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The Great Migration of Serbs and the Question of the Serbian Ethnic and Religious Community in the Habsburg Monarchy



At the end of the 17th century, by the edict of Emperor Leopold I (1658–1705), the Serbian Orthodox community became privileged in the Habsburg Monarchy, which was a state of distinctly Roman Catholic character. By the ruler's edicts, the community was singled out from the established state and social frameworks, such as legal, religious, class. This happened during the Great Turkish War (1683–1699), in the course of and immediately after the Serbian migration wave, known as the Great Migration of Serbs of 1690. This migration was not the largest migration in the history of the Serbian people, but it was one of the most significant in terms of the consequences. In the beginning, the Great Migration was a tragic episode of the Great Turkish War; however, the effects of this migration were enormous both for the state from which Serbs emigrated – the Ottoman Empire (i.e. the state they fled for fear of retaliation), and for the state in which they settled – the Habsburg Monarchy (i.e. the various lands and provinces it was composed of, especially the Kingdom of Hungary)¹.

¹ For further details about Serbia and the Balkans during the Great Turkish War and about the migration of Serbs, see: Д. Ј. Поповић, *Велика сеоба Срба 1690. Срби сељаци и племићи*, Београд

The events that initiated the migration of Serbs during the Great Turkish War were a consequence of the Ottoman offensive in the Balkans in the winter of 1689. At that time, the Ottoman army marched on Skopje, which was the southernmost point of the Habsburg conquests on the Balkan front. The brutality of the army – primarily of Albanian and Tatar units which looted and burned the villages around Skopje, killed and enslaved the local population – prompted the first wave of refugees to flee the area. The decisive battle took place on 2 January 1690 near Kačanik. The defeated Habsburg army began to withdraw, followed by the Serbian units, i.e. the insurgent detachments that joined the imperial army during the war. The road to Kosovo and further to Niš was opened to the Ottoman army, and Tatar units continued the violence and the looting along the way. Many Serbian monasteries and towns in Kosovo, Metohija and Raška were pillaged and burned. The Serbian population was left without any protection because the majority of the male population had taken part in the uprisings and joined the imperial army. Fearing retaliation and violence, thousands of people fled the area. Even the Serbian Patriarch Arsenije III Crnojević could not dare to wait for the arrival of the Ottoman army because of his role in the uprising, and at the last moment, he fled from Peć via Novi Pazar and Studenica to Belgrade. Everyone moved north, towards Belgrade².

A new wave of refugees was prompted by the second campaign of the Ottoman army in Serbia, which began in mid-July under the command of Grand Vizier Mustafa Pasha Köprülü. In addition to the crimes of uncontrollable Tatar and Albanian mercenaries, the people fled because they had nowhere to stay. The retreating Habsburg army destroyed everything behind it. Bridges and warehouses were demolished, entire settlements were destroyed, the harvest was set on fire – partly to hinder the supplying of the Ottoman army with provisions, and partly to drive the population to emigrate. The massacre carried out after the conquest of Smederevo at the end of September strengthened the people's belief that they should flee. The land conquered by the Ottoman army was devastated and desolate. At that time, the Tatar detachments were already plundering the surrounding areas of Belgrade, where a large number of refugees were in exile. The mercenaries

1954; Г. СТАНОЈЕВИЋ, *Србија у време Бечког рата 1683–1699*, Београд 1976; Р. Л. ВЕСЕЛИНОВИЋ, *Срби и српски народ у време бечког рата 1683–1699. године*, “Зборник Матице српске за историју” 17, 1978, р. 163–204; Р. Л. ВЕСЕЛИНОВИЋ, *Србија у Великом рату 1683–1699*, [in:] *Историја српског народа*, vol. III.I, ed. R. SAMARDŽIĆ, Београд 1994, р. 491–572; Т. КАТИЋ, *Tursko osvajanje Srbije 1690. године*, Београд 2012.

