

UNIVERSITAS SAXONUM – A POLITICAL AND ADMINISTRATIVE INSTITUTION OF THE TRANSYLVANIAN GERMANS

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***Abstract:** The German colonists of Transylvania received in the 13th century the right to manage their territories. Their religious organizational structures are very old (called capitles) and then their administrative structures follow: counties and districts. The German administrative territory was called fundus regius and it enjoyed numerous privileges granted by the kings of Hungary. In the 15th century Universitas Saxonum was established for the purpose of mixing the Germans’ political and administrative interests. After researching the structure of this institution in Sibiu, we have obtained a better understanding of their political, national and cultural features.*

***Keywords:** kingdom, autonomy, institution, tax, council.*

1. INTRODUCTION

Transylvania is located inside the Carpathian Mountains chain, and due to its geographical positioning, natural resources and economic and human potential it has always been a focal point of the surrounding powerful states. First, it stirred the interest of the Hungarian kingdom, then of the Turks’ empire, and then of the Habsburgs’ empire. The young kingdom of Hungary, set up after the 10th century, attempted to control the Country beyond the Forests, as Transylvania was called. Their military actions of the 10th and 11th centuries focused on two directions: territorial colonization and population’s conversion to Catholicism. They found here a protho-Romanian population religiously affiliated to the orthodox Constantinople. The tactics adopted by the Hungarians was based on bringing into these territories populations loyal to the Hungarian kingdom. Thus, Transylvania was colonized in two stages:

- the 11th and 12th centuries, when the Szeklers were brought here in order to protect the borders of the new province;
- the 12 and 13th centuries, when the German colonists were brought here from the Flanders, Rhine and Saxony. Their main duty

was to organize the towns according to the western patten and to insure economic prosperity. They were granted the right to settle down and organize themselves autonomously by the Hungarian king Andrew the 2nd in the year 1224.

In the 14th century, Transylvania was under full control of the Hungarian royalty structured in two autonomous areas: the Szeklers’ area in the south-eastern part, and the Germans’ in the south-western part. Throughout the centuries, the two populations would strengthen their privileges. The rest of the territory was organized in counties owned by noblemen loyal to the Hungarian authorities.

In the early 16th century, Transylvania drifts away from the Hungarian kingdom that had been seriously damaged by the Turks’ attacks, and for the next 200 years it would become an autonomous kingdom which bought its autonomy by paying taxes to the Turks. This was the most prosperous, but also agitated period in the province’s history, when its princes played an important role in the European political decision making. At the end of the 17th century, Transylvania would be a part of the Habsburgs Empire until 1918.

Our article focuses on a fragment of Transylvania's history, that is, the German administrative and political institution.

2. UNIVERSITAS SAXONUM

2.1 The background of establishing the institution. The right to autonomous administration granted to the Germans upon the colonization of Transylvania is the first argument to sustain the establishment of a political structure. Its name derives from the Latin word *universitas*, which designates a political body with public law duties. The document issued by the Hungarian king Andrew the 2nd in 1224 stipulates the following:

1. the territory given to the Germans was bordered by Orastie, Baraolt and Drauseni;
2. the yearly tax paid by the Germans was 500 silver marks;
3. The province of Sibiu was ruled by a supreme judge elected by the Germans and who was named Comes Saxonum in the year 1477 to represent them to the political authorities;
4. the German population had to support the Hungarian king in combat with 500 soldiers;
5. only the king had the following rights:
 - a. sealing;
 - b. recognition of the elected representatives;
 - c. salt exploitation;
 - d. fair organization on the date proposed by the local authorities;
 - e. use of forests; ponds and hunting areas.
6. the colonists alone had the right to decide who would be allowed to settle down on their land;
7. the colonists had religious freedom and their own priests provided that they paid their annual tax to the bishop of Alba Iulia.

Another argument to support the establishment of a political body was the unification of the political forces in Capalna in the year 1437 – the so called “unification of the three nations” in front of the Romanians. It was a defense alliance that led to the

enforcement of the Germans' political position in Transylvania.

In the 16th century, the economic power of the German towns was increasing. The Germans would support the Transylvanian rulers against the Turks, which would result in their significant economic strength.

The decisive period of the university establishment was the recognition granted by the Hungarian king Matei Corvin on 19 October 1486. This was when the university was organized according to some rightful principles, among which the most important was autonomy, both in a territorial sense, and in a personal-corporatist sense (Teutsch, 2001:56).

2.2 The Germans' University during the Transylvanian principality period (the 16th and 17th centuries) – a political institution

This period was when the university knew maximum development. Then the university statute was drawn up and it stipulated the following:

1. the university was managed by the German head elected for a limited period;
2. the university gathering (made of the representatives of all the counties and districts, as well as the judge, the mayor of Sibiu etc.) met once a year, on 25 November, and made decisions regarding the most important issues;
3. the tax level was set up for each administrative unit;
4. granting the right to organize fairs and guilds as a legislative body;
5. the approval of each locality's ordinances and statutes;
6. legal duties as a superior court (litigations between noblemen and German communities, border delimitation etc.);

The most important activity was the political one. After the battle of Mohacs and Hungary's transformation into a Turkish province, Transylvania had to perform its own political roles. Thus, its representatives had to travel to Rome, as the letter of Michael Gereb of Sighisoara reveals. He asked for the Sibiu magister's recommendation in order to visit the pope (Statarchive Wien, d.14/f.79), and so did the university when protecting the Germans' rights. In the second part of the 16th century, the university representatives

strengthened their right at the meetings of Turda and Sighisoara. At the same time, two major towns fought for supremacy: Sibiu and Brasov, simultaneously with the Lutheran reform spreading among the German people.

