

CRIME, PUNISHMENT AND DISCIPLINE IN THE BORDERLANDS: TWO MILITARY EDICTS ISSUED IN THE PRINCIPALITY OF TRANSYLVANIA (1665 AND 1671)¹

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ARDELEAN, Florin Nicolae. Crime, Punishment and Discipline in the Borderlands: Two Military Edicts Issued in the Principality of Transylvania (1665 and 1671). *Historický časopis*, 2025, 73, 4, pp. 773-793, Bratislava. The aim of this article is to examine how certain criminal and abusive behaviour of soldiers in the armies of the Transylvanian Principality was addressed in contemporary edicts and regulations during the long reign of Prince Michael Apafi (1661–1690). The present research is focused on two military regulations issued by, or in the name of, the Transylvania prince. The first set of rules was instituted by Mihály Teleki for the garrison of the Chioar fortress in 1665, the second regulation was enacted by Prince Michael Apafi himself in response to the partial insurrection of the Transylvanian army in June 1671. Issued under different circumstances, these documents allow for two case-studies of legal initiatives intended to contain criminality in a military context. In both cases, the primary objective was to maintain discipline within the field army or garrison and, to some extent, reduce the negative impact of military presence on local communities by punishing abusive behaviour towards non-combatants. The sources offer valuable data on the position of authorities regarding the matter of criminal behaviour among soldiers, and also in assessing the most common types of crimes as well as the associated methods of punishment.

Key words: Warfare. Military regulations. Army. Military organization. Justice. Piety. Michael Apafi.

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Introduction

The conduct of armies during wartimes underwent significant changes and adaptations throughout the Early Modern Period. Discipline, justice, the “chain of command” and administrative aspects were all regulated through specific documents known as ordinances, military regulations or edicts (*edictum militare*). The behaviour of soldiers – on the battlefield but also between confrontations – became a pressing issue in the context of new social, political and cultural

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developments. The increased number and importance of military regulations was connected to a broader process of political, administrative and military centralization in early modern states.² Additionally, religious reformation and counter-reformation generated a favourable environment for increased military protocols as discipline and piety became strongly interconnected.³

Early modern military regulations share some common features regardless of the region or context in which they were drafted: extremely strict and enforced by harsh punishment. The death penalty is frequently mentioned for a variety of reasons, while lesser crimes still called for severe physical punishment. However, the strict application of these regulations remains highly questionable. Both narrative and official sources provide abundant information on the abusive behaviour of soldiers, helping to establish a negative image of early modern armies.⁴

The commander of an army, in some cases the monarch himself, exercised judicial prerogatives and handed down judgements, taking into account existing regulations and ordinances. In the sixteenth and seventeenth centuries, the enforcement of law and punishment in the military was usually entrusted to specialized officers, most commonly known as military provosts.⁵ Occasionally, soldiers were punished for abusive behaviour against the civilian population. In the army of Swedish King Gustav Adolph (1611–1632), for example, soldiers who oppressed civilians were punished by whipping, extra sentry duty, or public humiliation. In some situations, the death penalty was applied for the

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- 2 In the army of Louis XIV, military regulations were a method of increasing royal authority over the army, ROWLANDS. *The Dynastic State and the Army under Louis XIV: Royal Service and Private Interest 1661–1701*. Cambridge 2002, pp. 6-7.
 - 3 GRIFFIN. *Regulating religion and morality in the king's armies, 1639–1646*. Leiden 2004, pp. 212-217; LAVENIA. Casus militares. Coscienza e Guerra in alcuni testi minori del seicento. In CIVALE, ed. *Predicazione, eserciti e violenza nell'Europa delle Guerre di Religione (1560–1715)*. Torino 2014, p. 337-355; ARDELEAN. Piety, morality and discipline in the military regulations of the Transylvanian principality (1577–1683). In WIEN, ed. *Common Man, Society and Religion in the 16th century/Gemeiner Mann, Gesellschaft und Religion im 16. Jahrhundert Piety, morality and discipline in the Carpathian Basin/Frömmigkeit, Moral und Sozialdisziplinierung im Karpatenbogen*. Göttingen 2021, pp. 263-274.
 - 4 TALLETT. *War and Society in Early Modern Europe 1495–1715*. London 1992, pp. 123-125.
 - 5 The position of provost (*profos*) was common in Landesknechte regiments and spread amongst many European armies throughout the Early Modern Period, see: VAN NIMWEGEN. The transformation of army organisation in early-modern western Europe, c. 1500–1789. In TALLETT and TRIM, ed. *European Warfare, 1350–1750*. Cambridge 2010, 165; CHILDES. *Warfare in the Seventeenth Century*. London 2001, p. 101; NOLAN. *The age of wars of religion, 1000–1650: an encyclopaedia of global warfare and civilization*. Westport 2006, p. 711; In the British Isles, this military office was formalised in 1661, see: USHER. *Dictionary of British Military History*. London 2006, p. 218.