² Д. Ј. ПОПОВИЋ, *Велика сеоба...*, р. 26–28; Р. Л. ВЕСЕЛИНОВИЋ, *Србија у Великом рату...*, р. 521–522.

were also conducting raids into Syrmia. The Ottoman army arrived at the outskirts of Belgrade on 1 October 1690³.

On 6 April 1690, during the movement of the Serbian refugees towards Belgrade, which was still under Habsburg rule, the Roman–German emperor and at that time already crowned King of Hungary Leopold I issued *Litterae invitatoriae* – a call to Balkan Christians and countries to rise up against Ottoman rule. Despite the defeats of late 1689 and early 1690 followed by the withdrawal of the Habsburg army from Skopje and Kosovo and Metohija, Vienna believed that a new uprising – or resumption of the uprising – in Serbia, Albania and Bulgaria was still possible. For that reason, the ruler urged the people not to emigrate, not to leave their settlements, but to continue to fight and in every way help the imperial generals who would soon appear on the battlefield with a large army. In return, the emperor granted them freedoms and rights, including the freedom of religion, the right to elect dukes (tribal and war elders – *vojvode*) and the release from public burdens and taxes. In several places in the text, he pointed out that he was acting as the Hungarian king, that he was addressing the peoples who were legally subordinated to him and who would voluntarily return to his legitimate rule⁴. In the appeal, among his titles, Leopold I mentioned the title of King of Serbia – *Serviae Rex*⁵. On the same day, Leopold I sent a letter to Patriarch Arsenije III, urging him to continue to encourage the fight against Ottomans and cooperation with the Christian liberators using the high esteem he was held in by the people⁶.

Patriarch Arsenije III had already arrived in Belgrade when he received the *Litterae invitatoriae* and the letter in the middle of June. At that time, there were

³ For more details about the campaign of Mustafa Pasha Köprülü, see: Т. КАТИЋ, *Tursko osvajanje Srbije...*, p. 34–101.

⁴ Ј. РАДОНИЋ, М. КОСТИЋ, *Српске привилегије од 1690 до 1792*, Београд 1954, p. 35–37, 89–90; Д. ДАВИДОВ, *Српске привилегије царског дома хабзбуршког*, Нови Сад–Београд 1994, p. 93. The basis for Leopold I's *Litterae invitatoriae* was the memorial regarding Albania written by Count Luigi Fernando Marsili, an Italian military engineer and scientist employed by the Habsburgs. In the memorial, he suggested to the emperor to grant the privileges to Serbs and Kelmendi who had joined the fight against Ottomans. Cf. М. КОСТИЋ, *О постанку и значењу тзв. „Инвитаторије“ Леополда I балканским народима од 6. априла 1690*, “Историјски часопис” 2, 1949–1950, p. 144–158.

⁵ The rulers of the Habsburg dynasty, with the Hungarian crown and the Hungarian royal title, took over the title of *Serviae Rex*, which they mentioned in their imperial title when necessary. By the way, Serbia was mentioned in the Hungarian royal title for the first time at the end of 1202 or the beginning of 1203, after the intervention of the Hungarian king Emeric in the conflict between Stefan and Vukan Nemanjić. Cf. Т. СМЉИЌИЋ, *Diplomatički zbornik Kraljevine Hrvatske, Dalmacije i Slavonije*, vol. III, Zagreb 1905, p. 19.

