo, for all his intelligence and resources, did not have a very good sense of how the *szlachta* functioned in the context of royal elections.

At the Stężyca Sejm in May 1575 there had been talk of issuing election rules, but nothing was produced to this effect, partly because of the small number of participants but also because the debates were dominated by other issues, such as whether to “degrade” Henri or not. In the end, it had been decided that in the second election, the example of the first was to be used as guidance, not as law, which explains the somewhat improvised manner of voting in November-December 1575, which arguably might have served the interests of some voters, considering that the lack of precise regulations allowed for more flexibility. At the same time, the *szlachta* was clearly growing dissatisfied with going from precedent to precedent. After the chaos and potential dangers of the second election, those who assembled at Jędrzejów in January 1576 in support of Báthory’s election recognized that the need

475 Laureo 284-285.
476 Heidenstein 168-169.
477 See a development of this argument in Dziegielewski, *Sejmy Elekcyjne*, 163-198.
for a definitive modus eligendi (as well as compositio inter status and forma judiciorum) were imperative.\textsuperscript{478} The first two interregna and elections of the Commonwealth had only defined the principles of election—the viritim participation and the absence of weight difference between senators and szlachta—but not the procedures of voting.\textsuperscript{479} The repeated requests for a discussion of these procedures during Báthory’s reign show that the citizens of the Republic found the lack of precise voting regulations increasingly inconvenient.

In 1587 and 1589, two proposals advocated the introduction of the majority rule (either simple or qualified) in royal elections.\textsuperscript{480} Neither of them was adopted, and the concern for defining modus eligendi waned in the seventeenth century—a phenomenon perhaps related to the fact that double elections did not occur for a while after Sigismund III’s election. Nevertheless, the majority rule was gradually introduced at the local level: already in 1598, Masovian judges, county functionaries, and sejmik Marshals were elected by majority rule; Cracow, Sieradz, Wieluń, and Chełm followed suit in 1611; Kiev, Płock, Malborg, Pomerania, Mielnik and all of Lithuania in 1613; and Podlachia in 1631. The election of nobles for juridical duty in the Crown and Lithuanian Great Tribunals was left at the discretion of each palatinate, but the Sejm constitutions of 1578 and 1589 did not exclude the use of the

\textsuperscript{478} VC 348.
\textsuperscript{479} Dziegielewski, \textit{Sejmy elekcyjne}, 59.
\textsuperscript{480} “De Interregno. Drugi Obyczaj Obierania Krola Polskiego. Incerto autore,” in Ulanowski, \textit{Sześć Broszur}, 196-212, here 202-203; for the second proposal, which was prepared by Jan Zamoyski, see Dziegielewski, \textit{Sejmy elekcyjne}, 63.
majority rule in electing the judges.\textsuperscript{481} As far as their sentences were concerned, in case of disagreement, they were going to be decided by the \textit{maior pars}.\textsuperscript{482}

The local level was as far as the majority rule was going to make it in the Commonwealth. At the beginning of the seventeenth century, an anonymous foreign author wrote that “they have no law for the election of the King, nor do they have any type of statute, or any sure method, be it written or transmitted orally.”\textsuperscript{483} The legitimizing power of the unanimity rule, its connection to the notion of liberty, and the tension between senators and deputies during the formative years of the Commonwealth, as well as the wars of the seventeenth century, which did not allow for much theoretical discussion in the Sejm, were the main obstacles on account of which a reform of voting procedures at royal elections was never implemented in Poland-Lithuania.

\textbf{c) Voting methods in Transylvania}

By contrast to Poland-Lithuania, debates on voting rules were virtually absent in Transylvania; part of the reason was that voivodes were not always elected \textit{viritim}, but sometimes by delegates—as was the case with Báthory, whose election was performed by a “partial,” rather than a “general” assembly. “All nobles, as well as

\begin{footnotesize}
\textsuperscript{481} Konopczyński, \textit{Le Liberum Veto}, 177-178.
\textsuperscript{482} VC 407-408.
\textsuperscript{483} Julius Bellus?, “Thesauri Politici Apotelesma XV, Quodest de Regno Poloniae Relatio,” in Ens L., \textit{Thesaurus Politicus}, 309.
\end{footnotesize}
two representatives from each Saxon see” participated in general assemblies, although the rules were never very clear. Documents related to Transylvania’s assemblies—particularly convocation letters—show that partial assemblies were far more frequent than general ones, and that Secklers and Saxons were never convoked viritim after 1545. As far as partial assemblies were concerned, in the sixteenth and seventeenth centuries the precise number of delegates varied constantly and is not always known, since convocation letters have not survived for every assembly. General assemblies only met when crucial matters needed to be discussed; in those instances the Saxons sent, beside the usual representatives of Hermannstadt, which was the capital of their natio, two delegates from each see as well.

In 1571 the type of assembly—partial or general—was not specified by the testament executors who drafted the convocation letter, but the Hungarian nobles and particularly the Secklers understood, despite the request for delegates of the convocation letter, that this was supposed to be an extraordinary, hence “general” assembly, and started to gather in camps outside of the capital city. The official goal of the assembly was the funeral of János Zsigmond, rather than the election of a new voivode, but even so, the number of delegates specified by the letter was higher.

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484 Possevino, Transilvania, 62.
485 The phenomenon is visible in MCRT I and II. See also Barta and Mócsy, History of Transylvania, 728.
486 These delegates were usually the see’s mayor and bailiff but sometimes convocation letters mention that two separate envoys were to be elected and added to the mayor and bailiff for this specific purpose.
487 MCRT II, 393.
than usual: ten per *comitatus* and Seckler see, and six per Saxon see, not counting the
two main officials of each administrative unit.\footnote{Bethlen 236.} Considering that there were thirteen
counties and two districts belonging to Transylvania’s administration at that time
(seven of Transylvania proper plus the semi-autonomous Fogaras, five of the
“Partium” region east of Tisza, and the two districts of the Banat county that were
not under Turkish control), as well as seven Seckler and nine Saxon sees in total,\footnote{Possevino, *Transylvania*, 43, 49, 51; MCRT II, 471.}\footnote{Forgách 465.} this means that in May 1571 there were probably around three hundred and no more
than three hundred and fifty delegates and dignitaries who were invited to attend
János Zsigmond’s funeral. In theory at least, that comparatively small number made
election by unanimity (“liberis votis, sine factione”)\footnote{MCRT II, 454-455.} more easily attainable than in
Poland-Lithuania.

A letter sent by the late prince’s testament executors to Maximilian soon after
the events of May 1571 shows that the attendance to the general assembly that had
convened after János Zsigmond’s death threatened to be higher than expected. Even
though they complied with the required number of delegates to be sent to the actual
assembly in Gyulafehérvár, crowds of armed Secklers and nobles stood nearby,
ready to make sure that a “free election” would indeed take place.\footnote{Possevino, *Transylvania*, 43, 49, 51; MCRT II, 471.}\footnote{Forgách 465.} A sense of
urgency was also felt among the nobles gathered under the command of Kristóf
Báthory at Torda, as well as those already present in Gyulafehérvár, where the
apprehension that the Ottomans might forbid free elections and attack the country rendered those present ready for combat. One noble wrote on 5 April:

I think that even if [the Sultan] will allow us [free elections], he will raise our dues twice or three times as much as they have been so far. Or if he will not allow it, then we expect that the danger might come every minute or hour, because we think that they intend to attack us.

The nobles in the country, as well as the other inhabitants, would like to immediately come to Torda, in arms, and wait for the Sultan’s envoy… if he allows us to elect a voivode… So as long as the country can afford to pay the Sultan, it will pay; but if they want to attack us, then we will defend our land until we die.492

The Secklers were the most adamant about the election being performed by a general assembly. Their privileges, such as judicial autonomy and certain fiscal exemptions based on military service, had been guaranteed by Hungarian kings since the late Middle Ages. In the sixteenth century they faced a series of infringements on their autonomy under János Zsigmond, and as a result they became a particularly volatile element in Transylvanian internal politics, usually siding with whoever challenged local princely authority (and that usually meant Habsburg-backed contenders to the throne). In 1571 they were particularly restless because the late prince had made

492 Thamasfalvi László’s letter to Thamasfalvi Denes, written on 5 April 1571, in Kemény, *Erdélyország Történetei Tára*, 96. Fear of the Ottomans—among the councilors mostly—is also emphasized by Szilágyi in MCRT II, 397-398.
donations from Seckler lands to his protégés, most of whom were also the executors of his testament, which in turn explains the Secklers’ hostility to them and hence to their supporter, Maximilian.  

The Saxon delegates at this election seem to have been a negligible factor. Despite their tradition of supporting the Habsburg cause in Transylvania, in 1571 they ended up accepting the preference of the other two estates for Báthory, even though Simon Miles, mayor of Hermanstadt [Sibiu] and the highest Saxon magistrate of the country, had initially displayed his willingness to support the testament executors’ efforts in favor of Bekes and Maximilian. According to an eye witness, the Saxons remained utterly silent when the rest of the delegates erupted in anger against the executors’ proposal to have the voivode swear allegiance to Maximilian, and they did nothing to support Bekes’ candidacy. The violence of the anti-

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493 This was a thorny issue that Báthory inherited when he became voivode, and which he was hard pressed to solve, considering the Secklers’ habit of resorting to armed rebellions, but which he was unable to control according to his wishes, because of his own oath to observe all of János Zsigmond’s decisions and particularly his acts of donation. Báthory sought Maximilian’s assistance in circumventing this limitation, yet obtained little more than vague answers from the Emperor, who advised him to do whatever he could to maintain the Secklers in obedience without, however, infringing on the donation acts, which in reality tied the voivode’s hands completely on this matter. Although there was not much he could do to fix the donation issue, Báthory seemed to sympathize with the Secklers initially and advocated their cause in his letter to Maximilian. Eventually, however, the Secklers made the mistake to support Bekes in his attempts to usurp Stefan’s throne in 1575, which settled the matter once and for all, even though Báthory did use alternative means of succoring the disgruntled Secklers by offering ennoblement to those who distinguished themselves in his army, and particularly in his Polish-Lithuanian campaigns against Muscovy, thus attempting to neutralize the most adventurous elements and channel their thirst for military action away from Transylvania. See Chapter 5 for more details; also see MCRT II, 469ff (correspondence between Báthory and Maximilian after Báthory’s election); Magyari András and Borbáth Károly, “Mișcări sociale în Secuime după răscoala din 1562,” in Benkő, Demény, and Vekov, Răscoala Secuilor din 1595-1596, 111-131.

494 Hagymásy 108.
Habsburg rebuttals, as well as the masses of armed nobles and Secklers gathered outside the capital and roaming the streets of the city were certainly strong enough incentives to adhere to the position of the other delegates. A source claims that the Saxons had not been particularly fond of János Zsigmond, which may also explain their reluctance to support the position of the testament executors.\textsuperscript{495}

In the assembly itself, although there are no detailed records of the debates that took place there, it seems that the element that turned the tables in Báthory’s favor and determined the result of the election were Maximilian’s and Bekes’ own errors of attitude and style, rather than the electors’ determination in favor of Báthory. The exact method of voting employed on 25 May 1571 can only be guessed, but it does not seem that there was any precise counting of the votes, nor was there any voting in the Polish sense, where electors would stand up and express, in lengthy speeches, their opinions in favor of one candidate or another. Whatever debates there were, they happened mostly on the day before Báthory’s acclamation, when the late prince’s testament and Maximilian’s letter were read by Chancellor Mihály Csáky. The discussions were described as a racket, rather than actual debating, and most of that clamor seems to have been generated by what was perceived as the arrogance of Maximilian’s letter: “there was such noise in the room that one could hardly hear his own voice.”\textsuperscript{496}

\textsuperscript{495} Ibid., 106.  
\textsuperscript{496} Ibid., 108.
Sources describe Stefan Báthory’s presence on that day as dignified and restrained—he was “sitting silently by the old door,” together with his older brother and cousin.\textsuperscript{497} Evidently deeds spoke louder than words; a few days before he had already impressed the delegates by going over to the Tovis camp and convincing the riotous Secklers who had showed up in arms, ready for a general assembly and already threateningly roaming the streets of the city, to calm down and let the election be conducted by delegates only;\textsuperscript{498} evidently Báthory promised to attend to their needs once he was going to be elected voivode.\textsuperscript{499} Bekes was also busy “working the crowd”, both in the debating room and outside, although he apparently did not have much success when he spoke to some delegates about agreeing to transfer Transylvania’s border fortresses to Habsburg control, which almost resulted in his “lynching.”\textsuperscript{500} When János Zsigmond’s testament was read, which included his blessing for free elections, reportedly all eyes in the room turned to Báthory,\textsuperscript{501} but the voting was postponed for the following day.

The election on 25 May is described by all sources as remarkably swift. The delegates reached consensus at once and without any arguing: “early in the morning on the following day, the assembly gathered and hardly were they together that they

\textsuperscript{497} Ibid.
\textsuperscript{498} MCRT II, 395.
\textsuperscript{500} Forgách 470. Also see chapter 1 for the estates’ indignation at Maximilian’s letter, which told them that they were “allowed” to have free elections.
\textsuperscript{501} Hagymásy 108.
proclaimed István Báthory voivode, without any further question."502 "Indeed the
greater part of the country directed their voices and hearts to Stephanus Batoreus...
and then in sign of joy they cried in the church [where they had assembled] Vivat!
Vivat!" 503 Unlike in Poland-Lithuania, where the voting process alone could take
anywhere between one and six weeks (if not more), in Transylvania matters were
brought to a swift resolution: “on 25 May, both the principal persons and the regular
people made Stefan prince by unanimous consent.” 504

The preference of “most” of those present for Báthory has been explained by
historians in terms of Báthory’s qualities, by some, and in terms of Bekes’ lack of
popularity, by others.505 Chancellor Forgách mentions in his histories that Bekes,
although powerful and rich, was not as appreciated as Báthory; that he had some
supporters, but not many; that he tried to convince, bribe, or threaten a few other
dignitaries; and that he eventually entreated the two captains of the late prince’s
personal guard of six hundred to block Báthory’s access to the convention place and
even kill him if necessary. The captains, after some hesitation and in doubt over the

502 Ibid., 109. Exaggeration of consensus is to be expected from pro-Báthory authors such as Forgách,
Szamosközy, Possevino, and Bethlen, yet Hagymásy was one of Báthory’s political adversaries at the
time; moreover, his description of the election was not written for public consumption, but was part of
a private letter and there is little reason to doubt it outside—perhaps—a certain need on his and the
other executors’ part to explain their failure on account of Báthory’s fantastic success.
503 Bethlen 225.
504 Forgách 472.
505 See chapter 2 for more details on the factors that determined the electors’ choices in 1571,
including Bekes’ character and reputation, particularly his penchant for luxury, which (reportedly)
was not much appreciated in Transylvania (Bethlen 226).
security of their pay if they followed Bekes’ faction, did the opposite of what had been asked of them and escorted Báthory to the assembly.506

Even though this incident was not made public, Bekes’ own public performance in favor of Maximilian, combined with Báthory’s previous display of leadership skills was enough to move the estates’ delegates against the former and in favor of the latter. Hagymásy reports that

Bekes is not liked in most parts of the country; people say that he poked his nose in too many things [and] cheated many possessions out of the poor dead king. People say that if he continues his practices he will bite the dust and lose his property, and so will anybody else who dares breach the rights of this country, hinders free elections and draws the anger of the mighty Emperor [the Sultan] on this country.507

Although rival factions did exist in 1571, by 25 May there simply was no significant opposition to the winner. Whoever among the delegates may not have liked Báthory

506 Forgách 470-471. The same information about this plot—almost word for word—is present in Possevino, *Transilvania*, 108-109. Possevino based his account mainly on information taken from Stefan Báthory himself and the work of Michele Brutus, an Italian historian who was under Báthory’s protection in Transylvania and later followed the king to Poland, although Brutus’ unorthodox religious beliefs convinced Báthory, or rather Possevino, of the necessity for a more “Catholic” history of Transylvania. Possevino’s account of the 1571 election is consistent with Forgách’s account, which had been written more than a decade before, and they both present an image that is expectedly rather favorable to Báthory. Bekes’ side of the story is only available in his letters to Maximilian, but it must be said that it does not sound very convincing, despite his claims that he had at least as many supporters as Báthory. Whether that was true or not, Bekes generally makes a rather sad figure as somebody who is desperate for power but does not have what it takes to obtain it. 507 Hagymásy 108.
or would have preferred Bekes, remained silent on the day of the debates. Such was the case of the Saxons, who had previously shown support for the executors’ pro-Habsburg plans, as well as Bekes’ own friends and followers. On 24 May, the pro-Habsburg testament executors, headed by Kristóf Hagymásy, realized that Bekes had no chance to be elected by the delegates and that even Mihaly Csaki, the late prince’s chancellor, although one of those who were intimate with the terms of the Speyer Agreement, strongly resented Maximilian’s decision to put his trust in Bekes’, rather than himself.

Moreover, Hagymásy and the rest of the executors had no time to press Maximilian’s demands as far as they may have wished because of the palpable sense of danger coming from the presence of the Ottoman envoys at the election. Amhat çavuş, a renegade Hungarian who was regularly sent with messages and delegations between Istanbul and Transylvania, had arrived with a firman from the Sultan that, the councilors already knew, expressed Selim’s support for Báthory in a way that sounded as if the Sultan appointed the new voivode, which to them, at least according to the available sources, was worse than having an enemy of the Habsburgs win the throne. This seems to be one of the major reasons why, on the evening of 24 May, the councilors decided to compromise and accept Báthory’s victory—which they anticipated based on the reaction of the delegates during the

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508 Ibid. Possevino claims that Bekes’ party had been demoralized by the failure of the plot to stop Báthory from showing up. Possevino, Transilvania, 109.

509 Hagymásy 109.
debates of that day—and make haste with the election in the morning, before the envoy had any time to read the Sultan’s letter.  

It is not clear whether they were afraid of the Ottomans, or rather of the nobles and Secklers camped outside the city, but it has been written that the pro-Habsburg councilors and Bekes’ allies conceded victory to Báthory essentially “out of fear.” Báthory himself acknowledged the concern for safety in his talks with the executors, suggesting that his alliance with the Ottomans was something that was necessary for the safety of the country. Immediately after his election, “Báthory called us [Hagymásy and the executors] and greeted us with nice words and said: “We are going to write a letter to the Roman Caesar right away. Do not worry; we are not going to be enemies of the roman Caesar and Christianity. Whatever happened, it was not our fault; you saw how everything happened. With such danger and the Turkish so near, we cannot jeopardize the safety of our homeland.”

Although elections were supposed to be based on the consent of all, the nemine contradicente principle was not explicit in Transylvania. This notable absence, together with the lack of specific voting rules, suggests that decisions in the assembly of the nationes were highly consensual; we may also speculate that the qualified majority rule that was applied in regular assemblies must have influenced

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510 MCRT II, 397-399.  
511 Forgách 471.  
512 Hagymásy, 109-110.  
513 Graeme Murdock, whose studies focus on the seventeenth century, also states that contested voting was a rare occurrence in Transylvania. See Murdock, “Freely Elected in Fear,” 243.
the manner of voting at elections and, to a certain extent, disciplined the behavior of minority voters, who were more used to accepting the will of the majority than their counterpart in Poland-Lithuania. Instead of continuing to oppose the preference of the majority of voters for Báthory, the pro-Habsburg camp in Transylvania simply gave up the fight after a few unsuccessful attempts to persuade the rest. Bekes’ group, which had been charged with the execution of the late prince’s testament and, covertly, with upholding his understanding with Vienna, decided that they had no choice but to acknowledge the preference of what seemed like the majority of the estates’ delegates. Most likely because they had no legal ground on which to do so, they did not “secede;” instead, they worked out a compromise with Báthory:

Nevertheless, understanding the mind of the people, in public we strove for the election of a free prince, and at the same time knowing from the çavuş that the Emperor of the Turks had greatly emphasized his preference for Stefan Báthory’s election, we preferred to be one step ahead by talking to him and presenting him the oath sent by your Majesty, which he accepted and swore to observe in the presence of his councilors, after which he signed a letter with the obligations towards you, which we are sending to you together with the oath with which he bound himself, in exchange for the people’s vote, in the presence of all estates and orders. As for your Majesty’s request that the orders and estates be bound by oath, we were not able to do that
and obligate the voivode because we knew that the people of the country were alien to such an idea… 514

After the election, although he was one of those who signed the letter cited above, Bekes wrote a separate letter to Maximilian in which he stated that by no means he had received “fewer votes than Báthory,” referring perhaps to the number of his allies and followers, rather than the number of actual votes expressed in his favor—of which there does not seem to have been any. Bekes continues to say that Báthory had been elected non rite, sed tumultuarie, a statement that probably refers to the nobles’ and Secklers’ menacing presence outside of Gyulafehérvár during the meetings of the election assembly, but also to the fierce opposition with which the delegates welcomed his proposals and Maximilian’s letter and which made calm discussions impossible. Bekes concluded by asking Maximilian, “in order not to frustrate those who gave him [Bekes] their suffrages,” to deign add him to “the office of voivodeship” with the purpose of assisting Báthory, who on his own would certainly not be sufficient for the job. 515

The short available descriptions of Báthory’s election in 1571 reveal a few aspects that differentiate it sharply from Polish-Lithuanian elections. Firstly, although decisions were theoretically supposed to be unanimous, the logic of numbers and the

514 MCRT II, 455.
515 Bethlen 226. Chancellor Csáky and Kristóf Hagymásy “nominated” Bekes for the same function in the estates’ assembly of November 1571; the response of the estates was negative. See MCRT II, 497.
*major pars* seemed to be more common in Transylvania than in the Commonwealth, both in narrative sources and in Bekes’ correspondence with Maximilian. Contemporary historians underlined the importance of numbers when they wrote that a “major part” of the delegates chose Báthory. Bekes, on his part, insists that he was preferred by no fewer electors than Báthory and he entreated the Emperor to make him co-voivode “in order not to frustrate” his supporters. Secondly, the sources conflict over which part of the country’s estates—the council or “Senate” as Possevino calls it, which numbered twelve members in 1584;\(^\text{516}\) or the delegates of the three *natios*—weighed more in the process of the election. One contemporary writer insists that Báthory was “made prince” by “both the principals and the regular inhabitants,” but another source mentions that it was “the Senate” (the princely council) that elected him.\(^\text{517}\) The discrepancy is less great than it seems; the reference to the Senate is most likely an observation about the importance and weight that these dignitaries had among the rest of the estates at Báthory’s election, particularly since the Transylvanian estates did not have the same degree of noble egalitarian ethos as the Polish one, despite Werbőczy’s opinions.\(^\text{518}\) After all, it was due to the compromise reached behind closed doors on 24 May between the pro- and anti-Habsburg “senators” that Stefan Báthory’s election went so smoothly on the following day.

\(^\text{516}\) Possevino, *Transilvania*, 62.
\(^\text{517}\) Forgách 472 and Szamosközy I, 118. The council occupies an important position in subsequent elections as well, in Szamosközy’s history.
Conclusions

The main role of the unanimity principle in royal or princely elections was to legitimize suffrage as the monarch’s new main source of authority, which had to replace or at least push aside previous sources, such as nomination by the Hungarian king, in Transylvania, or the venerable value of dynasty coupled with the symbolic weight of the “consent of the people” expressed at the transfer of power between father and son, in the Polish kingdom. In practice, however, it was the majority rule that carried the day at elections, either in the form of persuasion of the few by the many, or of the less important by the more important. When persuasion was successful, as was the case in Transylvania in 1571 and in Poland-Lithuania in 1573, the legitimacy of the elected ruler was challenged neither by the elective nature of his throne nor by the covert application of the majority rule at his election.

The legitimacy issue became painfully apparent, however, at times of contested elections such as Báthory’s in Poland-Lithuania. It was also a problem at regular Sejms, when bills were blocked by “malcontents,” which is perhaps why the unanimity principle functioned best when the outcome could not possibly be null, as shown by the basic distinction between the dynamics of the unanimity rule at regular Sejms and the way it functioned during election Sejms. This distinction points to the fundamental problem introduced by the *nemine contradicente* principle, which was not the lack of reverence and not even the anarchy prevalent in certain assemblies,
but rather the tendency to create dissension without proposing a viable alternative in return. Dissidents at regular Sejms, from the middle of the seventeenth century onwards, were chiefly concerned with rejecting what they (or their patrons) perceived as unacceptable; their “No” was simply that, a “No.”

Things stood obviously quite differently at election Sejms, where everybody was acutely aware that a simple “no” would not do; even when irreconcilable factions were formed by the force of opposition rather than position, as was the case with the nobility’s “secession” of 1575, the “No” faction eventually had to pull itself together and reach a compromise in order to be able to pose an alternative solution to the rival camp. The reason for the difference between regular and election Sejms is quite simple: the Commonwealth could continue to function without new laws, but not without a new king. Even though interregnum rules were designed to ensure that the body politic did not dissolve during the absence of one of its most important members, this absence was always understood to be but temporary. Nobody wished for long interregna.⁵¹⁹

Even with such strong incentive to compromise, differences were not always settled so easily on the election field. Double elections occurred four times in

⁵¹⁹ The historiography of the Golden Freedom generally tends to gloss a little too quickly over the crucial importance of the monarch in the Polish-Lithuanian political system, but there are historians who have emphasized the role of the monarch, as well as the nobility’s unwillingness to implement major reforms of the Commonwealth during interregna. See, for instance, Maria Rhode, *Ein Königreich Ohne König: Der Kleinpolnische Adel in Sieben Interregna* (Wiesbaden: Harrassowitz, 1997); Robert I Frost, *After the Deluge: Poland-Lithuania and the Second Northern War, 1655-1660*, Cambridge studies in early modern history (Cambridge [England]: Cambridge University Press, 1993); and Dubas-Urwanowicz, *Koronne Zjazdy Szlacheckie*. 287
Poland-Lithuania: in 1576, 1587, 1697, and 1733. The first two such occurrences were very similar, as the issues from the second interregnum were carried over to the third: in both cases, a strongly prepped and well financed Habsburg faction was opposed by a vociferous anti-Habsburg camp, and the latter had the upper hand in both situations, even though Sigismund III’s subsequent apertures toward Vienna may question the validity of that victory to a certain extent.

In the Hungarian context, the double election of 1526 is of crucial significance, not only because it uncannily anticipated the conditions that were going to divide Poland-Lithuania half a century later, but also because it determined—either directly or indirectly—the course of Hungary’s and the entire region’s history for the following centuries. Moreover, it warned the Poles about the perils of the Habsburg connection; not only Blandrata, but also Zamoyski, Stanisław Szafraniec, and Andrzej Tęczyński, to name but a few, made frequent references to the fate of Hungary and Bohemia in their speeches, alluding to the treachery of the “Germans” and illustrating with the division of Hungary the dangers that menaced the Commonwealth.\(^{520}\)

Looking at Hungary for lessons was a sensible idea in view of Maximilian’s recent involvement with Transylvania, where he had made essentially the same mistakes that he was going to make in Poland-Lithuania. His Transylvanian policies

\(^{520}\) Szádeczy, Báthory István lengyel királylyá választása, 316-320; Orzelski 426-434, 441-444; Heidenstein 204. Another famous double election is the papal schism of 1159, which determined the changes of rules in papal elections, as discussed in Chapter 3.
from 1571 to 1575 and his Polish-Lithuanian campaigning strategies in 1575-1576\textsuperscript{521} demonstrate that he had a fundamental lack of understanding of royal and princely elections in a republican climate. Maximilian’s policies alienated the estates of both countries well beyond the already-existing general hostility to the Habsburgs and in ways that he did not seem to anticipate, sure as he was of the support of the most powerful dignitaries and senators in both Transylvania and Poland-Lithuania, and having entirely neglected the weight of the lower nobility and of the other estates once the process of election was open to them.

Furthermore, most of the Polish-Lithuanian senior senators seemed equally divorced from the ethos of the nobility and the general political climate of the time. Their political inadequacy is illustrated by their expectation, in December 1575, that the nobles follow their lead and merely express assent to the candidate they had selected, as was traditionally the case in pre-1572 royal elections. Their enormous influence on day-to-day, “normal politics” had not prepared them for electoral equality with the szlachta; despite the clarity of election rules, they still expected that their votes weigh more than those of their “younger brothers.” By comparison, their Transylvanian counterparts were much more attuned, in 1571, to the “spirit of the times” and the exigencies of the moment, considering that they at least had the presence of mind to negotiate with Báthory and abandon all attempts to impose the Speyer Agreement on the unwilling nationes.

\textsuperscript{521} Both of which are discussed in further detail in Chapter 4.
As far as the electoral debates of the szlachta are concerned, their language and logic was predominantly civic republican, generally emphasizing notions such as the “common good” and “the fatherland” as justifications for voter preferences. In Poland-Lithuania in particular, the organic image of the Republic as body politic was frequently used, not only in the actual debates of the election Sejm, but also in the sejmiki preceding it. In July 1575, the nobility of the Cracow palatinate were writing in favor of organizing a new election as soon as possible, worrying that “the fatherland [is] lying sick” and insisting on the need to care for “the health of the entire body of the Republic.” They continued by “thanking God that he is still moving the hearts of people toward the good… and that he does not extinguish the desire and love for our Republic.”

A cross between Periclean pathos and Viroli’s language of “politics” was, unsurprisingly, used by all sides of the barricades, both in Transylvania and in Poland-Lithuania: in the latter case, Uchański entreated the szlachta to accept Maximilian “for the love of the fatherland and the public good;” in the former case, Báthory and Bekes’ allies compromised “for the safety of our homeland.”

Interestingly, the dominant republican tone of the debates did not prevent the argument of private interest from being used in support or rejection of one or another candidate. The argument that erupted on 13 December 1575 between the nobles from Ruś and those from Great Poland over Báthory’s relationship with the Porte, and

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Sieniński’s sarcastic offer to switch places with Tomicki illustrates the pragmatic aspect of electoral politics; in this particular case, the justification for choice was “to keep possessions safe” rather than the love for the fatherland. In republican thinking, concern for one’s own and love for the fatherland essentially amounted to the same thing; Cicero, for instance, was a great proponent of property rights.\textsuperscript{523} Early modern citizens, just like their Greek and Roman predecessors, were not conflicted over economic self-interest in the same manner that the modern world is, for the simple reason that they did not believe it went against the public good. Quite to the contrary, it served it, in the sense that without their property, citizens lost not only their basic interest to stay engaged in the Commonwealth, but also the capacity to serve it. From this perspective, the economic and territorial pragmatism of the Transylvanian and Polish-Lithuanian voters was not a contradiction, but rather a manifestation of their republican values.

\textsuperscript{523} “For political communities and citizenships were constituted especially so that men could hold on to what was theirs. It may be true that nature first guided men to gather in groups; but it was in the hope of safeguarding their possessions that they sought protection in cities.” Marcus Tullius Cicero, \emph{De Officiis}, trans. Walter Miller (London: W. Heinemann, 1913), 2.73.
The institutional and circumstantial particularities of Báthory’s elections had an undeniable impact on his subsequent rule in Transylvania and Poland-Lithuania. They determined the stages of transition between the moment of election and that of established, legitimate rule. To a certain degree, they also influenced the nature of the elected ruler’s authority over his electors. This chapter will examine princely and royal authority in Transylvania and Polish-Lithuania after Báthory’s enthronements, as well as his relationship with the individuals and corporations who had opposed his election and had to be persuaded, one way or another, to accept its final outcome.

a) The authority of the Transylvanian ruler

To mark the beginning of a voivode’s reign, Transylvania had a ceremony that convoked representatives of the estates of the country to Gyulafehérvár in order to witness the investiture of the new ruler with the insignia of authority. The ceremony provided the voivode with a rich cloak and, most importantly, it offered him the throne and princely palace of Gyulafehérvár, following which an exchange of oaths sealed the relationship between the three nations and their ruler.\footnote{For Báthory’s oath in 1571, see MCRT II, 458-459.} The mark of majesty and divinely sanctioned authority that was comprised in the symbolism of
the crown, however, was completely missing, and no religious figure was prominently featured in the ceremonial of enthronement itself. The ceremonial did take place in a church, but it was one that was only partially used as such; most of the building of the Gyulafehérvár cathedral had been converted into a princely palace under János Zsigmond. The weakness of the Church in Transylvania was only incidental to the absence of these rituals of majesty; the main reason was Transylvania’s problematic position as a separate political entity.

Despite its growing separation from the rest of Hungary, Transylvania’s connection with the Crown of Saint Steven was still too recent and too strong to allow its voivodes and princes to fathom that they could attempt an elevation to royalty. Besides, at the time of Báthory’s election, such a feat was not only improbable, but also impossible because of the secret oath binding the new voivode to the current king of Hungary. Báthory’s oath to Maximilian was not a matter of public law and had not been sanctioned by the estates, but only by a small number of dignitaries, yet if the oath of the voivode and his most important councilors was to mean something, then it reduced Transylvania to the status of a Hungarian province. The simultaneous vassalage to the Ottoman Sultan, in combination with his ostensibly free election by the estates of the country, complicated Báthory’s position to a considerable degree. Defining and augmenting his authority vis-à-vis Vienna and Istanbul, both during his reign in Transylvania and after his election to the Polish-Lithuanian throne, was one of Báthory’s main priorities after May 1571.
“Voivode” or “prince”? Transylvania between Vienna and Istanbul. Báthory’s right to exercising royal authority in Poland-Lithuania may have been questioned at the beginning of his reign, but the authority itself—that of the king of the Polish-Lithuanian Commonwealth—was unequivocal and equivalent with that of any other monarch on the continent. His experience in Transylvania, despite the similarity of the political principles that permeated both societies, had been quite different. There, his election rivals had not been as strong as they were going to be in Poland-Lithuania, and his 1571 election had been, by contrast to that of 1575, quite consensual. What made his position vulnerable in Transylvania was not a double election, nor that anyone legally questioned his right to rule that country, but rather that the authority of that country’s ruler, in and of itself, was questionable. 525

Nothing illustrates these complications better than the issue of the title that János Zsigmond’s successors were to use after his death. When Transylvania was still a province of the kingdom of Hungary, its administration was entrusted to a

525 The question of the Transylvanian voivode’s authority and his position between Istanbul and Vienna has been studied by several historians—particularly Hungarian ones—both at the beginning of the twentieth century and more recently. Although they go into less detail on Báthory’s reign per se, their general conclusions do not differ greatly from mine, except that they generally tend to dismiss the importance of the Transylvanian estates in the process. See Katica Szilárd, Az erdélyi fejedelem jogköre (Budapest, 1910); Vencel Biró, Az erdélyi fejedelmi hatalom fejlődése (Kolozsvár: Stief, 1917); Ferenc Huszár, Az erdélyi fejedelmi hatalom fejlődése (Budapest, 1924); Kálmán Buday, Báthory István erdélyi fejedelemége, 1571-1576 (Szeged: Szeged Városi Nyomda és Könyvkiadó, 1932); and Lajos Rátz, Főhatalom és kormányzás az erdélyi fejedeleméségben (Budapest, 1992). Teréz Oborni treats the issue of “voivode” versus “prince” in more detail and with conclusions similar to mine in “Erdély közjogi helyzete a speyeri szerződés után.”
“voivode,” a title similar to that of “palatine” and which in fact was used in precisely that manner in the Polish-Lithuanian Commonwealth. In the Hungarian and Polish contexts, the name was used to designate a royal office (officium) rather than an independent ruler. That was not precisely the case in the neighboring countries of Moldavia and Wallachia, whose voivodes or gospodars, although paying tribute to the Ottoman Sultan since the fifteenth century, were not yet openly appointed by the Porte or by any other suzerain that they happened to have.

A British aristocrat who traveled in the region in the second decade of the nineteenth century wrote that “Voivode” was the Slavonic title adopted in the thirteenth century by “the then existing independent Princes of Wallachia and Moldavia… which means Sovereign Prince; but in the middle of the fifteenth

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527 According to most sources, Wallachia most likely started to pay tribute to the Ottoman Empire at the end of the fourteenth century, during or immediately after the reign of Mircea the Old (1386-1418), but it only became a regular tribute-paying vassal after 1417. Moldavia, on its part, paid its first tribute to the Porte in 1456, but the payment was interrupted several times during the rule of Stephen the Great (1457-1504), and it only became regular after 1527. See Mihai Maxim, “Capitulațiile” în istoria relațiilor româno-otomane în Evul Mediu,” in Din Cronica Relațiilor Poporului Român cu Popoarele Vecine (Bucharest: Editura Militară, 1984), 89-92; Viorel Panaite, Pace, război și comerț în Islam: Țările Române și dreptul otoman al popoarelor, secolele XV-XVII (Bucharest: Editura B.I.C. All, 1997), 303, 304.
528 The Moldavian and Wallachian rulers were self-styled “Dei gratia vaivoda et heres (or heredes)” in their correspondence with European chancelleries, but only “vaivoda” in their letters to the Porte; they certainly knew their limits. The two countries, which were constantly mired in power struggles among their leading families and whose rulers were therefore frequently overturned by internal rivals and usurpers, would gradually lose their autonomy in the seventeenth century, when the Porte made a rule out of appointing their voivodes, who had been previously elected by the leading boyars. The Wallachian and Moldavian voivodes were still members of the native elites until the second decade of the eighteenth century, when Istanbul started selecting them from among the leading Greek families of Constantinople. For well-researched historiography of Ottoman-Romanian relations, see Tahsin Gemil, Românii și Otomanii în Secolele XIV-XVI (București: Editura Academiei Române, 1991); Mihai Maxim, Țările Române și Înaltă Poartă: Cadrul Juridic al Relațiilor Română-Otomană în Evul Mediu (București: Editura Enciclopedică, 1993); and Maxim’s more recent Romano-Ottomanica: Essays & Documents from the Turkish Archives, Analecta Iisiana 58 (Istanbul: Isis Press, 2001).
century, the former submitted to the conquering arms of Mahomed II., and became tributary to the Turks; and about a hundred years afterwards, Moldavia allowed the interference of the Porte in its concerns, under the reign of Soleiman I., to whom the Boyars made a merit of necessity, and sought his protection by way of avoiding his attacks. Both countries, however, continued generally to be governed by their native lords, till the close of the seventeenth century.”

This interpretation of Wallachian and Moldavian autonomy certainly went too far: the Transylvanians were close enough to notice that the status of their neighbors vis-à-vis the Ottomans was nothing to be envied. In a letter following Báthory’s election in May 1571, János Zsigmond’s testament executors justified their actions to Maximilian with the argument that they were trying to prevent Transylvania from sharing Wallachia’s and Moldavia’s fate, where the sultan appointed the voivodes.

The titles of the Moldavian and Wallachian rulers have an interesting story in their own right, but, by the end of the sixteenth century, their use was no longer

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529 Sir Robert Ker Porter (1777-1842) cited by F.C. Belfour in his edition of Paul of Aleppo, *The Travels of Macarius, Patriarch of Antioch*, trans. F. C. Belfour, vol. 1, 2 vols. (London: Printed for the Oriental translation committee, and sold by J. Murray, 1829), 108. Belfour also cites Charles de loppecourt’s *Histoire des derniers troubles de Moldavie* (Paris, 1620), which gives a very different perspective on the same subject in the sense that it tones down the “sovereignty” of the Wallachian and Moldavian voivodes: “Pour ce qui concerne le gouvernement, avant que la Moldavie se fut soumise à la domination du Turc, elle estoit paisiblement regie par un Duc, ou Prince qui s’appelloit Hospodar, à present Vayvode, qui signifie Gouverneur, ou Baillif, lequel estoit prins et choisi d’entre les Boers; Et au moyen de l’estroite alliance que les Moldaves avoient avec le Roy de Pologne, ils se maintenoient contre toutes sortes d’ennemis; Mais depuis que le Dragon insatiable, et eneny juré de la Crestienté a estendu ses griffes et sa domination sur eux, il leur a donné tel Prince que bon luy a semblé, ou plutôt aux ses avarés Bachats, qui sont d’ordinaire pratiqués par les dons immenses de ceux qui aspirent à ceste principauté, d’ où sont principalement procedez les troubles derniers de la Moldavie” (Ibid., 109-110).