By using its economic power, Brasov succeeded in obtaining a short-lived support from the king Ioan Zapolya in order to gain supremacy. However, Sibiu returns to its previous privileges as the Germans' political and cultural center. The archive of Vienna preserves numerous documents connected to the activity of the German University. The activity of copying these documents was undertaken by the German leaders for back up purposes (Statarchive Wien, d.14/f.359, f.310).

The university makes decisions in confessional problems such as the recognition of a Evangelic church in 1557 after the confession of Augsburg in connection with the superintendents and bishops' roles within the parishes (Dangsch, 1990:197). Also, the university made decisions in the field of education thus controlling the community's moral and spiritual life. The council of the Principality of Transylvania was attended by officials appointed from Sibiu. In a document dated 1744 the German delegates are listed: Georg Kelp – official of Sibiu, Stephen Weingarten – notary of Sighisoara, and Michael Schwartz – juror of Rupea. The document was signed by the empress Maria Theresa (Statarchive Wien, d.18/f.270-285). In the second part of the 17th century the control of the university belonged to some influential families of Sibiu, who acted to the detriment of the ordinary people. The university then became a truly modern institution representing the interests of a nation.

In the archive of Vienna there is a document: a petition of a royal judge of Sibiu, who demanded that the tax from the German territory be collected by their representative as the council of Turda had confirmed (Statarchive Wien, d.18/f.862-863).

In the 18th century the situation changed. The court of Vienna set up many bodies that replaced the local ones: the Transylvanian government, the Aulic Chancellery, the Treasury, the Royal tables and the province administration. All of these were served by

catholic clerks loyal to Vienna and unaware of the Transylvanian realities.

The university would be forced to apply the *Edict of living together* issued by Joseph the 2nd on 4 July 1781, which “*granted all the local people the right to citizenship and ownership, regardless of their religion or denomination*” (Vlaicu, 2000:12). In the next century, the university would be served by Romanian clerks, too.

The relationships between Vienna and the Germans became stronger after 1650: on 5 January 1701, Johann Sachs of Hassalch informed Leopold the 1st that shelter was provided for the Wallachian prince Constantin Brancoveanu and his family in Brasov and asked that his family rights be enforced (Statarchive Wien, Konv.A/f.387).

2.3 The dissolution of the University.

After 1876, the system of administrative autonomy in the territory of the Habsburg Empire was dissolved, and the old institutions were replaced by the ones belonging to the court of Vienna.

Half of the University's fortune was owned and controlled by the Institution of the 7 Judges (Orastie, Seica Mare, Cincu, Sebes, Rupea, Miercurea and Sighisoara). It also controlled the trades and tax collection in the passings of Talmaciu and Turnu Rosu.

The role of the University in controlling the royal land is illustrated by a document dated 25 February 1729 dealing with tax distribution in the territory and issued by the emperor Carol the 6th (Statarchive Wien, d.12/f.123).

Once the Austrian – Hungarian regime was established, the Germans built high hopes. They hoped to have their medieval rights and privileges renewed, but they were annulled instead. Thus, in 1868 a foreign representative was appointed to rule the University instead of a German one. This man called Moritz followed the orders he received from Vienna. On 28 March 1869 a new reform placed all the county and district clerks under the control of the Ministry of Home Affairs and the military commissioners. The aim of Kalma Tisza's regime was to remove the Germans' autonomy and to turn the territory into a Hungarian one. His actions resulted in the law of March 1876,

which stipulated that the University and the Institution of the seven judges be dissolved.

The faith of the considerable university fortune was discussed by a commission of the Ministry of Home Affairs until 1883. The amounts of money, which had been allocated to educational establishments such as Honterus High School of Brasov or the Greek Catholic schools of Sebes and Orastie, were confiscated. A small part of this fortune was divided between the Evangelic school of Sibiu and the Romanian high school of Orastie. Many other real estate properties of the university were confiscated, and apparently only one house was preserved in Sibiu. This is where the archives were preserved until the year 1900, when they became part of the state archives.

The role played by the university was therefore an essential one as it was a unifying factor in terms of the medieval autonomous structures.

3. CONCLUSIONS

The colonization of the German population in Transylvania was a decision made by the Hungarian royalty in order to ensure the economic development of these territories. At the same time, the Germans were granted the right to settle down in southern Hungary. The structure of their villages and towns had a strong western flavor and resulted in the development of commerce and crafts. Initially,

the Germans were catholic, but they joined the evangelic church as soon as the reform began. The religious structures coincided with the administrative ones, and they were grouped mainly in the south-western part of Transylvania. They were ruled by a county or district judge and a royal clerk. The initial religious and administrative center was Sibiu, where the Germans' representatives were elected and Universitas Saxonum was set up for political and administrative reasons. It functioned for 400 years. After 1876, when the royal land was dissolved, the university would continue to coordinate the activity of the Germans' schools and evangelic churches.

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