⁶ Ј. РАДОНИЋ, М. КОСТИЋ, *Српске привилегије...*, p.19, 90–91; Д. ДАВИДОВ, *Српске привилегије...*, p. 92.

already many refugees in the town and its surrounding areas. The Patriarch could not make a decision on the ruler's call for a new uprising on his own; therefore, on 18 June 1690, he convened an assembly of secular leaders and church elders from Southern Serbia, Šumadija, Old Serbia⁷, Sarmia and Bosnian Podrinje who were in Belgrade at the time. Along with Patriarch Arsenije III, the clergy were represented by the bishops of Belgrade, Rudnik, Toplica and Bela Crkva, Jenopolje, Zvornik, as well as the abbots of the monasteries of Sopoćani, Studenica, Krušedol, Remeta, Hopovo, Bešenova and Šišatovac. The Serbian militia was represented by captains from Stari Vlah, Kragujevac, (Kragujevačka) Rača, Krupanj, (Sremska) Mitrovica, Irig, Kupinovo, Grgurevac, (Sremski) Karlovci, Banoštor and Čerević. Representatives of municipalities from Belgrade, Irig and (Sremska) Mitrovica participated on behalf of the civilian population. They had discussed the situation in the country and among refugees, as well as the military-political circumstances, and then decided not to accept the ruler's appeal for a new uprising, but to cross the Sava and the Danube with the refugees to Hungary, and to move as far as away from the enemy as possible. Hungary had been recently liberated from Ottoman rule and the Habsburg administration began to be established there. Since the Orthodox people and their clergy were to flee to a state where the Roman Catholic faith was dominant and its ruler waged wars to protect the Roman Catholic Church and faith, it was important to ensure the conditions for remaining in that state. The assembly in Belgrade, therefore, had recognised Leopold I as the Serbian King and sovereign and appealed to him to grant the same rights to the Serbian Church and people they had under the Ottoman rule. The demands of the assembly listed in six points referred to the freedom of the Orthodox faith, the use of the old Julian calendar, the free and conciliar election of the Serbian archbishop, the jurisdiction of archbishops and bishops, canonical visitations, self-governance of churches and monasteries, the exemption from some taxes and duties, etc. The request of the Serbian assembly to the ruler was taken to Vienna by Isaija Đaković, the Bishop of Jenopolje⁸.

The ruler's answer to the Serbian request arrived in the form of a special imperial edict of 21 August 1690. By this act, known as the First Privilege, Emperor Leopold I accepted the request of the Belgrade assembly, and granted the requested freedoms and rights to the Serbian Orthodox Church and people⁹. After receiving the edict, the mass migration of the refugees who were in Belgrade and its

⁷ Old Serbia is a term that geographically encompasses the Raška Region, Kosovo, Metohija and today's northern and northwestern Macedonia.

⁸ К. СУБОТИЋ, *Уговори између Леополда I и српског народа*, "Летопис Матице српске" 184, 1895, р. 5–12; Р. Ј. ВЕСЕЛИНОВИЋ, *Срби у Великом рату...*, р. 525–527; И. ТОЧАНАЦ, *Српски народно-црквени сабори (1718–1735)*, Београд 2008, р. 15–16.

⁹ Ј. РАДОНИЋ, М. КОСТИЋ, *Српске привилегије...*, р. 37–39, 91–92.

surrounding areas across the Sava and the Danube to Hungarian territory began. The main and largest wave of migration lasted until 6 October 1690, and two days later, on 8 October, the Ottoman army conquered Belgrade¹⁰.

Due to the lack of reliable sources, the exact number of Serbian refugees who moved to Hungary during the Great Migration of 1690 is unknown. Estimates range between 60,000 and 70,000 people. In the first wave, led by Patriarch Arsenije III, between 30,000 and 40,000 refugees crossed into the territory of Hungary. The majority fled as far north as possible – to Buda, Szentendre, Esztergom and Komárom. Some of them settled along the way – in Subotica, Baja, Szeged, Mohács, Pécs. The Patriarch and his court stayed in Szentendre. The Tatar's incursions into Sylvania across the Sava and into Banat across the Danube drove away the population of these areas, and it joined the main wave of migration. After this first great wave, the emigration of the population from Serbia continued, and lasted until the Treaty of Karlowitz (Karlovci) in 1699¹¹. The majority of refugees remained in the areas that had been part of the Kingdom of Hungary before the Ottoman conquest and later reconquered by the Habsburg army in the Great Turkish War. In those areas destroyed and devastated by the war, the Habsburg rule was just being established. The newly arrived population strengthened the Serbian ethnic element, weakened by the war devastation, and greatly changed both the ethnic and religious composition of the population in Hungary and in the territorially expanded Military Frontier. Undoubtedly, the immigrants had the potential to revitalise the territory both economically and demographically, and therefore it was important for the ruler to regulate their status in his state.