530 MCRT II, 455, also quoted in Oborni, “Erdély közjogi helyzete a speyeri szerződés után,” 295.
directly connected to that of the Transylvanian voivode, where the meaning of the word was inextricably related to province’s place in the Hungarian kingdom. In the latter part of the fifteenth century, the function of voivode of Transylvania was filled by the *judex curiae* who was also in charge of all appeals of cases judged in the province. At the beginning of the sixteenth century, even before János Zápolyai’s election as king of Hungary in 1526, the voivodship had been gradually strengthened by the development of a separate chancellery and the enhancement of the voivode’s military attributions, but from there to assuming that he was a “sovereign prince” was a long way. Stefan Báthory’s tendency to turn the Transylvanian voivode into a *de facto* prince put a sign of equivalence between the two terms, which was not, however, truly formalized until 1595, when Stefan’s nephew Zsigmond was recognized by king and Emperor Rudolf II as prince of Transylvania *and* of the Roman Empire. The enhanced status of the voivode of Transylvania coincided with the abandonment of the voivode title altogether, and by its replacement with *princeps*.

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531 The issue has been a subject of debate between Romanian and Hungarian historians. In the second half of the twentieth century, Romanian historians were generally inclined to claim that the Transylvanian office of voivode, as it developed within the Hungarian kingdom, had evolved from the Romanian form of voivodeship that existed in Transylvania before the arrival of the Hungarians in the region; they focus on the origins, rather than the legal status of the office, a vision that became “official” in Romania in the 1980s. See for instance Ioan Lupaș, *The Hungarian Policy of Magyarization* (Cluj-Napoca: Romanian Cultural Foundation, 1992), a reprint from 1944; or the more recent Ştefan Pascu, *A History of Transylvania* (Detroit: Wayne State University Press, 1982). Hungarians tend to focus on the legal status and the functions of the voivode office, rather than on its origins; see for instance the case of medievalists such as Iván Borsa and Zsigmond Jakó, whose vision is reflected in more recent Hungarian scholarship such as Barta and Mócsy, *History of Transylvania*. I consider the Hungarian perspective more relevant for the purposes of this project. 532 Oborni, “From Province to Principality,” in Zombori, *Fight Against the Turk*, 168.
As far as the earlier decades are concerned, the voivode title carried a connotation of subservience that was rather clear for everyone involved. Báthory himself, regardless of what he really felt about his new position, had no qualms about calling it an “office” in 1571: “nos in officium vaivodatus huius regni Transsylvanaici sumus electi et pronuncciati…” 533 The fact that he was writing to a captain of Royal Hungary is significant in its own right: it was precisely in relation to the king of Hungary that the voivode of Transylvania remained but an officer—albeit elected and looking as a semi-independent prince to outsiders. The Speyer Agreement and the secret oath that Báthory had sworn to Maximilian’s envoys after his election ensured Báthory’s subordinate position; in his oath to the Emperor, Báthory swore to be “fidelis, obediens, ac subditus… in hoc Vajvodatus mei Officio.” 534

For the sake of his peace with the Ottomans, the Emperor pretended to have no claim over the region. Báthory exploited the situation to its maximum; in a series of letters sent to Maximilian in the first few months after his election, he insisted that publicizing his own oath, to say nothing of the idea of demanding the entirety of the orders and estates of the country to do the same, was unwise on account of the Ottomans, but—perhaps more importantly—also impossible on account of the Transylvanians, who not only thought that their newly elected ruler was as independent as his predecessor, but were also particularly hostile to the

533 MCRT II, 463.
534 MCRT II, 458; Bethlen, 234.
What is perhaps even more significant is that Báthory managed to wiggle his way out of handing over Transylvania’s most important fortresses to Maximilian’s agents; moreover, he phrased the oath that the castellans and other officers related to those fortresses were required to swear to the imperial agents in such a way that, in the event of his death, these castellans would not become directly subordinated to the Emperor, as Maximilian wished, but only indirectly via Báthory’s older brother Kristóf. This move one-handedly established a semi-dynastic succession while keeping the king of Hungary one-degree removed from Transylvania.

Even though Báthory managed to keep and gradually strengthen his hold on Transylvania between 1571 and 1575, it was only after his election as king of Poland-Lithuania that his title changed in Transylvanian public documents. In February 1576, soon after he had Transylvania’s three nationes and the Partium counties approve the division of authority between himself and his older brother, in preparation for his departure to Cracow, he suddenly stopped signing as “vaivoda Transylvaniae et Siculorum comes etc.” and switched to "Stephanus Dei gratia

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536 The testament executors reported to Maximilian on 3 July 1571 that they had already handed over to Báthory the following castles and fortresses (together with the related inventories and ammunition): Gyulafehérwár, Déva, Karánsebes, Lugos, Sidovár, Gyalu, Újvár and Várad, and added that there was some delay with Vécs, Gyergyószentmiklós, Székelytámad and Várhegy (in Seckler areas) but that they would also be handed over soon. See MCRT II, 478.
537 MCRT II, 480.
Elector Rex Poloniae, Magnus dux Lituaniae, Russiae, Prussiae, Mazouiae, Samogitiae, Livoniaeque etc. Nec non Transsyluaniae Princeps etc."  

The change is quite obviously connected to his “promotion” in status, yet cannot be explained entirely on that ground. There was nothing that forbade kings to have lesser titles in addition to royal majesty—almost every monarch in early modern Europe was simultaneously a duke or count of territories that did not formally belong to his kingship. The position of the Transylvanian voivode between Habsburgs and Ottomans was, admittedly, more problematic: he was the vassal of both Maximilian II (covertly) and Murad III (openly). Yet this was not an insurmountable problem either, despite the objections it raised among some of the Poles and Lithuanians at the time of election. Báthory the voivode was separate from—although admittedly in a rather close relationship with—Báthory the king, and despite their rumblings, Poles and Lithuanians were aware of the difference. This was the case of a king with not two, but three bodies, yet it was nothing unusual at the time. As Count of Flander, Charles V was theoretically the vassal of François I. The kings of France—as Counts of Provence and, when heirs, as Dauphins of Vienne—were vassals of the Emperor. Maximilian himself was both Holy Roman Emperor and King of Hungary: as the former, he was the Sultan’s archenemy and

538 Báthory’s corresp. II, 22.
Europe’s default crusader; as the latter, he sent an annual tribute to the Porte for the right to retain (and tax) the Northern parts of the Hungarian kingdom.\(^{539}\)

The change in title was therefore not a prerequisite for Báthory’s coronation, nor was it something that the accession to royalty caused; it was rather something that the increase in power and prestige facilitated. It certainly sounded much better to be called a prince rather than a voivode, but the issue was about much more than words, considering the circumstances of Báthory’s election to a throne that was simultaneously offered to his secret suzerain. What Báthory was most likely trying to accomplish with the name switch was not as much a distancing from the Porte as the establishment of a certain degree of independence from Vienna. After all, the Porte had recognized the right of the Transylvanians to elect their rulers freely,\(^ {540}\) but Vienna, on the other hand, had never formally recognized that right. On the contrary, the king of Hungary had a valid claim to the province (reinforced by a series of treaties with the Transylvanian estates, concluded from the late 1530s until the mid-1550s) and expected it to be reunited with the rest of the territory that he had under

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\(^{539}\) The Habsburgs paid \textit{haraç} (tribute) to the Sultan between 1547 and 1606 for the part of Hungary that was under their control, as a result of a series of peace negotiations with the Porte that had been started by Emperor Charles V in 1533. The Habsburg tribute was generally regarded as the price for peace with the Ottomans and as a gift, rather than the symbol of a vassalage bond, yet it is important to note that in Ottoman law all tribute-paying rulers were considered vassals of the Sultan. There was, of course, a \textit{de facto} yet obvious differentiation among such “vassals;” the status of the voivode of Transylvania was clearly not on a par with that of the Habsburg Emperor, except in the strictest Ottoman legalist perspective. See Halil İnalcık, \textit{The Ottoman Empire; the Classical Age, 1300-1600} (New York: Praeger Publishers, 1973), 105ff; and Peter F Sugar, \textit{Southeastern Europe Under Ottoman Rule, 1354-1804} (Seattle: University of Washington Press, 1977), 113. For issues of taxation see Ferenc Szakály, \textit{Magyar Adóztatás a Török Hódoltságban} (Budapest: Akadémiai Kiadó, 1981).

\(^{540}\) It was since that moment that János Zsigmond had started to call himself “prince.”
control at the earliest convenience, namely, whenever the Turkish presence in the area would be weak enough to permit it.\footnote{Letter from Maximilian to Stefan, 10 June 1571, in Báthory’s corresp. I, 124.} It was precisely this admittedly legitimate claim that Báthory was trying to placate in his adoption of the princely title, a Transylvanian version of “rex in regno suo est imperator,”\footnote{For the French and Italian fifteenth and sixteenth-century background, see T. F. Mayer, “Tournai and Tyranny: Imperial Kingship and Critical Humanism,” *The Historical Journal* 34, no. 2 (June 1991): 257-277, here 265.} which in itself implied that in the realm itself, the ruler’s authority was supreme and independent—nothing and nobody superseded it. That was not merely a sign of groundless ambition: in the summer of 1575 Báthory had already had the estates of Transylvania pass a constitution that explicitly stated that the voivode was the ultimate judicial authority in the realm, and that appeals from his sentences could no longer be addressed to the king of Hungary, as had been traditionally the case when Transylvania was still an integral part of the Holy Crown.\footnote{Werbóczy, *Tripartitum*, Part 3, Art. VI-VII.} Therefore, the adoption of the princely title following the Polish-Lithuanian election was the formalization of Báthory’s independence from the Habsburgs, rather than its initial impetus.

By adopting the title of prince, Báthory did not only upgrade his status—he upgraded that of Transylvania as well. However, the promotion was not a bonus that the country unexpectedly received as a side effect of their voivode having been providentially advanced to a higher position. In reality, the orders and estates of Transylvania had been calling Báthory their “prince” all along—not only in
Hungarian, which had been the language of their general assembly constitutions since 1564, but also in Latin, which remained the language used in communication between the voivode and the Saxon towns. This does not seem to be a matter of linguistic confusion; both languages have a word for voivode as well as one for prince. Yet Báthory was never addressed as “vajda” in petitions, reports, or other types of direct correspondence with persons or communities under his authority, nor do the articles recorded by each of the assemblies of the three nationes use any other Hungarian title for Báthory than “fejedelem,” which is the Hungarian equivalent for “prince.”

In reality, the orders and estates of Transylvania had been regarding their ruler as princeps in his own realm since 1542, when the orders and estates of the province assembled in general convention first accepted and then rejected (on account of Ferdinand’s failure to provide military help) the agreement concluded one year before between the envoys of Ferdinand of Habsburg and János Zsigmond’s mother, which provided for the reunification with Hungary and the transfer of Transylvania to Habsburg control. They named János Zsigmond electus rex, refused

544 Báthory himself used the Hungarian word for “voivode” at least once in his Transylvanian reign, and that was in the oath he took in front of the estates and orders of Transylvania in May 1571. See Báthory corresp. I, 114-5. There are also instances in the early 1570s when the voivode is mentioned by the name “vajda” in private correspondence between Transylvanians (one such example in DJAN Cluj, Fond Primăria Orașului Bistrița, seria I 1572, nr. 3640), but even there the language gradually changes to the “language of lordship” and later on to that of majesty. Both Stefan and Kristóf are customarily addressed as “Your Highness” or “our clement lord;” Zsigmond, however, is called “Your Majesty” or “te felséged” from 1595 onwards; see MCRT III, 463ff.) Romanian voivodes were also called “Măria Ta,” whether we agree that they effectively had “majestas” or not. See also entry in Régi Magyar Glosszárrium: Szótárak, Szójegyzékek És Glosszák Egyesített Szótára (Budapest: Akadémiai Kiadó, 1984).
to recognize Ferdinand as their king, and deliberately chose to pay tribute to the Porte rather than be subordinated to a ruler that they did not endorse. The refusal to submit to the authority of the House of Habsburg was unequivocally re-confirmed in 1556, 1566 and 1571—partly due to anti-“Habsburg” feeling, which was quite strong among the Hungarian natio in particular, partly due to disenchantment with Ferdinand’s unsatisfactory support in the context of the Turkish punitive campaign of 1551-1552, and partly due to the estates’ unwillingness to sanction the secret agreements that Martinuzzi and later János Zsigmond made with the Habsburgs without bothering to ask for their opinion.545

Therefore, as far as the Transylvanians were concerned, Báthory had essentially the same status that his predecessor had after 1542 and especially 1566, when Suleyman confirmed the right to free elections in Transylvania. The fact that János had been electus rex whereas Báthory was only the vaivoda of the Transylvanians and the comes of the Secklers was partly a question of semantics and partly one of politics that had lost their relevance in the space of the almost five decades that had passed since Mohács. Most importantly, the Transylvanian nationes and the anti-Habsburg nobles of the Partium insisted on János Zsigmond’s status of electus rex not necessarily because they believed he would eventually be crowned king of a reunited Hungary, but rather because their first concern was to not be ruled

545 As king of Hungary, János Zsigmond actually had the prerogative to conclude such agreements. On Transylvanian hostility to the Habsburgs see also László Makkai, Stefan Batory W Siedmiogrodzie (Warszawa: Książka i Wiedza, 1961), 180-190.
by a Habsburg—they preferred a divided country to one united but ruled by somebody they had not elected.

Surely enough, the reunification with the rest of Hungary remained the lifelong dream of most Transylvanian nobles, Stefan Báthory included, but it was a dream that lost its appeal if the condition of its accomplishment was the unilateral imposition of Habsburg control. Throughout the second half of the sixteenth century, the estates and orders of the ex-Hungarian province had repeatedly annulled any agreement that their own recognized rulers made against this fundamental rule, and from that perspective, de facto if not de jure, the Transylvanian estates aspired and often succeeded to have as much control over the “foreign policy” of their country as their rulers, whether they were called voivode, prince, regent, king, or queen.\footnote{In November 1591, a law passed by the estates officially limited the voivode’s control over matters of crucial importance, including alliances with outside powers (according to the law, from then on he had to follow the rulings of his council on such matters). See MCRT III, 383-395. The estates in most German territories were also quite powerful until the peace of Westphalia, which strengthened the position of the princes in “foreign policy” by giving them the jus belli ac pacis. For this issue see Gerhard Oestreich, Neostoicism and the Early Modern State, ed. Brigitta Oestreich and H. G Koenigsberger (Cambridge [Cambridgeshire]: Cambridge University Press, 1982), 218-219.}

It was therefore the act of election—and not the title itself—that conferred legitimacy on the ruler of Transylvania, and from this point of view, Báthory was as legitimate a ruler as had been János Zsigmond, even though one was called king and the other voivode or prince. That is also why, despite a period of hesitation and a certain degree of humility on Báthory’s part in the early 1570s, the “language of
majesty” or lordship gradually replaces that of simple dignity in Transylvania, essentially reverting, with a few exceptions, to the formulas used under János Zsigmond. Even though Báthory never ceases to sign as vaivoda Transylvaniae between 1571 and the beginning of 1576, he is not only addressed as fejedelem and princeps by his own subjects within the confines of his realm, but his envoys start using the princeps title abroad quite early during his rule. There are several instances when their doing so caused outrage and some form of protestation on the part of Maximilian or his representatives, thus illustrating the fact that the relevance of the title issue was more “international” than domestic. Four of these occurrences will be discussed below.

The first instance does not regard the princeps title per se, but is nevertheless directly related to the long-term conflict between Stefan Báthory and Maximilian II over the matter of “name-calling.” In July 1571, Pope Pius V wrote a letter of congratulation for Stefan on the occasion of his election, and although the letter was properly addressed to the “voivode of Transylvania,” the text itself refers to Báthory as “rector ac perpetuus gubernator.” The letter was transmitted from Rome to Venice and from Venice to Vienna, where it arrived in September that year, to be further passed on to Transylvania from there. However, papal nuncio Giovanni Delfino retained the letter in Vienna on account of his doubts about Báthory’s

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548 See previous note about “felséged.”
549 Documente I, 301.
commitment to the Christian cause (as well as his fidelity to the Emperor), as he had heard that the voivode had just sworn a new oath of vassalage to the Sultan.

Delfino asked the opinion of the Emperor, who also expressed doubts about Báthory’s general attachment to the Catholic faith, based on what he knew about Báthory’s heterodox councilors. Among these councilors was Giorgio Blandrata, a notorious Anti-Trinitarian physician who had moved to Transylvania from Poland in 1563 and since then had swayed a great number of Transylvanians, among whom the late prince János Zsigmond, to what was then called the “Arian heresy.” The Emperor’s opinion surprised Delfino, who had received a very different report from two Italian musicians who had just arrived from Transylvania. The Italians said that Báthory was actually trying to promote the Catholic Church in Transylvania by publicly supporting public masses—something that had not happened in a long while in that country.

All this being transmitted to the Vatican, the decision was made that Báthory may be deemed good enough a Catholic to receive the Pope’s Breve after all, and Delfino was ordered by Vatican’s secretary of state Tolomeo Galli to show the letter to Maximilian before sending it to Transylvania. It was then that the Emperor suddenly realized that there was something entirely different that was wrong with the letter—namely, the title mentioned earlier (“rector et perpetuum gubernator” and particularly the “perpetuum” part). Delfino’s report from 24 October 1571 mentions
that the Emperor requests His Sanctity to “remove those words and call [Báthory] only Vaivoda,” but it is unclear whether this request was eventually heeded or not.\footnote{Documente I, 302 (Endre Veress believes that the letter was most likely sent as it was, but that does not seem to be the case, judging by Delfino’s comment in a dispatch from January 1573—see fn. below.)}

The second title-related controversy with Vienna happened on account of a gaffe committed by another Pope. Pius V’s successor, Gregory XIII, received an ambassador (Martin Berzeviczy) sent by Báthory in late 1572 to pledge his fidelity to the Holy See. In January 1573, nuncio Delfino was again writing to state secretary Galli about a matter bothering the Emperor in relation to the voivode of Transylvania, this time to express Maximilian’s dissatisfaction with the Pope’s response to Berzeviczy’s oration in December 1572, which had referred to Báthory as \textit{princeps}.\footnote{The oration was printed by Veress in Endre Veress, \textit{Berzeviczy Márton, 1538-1596} (Budapest: A Magyar Történelm. Társulat Kiadása, 1911). The Pope’s reply is included in Documente I, 330.} Delfino cites Maximilian in a conversation they had on the subject, during which the Emperor referred to the 1571 “perpetuum gubernator” letter from Pius V as an example of a lesser error which the See had demonstrated the will to fix:

These past days Bathori, the Voivode of Transylvania, sent one of his [men] to give homage to His Sanctity and besides the fact that the said ambassador called him Prince of Transylvania, His Beatitude, in his response, gave him the same title, for which reason, considering that he is under my [i.e., Maximilian’s] jurisdiction, since the said
Bathori is my vassal, as he has sworn fidelity to me, albeit secretly, *metum Iudeorum*—to use his own words [Delfino’s note]—and since there is no remedy for what has already been done, I want to beg His Sanctity that in the future he do not commit similar offense against me again; besides, if I can remember well—which is true [Delfino’s note again:] during the time of the late Pius V, His Sanctity sent me a letter for the said Bathori to be sent to Transylvania with the approval of His Majesty [the Emperor], and [at that time] simply because [Báthory] was called “perpetual governor of Transylvania” in the said letter, His Beatitude acquiesced, at the Emperor’s behest, not to send it.  

The nuncio replied to Maximilian that he was unaware of the circumstances of this recent incident and that he did not know whether it was the Pope himself or the secretary who had used the word (as it was quite uncommon for the former to respond to ambassadors in person), and pointed out to the Emperor that in Italy “this title of Prince is not used as narrowly as it is done in Germany.” But, he continued, be it as it may, he would have warned the Holy Father had he known about this, as he was certain that the Holy See would have given the Emperor all the satisfaction he sought, as had always been the case. After a good measure of the required

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552 Documente II, 1.
obsequiousness, Delfino could not leave it at that and added his own two clever cents, which sum up quite beautifully Maximilian’s attitude toward Transylvania:

…but, with all due respect, I cannot help but be amazed at how Your Majesty, as wise as everybody knows you are, spend so much effort trying to conserve your dignity in the appearance of words, but in the observance of facts proceed with so much reservation, considering that now you have the opportunity, by entering the League, to truly be the master not only of Transylvania, but of a great part of the country of the Turk [as well], [and yet] you prefer to be Prince in occulto.553

Approximately one month later, in another conversation between Delfino and Maximilian, the Emperor eventually admitted that Báthory could be called Prince in private,554 as was already the case.

This was not the end of the title issue and the struggle went on,555 as demonstrated by another instance when the title princeps caused trouble between Báthory and Maximilian on the diplomatic scene—this time in Poland-Lithuania. Ferenc Forgách, Báthory’s envoy to Cracow on the occasion of Henri of Anjou’s election, was apparently making quite liberal use of the title during his embassy in early 1574, according to Andreas Dudith, one of Maximilian’s most trusted

553 Documente II, 2.
554 Documente II, 4.
555 A similar incident, which happened in Rome in March 1573, is mentioned by Oborni in “Erdély közjogi helyzeté a speyeri szerződés után,” 299. At that time, Báthory’s envoy to the Pope, Fehérvári Tamás, referred to him as “princeps;” Maximilian protested; and Báthory apologized, saying that his envoy had no knowledge of his secret oath to Maximilian and that therefore he did not violate it.
councilors sent to Poland-Lithuania during the first two interregna of the Commonwealth. On behalf of the Emperor, Dudith felt obliged to draw Forgách’s attention to the faux-pas he was committing, but Forgách did not seem to care much about Dudith’s outrage. His response was that “you should not take it badly if I am doing something that the consensus of the entire people, as well as the Turkish will (voluntas) has already confirmed.” Needless to say, the attitude is quite striking and it indicates a trend of increasing defiance, on Báthory’s part, of his secret and quite ineffective suzerain. In this light, Báthory’s open adoption of the princely title in early 1576 appears as the end result of a process, rather than a sudden jump in status determined by the lucky strike of the Polish-Lithuanian election. Most importantly, Forgách’s response contains a crucial reference to the two sources of authority that Báthory used in order to oppose the authority of the Habsburgs: the “consensus of the entire people” and the “Turkish will.”

Enthronement and the source of the voivode’s authority. The title issue seems to be connected with the tendency of an entire community—rather than that of a single man—to redefine itself not only in relation to its neighbors, but also to its own past. Even though Forgách’s answer was admittedly self-serving, it clearly illustrates one major implication of the anti-Habsburg sentiment which permeated Transylvania’s elites in the second half of the sixteenth century, namely, that a distancing from

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556 See Costil, André Dudith, chapter 2 for more details on Dudith.  
557 Dudith III, 65.
Vienna was concurrently matched (and to a certain extent caused) by a political weight gain on the side of the estates and orders of the country to the expense of that of the voivode. This dynamic was particularly visible at the time of Báthory’s election and the period immediately following it, which was characterized by a certain hesitation on the voivode’s part, and an emboldened attitude on the part of the estates. In 1571-1572, for instance, the assembly of the three nationes required financial reports from the voivode; later, however, Báthory’s power became more stable and the estates started losing their preeminence, which they would, however, exercise again temporarily on the occasion of each subsequent election.558

Interestingly enough, although the Porte pushed aside the King of Hungary as the main suzerain of the Transylvanian voivode, it only partially replaced him as the voivode’s source of authority: after all, the “Turkish will” merely confirmed (“comprobasset”), a decision that had originated in Transylvania “omnium iam gentium consensus.” Even though the Porte’s (and most often, that meant the grand vizier’s) “will” mattered greatly, in the competition over Transylvania the Sultan’s main weapon was power, whereas the Emperor’s was authority—a covert weapon in this case, but ultimately not less effective than the Ottomans’ open display of force.

Emperor and Sultan were not only engaged in a battle over land and souls; they also fought over the ghost of the Roman Empire. The Sultans’ ambition (from 1453 onwards) to be regarded as the heirs of Byzantium and the continuators of

558 Barta and Mócsy, History of Transylvania, 728; MCRT II, 471-531. Murdock makes the same argument in Murdock, “Freely Elected in Fear.”
Constantinople’s own claims of jurisdiction over the territories it once ruled (or thought it had the right to rule) is not without importance. They did use, after all, the title of “caesar” in communication with Christian rulers, and in the sixteenth century even incorporated a “dei gratia” element in their title, on the model of Christian royal titles. The rivalry between Suleyman the Magnificent and Charles V over imperial supremacy was carried in the realm of symbols as well as on the battle field, a fact made manifest in Suleyman’s interest in European regalia such as crowns, scepters, orbs, and particularly, in 1532, a spectacular piece of Venetian-made bejeweled headgear that superposed four crowns, thus making a clear statement about the Sultan’s superiority over the Pope and Emperor put together.

Suleyman’s preoccupation with Christian insignia of legitimacy was also apparent in his relationships with his European vassals: after ceremonially offering to János Szapolyai, in 1529, the Holy Crown of Saint Steven—Hungary’s symbol of ultimate authority, Suleyman started to use the title of “Distributor of Crowns to the Monarchs of the World” in his correspondence with Christian rulers, in a clear attempt to replace the Holy Roman Emperor’s claim to supreme majesty which,

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561 Ibid., 416.
according to imperial apologists, only he legitimately carried among all of the Christian princes.\textsuperscript{562}

The Ottoman adoption of the European language of authority and power, which Suleyman embraced in the 1520s and 1530s, only to abandon it towards the end of his life, had been superimposed onto a set of more stable and specifically Ottoman forms\textsuperscript{563} that had characterized the relationship between the Sultans and their European vassals since the fifteenth century. As far as East Central European vassals were concerned, on every occasion that a new voivode was elected—be it in Transylvania, Moldavia, or Wallachia—the Porte confirmed the election (or usurpation, as was often the case in the Romanian countries) and renewed the bond with the respective country by sending to the new ruler a relatively standardized set of presents that most often included a caftan, a horse richly harnessed, and a fur coat or a sword, all of which functioned, on one hand, as symbols of delegated authority, and on the other, as the completion of a gift-exchange initiated by the new voivodes as a sign of submission soon after their election.

The significance of the voivodes’ \textit{peshkesh} (present, gift) should not be underestimated. It was the most important obligation that the vassal states had

\textsuperscript{562} The French kings, however, challenged that supremacy on the basis of Charlemagne’s legacy. Saul, “Richard II and the Vocabulary of Kingship,” 872.

\textsuperscript{563} The Ottoman specificity was, however, a composite of Persian, Byzantine, and later Islamic (Hanefite) forms. For the integration of Byzantine customs and institutions in Ottoman administration, see Geza Dávid, “Administration in Ottoman Europe,” in İ. Metin Kunt and Christine Woodhead, eds., \textit{Süleyman the Magnificent and His Age: The Ottoman Empire in the Early Modern World} (London: Longman, 1995); and Speros Vryonis, “The Byzantine Legacy and Ottoman Forms,” \textit{Dumbarton Oaks Papers} 23 (1969): 251-308.
toward the Porte in addition to the harac (tribute), and specialists see it as the remnant of an ancient Iranian custom that established the relationship of dependency between lord and vassal. Every dignitary in the Ottoman Empire—pashas, Christian patriarchs, kadis, etc.—had the duty to offer periodic gifts to the Sultan, the amount of which was fixed by regulations. The annual peshkesh that the vassals had to send to the Sultan and the most important Ottoman dignitaries were mandatory and were registered by the Ottoman chancellery, but there were also gifts that were initially offered on special occasions—such as the election of a new voivode—as a sign of politeness, but which later on became regular obligations as well. The peshkesh generally consisted of horses, falcons, furs, silverware, and other types of gifts, and, like the harac, it was consistently larger in Moldavia and Wallachia than it was in Transylvania.

In Stefan Báthory’s case, the list of gifts that were sent to the Porte in 1571, in addition to the annual tribute, has been preserved in a letter that the new voivode sent to Maximilian II immediately after his election in order to prove the financial burdens of his country and use that as an argument to not only refuse handing over fortresses, but also to ask for money from Vienna. The list details each precious

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564 See Halil İnalcık and Donald Quataert, eds., An Economic and Social History of the Ottoman Empire, 1300-1914 (Cambridge: Cambridge University Press, 1994), 74.
565 A kadi was a “judge of Islamic seriat law, with responsibility under Ottomans also for local administration of kanun (dynastic) law.” See Kunt and Woodhead, Süleyman the Magnificent and His Age, 194.
object and sum destined for various Ottoman officials, from the Sultan to the envoys sent from the Porte. The money amounted to 19,200 gold tallers, out of which 12,000 represented Transylvania’s annual tribute.⁵⁶⁷

In return, Báthory received—from an impressive delegation of two hundred troops sent from the Porte—⁵⁶⁸—a series of objects that signified his investiture by the Porte: “vexillum, sceptrum, acinacem, mytram Principalem crysta adornatam, brabeas auro intextas, atque equum generosum splendide exornatum, cum apprecatione prosperorum successuum,” in addition to letters from the Sultan confirming his election and stating the terms of his position, the main of which was to be a “friend and ally” and to provide intelligence and military help when needed. The twenty-five dignitaries of the country received “vestes Arabicas,” and the Sultan also sent a letter to the estates of Transylvania, allowing them their choice upon the condition that they and their voivode remain faithful to the Sultan.⁵⁶⁹ Among the objects of investiture, the banner was a symbol of Ottoman suzerainty, and the horse was a regular Ottoman gift, but everything else, particularly the scepter and mitre, were symbols of power (the scepter) and authority (the mitre) clearly borrowed from European regalia.

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⁵⁶⁷ The tribute was raised to 15,000 in 1575. See MCRT II, 470-471; Szalay, Erdély és a Porta, 300-305.
⁵⁶⁸ Bethlen 235: “not long after [the election]”…
⁵⁶⁹ Bethlen 236. Bethlen writes there were 26 dignitaries, but according to Forgách, there were only 25. Furthermore, Forgách only mentions the “vexillum,” “sceptrum” and “diadema” received by Báthory (Forgách 475). Szamosközy says that at János Zsigmond’s funeral, his regalia (including “paludamentum, ensem, scepturm, orbem, calcaria aurea” and “vexillum”) were paraded through Gyulaféhérvár.
At the same time, the letter addressed to the “inhabitants of Transylvania” contains turns of phrases that make the relationship between the estates and the Porte seem more important and certainly more durable than that between the voivode and the Sultan. Selim essentially warns the nationes that if their ruler does anything against the Porte, the estates will be held responsible;\textsuperscript{570} the bond between them and the Sultan is not only prior to the one forged with Báthory, but it will also continue after he is gone, infusing thus not only a certain sense of permanence to the suzerainty of the Ottomans over Transylvania, but also acquiescing to an image of Transylvania where the estates of the country seemed to be more vital members of the body politic than their ruler and were, ultimately, the main repository of public authority.\textsuperscript{571}

The Sultan’s confirmation of the voivode’s election was a symbolic act that demonstrated the protection of the Porte—which the Transylvanians certainly sought—as well as their position of subservience to it, which certainly diminished the authority of their elected ruler. Yet the gesture did not carry much weight as far as the voivode’s internal authority was concerned: his election became effective immediately, and not after the Sultan’s confirmation. For instance, the articles of the election assembly itself, which after the enthronement continued as a regular general assembly of the estates, were approved and signed by the new voivode, not as

\textsuperscript{570} MCRT II, 461-463. Also reproduced in Bethlen 236-238.
\textsuperscript{571} Gerhard Oestreich has elaborated on the ways in which representative powers came to preserve territorial unity in early modern German territories; see for instance Oestreich, \textit{Neostoicism and the Early Modern State}, 197-198.
“voivode-elect” but as a ruler already exercising his powers by virtue of the authority that he had just received—not from the Emperor and certainly not from the Sultan, but from the orders and estates of the country he was entrusted to rule.

The gradual strengthening of the voivode’s authority and Transylvania’s increasing separateness from Royal Hungary is also illustrated by the names that were used for the country itself in the articles registered after each partial or general assembly of the three nationes and the adjoined Hungarian districts throughout the second part of the sixteenth century. In the 1550s Transylvania was rarely called by this name, but rather as “partes regni Hungariae Transylvanae;” moreover, the Hungarian delegates to the assemblies were always mentioned before the Transylvanian ones. After 1564, however, the country is more and more often called Transylvania or Erdélyország, and its delegates start being listed before those of the Hungarian districts. The formula that was most frequently used in the late 1560s suggests an entity that is adjoined with, but essentially separate from the regnum Hungariae: “fideles nostri domini regnicolae trium nationum Transsylvaniae nobiles videlicet, Siculi, atque Saxones, ac nobiles partium regni nostri Hungariae.” The change also coincides with the switch from Latin to Hungarian in

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572 MCRT II, 101, 173, 184, 193, and 229.
573 MCRT II, 285, 292, 309, 321, 330, 338, 345ff. In this light, the terms of the Speyer Agreement, which established actual boundaries between Transylvania and Royal Hungary, were the formal sanction of a state of affairs that was already present on the ground: they “merely confirmed the results of several decades of war.” (These boundaries were put into effect, even though the Speyer Agreement itself was never ratified by the assembly of the Transylvanian estates.) Barta and Mócsy, History of Transylvania, 639–640.
574 MCRT II, 345; variations of this formula are used throughout the 1590s.
the text of the articles themselves (the article headings and the confirmations by the prince continue to be expressed in Latin in most cases).

It is during Stefan Báthory’s reign, and more precisely from 1574 onwards, that the formula “regnum Transylvaniae,” which had been used until the early 1550s but abandoned soon after, starts creeping up again in the assembly constitutions—first in article headings only, then, after Báthory’s accession to Polish-Lithuanian majesty, in Kristóf Báthory’s formula of introduction and confirmation of the articles as well: “status et ordines trium nationum regni Transylvaniae, ac partium regni Hungariae…” The next significant change in the name of the country would not come until after both Kristóf’s and Stefan’s deaths, when Zsigmond Báthory would push the authority of the voivode-prince of Transylvania to a whole new level by calling the realm “regnum nostrum Transylvaniae” from 1591 onwards.

From December 1574 onward, Stefan introduced another significant addition to the formula. The change concerned the Hungarian districts annexed to Transylvania and which were previously either enumerated by name, either simply mentioned as such, as in the following example: “ordines trium nationum Transylvaniae et annexarum partium Hungariae.” In December 1574, however, the Hungarian parts are for the first time mentioned as “[ordines] partium regni Ungarie ditionis videlicet nostrae,” and the addition is there to stay, except for a small

575 MCRT III, 104. Teréz Oborni makes the same observation regarding the use of “regnum” in “Erdély közjogi helyzete a speyeri szerződés után.”
577 MCRT II, 531, 543 (January and October 1573).
period of hesitation on Kristóf’s side, who for a year after his appointment/election as the replacement voivode had the chancellery’s secretary revert the formula to a more neutral phrase which had the Hungarian districts subjected to Transylvania rather than himself personally: “[status et ordines] partium regni Hungariae ditioni videlicet huic Transyluаниcae adiacentium et adhaerentium;” or “ordines et status trium nationum regni Transyluаниae ac partium Hungariae sibi subjectarum.”\(^{578}\) From April 1577, however, Kristóf seemed to get more comfortable with his position and adopted Stefan’s more direct formula (“et parciun regni Hungarie dicioni scilicet nostrae…”).\(^{579}\) The meaning of dicio originally had nothing to do with auctoritas; in the works of Plautus and Cicero, it meant forced subjection rather than legal superiority or jurisdiction. In sixteenth-century dictionaries, ditio also acquired auctoritas among its definitions; for Báthory, it was a clever way to evade the legal question and to seemingly focus on de facto rulership by using a word that could, in contemporary parlance, be a synonym for auctoritas, but which also could be presented as saying nothing of the sort: his chancery could plead innocence, and use Cicero as evidence.\(^{580}\)

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\(^{578}\) MCRT III, 104, 112.  
^{580}\) See, for instance, Robert Estienne and Henri Estienne, *Roberti Stephani Lexicographorum Principis Thesaurus Linguae Latinae in IV. Tomos Divisis*, vol. 2 (Basilœ: Typis & impensis E. & J. R. Thurnisiorum fratr., 1740), 129-130: the entry for ditio gives Imperium as synonym. The examples are drawn primarily from Cicero (as well as Plautus and Virgil): “sub imperium ditionemque pop. Rom. urbes aliquas subjungere. Cic. 3. Verr. 55;” “In ditione ac potestate alicujus esse. Cic. pro Quint. 6.” A vaguer definition is also included: “Qui mare, qui terras omni ditione tenerent. Virg. I. AEn. 236. Id est, omni potestate, pace, legibus, bello. Servius.” This is a thesaurus put together by Robert Estienne (1503-1559) and expanded in the eighteenth century with the annotations of Henri
The matter is quite obvious in the rather fervent correspondence between Stefan and Maximilian in the first few months of Báthory’s rule. Immediately after being elected voivode in May 1571, Stefan wrote a long letter in which he was asking the Emperor to commit to his control Transylvania’s fortresses, which were in the hands of János Zsigmond’s pro-Habsburg testament executors, “so that my dignitas remain entire and whole [in the eyes] of the crowd.” In the same letter, already impatient with Maximilian’s ambiguous attitude toward Transylvania, Báthory requested that the king deign to send him a “definitive decision” about all actions related to this “province subject to my rule” (imperium), and add to his solemn title “and lieutenant of the Hungarian parts” (et partium Hungariae locumtenens), “or something similar.”581 In his response, Maximilian graciously agreed to all of the above, without failing to add, however, that all this was but a

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581 MCRT II, 464-70. Báthory’s request had to do with the Partium’s rather weak connection with the rest of the territories under his control, as it had been adjoined to Transylvania by Ottoman advances in central Hungary, as opposed to having been a historic part of it. The Partium had belonged to Royal Hungary and part of it often went back and forth between the Habsburgs, the Ottomans, and Transylvania, in the 1550s and 1560s.
temporary arrangement until the Transylvanian “parts” of the Hungarian kingdom could be reunited with the rest.\textsuperscript{582}

Báthory continued to seem uneasy with this agreement and unsure of the nature of his authority for the first three years of his voivodship, when he continued to report to Maximilian quite regularly about domestic issues and at the same time avoided the use of any formula that suggested personal rule over Transylvania. Most strikingly, his insecurity is apparent in the way he felt the need to justify his right to enforce the decisions of the assemblies by using the phrase “prescriptos articulos…\textit{autoritate nostra} acceptamus approbamus ratificamus et confirmamus,”\textsuperscript{583} as early as the first general assembly of the orders and estates of Transylvania and the adjoined Hungarian districts after his election. Later on the phrase is even more remarkably an attempt at authority-building—“approbamus, roboramus, ratificamus et confirmamus, atque tam nos ipsi obseruabimus, quam etiam per alios quoslibet \textit{autoritate nostra, qua publice fungimur}, obseruari faciemus”\textsuperscript{584}—not for the sake of his subjects, who regarded him as their freely elected \textit{princeps} anyway, and to whom he was connected by \textit{public} oaths on both sides, but rather as a subtle message sent

\textsuperscript{582} Báthory corresp. I, 124.
\textsuperscript{583} MCRT II, 494.
\textsuperscript{584} MCRT II, 527 and 539 (May 1572 and May 1573). The phrase is noted by a contemporary writer as well, who underlines that Báthory was “always” careful to keep his dignity intact—in public and diplomatic circumstances—thus doing everything possible to extract himself from Maximilian’s control. See Szamosközy I, 118. The same formula is used in Báthory’s censorship decree on 17 September 1571: “\textit{autoritate nostra, quae publice fungimur};” also: “\textit{in tota Transylvania et partibus Hungariae ditioni nostrae adjectis.” Direcția Județeană a Arhivelor Naționale din Sibiu [hereafter DJAN Sibiu], \textit{Col. Brukenthal}, H(6-9)#2, f.1369-1369v.
to his distant but quite inconvenient suzerain, to whom he was connected, after all, by secret oath only.

The notion of “authority” is never mentioned as such in article confirmations before November 1571, nor is it used again after June 1574. Before 1571, the source of authority of the prince still derived, quite clearly, from that of the king of Hungary, and it was only accidental that Jan Zsigmond, as electus rex, personified both. It was clearly his kingship that mattered more than his princely position, as was affirmed quite strongly in the unequivocal language of majesty that focused first and foremost, until 1570 at least, on “regnum nostri Hungariae” and not on Transylvania proper.