maltreatment of the civilian population.⁶ Some armies became well known for their high degree of discipline and efficiency, like the New Model Army of Oliver Cromwell. Nevertheless, they faced the same problems as other armies on campaign and had to deal with various types of crimes like desertion, indiscriminate plundering or blasphemy.⁷

In the Polish-Lithuanian Commonwealth, the monarchy and the Sejm issued a range of military regulations, especially towards the end of the sixteenth century and throughout the seventeenth century. These documents were mostly concerned with provisioning and discipline among permanent troops settled in winter quarters.⁸ So far, research into this subject has shown that many situations of criminal behaviour in the army of Poland-Lithuania were in fact connected with the process of securing supplies and victuals.⁹

The threat of execution was omnipresent in early modern armies and in certain situations, was used as an efficient method of enforcing discipline. The death penalty was usually applied in cases of major offences such of cowardice, mutiny or desertion, but also for lesser crimes which might impact the cohesion and morale of the entire force, like leaving camp without permission, wasting gunpowder, straggling, indiscriminate violence against civilians, unlawful assembly, uttering seditious words, blasphemy, sleeping on watch, threatening officers, spying or spreading false rumours.¹⁰ In fact, it has been emphasized that military discipline was applied with more efficiency when the cohesion of an army was threatened rather than in situations when civilians were victims.¹¹

The efficiency of early modern military regulations and their usefulness as historical sources are issues which require further debate and analysis. Expanding the area of research to include regions which have been largely neglected thus far, like the Principality of Transylvania, has the potential of providing new insights and enhancing our understanding of criminality in the early modern

6 PARKER. *The Thirty Years' War*. London 1992, pp. 171-172.

7 CARPENTER. *Military leadership in the British civil wars, 1642–1651: "the genius of this age"*. London 2005, pp. 108-109.

8 GAWRON. Transformation of Polish Military Administration in the First Half of Seventeenth Century – Ideas and its Realization. In *Open Military Studies*, 2022, no. 2, pp. 5-7.

9 GAWRON, Dyscyplina w szeregach armii polsko-litewskiej na terenie Małopolski i Rusi Czerwonej w czasie przygotowań do wyprawy chocimskiej w 1621 r. In *Czasopismo Prawno Historyczne*, 2019, Tom LXXI, no. 2, pp. 89-111.

10 ROWLANDS, *The Dynastic State*, pp. 209-210; PARKER, *The Thirty Years' War*, pp. 171-171; CARPENTER, *Military leadership*, p. 70.

11 GAWRON and SOWA. Military Law, Justice and Discipline in the Early Modern Owlglass Literature from Central Europe. In AMOROSI and MINALE, eds. *History of Law and other Humanities*. Madrid, 2019, p. 294.