The above-mentioned edict of 21 August 1690 represented the beginning of Leopold I's legislative activity regarding Serbs. During the Great Turkish War, through the imperial and royal court offices, he published several documents that referred to Serbs, their status and rights. Among them, three edicts were crucial, and they represent the basis for regulating the legal status of the Serbian population and the Serbian Orthodox Church in the Monarchy. In Serbian literature, these edicts are called Serbian, National-Church or Leopold's Privileges, or just Privileges. These edicts were issued on 21 August 1690, through the Court Office in Vienna, on 20 August 1691 and on 4 March 1695, through the Hungarian Court Office in Vienna¹².

¹⁰ Г. СТАНОЈЕВИЋ, *Србија у време Бечког рата...*, р. 179–180; Р. Л. ВЕСЕЛИНОВИЋ, *Срби у Великом рату...*, р. 534–535.

¹¹ Д. Ј. ПОПОВИЋ, *Велика сеоба Срба...*, р. 39–42; Р. Л. ВЕСЕЛИНОВИЋ, *Срби у Великом рату...*, р. 535–542.

¹² Ј. РАДОНИЋ, М. КОСТИЋ, *Српске привилегије...*, р. 23–25, 48–51, 91–95. In addition to the texts of the Privileges of Leopold I in Latin and in Serbian translation, the texts of all confirmations of the Privileges by Joseph I, Charles VI and Maria Theresa were published in this edition. Cf. Д. ДАВИДОВ, *Српске привилегије...*, р. 94, 100–102, 105–107.

The rights and freedoms guaranteed by Leopold I in the Privileges can be grouped into several sets. The first set consists of the rights granted to the Serbian people. First, the ruler granted Serbs the right to profess the Orthodox faith freely, and allowed the use of the old Julian calendar. Second, he took Serbs under his protection and pointed out that he would not tolerate any harassment against Serbian laymen or clergymen. Third, Serbs were granted the right to participate in the election of their church leaders who had to be from the ranks of the Serbian people. As it is written in the document, the right given to both clergymen and laymen to elect the archbishop established the institution of the National-Church Council. Although the Council had the right only to elect their archbishop (according to Leopold's Privileges), this institution went beyond the legally set framework from the first session held in the Krušedol monastery in 1708. The National-Church Council became a place where, in addition to the election of the archbishop, all problems important for the survival of Serbs as a religious and ethnic community in the Monarchy were discussed. The state tolerated that because it often used the Serbian Council as a means to put pressure on the Hungarian classes¹³. In 1695, the ruler declared that the Serbian people were exempted from paying tithes to the Roman Catholic Church, and that tithes were to be paid only to their own Orthodox Church.

The rights of the Orthodox clergy stand out as a special set of Serbian privileged rights. To the higher and lower orders of the Serbian Orthodox Church clergy, both secular and monastic, the ruler guaranteed self-governance to churches and monasteries, exempted them from certain financial and labour obligations to the state and the army, excluded them from the jurisdiction of secular courts, and confirmed the authority of ecclesiastical courts over them. The state guaranteed a right to income for the Orthodox clergy as well as legal protection. In essence, Leopold's Privileges gave the Orthodox clergy the rights enjoyed by the Roman Catholic Church and its clergy.