From December 1574 onwards, the affirmation of auctoritas in public documents is replaced by that of “dicio” or “ditio,” first only as a descriptive element for the Hungarian districts (“partium regni Hungariae ditionis nostrae”), and later, more generally, as the basis on which the voivode could ratify and enforce the decisions of the estates (“acceptamus approbamus roboramus ratificamus et confirmamus, ac tam nos ipsi observabimus, quam per alios quoslibet ac cuiuscunque ordinis et status homines ditioni nostre subiectos obseruari

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585 With the exception of the confirmation by the estates and orders of Transylvania in January 1576 of Kristóf Báthory’s voivodship, where a Hungarized version of the word is used to underline that Kristóf would be ruling with the same authority as Stefan had until then (“hasonló autoritással”). MCRT II, 575.
faciemus”).\textsuperscript{586} It certainly makes sense that \textit{ditio} should replace the notion of auctoritas as Báthory’s position not only became stronger, but also changed its nature by becoming further removed from officium and closer to principatus throughout the early- to mid-1570s. As the Emperor’s claim to authority over Transylvania become irrelevant—much as it had, in a practical sense, for Italian city republics—what mattered now was \textit{ditio}, which could mean auctoritas, but which could also mean, in classical Latin, the simple \textit{de facto} ability to subject. The flexibility and imprecision of this term is a telling example of why the old Latin vocabulary was simultaneously a tool and a potential hindrance to the development of early modern political theory.

\textbf{Báthory’s nemesis: Gáspár Bekes.} 1573-1574 seems to be the moment of crystallization of the voivode’s authority in the realm, which only became solid enough when its hierarchically higher, external source, i.e. the Holy Roman Emperor, was diminished in favor of an arguably inferior, internal one—namely, the public act of election by the orders and estates of Transylvania and the adjoined Hungarian territories, coupled with the backing and domination of the Porte. This

\footnotesize{\textsuperscript{586} Assembly of 6-19 December 1575 (MCRT II, 569). Versions of this formula were used again by Kristóf in May 1576 and October 1576 (MCRT III, 104, 112). A different phrase is used in April 1577: “et tam nos ipsi obseruare, quam per alios ubique per dicionem nostram obseruari facere dignaremur” (MCRT III, 115), which will become the standard phrase from April-May 1578 onwards (MCRT III, 124ff). The standard phrase, “ubique per ditionem nostram,” introduces a territorial element in the source of the voivode’s authority, in my opinion, whereas the earlier version emphasizes the voivode’s personal relationship to those he calls, in this context, his subjects.}
time interval corresponded with the beginning of Báthory’s first forays into larger-scale politics—first through his negotiations of marriage to a French lady-in-waiting and, secondly, through his envoys’ increasingly active presence in Krakow around the time of Henri’s coronation. Significantly, the strengthening of Báthory’s control over Transylvania came at roughly at the same time as his first success against his most important internal rival, Gáspár Bekes.

Bekes, who had been János Szapolyai’s orator, chamberlain, and his most trusted envoy to Maximilian in the latter part of his reign, as well as Báthory’s rival candidate in May 1571, had not openly challenged the election outcome at the moment when it happened. His friends or supporters, who included the testament executors but also some of Báthory’s own councilors, such as the very influential physician Giorgio Blandrata and Farkas Kovacsoczy, soon-to-be chancellor of Transylvania, also accepted the results of the general assembly that acclaimed Báthory as the new voivode of Transylvania and did not dare speak up in favor of Bekes. In this sense, Báthory’s election in itself had been rather unproblematic and offered no preparation for the complicated legitimacy issues that he was going to face in Poland-Lithuania.

Báthory did have trouble from his Transylvanian subjects all the same, but the challenge did not come in the shape of a contested election or problematic enthronement; it came most often in the guise of usurpation attempts. Bekes himself,
who posed the most serious challenge of this sort, openly manifested his
unwillingness to accept Báthory as his superior, as well as his simultaneous ambition
to take his place only after Báthory was well established in his voivodeship, and by
doing so he became not a rival, but a rebel.

The story of the Báthory-Bekes conflict is complex and, like any of its kind,
it has two sides—if not more—to it. Pushing the election and all elements of public
discourse aside, it does seem to boil down to a classic case of spite and stubborn
rivalry, which went back years before the 1571 election. To start, Báthory had held a
grudge against Bekes since his return to Transylvania from Habsburg captivity in
1567, when he became convinced that he and his brother Kristóf had lost the prince’s
favor on account of Bekes’ “machinations,”\footnote{Szamosközy I, 130.} which included, among others, an
annulment of the Vécs castle grant that the Báthorys were initially supposed to
receive as compensation for the family possessions lost to the Habsburgs. Whatever
may be said of these feelings and suspicions, it is a fact that Bekes had taken the
Báthorys’ place at the court during Stefan’s absence; some sources also mention that
he had tried to have himself elected as János Zsigmond’s successor while the latter
was still alive—a request that the estates did not find to correspond to the laws of
their country.\footnote{Possevino, \textit{Transylvania}, 106. A detailed account of the castle wars between Transylvania and
Habsburg Hungary in the 1560s is available in Lukinich, “La jeunesse d’Etienne Báthory,” in
Lukinich and Dąbrowski, \textit{Étienne Báthory}, 18-46.}

Stefan’s fall from public life was quite great, if we believe the
reports of the Spanish envoys to Prague according to whom he was still considered as János Zsigmond’s most likely successor in 1567.  

Dislike turned to disagreement when, after becoming voivode, Báthory tried to buy Fogaras castle and its adjoining market town—all together a prosperous, well positioned, and well defended place close to the border with Wallachia—back from Bekes, who had received it as a grant from János Zsigmond. Báthory’s intention was to return Fogaras to who he believed were its rightful heirs (the Maylat brothers and grandchildren of a Transylvanian voivode, Stephan Maylat), who were nephews of Fogaras’ previous owner and also “happened” to be Báthory’s own nephews (his brother András had married and had four sons with a Maylat, daughter of Stephan). The complicating part was that the castle had been legally sold by its owner, Gabriel Maylat, to Prince János Zsigmond, who in turn gave it to Bekes in 1567. Bekes refused to sell Fogaras to Báthory—the sum the voivode offered was about one quarter of what Fogaras was worth, but admittedly the same amount that Maylat had received from János Zsigmond. To make matters worse, Maximilian himself intervened on Bekes’ behalf, trying to convince Báthory to pay him more money in exchange for the castle and town. Undoubtedly irked by all this, Báthory

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592 Szamosközy says that the sale had been forced on Maylat by Bekes (details in Szamosközy I, 133), but even if that was true, it did not make the sale itself any less legal. Possevino, in his account greatly influenced by Báthory’s side of the story, states that Bekes bought Fogaras from Maylat for thirty thousand *taler* and that he fooled him into doing so by convincing him that he had to leave the country as the Ottomans were going to invade the country soon, a detail that Szamosközy also recounts. See Possevino, *Transylvania*, 106.
593 For the legal case between Báthory and Bekes regarding Fogaras, which started in 1571, see Documente II, 304; and Magyar Országos Levéltár [hereafter MOL], F9 (Miscellanea).
started harassing Bekes about other matters as well—for instance, about returning whatever Bekes reportedly had stolen from the treasury while he was chamberlain. Naturally, Bekes denied everything, but at the same time he felt threatened enough to start preparing for more serious confrontation.

As the enmity with Báthory became more obvious, Bekes attracted Secklers—who had been unhappy with their diminishing autonomy and rights since their last uprising in 1562—on his side, thinking that Báthory might attack him; in the meantime, he stayed put in Fogaras for fear of things boiling over while he was away from home, and he only sent envoys to Diets to demonstrate a minimal amount of due deference, while making up excuses for not going there in person. Báthory could not tolerate the thorn in his side any longer and ordered that Bekes be brought to him dead or alive.

During the assembly of November 1571, Bekes stayed home under the pretext of pain in the legs, while some of his closer friends (Mihály Telegdy and Paul Csáky) did not offer any excuses. Mihály Csáky and Kristóf Hagymásy were the only representatives of the Habsburg party at that assembly. In Transylvania, absence from an assembly to which one was invited by the voivode could be considered lese-majesty. In a report written after the assembly dissolved, Báthory complained to Maximilian about the absence of Bekes and his friends, arguing that their attitude hurt his “the tranquility of this province, as well as my reputation.” See MCRT II, 514.

This account until this point is based largely on Szamosközy’s version (Szamosközy I, 130-140. The story is told by Szamosközy in very Báthory-favorable terms, but it has enough detail to unintentionally show that both Báthory and Bekes were quite relentless in hating one another and that their rivalry went beyond public interests: it was personal. Interestingly enough, Szamosközy paints a more forgiving image of Bekes in his notes than in his actual history; according to this milder version of Bekes, it was the fact that he had sworn allegiance to Maximilian, in exchange for the voivode title that he was hoping to get, that forced him to rebel against Báthory. In other words, he could not have acknowledged Báthory as his prince because that would have violated his oath to Maximilian; therefore he withdrew to Fogaras, wherefrom he wrote countless letters to Maximilian asking for a cancellation of his oath, which Maximilian did not grant. In the meantime, Báthory attacked Fogaras and drove him out of the country, which determined a chain of events that led to the 1575 confrontation. When Maximilian died, Bekes was finally free of his allegiance to him and was at last able to reconcile with SB. See Szamosközy IV, 3-4.
surrounded and easily taken over by Báthory’s troops in October 1573; Bekes himself managed to get away with a few servants, and found refuge in Royal Hungary. At the general assembly that followed, nobody dared speak in his favor and the estates approved Báthory’s accusation that Bekes rose against the public status and peace and “machinated against the person and dignity of the voivode.” The orders and estates gave the voivode the authority to punish the guilty according to the articles passed by them at that time, and according to which felons who disturbed “the peace of the motherland” were to be judged by an assembly convoked at the request of the voivode, and that the matter be judged in person, “not by lawyers.” If one was found guilty, he was to be sentenced of “infidelity” and have his property forfeited. In accordance to the verdict of the estates who agreed that Bekes had indeed made himself guilty of these public crimes, Báthory confiscated Fogaras and the rest of Bekes’ property.  

“Infidelity” or *nota infidelitatis* was the Hungarian legal version of “treason” or, in the French context, the offenses that were considered *cas royaux* (in the sense that they belonged to royal jurisdiction), and which primarily included, but were not limited to the crime of lese-majesty. In Werbőczy’s compendium, written with the

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596 Documente II, 17; MCRT II, 432, 544-545. This was not the first time such a decision was made by the orders and estates of Transylvania and its adjoined regions. The assembly of November-December 1571, in its decisions regarding the Seckler uprising of the previous summer, threatened that inciters of future revolts would be punishable by death and the confiscation of their possessions. See MCRT II, 504.

laws of the old Hungarian regnum (together with Transylvania and “Sclavonia”) in mind, the cases of “infidelity” belonged to the jurisdiction of the “sacred crown.”

The very first point under Werbőczy’s list of reasons for which one was to be marked with the disgrace of infidelitas was lese-majesty, defined in terms closer to Germanic feudal law than to the Roman Iulia Maiestatis598 as either making an attempt on the life of the prince, unsheathing one’s sword in the prince’s presence or entering, without permission, the house where the prince was lodged.599

Werbőczy’s vision of infidelity in the context of Hungarian law at the beginning of the sixteenth century evidently included an element of Roman law as well, since the second entry under nota infidelitatis mentions those situations where “somebody plainly (evidenter) rises up and opposes the public condition (status publicus) and that of the king and of the crown.” Werbőczy adds, however—in line with his fondness of the right of resistance—that “in cases where such rising was done in just defense, the stigma of infidelity does not apply.” It is of particular interest to our subject matter that the estates passed laws regarding “infidelity” after the death of János Zsigmond, who was the last king—albeit only “elect”—who ruled Transylvania. It is an indication of the tendency of the voivode to replace the king of

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598 For the distinction between the Roman and Germanic understanding of lese-majesty (or treason), see Jones, “Bons Bretons et Bons Francoys’,” 95 and Cuttler, The Law of Treason and Treason Trials in Later Medieval France, 7-8.  
599 “Prince” in this context denotes the ruler (hence, the king). Werbőczy’s list of cases that fell under the charge of infidelity is in Part I, Art. 14 of his Tripartitum.
Hungary in all his prerogatives, in this case the judicial ones, and to expand his authority by adding a type of surrogate majesty to his *dignity*. The constitution of 1573 did not, however, explicitly annul the old judicial hierarchy in cases of infidelity. It simply avoided mentioning the king of Hungary as well as the charge of lese-majesty *per se*, although the description of Bekes’ crime included the personal element of lese-majesty (“against the person and dignity of the voivode”). Most of it, however, focused on the charge of disturbing public peace, even though it obviously used to the “old laws” compiled by Werbőczy as reference.

After Bekes’ demise in 1573, Maximilian disconcertingly continued to attempt to convince Báthory to offer some kind of compensation for Fogaras and Bekes’ other forfeited possessions; negotiations over this matter continued for over one year, via envoys and letters. Compensation was not, however, what Bekes was after—he was determined to have revenge. In the course of 1574 he started courting the Porte, suggesting that the Sultan replace Báthory with himself in exchange for a higher tribute (he proposed a fifty percent increase). As soon as news of this reached Transylvania, the negotiations over Fogaras were severely disrupted as Báthory refused to even consider compensation at that point; in the end, however, at Maximilian’s insistence, a somewhat smaller compensation than what had been previously discussed was agreed on, which attests to Báthory’s sense of obligation

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600 This comes in conjunction with the language of lordship analyzed above. Jones analyzes a similar tendency in Bretagne in the late Middle Ages in “‘Bons Bretons et Bons Francoys’.”

601 Documente II, 56-58.
toward Maximilian, but also toward the Sultan, who for a while looked upon Bekes with favor.602

Before any resolution was brought to the matter, in 1575, Gáspár Bekes started gathering an army against Báthory, in a desperate attempt to get the throne that he had been coveting so long. In this endeavor he had been covertly and obliquely supported by Maximilian, who allowed him to recruit troops in Northern Hungary and did not discourage his plans between 1573 and 1575.603 Bekes’ forces, which were composed of troops lent over by border castellans of Royal Hungary, as well as disgruntled Secklers and some nobles who had been on his side in 1573, started gathering in the summer of 1575 with the purpose of an open confrontation with Báthory. The latter wasted no time in summoning the country’s infantry and organizing defense as soon as possible.604 Even Bekes’ friends, particularly Blandrata, thought that the move was foolish, considering how high the risks were.605

602 In a letter dated 16 February 1574 the Sultan asked Báthory to consider offering a pardon to Bekes. Széchényi Libr., Protocollum Bathorianum, nr. 176.
603 Incriminating correspondence between Bekes and Maximilian, the Porte, and his accomplices was produced at Bekes’ trial in August 1575. Several of these letters are reproduced in full in Bethlen 341-373.
604 The scenario was going to repeat itself several times in subsequent decades, but direct confrontation was not always the result of such usurpation attempts. Sometimes princes chose to step down when they felt they were not able to contain a rebellion or did not enjoy a broad enough support in the country; such was the case of Zsigmond Rákóczi, an elderly aristocrat elected in 1607 but whose position had been contested by many. He presented his resignation to the estates when Gábor Báthory, one of his former election rivals, formed an army supported by some nobles and manned by Heyducks and claimed his place on the throne. The Transylvanian estates quickly ratified Rákóczi’s resignation and elected Báthory on the same day. See Murdock, “Freely Elected in Fear,” 226.
The two armies clashed in July 1575. Bekes’ threat to Báthory’s control over the country was far from being negligible, but his poor strategy handed over the victory to the voivode, who completely crushed and scattered the rebels in one decisive battle at Kerelőszentpál. Bekes was again lucky enough to escape, but many of his most important accomplices were captured and some of them were executed on the spot. The general assembly that followed in July-August was Báthory’s own sweet revenge against Bekes—it was supported, nevertheless, by the delegates convoked at the general assembly gathered by Báthory for this purpose. The matter was first discussed in the Senate, where the voivode held a passionate speech against the accused in which he emphasized the point that Bekes was dangerous not only to him personally, but also and most importantly to the Republic, and that he may be accused of endangering the Republic, as well as of parricide, considering that “the prince is to the Republic what a father is in a family.” Báthory asked his councilors, as “fathers of law,” to decide on the charge together with the estates and hand its execution to his own judgment.

After some hesitation, the “unanimous” decision of the three nationes and the delegates of the Partium was to accept Báthory’s proposals and mark Bekes and his main accomplices—thirty-one nobles in total, many of whom were absent—as

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606 Italian reports of the clashes and details on Báthory’s victory are in Documente II, 66-71.
607 Bethlen 324-329. Bethlen’s account at this point is heavily based on Szamosközy I, 172-175.
608 Among other proposals, the idea of asking the assistance of foreign judges (from Hungary or Poland) was suggested but the defendants—they argued that the judges were also accusers and therefore not impartial—but it was not accepted by the council (for fear of diminishing the authority of the estates and orders, says Bethlen).
public enemies (*regni huius emulos et hostes*). The execution of the charge remained at the discretion of the voivode but, according to the constitutions of 1571 and 1573, as well as Werbőczy’s *Tripartitum*, it was supposed to imply capital punishment, which was obviously only applicable in the case of those of those who had been captured, but also, and perhaps more importantly, the forfeiture of property and heredity of all those condemned, which was not a matter of small importance for their families. The latter clause, namely forfeiture, was perceived as excessive by some and provoked much discussion in the assembly, evidently not on account on Bekes himself, who had already been condemned as such in 1573, but on account of the other thirty accused, many of whom were friends and relatives of some of the country’s main dignitaries. Under Báthory’s pressure, which included the passionate (bordering on menacing) speech mentioned above, the judges and the estates agreed to the charge in its original form. According to some sources, Miklós Wesselényi, one of the judges, broke down in tears when he read the sentence.

What is particularly significant about these events is that there were attempts to use the traditional, pre-Mohács custom of appealing to the king of Hungary in cases of such crucial importance, where the “sacred crown” had traditionally had

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609 Szamosközy calls them “perduellos”—a term used in the early Roman Republic. Szamosközy I, 176. For the use of the term “perduellio” see Jones, “Bons Bretons et Bons Francoys,” 95.
610 Werbőczy was explicitly used by the judges selected to conduct the trial. See Szamosközy I, 176-177.
611 Among Bekes’ accomplices there were members of the Telegdi, Csáky, Bornemissza, Kendi and Kemény families. See MCRT II, 566-567.
612 Bethlen 331-332. For the text of the sentence, see MCRT II, 565-567 and Bethlen 375-80.
jurisdictional superiority over the voivode.\textsuperscript{613} In response, Báthory proclaimed—and the estates acquiesced—that his judicial authority was ultimate in all cases of the realm, thus stripping the king of Hungary of an enormous, albeit by then obsolete, part of his authority in Transylvania.\textsuperscript{614} Even more significant are the arguments used by Báthory in his accusation of Bekes and his accomplices, namely that they made themselves guilty of attacking both his person and the Republic, thus covering in one stroke the first two (out of eighteen) articles included in the charge of not\textit{a infidelitatis} in Werbőczy’s \textit{Tripartitum}.\textsuperscript{615} In 1575, the sentence did not directly use the term “infidelity,” and much less so that of lese-majesty, but it referred to the condemned as \textit{praenotati} and it clearly was an application of the “infidelity” charge discussed in 1573 and, what is more, it used as precedent a similar charge to “perpetual mark of infidelity” by king János Szapolyai in 1540.\textsuperscript{616}

For Báthory to be able to impose the charge of “infidelity” on the leaders of a rebellion, he had to essentially supplant, according to the legal tradition to which Transylvania belonged, the position of the king of Hungary. He was able to do so by eliminating the jurisdiction of the “sacred crown” over cases of treason, which was facilitated by Bekes’ incriminating correspondence but also by the general powerlessness that Maximilian and Rudolf—as the acting king of Hungary—had

\begin{footnotes}
\footnote{Werbőczy, \textit{Tripartitum}, Part II, Art. 65.}
\footnote{MCRT II, 567. Maximilian’s authority in Transylvania was obsolete in practice, not in law. From a legal perspective, the change in jurisdiction was certainly a dramatic change.}
\footnote{Werbőczy, \textit{Tripartitum}, Part I, Art. 14.}
\footnote{Bethlen 375.}
\end{footnotes}
over Transylvania. That neither his councilors nor the general assembly of the orders and estates took this innovation lightly is shown by their hesitation—reported by chroniclers, but not visible in the language of the assembly constitution—in sentencing Bekes and his accomplices as public enemies, as opposed to simple capital criminals. An indication of that legal distinction is that nobody objected to the death sentence, whereas there were objections to the idea of forfeiture, which was precisely the distinction between a capital sentence and *nota infidelitatis* in Werbőczy.\(^{617}\)

The general assembly of 1575 is the one and only time during Báthory’s reign that he referred, in the heading of the assembly constitution, to the nobles of the Partium and the three *nationes* of Transylvania as *fideles nostri*, a formula so far only used in Transylvania by royalty (including János Zsigmond and his mother, Isabella).\(^{618}\) It was no accident that he did so precisely at the moment when he claimed what had previously been a royal prerogative—namely, supreme jurisdiction in the realm. Regularly, the voivode addressed the orders and estates of Transylvania and the adjoined territories directly as “*spectabiles magnifici domini,*” without any reference to a personal relationship of fidelity with them; even the increasing incidence of personal pronouns in conjunction with “*ditio*” was generally used in reference to territory, rather than persons. 1575 is the only year when the inhabitants

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\(^{617}\) Werbőczy, *Tripartitum*, Part I, Art. 16. Capital sentence implied punishment by death (pardonable at the prince’s pleasure) but not forfeiture; the property of the condemned was supposed to be transferred to his legal heirs, not confiscated by the state.

\(^{618}\) See for instance MCRT II, 558.
of Transylvania are referred to as “subjects” of the voivode’s ditio.\textsuperscript{619} Fideles was not going to reappear in the constitutions of the assembly until twenty years later, when Zsigmond Báthory donned the title of imperial prince.\textsuperscript{620}

As far as Maximilian is concerned, it is perhaps hard to understand why he allowed himself to get embroiled in this matter, but, in all truth, he had much to gain and little to lose from Bekes’ escapade, as long as his support of the entire venture remained secret. However, things did not go as planned and as a result not only did Báthory distance himself from Maximilian, but also, soon afterwards, rumors broke at the Porte about the involvement of imperial troops in Bekes’ rebellion. The suspicion came from the Pasha of Buda, who noticed imperial troops roaming about after being chased out of Transylvania, and who promptly took two castles from Royal Hungary under the pretext of retaliation.\textsuperscript{621}

Accusations and denials started flying between Constantinople and Vienna and a delegation of imperial ambassadors who was in Istanbul trying to negotiate a new peace treaty between Maximilian and the new Sultan bore the brunt of it. Maximilian denied having had anything to do with Bekes’ rebellion, even to his closest councilors,\textsuperscript{622} while his ambassadors tried to negotiate the restitution of the

\begin{footnotesize}
\begin{enumerate}
\item[619] Constitution of 6-10 December 1575 in MCRT II, 573.
\item[620] Constitution of 16 April-2 May 1595 in MCRT III, 466.
\item[621] The news was quickly reported by Italian (Mantuan and Toscan) agents present in Prague at that time. See Documente II, 66-71. Also see Szamosközy I, 178-179.
\item[622] Possevino writes that Karl Dietrichstein, a councilor of the Emperor, related to him a conversation he had with Maximilian the night when he received news of Bekes’ defeat. According to Dietrichstein, during that confidential conversation Maximilian denied having given Bekes the order to attack, which prompted Dietrichstein to advise punishing Bekes in this case; Maximilian, however,
\end{enumerate}
\end{footnotesize}
castles, but to no avail. The grand vizier had access to first-hand information about Bekes’ sources of funding and military support, namely Bekes’ own envoy to the Porte, who had arrived there with the purpose of negotiating the terms of his master’s recognition as voivode of Transylvania in the event of success against Báthory. The envoy had spent quite a great deal of time in the grand vizier’s company throughout the summer and was increasingly favored at the Porte until the moment of Bekes’ defeat and the vizier’s immediate change of heart, when the envoy was imprisoned.623

When rumors that Bekes was gathering an army against Báthory broke in the spring and summer of 1575, Murad promised to send enforcements in support of Báthory if they proved necessary,624 but the atmosphere at the Porte was in fact a lot more pragmatic: the Sultan and the grand vizier were prepared to let the fight between Báthory and Bekes weaken both rivals and open the way to the Ottomans into an easy takeover of the entire ex-Hungarian province—or at least ensure that the Habsburgs were not doing the same.625 According to the Venetian ambassador in Constantinople, not only did news from the region reach the Porte with a did not follow this advice. Bekes remained a fugitive in Royal Hungary until early 1577, when he went to Poland to reconcile with Báthory. See Possevino, Transylvania, 121. Maximilian even agreed—if only in word—to extradite Bekes at the request of an envoy sent by Báthory to Prague immediately after the events (Documente II, 70-71).

623 Archivio di Stato di Venezia, Archivio Proprio Costantinopoli, Reg. 6-7, f. 510.
624 Bazylow, Starania Stefana Batorego, 16.
625 Pajewski cites an Austrian agent in Constantinople, according to whom Mehmed Pasha instructed the Pasha of Buda to encourage the conflict between Báthory and Bekes because otherwise, if the Emperor reconciled them, he could easily “acquire Transylvania from its voivode.” It was better—the grand vizier added—“that they remain enemies, so that [either one or the other] may become obliged [to us].” Dispatch from 4 December 1574, cited in Pajewski, Turcja wobec elekcji Batorego, 16.
considerable delay, but decisions were taken locally, rather than by the center. In July 1575, without any explicit instruction from the Porte, Báthory struck an alliance with the Pasha of Buda, who agreed to lend his support in dispersing the rebels; and it was only after the grand vizier learned about Báthory’s victory and the help he had received from the Pasha of Buda that he formally re-confirmed Báthory’s authority in Transylvania—emphasizing that it was with Ottoman support that he had managed to uphold it—and even advertise Báthory as the Porte’s favorite candidate in the Polish-Lithuanian elections. Earlier, however, the Porte had been preparing to accept Bekes if his attack on Báthory were to be successful, not least because Bekes’ envoy had promised the grand vizier a significantly higher tribute if his master ended up on the throne.

The story of the rabid rivalry between Báthory and Bekes has a strange ending. At Kristóf Báthory’s intervention, Báthory reconciled with his enemy in January 1577, a few months after Maximilian’s death, when Bekes came to ask for

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626 This is particularly true of the news involving Poland-Lithuania; for instance, it is only in February 1576 that the Venetian ambassador writes home about the details of Báthory’s election in December 1575. News from Transylvania were somewhat fresher: the grand vizier learns of Bekes’ defeat – from Temesvár – even before Bekes’ sentencing by the Transylvanian assembly. See Archivio di Stato di Venezia, Archivio Proprio Costantinopoli, Reg. 6-7, f. 578v-579v. Transylvanian news reached Rome with a lot more delay, which is not surprising considering that the Pope had no agents in the region. See for instance the letter from nuncio Delfino (from Vienna) to Tolomeo Galli, the Pope’s secretary of state in Documente II, 304: “Of the affairs of Transylvania there are such seldom and uncertain news that it seems as if this province were in the Indies.” Geography was another obstacle to speedy news retrieval: much of Transylvania’s territory is, after all, surrounded by a ring of mountains.

627 Archivio di Stato di Venezia, Archivio Proprio Costantinopoli, Reg. 6-7, f. 510.

628 Lippomano’s dispatches from August 1575 – January 1576, particularly one from 10 January which mentions the promises that Bekes’ envoy had made to the grand vizier. Archivio di Stato di Venezia, Archivio Proprio Costantinopoli, Reg. 6-7, f. 570-570v.

629 Bethlen 432.
Báthory’s forgiveness in Poland-Lithuania. Bekes remained in the Commonwealth and was charged by Báthory to lead his Hungarian troops, causing the new Holy Roman Emperor, Rudolf II, to fear that they were plotting to invade Royal Hungary together; there were also rumors coming from Prague and Istanbul that if Kristóf Báthory died, Bekes would succeed him as voivode of Transylvania and help Báthory take over the entire territory of the former kingdom of Hungary. Báthory indeed drew Bekes quite close to him: not only were they often together, but the king sent one of Bekes’ sons to study with his own nephew in the Jesuit college of Pultusk. The nuncio also noted Bekes’ presence but remarked shrewdly that Báthory was probably one of those who preferred to keep their friends near, but their enemies nearer still. Ironically, to thank Bekes for his services in the war against rebellious Gdańsk, Báthory entrusted Bekes, formerly Transylvania’s main public enemy, with the care of a fortress that had been vacated of its captain on account of his rebellion against Báthory’s authority as king of Poland-Lithuania. Laureo’s successor, nuncio Caligari, reported that, before his death in 1579, Bekes instructed his brother to entrust his two sons to king Báthory and to the nuncio, who baptized them and converted them to Catholicism.

630 Documente II, 119-121.
631 Possevino, Transylvania, 121.
632 Laureo 688 (letter from 15 April 1578, where he mentions that Bekes was hoping to get Fagaras back through his friendship with Báthory, but that Báthory did not trust him completely and was not going to let Bekes go back to Transylvania, for fear that he was going to start trouble there again).
633 That fortress was Lanckorona; see the following section for details.
634 Ludwik Boratyński, ed., Monumenta Poloniae Vaticana IV: I. A. Caligarii Nuntii Apostolici in Polonia Epistolae Et Acta 1578-1581 (Cracoviae: Sumptibus Academiae Litterarum Cracoviensis,
Strangely enough, despite the rivalry between Vienna and the Porte over Transylvania, it was on Ottoman ground that Maximilian fought his last diplomatic battle against Stefan Báthory’s seemingly too casual use of the princely title in his relations with other states—and won. On 22 November 1575, Venice’s bailo in Constantinople wrote home that the new capitulation sent from the Sultan to the Emperor included Transylvania as well and mentioned that “from now on, the prince of [Transylvania] has only the right to be called simply Voivode, like those of Moldavia and Wallachia.”\(^{635}\) It is unlikely that the mention targeted the Porte’s own chancery, who had customarily (with occasional exceptions) directly addressed Báthory as “vajda.” It rather seems that the Emperor’s intention was to obtain a subtle confirmation from the Sultan that the voivode of Transylvania was not increasing his status and power and that he essentially remained what he had been at the time when Transylvania was part of the Hungarian kingdom. Regardless of its subtlety, this was an odd request on the Emperor’s part, considering that his relationship with Transylvania was supposed to be a thing of the past.

Considering that the truth about Báthory’s oath to Maximilian had already been laid on the table during the summer of that year, Maximilian’s request at the Porte was not so strange; as far as the Emperor was concerned, there was simply no

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\(^{635}\) Documente II, 75-76.
more need to hide the nature of his interest in Transylvania. The disclosure of the occult connection between Maximilian and Báthory was not, however, an inconsequential event: it jeopardized not only Báthory’s standing with the Sultan, but Maximilian’s as well. The fact that the Holy Roman Emperor was trying to exercise control over a region that was formally the Sultan’s domain could not be easily overlooked at the Porte. The Sultan, who had come to power less than a year previously, eventually smoothed things over with Maximilian’s envoys and even acquiesced to Maximilian’s specific request regarding the title issue, but this was only a part of a long compromise process that had its share of tense moments, particularly on account of Bekes’ rebellion, and which had taken all of the fall of 1575 to complete.

Maximilian’s success with the title issue was, nevertheless, little more than a victory of “words,” and it hardly compensated Báthory’s decisive move against his authority in August 1575, when the orders and estates of Transylvania declared appeals to the King of Hungary no longer possible. True, the Sultan displayed a certain willingness to sacrifice Báthory in exchange for peace with Maximilian, but that was soon overshadowed by Báthory’s next unexpected success, namely his election as king of Poland-Lithuania in December 1575 and his decision to accept that position against Maximilian. These new developments rendered the tensions between Maximilian and Báthory over Transylvania in general—and the issue of “name-calling” in particular—quite trivial by comparison to the stakes of the Polish-
Lithuanian double election. As nuncio Delfino had pointed out, the former was but a question of “appearances,” whereas the latter involved not only the fate of a huge territory, but also the interests of the most important powers of the continent.

Never forgetful of his Transylvanian interests, as soon as his election to the throne of Poland-Lithuania was confirmed at Jędrzejów in January 1576, Báthory used this opportunity to openly adopt the title that he had coveted so long and signed his first letter as “princeps Transylvaniae.” 636 Although for Maximilian he would always remain a simple vaivoda, 637 Báthory’s battle to enhance his own status as ruler of Transylvania opened a new era in the history of his country. In the space of the twenty years that had passed since the last appointment of a voivode by the king of Hungary, “vaivoda” had ceased to represent a royal office and had simply become the regionally-flavored name of the Transylvanian prince. That the contradiction between princeps and vaivoda had disappeared—at least internally—is illustrated by the formula used in January 1576 by Transylvania’s chancellor, Ferenc Forgách: “Illustrissimo principi, domino domino Stephano Batori de Somlio, Waiuodae Transsiluaniae et comiti Siculorum etc. Domino meo clementissimo.” 638

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636 Addendum to Báthory’s Pacta Conventa in VC 354-355 (signed 8 February 1576).
637 Orzelski noticed in 1576 that Maximilian’s officers called Báthory “waidam,” instead of “Transylviae Palatinum” as Orzelski expected. See Orzelski 503.
638 MOL F12 (Lymbus), Mikr. 43589, 603-6. (My italics.) The equivalence (or confusion) between the two titles is also illustrated by the interchangeable use of “voivodatus” and “principatus” by Zsigmond Báthory in 1584: “tempore nostri Vayvodatus et Principatus.” See MOL F9 (Miscellanea), Mikr. 43586, f. 1009 as well as his formal adoption of the princely title before its formal bestowal by Rudolph II in 1595 (MCR III, 415ff). Stefan Báthory himself, when he confirmed the creation of the Praesidium that was meant to act as a regent during his nephew’s minority, called his late brother
Even though Stefan Báthory went on to use the title of “prince of Transylvania” consistently from 1576 onwards, the question was more complex in regard to his stand-ins. Kristóf and Zsigmond Báthory continued to use the voivode title in official documents such as general assembly constitutions, and while they were addressed as “prince” by their subjects, they nevertheless signed official correspondence and documents with the old “vaivoda”—a double standard similar to that used during Stefan’s own presence in Transylvania. It was only from 1593 onwards that Zsigmond Báthory started using the title of prínceps Transylvaniae in official documents such as assembly article confirmations and correspondence with outsiders.

Zsigmond’s status upgrade certainly corresponded to Stefan’s lifelong ambitions, but Zsigmond’s new “promotion,” which was formalized in 1595, was of a totally different nature than that of his uncle and father, as it marked a sudden break with Constantinople and a rapprochement with Vienna, all of which was orchestrated from Rome and involved an eventually ill-fated but ambitious plan to liberate the entire region from Ottoman control. It was in connection with this

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Kristóf “voivode” but used the word “prince” for Zsigmond, without, however, abandoning the latter title himself. MCRT III, 171-177.
639 It is significant that, before his departure to Poland, Stefan practically appointed a voivode (Kristóf) in a manner reminding of the traditional prerogative of the king of Hungary. The main difference between the old royal prerogative and Stefan’s gesture is no less significant: the estates had to ratify Stefan’s nomination. True, the ceremony was closer to an act of confirmation than to election (or even “selection” in Kishlansky’s sense). It should be emphasized, however, that Zsigmond was not appointed by either Stefan or Kristóf (even though their support was crucial to the success of his election). For more details on the matter of Transylvanian successions after 1575, see Chapter 5.
640 MCRT III, 415ff.
alliance that Zsigmond Báthory donned the title of “prince of Transylvania, Moldavia, Wallachia, and the Holy Roman Empire, lord of the parts of the Hungarian kingdom and count of the Secklers etc.” in January 1595, to which he added the majestic “Dei gratia” formula to his title. It may be argued that Zsigmond’s move put Transylvania back into the position it had had in 1570-1571, namely under the authority of the Habsburgs, considering that the terms of the January 1595 alliance with the Empire were very similar to those of the Speyer Agreement. The rapprochement with Vienna did not mean a reunification of Transylvania with Hungary—just like the Speyer Agreement did not erase but, quite to the contrary, it sanctioned the de facto boundaries between the two. Rudolf II recognized Zsigmond Báthory’s princedom in his position as ruler of the Holy Roman Empire and not as King of Hungary, thus effectively accentuating Transylvania’s separation from Royal Hungary for the limited amount of time that Zsigmond’s arrangement with the Empire remained valid.642

b) Sealing the election: coronation, rivals and rebels in Poland-Lithuania

Unlike his election in Transylvania, Báthory’s accession to power in Poland-Lithuania was fiercely contested by rival candidates and opposing voters alike. As far as rivals were concerned, two of them—Maximilian II and Henri III of France—

641 MCRT III, 463-4.
642 For an overview of Zsigmond Báthory’s turbulent reign and the bewilderingly complex and short-lived regional alliances concluded during the Fifteen Years’ War, see Barta and Mócsy, History of Transylvania, 743-770.
held on to what they perceived as their legitimate claims to the Commonwealth’s throne until their deaths in 1576 and 1589, respectively. Their unwillingness to accept Báthory as kind of Poland-Lithuania was threatening in itself, but it only indirectly affected Báthory’s rule; it was rather his opponents among the voters who posed the most palpable challenges to his legitimacy in the first part of his reign.

The public vote and the unanimity rule, as well as the emphasis on concord and consensus, were methods of rendering every citizen responsible of the end result, which, like an oath, bound every voter to the final decision of the electoral process. The majority rule, on the other hand, would have posed a conundrum of legitimacy that could have only be solved in Hobbesian terms (if at all): otherwise, why would one acquiesce to the authority of an elected ruler or a newly adopted law if that particular decision was made against his or her publicly expressed will? This phenomenon was visible, for instance, in the Holy Roman Empire, where elections had gradually been turned into a series of separate vassalage bonds sealed by fidelity oaths sworn by the princes, instead of representing a public act binding an entire community to its results.

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643 For Henri’s claim, see his protestation against the oath of fidelity performed by a Polish ambassador in Báthory’s name before Pope Gregory XIII in April 1579 in Bibliothèque Nationale de France [hereafter BNF], Ms. fr. 16938, f. 77-84v.
644 Heidenstein I mentions that at the beginning of the 1575 election Sejm outside Warsaw there was a proposal to have everyone present swear an oath (as a way of ensuring that they were going to act in the interest of the Republic) but the idea was rejected on the grounds that an oath was rather useless, as people can still do bad things even if they have sworn not to do so. See Heidenstein 183.
645 Konopczyński, Le Liberum Veto, 89-90.
Unanimity, on the contrary, ensured that all citizens publicly endorsed collective decisions without having to address the legitimacy conundrum. The *viritim* rule in the Polish-Lithuanian context, not unlike the procedure of combining majority rule and formal unanimous consent in the election of the Holy Roman Emperor, provides further evidence of the complex nature of early modern consensual politics, which seemed to incorporate a certain regard for numbers—and, indirectly, for the majority rule—into the practice of actual decision-making, while reserving the requirement for unanimity for the second phase of the process, namely, the formal acceptance of the final decision and hence, its legitimization. Liberal politics would eventually eliminate this second phase, or rather replace it by notions of “social contract” meant to solve the legitimacy conundrum while at the same time allowing for a more practical voting rule, but in the context of early modern republican systems, however, the legitimacy of each decision had to be established anew by the ritual of unanimous consent, despite the practical difficulties that it posed.

In order to ward off such problems, certain polities based on consensual politics used the unanimity rule selectively. Such was the case in Transylvania, where the estates passed their constitutions based on a corporate majority rule in regular assemblies: the approval of three out of the four groups of delegates—the three Transylvanian *nationes* plus the Partium counties—were sufficient for a decision to be adopted; yet they voted by acclamation at the election of May 1571, as
well as in subsequent elections. The Venetian tendency to apply a qualified majority rule—as opposed to a regular simple majority—in matters of greater importance, such as the election of the Doge, belongs to the same logic whereby the consensus of many (a more practical replacement for the consensus of all) served as a mark of legitimacy that was deemed necessary for positions of greater power than that of mere officials. In this logic, the more voters expressed their support for a new ruler, the more legitimate that ruler was perceived to be. The same thinking was applied in many early modern Western polities, where deliberative bodies required unanimity among the estates, not within them: that was true in France, both in the Estates General and in the provincial assemblies, as well as in the Low Countries.

After the election: the race to the crown. Stefan Báthory’s election in December 1575, however, may hardly be considered to have been unanimous—even by Poland-Lithuania’s rather forgiving standards of unanimity. Uchański’s proclamation of Maximilian II as king elect of the Commonwealth only three days before the acclamation of Báthory took the electoral conundrum of the second interregnum beyond the issues of numbers and voting methods, and turned it into one of contested

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646 See Chapter 1 for the circumstances of Báthory’s election as voivode of Transylvania in 1571. For a study of Transylvanian elections (with an emphasis on the seventeenth century), see Murdock, “Freely Elected in Fear.”

647 This enlarged version of the unanimity rule also features in modern liberal democracies: after all, a bill does not become law unless it is approved by both the House of Representatives and the Senate (in the United States), or by both houses of the Assemblée Nationale (in France) or of the Parliament (in most European countries).
legitimacy in the midst of a divided country. The double election of December 1575 may have ended the voting, but it did not end the race.

Well aware of its own lack of representative power on the Wola field on 15 December 1575, the part of the szlachta and Senate that opposed Maximilian’s election convoked another assembly at Jędrzejów for 18 January 1576 in order to confirm Báthory’s and Anna’s election, “for a more certain accomplishment of all these righteous things.”^648 The convocation, included in the act of election made public on 15 December, requested the viritim presence of all those who wanted to defend their freedom against the violence inflicted upon it by the Archbishop; only the nobility from Podole, Wołyń, and Bracław were allowed to send envoys, on account of the Tatar raids that were still menacing the South-Eastern parts of the Commonwealth.\(^{649}\) In response, Uchański scrambled his strength to set up a rival, pro-Maximilian assembly for 29 February 1576, at Łowicz.\(^{650}\) By the time Uchański’s show of force was supposed to start, however, a number of Maximilian’s former supporters had already crossed over to the other camp; many were put off by Maximilian’s hesitation in setting off to Poland and accept the crown.\(^{651}\) The situation was becoming increasingly uncertain for the Caesarist camp; in March 1576

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^648 VC 339.
^649 VC 340.
^651 See, for instance, the letter from Laureo to the Cardinal of Torcello (the Pope’s nuncio to Vienna) from 11 March 1576, in ASV, Segr. Stato, Polonia 11, f. 87. The complaint is repeated throughout the entire spring in Laureo’s correspondence with Rome and Vienna.
Uchański was writing to the Lithuanian estates profusely thanking them for not showing up at the pro-Báthory assembly at Jędrzejów and also worrying about news that the Transylvanian voivode was already approaching Poland. A sense of doom was pervading—for different reasons but equally insidious—both sides of the barricade.

Throughout the spring of 1576, nuncio Laureo fervently wrote to Rome and Vienna trying to get the Emperor to confirm the election and come to Cracow as soon as possible, seeing that Báthory seemed to waste no time in doing exactly that. The Transylvanian voivode signed the Henrician Articles and his Pacta Conventa on 8 February, soon after the conclusion of the Jędrzejów assembly, and sent the documents to Poland-Lithuania immediately afterwards, while the proceedings of Transylvania’s general assembly, which set up the necessary arrangements for administering the country in Báthory’s absence, continued at Medgyes. Maximilian II, in contrast, waited until 28 March to seal his part of the bargain. When news of that event reached the Commonwealth, the Poles started “expecting” imperial troops to attack the country and fear of war dominated the public mood in Poland-Lithuania. A uniwersal issued by the palatine of Brześć on 7 April warned people about the danger that was lurking in the West and asked that they be ready to go to war at any moment. Even before Maximilian’s acceptance of the crown, namely on 27 February, Cracow’s main dignitaries issued a similar warning and an appeal to

652 AGAD, Archiwum Zamoyskich, sygn. 3081, f. 75-76 (letter from 6 March 1576).
653 Pawiński, Początki Panowania, 14-15.
locals to be at call and ready for confrontation if need be, seeing that there were rumors that “at the confines of the country there were no small groups of mercenaries, both cavalry and infantry, paid by who-knows-who, as they would not say.”

Even though the Jędrzejów assembly was not exactly a universal one, since neither Lithuanians, nor Prussians attended, the balance tilted more and more visibly in Báthory’s favor throughout the spring of 1576. At Łowicz, only a handful of senators and noblemen had the stamina to re-group around Uchański and reaffirm their support of Maximilian; after a few days of waiting, they had to admit that the number of those present was too small to make any decisions whatsoever, and the Archbishop issued yet another convocation for a general assembly that was meant to open in Warsaw on the 9th of April. A few days later, Uchański was discouraged enough to utter, according to some witnesses, that he was ready to accept whichever of the two elected kings entered the country first. Around the same time, Laureo predicted that, if the Emperor was not going to make a move soon, his supporters were going to gradually accept Báthory “in order to keep the peace and avoid ruining the country.” This was essentially what happened when, amid “Caesarist” disappointment about Maximilian’s inactivity, Báthory entered the country in April

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654 Ibid., 11.
655 Ibid., 12-14.
656 Letter from Laureo to Cardinal of Torcello, 11 March 1576, in ASV, Segr. Stato, Polonia 11, f. 87v.
657 Letter from Laureo to Cardinal of Como, 11 March 1576, in ASV, Segr. Stato, Polonia 11, f. 84v.
1576 and joined the estates who had gathered at Cracow in order to crown their new king.

It was not a secret for anybody that the circumstances of the Commonwealth’s divided election of December 1575 posed not only problems of security, but also issues of legitimacy, which both factions clearly recognized. There was one device, however, which greatly compensated for these legal problems and which in Transylvania did not exist: the royal crown. The ritual of coronation had been inherited from the Polish kings of the pre-elective period and remained essentially the same after the first interregnum, with the exception of one important element that was added in 1574, namely, the king’s oath to observe the Henrician Articles and the Pacta Conventa. Otherwise, it followed all the usual stages known in other European monarchies that were meant to symbolize the transfer of royal majesty from God via the local representative of the Church, who was the one supposed to perform the rituals of vestment, the handing of regal insignia, and the coronation *per se*.

In the Commonwealth of Báthory’s times, that role belonged to the Archbishop of Gniezno and Primate of Poland-Lithuania—at that time, Jakub Uchański—but he took his loyalty to Laureo, the Pope, and Maximilian II as far as to

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659 The role of the Archbishop in the coronation ceremony was confirmed by Zygmunt August at the Piotrków Sejm of 1550. See VC 13. The earliest document that is mentioned in relation to the Primate’s role in the ceremony of coronation dates to the time of Kazimierz III.
refuse participation in the new king’s coronation, thus challenging even further the authority of the future monarch. This did pose a technical problem to Báthory’s supporters, but the sense of urgency and danger that dominated the four weeks that passed between Maximilian’s acceptance of the election and Báthory’s coronation determined the delegates assembled in Krakow in April 1576 to override Uchański’s privilege, after he had refused twice to respond to their invitation to join them and carry his coronation duties. Because of the acute sense of danger and uncertainty that pervaded in the spring of 1576, the “Bathorians” insisted that the coronation take place as soon as possible, even though there was still a great deal of controversy—mainly on account of the Lithuanians’ and Prussians’ absence—at the assembly that gathered in Cracow in April-May 1576 to welcome the new king.

Kujawski bishop Stanisław Karnkowski agreed to perform the ceremonial in Uchański’s place, and this seemed to suffice to Báthory’s supporters, many of whom, after all, were not even Catholic. Nevertheless, those present at the coronation Sejm did not see fit, despite some of the more radical proposals to this effect, to either change the law that connected the Archbishop with the coronation ritual, or demote Uchański from his position (or worse). Instead, the change in the person of the

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660 See “The Estates of Poland declare that the bishop of Brześć-Kujawski has the power to crown the king, considering that the Primate is not able or refuses to do so,” 25 April 1576, signed by Piotr Zborowski, palatine of Cracow, in Pawiński, Początki Panowania, 16-17.
661 Polkowski, Sprawy wojenne, 24. For the attempts to change these rules during the first interregnum, see Stanisław Plaza, Próby Reform Ustrojowych w Czasie Pierwszego Bezkrólewia, 1572-1574 (Kraków: Państwowe Wydawn. Naukowe. Oddział w Krakowie, 1969).
662 Dubas-Urwanowicz, Koronne Zjazdy Szlacheckie, 330.
“coronator” was perceived as exceptional and justified on the grounds of the Jędrzejów assembly, which had functioned on the principles of a confederatio and thus assumed the right to decide such matters despite the divided state of the Commonwealth at that time.663

Those assembled at Jędrzejów had felt the need to justify their decision by interpreting, clarifying and, if necessary, bending—rather than going against—previously instituted laws: “it is not by the nomination [of a king by the Archbishop], nor by the publication [of the election act] that we get our king, but [only] by the consent of all, which is the ground on which both nomination and publication are rooted,” they wrote in their “Confirmatio electionis Stephani” on 1 February 1576. This remark was a response to the “Caesarists’” insistence, in their own act of election, that “the unanimously elected king may be nominated by nobody other than the Archbishop, and [the election] may be published by nobody other than the Crown Marshal,”664 which, as we have seen in the previous chapter, had not happened on December 15. This exchange shows that both Maximilian’s and Báthory’s supporters

663 For the text of the decision to change the person of the coronator, see Pawiński, Początki Panowania, 17; Orzelski 634; Heidenstein 232-233. A Confederation (confederatio, konfederacja) was an old Polish institution to which nobles resorted in the event that there was a pressing and immediate concern for their (or the king’s) security. It was an “armed league” that functioned like an emergency government; the members of a confederation would use the majority rule in order to make speedy decisions. Rokosz was a variety of confederation that was more often than not directed against the king (when he or she was perceived to go against the laws and liberties of the members of the Commonwealth). Confederations were legal mechanisms for solving grievances and crises; they should not be confused with “rebellions,” which were illegal by definition—although, of course, differences of interpretation would arise between the rebels and those against them they would rise. For an overview of this phenomenon, see Davies, God’s Playground, 259-264.
664 Volumina Legum II, 143; Dubas-Urwanowicz, Koronne Zjazdy Szlacheckie, 305.
were acutely aware of the legal and procedural difficulties involved in their conflict; whereas the “Caesarists” used form and procedure in their defense—despite the fact that they themselves had gone against procedure by leaving the election field—the Bathorians tended to emphasize the spirit of the elective principle on which the Commonwealth was founded.

The heat of the electoral conflict between Báthory’s and Maximilian’s supporters reached its apex and was mostly spent in the period between the election and the coronation; for most electors it was rather clear that as soon as one of the elected candidates would be crowned, the race would be all but finished. The reason why nuncio Laureo insisted so much in his letters to Rome and Vienna that Maximilian accept the election and enter Poland-Lithuania as soon as possible was because, once Báthory was crowned, there was no way for Maximilian to become king other than storming the Commonwealth and taking Cracow by force, a solution Laureo did not particularly favor but which, true to his mission, he encouraged until he realized that Maximilian was not really interested in wearing the crown after all.  

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665 ASV, Segr. Stato, Polonia 11, f. 105-108v (letter from 19 April 1576). Laureo went back and forth on this point throughout the summer of 1576, and was still advising a military expedition by imperial and Commonwealth troops under the command of Laski or some similar Polish noble, but it seems that he did not truly believe in the likelihood of such an adventure and that his meticulous advice about the chances of such an expedition came more from the insistence of his superiors on supporting Maximilian at all costs, rather than on his own beliefs that this was a valid solution to the Habsburg failure in Poland-Lithuania.
By the end of April, Báthory’s supporters and everybody else who was ready to settle for whichever king entered the country and was crowned first—a category that by then expanded to include virtually all the palatinates of Great and Little Poland—were strongly opposed to the idea of postponing the coronation. Despite the ongoing opposition coming from a dwindling but rather determined Polish pro-Habsburg nucleus, as well as the Prussian and Lithuanian estates, the majority of the Polish nobility wanted to crown Báthory as quickly as possible after his arrival in Cracow in April 1576: “understanding that at this time there is nothing more necessary and more beneficial than he be crowned as quickly as possible.” While the marshal of the coronation Sejm (Andrzej Firlej) and the bishop of Cracow (Franciszek Krasiński) suggested waiting for the arrival of more dignitaries from all regions of the Commonwealth “so that the country may be pacified and civil war avoided,” the rest of the estates—senators and nobles included—refused to wait and justified the rush as follows:

Nothing certain and good can be achieved and decided in [this] Republic until you [Báthory] are crowned king, and once you are crowned, the pars adversa will come to your side as well… Moreover, the resolution we are going to dispatch to the Caesar in Ratisbone on the third day of the imperial diet will have more authority if sent from a crowned king and the estates, because if the

Notice from 10 April 1576 setting the coronation date for 29 April in VC 362.
Caesar has no more hope [of being crowned], then he will agree with us [and concede the crown] more easily.\textsuperscript{667}

Neither Lithuanians, nor Prussians had attended the Jędrzejów convention in January 1576, and instead sent representatives to Uchański’s counter-assembly at Łowicz.\textsuperscript{668}

At the coronation Sejm, the Lithuanian estates (personified by a handful of dignitaries among whom Jan Chodkiewicz, the prominent castellan of Wilna and Grand Lithuanian Marshall, was already leaning to Báthory’s side)\textsuperscript{669} sent letters that gave a few details on Lithuania’s latest assembly in Grodno. According to those letters, “a great part” of the Lithuanian estates still favored, three months after the election, the tsar of Muscovy, “not a small part” preferred Maximilian, and “a small part” supported Báthory.\textsuperscript{670} In the midst of this confusion, Ivan IV sent letters to Grodno, encouraging the Lithuanians to support Maximilian and promising to be their ally if they did so, and their enemy if they did not.\textsuperscript{671} According to witnesses at the coronation Sejm, the Lithuanian envoy who carried the letters from Grodno to Cracow addressed Báthory as “Your Highness Prince Woiwoda of Transylvania.” He

\textsuperscript{667} Polkowski, \textit{Sprawy wojenne}, 24-25.  
\textsuperscript{668} Uchański later thanked them for not showing up at Jędrzejów; see AGAD, \textit{Archiwum Zamoyskich}, sygn. 3081, f. 67-68.  
\textsuperscript{669} Laureo 404; Heidenstein 241-242.  
\textsuperscript{670} Letter describing the events of the coronation Sejm, sent on 29 April 1576 by the envoys of the Ruś palatinate in Polkowski, \textit{Sprawy wojenne}, 24-28. Quote from page 24. Laureo reports that the Lithuanian envoys arrived too late (on the 4\textsuperscript{th} of May) and only made their protestation on the fifth day after the coronation; he does not understand why they took so long to get to Cracow, and he wonders if perhaps they were stopped on the way or they themselves prolonged their journey on purpose (Laureo 414-415). Either Laureo was poorly informed, or the witnesses refer to the Lithuanian courier as ‘envoy,’ whereas the official protestation was supposed to be formally presented to Báthory by a larger, more official delegation that arrived after the coronation.  
\textsuperscript{671} Laureo 403-404 (letter from 23 April 1576).
explained that, in the instructions that his Lithuanians brothers gave him, they only called him “Polish king elect and nothing more” and requested to hold off the coronation until consensus would have been reached among all the estates and regions of the Commonwealth.  

In response, the attitude of the Polish nobility followed a logic that did not, in all truth, leave many options to the dissenting Lithuanians and Prussians: “we owe the Lithuanians and Prussians nothing; they were convoked, and they were told the time and place… those who are coming here, they come because they agree with us, but the others… unfortunately not only do they not agree, but also they are trying to actually accomplish what they want…” The Archbishop had, in fact, already announced that Maximilian’s coronation was scheduled for 14 May, in a desperate attempt to hold together the “Caesarist” camp. Other measures included threats of financial persecution for those who would “allow” for Báthory—such at least had been the rumor in Podlasie palatinate at the beginning of March 1576.

Notwithstanding the division that still plagued the country at the time, and, according to some sources, Báthory’s own hesitation at being crowned in such conditions, the Transylvanian voivode was invested with all the insignia of royal authority and power on the 1st of May, 1576 by Bishop Stanisław Karnkowski. Three

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672 Polkowski, Sprawy wojenne, 24.  
673 Ibid., 24-25.  
674 Letter from Jan Kiszka, starosta of Žmudz (in Lithuania) to Jan Chodkiewicz, castellan of Wilna, 10 March 1576, in Polkowski, Sprawy wojenne, 14.  
675 Laureo 420 (letter from 29 May 1576)
days later, the new king personally and verbally confirmed all laws, rights and
privileges of the Crown of Poland and the Great Duchy of Lithuania, swore to fulfill
the conditions of his own election (the Henrician Articles and his set of Pacta
Conventa), which he had already confirmed in writing in February 1576, and issued
an “acknowledgment” of his coronation. The document informs of the oath
exchanges that happened between king and estates on the 1st and 4th of May 1576,
and instructs all courts to start issuing sentences in Báthory’s name. Laureo
marked the moment with the following words: “Now that the coronation has been
accomplished, I find myself in the greatest anxiety and perplexity, and I pray the
Lord that He deign grant me the grace to be able to satisfy the holy intentions of our
lord [the Pope], with the satisfaction of both parties, even though this seems to me
not only difficult, but downright impossible.”

After the coronation: from rival faction to “enemies of the Republic” In an effort
to strengthen what they perceived as a particularly vulnerable position, the
“Bathorians” felt the need to emphasize, as early as the January-February 1576
Jędrzejów assembly, that whoever would refuse to recognize the decisions of the
approaching coronation Sejm would be considered “enemy and turbator of the
Republic.” The transition from the status of “rival faction” who had supported a

676 VC 362-363; Orzelski 655-656.
677 Laureo 409 (letter from 8 May 1576).
678 Pawiński, Początki Panowania, 17.
different candidate during the election to that of “public enemy” was going to be sanctioned by the act of coronation itself. Needless to say, Báthory’s opponents did not see things in the same light. As far as they were concerned, “Stefan made himself king there,” where “making oneself king” means going against the elective principle of the monarchy and imposing one’s rule arbitrarily, without the citizens’ consent.\footnote{The quote is from Müller, who wrote it in relation to Royal Prussia (Pamiętniki Milerowe, 5). Müller’s tone is less polemical than my explanation of his words’ meaning—there is no mention of “arbitrary rule” or “consent” in his text and as a matter of fact he is rather deferential of Stefan as king—yet the phrase “made himself king” is quite strong in itself in its depiction of a situation that was not perceived as altogether legal during the short time between Báthory’s coronation and his acceptance by the estates of Lithuania and Royal Prussia (and the Prussian towns).}

As soon as he was crowned, Báthory proceeded, together with the rest of the assembled estates, to organize the practical ways of dealing with those who continued to oppose him and, implicitly, the Republic. If before the coronation Maximilian’s supporters were simply Báthory’s adversaries, after May 1\textsuperscript{st} they were flirting with the crime of rebellion\footnote{A term used especially in reference to the conflict with Gdańsk in 1576-1577. See especially VC 393.} and affronting the dignity of both the His Majesty and the Republic.\footnote{See “Statement of the nobility of Little Poland, issued at the Korczyń assembly, 16 May 1577,” in VC 396.} As Báthory’s envoy to the city of Gdańsk stated in his speech in August 1576, “the king does not hold it against them that they were opposed to him during the election, because in a free Republic voting should also be free—but he punishes them for resisting him as an already anointed and crowned king.”\footnote{Heidenstein 254.} Nevertheless, the fact that the unanimity of Báthory’s election to the Polish-Lithuanian throne had been, after all, so transparently fictitious allowed
certain corporations and individuals to attempt taking advantage of the new king’s vulnerable position for months after the coronation; the sense of danger and confusion lingered throughout the summer and fall of 1576.

Báthory did offer Maximilian’s supporters the chance to turn around in the period immediately following his coronation, and the opportunity was not turned down by the Lithuanians and Prussians. For all intents and purposes, Báthory knew that he could not treat all his opponents in the same manner, and at the coronation Sejm he proposed to differentiate among those who still held off their allegiance and those who were supporting Maximilian by arming themselves, facilitating an imperial invasion, or fomenting civil war. The murky situation with the Lithuanian estates was cleared with a separate exchange of written oaths and a confirmation of privileges on 29 June 1576. The Prussians, on their part, complained in August of the same year that the vows pronounced by Báthory at the coronation had not mentioned Royal Prussia by name, and requested a separate oath as well. Báthory was in Toruń at that time, as he was edging in the most troublesome area of the country in an effort to force Maximilian’s strongest supporters to accept him as their lawful king. In response to the Prussian request, he held a consultation with the councilors who were present, after which he confirmed verbally, in front of the Senate and “many of our subjects,” as well as on paper, that the spirit of the oath he had sworn at the coronation Sejm included Prussia and should be interpreted as

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683 Orzelski 669-671.
684 Ibid., 26-34.
binding him to this province in the same way that it bound him to the rest of the country. In doing so, he did not miss the opportunity to reproach the Prussians for their absence at the coronation Sejm, where they could have heard the oath in person.  

Whereas the estates of Royal Prussia and the Grand Duchy of Lithuania ended up by accepting Báthory relatively easily before the end of the summer, there were a few more difficult cases with which Báthory either would not or could not deal diplomatically and where he used military force. In anticipation of such situations—and undoubtedly trained by his Transylvanian experience, where his throne had been repeatedly challenged by Gáspár Bekes and the Secklers—Báthory insisted at the coronation Sejm in May 1576 that the Senate and nobility pass a resolution regarding some form of *levee en masse*, which he considered necessary for dealing with the many external and internal enemies of the Republic.  

Olbracht Łaski, palatine of Sieradz, became the first target of such military measures immediately after Báthory’s coronation. Łaski not only had supported the Habsburg candidates during the second interregnum, but he had also done so to the point of offering military help to the Emperor in the case of a confrontation with Báthory’s supporters, and refusing to recognize Báthory’s election as valid and legitimate. Łaski’s peculiar importance amid Báthory’s security concerns may be explained, on one hand, by his considerable personal resources and charisma with

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685 Ibid., 59-60.  
the soldiers in his retinue (as well as with other nobles), but also, most importantly, by the geography of one of the strongholds that ended up in his administration almost two years previously.

In August 1574, Łaski had occupied the castle of Lanckorona, close to Cracow, based on a captaincy granted by Henri during his short reign in Poland-Lithuania. The grant was meant as a royal thank you for Łaski’s support of the French camp during the first interregnum, but it overlooked the fact that the widow of its former starosta—Zygmunt Wolski—had a life annuity there and was the holder of the starostwo for as long as she lived, according to grants made by Zygmunt August. She challenged Łaski’s right to take over the castle; Piotr Zborowski, palatine of Cracow and starosta of the city of Cracow, supported her claim and there were several court decisions in her favor, and the issue became a matter of public confrontation between Zborowski and Łaski at the convocation Sejm of 1574. Łaski occupied the fortress regardless of all the opposition, constantly citing the document signed by Henri which gave him the right to take over the castle.

The whole matter nearly ended in violence, as Zborowski convoked the szlachta of Cracow to form an expedition against Łaski in early 1575, which nevertheless did not amount to anything, as Łaski managed to gain some supporters “by various means.”687 He maintained his control of the fortress and in the spring of 1576 Lanckorona became a very inconvenient pro-Habsburg stronghold, right in the

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687 Orzelski 67.
heart of Piast/Bathorian territory. Laureo’s correspondence repeatedly refers to Łaski’s support and his strategically located fortress as one of the reasons why Maximilian could have successfully entered the Commonwealth and taken Cracow by force.\(^{688}\)

Aware of the danger that Lanckorona posed to his hold on the throne—particularly if he wanted to leave Cracow and go to Warsaw as was his plan after the coronation—Báthory sent a small army comprised of his Hungarian troops under the command of one Hungarian and two Polish noblemen in the second half of May 1576. Shortly beforehand he had sent envoys to the castle, requesting Łaski’s officers to swear their allegiance to him, which they declined on account of Łaski’s absence. On 22 May, after a five-day siege, the guard left behind by Łaski surrendered and the castle given back to Wolski’s widow, on the condition that she entrust the guard of the castle to the care of a male relative.\(^{689}\) At that time Łaski was in Łowicz, at the side of Archbishop Uchański, still trying to keep together the imperial camp and planning Maximilian’s hypothetical arrival. As soon as he heard the news of the attack on Lanckorona, Łaski fled the Commonwealth and sought

\(^{688}\) See Laureo 117, 134, 141-142, 169, and 327. Laureo claims that the citizens of Cracow greatly favored Łaski, on account of their commercial dealings with the territories of the Empire. He also praises Łaski’s military skill and charisma with the soldiers, which would have made an easy deal out of storming Cracow from Lanckorona. See Laureo 450 (letter from 9 July 1576). Heidenstein does not mention Henri’s grant and claims Łaski was completely in the wrong when he occupied Lanckorona. See Heidenstein I, 238-239.

\(^{689}\) Heidenstein 239.
refuge in the Empire, where he remained at the service of the Habsburg court. Báthory’s move on Lanckorona was one of his first acts as king of Poland-Lithuania and it was designed to teach a lesson to all those who would not give him the respect and recognition due to a legitimate ruler.

The gesture was no less a thank you note to his main supporters, the Zborowskis, who had accumulated intense hostility toward Łaski throughout the second interregnum on account of Lanckorona. Interestingly enough, Łaski had been in the same camp as the Zborowskis during the first interregnum, when they had all been in favor of the election of Henri; nevertheless, the issue of the Lanckorona castle transformed the Zborowskis—and particularly Piotr—into his sworn enemies, which in turn contributed to Łaski’s decision to support, in the second interregnum, precisely those candidates whom they opposed, namely the Habsburgs. The nuncio himself candidly wrote about his plan to ensnare Łaski on the Habsburg side as soon as he heard news about the trouble surrounding Lanckorona in 1574; money and promises of future advancement were used by Laureo and Maximilian’s agents quite successfully in that regard. Łaski’s story of ambition and rivalry with the Zborowskis illustrates the extent to which electoral preferences were rooted in local or personal alliances and animosities.

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690 For more details on this story, see Ryszard Zieliński i Roman Zelewski, Olbracht Łaski: od Kieżmarku do Londynu (Warsaw, 1982), and Czubek, Pisma polityczne, 73-74.
691 Laureo 141-142, 169-170, and 420-422.
After securing Lanckorona, Báthory went straight to Warsaw with the manifest intention of giving a chance to Maximilian’s last Polish supporters, who were convening nearby at Uchański’s residence in Łowicz, to come forward and pay their respects. The implied threat was that he was going to attack Łowicz if the Archbishop and his friends continued to refuse to recognize him as king. The attack on Lanckorona and the implied danger for the remaining members of the imperial camp was quite effective: at the beginning of June, significant numbers of Uchański’s former allies went to Warsaw to offer their obedience to the king. The Archbishop himself had to follow course, seeing that there was no hope of succor coming from the Empire; in late June 1576 he swore allegiance to Báthory as well, not without joining a protestation against the articles of religious tolerance and the Henrician Articles in general.

Laureo did not find fault with Uchański’s renunciation of Maximilian; on the contrary, he lauded his lengthy perseverance on Maximilian’s side, while accepting his decision as wise and explicitly blaming the Emperor’s procrastination. Uchański himself sent a letter to Maximilian stating that it was not his, but the Emperor’s own fault for having squandered “the nicest and most lawful opportunity to get the Polish throne; …surely Your Majesty would not want to make use of other,

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692 Laureo 421 (letter from 29 May 1576).
693 Laureo 453 (letter from 9 July 1576).
694 See, for instance, Laureo 469 (letter from 22 August 1576), where Laureo synthesizes the Emperor’s attitude toward the “Polish affairs” as one of indecision, fear of the Turk, and redirecting blame towards the Holy See and the Poles themselves.
more unwholesome ways,” added Uchański probingly. As for the rest of the Poles, Laureo decided to explain their “desertion” of the imperial camp in 1576 along the following lines:

This nation, in part because of poverty, and in part because their blood is too cold and—as they themselves say—made of beer… is completely alien to civil war, and even if the Emperor could have sent them enough help, it would have still been necessary either that he have come here himself, or that he have sent a general captain with authority, like prince Ernest, with foreign soldiers, in order to maintain the nation on his side, because otherwise, besides a host of other reasons and the money, they would have probably engaged themselves to their own profit, without going to war. His Majesty [Maximilian II] has been warned about this in a timely fashion, but His Majesty believes, either due to indigence, or because he is afraid to break the peace with the Turk, that he can get this country—or at least Lithuania and Prussia—without overtly starting a war, but instead with the help of the Poles themselves, by means of civil war, and thus with very little expense on his side, and mostly with the help

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695 Heidenstein 244.
696 This reason is repeated and reinforced in later letters by Laureo, based on additional conversations with imperial agents. It seems to have been Maximilian’s favorite excuse, at the very least. See for instance ASV, Segr. Stato, Polonia 11, 87v (letter from 11 March 1576).
of the Muscovite, thinking that once the flame was started, it could keep going and growing by itself, with very little fuel.\textsuperscript{697}

Maximilian’s bet on fomenting discord “with very little fuel” was therefore successful only to a certain point. Once Báthory was crowned, loyalty to the imperial cause quickly fizzled out throughout the Commonwealth. The only place where the Emperor’s strategy was somewhat successful was on Prussian grounds, where Gdańsk (Danzig), the most important city of the Baltic coast, continued to resist Báthory well after the estates of Royal Prussia and the other free cities of the area finally made homage to the newly crowned king.\textsuperscript{698} Gdańsk was a free royal city that had the right to send its own representatives to general Sejms, just like Toruń and Elbląg, the other two important cities of the region. Whereas Toruń and Elbląg eventually decided to acknowledge Báthory as their king in the summer of 1576, the citizens of Gdańsk refused to follow suit. They did so in the name of their commitment to Maximilian, whom they considered their lawfully elected king, to

\textsuperscript{697} Laureo 428-429 (letter from 9 June 1576). Interestingly enough, when in the third interregnum there was another double election and enough fuel to encourage military action on the side of Archduke Maximilian, the Habsburg rival of the prince of Sweden, the results did not amount to much: despite more decisiveness and military intervention, the Habsburgs failed for the third time in their attempt to get the Polish-Lithuanian crown.

\textsuperscript{698} For a detailed and rather nuanced narrative of the conflict (despite a noticeable partiality to Báthory), see Heidenstein 250-279. Details regarding the negotiations, expenses, and casualties from the war are located in AGAD, Metryka Koronna, Libri Legationum, mikr. 21 and 39. Some of these documents are also available in Bibl. Czart. TN 86. Adolf Pawiński published the most important ones in Adolf Pawiński, ed., Stefan Batory Pod Gdańskiem w 1576-77 R.: Listy, Uniwersały, Instrukcje (Warszawa: S. g. w Księg. Gebethnera i Wolffa, 1877). For pro-Báthory war propaganda see for instance Bibl. Czart. TN 86, 203-214 (“Clades Dantiscana Anno Domini 1577 Aprilis 7 a Ioanne Lasicio Polono Descripta”). See also Casimir Lepszy, “Gdańsk et la Pologne a l’époque de Batory,” in Lukinich and Dąbrowski, Étienne Báthory, 212-241.
whom they had promised their support, and whom, they claimed, they could not abandon so easily after having sworn their allegiance to him.\textsuperscript{699}

Not only did Gdańsk refuse to send representatives to the coronation Sejm, but they also did not heed Báthory’s bidding to appear before him during the late summer and early autumn of 1576, when he set camp in Royal Prussia before the beginning of the first regular Sejm under his rule. The Sejm was going to take place at Toruń in September-October 1576 and its location had been chosen by Báthory as a passive-aggressive gesture of conciliation, precisely so that the remaining Prussian and Lithuanian supporters of Maximilian may more easily attend and therefore have no excuse to avoid formally accepting the king whom they had not agreed to elect.\textsuperscript{700} The strategy worked in the anticipated manner: not long after the Lithuanians’ and Uchański’s capitulation, representatives of the Duchy of Prussia, the estates of Royal Prussia, Toruń, and Elbląg all came to meet Báthory either in Warsaw or Toruń in August 1576 and had their privileges confirmed by the king either before or during the proceedings of the upcoming general Sejm. In September, shortly before the beginning of the Sejm, the last straggler “Caesarists” such as Mielecki, palatine of Podole, showed up in Malborg to do homage to the king and apologize for their delay in doing so.\textsuperscript{701}

\textsuperscript{699} Heidenstein 250; Pamiętniki Milerowe, 5.
\textsuperscript{700} For the conciliatory gesture, see Báthory’s letter to the Łęczyca palatinate from 13 July 1576, in VC 378.
\textsuperscript{701} Heidenstein 261.
The only exception was the city of Gdańsk, who by the beginning of October 1576 was the only political corporation in the entire Polish-Lithuanian Commonwealth that continued to refuse bowing down to Báthory. Moreover, their resistance also threatened to sow discord among the other cities of the region. The representatives of Elblag, for instance, on account of their city’s commercial ties with England, which had to go through Gdańsk, chose to restrain their display of deference to the new king and only sent a private delegation to Báthory before the beginning of the Toruń Sejm. Báthory was duly insulted by Gdańsk’s affront and determined to resolve the matter in the fashion with which he felt most comfortable and that he considered to be most appropriate for the injury done to his royal dignity: attack and punishment. On 24 September 1576, Gdańsk was declared a rebellious city by royal decree, after the expiration of an ultimatum that had granted seven days to its representatives to appear in nearby Malborg and offer their allegiance before the king and retinue stationed there.\textsuperscript{702}

Shortly afterwards, as the king’s position became more menacing, envoys did arrive from Gdańsk and made an attempt to explain their earlier absence by the fact that roads had been blocked by royal troops—a problematic excuse but one that, according to Heidenstein, might have solved the matter, thanks to the conciliatory efforts of Piotr Zborowski and Jan Zamoyski, had it not been for the stern opposition of bishop Karnkowski and palatine Jan Kostka, whose hopes, Heidenstein claims,

\textsuperscript{702} Heidenstein 249, 260.
were set on the spoils they believed they would get from going to war against a rich city. Moreover, the charter that the envoys from Gdańsk had brought with them to be confirmed by the king “dared” include what was essentially a *de non praestanda oboedientia* clause, not unlike the one included in the Henrician Articles, which stated that the city was free from its allegiance if its rights were violated in any way, and which “awfully insulted” the king and contributed to the resolution that the city had to be brought on its knees.

The letters from Gdańsk repeatedly and unapologetically insisted, well into 1577 and even after the beginning of military hostilities, that their “laws, privileges, liberties and customs” be restored and reaffirmed, without shying away from a certain “I told you so” tone. In May 1577, for instance, after the first clashes had already occurred (and it even seemed that royal forces had the upper hand) Báthory was reminded of Gdańsk’s citizens’ previous requests for confirmation of their rights, “which if not done would result in many inconveniences and difficulties,” as it obviously already had. In an interesting combination of brazenness and obsequiousness, the citizens of Gdańsk do not hesitate to push their demands as citizens while at the same time promising to be obedient subjects:

> We do not doubt that Your Sacred Royal Majesty, as a pious and Christian prince whose glory and praise will be increased by all that

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703 Heidenstein 250. Müller has similarly sour words for “Gdańsk’s neighbors,” and particularly Jan Kostka, palatine of Malborg and abbot of Oliwa—an abbey not far from the city (*Pamiętniki Milerowe*, 6-7).

704 See Heidenstein 261 for the comment on the king’s reaction.
will be granted to us, will not only reinstate our laws and liberties but will also, by your royal clemency, increase them and thus return the safety of our entire city to its original splendor… [This being done] we will always make sure that we will neglect no sort of service and obedience in proving our allegiance and subjection for the illustrious and true benefit of the crown… [Signed by] Your Sacred Royal Majesty’s faithful and humble subjects, the proconsuls, consuls, judicial officers, judges and the whole community of the royal city of Gdańsk.\(^\text{705}\)

Even though, according to Laureo’s informers, the decision had been taken as early as August 1576 to force Gdańsk into submission by military means,\(^\text{706}\) there were nevertheless lengthy negotiations between the court and the city council—both before and after the first clashes between the two sides occurred in April 1577. These negotiations, however, amounted to little more than a pile of letters and speeches stating—with minor variations—the same position over and over, namely, both sides’ unwillingness to compromise. Gdańsk’s usual response to Báthory’s embassies was to insist on having its liberties and privileges confirmed by the king \textit{before} they would swear their allegiance and open their city gates, and, particularly before news of Maximilian’s death reached Royal Prussia in October 1576, to emphasize the ties (commercial and otherwise) it had with the Empire. The royal


\(^{706}\) Laureo 468 (letter from 22 August 1576).
position requested the exact opposite from the citizens of Gdańsk: first do homage, release soldiers, and only then receive a formal guarantee of the city’s rights and liberties, a verbal version of which royal envoys admittedly offered on several occasions during the conflict.

After months of unsuccessful parleys coupled with trade sanctions directed against Gdańsk and favoring Elbląg instead, with the obvious purpose of divide et impera, Báthory finally proceeded to besiege Gdańsk in March-April 1577. The delay was caused by lack of money, as well as lack of troops, and particularly infantry. Although the estates of the Commonwealth had allowed Báthory a general rally in order to handle the Gdańsk affair as he saw fit, volunteers were rather slow at making an appearance, and the lack of cash was dire. In April 1577, when the first clash with Gdańsk occurred, Báthory had to make due with his Hungarian troops and only a limited number of Polish forces, which together amounted to a fraction of Gdańsk’s army.

707 Ibid., 94-96, 111, 168-170. For the “hatred” that Gdańsk had for Elbląg during the war and the attack of the former against the latter in the summer of 1577, see Heidenstein 276-277. Also see the letter sent from Báthory’s chancellery to all maritime cities in which the rebellion of Gdańsk is denounced and the rest of the Hanseatic members warned to not follow suit. AGAD, Metryka Koronna, Libri legationum, mikr. 21, f. 3v-5. In this letter the citizens of Gdańsk are called “perduelles regni Poloniae”—a term coming straight form the vocabulary of the Roman Republic.
708 Báthory had to approach Uchański for financial help, which he obtained in exchange for allowing a general synod that aimed at condemning the Warsaw Confederation and endorsed the articles of Trent. See Heidenstein 267.
709 At the battle of Tczew in April, Heidenstein I estimates the amount of royal troops to 2,120, and that of Gdańsk’s forces to 3,800 “and a countless amount of simple people” which had been recruited from Gdańsk’s citizenry for this purpose. See Heidenstein 271.
Gdańsk’s resistance was openly assisted by the king of Denmark during the military conflict that stretched over the following year; Danish resources and soldiers helped sustain the city during the siege.\(^{710}\) This outside support, along with the city’s tremendous commercial importance, to say nothing of its strategic position and well fortified walls, contributed to its citizens’ self-assurance. Báthory hoped that he could take Gdańsk in the same manner that he had taken Fogaras in 1573 and Lanckorona in 1576, but what had been envisioned as a swift punitive campaign turned out to be a long-drawn-out siege peppered with skirmishes, armistices, and fruitless parleys.