The ruler granted the Orthodox archbishop absolute ecclesiastical authority over the clergy and the faithful, as well as the right to adjudicate according to ecclesiastical – i.e. canon – law. The archbishop had the right to appoint bishops, monks and parish priests, to administer churches and monasteries, to build temples in towns and villages. The archbishop, bishops, churches and monasteries were granted the right to enjoyment of possessions, and the ruler promised that after the liberation of Serbia he would return all the churches and monasteries that Ottomans had taken from them. Furthermore, the archbishop and bishops were granted the right to canonical visitations, whenever necessary, during which they could teach

¹³ For more information about the origin and development of the institution of the National-Church Council, see И. ТОЧАНАЏ, *Српски народно-црквени сабор...*, *passim*.

the priests and the faithful. In 1691, the ruler granted the archbishop and the Orthodox Church the right to inherit the property of the faithful who died without heirs and wills, as well as the property of the deceased bishops.

By the Privilege of 1695, Emperor Leopold I confirmed seven Orthodox bishops who previously had been appointed by the Patriarch. In that way, the new organisation of the Serbian Orthodox Church established by Patriarch Arsenije III in the Habsburg Monarchy was recognised, and later named the Metropolitanate of Karlovci. The bishops were granted judicial power and the right to income from the faithful. The Privilege once again emphasised that Serbs had the right to freedom of religion and, as mentioned above, the entire nation was exempt from paying tithes to the Roman Catholic Church.

The status of Serbs in the Monarchy was determined by the rights they had been granted as believers of the Orthodox Church. One Orthodox nation was thus singled out as a special category in both legislation and society. From the very beginning, this provoked opposition from the Hungarian nobility and county authorities, as well as the Roman Catholic Church. Among the rights that the ruler granted to the Orthodox people and their Church, there were also controversial ones. Among the disputed rights, the most important one was the right to profess the Orthodox faith freely. This had been a precedent in the Habsburg Monarchy until the reign of Emperor Joseph II and his Edict of Toleration of 1781, which granted the non-Catholic population the freedom to worship. The right of the people to participate in the election of archbishops and the right of archbishops to elect bishops did not exist in the Roman Catholic Church, where bishops and archbishops were appointed by Hungarian king. This was the reason why the Roman Catholic bishops protested most bitterly against these rights. The right to inheritance also met opposition because in the Habsburg Monarchy, the state inherited the property of the deceased subjects without heirs or wills.

Therefore, the question arises: why did the ruler give broad rights to the Serbian community, and why was the Serbian Orthodox Church granted rights that were greater than those of the Roman Catholic Church in Hungary? In order to answer this question, we should take into account that Emperor Leopold I gave Serbs privileged rights during the Great Turkish War. At the time when the first two Privileges were issued (in 1690 and 1691), it was believed that the Habsburg army would win the war, and that the Serb refugees would return to their old lands under the Roman-German emperor and the Hungarian and Serbian king. In the introductions to these two Privileges it was stated that the rights were guaranteed to the entire community of *Eastern Greek*, i.e. Orthodox rites and laws, and the Serbian, *Rascian*, peoples located in Greece, Bulgaria, Raška (*Rascia*), Herzegovina, Dalmatia, Podgorje, Jenopolje (1690), as well as in Hungary, Slavonia,

Illyricum, Moesia, Albania (added 1691) and other places added later¹⁴. In essence, it was a list of the countries that Leopold I coveted, some of which had already been under Habsburg rule at the time he issued the First Privilege. The ruler called on the people he had taken under his imperial and kingly protection to continue the fight “against the fiercest enemy of the Christian name and your persecutor”, and emphasised that the territory from which Serbs had emigrated would be liberated¹⁵. The most striking statement in this regard is the part of the Privilege of 1691 that reads as follows: “Finally, with God’s help and using our victorious weapons, we will make every effort to return the said Rascian (Serbian) tribe to the lands or settlements previously owned by them, and to expel the enemy from there”¹⁶. All this leads to the conclusion that the privileges were given in exchange for the territory that Serbs had been emigrated from – it was believed – only temporarily, and to which they would return after its liberation in the near future.