Royal forces were successful on the field in April and September 1577, but could not take the city itself, so the whole adventure eventually ended in December 1577 with a compromise chaperoned by four German princes (the Duke of Saxony, the Margrave of Brandenburg, the Landgrave of Hesse, and the Dukes of Pomerania). By that time, everybody had grown weary of a siege that dragged on and hurt the pockets of all the parties involved, but the Muscovite threat in the North-East of the Commonwealth, which had been preoccupying Báthory since the summer, was perhaps the strongest reason for seeking peace and financial, rather than other types of retribution from Gdańsk. The good relations developing between

\(^{710}\) For Danish support see Heidenstein 273, 275 and the information extracted from fugitives from Gdańsk in Ibid., 108.
Báthory and the German Princes were a major factor that contributed to Gdańsk’s decision to compromise with the king.\footnote{The Princes had been involved in a successful negotiation over the transfer of the fiefdom of the Duchy of Prussia to the Margrave of Brandenburg by Báthory, in the summer of 1577, on account of the mental illness of the current Duke (and cousin of the Margrave), Albrecht Friedrich Hohenzollern. That transfer was another important source of funds for Báthory’s war with Muscovy (the Margrave promised 200,000 florins in four annual installments). AGAD, \textit{Metryka Koronna, Libri Legationum}, mikr. 21, f. 74-75v, 83v-85v, 163ff, 263-265; see also Heidenstein 277-278.}

Compromise may not have exactly matched the idea of attack and punishment that Báthory had entertained in 1576, but it brought, after all, things that both sides wanted: for Gdańsk, recognition of its traditional rights and liberties, and for Báthory, a large sum of money (200,000 zlotych) from the city coffers in lieu of an apology.\footnote{For the conditions of the peace and related documents, see Ibid., 339-343, 347-360.} Laureo had already predicted this result back in August 1576, when he bitterly noted that Maximilian was going to help and perhaps even fund a conflict that would surely bring him no profit and would accomplish nothing other than offering Gdańsk precisely what it wanted: a guarantee of its liberties and privileges within the lucrative confines of Commonwealth.\footnote{Laureo 469 (letter from 22 August 1576).}

Admittedly, Laureo was not far off the mark. 200,000 zlotych, together with the limited compensations assigned for damages produced during the war was a rather small price for an offense as grave as that committed by the city against royal majesty and the Commonwealth in general. No prosecutions were made against Gdańsk, despite the fact that the city had been declared an enemy of the Republic and had, after all, ignited a costly war. By contrast, as punishment for refusing naval
help in the Livonian war and closing its gates to royal envoys in 1570, Zygmunt August had imposed on Gdańsk a heavy reduction of the customs fees that the city had traditionally enjoyed and the king’s full control of its maritime rights. These measures were a part of the “Karnkowsi statutes,” known as such after the name of the Zygmunt’s negotiator, and were never implemented due to the king’s death and the confusion of the two interregna that followed. Nevertheless, the fear that they may be put in practice was reportedly one of the main reasons for Gdańsk’s initial recalcitrance and later insistence on having its traditional rights recognized. From this perspective, it may be argued that Báthory’s willingness to disregard the statutes was less of a mistake than Zygmunt August’s decision to approve them.

c) Authority and rebellion in elective monarchies

Báthory’s elections presented problems to his authority in both countries, but the challenges they posed were different in nature. If the 1571 election created a voivode who had to actively define his authority during his rule, the 1575 one created a king who had to actively take control and affirm his right to exercise authority in the realm. In other words, Báthory’s Transylvanian election created (and partially solved) problems of authority, whereas his election as king of Poland-Lithuania, by virtue of his rivalry with Maximilian, posed problems not so much of authority per se, but rather of legitimacy.

For the 1570 events, see Heidenstein 251.
Royal majesty, as conferred by the act of coronation, strengthened the authority of Poland-Lithuania’s elected rulers by adding a divine element to it. In Transylvania that element did not exist, even though elements of regalia were present there as well. Customarily, the source of authority in Transylvania did not come directly from God, but indirectly, through the king of Hungary, whose own authority was divinely sanctioned and then delegated onto the voivode. Yet in the second part of the sixteenth century, the Transylvanian voivode and estates disputed the authority emanating from the king of Hungary and adopted that of the Porte instead, thus discarding the royal (and hence, divine) element in the source of their ruler’s authority altogether. Unless we are ready to believe that the Sultan effectively featured, from the Transylvanians’ perspective, as God’s anointed and a holder of royal majesty in the traditional sense of the word, it appears that the nature of the authority invested in the Transylvanian voivode by the act of election was primarily secular and, in a sense, of Roman extraction—inasmuch as the voivode’s position was perceived more like officium than lordship—a trend that matched Transylvania’s dominant religious and political trends at that time. That the Sultan’s control over Transylvania was not considered a source of authority in the traditional sense of the

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715 Kantorowicz shows that the thought of the Dignity of the ruler as essentially “man-made” (whereas his body was “God-made”) had been uttered before—in France of all places—even though that utterance seems more like a logical exercise than a principle that was susceptible to be been taken to its ultimate political consequences in the French context at that time. Kantorowicz, The King’s Two Bodies, 422-423.
word is suggested by the language used by Forgách in 1574, which makes references to the Turk’s *voluntas* and not to his *auctoritas*.

Nevertheless, the Transylvanians boasted their right to free elections granted to them by Suleyman in 1566 whenever they had a chance,\textsuperscript{716} which suggests that even if the Porte may not have been seen a source of divinely sanctioned authority, its was still regarded as a source of political legitimacy. In other words, might can, after all, make right. Whether he liked it or not, whatever “majesty” the voivode of Transylvania had, it came from the Porte rather than Vienna, as symbolized by the solemn insignia sent for each new enthronement, and which in no way could have been issued by the King of Hungary, who regarded the voivode as a mere royal officer. In a sense, the right to free elections granted by the Suleyman in 1566 empowered both the estates and the voivode—the former by the act of voting itself, and the latter by separation from his former master, the king of Hungary.

Ultimately, however, it was the act of election that conferred legitimacy to a voivode in the eyes of the Transylvanian estates, rather than his endorsement by Vienna or Istanbul. Had Bekes been able to convince the Porte to give him their full support (and had he not been defeated and chased out of the country by Báthory), the estates would have had a hard time accepting him as voivode without having elected him first. In the seventeenth century, when the Transylvanians’ right to free elections

\textsuperscript{716} Including in the 1575 constitution that sanctioned Báthory’s prosecution of Bekes; the estates humbly accepted everything the voivode proposed while subtly reminding him—for the future—that the right to election conferred by the Sultan requested him to make all important decisions together with them. See MCRT II, 558-559.
occasionally degenerated into farce, princes would still have to go through the ceremony of election, even when they had been imposed by the Porte and the votes of the delegates were reduced to a formality watched over by Ottoman troops.

As far as Poland-Lithuania was concerned, the act of election was certainly fundamental in establishing the legitimacy of a king, yet at the same time coronation was the moment that “sealed the deal.” In the case of double elections, it was only then that the contest was finally resolved. Even though, for a certain period, Báthory continued to be defied by Lithuanians and Prussians, as well as certain individuals such as the palatine of Sieradz or that of Podole, the act of coronation in and of itself conferred on him an authority that was difficult to ignore. This of course did not eliminate the danger posed by Maximilian, whom the Poles continued to fear was going to invade their country and fight Báthory for the throne, but it certainly conferred on the latter an advantage that the former had simply—by all accounts of the period—neglected to seize.

The instances of rebellion examined in this chapter were all quite obviously connected to the conditions of the elections that preceded them. This is perhaps most visible in the Polish-Lithuanian case, where the intensity and length of the electoral fight during the second interregnum was directly reflected in the cases of disobedience that followed it. Unnervingly, from Báthory’s perspective at least, this series of refusals to recognize his position in Poland-Lithuania was not much different from his repeatedly challenged position in Transylvania, where his former
rival in the competition for the throne, Gáspár Bekes, had been openly defying his rule for more than four years after the 1571 election in Gyulaféhérvár, and another usurper, Paul Markhazi, was petitioning Ottoman officials in Istanbul to grant him the Transylvanian throne in exchange for double the tribute that was being paid at the time.\textsuperscript{717}

The main difference between Transylvania and Poland-Lithuania, as far as insubordination is concerned, is that Transylvanians tended to combine rebelling and usurping quite seamlessly, which may underline the shaky authority of the Transylvanian voivode as well as point to a certain disregard for the electoral principles that made him their ruler. Both Bekes and Markhazi eventually appealed to outside powers—Vienna and Istanbul—in order to have their qualms resolved, rather than trying to solve them internally in some kind of legal terms. Instead of contesting Stefan Báthory’s election at the time when it happened, they tried to replace him either by force, conspiracy, or bribery. This tendency is very similar to the phenomenon present—albeit at a considerably higher level—in Moldavia and Wallachia, and which may be first and foremost a consequence of the Ottoman ascendance over these regions and the extreme bribe-ability of Ottoman officials in this respect. In Poland-Lithuania, on the other hand, rebellion was always clothed in a legalist discourse that never failed to appeal to elections as the founding moment of royal legitimacy. That is not to say, of course, that Polish-Lithuanian rebels never

\textsuperscript{717} For Márkházi’s story, see Szamosközy I, 243-248.
sought to conspire against, attack, or downright replace their kings,\textsuperscript{718} but they did so in a different manner than their Transylvanian counterparts.

The case of Gdańsk’s rebellion is symptomatic of this difference. The citizens of Gdańsk justified their resistance to royal authority on the grounds that they had not consented to Báthory’s election. As opposed to the rest of the malcontents who eventually yielded to the will of (what eventually became) the majority, Gdańsk continued to claim that, since they had not agreed with the outcome of the election, the relationship with the new king, whose identity they could not change, had to be founded anew in a separate and equal exchange of oaths and not a simple declaration of allegiance on their part. This relationship, the citizens of Gdańsk maintained, could not be simply inferred from the mere act of coronation and the agreement of the rest of the country. To the contrary, this was precisely what Báthory’s team was trying to make Gdańsk do, arguing that the city “had always belonged to the kings of Poland and the Polish kingdom, as it swore obedience and subjection to the crowned kings of Poland and the kingdom long ago, which oath placed the city under the rule of this kingdom… [and] in the power of that king and all of his successors for perpetuity,”\textsuperscript{719} thus putting aside the recent developments in the constitutional makeup of the country that required its citizens’ unanimous consent to the election of its kings. As it turned out, the royal team was not able to

\textsuperscript{718} See, for instance, the secret negotiations with Gaston d’Orleans or various Transylvanian princes during the rokosze of the seventeenth century.

\textsuperscript{719} AGAD, \textit{Metryka Koronna, Libri Legationum}, mikr. 21, f. 4 (7 May 1577).
get away with it; it was the peace concluded in December 1577 that essentially set the bases of Gdańsk’s relationship with the Commonwealth and its king—not the moment of election, nor that of coronation.

These differences between Transylvania and the Commonwealth aside, it is important to note, however, that the roots of each of the cases of insubordination examined above, both in Transylvania and in Poland-Lithuania, went back many years before the immediate circumstances of Báthory’s elections in these two countries. Łaski had been embroiled in a conflict with the Zborowskis since 1574; Gdańsk had started its conflict with the crown during the time of Zygmunt August; Báthory and Bekes had been pitted against each other by János Zsigmond’s inconsistent policies well before the 1571 election; and the Secklers’ struggle to regain their dwindling privileges had began in the mid-1560s.

There were, however, other types of defiance, which were perhaps more directly connected to the election per se and which came, surprisingly, not from Báthory’s electoral opponents, but from his supporters. This rebelliousness often took a different shape than the more usual types of insubordination; in Poland-Lithuania in particular, most often it was a certain lack of respect with which Báthory was confronted from his earliest days there, and which seems to be strongly connected to his voters’ preference for a “weak king.”

See chapter 2. For a commentary on the Poles’ “obsequious disrespect” for their kings in the context of the seventeenth century, see Robert I. Frost, “Obsequious Disrespect: the Problem of Royal
Among Báthory’s supporter-rebels, the Zborowskis are perhaps the most notorious. Their story, and particularly that of Samuel, who ended up executed for lese-majesty in 1584, is a rather straightforward example of misguided self-importance vis-à-vis two kings (Henri and Stefan) whom they essentially, and perhaps not mistakenly, saw as their own creation. It is not without significance that the Zborowskis had belonged to the camp supporting Báthory and not to any rival faction. Indeed it seems that elections in Poland-Lithuania tended to problematize royal authority not so much among the winner’s rivals, but on the contrary, among his voters. Neither Łaski, nor even Gdańsk truly challenged the definition and scope of the king’s authority; their struggle focused instead on the identity of that ruler or on other aspects of their relationship with him, as was the case with Gdańsk’s insistence on having its liberties and privileges confirmed. Once all that was accepted, the problem was solved and the rebellion ended, with the exception of those cases in which exile made it irrelevant, as was the case of Olbracht Łaski.

With the Zborowskis, however, things stood quite differently. They and the rest of Báthory’s promoters expected to be rewarded for their support. Moreover, they expected royal policies to be aligned to their private interests, or that at least

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721 Documents related to the Zborowskis were published by Lucyan Siemieński in Pamiętniki o Samuela Zborowskim (Poznań, 1844) and Żegota Pauli, Pamiętniki do życia i sprawy Samuela i Krzysztofa Zborwoskich (Lwów, 1846). See also the incident where Samuel drew his sword in Báthory’s presence, August 1576 (Laureo 470-471).
they did not go against them; Báthory, on the other hand, “wanted to be king and depend on nobody but himself.” These contradictory expectations and the potential problems they created were, of course, not novelties, nor where they created by the elective nature of the Commonwealth’s throne. It may be safely stated, however, that royal elections, coupled with the royal prerogative to distribute offices for life, as was the case in Poland-Lithuania, tended to exacerbate these problems. The fact that the rule concerning office distribution was never changed throughout the Commonwealth’s existence, despite the criticism that it inspired, suggests that the nobility preferred to keep it as a system of electoral rewards, as well as one of checks and balances. As far as the issue of respect was concerned, Báthory dealt with it as best he could, mostly by shouting at the assembled nobles during general Sejms that they ought to treat him as a proper king; no wonder that, according to some, he was “more feared than loved.” At the Toruń Sejm of 1576 Báthory burst out impatiently against what he perceived as the szlachta’s infringement on his functions:

I was born a free man… and I love my freedom and will defend it.

With God’s will, you chose me as your king. I came here at your request and begging. You yourselves put the crown on my head. I am therefore your true king, not a painted figure. I want to rule and command and I will not suffer that anybody rule over me. You be the

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722 Laureo 693 (letter from 15 april 1577).
723 This Machiavellian remark was made, not surprisingly, by an Italian (Spannochi 376).
custodians of your liberty—that is all good and well. But I will not allow you to be my—or my senators’—wardens.724

Báthory had grasped quite well the essence of his problem, which was rooted in the fact that the source of his own authority was not independent but came from the body of citizens who elected him. Their disrespect was as much a reflection of their authority as an erosion of his own.725

Despite the personal frictions between Báthory and his subjects, however, the instances of rebellion mentioned above generally had their roots in social and political tensions that pre-dated the elections, but which found an outlet in the factionalism encouraged by the race to the throne, and at times were significantly exacerbated by it—particularly when double elections ensued. With the exception of reward-related discontent, as was mainly the case of the Zborowski brothers, most of the upheaval labeled as “rebellions” during the time of Báthory came from already existing conflicts among the electors, rather than newly created conflicts between the electors and the elected.

724 Báthory’s “non fictus, neque pictus” outburst became a famous quote already during his lifetime, several versions of which may be found in various contemporary sources. See, for instance, Archivio di Stato di Venezia, Archivio Proprio di Giacomo Contarini, Filza 20: Relazioni del Regno di Polonia 1573-1580, f. 5; Bibl. Czart. TN 88, 341 and TN 91 IV, 617-618; Biblioteka Uniwersytecka Warszawska [BUW], rkp. 50, f. 296; Heidenstein 265. In the context of Kantorowicz’s analysis of the kings’ fictitious persona, as illustrated by the introduction of funeral effigies in the fourteenth century, Báthory’s statement may be interpreted as an attempt to diminish the weight of his office-like royal dignity in favor of a much more personal interpretation of authority. See Kantorowicz, The King’s Two bodies, 421.


385
Conclusions

The authority of elected rulers was certainly affected by the elective nature of their thrones, but even more so by the circumstances of their election. In Transylvania, the voivode’s authority had to be defined on new grounds after 1571, when the separation from Hungary was still too recent to allow much in the form of personal rule; ironically, the largest factor in defining Báthory’s position as “dignity” and “officium” actually came from his subordination to Maximilian, rather than from the act of election. In time, there was a noticeable tendency on Báthory’s part to appropriate the throne and increase his authority, as suggested by the changes that occurred over the years in the language used by the Transylvanian chancery, but also as a matter of policy, as illustrated by the decision to explicitly make the voivode the highest judicial authority in the realm in 1575.

Báthory had authority problems in Poland-Lithuania neither because royal authority itself was ill-defined, nor because it sprang from the act of election rather than from blood or a divine mandate, but rather because the election itself had been quite far from being unanimous. From this perspective, the double election of 1575 and the division of the country which followed it posed problems of legitimacy, rather than royal authority per se. The act of coronation certainly helped Báthory appropriate the throne, yet even so he continued to have to negotiate his way toward full recognition by all members of the Republic for months after the coronation. His
supporters helped him by rhetorically equating the majority backing Báthory with the entirety of the country, and by creating a fiction of consensus to which all the dissenters had to adhere, unless they wanted to lose their rights as members of the commonwealth and be regarded as public enemies. Those who still refused to subscribe to this post-election consensus did so because they wanted to renegotiate their position in the Commonwealth. Such was Gdańsk’s case, whose citizens could hardly agree to Báthory’s election without also agreeing to Zygmunt August’s 1570 law. Since they had not participated in the process of negotiating the relationship with the new king at the election Sejm, the citizens of Gdańsk had not used that opportunity to nullify or mitigate Karnkowski’s statutes. Therefore, it was only by refusing to recognize Báthory’s coronation and thus, by rebelling, that they were able to obtain a new agreement that redefined their relationship with the Crown. Lacking access to the process of drafting the Pacta Conventa, they essentially created a separate set of Pacta Conventa for themselves.

The rebellions that challenged Báthory’s rule in Transylvania and Poland-Lithuania reflected the differences between his authority problems in both places. In Transylvania, where these problems stemmed from the voivode’s relationship with his two suzerains, his rule was challenged by usurpers with outside backing. In Poland-Lithuania, where Báthory’s legitimacy had been jeopardized by the opposition of a sizeable part of the country to his election, he was defied by
opponents on the basis of the legal complications involved in the double election of December 1575.

In both places, however, the language used in accusing these “rebels” was rather similar. Transylvania, despite having inherited certain Germanic feudal elements such as the charge of “infidelity” against public enemies, used republican language inasmuch as they were, in reality, more often and more insistently accused of attacking the public peace, rather than the person of the voivode. The organic image of the Republic was again featured: Báthory referred to Bekes as a “putrid and pestilential member of the Republic that has to be amputated so that it does not bring about the ruin of all its members.”726 A mixed language was also used in the case of Gdańsk, whose citizens were called *perduelles* on account of their “rebellion” and for not submitting to the power (*imperium*) of their *Princeps*.727 Despite these mixed elements, the understanding of rebellion in the Commonwealth was preponderantly based on a republican Roman understanding of lese-majesty, in the sense that rebels were declared “public enemies” rather than traitors, with the exception of Samuel and Krzysztof Zborowski, against whom there was evidence that they had conspired against Báthory’s life.728 It seems that the Roman republican language was the norm, rather than the exception in both countries in such situations; the different degrees of

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726 Record of Bekes’ trial (here the accusation) in Bethlen 336.
728 The debates of the 1585 Sejm, which judged the Zborowski affair, were published in Aleksander Czuczyński, ed., *Scribore Rerum Polonicarum XVIII: Dyaryusze Sejmowe R. 1585* (Cracow: Nakl. Akademii Umiejętności, 1901).
constitutionalism between Transylvania and Poland-Lithuania were more visible in the patterns of behavior displayed by the rebels, rather than in the language and legal tools used to accuse them.
One of the most striking features of the Polish-Lithuanian elective monarchy was the contract imposed on its kings upon their coronation, without which they could not legitimately occupy their seat on the throne. Perhaps even more than its elective institutions, it was the principle of royal accountability—expressed in an actual contract between King and Republic—which made Poland-Lithuania so special in the 1570s, more than a century before similar practices were established in the English monarchy.

After Henri’s groundbreaking but limited reign, Stefan Báthory was the first king who truly experienced government within the limits imposed by the Polish-Lithuanian notion of contractual majesty. The experience was certainly not an easy one, and Báthory braced against limitations to his power time and again. However, his responses to these moments of tension did not deny, but rather made use of the logic of contractual relationships. His repeated attempts to impose his will on the Polish-Lithuanian estates—a few of which were quite successful—still operated within the framework of duty, legality, and promise-keeping upon which the Commonwealth was founded.

Báthory may not have liked his hands to be tied by what he perceived as excessive limitations, and he may have seen himself as pater in familia, but he knew
very well from his time in Transylvania that a father also had obligations, and that limitations often came with the package. After Báthory’s election in 1571, Transylvania took four more decades to develop its own form of contractual relationship with its voivodes (called princes by that time) to a level that was comparable to what Poland-Lithuania had already put in place in 1573. Even so, Báthory’s rule had been far from “absolute” in Transylvania; his limitations were not only imposed by his uncomfortable position between Vienna and the Porte, but also by internal pressures to keep the promises he had made at his enthronement.

The notion of royal obligations and even that of a social contract were not new in European monarchies. Most coronation ceremonies included royal oaths that guaranteed the laws and liberties of the estates. In the late Middle Ages, some monarchies had even included agreements between kings and their subjects almost as bold as the one with which Henri was confronted in 1573-1574. Such is the disobedience clause contained in the “Joyous entry of Brabant” (1356), which had to be confirmed by every Duke of Brabant at his inauguration and which specified the right of subjects to disobey their prince if he violated their liberties, until he mended

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729 Bodin’s definition of “absolute power” likened it to a gift made “unconditionally and irrevocably.” See Jean Bodin, Les Six Livres de la Republique (A Lyon: Pour Barthelemy Vincent, 1593), Book 1, Ch. 8 (“Concerning Sovereignty”).

730 See for instance Henry VIII’s oath, which promised to maintain the laws and customs of England, and keep the peace to the Church and people—the paragraph concerning the Church was modified by Henry himself after the break with Rome. See L. G. Wickham Legg, English Coronation Records (Westminster: A. Constable, 1901), xxxi.
his ways.\textsuperscript{731} To the same category belongs the legendary “If not, not” article of the Aragonese nobles, who—the story goes—welcomed Alfonso V in 1416 with the following words: “We, who taken separately are worth just as much as You, and taken together are worth more than You, are making You king on the condition that You observe our liberties; if not, not!”\textsuperscript{732}

By the sixteenth century, however, such occurrences had become the stuff of mythology, rather than of law. French constitutionalists did make daring attempts, in the 1570s and 1580s, to suggest that obedience to the king could be withdrawn in cases of violation of laws and liberties. They used their creativity and stretched history as far as it would go in order to show—more or less overtly—that the French monarchy had been and should be again elective,\textsuperscript{733} or that kings were subject to judgment and punishment not only by God, as Bodin argued,\textsuperscript{734} but also by their people, and going as far as to defend the notion of removing a tyrant by force, if need

\begin{itemize}
\item \textsuperscript{732} See Ralph E Giesey, \textit{If Not, Not: The Oath of the Aragonese and the Legendary Laws of Sobrarbe} (Princeton, N.J: Princeton University Press, 1968); also Konopczyński, \textit{Le Liberum Veto}, 125ff, for a comparison with Poland.
\item \textsuperscript{734} Bodin, \textit{Six Livres}, Book 1, ch. 8, 29.
\end{itemize}
Philippe I had pledged in 1059 that he would "by his authority confirm to the people entrusted to him the guardianship of laws to which they were rightfully entitled," and authors such as Jean du Tillett spent a great amount of energy to prove that Philippe swore his oath not after, but before the act of the consecration, in order to emphasize the contractual nature of the relationship between the French kings and their subjects. There had also been a notion in the early twelfth century (chiefly explored in abbot Suger’s writings) that the oath was actually an “oath of office.” In reality, however, the oath gradually lost its importance in the French coronation ceremonies throughout the late Middle Ages and early modern period.\footnote{See Théodore Béza, “Du droit des magistrats;” and Philippe du Plessis-Mornay, “Vindiciae, contra tyrannos,” in Franklin, \textit{Constitutionalism and Resistance}, 97-201.}

The Dutch Revolt also incorporated very clear contractual elements in the body of literature it generated, particularly in the period immediately preceding the break from Spain’s authority; it is no surprise that it had been warmly supported by a sizeable number of French Huguenots.\footnote{See Elizabeth A. R. Brown, ““Franks, Burgundians, and Aquitanians” and the Royal Coronation Ceremony in France,” in \textit{Transactions of the American Philosophical Society}, New Series, Vol. 82, No. 7 (1992): i-189, here 39, 42.} It should be noted that much of the theory of resistance formulated by French, Dutch, and English authors from the 1550s onward was inextricably connected to Calvinism, although one of the major influences on these writers had actually been the pamphlets issued in Lutheran Magdeburg in 1550, at the height of the city’s resistance against the Emperor and

\footnote{For Dutch thought around the time of the Revolt, see the collection of documents put together by Martin van Geldern in \textit{The Dutch Revolt} (Cambridge University Press, 1993).}
E lectors of the Holy Roman Empire, who were trying to suppress Protestantism at that time. On Polish territories, many of the members of the Execution of the Laws movement were also Protestant or, at best, very flexible Catholics, although the inverse was not necessarily true.

The right of the nobles to resist an unjust king had also featured in the legal corpus of the Hungarian medieval kingdom, but by the sixteenth century its validity had become somewhat unclear. It had first been granted as *jus resistendi* in the thirty-first article of the Golden Bull of Andrew II (1222) and Werbőczy—a great proponent of nobility rights—included it in his compendium of Hungarian law as an unambiguous right held by all the members of the Holy Crown. Even though Werbőczy’s work was part compilation and part wishful thinking, there is no doubt that it mirrored and at the same time reinforced the ethos of the Hungarian nobility, particularly at the time when the Habsburgs were taking hold of the Holy Crown of St. Stephen. Some of the kings of Hungary had indeed promised to observe Andrew’s Bull in their coronation oaths, but not all of them as Werbőczy claimed.

This did not stop István Bocskay from invoking the resistance clause in 1604-1606 during his largely successful revolt against Rudolf II and Matthias II. From 1687

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741 Werbőczy, *Tripartitum*, Part 1, Art. IX.
742 Rudolf transferred his Hungarian throne to Matthias in 1605.
onward, the Habsburg Kings of Hungary saw fit to explicitly exclude Article 31 of
the Golden Bull from their coronation oaths, while continuing to endorse its other
articles.\textsuperscript{743}

The idea of a contractual relationship that rendered rulers responsible to the
body politic was, therefore, not unique to Poland-Lithuania.\textsuperscript{744} Even Bodin
acknowledged that, although princes were not and could not be subject to the law,
they were, however, bound by the promises and covenants they made with their
subjects, just like any private individual.\textsuperscript{745} Ultimately, the novelty of the Polish-
Lithuanian contract stood neither in the general concept of royal responsibility, nor
even in its disobedience clause, but in actually enforcing such notions from 1573
onward. The most novel thing, perhaps, was the willingness of Polish-Lithuanian
kings to go along with the exigencies of their subjects and make extensive promises
under oath while being fully warned that they might lose their crown if they should
break them.

\textbf{a) Conflicting promises: the Transylvanian contract}

At the time of his election in Transylvania, Stefan Báthory had to swear an
oath before the estates, but it was nothing as elaborate as what he would be required

\textsuperscript{744} On the early modern idea of “contractual monarchy” and the differences between earlier notions of
contract and seventeenth-century constitutionalism, see Gerhard Oestreich, “From Contractual
\textsuperscript{745} Poland-Lithuania (to say nothing of Transylvania) is conspicuously absent from this study.
\textsuperscript{745} Bodin, \textit{Six Livres}, Book 1, ch. 8, 28-29.
to do five years later as newly crowned king of Poland-Lithuania. Most importantly, his Transylvanian pledge did not involve a de non praestanda oboedientia clause, and that is perhaps the most significant difference from the Henrician Articles. In that sense, if the Polish-Lithuanian articles were a full-fledged contract, the Transylvanian enthronement oath was little more than a promise. Even though it was pronounced solemnly before the orders and estates of the country, the person taking it was—in theory at least—answerable to God alone, because the oath included no mention of concrete, political repercussions if it were to be broken. From that perspective, it may be stated that the voivode’s vows were not much different from the coronation oath of any other monarch at the time.

Four decades had to pass after Báthory’s election before a Transylvanian prince had to agree with more elaborate conditions at his enthronement. In October 1613, after the election of Gábor Bethlen and his investiture with the princely cloak and throne, the assembly of the three nationes voted on the exact terms of Bethlen’s oath of office, which included maintaining peace with the Porte and the Habsburgs, protecting the laws and rights of the estates, promoting justice and consulting with the council on all matters of foreign policy. The last condition was an unequivocal resistance clause which was put down in the assembly’s constitution in the following terms, and which Bethlen indeed swore to observe a few days later:

Among princes, many abuse their princely authority, forget the law of free election, rob their dominion at their discretion, and move into
illegal, and other corrupt and improper things, which leads to terrible
danger for our home. We have therefore decided that the towns,
councilors, Secklers, and other military captains and officials shall
have the authority that if the prince transgresses, and innovates
against the law, they are released from their oaths and should gather
together to stand against the prince.\textsuperscript{746}

The most interesting aspect of Bethlen’s coming into office is that it had been
preceded by the deposition of the previous prince, Gábor Báthory, and that despite
the fact that Báthory had not been presented with an explicit resistance clause at his
own election and enthronement. And yet, in October 1613 the estates sent a letter of
dismissal to Báthory in which they declared themselves free of their obligations
toward him on account of his dangerous management of the country, such as sowing
discord among the inhabitants and disturbing the peace with the Ottomans. They
immediately proceeded to organize new elections and “unanimously” chose Gábor
Bethlen to replace Báthory. By that time, Bethlen had already sought—and
received—unequivocal and quite visible Ottoman support, of which the estates were
well aware and which certainly influenced their choice.\textsuperscript{747}

Aside from the issue of Bethlen’s Ottoman backing, Báthory’s dismissal and
the inclusion of an explicit disobedience clause in the next election suggest that the

\textsuperscript{746} The original text is in MCRT VI, 359; I used Murdock’s English translation from Murdock,
“Freely Elected in Fear,” 231.
\textsuperscript{747} For more details about the events of 1613, see Ibid., 227-228.
Transylvanian estates had already felt entitled to withdraw their allegiance to their ruler if he failed to keep his promises or otherwise endangered the safety of the country—even in the absence of a plain and clear *jus resistendi* article. Having to actually do so, however, convinced them of the need for a clearer—and more legal—expression of that right. Although it may be argued that the contract of 1613 was only a cover-up for the Sultan’s decision to replace one prince with another, and even if that were the case—which sources show that it was not completely—the mere fact that the estates felt the need to legalize the situation in this fashion already sets Transylvania apart not only from the majority of European monarchies, but also from the Porte’s other European vassals, where a practical application of the theory of resistance never gained any comparable momentum. It may also be seen as a confirmation of the idea that Transylvania, despite its limited enthronement oath in 1571, was closer to the spirit of the Polish-Lithuanian laws than may have been apparent at the moment.

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748 Moldavia and Wallachia, which were in similar—albeit worse—positions vis-à-vis the Ottomans, also had to contend with their voivodes’ and usurpers’ tendency to appeal to the Porte every time they were embroiled in a power struggle, thus inviting growing instability and increasing Ottoman influence in their internal affairs. Nevertheless, the power transfers among rulers were never institutionalized in the same manner that they were in Transylvania. Moldavia did experience a certain tendency to do so in the second half of the seventeenth century when, due to Polish proximity and cultural influence, some *boyars* felt that they should have the rights of the *szlachta*. In 1684 there was even a petition to king Jan Sobieski on behalf of a group of Moldavian *boyars* requesting incorporation into the Commonwealth, but, eventually, this movement did not amount to anything. See Miron Costin, *Opere*, ed. P. P Panaitescu (București: Editura pentru Literatură, 1965), 333ff; Florin Constantinu, “Sensibilité baroque et régime nobiliaire: considérations préliminaires,” *Revue des études Sud-Est européennes* 17, no. 2 (1979): 327-334.
The double oath of 1571. Báthory had to swear two oaths on 25 May 1571. Both of them had been worded carefully by the council members and the testament executors who had reached a compromise over Maximilian’s demands on the previous day. They were phrased in such a way as to not contradict one another. The first one was pronounced by Báthory before the delegates of the estates immediately after they acclaimed him their lord and voivode of Transylvania. It was short and had three main points: that the voivode would do everything in his power to execute and observe each one of János Zsigmond’s donations, entitlements, and exemptions; that he would protect and uphold “the liberties and religions” of the country (Transylvania proper) and of the Hungarian counties; and that he would put no man above the law and let no private interests, friendship, or fancy guide him in the distribution of justice. In return, the delegates of the estates swore their allegiance and willingness to serve and obey the new voivode.

The second pledge was performed immediately after the election ceremony, as soon as the assembly had dissolved for the day. Báthory swore it before the council members and the testament executors who had been let in on the terms of the Speyer Agreement. It was quite an unequivocal homage to Maximilian, promising

749 MCRT II, 399.
750 MCRT II, 459. By comparison, Isabella’s and János Zsigmond’s oath had been even more limited than what Báthory swore in 1571. In December 1556, Isabella promised to “protect and maintain each and every one of this country’s orders and estates in their laws and liberties, and conserve them lawfully and religiously; and also, when the most serene Prince will be of mature age, he will observe all of the above.” There was no mention of religious liberties, as this ceremony took place before the adoption of the laws that guaranteed religious peace and freedom of worship for all nobles and towns in January 1568 and 1571. See MCRT II, 56.
fidelity and obedience to him and his successors, as well as friendship to his friends and enmity to his enemies. Báthory pledged to keep and conserve “His Majesty’s fortresses and possessions entrusted to my hands on His Majesty’s behalf” and return them to the king as well as renounce “this office of voivodeship” whenever His Majesty so pleased. He also promised to uphold the laws and liberties of the Transylvanian regnum, to defend it from internal and external enemies, and to administer justice fairly and without any partiality.\footnote{MCRT II, 458.}

In a sense, both of these oaths had been necessary for Báthory’s voivodeship to come into effect. Without Báthory’s willingness to negotiate with the supporters of the Speyer Agreement, the latter could have caused more trouble during the election. As it were, none of the main dignitaries opposed the preference of the delegates. Even though Bekes’ chances were very slim and it seems that the delegates would have settled on Báthory anyway—whether he compromised with the executors or not—it is important to acknowledge that the compromise was nonetheless necessary. Báthory was well aware that for an effective and smooth reign he would need the cooperation of all these men, most of whom had a great deal of influence in their respective counties and had been managing the country’s affairs for a long time at a time when he and his brother were isolated from the court in the late 1560s. Most importantly, putting aside their personal opinions about the Habsburgs in general and Maximilian in particular, Báthory, the councilors and the
executors agreed on three very important points: first, that reunification with the other members of the Holy Crown, namely Hungary and Croatia, was indeed desirable if not their most important goal; second, that irritating the Ottoman Sultan was a very bad idea; and third, that for the moment the second consideration impeded on the realization of the first.

The Ottoman threat was indeed hard to ignore: not only were there three Ottoman envoys present at the election assembly, but they also carried firmans from the Sultan which everybody feared contained the end of Transylvania’s autonomy. Chancellor Csaki and the councilors did everything in their power to delay the public reading of those letters until after Báthory’s election in order to make sure that nothing impeded upon the free election of the voivode. After that was accomplished, however, the letters were read out loud. The first one was addressed to Báthory; the second, to the estates. As the councilors had feared, the way they were phrased greatly minimized the voivode’s position to an appointment by the Sultan—albeit one that was done in response to the “supplication of the Transylvanian lords.” They ordered the voivode and the estates to keep the peace with the Sultan, while promising help from the pashas of Temesvar and Buda in case of attack. The letter addressed to the estates ordered them to be obedient to their voivode but, at the same

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752 MCRT II, 462.
time, it rendered them responsible of the affairs of the state, over which they were supposed to watch together with Báthory, “in one council.”

Even though the oaths pronounced on 1 May 1571 did not include any mention of the estates’ right to resist their ruler, the web of regional obligations in which Báthory was caught made his hold on the throne rather insecure. Instead of the estates, it was Maximilian who could terminate his office at his whim—at least in theory. At the same time, the Transylvanian estates were sternly admonished by the Sultan to watch over the actions of their ruler and make sure he remained a friend of the Porte, which, in a sense, charged them with supervising the “foreign policy” of their voivode. In Stefan Báthory’s case, the need was not really there, as he was quite accommodating to the Ottomans, but the dramatic conflicts during the early 1590s between the estates and his nephew, Zsigmond, over his wish to start an anti-Ottoman war, as well as Gábor Báthory’s deposition in 1613 with a view to appeasing the Porte, illustrate how invested the Transylvanian estates had become in their role of protecting the peace with the sultan.

753 MCRT II, 463.
754 For a study that emphasizes Báthory’s cautiousness with the Porte, see Rodica Ciocan, *Etienne Báthory, prince de Transylvanie, roi de Pologne, et les Roumains* (Bucarest, 1939). Kazimierz Dopierała presents Báthory’s attitude toward the Ottomans in the same light in *Stosunki Dyplomatyczne*, especially on pp. 145-156. This comes in contradiction to earlier historiography that tended to over-emphasize Báthory’s anti-Ottoman crusading intentions in the latter part of his Polish-Lithuanian reign. See, for instance, Ludwik Boratyński, *Stefan Batory i plan ligi przeciw Turkom, 1576-1584* (Cracow, 1903).
The Seckler conundrum. Báthory’s oath to the estates contained an intrinsic tension between two of its promises: on one hand, to observe, execute, and protect the donations that the late János Zsigmond had made to faithful nobles for their services; and on the other hand, to defend and abstain from infringing the ancient liberties and rights of the orders and estates of Transylvania. The contradiction stood in the source of János Zsigmond’s donations, many of which were made from Seckler communal possessions in the detriment of the Seckler community’s right to use that land freely, according to the rules of their community. Infringements on Seckler rights and autonomy had started almost one decade before, soon after a failed uprising in 1562 that triggered a series of punitive measures such as confiscations of Seckler land, novel fiscal regulations, as well as the limitation of traditional Seckler judicial autonomy by the extension of *jus regio* to regions where judges had been customarily elected by the community, rather than appointed by the king or voivode.755

Throughout the 1560s, Seckler leaders had the tendency to seek Habsburg support, which they played against János Zsigmond particularly during the mid-1560s, when relations between Transylvania and Vienna were significantly tense on account of the former’s tightening alliance with the Porte. In February 1568, however, Maximilian II and Selim II concluded a peace treaty that set the terms of the status-quo in the frontier regions; consequently, the Habsburg Emperor became

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755 See Benkő, Demény, and Vekov, *Răscoala Secuilor din 1595-1596* [hereafter *Răscoala Secuilor*], ch. 6, 111-129.
more cautious about his involvement in Transylvanian affairs and, as a result, the 
Secklers lost their trading card in their cold war with János Zsigmond’s rather 
unwise tendency to disregard their interests. From 1569 the prince donated more and 
more land from Seckler possessions to nobles who did not have anything to do with 
the Seckler community, whose complaints about this matter he attempted to solve 
only nominally.\footnote{Rășcoala Secuilor, 116.}

At Báthory’s election in 1571, Secklers appeared in great numbers, mounted 
and armed, and after setting up a camp Tovis they rode threateningly through the 
capital city, with the purpose of making sure that they would be well noticed by the 
delegates and dignitaries who were getting ready to elect the next voivode. Their 
presence was certainly not ignored; a Saxon chronicler wrote that, when news of the 
Secklers approaching the city was brought, the delegates feared that the funeral of 
the late king would be their funeral as well.\footnote{MCRT II, 395.} Their alliance with the nobles who 
also showed up in arms and set up camp at nearby Torda, under the leadership of 
Kristóf Báthory, was loose and circumstantial, rather than based on a common 
agenda, but their volatile presence certainly contributed to the swiftness with which 
Báthory and the testament executors were able to reach compromise on 24 and 25 
May.\footnote{MCRT II, 454-455 (letter from the testament executors to Maximilian from 28 May 1572).}
After the election, the delegates of the estates discussed matters of public interest as they would in a regular assembly; at that time, two Seckler petitions were at the top of their agenda. One petition came from Seckler leaders complaining about the donations of the late prince and the novel taxes imposed on some of their members; the other one from the common people complaining mostly about the abuses of the royal judges and tithe-collectors, as well as the imposition of work days for the construction, maintenance, and supply of fortresses. The resolution of the assembly attempted to fix the smaller grievances without, however, touching the most burning issue of donations and the expansion of *jus regio* on Seckler lands.\(^{759}\)

As Báthory had just sworn before the estates that he would not touch János Zsigmond’s land grants, there was little he was able to do in that respect, particularly since the beneficiaries of these grants were prominently represented in the assembly. Nevertheless, his letters to Maximilian show that he clearly recognized the explosive potential of the situation. Violence against the new landlords and their servants had already started before the election, and it continued throughout the summer of 1571, culminating in an uprising at the end of September that was, nevertheless, quickly scattered by Seckler leaders before Báthory’s troops had a chance to intervene.\(^{760}\)

Báthory seemed initially quite sympathetic to the plight of the Secklers and admitted in his letters to Maximilian that they had indeed lost a great amount of their liberty and prosperity on account of the changes introduced by János Zsigmond,

\(^{759}\) *Răscoala Secuilor*, 118-119.

\(^{760}\) MCRT II, 410-411; Forgách 478-479; Bethlen, 246-247; *Răscoala Secuilor*, 118-124.
which Maximilian had also confirmed, “according to the law.” Báthory showed that he felt restricted in his actions by the oath he had taken, which, on one hand, included the guarantee of János Zsigmond’s donations _salve iure alieno_, and on the other hand, charged him with upholding the ancient rights and liberty of all orders and estates, whereupon he asked for Maximilian’s assistance in solving this problem.\footnote{MCRT II, 469.}

The king of Hungary, however, was not of much help, as his responses were consistently ambiguous. Maximilian asked Báthory to try to keep the status-quo to the best of his abilities, but in case of heavier protests or uprisings, to either reinstate the Secklers’ ancient liberties, or to employ force in order to quell the disorder. As far as the donations were concerned, he advised Báthory to defer the issue to the assembly of the orders and estates of the country, considering that his oath did not allow him to do much else; nevertheless, he hoped that the Secklers could be pacified without force and without changing anything of substance.\footnote{Rășcoala Secuilor, 120-121.}

Báthory’s measures followed this line of thought until the uprising of September-October 1571; he issued orders with measures meant to contain local abuses and disorders while at the same time attempting to bribe some of the more prominent Secklers in order to make them loyal to himself—a plan that Maximilian seemed to appreciate.\footnote{MCRT II, 410-411; Rășcoala Secuilor, 123-124.} Báthory’s attitude hardened after the uprising, when he

\footnote{MCRT II, 410-411; Rășcoala Secuilor, 123-124.}
imposed on the estates his decision to attach land grants to “merit and services,”
which was essentially a continuation of János Zsigmond’s policy of extending *jus regio* over the Seckler community and went against the traditions of Seckler society.  

Whatever misgivings Báthory may still have had about infringing on the Secklers’ old autonomy, they were alleviated by their own unfortunate propensity to be seduced by Gáspár Bekes’ promises of returning their old liberties in exchange for their support against Báthory. From 1572 onward, Bekes used the financial backing he received from Maximilian in order to attract Secklers to his side, both while he was still in Fogaras and after he was sentenced to exile and confiscation of property in 1573. In 1575, the Seckler sees (with one exception) joined the troops that Bekes recruited on the territories of the empire and marched against Báthory to meet their debacle only too soon. After Bekes’ defeat and the dissolution of the general assembly that decided severe punishment for him and his accomplices, seven prominent nobles—among whom two Seckler leaders—were executed and thirty four common Secklers had their ears and noses cut in Kolozsvár’s central square. Thirty four other Secklers were hanged at a different location.

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764 Traditionally, the Secklers had a very egalitarian society where administration was managed by rotation and property was distributed according to clan and the position of each individual in his clan; social categories were remarkably undifferentiated. See *Răscoala Secuilor*, 29-96.
765 MCRT II, 432.
766 MCRT II, 445-446, 567-568; *Răscoala Secuilor*, 128.
The dilemma caused by Báthory’s contradictory oath was therefore solved by the Secklers’ tendency to choose the wrong side, which the voivode used to his advantage in his efforts to consolidate his authority and power in Transylvania. Báthory did not intend, however, to completely alienate the Secklers, nor was he careless enough to provide them the reasons and means for new revolts against his authority. His preferred tactic of divide et impera was one that he also employed in Poland-Lithuania and it consisted of attracting loyal men by individual rewards, rather than group privileges. As king of Poland-Lithuania, he employed thousands of Secklers in his wars against Gdańsk and Muscovy, hundreds of whom regained their status as free men (as many of them had fallen into serfdom to emerging Seckler elites) or received titles of nobility in return. Báthory’s methods of rewarding individual Secklers in his service actually went against the Seckler natio’s egalitarian social traditions and may have contributed to its weakening.

**The religious liberty clause.** The Transylvanian estates did not put many specific conditions to Báthory’s enthronement. Besides the clause concerning the late prince’s donations—a condition that expressed the interests of the country’s main dignitaries; the rather vague “protection of laws and liberties”—a traditional promise to be found in royal oaths across Europe; and the implicit foreign policy expectations manifest in the estates’ preference for a pro-Ottoman and anti-Habsburg voivode,

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767 Răscoala Secuilor, 129. Also see Possevino, Transylvania, 53. MTAK Ref.
there was, however, another condition that Stefan Báthory swore to respect: the freedom of worship.

One of the most frequently repeated assertions about early modern Transylvania is that the laws of religious toleration passed before and during the reign of János Zsigmond and re-confirmed by subsequent rulers recognized and allowed the free practice of four religions: Catholicism, Lutheranism, Calvinism, and Arianism. While it is true that the laws passed in 1548, 1551, 1564, 1568 and 1571 expressly condemned any persecution or public disturbance on account of religious disagreements, it must be emphasized, however, that these laws, which were the equivalent of Poland-Lithuania’s “Warsaw Confederation” of 1573 and were known in Transylvania as “the decree of the country,” made no explicit use of religious labels in the manner we would do today. With a few exceptions, denominations were not mentioned at all; when they were, it was done in a way that connected them either to a region or to a natio, rather than by using doctrinal markers.

Such was the case of the 1564 laws, which refer specifically to conflicts in Karánsebes between “the professors of the evangel and those of the Roman religion,” (the resolution was to allow them to alternate the use of the town’s main church), and where the “Hungarian and Saxon churches” are also mentioned in an invitation to a public debate to be held before king-elect János Zsigmond. Another law of the same year refers to what we would call Lutheranism today as “the religion of

\[768\] Possevino, Transylvania, 63.
\[769\] MCRT II, 224, 226-227.
Cibinum,” and to what could still be called at that time Calvinism as “the religion of Kolozsvár.” The other laws used even vaguer terms; they often referred to “pastors,” “preachers,” conversion, or “innovation,” without necessarily labeling the religions in question.

Other times, direct references to specific persons or situations may allow generalizations about the trends and currents they represented at that time, but subsequent developments often qualify such simplifications. This is the case with the law against religious “innovation” passed in 1572, which is portrayed by some historians as Báthory’s personal influence on the estates and his attempt at blocking further religious experimentation, and by others as a progressive law that officially recognized Arianism by mentioning Superintendent Ferenc Dávid, who by that time was quite advanced in publicly refuting the Trinity and had already started questioning the validity of worshipping Jesus. What is sometimes overlooked is the pressure of the Protestant churches themselves against innovation within their own ranks, as well as the fact that specific persons and congregations changed allegiances in time. Dávid, for instance, continued his doctrinal experiments with

770 MCRT II, 231-232. The “religion of Kolozsvár” was going to become Arianism soon afterward, thus roughly dividing the Hungarian natio between Calvinists and Arians. Cibinum [Szeben, Hermanstadt, Sibiu] was the sea of the Saxon natio and consequently the most important Saxon town in Transylvania; Kolozsvár [Klausenburg, Cluj] fulfilled a similar role for natio Hungarica, particularly in matters of religion during the Reformation.
771 MCRT II, 528.
great popular success until 1579, when he was accused, tried and found guilty “by his own ministers,” chiefly the more conservative Arians Blandrata and Hunyádi, for refusing to publicly recognize Jesus’ “Savior” status, as well as for other religious “innovations.”

There are at least two reasons for the imprecision of the language used in the laws of toleration. Firstly, religious trends remained extremely fluid during the four decades following the first wave of Reformation in Transylvania. This volatility made categorizations not only impractical, but also—in some cases—almost impossible. The religious scene in sixteenth-century Transylvania was remarkably diverse and in constant fluctuation; creeds and churches were not stabilized yet, either doctrinally or institutionally—with the exception of the Orthodox Christian one, which generally remained outside the wave of religious changes that swept Transylvania at that time and had a rather stable demographic profile, namely the “Wallachs” (Romanians). However, both the ex-Catholics and those few who remained faithful to Rome were subject to constant change and fluctuations. Even

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773 Dávid was charged of violating the innovation law in June 1579; Possevino erroneously claims that he was sentenced to death, but in reality Kristóf Báthory sentenced him to life imprisonment in the Deva fortress; Dávid died there in November 1579. See Possevino, *Transylvania*, 131. For a profile of Dávid Ferenc see Alexander Sándor Unghváry, *The Hungarian Protestant Reformation in the Sixteenth Century Under the Ottoman Impact: Essays and Profiles*, (Lewiston, NY, USA: E. Mellen Press, 1989).

774 The Orthodox Christians, generally corresponding to the Romanian population in Transylvania (also known as the “Wallachs”), were still touched by the Reformation to a certain degree, as they made the object of conversion efforts by the Protestant churches in the 1570s and then again in the seventeenth century. However, the overall degree of success of such efforts was very limited. See Maria Crăciun, “Superstitions and Religious Differences,” in Andor and Tóth, *Frontiers of Faith*, 213-232.
the Lutheran church, or *Confessio Augustana* as it was known in Transylvania, which coincided almost entirely with the Saxon *natio* and which had crystallized its structures rather quickly in the 1550s, was losing certain congregations to Arian preachers in the 1570s.\textsuperscript{775}

As for the Hungarian and Seckler *nati*os, most of their members had already crossed over to more radical doctrines by the time Stefan Báthory became voivode; their preachers covered various degrees of Calvinism, Arianism, and, in the later decades of the sixteenth century, even Sabbatarianism.\textsuperscript{776} Some Catholics were still scattered throughout the country, but noticeable communities remained only in three Seckler districts and three Hungarian counties, although they too were almost entirely deprived of priests and were either susceptible to conversion by Protestant preachers or keeping a rather low Catholic profile, at least by Tridentine standards.

Not only was the religious scene diverse, but also conversions, innovations, and religious lapse were not necessarily sudden, obvious, or openly recognized affairs. An entire Seckler village would still call itself Catholic even though their

\textsuperscript{775} The three Saxon locations most influenced by Arianism were Broos [Szaszvaros], Mediasch [Medgyes], and Birthalm [Berethalom]. See for instance the letters written on 22 and 23 June 1576 to the pastor of the church in Urwegen by a certain Stefan Budini, mentioning Saxon pastors in Mediasch and Birthalm going over to Arianism because of their work load (DJAN Sibiu, *Documente episcopale* 231 and 232). Both of these localities were relatively close to Broos, which seems to have been the town most strongly permeated by Arian doctrines within the Saxon jurisdiction. See below.

\textsuperscript{776} Antonio Possevino’s account is among the first to give details and show the differences among some of the doctrinal “errors” of the “heretics” in Transylvania; he also reports the Sabbatarian (or “Judaic”) tendencies among some of the more radical Protestants. See Possevino, *Transylvania*, 142-145.
priest was married and not observing Lent, for instance. By the same token, straightforward religious labels differentiating among Protestants were seldom used for self-identification, but rather by outsiders as insults or accusations. The boundaries between Lutherans, Calvinists, Arians, and Sabbatarians were at times blurred beyond recognition; as far as the Catholic Church was concerned, they were all “heretics” anyway. Geographic or personal names were preferred instead. The Arians in Kolozsvár, for instance, were more often called “followers of Dávid Ferenc,” and as such traversed with their “bishop” the various stages of religious innovation that took them from Catholicism, to Lutheranism, to “Sacramentarianism” (Calvinism), to Arianism, in the space of only twenty years. They would probably not have been able to point out the exact moment when Dávid crossed the line between “legally recognized” religion and blasphemy, for which he was eventually tried and emprisoned in 1579. The differences in legality between Calvinism, Arianism, and other, more scandalous doctrines were often of small degree and they were frequently influenced by the number of followers and the political support that their preachers enjoyed.

According to Possevino’s report from 1584, out of twenty four Seckler priests, only four were celibate (information is missing about three of them). See Possevino, Transylvania, 65-66. More anecdotal details about Possevino’s travels through Transylvania in 1583 may be found in the Society’s 1583 report “Relatio diffusa de itinere et missione Patris Antonii Possevini Soc. Jesu in Hungarizan et Transylvanian ineunte anno 1583. peracta,” published in Endre Veress, ed., Annuae Litterae Societatis Jesu: De Rebus Transylvanicis Temporibus Principum Báthory, 1579-1613 (Vesprimii: Ex Typographia Dioecesana, 1921), 202-214.

See, for instance, Possevino’s comment that Blandrata denounced the Sabbatarians’ doctrines to Stefan Báthory not because they were much different from his own, but because he was jealous of the new preachers’ success. Possevino’s comment is malicious, but points out the important and
Another reason why toleration laws were not very specific about the religions they accepted was also that, in reality, they were less about encouraging diversity and more about the belief that the religious innovation that they allowed might advance the progress toward the one true faith. Putting aside politicians and free thinkers, it should be noted that even in a country as religiously diverse as Transylvania the followers of various Protestant creeds, to say nothing of the Catholics and Orthodox Christians, were not very tolerant of one another—quite to the contrary. This phenomenon underlines the fundamental distinction between “toleration” and “tolerance,” two terms that should hardly be used interchangeably in the context of sixteenth-century Europe. In early modern Transylvania, despite the uniquely low level of persecution and interconfessional violence, the religious climate was not so much one of tolerance, as one of “intolerant toleration,”\textsuperscript{779} which is not surprising considering the religious fervor of the time.

As a rule, the better established a new church became, the more it tended to repress flexibility and reject the novelties spread by newcoming preachers. Such was the case of the Lutheran Church of the Saxons, which did everything in its power to stop the spread of Calvinism and particularly Arianism within its ranks, initially with

\textsuperscript{779} The term was used by Andrew R. Murphy in reference to William Roger’s combination of strict Calvinism and belief in religious freedom in seventeenth-century New England. See Andrew R. Murphy, “Tolerance, Toleration, and the Liberal Tradition,” \textit{Polity} 29, no. 4 (Summer 1997): 593-623, here 610-615.
the help of the dean and doctors in theology at the University of Wittenberg, and later by the power of their own synods. In the second half of the 1570s, the Church of the Hungarian natio started moving in the same direction. A resolution signed by voivode Kristóf Báthory on 19 September 1578 shows that Superintendent Sándor András had reported to the voivode cases of preaching “against the Christian faith,” blasphemies against the Son of God and the Holy Spirit,” the abrogation of the sacraments, as well as unauthorized baptisms and marriages in Gyulafehér and Torda counties. According to the laws of the country, Báthory allowed the Superintendent and the local pastors’ partial jurisdiction (in combination with the local secular authorities) over the respective cases.

From this perspective, the laws allowing religious freedom and particularly those from 1564 and 1568, which allowed free conversion and preaching without any qualifications, represented the victory of the newest doctrines over the old, rather than a “tolerant” incorporation of the former by the latter. They were the manifestation of an almost complete religious makeover of the “establishment,”

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780 See the letter condemning Arian doctrines sent from Wittenberg to Superintendent Hebler and the pastors of the Saxon nation on 20 September 1571 (DJAN Sibiu, Documente episcopale 200, f. 1-4).
781 See the resolutions of the Saxon church issued in May 1580, also condemning Arianism in DJAN Sibiu, Col. Brukenthal HH(1-5) #85, f. 1-67.
783 Based on this point of view and particularly on the vulnerable position of the Catholic Church, certain historians argue that there was no true religious liberty in Transylvania at that time. See, for instance, Mihály Balázs, “A hit... hallásból lésszön:” Megjegyzések a négy bevett vallás intézményesüléséhez a 16. századi Erdélyben,” in Tanulmányok Szakály Ferenc Emlékére (Budapest: MTA TKI Gazdaság- és Társadalomtörténeti Kutatócsoportja, 2002), 52-73. For a different perspective, which accentuates the “tolerance” of the Transylvanians in general and that of Stefan Báthory in particular (and which greatly emphasizes the successes of the Jesuits in the 1570s and 1580s), see Vencel Bíró, “La politique religieuse et scolaire d’Étienne Báthory en Transylvanie,” in Lukinich and Dąbrowski, Étienne Báthory, 47-70.
rather than the magnanimous gesture of a tolerant prince. It is not accidental that the first law that allowed unfettered preaching was passed in 1568,\textsuperscript{784} not long after Ferenc Dávid had become János Zsigmond’s chaplain and had come into contact with court physician Giorgio Blandrata, whose Arian ideas he adopted, and started preaching about their truth. By January 1571, when the second law regarding preaching was passed—this time with qualifications against criminal abuses\textsuperscript{785}—Dávid’s followers already included János Zsigmond and many of his councilors, as well as most of the citizens of Kolozsvár, and many in Gyulafehérvár and other Hungarian and even Saxon towns.

This was the religious situation in Transylvania at the time when Stefan Báthory was elected voivode. His own preference for the Catholic Church did not hinder his election by an assembly of electors who were Protestants in their majority, although they did take the precaution to include a guarantee of religious liberty in his oath. Báthory certainly could have bended the promise made at his election in favor of the Catholic Church throughout his reign; after all, all appeals from ecclesiastical cases, even though initially judged by the superintendents, bishops and arch-deans\textsuperscript{786} of each denomination, could be appealed to himself; moreover, he was the one who

\textsuperscript{784} MCRT II, 343.
\textsuperscript{785} MCRT II, 374.
\textsuperscript{786} “Superintendent” was the usual title used for the Lutheran and Calvinist “bishops;” the leader of the Arian Church was sometimes called superintendent and sometimes bishop. There was no Catholic bishop in Transylvania at that time; the Catholic Secklers’ highest ecclesiastical authority, for instance, was the “arch-dean” of their respective region. See Possevino, Transylvania, 66.
confirmed, together with his (Lutheran) chancellor, these superintendents and bishops.  

Stefan Báthory’s image in historiography is one of a pious Catholic king; more often than not he is connected with the beginning of the Counter-Reformation in Transylvania, mainly because of his role in bringing and supporting the Jesuit order in Kolozsvár and Gyulafehérvár. Surely enough, he aimed to support the Catholic Church and, together with his older brother Kristóf, he was distressed to see the success of the Protestant doctrines, and particularly Arianism, in Transylvania. In September 1571, he issued an edict of censorship, according to which all written material had to be approved by him before it was printed, circulated or sold, under pain of confiscation of the printer’s property. In April 1575, Chancellor Marton Berzeviczy wrote that the prince was “very upset” to read about the success of Arianism among the Saxons of Broos in the letter from Simon Miles, mayor of Hermanstadt [Sibiu] and leader of the Saxon natio. Báthory also tried to protect the remaining Transylvanian Catholics as best he could, by issuing letters of protection to Catholic preachers or endowing Jesuit schools with land grants and

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787 MCRT II, 374; Possevino, Transylvania, 66.  
788 Stefan tried throughout his reign in Transylvania to have a Jesuit mission sent to Varad or Gyulafehérvár, but the Society delayed the matter for several, mainly administrative, reasons. Jesuit missions were finally set up outside of Kolozsvár, Gyulafehérvár, and Varad in October 1579. For a closer look at the activity of the Society in Transylvania, see Andrea Pontecorvo Martonffy, “The Early Counter-Reformation in Hungary: Jesuits, Papal Nuncios, and the Hungarian Lands, 1550-1606” (Ph.D. Dissertation, University of Chicago, 1980), 145-179; 229-316.  
789 DJAN Sibiu, Col. Brukenthal H(6-9) #2, f. 1369-1369v.  
790 DJAN Sibiu, Col. Brukenthal H(1-5) #152, f. 683v.  
tax privileges when he was already king of Poland-Lithuania. He also supported the hierarchy of the Orthodox Church in an effort to strengthen it against Protestant conversion efforts. In his testament, his advice to his nephew and current prince of Transylvania, Zsigmond Báthory, was to avoid the company of heretics at all costs.

Báthory’s efforts at denting the dominant position of the Protestant churches in Transylvania should not be overestimated, however. Much of his own Catholicism, as well as his tightening relations with Rome developed after 1576, as a consequence of his close contacts with nuncios Laureo, Caligari, and Bolognetti, as well as the Jesuit father Antonio Possevino. During his reign in Transylvania, however, his religious interests were not at the top of his political agenda, nor could they have been in a country where the Catholics remained but a minority which he could at best protect from persecution, but which was largely irrelevant from a political perspective. Possevino writes that Stefan was sometimes attending Lutheran mass, particularly at the beginning of his reign, in order to “render the Saxon cities more faithful to him,” and on the condition that “they do not preach anything other than moral things and that they do not say anything bad against anybody.”

Báthory’s relations with the Saxon Church were evidently quite good, which is understandable considering the Lutherans’ relative conservatism by comparison to

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792 See Martonffy, “The Early Counter-Reformation,” 251-254.
794 DJAN Sibiu, Col. Brukenthal, H(6-9) #2.
795 Possevino, Transylvania, 111.
the Hungarian ever-evolving denominations. Báthory expressly confirmed the
*Confessio Augustana* in July 1572, and in subsequent years he and his successors
repeatedly sanctioned the Saxon preachers’ rights to their tithes and other types of
income, as well as their inviolability against secular authorities, who, in theory at
least, could not dismiss them once they were installed in their functions. Evidently
his edicts could only offer so much protection; anecdotal evidence shows that
Lutheran pastors were quite easily expelled by their congregations and the local
magistrates if Calvinist or Arian preachers were preferred, despite the ongoing
efforts of the Saxon Superintendent to control the situation.

In April 1575, in response to complaints from Saxon see Hermanstadt [Sibiu]
about Arian preachers in Broos [Szaszvaros], Báthory gave Saxon authorities free
hand to punish those and other “public disturbers” more severely, if “gentler” means
could not help, and to send a pastor in replacement of the one who had just deceased,
in order to quell the disorder; he also used the opportunity to point out to them that
Arians would surely not have inflicted so much damage to their community, had they
kept to the “right doctrine.” In a more detailed letter written on the same day,
chancellor Berzeviczy blamed the Broos situation on the Saxon custom of election
magistrates by lot, which allowed people “stained by disgrace” to come to positions
of power, as many of the Arians in Broos were indeed locally elected magistrates.

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796 DJAN Sibiu, *Col. Brukenthal* H(6-9) #2, f. 1387-1388.
798 DJAN Sibiu, *Col. Brukenthal* H(1-5) #152, f. 692v.
For the future he advised the mayor of Hermanstadt [Sibiu] to attach a clause to the election rules of the Saxon natio, stipulating that those guilty of blasphemous acts would not be eligible as magistrates. 799

The progress of Arianism toward its more radical doctrinal offspring was indeed repeatedly attacked after Báthory’s accession to the Transylvanian throne; not only was the censorship edict of 1571 quite clearly directed against Arian publications, 800 but laws against religious innovation were also passed by the estates in 1572 and 1578, which, although they acknowledged Dávid Ferenc’s position as “bishop” and indirectly recognized Arianism, attempted to put a stop to the fervent religious debates and experimentation that had been going on since the 1560s. The constitution of 1572 threatened “innovators” with excommunication; that of 1578 with expulsion from public office. 801 These attempts to freeze the religious status-quo are often attributed to the Báthorys’ own dislike of religious innovation, but evidence shows that their efforts at “counter-Reformation” were often the effects, rather than the causes of a conservative reaction coming from the established Protestant churches.

799 DJAN Sibiu, Col. Brukenthal H(1-5) #152, f. 683v. 
801 MCRT II, 528; MCRT III, 125. One of the first laws against innovation was actually the “toleration” law of May 1548, which acknowledged the initial changes brought by the wave of Reformation “in the past two years,” but which was equally meant to freeze the current state of affairs. It essentially allowed the free practice of Lutheranism, but preachers were discouraged from going to areas that did not belong to their religion. In other words, the law was targeted against Lutheran and Catholic proselytism at the same time. The 1548 constitution does not mention any religion by name, either. See MCRT I, 238.
In 1578, for instance, when the “law of innovation” was confirmed by the estates, the underlying tensions were not so much those between a Catholic voivode and the Protestant estates, but rather among various religious groups within the estates. Possevino writes that that was the “first quarrel” pitched by certain Lutherans against Dávid Ferenc and another prominent Arian preacher; he also says that, at the same convention and perhaps in retaliation, “those of Kolozsvár” attacked the Catholics of their own backyard in turn, accusing Balasfi—a particularly active Catholic priest from Kolozsvár—of innovation; in this context, the Lutherans “tacitly” leaned to the Catholics’ side. The assembly eventually allowed the Catholics to “continue what they had started,” in response to Balasfi’s passionate defense of his preaching methods in Kolozsvár, but the fact that a Jesuit father saw the “innovation law” as a political tool directed against radical Arians and the Catholic minority at the same time is quite significant in its own right:

That year they directed the convention in Kolozsvár against the innovators of other religions (as they call them), imagining, the wretched, that once a kind of heresy is permitted, it may be possible to bridle the course of another, or that, if they put an obstacle in its way, not so many would follow it… Then some Lutherans together with their false preacher from Alba [Fehervar] started the first quarrel against Francesco di Dávide and a certain Pietro Lippai, Arians. Then those from Kolozsvár accused Balasfi… and the other Catholics. But
they defended themselves arduously, stating that they had introduced no innovation, and that they preached and believed in the one and only religion that was the most ancient and established in Transylvania from the beginning; moreover, they had no reason for just accusation [of the Catholic faith] considering that the “decree of the state” had allowed it to remain in place and no other decree had ever forbidden it subsequently. But the heretics, who had allowed the decree in order to introduce their heresy, and not because they hoped to conserve or reinstate the Catholic faith, started to taunt and insult Balasfí. Only the Saxons—who had not yet fallen as low as the Calvinists and the Arians—tacitly agreed with the Catholics on this one. And as the others did not have any obvious and just pretext, they were forced to permit that the Catholics continue what they had started.\footnote{Possevino, \textit{Transylvania}, 128-129.}

The trial and sentencing of Dávid Ferenc on the charge of innovation in April-June 1579 should also be placed in the context of Protestant rivalries rather than that of the so-called Counter-Reformation efforts of the Báthorys. There is no doubt that both Stefan and Kristóf Báthory, who was filling in as voivode of Transylvania for Stefan at that time, disliked Arians in general and Dávid in
particular, but so did the Lutherans and Calvinists, who made up the dominant religious groups in Transylvania at that time and roughly corresponded to the Saxon and a big part of the Hungarian natios. While it is true that the Jesuit Leleszi, confessor of the voivode, was instrumental in arguing the case against Dávid, Dávid’s denunciation was nevertheless initiated by Giorgio Blandrata, his former friend and the one who had introduced Dávid to Arianism. At the trial of June 1579, it was rather Blandrata and his fellow conservative-Arian Hunyadi Demeter who convinced the rest of the estates of convicting Dávid. Surely enough, Blandrata had remained the court’s physician and had chosen many years ago to become an ally of the political establishment rather than a rebel Anabaptist-style, so as far as Dávid was concerned, Báthory and Blandrata were most likely working as a team. However, this instance of religious persecution did not signify the end of Arianism in Transylvania, but rather its stabilization within a more conservative framework than what Dávid had proposed. In this sense, it is not without significance that after

803 Nuncio Caligari recounts a conversation he had with Stefan soon after Dávid’s death, in Warsaw, during which the king gaily reported the death of the “arch-heretic” and the leanings of some of his heretical councilors, including Berzeviczy, to renounce their heresies and perhaps convert to Catholicism. Báthory counted to Caligari, “with great derision, a sea of absurdities [professed] by these heretic ministers, which confused and scandalized even his own heretical councilors so much that they say they want to become Catholics.” Caligari 337 (letter to Cardinal of Como from 8 December 1579).

804 Historians of religion have already pointed out the specificity of Transylvanian Anabaptism or Arianism, in the sense that it was largely deprived of the stronger anti-establishment tendencies it had in Germany or the Low Countries; and that it was much more forgiving of politics and power—Arians in Transylvania were not discouraged from holding public office or submitting to the authority of local courts, for instance. See also Barta and Mócsy, History of Transylvania, 723.
Dávid’s imprisonment Hunyadi became the new bishop of the Arians in Transylvania.\footnote{Possevino, \textit{Transylvania}, 130-131.}

Putting confessional rivalries and Dávid’s case aside, there was hardly any religious persecution in Transylvania under the Báthorys. As far as Stefan Báthory’s own efforts at containing the spread of Arianism and furthering the interests of the Catholic Church are concerned, they were inefficient at best. His protection of the Catholic preacher Michael Balasfi extended only so far as his personal safety and the rights to the building he had been allowed to use; otherwise Chancellor Berzeviczy clearly ordered Balasfi to abstain from “instigating the Catholics” in Kolozsvár.\footnote{Possevino, \textit{Transylvania}, 111.} Despite Báthory’s 1571 censorship decree, “blasphemous” books and particularly the doctrinal debates between Blandrata and Dávid continued to circulate without any impediment years later, according to Possevino.\footnote{Possevino, \textit{Transylvania}, 131, 145, 189.} In 1581, Broos was still run by Arians: six years after Stefan Báthory’s display of support for the Saxon Lutherans who tried to eradicate Arianism in Broos, Zsigmond Báthory was intervening on behalf of the local pastor against those belonging to “Dávid Ferenc’ sect,” who did not allow him to collect his tithe and who nominated the school’s rector against his will.\footnote{DJAN Sibiu, \textit{Col. Brukenthal H(1-5)} #153, f. 6.}

Whatever efforts Báthory may have made at persecution or counter-Reformation, they were always in keeping with his enthronement oath and the
existent laws of the country. All decisions against Arian preachers or problematic publications were kept within the limits of legality, done at the request of the *natios’* Superintendents, and based on charges of public disturbance, rather than religious reasons. The voivode’s jurisdiction over religious cases may have been ultimate, but it was limited by the Superintendents’ first-hand control over these cases. In cities such as Kolozsvár, where the city council and the citizens were predominantly Arian or Calvinist, the Báthorys’ support for the Jesuits was limited to sale tax exemptions—which arose the anger of the city merchants—and other types of material support such as donations of buildings, villages, and land; pressure was also used on the council to allow the opening of a Jesuit school within the walls of the city in the spring of 1581.809

Essentially, however, there was very little that the voivode could do to impede on the religious freedom of the estates; active support for the Jesuits may qualify as Counter-Reformation, but not necessarily as a move against toleration. As Stefan Báthory himself told Possevino in a conversation, even if he may have desired it, he simply “did not have the instruments”810 for changing the fact that the three *natios*, and particularly the Saxons and Hungarians, were masters of their own faith. Possevino wrote in 1584 that “each noble governs in his villages, according to his own fancy, the matters of his sect and heresy, appointing whatever preacher is more fitting to his heresy;” such appointments, particularly those of the Saxons, were then

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confirmed by the prince and chancellor, notwithstanding that they belonged to completely different faiths.\footnote{Possevino, Transylvania, 63.} In relation to the Romanian peasants who were sometimes forced by their landlords to “join their sect,” Possevino commented that “even if they complain about it to the prince, he cannot do anything other than use words and remonstrance, because all nobles are free to worship however they like on their lands.”\footnote{Possevino, Transylvania, 65.}

In this sense, the assertion that the \textit{cujus regio, ejus religio} principle did not function in Transylvania\footnote{Maria Crăciun, “Superstitions and Religious Differences,” in Andor and Tóth, Frontiers of Faith, 226.} is true only if the biggest political community—the Transylvanian state—is taken into account. Nevertheless, in the literal sense of the words, it worked quite flawlessly. The law of 1564 sanctioned the right of “every village, town, or city” to adopt whichever religion they preferred between the one of “Cibinum” and the one of “Coloswar” and choose their pastors accordingly, emphasizing that whoever wanted to convert from the former to the latter, they should be allowed to do so “without impediment, molestation… offense, insinuation, or derision.”\footnote{MCRT II, 231-232.} In this context, the Augsburg principle seems to have been taken quite literally to mean \textit{cujus civitas, oppidum, villa... ejus religio}.

Moreover, the efforts of the Báthorys against religious liberties and in favor of Catholicism were undermined not only by the simple fact that the majority of the

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\item Possevino, Transylvania, 63.
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\item Maria Crăciun, “Superstitions and Religious Differences,” in Andor and Tóth, Frontiers of Faith, 226.
\item MCRT II, 231-232.
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Transylvanian population was decidedly not Catholic, but also by the political structure of the country. The weight that the estates had in the assembly, although not as important as that enjoyed by their Polish-Lithuanian counterparts, nevertheless limited the voivodes’ power to a certain extent. Most importantly, the elective nature of the Transylvanian throne was a huge factor in keeping autocratic tendencies at bay, or at least in undoing their effects every time an upcoming election put the estates in a temporary position of power. In May 1581, for instance, Kristóf Báthory did nothing to prevent the passing of a law against Catholic proselytism, according to which the Jesuit priests from Kolozsvár and Gyulafehérvár were not allowed to go preaching among the Arians. The law was quite obviously connected to the small but noticeable progress that the Jesuits were making in Kolozsvár and Torda, and according to Possevino, Báthory had to approve it “in order to make sure that Sigismund, his son, would not be stopped from becoming his successor.”

b) Contractual majesty in Poland-Lithuania: the Bathorian Articles

The conditions with which Stefan Báthory had to comply in order to become king of Poland-Lithuania were considerably more complex than those he had accepted in Transylvania. They were also inherited from the previous election, thus lacking the foundational character of his Transylvanian oaths, which he was able to

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815 Possevino, Transylvania, 190. For the text of the law containing both the provision limiting Jesuit missionarism and the election of Zsigmond Báthory as his father’s successor in May 1581, see MCRT III, 157-158.
influence to a greater extent than the form, structure, and, to a certain degree, content of his covenant with the Polish-Lithuanian estates. Just like Henry in 1573 and 1574, Báthory had to agree to two sets of conditions: the “Henrician Articles” that were established in 1573 and set the general framework and principles of the king’s office in Poland-Lithuania; and the *Pacta Conventa*, which were a collection of more specific promises made by Báthory’s envoys at the time of his election.

**Báthory’s mandate: the Pacta Conventa of 1575-1576.** The Henrician Articles of 1573 were groundbreaking as far as European constitutional government was concerned. Their disobedience clause represented a defining moment in the understanding of royal majesty and its relationship to the body politic. By comparison, the *Pacta Conventa* seem minor and are not usually studied with as much attention. Nevertheless, they were quite unusual in their own right. If the Articles were essentially a detailed coronation oath containing mostly negative rules, focusing on what the king was *not supposed to do* (i.e., change or violate the existing laws and liberties of the country), the *Pacta* were a new and quite remarkable development inasmuch as they contained positive promises of what the king promised he was *going to do* in exchange for his election.

Soon after his arrival in Poland in March 1576, Báthory made a speech where he underlined the active, helpful character of the royal office that he was about to take over: “it is not the ambition to reign, nor the desire to dominate, that led me here
to Poland, but predestination and the will of God almighty, so that I can come to your assistance in such [times of] disturbances and discord.”\textsuperscript{816} Regardless of the obvious propagandistic function of such oratorical devices, the focus on “assistance” and “disturbances” is far from random. The Commonwealth was not only riddled with internal strife on account of Stefan’s and Maximilian’s double election, but it was also threatened from the outside by older and more recent enemies alike. This sense of danger permeates the sources of the time and it is also obvious in the \textit{Pacta} negotiated between Báthory and the estates.

Out of the seven points of Báthory’s \textit{Pacta Conventa}, five deal with matters of internal and external security. Only the first two articles treat issues not related to one type of danger or another: the first one, which was a shortened reiteration of the Henrician Articles, promising the conservation and confirmation of the liberties, laws, and customs of the Polish Kingdom and the Great Duchy of Lithuania; and the second one, which promised assistance in paying the country’s debts. The rest of the \textit{Pacta} promised the following: war with Muscovy (or rather, a continuation of the Livonian war started by Zygmunt August); peace with the Sultan (a renewal of the peace treaty with the Porte) and the pacification of the Tatars (keeping the South-Eastern borderlands safe); the strengthening of the frontiers (“so that enemies cannot enter easily”); two hundred thousand \textit{florins} to be sent before his arrival in order to

\textsuperscript{816} Szádeczky, Báthory István lengyel királylyá választása, 398.
be used against whichever enemies may trouble the country in the meantime, and war against *hostes Regni*—in person and “not by envoys;” and ransoming the captives that had been taken hostages by the Tartars from the palatinate of Rus.  

 Báthory’s promises, which were signed on 14 December 1575 by his envoys to Warsaw, Blandrata and Berzeviczy, are remarkably short and to the point by comparison to Henri’s *Pacta Conventa*. There was, however, an addendum to these articles, which was sent by Báthory to the Polish-Lithuanian estates in February 1576, shortly before their assembly at Jędrzejów. The additional points include a clarification of Báthory’s and Anna Jagiellonka’s joint election, which emphasizes that Báthory’s position was not dependent on Anna’s: “if the *Infans* were to leave this life (God forbid), or if she appeared completely hostile to this marriage, nevertheless the Royal dignity of His Highness should remain intact.” Three points elaborated on Báthory’s present and future confirmation of the Republic’s laws, liberties, privileges, immunities previously conceded by the kings of Poland, including Henry’s Articles and whatever augmentation of their liberties the estates would want to do at the time of the coronation—quite a generous concession that he was going to perhaps regret in the context of the war with Gdańsk. The three remaining points returned to questions of security: Báthory promised to send one

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817 The money was sent in installments by the end of January 1576. Bazylow, *Starania Stefana Batorego*, 44.
818 VC 354-355.
819 VC 321-232.
820 Note the use of “dignity” instead of “authority” or “majesty” in this context, to signify quite simply the position of king rather than the authority connected to it.
thousand and five hundred troops (one thousand cavalry, five hundred infantry) as soon as possible, for any unforeseen defense necessities that might arise, and elaborated on war provisions of the Henrician Articles by guaranteeing to consult with the Senate and orders of the Commonwealth before hiring any mercenaries, as well as before sending such forces across the borders. ⁸²¹

Henri’s *Pacta Conventa* had also included references to issues of defense and security, yet to a much smaller extent. Out of nine points, only three concerned friendship treaties with other countries (namely, the French kingdom), the war with Muscovy (for which Henri was supposed to bring and fund the upkeep of four thousand Gascon infantry soldiers), and the manning of the Commonwealth’s ports with soldiers. ⁸²² Henry’s other points were considerably more diverse than Báthory’s and included promises of significant financial help to the Republic (four hundred and fifty thousand florins per year), commercial ties with French cities, education support (both for the Cracow University and for Polish students wishing to study in Paris), and a limitation of foreigners’ access to “possessions, dignities, and offices.” ⁸²³

The difference between the two sets of *Pacta Conventa* partly stems from the different circumstances surrounding the first and second elections of the Polish-Lithuanian Commonwealth. Whereas Henri’s election had been rather unproblematic, Stefan Báthory’s was certainly not. The division of the country

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⁸²¹ VC 355.
⁸²² The last point was in part connected to Gdańsk’s behavior during the Livonian war, when the city council refused to support Zygmunt August’s war effort. See Heidenstein 251.
⁸²³ VC 322-323.
between senators and nobles, and between Poles on the one hand, and the Lithuanians and Prussians on the other, together with the fear that Maximilian’s army was planning an invasion, to say nothing of the Muscovite and Tartar threats, certainly contributed to the heavy focus on war concerns in Báthory’s contract with the Polish-Lithuanian estates.