By the time the Third Privilege was issued in 1695, it had become clear that the Habsburg army would not return victoriously to the territory south of the Sava and the Danube, and that Serbs would remain permanently in Hungary. That knowledge caused the tone of the edict to change. The Third Privilege did not list the regions to which the Habsburgs had territorial pretensions, but mentioned only the Kingdom of Hungary, and the territories of Croatia and Slavonia belonging to it, as well as Dalmatia to which the Hungarian crown had claimed the right historically. As opposed to the previous Privileges, there was no unequivocal call for an uprising and the continuation of the fight against Ottomans. In this text, the ruler states as a fact that the people were driven out from their homeland, that they left their houses and properties, and that they were relocated (*translocatos*) to the regions of the Kingdom of Hungary. He promises them protection from all those who did them injustice, confirms the rights granted by the Privileges of 1690 and 1691, confirms the newly elected bishops and grants the above-mentioned new rights¹⁷.

When it had become clear that the plans of conquest and war would not be realised, problems with the Privileges arose because Serbs were singled out as a special religious and ethnic group in the Habsburg Monarchy, i.e. the Kingdom of Hungary. Serbs could not fit into the existing framework of Hungarian society as the Serbian nation in the way the Privileges represented them because the

¹⁴ J. РАДОНИЋ, М. КОСТИЋ, *Српске привилегије...*, p. 23, 24, 46, 91.

¹⁵ *Ibidem*, p. 24, 47, 91.

¹⁶ Д. ДАВИДОВ, *Српске привилегије...*, p. 101, 106. The text in Latin reads as follows: *Adhibebimus quoque pro possibili omnem conatum, ut, per Vicotiosa Arma Nostra, auxiliante DEO, repetitam Centem Rascianorum quo citius in Teritoria, seu habitationes antehac possessas deno introducirere, et inimicos abinde repellere possimus...* Cf. J. РАДОНИЋ, М. КОСТИЋ, *Српске привилегије...*, p. 47–48.

¹⁷ *Ibidem*, p. 53–56, 92–95.

Hungarian legislation did not recognise a nation defined by its religious denomination. The Hungarian nation consisted of high clergy, nobility and free royal cities, i.e. the Hungarian classes that made up the Hungarian Assembly – the Diet. This triggered a decades-long dispute between rulers and imperial institutions and the Hungarian Assembly and county institutions. The essence of the dispute was whether the Hungarian classes were obliged to respect the ruler's laws if the Diet did not recognise them through its decisions. The relationship between the laws passed by the ruler and those passed by the Diet was a difficult issue, not only concerning the Serbian matter, and was an obstacle to the establishment of the Habsburg dynasty's full authority over the Kingdom of Hungary.

Since the issuance of the First Privilege, the Hungarian Court Office in Vienna had emphasised that the Serbian people in Hungary were an exception to the law and that they had to be subjected to the Hungarian authorities and institutions. According to this view, the issue of the legal status of the Serbian people was an internal national and political issue of the Kingdom of Hungary. The Hungarian Court Office referred to the medieval practice according to which an edict of privileges given by a ruler to people on the territory of Hungary had to be recognised and confirmed by the Hungarian Assembly. Only if it were incorporated into the Hungarian legislation in the form of legal articles (*articuli*) would there be a legal obligation to respect it in the entire territory of the Lands of the Crown of St. Stephen. Emperor Leopold I believed that it was unnecessary in the case of the Serbian people. His view was based on the fact that he had liberated Hungary from the Ottoman rule, and that the hereditary right of the Habsburgs to the Hungarian crown had been proclaimed by the Hungarian Assembly in Pozun in 1687. The concept of power according to which a ruler is on an equal footing with the classes and de facto limited in his actions by contract with them, as required by the Hungarian historical state law, was foreign to the Habsburgs and they never fully accepted it. The Habsburgs considered Hungary their personal legacy, and therefore the legal status of the Serbian people was an internal political Austrian–Habsburg issue (*austriaco-politicum*). Referring to the title of the King of Serbia, Leopold I considered the Serbian people his legacy (*patrimonium Domus Austriacae*). This was the reason the emperor granted Serbs the requested rights and privileges by issuing the edicts through the Austrian imperial institutions: the Court Office, the Court War Council and the Court Chamber. He confirmed and extended those rights through the Hungarian Court Office. In his opinion, this was sufficient for the rights to be respected in the territory of the Kingdom of Hungary as well¹⁸.