At the same time, it should also be emphasized that most of these conditions had been primarily suggested by Báthory’s envoys in November-December 1575. Surely they responded to the Commonwealth’s most pressing needs, but they also corresponded to Báthory’s particular strengths as a candidate in the race to the throne. For lack of a more glamorous electoral program such as that of Henri or Maximilian, which included liberal donations to the public treasury, large number of troops, access to famous universities, and the friendship of a powerful state, Báthory used his best bet in a very uneven race. He was very much a soldier and had been one his entire life; moreover, having ruled a country wedged between two powerful enemies, he had been trained to focus immediately and efficiently on matters of defense and security, and, incidentally, that was exactly the type of ruler that the Commonwealth needed at the time.

**Negotiating the contract.** Whereas the *Pacta Conventa* were relatively easy to compromise upon, the Henrician Articles, which the estates insisted on leaving

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824 Orzelski 386-390, 508-510.
unchanged from one king to the next, were more liable to cause problems. ⁸²⁵ Henri objected to the phrasing of the *de non praestanda oboedientia* article, as well as, famously and quite disastrously, to the article on religious liberty, which he had confirmed in writing at the time of his election, but which he opposed in person at the time of his coronation. ⁸²⁶

Stefan Báthory had his own objections. Unsurprisingly, his first concern was the fourth of the Henrician Articles, which stipulated the conditions on which the king may initiate and conduct the military affairs of the Republic during times of war. The article stated that the king would not be able to keep the nobles mustered for longer than two weeks and that—among other things—he could not divide them into any groups, big or small. ⁸²⁷ Báthory objected that, “if the enemy knows about this rule, then he can use it very easily [against us] and we will have to make war whichever way he wants.” ⁸²⁸ The objection was presented at the Jędrzejów assembly by Báthory’s envoys; the Polish nobles who were present assured them that Báthory, as their highest army commander, would be the one to ultimately decide everything

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⁸²⁵ Henri’s *Pacta Conventa* are available in English and Latin in Biskupski and Pula, *Polish Democratic Thought from the Renaissance to the Great Emigration*, 139-155. Zickafoose offers a translation of the Henrician Articles themselves in an appendix to “Virtuous Crown, Virtuous Republic.”

⁸²⁶ Orzelski 176-183.

⁸²⁷ VC 356.

in matters of war—in other words, that he would be able to circumvent those limitations.\textsuperscript{829}

Báthory also demanded a clarification of the tremendously important article seventeen,\textsuperscript{830} which states the right of resistance in the following terms: “And if, God forbid, we should commit offense against the laws, liberties, articles, [or] conditions, or if we should fail to fulfill [them] in some way, then the crown citizens of the Commonwealth shall act free of the obedience and allegiance due to Us.”\textsuperscript{831}
The constitution of the coronation Sejm of May 1576 contains an amendment to this article, confirmed and put down on paper “with everybody’s agreement” after negotiations between the king and the envoys sent by the Commonwealth to “Hungary,” “seeing that it may be the source of different interpretations, and in order to protect Regiam dignitatem.” The note specifies that the article does not apply to situations when a violation may be done “by some human error,” but to those cases where, “with the will and knowledge of His Serenity, our liberties are either oppressed by force, or called into question by contempt and rashness, [in spite of] the admonitions of the Senate and of the other orders of the country.”\textsuperscript{832}

\textsuperscript{829} VC 350.
\textsuperscript{830} The articles are numbered differently in Báthory’s and Henri’s versions, but they are otherwise identical (notwithstanding some spelling and style differences). The disobedience article is the twenty-first in Henri’s version. See VC 329.
\textsuperscript{831} VC 358.
\textsuperscript{832} VC 370. Henry had also objected to this article and an agreement in terms similar to those offered to Báthory was reached during the coronation Sejm on 7 March 1574. See Orzelski 191; also see VC 330-331, 334 for the initial phrasing of the article and Henri’s actual oath, which postpones the confirmation of the “controversial articles” and sends them to local Sejmiki for discussion.
During the coronation Sejm there was also an attempt to impose on Báthory a clause according to which he could not acquire personal possessions in Poland; Báthory protested by arguing that such a condition would have been applicable to a Piast king, who would have already been rich in lands, but that this cannot apply to him, who had no personal property in the Commonwealth. He essentially bartered this article against the ninth article, which stipulated that vacant public offices and court dignities should only be given to indigenous people and never to foreigners, and which Báthory accepted.  

None of the other articles caused any particular trouble before or during the coronation Sejm—a situation contrasting sharply with Henri’s coronation in 1574. The second article, guaranteeing royal protection of religious peace for “eternal times,” posed no problem whatsoever, as could be expected based on Báthory’s Transylvanian portfolio. The matter caused, however, some excitement, only not on the king’s side, but on the nuncio’s. Laureo had planned to have the articles of the Warsaw Confederation completely eliminated from the coronation oath, which was a more or less exact repetition of the written Henrician Articles and which Báthory swore on 4 May and was inscribed together with the constitutions of the

833 See Orzelski 650, 653; also noted by Dubas-Urwanowicz in Koronne zjazdy, 331.
834 VC 356.
835 The same was true for Maximilian. The conditions sent to the Emperor from his supporters on 15 December (which were supposed to be turned into Maximilian’s Pacta Conventa) included, on one hand, the request that the Emperor confirm the Henrician Articles „especially the article regarding the peace inter dissidents in religione,” and on the other hand, a formal protest by Uchański and „other bishops” against the said article. See Wierzbowski, Dwie kandidatury, 301.
Sejm on 30 May.\textsuperscript{836} However, with both Laureo and Uchański being in self-imposed exile from the court on account of their continued support of Maximilian, they had no power over the proceedings of the royal coronation:

\begin{quote}
I have used all possible diligence through my letters to eliminate the [articles of the] confederation from the act of coronation, but being absent, I was not able to follow up what I had managed to obtain at the time of king Henri, particularly since the opposed faction was powerful; as for the Catholic lords who were present, partly due to their powerlessness, and partly to their lack of zeal, and in order to retain the good will of the adversaries, they did not accomplish what they had promised to me verbally and in writing.\textsuperscript{837}
\end{quote}

\textbf{Fulfilling the contract.} The question of whether Báthory managed to accomplish what he had promised to the citizens of Poland-Lithuania both verbally and in writing is a complex issue that goes beyond the scope of the present inquiry. However, from the perspective of electoral strategies and their consequences on the relationship between electors and the elected, it would be relevant to pinpoint how some of the issues underlined in Báthory’s articles and conditions of election were tackled during his reign in the Commonwealth.

\textsuperscript{836} VC 366-370.
\textsuperscript{837} Laureo 441 (letter from 25 June 1576).
Marriage

Unlike Henri, whose promise to marry to Anna Jagiellonka was only a verbal, non-binding agreement risked by his envoys to Poland in their effort to win over the pro-Piast nobility, Báthory’s marriage to the Infans was a pre-condition of his election. The amendment made in February 1576 indeed separated his “royal dignity” from Anna’s, but only in the event of her death or refusal to marry Báthory. As far as he was concerned, he was bound to Anna or else he would not be crowned. The order in which the ceremonies took place—first the wedding, then Báthory’s coronation, then Anna’s—underlined Báthory’s preeminence over Anna as head of the Commonwealth, but they also tied him to her inextricably. In that respect, there were no misunderstandings, and despite Anna’s vacillations at the last minute, everybody played along according to the concluded agreements.

That is not to say that the royal couple lived happily ever after, or that they were a functional team in matters of government. On the contrary, Anna’s and Stefan’s marriage was a long series of separations and rapprochements that preoccupied the court, divided the country, and constituted one of nuncio Caligari’s main worries during his mission in Poland-Lithuania. Not only were the newlyweds not particularly suited to one another, but also it seems that they worked against

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838 Amid the confusion of the pre-coronation months, Anna was trying to cover her back by keeping in touch with Maximilian’s envoys, who were exploring the option of a marriage between Anna and Archduke Ernest. See the previous chapter.
839 For marital difficulties of a more intimate nature at the very beginning of Báthory’s reign, see Laureo 426 (letter from 5 June 1576). Caligari also reports that the queen disliked the way she was
one another, favored opposite factions, and had very little trust for one another. “Their discord is irreconcilable,” wrote Caligari in August 1578.

Despite displaying short moments of harmony in early and late 1579, the two fell apart to the point that rumors about an impending divorce started dominating the court gossip. Caligari was initially convinced that the rumors had been invented by Báthory’s enemies, who, in his judgment, would be interested in making the nobility—who loved Anna and the Jagiellons so much—rebel against the king for having started a deed of such public importance, and which was inscribed in his articles of election, without the consent of the country. There were even rumors of marriage plans between Báthory and the widow of the late French king, Charles IX.

Later, the nuncio realized that the source of the rumors was, in fact, the king himself. Báthory, advised by Zamoyski, claimed “he did not feel secure in this country until he had legitimate children.” He had indeed started to actively pursue the idea of seeking ecclesiastical dispensation of divorce, both from the Pope and treated by the king—i.e., coldly—and that she regretted not having “chosen” Archduke Ernest (Caligari 22, 19 June 1578).

According to Caligari’s reports, it seems that it was the queen who started trouble of a more public nature, as in favoring “malcontents” and associating with those senators who had been and remained opposed to Báthory. Caligari 134-135 (26 February 1579).

Caligari also mentions that it was rumored that the king mistrusted Anna deeply, to the point of fearing poison, “in the art of which the queen’s mother, Bona, was very well trained.” (Caligari 43, 15 August 1578).

Caligari 113, 122, 344, 346.

Caligari 270 (4 September 1579).

Caligari 346 (23 December 1579).

Caligari 398 (19 March 1580).
from the local clergy, which he hoped to determine to assemble in a synod for this purpose. He and Zamoyski also attempted to enlist Caligari’s support for the matter, which the nuncio refused to lend, following the advice of his superiors in Rome.\footnote{Caligari 374, 379, 408, 412-413, 421 (January-April 1580).}

The matter was kept a secret as much as possible by all the parties involved and it occupied most of 1580 and early 1581, during which time Caligari was mostly at the tearful queen’s side, in Warsaw, as he expressly avoided joining the king in Lithuania for fear of displaying any support for his divorce plans. Zamoyski apparently managed to get so far as to recruit support for the cause among the senators during the Sejm of January-March 1581.\footnote{Caligari 580 (10 March 1581). These talks were still held behind closed doors evidently, as I found no mention of this topic in the diary of the 1581 Sejm. See Polkowski, Sprawy wojenne, 285-339.} That was a source of serious concern for Anna, as it signified that the king was ready to go public and use the official channels through which such matters were supposed to be discussed, as per the Henrician Articles. Nevertheless, Báthory’s determination to end the marriage eventually fizzled out after a series of difficulties related to the war with Muscovy, his worsening relations with certain senators and nobles, and, interestingly enough, a series of attempts made on his life.\footnote{Caligari 437, 451, 454, 580 (June 1580-March 1581).} Shortly before he ended his mission, Caligari was cautiously boastful of having reconciled the king and queen.\footnote{Caligari 699 (4 July 1581).}
Religion

The second point of the Henrician Articles, which concerned religious peace, posed no problems at Báthory’s election and coronation, nor did it raise any serious concerns during his reign, despite the fact that the Commonwealth had its fair share of religious tensions and Báthory was growing more devout than he had previously been. His political attitude, however, was the same in Poland-Lithuania as it had been in Transylvania: while doing nothing to breach the Warsaw Confederation, he nevertheless tried his best to promote Catholicism, was a great friend of the Jesuits, whom he used extensively on the territories recovered from Muscovy, and sought Rome’s support in everything he did. And yet, in Poland as in Transylvania, he was surrounded by a colorful mixture of councilors, many of them Protestants who he hoped would eventually convert to Catholicism but whom he never relinquished based on religious differences.

It was this attitude that raised doubts about the solidity of his Catholicism early in his reign, as well as certain public gestures that scandalized the representative of the Pope and started a flurry of correspondence between Rome and Cracow. In January 1580, Báthory attended a “heretic” wedding in Cracow, which was held in a Catholic church and blessed by the presence of the bishops of Cracow.

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850 Laureo noted that almost all the Hungarian captains and nobles surrounding Báthory, including those most trusted by him, were “of Bekes’ religion,” namely, Arianism. See Laureo 592, 616 (letters from 18 August and 3 November 1577). In June 1578 there were still rumors, mostly based on the members of his entourage, that Báthory was not a real Catholic. See Caligari 22, 28. Marton Berzeviczy, Báthory’s Krakow-based chancellor for Transylvanian affairs, was a Lutheran.
851 It was the wedding of Sophia, Jan Zamoyski’s sister, and Luka Dzialyński, captain of Bródnica.
and Przemyśl. Caligari was duly horrified and reported the matter to the Cardinal of Como, while admonishing everyone involved, including Báthory. Months later, the nuncio was still counting the misfortunes befalling, by God’s justice, all the participants to the wedding, of whom only the king and the groom had been spared so far.  

What is remarkable is that Báthory was far from indifferent to religious matters. On the contrary, not only was he easily touched by the Catholic ritual, but he also seemed intent to promote the interests of the Catholic Church in Poland-Lithuania, just as he had in Transylvania. Acutely aware of the limitations of his situation, however, he was not going to force the rules but rather try to circumvent them—which seemed his favorite ways of doing business. In one of his first conversations with Laureo in May 1577, Báthory asked for the nuncio’s help and Rome’s assistance in the hope of eliminating heresies out of the Commonwealth. Laureo warned the king that the Poles would be very hostile to their collaboration in this regard, to which Báthory responded not to worry, because “he knows very well the nature of this nation, and he knows how to keep secrets.”

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852 Caligari 376-377ff, 412 (January-April 1580).
853 Laureo, Caligari and Bolognetti repeatedly mention Báthory’s respect for Church ceremonies. For instance, during Easter service, “he never sits, but he always either stands up or knees down, never putting his hat on.” (Laureo 543-544, letter from 10 May 1577). Báthory was also prone to be easily moved to tears during mass, as the nuncios repeatedly (and admiringly) reported.
854 For his support of Catholicism in Poland-Lithuania, see L’Abbé Thadée Glemma, “Le catholicisme en Pologne à l’époque d’Etienne Batory,” in Lukinich and Dąbrowski, Étienne Báthory, 335-374.
855 Laureo 550-551 (letter from 10 May 1577).
Báthory’s combination of piousness and casualness with “heretics,” or, in other words, the Transylvanian version of “intolerant toleration,” was not identical to but matched quite well Jan Zamoyski’s own seeming indifference to the Catholic Church, which was not only politically motivated but also seemed based on a rather genuine lack of interest in doctrinal struggles. Nuncio Laureo, in his correspondence with the Vatican, drew quite an insightful portrait of Zamoyski by likening him to the French *politiques*—a derogatory label used by militant League Catholics during the wars of religion for those among them who advocated a temporary compromise with the Protestants for the sake of pacifying the French kingdom.

The vice-chancellor is a shrewd and conceited person, and even though he professes Catholicism, he is nevertheless one of those Catholics, who in France are called *politici* and who have no other care outside of their own interests, and who use every opportunity to obligate princes and acquire their goodwill. Many of Báthory’s accommodation policies with the “heretics” of Poland-Lithuania were determined by a pressing and almost constant want of money, of which the

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856 This did not stop him, however, from soliciting Caligari’s support for obtaining a cardinalship in the brief period between the death of his second wife (Krystyna Radziwiłłowa) and his marriage to the third (Griseldis Báthory). See also Jerzy Kowalczyk, *Kultura i Ideologia Jana Zamoyskiego* (Warszawa: Instytut Sztuki PAN, 2005).


858 Laureo 551, 564.
treasury was virtually depleted when he took over the throne,\textsuperscript{859} and which was urgently needed in the context of the wars with Gdańsk and Muscovy. If the coronation oath dictated toleration, poverty ordered collaboration on issues that otherwise would have put Báthory on the side of the clergy. Such was the case of the judicial reform of 1578, which dented royal and ecclesiastical judicial rights in favor of those of the nobility, but which Báthory nevertheless supported, despite the clergy’s protestations, in exchange for the nobility’s vote for a financial contribution supporting the war against Muscovy:\textsuperscript{860} “His Majesty feels that by favoring the ecclesiastical order, he [may] conserve his authority, but in the opposite direction urget necessitas, as he is afraid that he will not be able to get support against the Muscovite if he does not give some satisfaction to the heretics,” wrote Laureo in February 1578.\textsuperscript{861} Lucrative bishoprics offered to men whom the nuncio deemed either heretic or quasi-atheist were also attributed to the king’s need of financial support.\textsuperscript{862}

As Laureo noted, despite the fact that the interests of the Church coincided with Báthory’s personal inclinations in support of a reinforced royal authority, the

\textsuperscript{859} Pawiński, \textit{Skarbowość w Polsce i Jej Dzieje za Stefana Batorego}.
\textsuperscript{861} Laureo 652 (letter from 11 February 1578).
\textsuperscript{862} “The King, constrained by necessity, takes money from wherever he can, and so he uses the ecclesiastical vacancies as best he can.” Laureo 550 (also see Laureo 424 for a comment on the nomination of a “heretic” for the Posnań bishopric in June 1576). Moreover, Caligari repeatedly wrote in his letters about his suspicion that Cracow Bishop Myszkowski was an “atheist.”
king was too “poor, and consequently had [too] little power”\textsuperscript{863} to be a dependable ally for the clergy; instead, he leaned in favor of proposals that Church revenues—either in part or in full—be used for public purposes:

The necessity of the King is great, [and] there is no lack of politici who are suggesting [that he take] the annatas, which are [usually] sent to the Apostolic See during vacancies. The heretics propose the revenues of the churches, which are very big. The King, as he needs to recuperate his own legitimate revenues occupied by the nobility, and fearing nonetheless to alienate them completely… would easily let himself convinced to seize the income of the ecclesiastics, whom even the Catholics detest, partly because of [the latter’s] excessive parsimony and partly because of their deficient devoutness.\textsuperscript{864}

The apostolic nuncio was rather displeased to see Báthory’s indebtedness to his “heretical” electors, but he understood that the king did not have much of a choice, considering the circumstances in which he had been elected. When he entreated Báthory to take a decisive step in favor of the Church by limiting office distribution to Catholics only and converting the “idolaters and Arians to the Catholic faith, His Majesty agreed with everything, but, blushing a little, he apologized for not being

\textsuperscript{863} Laureo 566 (letter from 28 May 1577).
\textsuperscript{864} Laureo 551 (letter from 10 May 1577). The bishops contributed money of their own accord, both in 1577-1578 and in 1581. Caligari also protested against using the annatas for the war effort in 1581, arguing that among all the bishops, only Piotr Myszkowski, bishop of Cracow, actually sent his annata to the public treasury. See Laureo 493ff, 563 (1577 contribution); Caligari 567-568 (general account of the annatas issue written on 26 February 1581); and Pawiński, Skarbowość, 142.
able to do so, as of yet.” Instead, Báthory had to make his footing in Poland-Lithuania more secure by making alliances with the most powerful families of the country. Whether he chose the Zborowskis or the Radziwiłłs, he still would have had to contend with Protestants, as both these families, together with many others, had members of Protestant inclination.

The most important issue on the nuncio’s agenda was to obtain a reversal of the Warsaw Confederation, which the king had sworn to observe at his coronation. For this purpose, Laureo spent a great deal of energy to organize a synod that would condemn the articles of the Confederation and then convince Báthory to confirm the synod’s resolutions. Despite Laureo’s negotiating skills (in order to make the rejection less scandalous, he advised attaching a clause stating that the peace and concord inter dissidentes would still be upheld), Báthory made no commitment—on the contrary, he asked the bishops to delay the publication of their conclusions until the debates of the current Sejm were finished, just to make sure that the war contribution he was seeking from the estates would be approved. Most important is Báthory’s reasoning on the matter, which illustrates his political thinking:

The King responded that he would do everything he can in favor of this saintly cause, but it seemed to him impossible—not only difficult—to abolish the confederation; on the contrary, His Majesty thought it was rather good for the tranquility of this Republic and of

865 Laureo 633 (letter from 13 January 1578).
the ecclesiastical order, as well as for the conservation of
ecclesiastical goods and of the churches, that this confederation be
recognized, because, based on it, the occupied churches, together with
their afferent property and revenue, could be restituted and conserved
in the future. But since the ecclesiastical order has not accepted the
confederation yet, not only were [the occupied] churches not returned,
but [more and more churches] are being occupied every day by the
local heretics.866

In the same line of thought, Báthory entreated the bishops assembled in a synod at
Piotrków in May 1577 to be “good citizens and calm men toward conserving the
well-being of the Republic and keeping it in peace… on account of the necessities…
and many public disasters [befalling] the Republic these days… [such as] those
Pagan tartars [and] the war with those perduelles [Gdańsk]…”867 In this case also,
Báthory appealed to the ecclesiastical order to be patient about their goals and
instead lend him, and the Commonwealth, a hand—in this case, in the form of a
financial contribution toward the war effort.

Báthory’s pragmatic frame of mind, which had been shaped by his
experience in Transylvania, was obviously difficult to accept from Rome’s

866 Laureo 626 (relating an audience with Báthory on 7 January 1578). Báthory repeated these
arguments on later occasions as well, together with the request to delay the publication of the clergy’s
protestation against the Confederation, while promising to do “whatever he could" on this matter.
(Laureo 650, 1 February 1578).
867 AGAD, Metryka Koronna, Libri legationum, mikr. 39, f. 35v, 36v.
perspective, but not so much from the perspective of the local representatives of the Catholic Church, some of whom proved to be quite adept at accepting religious diversity in their midst. This was a country, after all, where Catholic bishops attended Calvinist weddings, and where the Archbishop himself not only had supported the Warsaw Confederation back in 1573, but he was also rumored to be a heretic and had been briefly excommunicated in 1558. This of course meant little in the grand scheme of things where Uchański had supported Maximilian and had been Rome’s ally throughout the second interregnum, thus gaining Laureo’s and the Pope’s deep appreciation. “In this country, nowadays, the matters of religion are so connected with the matters of state, that it is impossible to treat the former without the latter,” wrote Laureo in 1577.

Haeredis

The first article of the Henrician Articles, concerning the thorny matter of succession, had the king swear that he was not going to “appoint or elect, nor arrange the election, in any manner or form, of a King for this country, as Our successor…”

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868 After his death, it was discovered that Jakub Uchański had books by Luther and Melanchton in his private library, and there were even rumors that he planned, together with Zygmunt August, to break the whole country from Rome—wrote a scandalized Caligari in 1581 (Caligari 333, 343). While the books did not prove that he was a heretic, it is true that Uchański was one of the most tolerant figures of the Polish Catholic Church at that time. In June 1578 Laureo wrote reproachingly that the Archbishop did nothing to stop a “heretical synod” for fear of “exciting tumults in the country.” Laureo retorted that, if the king cannot do anything to defend the Catholic Church, then the task fell on the Archbishop’s shoulders and it was his duty to do more against the heretics (Laureo 710). The most important part of Uchański’s correspondence was published in Teodor Wierzbowski, ed., Uchańska Czyli Zbiór Dokumentów Wyjaśniających Życie i Działalność Jakóba Uchańskiego Arcybiskupa Gnieźnieńskiego, Legata Urodzonego, Królestwa Polskiego Prymasa i Pierwszego Księcia, +1581 (Warszawa, 1884).

869 Laureo 611 (letter from 6 October 1577).
And that is in order that the free election of the King by all the estates of the crown should remain for all eternity, after our and our descendents’ passing. And for this purpose, neither We, nor the Polish Kings Our descendants, shall use the title *haeredis.*

Although the article was quite clear on the interdiction against turning the Polish-Lithuanian crown into a hereditary possession, it remained silent on the issue of dynastic occurrences in the succession to the crown, as it did not expressly forbid the sons of kings from being elected as their successors. The intention was most likely to avoid excluding a perfectly capable candidate from the electoral race only because he was the late king’s son, but the matter reflects a deeper ambivalence on the issue of dynasty in Poland-Lithuania, which remained visibly seducing for voters throughout the first five interregna.\(^{870}\)

The legal distinction between heredity, which would ground the monarchy on inheritance rights, rather than free elections, and the occasional or even regular election of a king’s offspring, as was going to be done under the Vasas, explains why there were no explicit rules in the Henrician Articles against succession from father to son: the nobility wanted to avoid the former, but were not necessarily against the latter. For the authors of the Articles, it was neither the relationship between the

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\(^{870}\) See chapter 2 for the importance of the Jagiellons in the first three interregna and the influence of the dynastic principle in the election of the Vasas. According to Jerzy Lukowski, “dynastic continuity was notoriously fractured only in 1696-1697, when the szlachta refused to return any of John Sobieski’s sons.” Lukowski, “The Szlachta and the Monarchy,” in Butterwick, *The Polish-Lithuanian Monarchy in European Context*, 134.
previous king and the next, nor the legal subtleties of succession that mattered the most, but rather making sure that the previous king was not going to influence the election of the next. That is why the article does not take the trouble to define the concept of *haeredis* in the context of succession, but rather focuses on the interdiction of organizing elections *vivente rege*.

As destabilizing as they were, interregna was precisely what the nobility of the Commonwealth held most dear among their liberties. This may seem strange from the perspective of the many complaints about the chaos and lawlessness of interregna, yet it was no less true that these periods of power vacuum were opportunities for the estates to step in, have their voices heard, introduce change if necessary—as had been the case in 1573—and let the next king know who was boss. In a system where the king still retained a fair amount of power, as well as enough constitutional tools to divide and rule his subjects if he so wished—as Báthory proved he was quite able to do throughout his reign—the citizens of the Polish-Lithuanian Republic preferred to use interregna as a mechanism of periodical checks and balances.\(^{871}\)

Despite the Poles’ fondness for the Jagiellons, and although it was not expressly forbidden, it must be noted, however, that the election of a king’s son or

\(^{871}\) Jerzy Lukowski also notes that it was during interregna that “the szlachta came fully into their own and were able to put right the damage which the deceased incumbent had done;” nevertheless, Lukowski sees this phenomenon as chiefly destructive, based on Poland-Lithuania’s later developments in the seventeenth and eighteenth centuries: “the very device designed to restore harmony and the rule of law in Poland—the interregnal election—was responsible for its subversion.” Jerzy Lukowski, “The Szlachta and the Monarchy,” in Ibid., 134-135.
relation was also seen as potentially dangerous during Báthory’s reign. That was less a concern for the present as it was one for the future, inasmuch as such an election would set a precedent and encourage the resurgence of dynastic criteria in an otherwise elective monarchy, as had been the case with the Polish kingdom before the death of Zygmunt August. A pamphlet circulating soon after Báthory’s death reasoned that the late king’s nephew could be a fine king himself, as long as he is not elected because of his blood, and as long as he does not impose blood relations on the Republic.\footnote{872} This suspicion was one of the main reasons why Stefan Báthory’s nephews, although counted and reviewed by various commentators among the possible candidates for the Polish crown in 1587, were generally not greatly favored by the Polish electorate.\footnote{873}

Despite the locals’ mixed feelings for “blood relations,” Báthory had certainly tried to ground a dynasty of sorts in the Commonwealth. On one hand, he made attempts to obtain a divorce from Anna in the hope of having legitimate children; on the other hand, he encouraged his nephews to join him in Poland-Lithuania and make themselves known there. In 1578 he confided to Laureo that he had great hopes for his oldest nephew and namesake, Stefán [István], “who was twenty four, had studied at Padua, and was inclined to Catholicism although he was not Catholic yet.” Báthory thought that the Piast party could take István into

\footnote{872} “Echo Grodniana” in Wierzbowski, \textit{Wiersze polityczne}, 59. The poem most likely refers to the late king’s youngest nephew, Zsigmond Báthory, prince of Transylvania at that time.
\footnote{873} Spannochi 369. Another reason was the low popularity of Báthory (and Hungarians in general) at that time in Poland-Lithuania (see Chapter 2 for this issue).
consideration at the next election if he brought him over to Poland, where he could
distinguish himself in the war against Muscovy or in similar circumstances.

Alternatively, the king thought he could have him elected prince of Transylvania
after the death of his father, Kristóf, which he could do “without difficulty” since he
had promises of support from “the Turk.” He also thought it benefic if he could
arrange a marriage between István and the princess of Sweden—his niece by
alliance—none of which should be “difficult or take a long time.”

However, as it turned out, Báthory had just as little control over the
succession issue in Transylvania as he did in Poland-Lithuania. Kristóf’s wife—
reported Laureo as early as 1578—had the ambition to make prince István’s younger
brother, Zsigmond, and had the pasha of Temesvar on her side on that issue.

Transylvanian sources contradict each other on that—some say Kristóf himself was
opposed to the idea of having his five-year old son succeed him on the throne; others
that many of the natio delegates voted in Zsigmond’s favor only to please Kristóf.

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874 Laureo 632 (letter from 13 January 1578). Laureo even lent Báthory a (cautious) hand in the secret
negotiations with the Swedish court over these eventually unrealized marriage plans. See Laureo 688
(15 May 1578).
875 Laureo 691 (15 May 1578). Kristóf Báthory’s wife was Calvinist; neither Laureo, nor Possevino
had much sympathy for her. Possevino writes that Zsigmond was “luckily” spared the nefast influence
of his mother, as she died only a few months before her husband, when the boy was eight years old;
on his deathbed, Kristóf entrusted his son’s education to the Hungarian Jesuit father Leleszi.
Possevino, Transylvania, 135.
876 Bethlen writes that the proposal was advocated by one of Kristóf’s councilors, János Galfi
(supported by A. Kendi and L. Szombory, who were later to govern Transylvania during Zsigmond’s
minority), in early 1581, when Kristóf’s health was worsening and his wife had already died; and that
Kristóf initially refused, but that he decided to send Kendi and Szombory to his brother in Poland-
Lithuania in order to ask for his opinion. Apparently Stefan agreed with Kristóf’s reservations and
shouted at the envoys that, as much as he loved his nephew, it would take a traitor to entrust such a
hard job to a child. Nevertheless, pressed by his brother’s imminent death and the urgings of the
Either way, despite the fact that the distant king eventually approved the transfer of power from Kristóf to Zsigmond, there is little doubt that he had had different plans for his homeland.

Transylvania did not have at that time a law prohibiting either heredity or elections *vivente principe*. The 1566 *athname* granting the right to elect princes showed the Porte’s preference for hereditary rulers, and the estates themselves “tended to obey the Báthory family,” all of which made it possible for Zsigmond to be elected before the death of his father. Nevertheless, the move was clearly a successful coup by the highest dignitaries in Transylvania wanting to prolong their influence on government through the minority of Zsigmond, who was only eight years old at the time of his election. Although the Transylvanian throne certainly stayed within the Báthory family for the time being, it was not a coup orchestrated or approved by the king or, as it seems, the voivode.

But if king Báthory was not very pleased with the outcome of the 1581 power transfer in Transylvania, that did not negate the fact that he was quite attracted to the envoys, Báthory gave in and agreed to have Zsigmond succeed Kristóf. Bethlen describes the impassionate speech of an old councilor (Gergely Apafi) who was strongly against entrusting the government of the country to a child, “in whom there can only be hope, not fact.” (Bethlen 444-447) Szamosközy, in his more cursory notes, limits the matter to the description of the election assembly, where, “despite the plurality of votes,” Zsigmond was made voivode. His older brother and Stefan Báthory’s favorite, István, was appointed captain of Varad, and Kristóf died shortly afterwards (Szamosközy IV, 13). Szamosközy’s official version sounds quite differently, though: “in April 1581 Sigismund was made prince with everybody’s extraordinary consensus” (Szamosközy I, 210). Bethlen, who visibly dislikes Zsigmond, adds later in his Histories that in 1583, when Stefan Báthory ordered and received a painted portrait of his nephew Zsigmond, he remarked, with tears in his eyes, that “there seemed to be nothing of the Báthorys in him,” and that this bode nothing good for Transylvania. (Bethlen 473-474).

Bethlen 84-85.

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877 Bethlen 84-85.
878 Possevino in *Călători straini*, 587.
idea of elections *vivente rege*, where he could at least influence, if not determine the choices of the electors. He had already ordered such elections to be held at his departure from Transylvania in early 1576, after all, and the Poles were wary that he might try something similar in the Commonwealth. Laureo and Báthory went so far as to theorize about being able to garner the vote of the bishops, who could in turn persuade or bribe the rest of the senators into supporting István. Nevertheless, these plans remained a well-guarded secret, which may have been suspected by others but were only known to the king’s most intimate councilors. Not only was the matter dangerous as it represented a violation of the first Henrician Article and of a principle about which the estates had been particularly adamant since the 1530s, but also, enlisting the support of the Pope in favor of having Stefan elected *vivente rege* was a very sensitive issue in itself, which could have irreversibly damaged the little confidence left in the Apostolic See, and which the nuncios and Cardinal of Como did their best to keep under the carpet.879

Whatever plans Báthory had to secure his succession, they were interrupted by his unexpected death in 1586. His nephews—minus prince Zsigmond—were already in Poland-Lithuania at that time, and were considered briefly as possible candidates during the third interregnum, but the specter of heredity as well as the fact that many in the Commonwealth had become deeply dissatisfied with Báthory’s governing significantly decreased their chances. Not even chancellor Zamoyski spent

879 See Caligari 46-47 (letter from 30 August 1578).
much time and energy on supporting Báthory’s nephews in 1587—undoubtedly because he saw that they could not be serious contenders. In a letter to Krzysztof Radziwiłł in May 1587, Zamoyski elaborated on the matter. He claimed that he was not promoting Báthory’s nephews, because one of them was still a child and the other two were not greatly favored among the nobility; he also claimed to have no agenda for this election and that he would support a foreigner if no suitable native candidate could be found. 880 In response to the rumors about Báthory’s occult plans to arrange his succession, Zamoyski defended the late king by saying that he had had absolutely no plans to crown one of his nephews during his lifetime. Whether he was bluffing or not, Báthory had actually made a similar statement to Crown Marshal Andrzej Opaliński during a conversation in 1585, when the king claimed that he did not wish on any of his nephews the “torture” of being king of the Poles. 881 Spannochi, nuncio Bolognetti’s secretary, also believed that the late Báthory had not done anything to secure his succession, but what he really meant was rather that he had not done enough. In his account of the third interregnum, Spannochi openly laments the fact that Báthory died before he was able to accomplish more and stabilize matters in his favor. 882

880 August Sokolowski, ed., Scriptores Rerum Polonicarum VIII: Archiwum Domu Radziwillów (Cracow, 1885), 94, letter from 25 May 1587 to Krzysztof Radziwiłł. Zamoyski was most likely referring to Zsigmond, Balthasar, and István Báthory.
881 Czuczyński, Scriptores Rerum Polonicarum XVIII: Dyaryusze Sejmowe R. 1585, 421.
882 Spannochi 376.
In 1587, the reputation of Hungarians in Poland-Lithuania was remarkably low, due on one hand to the vocal resentments of the Zborowski, and on the other hand to Báthory’s Hungarian troops, whose presence in the Commonwealth had been loathed ever since their arrival.\textsuperscript{883} If the Henrician Articles were not clear enough to deter dynastic arrangements, the Poles’ crumbling esteem for Hungarians in general and the Báthorys in particular would do the rest. Decades later, when the bad blood between the Polish \textit{szlachta} and Báthory had long been forgotten, the malcontents of the Commonwealth would look again to the South during troubled times, occasionally flirting with the idea of bringing a Transylvanian prince to the Polish-Lithuanian throne, as was the case during the Sandomierz \textit{rokosz}, when Radziwiłł and Herburt led secret negotiations with Gabriel Báthory in that regard, or when the plotters who sought to replace Zygmunt III Vasa with Gaston d’Orleans in 1626-1628 treated with Gábor Bethlen as well.\textsuperscript{884} In 1587, however, they looked elsewhere in their search for a new king.

c) Glory, reputation, and “il utile”: the mechanism of promise-keeping

Despite Báthory’s machinations to try to circumvent some of the basic principles contained in the Henrician Articles, he did not openly violate them, nor

\textsuperscript{883}See Chapter 2.
did he leave unfulfilled some of the most important promises made to the nobility, such as judicial reform, the ransom of captives, money injections from Transylvania, and an overall successful war with Muscovy. At the same time, his popularity plummeted, mostly on account of the rivalry with the Zborowskis, whom he chose to exclude from the circle of royal allies formed by Zamoyski, Mielecki, and the Radziwiłłs. The detailed reports of the nuncios reveal to what extent politics in Poland-Lithuania was conducted behind the scenes during Báthory’s reign, how inclined the king seemed to such games, and how important power struggles and alliances among the king and the most important senators could be. From this perspective, the question is not so much why Báthory attempted to bend the rules of the Commonwealth, but rather why he did not do more in that direction.

Laureo, when he was still trying to coax Maximilian into confirming the Henrician Articles as soon as possible and coming to Cracow to assume the crown, optimistically stated that these conditions do not need be necessarily observed: “The said gentlemen [Maximilian’s supporters] cannot understand such extraordinary procrastination [on Maximilian’s side]; especially since the fate of the Empire depends on the acquisition of this great country, there is no reason to take into account these articles so much; soon afterward His Majesty could secure things
according to his honest wishes, even with the consent of all the orders; because here, a prudent and courageous King does whatever he wants.”

Most importantly, the main dignitaries of the country depended on the king’s approval, insisted Laureo, who went on to say that if Maximilian took control of the country, he could easily dispense of the promises contained in the Henrician Articles, because “here” everybody depends on the king, as he distributes royal offices, decides who gets executed, and proposes the issues to be discussed both in the council and in the Sejm. Maximilian could gradually subdue Poland-Lithuania in the same manner he had tamed Bohemia; and here, Laureo added, it would be even easier, because while there were some quite powerful lords that the Emperor had to contend with in Bohemia, here in Poland “all are poor, and born private.”

Certainly Báthory could have had a similar approach to the covenant with his electors, particularly since, at the time of his election and reign, the Commonwealth had not yet fully proven how seriously the disobedience article could be taken, as was the case after a series of rokosze during the seventeenth century. After all, the king of Poland and Grand Duke of Lithuania was quite powerful. Why should he keep his promises?

Reality on the ground was, however, a lot more complex, and even Laureo knew, despite his propaganda to Maximilian, that royal power was a double edged

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885 ASV Segr. Stato, Polonia 11, f. 87 (letter from 11 March 1576).
886 Laureo is referring to the absence of hereditary titles differentiating among the nobility. Laureo 453 (letter from 9 July 1576).
sword in Poland-Lithuania. The king distributed vacancies, yet he was bound by
obligations to his supporters, as well as by the need to reconcile and draw closer to
himself those senators who had been against his election. In this complicated web of
debts and strategic calculations, Báthory made enemies whichever way he turned:
“he has gotten himself into great odium in the distribution of offices, both those that
are vacant and those of the Caesarists, mostly because he does everything for
money—not for himself, but to satisfy those to whom he feels obligated and whom
he cannot reward because of his poverty.” 887

The mechanism that bound king Báthory to the terms of his contract and
determined, despite his attempts to evade it, a fundamental understanding of the way
it was supposed to function, was composed of at least two elements. Firstly, he may
have disliked, but he understood the political culture of the Commonwealth and the
spirit of the Henrician Articles, which represented a more highly regulated degree of
constitutionalism than what he had known in Transylvania, but which nevertheless
belonged to the same ethos as that professed by the Hungarian nobility throughout
the sixteenth century. To this should be added that Báthory’s understanding of “the
nature of this nation” was certainly helped by the promptitude with which the Polish
nobility made clear, from the first general Sejms held under Báthory, that they saw
themselves not only as the subjects of His Majesty, but also as the citizens of the
Republic and hence, participants in government.

887 Laureo 424 (5 June 1576).
Secondly, Báthory’s limited financial resources, together with the fact that he was a foreigner without much local support in Poland-Lithuania, made him a “weak king” in relation to the estates of the country. Laureo relates on several occasions that Báthory had a hard time eluding the “orders” at the beginning of his reign when, among other things, they did not allow him to receive foreign ambassadors privately—as stipulated under the third point of the Henrician Articles. “Báthory, because he is a new prince and debole di forze, does not dare make any decision without the consent of the orders; and therefore, although I showed him my wish to talk to him in private, nevertheless those orders I mentioned above in no way want to agree to this.”

Báthory’s uneasy, yet cautious attitude toward his contract with the Republic calls into question the strong-handed impression he left to posterity; it also puts a question mark over traditional approaches to the history of Báthory's reign which focus almost exclusively on the conflict between szlachta and king, and on the latter’s decisiveness in dealing with the former. It would, however, be difficult to argue that Báthory’s only motivation in cooperating with the Senate and the Sejm was his weakness or the want for money to feed his supporters and his passion for military plans. Throughout his reign, concerns of a quite different nature also seem to

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888 Laureo 445 (25 June 1576).
have weighed on the king’s mind: the preoccupation for his glory and reputation, and a desire for greatness with Pericles and Caesar at the same time. 889

Glory (ślawa; gloria) was one of Batory’s chief obsessions. He seemed genuinely preoccupied with keeping a good name not only among his contemporaries, but also in posterity. For instance, at the general Sejm of 1581, Zamoyski stated in his name that “the king would like to leave behind him in this kingdom, instead of offspring [which he cannot have], a durable glory.” 890 The concept appears too often in relation to Báthory to be a mere oratorical artifice. Laureo repeatedly noted to his superiors in Rome that Báthory’s chief interests, and therefore the main tools that could be used to turn him into an ally of the Apostolic See, were money, “il utile” or “the reasons of state,” and his reputation or the “immortality of his name:” “he is a poor king, who has no other aim than il utile and glory.” 891 In a speech meant to garner support for military preparations against the Ottomans and Muscovites, Báthory told the assembled estates that they should do this “for both my glory and yours. Because my glory is your glory, and therefore your glory is mine.” 892

889 Periclean accents can be found in his Hungarian patriotism; as far as military exploits and greatness per se were concerned, Caesar was of course an inspiration. Báthory’s biographers emphasize his fondness for Caesar’s De Bello Gallico, among other historical writings.
890 Polkowski, Sprawy Wojenne, 295.
891 Laureo 565 (28 May 1677). See also Laureo 470, 508, 548, 549, 565, 686, 693 (letters from August 1576-April 1578).
892 Czuczyński, Scriptores Rerum Polonicarum XVIII: Dyaryusze Sejmowe R. 1585, 35.
Báthory’s preoccupation with his reputation was the main engine of his ambition, and particularly his dream to chase the Ottomans away and rule over a reunited Hungary.\textsuperscript{893} Despite his extreme cautiousness and level-headedness with the Porte, Báthory did not shy away from entertaining thoughts—and even initiating talks—about forming a possible coalition against “the Turk.” In early 1574, Báthory had sent Farkas Kowchoczy as his ambassador to Cracow on the occasion of Henri’s coronation. In between the many ceremonies and festive gatherings held for the new king, Kovacsóczy sought the Venetian envoy in private, in order to present greetings and offer of friendship from his prince, Stefan Báthory of Transylvania. Kovacsóczy insisted that Báthory was ready to lend military assistance to Venice in case it ever went to war against the Ottomans again.\textsuperscript{894} In November 1574, when the second interregnum had already, albeit unofficially, started, Dudith wrote to Maximilian that Transylvanian envoys were supporting Ivan’s bid in view of a future alliance with Moldavia, Wallachia, and Muscovy against the Ottomans.\textsuperscript{895} As far-fetched and easily pushed-aside as these plans were, they reveal a frame of mind that combined patriotism, leftovers of a crusading spirit, and pure ambition, or \textit{gelosia de’ stati} as Laureo liked to call it.\textsuperscript{896}

\textsuperscript{893} Báthory’s attachment to and nostalgia for “Transylvania, \textit{patria mea}” (Laureo 557) is apparent in the records of his private conversations and public speeches alike. See for instance \textit{Ibid.}, 420-421.

\textsuperscript{894} Lippomano’ dispatches in Archivio di Stato di Venezia, Dispacci degli Ambasciatori Veneti al Senato, Polonia, Filza 1, nr. 3, 4, 14.

\textsuperscript{895} Dudith III, 318 (letter from 14 November 1574).

\textsuperscript{896} Laureo 553 (letter from 10 May 1577). Báthory discussed his anti-Ottoman intentions with Laureo from May 1577 onward (Laureo 548ff). More concrete negotiations to this effect—which, however,
Báthory’s concern with reputation was also, and perhaps more importantly, related to the way in which he understood his royal duties. In a conversation with Crown Marshall Andrzej Opaliński after the turbulent Sejm of 1585, an embittered Batory claimed that if he had not been concerned about his “glory” and the salvation of his soul, he would have either left the throne or he would have become a tyrant by then, because this was the treatment that his subjects deserved.\textsuperscript{897} It is hard to imagine how either of these two scenarios could have worked in real life. Even if he had stopped caring about his good name, Stefan Báthory was simply too stubborn to quit, and his subjects too jealous of their liberty to allow themselves to be ruled by a tyrant.

**Conclusions**

“We wanted to elect ourselves such a ruler from whom we could have the best protection and justice, considering that at the present all monarchies and states

did not amount to much—took place with Rome and Vienna in 1581, 1582, 1584, and 1586. See Barta and Mócsy, *History of Transylvania*, 648-655. For a refutation of the practical relevance of these talks, see Ciocan, *Etienne Báthory*, and Dopierała, *Stosunki Dyplomatyczne*, 145-156. Kołodziejczyk takes a moderate stance on the matter, to which I subscribe: “It seems reasonable to assume that Báthory dreamed about the revival of the Kingdom of Hungary under his rule. Yet, he was undoubtedly far too familiar with the power of the Porte, and much too pragmatic as far as European diplomacy was concerned to believe that such a project would be realistic. Rather, expressing his pious intentions in the presence of the papal nuncio he tried to alter his image from that of an “Ottoman puppet” and even to gain the support of papal diplomacy in his conflict with the Habsburgs.” Kołodziejczyk, *Ottoman-Polish Diplomatic Relations*, 124-125. Gábor Barta reached similar conclusions: “There is no doubt that in his heart of hearts, Stephen Báthory wished to drive the Ottomans out of eastern Europe. However, he was too astute politically to commit his energies to an enterprise that was militarily hazardous and would bring him little advantage in the domestic and foreign policy arenas. He tried to bring about more favourable conditions, then ran out of time.” Barta and Mócsy, *History of Transylvania*, 654.

\textsuperscript{897} Czuczyński, *Scriptores Rerum Polonicarum XVIII: Dyaryusze Sejmowe R. 1585*, 421.
are built on this foundation and are disturbed because of it”. The wording of the resolution pronouncing the election of Stefan Báthory as king of Poland-Lithuania leaves no doubt as to the expectations of the Commonwealth’s citizens toward their monarch. The proclamation of Maximilian as king of Poland-Lithuania by the rival camp did not sound much differently from the perspective of basic expectations: “not in the name of their interest, but only by keeping in mind the needs of the Republic [they chose] such a lord [Pan]... who can protect, in these confused times, against the dangers of enemies, and assure justice and sure protection of the Crown...”

Regardless of the innovations brought after the death of Zygmunt August to the balance of power between Court, Senate, and the Sejm, the two traditional functions of the king remained essentially unchallenged: to make war and to make justice. This was surely not a Polish invention. In all European monarchies at that time, kings were expected to be warriors and supreme judges at the same time.

If leading nobles in battle had long been a royal function on the European continent, lawgiving and supreme justice were relatively new additions on the list of monarchic prerogatives, a development that resulted from the separation between canonical and secular law that occurred in Latin Christendom in the late Middle Ages. As kings gradually took over the administration of secular justice, the weight of their military functions decreased. Political theorists became progressively

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898 VC 338.
899 AGAD, Archiwum Zamoyskich, sygn. 3081, f. 51.
disinterested in the military skills of princes and started focusing on their governing instead. According to one French chancellor, any tyrant can make war, but only a good king can make justice.\textsuperscript{901} Monarchs certainly retained their position as army chiefs, but they joined their knights in battle less and less frequently, whereas their judicial prerogatives expanded. Their presence became dispensable in wars, but irreplaceable in the court of their jurisdiction. In a simplified version of late medieval and early modern Europe, kings made justice, and nobles made war. Yet, this was not entirely the case in Poland-Lithuania in 1575-1576, when the circumstances surrounding the Livonian war had made the nobility appreciative of a commander-king.

At the same time, the monarch’s function as lawgiver and justice-maker, although still quite strong in the Commonwealth at the time of Báthory’s election, had been weakened by the circumstances of the first and second interregna, which demanded that at least a part of the king’s judicial prerogatives be taken over by the estates of the country if they were to make an attempt at a manageable public life during interregna. Like in most of early modern Europe, appeals in Poland-Lithuania fell under royal jurisdiction, as noblemen, clerics, and burghers across the continent shared the idea that their most important cases should not be judged by their peers,

\textsuperscript{901} “Kings were elected to make justice in the first place, and making war is not as royal an act as making justice. Because tyrants and the wicked make war as much as kings, and often the bad make it better than the good.” Michel de l’Hôpital, chancellor during the French religious wars, cited by James B. Collins in “Wpływ doświadczenia Henryka Walezjusza w Polsce na jego rządy we Francji,” in Adam Kaźmierczyk, Rzeczpospolita wielu wyznaw: Materiały z międzynarodowej konferencji Cracow, 18-20 Listopada 2002 (Cracow: Księg. Akademicka, 2004), 507.
but only by their king, who acted as the realm’s highest source of justice and impartiality. Poles were no exception, but after long years of having to deal with increasing lapses of royal justice, which had started as early as Zygmunt I’s reign, they started to feel comfortable with a new legal vision that broke the royal monopoly on supreme jurisdiction and divided it between king and nobility after the judicial reform of 1578.

It may be argued that the establishment of the Crown and Lithuanian Tribunals diminished royal authority to a certain extent, but it is not as easy to state that this reform truly diminished the king’s effective power, which still controlled the country’s most important legal cases, namely those involving sensitive private and public crimes (including treason), fiscal matters, and the royal domain.902 From this perspective, the legal developments under Báthory followed the general trend in post-1572 Poland-Lithuania, where the monarch’s authority was weakened in the sense that its source was more firmly established in the body politic, while leaving royal powers generally untouched, particularly in what concerns military affairs but also office distribution and the most important judicial matters. This trend was not unlike the Transylvanians’ own tendency to allow the prince quite extensive powers while making sure that he did not go against their fundamental laws and liberties, which they upheld and insisted upon on every occasion that allowed them to do so—

902 For the terms of the 1578 reform see VC 406-409. See also Roșu, “Monarch, Citizens, and the Law,” in Friedrich and Pendzich, Citizenship and Identity in a Multinational Commonwealth, 30-32.
particularly at moments of election or power transfer, as the example of Kristóf Báthory’s 1581 religious concessions illustrates.

The contractual nature between citizens and ruler was extremely pronounced, particularly in Poland-Lithuania, where both the written and the oral versions of the contract were crucial factors in the monarch’s coming to power. Even though Henri managed to get out of orally confirming the Henrician Articles in 1574, he still had to sign them on paper prior to the coronation, and there is little doubt that he would have had enormous problems with the szlachta until he finally confirmed them in public as well. From this perspective, Quentin Skinner’s assertion that “the theory of free states continued to be a thorn in the side of contractarian as well as patriarchal theories of government until well into the eighteenth century”\textsuperscript{903} is complicated by the Polish-Lithuanian case, or, for that matter, by the medieval and early modern constitutional trends described in the first section of this chapter. It seems that political freedom in the republican sense could very well coexist with the idea of contract, which was far from being a seventeenth-century liberal invention—even though it is true that its application into practice, at least to the extent that it was done in Poland-Lithuania, was indeed quite rare in the sixteenth century. Hannah Arendt assigns the “horizontal version of the social contract”—the “vertical” being the “Hobbesian variety”—to the seventeenth century and specifically to Locke’s thinking:

\textsuperscript{903} Skinner, \textit{Liberty Before Liberalism}, 12.
Locke’s aboriginal social contract… is the only form of government in which people are bound together not through historical memories or ethnic homogeneity, as in the nation-state, and not through Hobbes’s Leviathan, which “overawes them all” and thus unites them, but through the strength of mutual promises. In Locke’s view, this meant that society remains intact even if “the government is dissolved” or breaks its agreement with society, developing into a tyranny. Once established, society, as long as it exists at all, can never be thrown back into the lawlessness and anarchy of the state of nature. In Locke’s words, “the power that every individual gave the society, when he entered into it, can never revert to the individuals again, as long as the society lasts, but will always remain in the community.” This is indeed a new version of the old *potestas in populo*, for the consequence is that, in contrast to earlier theories of the right to resistance, whereby the people could act only “when their Chains are on,” they now had the right, again in Locke’s words, “to prevent” the chaining.\(^\text{904}\)

In the light of sixteenth-century Transylvanian and Polish-Lithuanian constitutional developments, Locke’s notion of the social contract appears less novel than Arendt suggests. The English seventeenth century was certainly innovative, and Locke had

his share of “revolutionary” ideas, but as far as the notions of covenant and “Body Politick” are concerned, his vision was not much different from classical and early modern civic republican thought. The Polish-Lithuanian and Transylvanian covenants put in practice precisely what Arendt claims Locke invented: a prevention of chaining.

905 On Locke’s radicalism, see Richard Ashcraft, Revolutionary Politics & Locke's Two Treatises of Government (Princeton University Press, 1986). Locke’s vision of property rights, however, was quite similar to that of Cicero (see Chapter 3). In my view, Locke’s most notable innovation was to define the individual as “Man” rather than “citizen,” and not only in the “state of nature,” but also in society. For illustrations see John Locke, Two Treatises of Government, ed. Peter Lanslett, (Cambridge University Press, 1970), 343, 378.
CONCLUSIONS

So these are the orders and the main authority of the king, of the senate and of the nobles, based on which they deem their government to have the form of a republic, which word they have on their lips constantly; but in this they are greatly mistaken, because of the three forms of government about which the wise write, it cannot be said that here either of the three is met perfectly. For he is not really king who does not have the amplest authority over his subjects, hence Poland cannot truly be a kingdom, since the king cannot deliberate about many important things… without the intervention of the senate and the general Diets. It is not a government of the best [either], since the nobility amounts to two hundred thousand men; and besides, the senate cannot pass sentences without the king, who is supposed to hear all [cases]; and for issues of great importance, the Diets—which are the gatherings of the nobility—are convened; and to all this should be added that it is the king, and not the republic, who distributes the honors and the dignities to whomever he pleases, for life. It is not a popular [form of government] either, because beside those few ones who are part of the Senate… others do not participate in government, and not even at general Diets does the plebs have anything to do. Besides, one cannot have any type of republic if those who govern are not gathered in one city alone, as is the case with the Poles, who are [scattered] in diverse countries and provinces; therefore one may say that theirs is a mixed government, or better still, a moderate monarchy.  

In the early 1570s, a state of legal and political confusion allowed the most active political groups of Transylvania and Poland-Lithuania to express and implement their political preferences through the very changes that needed to take place in order that public peace and order be re-instated. The Transylvanians rejected Habsburg suzerainty and chose the right to assemble and select their prince under Ottoman protection instead. The Polish-Lithuanian szlachta made a stern statement against hereditary monarchy and in favor of their newly re-established and re-defined right to elect their kings. In both countries, the concern for upholding political and religious liberties was of high priority. However, in doing so, they also cleared the

way for the many troubles of the interregnum periods, which were more often than not tumultuous, unstable times when regular affairs were disrupted and political rivalries exacerbated. Power was redistributed, alliances made and broken, fortunes and political capital was made and lost. Many were concerned with the factionalism that such transition periods entailed, and worried that private quarrels prevailed over the public good, while the *regnum* was endangered.⁹⁰⁷

Nevertheless, despite the factionalism engendered by Polish-Lithuanian interregna and the uncertainties and power struggles brought on by Transylvanian elections, the estates in general and the lower nobility in particular insisted on their right to elect their rulers. They looked at interregna, with all their risks and inconveniences, as a guarantee of their liberty—not a threat to it. This vision was repeatedly asserted throughout the seventeenth and eighteenth centuries by proponents of the classical republican view of politics according to which a free commonwealth is one in which rulers are accountable to their communities and politics is a part of every citizen’s life, not a profession. In the eighteenth century, when plans to replace the Polish-Lithuanian elective monarchy with a hereditary one were dominating public debate in the Commonwealth, Jean-Jacques Rousseau—while acknowledging the need for certain reforms such as introducing majority rule in voting—reminded the Poles that free elections were the essence of their liberty.

⁹⁰⁷ See Orzelski’s lamentations about the period immediately following Henri’s departure from Poland in 1574 (Orzelski 299).
and insisted on the perils of hereditary monarchy. In fact, Rousseau was doing little more than repeat the arguments that had been used by the szlachta throughout the early modern period against all proposals to introduce election vivente rege or to eliminate elections altogether.

Transylvania and Poland-Lithuania compared. The Transylvanian election of 1571 differed from the Polish-Lithuanian one of 1575 in several fundamental ways. Firstly and most obviously, Poland-Lithuania had more elaborate interregnum and election rules. Secondly, the pool of candidates was also bigger and involved foreigners, which was not the case in Transylvania. This in turn made deliberations longer in Poland-Lithuania, considering that the envoys of the foreign candidates had to present their case in front of the Sejm, and only afterwards were debates able to start; in Transylvania, by contrast, the candidates were already known to the voters since they were members of the native nobility, and electoral persuasion by the candidates was thus reduced to a much more informal type of campaigning, which did not involve written statements and contractual promises to the electors.

Thirdly, Poland-Lithuania had more complex mechanisms to deal with regular administrative and judicial affairs during interregna, which meant that a delay in filling the royal position was not as disruptive as the absence of a prince in

Transylvania: not only did Poland-Lithuania have an Interrex, but also they had developed certain methods—as problematic as they were—of dealing with judicial matters during the vacancy of the throne. Fourthly, Transylvania wanted to go as fast as possible through its equivalent of interregna because the estates’ concern with security overrode the squabbles over who should be prince and encouraged compromise and consensus, which in turn gave the ruler more autonomy from the estates than was the case in Poland-Lithuania. Fifthly and most obviously, the Polish-Lithuanian Commonwealth was a monarchy, whose future king would have wielded more power than the prince of Transylvania, with his uncertain position between Istanbul and Vienna, ever could. The stakes, therefore, were much higher in Poland-Lithuania and everybody—candidates and voters alike—was aware of it.

Perhaps the most significant difference between the elections of 1571 and 1575 was the degree of consensus and the capacity of rival factions to compromise. Even though no voting rules had been established, nor was it entirely clear that free elections were going to happen at all, the Transylvanian election was rather unproblematic in itself, despite the agitation caused by Bekes’ efforts to enlist more supporters and block Báthory’s access to the public convention. What matters is that, in the end, even though the pro-Habsburg faction of the testament executors was unable to impose their choice of candidate, they did not attempt to provoke a double election as was going to be the case in Poland-Lithuania—they chose compromise instead.
The circumstances of Báthory’s election in Transylvania and particularly the solution of compromise between two factions share more similarities with the election of Henri de Valois in 1573 than with the Commonwealth’s second election. Notwithstanding the fundamental differences between the two cases (the Transylvanian compromise was, after all, not a public act, but done behind closed doors and in the presence of only a few councilors), both of these instances were founding stages of elective polities, at moments when the “laws and liberties” of the estates were more important than the identity of the running candidates, and when the utmost priority was the confirmation of the right to free elections, which had been proclaimed but so far not exercised, and thus remained uncertain.

In both of these cases, the estates were concerned enough with that uncertainty to be able to unite their fronts against the elements that attempted to limit the electoral process to the wise and few. The fear of losing their right to elect contributed to the swift consensus over the one candidate who did not seem to threaten that right and with whom they thought could successfully oppose those who did. This is why Transylvania’s first separate election, like that of the Polish-Lithuanian Commonwealth in 1573, was largely consensual and generally accepted even by the opposing faction. In this context, it is important to note that Bekes accepted Báthory as voivode at the election assembly and only later defied his authority. In other words, despite Bekes’ repeated attempts to challenge Báthory’s position on the throne between 1571 and 1575, the latter’s troubles in Transylvania
were essentially caused by the disobedience of a rebel, and not by the arguably legitimate claims to power of a simultaneously elected rival, as was going to be the case in Poland-Lithuania.

Báthory’s personal experience with politics in Hungary in general and in Transylvania in particular played a role in his familiarity with the fundamental premise of elective monarchies and his ability to function as the elected king of a constitutionally defined monarchy. The Polish Crown, just like Hungarian and Bohemian royalty, was based on the principles of “polity-centered kingship” that had been synthesized from ecclesiastical as well as juristic visions of rulership in the late Middle Ages, but which had been largely abandoned, by the mid-sixteenth century, in the rest of Europe. At the time of Báthory’s election, Poland-Lithuania had already made the transition between Crown and Republic by taking even further the medieval theory of the indivisible body politic and grounding royal authority even more solidly in the community that formed the republic. “The king dies, but the Crown never does,” wrote Joachim Bielski in Kronika Polska at the end of the sixteenth century.

French constitutionalists had also been testing the ground in the same direction, but these were experiments that ceased soon after the consolidation of Henri IV’s power in the 1590s. According to Vindiciae, contra tyrannos (1579) the

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910 See Kantorowicz, The King’s Two Bodies, chapter 5, 193-272.
911 Cited by Gieysztor in “Gesture in the Coronation Ceremonies of Medieval Poland,” in Bak, Coronations, 153. See also the disjunction made by participants in the Sandomierz rokosz (1606) between loyalty to the crown and loyalty to the king, in Wilson, “The Jewel of Liberty Stolen,” [2].
king dies, but the people—the body politic—never does; soon afterwards, however, Le Roy reaffirmed the preeminence of royal majesty and the necessity that it have no source other than itself, by reinstating and underlining the claim according to which the king never dies. That Poland-Lithuania’s first elected king came from a political culture that was fundamentally different from the Central European one is illustrated by the ways in which he addressed his electors both before and after his coronation. Henri’s public statements are peppered with references to love as the fundamental bond between king and subjects, in stark contrast to Báthory’s own speeches, which betray a vision of kingship that is essentially legalistic and contractual, and which corresponded to the ways in which the Transylvanians—particularly in matters of taxation and religion—had also shaped their body politic. Báthory’s “training” in Transylvania helped him understand the political language spoken by his Polish-Lithuanian electors because it was essentially the same as that spoken in his home country. He may have perceived the szlachta as overstepping the boundary between their role as guardians of liberty and his own mission to govern

912 Richard A. Jackson presents this idea as a “catchphrase” of the “proponents of hereditary monarchy” and indeed, the *Vindiciae* posits the “king dies” phrase in opposition to the dynastic principle, while Le Roy uses it again to claim that “the kingdom of France, without form of election, goes always from male to male to the nearest of the lineage in such a way that the king never dies, as is said.” Nevertheless, it should be noted that “the king never dies” formula had in fact been hijacked by proponents of the hereditary right of succession, whereas initially it had served a different purpose, namely that of emphasizing the separation between the king’s person and his royal dignity. Jackson, “Elective Kingship and Consensus Populi in Sixteenth-Century France,” 161-162, 165; and Kantorowicz, *The King’s Two Bodies*, 383ff.

913 See, for instance, VC 333-334. The emphasis on “amour” is even more visible in Henri’s speeches as king of France. See for instance BNF, ms. fr. 15890, f. 465 (speech at the Blois Estates General of 1588).
(“I am your king and I want to govern”), but what matters even more was that he was aware that they had a role in the Republic in the first place: they were not only subjects, but also citizens.

The authority and power of elected rulers. By establishing their right to elect their rulers and by regulating (or at least attempting to regulate) the continuing administration of their countries during periods of interregnum, the estates firmly located the source of political authority in themselves, as constituents of the political community, the respublica. Yet the fact that the Polish-Lithuanian monarch was elected (and not an heir) did not automatically diminish his authority—it only allowed the other members of the body politic to participate in it, particularly at its founding moment, which was represented by the act of election. The king remained a quintessential and arguably the most important member of the Republic, without whom both the Senate and the szlachta refused to change the laws of the country or deliberate about the most important judicial cases—as was also the case in Transylvania, where the periods of power vacuum were shortened as much as possible, mostly for security reasons. Despite the relative institutional weakness introduced by the elective nature of the monarchy, the king of Poland-Lithuania had quite an important role in the Commonwealth: he was simply indispensable.914 Báthory may have complained about the Polish szlachta’s lack of reverence and he

914 See also Dubas-Urwanowicz, Koronne Zjazdy Szlacheckie, 338.
may have had to remind them that he was, after all, their king, but his fundamental royal majesty, which had been conferred upon him during the sacred rite of coronation, was never challenged in itself nor taken away from him. Quite to the contrary, it was precisely the elective nature of his position that Báthory used in order to reassert his authority at times when he felt it was threatened or disregarded by the Poles, by underlining that they were bound to him by their own choice, thus emphasizing that his authority had been strengthened by the electors’ own responsibility, which flowed directly from having acknowledged and accepted it out of their own free will. Election may have reduced the independent authority of the monarch, yet it infused it with the legitimacy of consent.

Robert I Frost has pointed out the tendency in Polish historiography—as well as among early modern outside observers—to suppose that kings, by virtue of their elective status, were weak in Poland-Lithuania. Frost shows that this was not really the case under the Vasas nor generally in the Commonwealth, and that the szlachta generally avoided denting royal power, despite their tendency to “disrespect” it. Jerzy Lukowski insists that royal elections and, more precisely, interregna, even though they “made Polish nobles free and, therefore, noble,” were the source of the

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915 The “obsequious disrespect” of the szlachta may also be seen in Kantorowicz’s terms of separation between the king’s person and his majesty. Báthory’s impatience with the szlachta’s irreverence and his insistence that they treat him as a king, and not a fictitious persona, is the best illustration of that tension.


Commonwealth’s troubles by creating “artificial and unnecessary conflict,” and that elections *vivente rege* or the reestablishment of dynastic succession would have saved the country. Alternatively, combining elective monarchy with a reduction of the king’s powers, such as his control over the distribution of offices, may have equally helped.⁹¹⁸

I maintain that this latter suggestion misses the point of royal elections in pre-Enlightenment Poland-Lithuania, when it was precisely because the position of the monarch was so important and, ultimately, powerful, that his office was elective; if he did not matter, there was little reason why the szlachta would have made a fuss about how he climbed onto the throne—as illustrated by the Constitution of the 3rd of May, which made the king simultaneously hereditary and weak, or, in other words, with much authority and little power (and no responsibility), thus turning on its head the Polish-Lithuanian monarch’s previous position. It seems that many of the theoretical confusions made by historians in trying to estimate the “power” of a monarch was to measure it by how he acquired it, i.e., by heredity or by election, when in reality the two issues were separate: one the one hand, the question of authority and legitimacy related to election, and on the other hand, the degree of effective power coming from the king’s prerogatives. Election, while it may have limited the ruler’s authority by making it clear that it emanated from his electors, did not necessarily make him a “weak” ruler, as the case of Transylvania, where

Báthory’s powers had fewer and less precise constitutional checks than they did in
Poland-Lithuania, amply demonstrates.

Indeed, in the late sixteenth and the early seventeenth centuries even the
“disrespectful” Polish-Lithuanian szlachta was quite careful about diminishing the
king’s power in the realm. It seems they only did so when pressed by necessity, as
was the case with the judicial reform of 1578, which reduced the monarch’s judicial
prerogatives mostly because he was not able to fulfill them—either because of
illness, old age, interregna, or physical absence from the country. Even in that case,
the establishment of the Crown and Lithuanian Tribunals was not so much an
expression of the struggle between szlachta and crown, but rather a manifestation of
the tensions between szlachta and the ecclesiastical order. True, the nobility was
wary of kings and their natural tendency to abuse their power, yet they saw them
as an integral part of the Republic without which it could not function properly,
particularly as far as justice and war were concerned. This is illustrated by the
szlachta’s impatience to crown Báthory as soon as possible in 1576, when it became
apparent that the authority and power of their king embodied their own authority and
power—he essentially became their representative, particularly in the context of a
divided country.

Łukasz Opaliński wrote in 1641 that human nature made it difficult for kings to limit themselves to
the authority and power granted to them by the laws and that therefore they needed the supervision of
the Senate. See Łukasz Opaliński, Wybór Pism (Wrocław: Zakład Narodowy im. Ossolińskich, 1959),
70-71.
Elections were therefore the most effective and the simplest way of having influence over the monarch’s position without significantly diminishing his role in the Republic. The proposals for reforming the monarchy that were circulated in Poland-Lithuania in the eighteenth century suggested a different political vision that included shortened interregna and kings “without power and almost without authority,” which leaves one wondering why such rulers were even needed in the first place. The new form of Polish-Lithuanian king proposed by the Enlightenment was institutionally weak and at the same time irresponsible of his actions thanks to the elimination of elections and of the right of resistance, which indicates that the time of *forma mixta* had certainly passed. Back in the sixteenth century, however, the monarch was conceived as what we would see today as an equivalent of the American executive power; diminishing that would have meant unbalancing the equilibrium between the members of the mixed government. The Sejm was mostly understood as a guardian of liberty, as Báthory himself put it in one of his angry outbursts; a check on the power of the monarch, but not meant to govern itself. It was not until the eighteenth century that this image was going to change and proposals for a stronger Sejm were going to be advanced in the wake of the first partition. A constantly-working Sejm that was a partner for the king and his

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ministers in the process of governing, as envisioned by several reform proposals at the end of the eighteenth century, including the Constitution of 1791, was certainly a significant change from the guardian-Sejm that was only supposed to meet every two years. It was certainly meant to make government more efficient, yet in the process it was going to transform politics into a specialized profession, thus creating a gap between increasingly passive regular citizens, on the one hand, and politicians or parliamentarians, on the other. This version of politics—the modern liberal state—while solving some of the problems of early modern republics, created new ones: “Representative government itself is in a crisis today, partly because it has lost, in the course of time, all institutions that permitted the citizens’ actual participation, and partly because it is now gravely affected by the disease from which the party system suffers: bureaucratization and the two parties’ tendency to represent nobody except the party machines.”

**Senate versus citizens.** Certainly, the civic republican vision of politics was not prevalent at all levels of society, neither in Poland-Lithuania nor in Transylvania. On the one hand, citizenship was limited to a number of legal and social groups only—from this point of view, Transylvanian politics was actually more inclusive than the Commonwealth, considering that the Seckler communities and the Saxon towns, while undoubtedly dominated by the noble natio and the nobility of the Partium

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922 Arendt, “Civil Disobedience,” in *Crises of the Republic*, 89.
counties, were nevertheless able to have more direct input on central government than the Polish-Lithuanian burghers and Cossacks could ever dream of. On the other hand, there was also a clear separation, within the body of citizens itself, between a smaller circle of councilors (in Transylvania) or senators (in Poland-Lithuania) and the rest of the citizenry represented in the partial or general assemblies of the nationes and Partium counties (in Transylvania) or the Sejm (in the Poland-Lithuania).

This separation became manifest in the context of Stefan Báthory’s elections in 1571 and 1575, when two visions of politics clashed on the election field: on the one hand, a small group of powerful councilors, office-holders, and courtiers who had been used to running government affairs before the 1570s; on the other hand, the rest of the estates who felt entitled to have a say in the most important government affair: the election of the ruler. The conflict was more obvious in Poland-Lithuania, where a double election ensued and where it became strikingly apparent that the logic employed by Uchański and the senators, and to which the Lithuanians subscribed as well,\(^{923}\) was different than that of the szlachta: not only did the pro-Habsburgs prefer a powerful ruler without regard to whether they could control him or not, but they also saw politics in a highly hierarchical way that was mirrored in the language they used when they justified their choice. From this perspective, the

\(^{923}\) I am cautious about assigning the Royal Prussians to the same type of “senatorial” mind-frame, even though their choice of candidate happened to coincide with that of the senators and Lithuanians. Gdaиск’s rebellion demonstrates that Prussian cities, at least, were not exactly prepared to yield autonomy to powerful rulers and central government.
difference between the two separate proclamations of Maximilian and Báthory in December 1575 may be subtle, but it is quite significant: on one side stood the Archbishop who, “with the consent of all, nominated us a king,” and on the other side, the Polish szlachta (and the senators who preferred to associate with it), who “wanted to elect ourselves a king.”

Similarly to the situation in the Commonwealth, in Transylvania there had been a group of dignitaries who may be seen as the equivalent of the Polish-Lithuanian Senate and who had been the most important members of the princely council prior to János Zsigmond’s death; like the “Caesarists” in Poland-Lithuania, they were loyal to Maximilian II—at least initially—and they attempted to ensure Vienna’s control over Transylvania. Moreover, they—and that includes Báthory himself—tried to limit the 1571 election to only a select few (the delegates of the nationes and the Partium counties), while the nobility and Secklers were gathered outside the assembly place and did their best to influence elections. Contrary to their counterparts in Poland-Lithuania, the scheme of the Transylvanian “senators” succeeded—after all, with Báthory’s instrumental help, they managed to keep the rowdy nobles and Secklers out of Gyulafehérvár. Yet they were able to do so only after acknowledging their demands: on the one hand, their insistence on “free” elections, and on the other hand, their preference for Báthory. From this perspective, it is significant that Báthory had to ingratiate himself not only with the Porte, but
also with the Secklers and nobles, in order to emerge as the most fitting ruler for Transylvania and the winner of the election.

Not only was there a certain tension between “senators” and the rest of the political community, but also, each time the former tried to act together, as a group, and impose their views against the wishes of the latter, they failed. Despite their extensive power networks and their superior resources, neither János Zsigmond’s closest councilors and main dignitaries, nor the Polish-Lithuanian Interrex with his friends and allies were able to usher Maximilian II into their respective countries against the wishes of the lower nobility. This is not to say, naturally, that the “senators” had completely lost their relevance and influence on politics. Quite to the contrary, as the Polish-Lithuanian election shows, they were regarded as natural leaders of the nobility, but only as long as they chose to ally themselves with it.

Those castellans and palatines who remained with the nobility of their respective palatinates after Uchański’s secession from the election field in December 1575 were also those who dominated the debates on the election field: Piotr Zborowski, Jan Zamoyski, Stanisław Szafraniec both arbitrated and guided the nobility from their regions on the road toward Báthory’s eventual election.

This phenomenon (which cannot be observed in Transylvania’s much more consensual election) suggests that there was a marked preference among the Polish szlachta to replicate the model of the forma mixta at a regional level. They were ready to be led by their palatine and castellans as long as they descended among their
midst, as it were, and actively conducted politics with the rest of the country from within their regional banner and as representatives of their “younger brothers,” not as a separate state institution. An indication that this was so is that every time the Polish-Lithuanian senators acted separately from the rest of the citizenry and proceeded to make electoral choices among themselves as a group, they lost—as was the case not only in 1575-1576, but also in 1573 and 1587. The resistance of the nobility to this separation may be seen as a resistance to the transition from republic to state as it was diagnosed by Viroli in the Italian context; if the senators were more likely to speak the language of the “reason of state,” the szlachta was still functioning—and successfully so—in the logic of “politics” and the forma mixta.

The mixed language of mixed governments. The division between senators and the rest of the citizens was, however, by no means fixed or complete, nor do the distinctions between the politics and the reason of state entirely hold true at a closer examination of the language used by either group at times of interregna and elections. From this perspective, the puzzle which confronts the student of early modern elective monarchies is not so much the political structure of these societies and the ways in which different groups interacted with one another, but rather the mixed identities of political actors themselves. In other words, it seems that in elective monarchies and particularly at moments of election, kings (or future kings) were not simply regal, senators—aristocratic, and the regular members of the estates...
and orders—democratic in their language and behavior. In reality, as shown in the preceding chapters, they spoke and acted both as rulers and the ruled; they were at times citizens, subjects, office-holders, princes, and kings at once.

The elections examined in this dissertation offer a few glimpses of the practical and theoretical ways in which the political actors of the time managed to solve, or at least live with the contradictions of early modern *formae mixtae* without seeming to be in visible conflict with and over them. What gradually emerges from the sources is an image of societies where social and political groups were not political actors with fixed identities and interests, but that they rather influenced one another, took on different roles, and adopted different discourses, according to context, circumstance and, perhaps, a political philosophy that did not fit neatly into any of the theoretical categories thought up by modern analysts.

This “multiple-personality syndrome” was most visible during interregna, elections, and the periods immediately following electoral moments, when the temporary absence of a ruler enabled the other members of the body politic to take over some of his functions, as well as impress upon him—before, during, and after the election—their own interests and concerns, without completely discarding the ruler-subject tones of this relationship, once it was reestablished. This explains why, particularly during periods of power vacuum, civic-minded citizens were not only concerned with their liberty, but they were also forced to worry about public peace, security, justice, and simply keeping the Republic together. As Chapters 1 and 4
illustrate, their language at times adopted the pragmatic tones of rulers and may be compared with Viroli’s language of the reason of state, or with the later types of liberal discourse that focused on such motifs as fear and security as the main motors of political action.

During perilous times and uncertain elections, it was rather fear of invasion by outside powers and the need for security and protection that seemed to dominate the mind-frame of electors, rather than the classical concern for greatness and glory, so exalted by Machiavelli at the beginning of the sixteenth century and eventually appropriated by rulers and not by citizens in early modern polities—as illustrated by Báthory’s obsession with glory and posterity. Yet the weight of fear and insecurity did not, as Hobbes would have imagined a century later, lead toward a voluntary sacrifice of liberty—the one classical republican value that was never dropped from the nomenclature of early modern Transylvania and Poland-Lithuania. Even though both the Transylvanians and the Poles were in search of security and public peace, they were not willing to obtain it at all costs—hence the insistence on a balanced system in which the ruler would still be powerful enough to be able to offer protection and justice, but not powerful enough to be able to stifle their laws, privileges and liberties.

The interactions between rulers and citizen-subjects which are explored in this project may easily be transposed in liberal terms of pragmatic compromise between divergent self-interests and “contractarian” thinking. Nevertheless, the logic
of pragmatism, which proves to be a valid tool in understanding the greatest part of early modern constitutional politics, fails to account for the importance of political values. The concern for the “common good”—repeatedly and insistently exhibited by rulers and their citizen-subjects alike—may have indeed been hypocritical. But even if it did not correspond to reality, it still ordered it and gave it structure and goals. The language of “liberty” and the “common good” was essentially the language in which the citizens of Transylvania and Poland-Lithuania talked to themselves, and according to which they judged their own actions and the actions of others. Even though republican ideals were not always met by reality, even though the public good was often used as a disguise for private interests, and the concern for self-preservation and “reasons of state” sometimes took precedence over the concern for virtue and the interests of the commonwealth, it is no less true that civic republican values, among which “liberty” had the higher place, remained dominant in the value system of Transylvania, and particularly that of Poland-Lithuania. They were significant inasmuch as they provided a moral framework against which actions were constantly evaluated. As Harvey C. Mansfield writes in a different context, “it’s a pretty picture. It’s the one we hold of ourselves, and it is to some extent, even to a

924 I am paraphrasing Skinner, who wrote about the history of political thought of his generation (and particularly in reference to Pocock) as a “more wide-ranging investigation of the changing political languages in which societies talk to themselves.” Skinner, Liberty Before Liberalism, 105.
considerable extent, true. If it does not quite represent how we behave, it shows what we want and where we intend to go.”

One of the reasons why the tension perceived by us, modern observers, between the public good and the private interests of the members of a body politic dominated by classical republican ideals is so troublesome—and in many ways a dead-end inquiry—is perhaps that we generally assume, convinced by the lamentations of some of those same republicans themselves, that private interests necessarily went against the public good. Yet if a Republic is “owned” by its citizens, as Andrzej S. Kamiński has often underlined, then private interests, although not identical to the public good, are necessarily intertwined with it, as Tocqueville pointed out in reference to America. In such a context it is possible for self-interest and self-preservation to become equivalent to the preservation of the commonwealth and in this sense, the language of the reason of state is not necessarily the destruction of the language of politics, but rather one of its pragmatic derivatives, as long as it is spoken by citizens—albeit episodically—and not by the ruler alone.

927 “If, amid this general upheaval, you fail to link the idea of rights to individual self-interest, which is the only fixed point in the human heart, what else have you got to rule the world except fear?” Alexis de Tocqueville, *Democracy in America: And Two Essays on America*, trans. Gerald E Bevan (London: Penguin, 2003), Part II, Ch. 6, 279.
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