¹⁸ Р. Л. ВЕСЕЛИНОВИЋ, *Срби у Великом рату...*, р. 553; И. ТОЧАНАЦ, *Српски народно-црквени сабор...*, р. 126–127.

In addition to the Hungarian nobility, the Roman Catholic Church opposed Serbian privileges as well. Thus, in 1706, Cardinal Leopold Karl von Kollonitsch, the Primate of Hungary, claimed that the Serbian Orthodox Church's rights and freedoms were too broad, that its status was privileged in comparison with the status of the Roman Catholic Church, and that this should not be the case. He cynically suggested to Emperor Joseph I that since it was impossible to abolish the rights of the Orthodox Church, those should be at least reduced to the rights of the Roman Catholic Church¹⁹.

Despite the ruler's assurances that the Serbian privileged rights were protected and that the validity of the Privileges was not in dispute, their implementation created serious problems. This meant that often it was impossible to exercise the rights and freedoms granted by the ruler to one nation and its Church, or at least not fully possible, in the entire territory that people inhabited. The Serbian privileged rights were not disputed for the population that lived on chamber estates or in the area of the Military Border, i.e. in the territories under the direct control of the ruler. Their rights were challenged in the Hungarian provinces, in the free royal cities, on the aristocratic estates and in the counties. Therefore, Serbs sought ways to protect their rights and freedoms and to secure their status in Hungary. The idea to incorporate the provisions of the Privileges into the Hungarian legislation arose as the best and safest solution, although the ruler considered it unnecessary.

The request for the incorporation of the Privileges into the Hungarian legislation was publicly presented at the Serbian National-Church Council in 1708. The Council demanded that the Hungarian Assembly – the Diet – accept and enact the Privileges received from Emperor Leopold I without any objections and restrictions, as well as all the privileges that rulers would grant in the future. It was also requested that the people's representatives, both of the spiritual and the secular order, be enabled to participate in the work of the Diet with the right to vote. The request was explained by the fact that the Serbian people were numerous in Hungary and in the countries that belonged to it, that they had their permanent residences for centuries and therefore should be considered the local population, the *Regnicolares*. By participating in the work of the Hungarian Assembly, the Serbian representatives would advocate for the rights and interests of the people. Although these requests had remained unfulfilled, they were repeated at almost every subsequent session of the Serbian Council²⁰.

¹⁹ For the entire treatise of Cardinal von Kollonitsch and his view on the Privileges, see P. М. Грујић, *Како се поступало са српским молбама на двору ћесара аустријског последње године живота патријарха Арсенија III Чарнојевића*, Нови Сад 1909, р. 12–30.

²⁰ И. ТОЧАНАЌ, *Српски народно-црквени сабори...*, р. 145–148.

During the 18th century, there were conflicts between Serbs, who defended their privileges, and Hungarian classes, who challenged these privileges and thus did not feel obliged to respect them. For instance, this created situations in which bishops were not able to visit parishes and believers on aristocratic estates or in free royal cities. They were also often denied the right to appoint parish priests on manors and in free royal cities. In such disputes, the Court had the role of arbitrator. Although all the heirs of Leopold I had confirmed the Serbian privileges (Joseph I in 1706, Charles VI in 1713, Maria Theresa in 1743), they were slowly changing them through their arbitrations in the disputes, clarifying them or interpreting them in a different way²¹. In some periods, the Serbian privileges suited the interests of the Court, which used them purposefully to provoke conflicts between Serbs and Hungarian nobility. In that way, the Habsburgs suppressed the pretensions of the Hungarian Assembly and exercised their power in Hungary more efficiently.

During the reign of Maria Theresa, the search for a strategy to resolve permanently the issue of the legal status of the Serbian Church and the privileges of the Serbian people in a way that suited the state's interests began. This process lasted for decades and was marked by the reform of internal relations and organisation of the Metropolitanate of Karlovci, two adopted and then withdrawn legal acts on the Serbian Church and the privileges, popular revolts²². The outcome was a special law, the *Rescriptum Deklaratorium Illyricae Nationis* passed in 1779. It prescribed the internal organisation of the Metropolitanate of Karlovci, established control over the people's and church life of Serbs in the Habsburg Monarchy, and regulated the legal and political status of the Serbian people and the Orthodox Church. The Rescriptum Declaratorium annulled the political character of Leopold's privileges on which the legal and political status of the Serbian Church and people had been based until then, and created a new one. In 1779, the validity of the Serbian privileges was reduced to church and religious issues, and everything else was regulated

²¹ The legal possibility of a different interpretation of the texts of the edicts of Emperor Leopold I was provided by the confirmation of Joseph I of 1706. He included two clauses in the text of the Privilege. According to the so-called reservation clause, the ruler retained full power to interpret the granted freedoms and rights further by giving them, in accordance with circumstances (*pro temporum conditione*), an even better form. In the text of the document issued through the Hungarian Court Office, another clause was added to the reservation clause, according to which this better form of the privileges would be specified in more detail later, with respect for the rights of others (*salvo jure alieno*), i.e. without infringement of a third party rights. These clauses were copied in all subsequent confirmations of the Privileges. Cf. J. РАДОНИЋ, М. КОСТИЋ, *Српске привилегије...*, p. 39–40, 57.

²² See: И. ТОЧАНАЦ РАДОВИЋ, *Терезијанска црквена реформа и Срби*, [in:] *Држава и политике управљања (18–20. век)*, ed. Р. КРЕСТИЋ, Београд 2017, p. 9–36.

by state laws. The *Rescriptum Declaratorium* remained in force in its entirety until 1868, and in some parts even after that²³.

The *Rescriptum Declaratorium* did not solve all the problems of the status of Serbs in Hungary. The National-Church Council held in Timisoara in 1790 renewed the request to the Hungarian Assembly to incorporate the Privileges into legislation. As was to be expected, the Hungarian Diet refused. Instead, in 1791, it adopted Article 27 granting the Orthodox population in the Kingdom of Hungary the freedom of religion, the right to citizenship, the right to acquire and own property and the right to public services. In that way, a century after the Privileges of Emperor Leopold I and ten years after the Edict of Toleration of Emperor Joseph II, the Hungarian classes officially allowed Serbs to profess the Orthodox faith freely. Article 10 of 1792 granted Serbs the right to participate and vote in the Diet through their archbishop and bishops²⁴. The Serbian population in Hungary was thus recognised as full citizens who could freely further integrate into the Hungarian class society. This was the end of the period that began with the Great Migration in 1690, when the status of the Serbs in Hungary, i.e. in the Habsburg Monarchy, was defined by the Privileges of Emperor and King Leopold I.

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²³ Ј. РАДОНИЋ, М. КОСТИЋ, *Српске привилегије...*, р. 97–150; И. ТОЧАНАЦ РАДОВИЋ, *Деклараторија*, [in:] *Српска енциклопедија*, vol. III.1, Нови Сад–Београд 2018, р. 908–909.

²⁴ *Corpus Decretorum Juris Hungarici*, vol. II, Budae 1884, р. 208, 227; Ј. РАДОНИЋ, М. КОСТИЋ, *Српске привилегије...*, р. 179–181.

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