world. The purpose of the present research is to see how military leadership regarded criminal activity among the troops of the principality, what were the most common types of transgressions in their view and what form of punishment was considered appropriate for the different crimes committed by soldiers. All these aspects are reflected in the military edicts issued by the ruling prince or the appointed commanders of the Transylvanian army. This article will focus on an analysis of two edicts (regulations) issued during the reign of Michael Apafi (1661–1690). The author of the first, from 1665, is Mihály Teleki, captain of Chioar (Kővár) and the provisions concerned soldiers from the garrison of the fortress.¹² The second document was most likely compiled under the direct supervision of Prince Apafi on the occasion of the partial mobilization of the Transylvanian army in 1671.¹³ These two case studies are relevant for understanding the perception of those representing the higher echelons of the military hierarchy on the matter of criminal behaviour in the army. The sources will be analysed from both a quantitative and qualitative perspective. By looking at the variety of rules and provisions contained in the two documents, we have established three levels of crimes based on the severity of the prescribed punishment (the death penalty, physical punishment and lesser forms of punishment). The rate of occurrence for each level – which shows significant differences between the two sources – is relevant for understanding how the leadership of the Transylvanian army understood the challenge to address and contain abusive behaviour. At the same time, the content of the two documents will be analysed from a qualitative perspective by identifying the association between certain crimes and forms of punishment with specific groups within the army, like common soldiers and lesser officers. Other pertinent aspects revealed by our analysis include the relation between rules regarding army cohesion and social impact – abusive behaviour towards civilians – and the importance of piety and prayer as methods of consolidating discipline among soldiers. Before analysing the main historical sources concerning the subject of our article, the evolution of military regulations in the armies of Transylvania will be presented, from the times of Stephen Báthory (1571–1586) until the last decades of the autonomous principality, which coincided with the rule of Michale Apafi (1661–1690). In addition, a brief presentation of the Transylvanian army in the times of Prince Apafi is also included to provide general context and to understand the specific features and identity of those for whom the military edicts were issued.

12 KONCZ. Magyar hadi szabályzatok gyűjteménye. Hadi edictum Kővár vára részére 1665–ből. In *Hadtörténelmi Közlemények*, 1891, vol. IV, pp. 429–432.

13 SZILÁGYI. *Erdélyi Országgyűlési Emlékek (Monumenta Comititalia Regni Transylvaniae)*, vol. XV. Budapest 1892, pp. 202–204.

Military regulations in Transylvania during the age of the principality

One of the earliest modern military regulations was issued to regulate Transylvanian troops, though not exclusively, in 1577 by Stephan Báthory. At the time, the Transylvanian prince was also ruler of the Polish-Lithuanian Commonwealth and was leading a composite army, which included a significant number of soldiers from his homeland, to besiege the city of Danzig (Gdansk). The rather brief document was mostly concerned with maintaining cohesion and discipline among troops and there are no articles dealing with the interaction of the army and the general population. A few provisions refer to various groups of camp followers, like merchants, herdsman, shepherds and servants. The death penalty was prescribed for soldiers found guilty of theft, fighting in camp with weapons and for starting unauthorized fires inside camp. Camp followers were threatened more harshly, even hanged if they left camp without the approval of an officer.¹⁴ Báthory prepared a new set of military rules in 1579 while his army was preparing for a campaign in Livonia against the Muscovites. Unlike the first edict, this second document has many articles dealing with the marching of troops. Other provisions regulated contact between soldiers and the interaction of soldiers with camp followers (servants, merchants etc.). In the first article, which also serves as an introduction for the whole document, soldiers are prohibited from killing priests and desecrating churches, as the outcome of any campaign was considered to be dependent on the mercy of God.¹⁵

Considered one of the most important reformers of the Transylvanian army, Prince Gabriel Bethlen (1613–1629) was also decidedly concerned with disciplining his troops. At least five distinct military edicts were issued during his reign and all of them are highly complex compared to documents dating from the second half of the sixteenth century. A striking difference can be found in numerous articles which attempt to establish a moral standard among soldiers. Bethlen was aware, more so than his predecessors, that religious piety can be employed as a method of enforcing discipline in the army and implicitly limit criminal behaviour. However, Bethlen's regulations are seen primarily as instruments meant to keep the army in an optimal state of combat, and abusive behaviour against civilians was addressed only occasionally.¹⁶

14 VERESS. *Báthory István erdélyi fejedelem és lengyel király levelezése, II (1576–1586)*. Cluj 1944, p. 185; ARDELEAN. Military Justice, Regulations and Discipline in Early Modern Transylvanian Armies (XVI–XVII century). In *Studia Universitatis Cibiniensis. Series Historica*, 2011, VIII, no.1, pp. 188-189.

15 BARABÁS. Báthory István lengyel király hadi rendtartása a lengyel seregben szolgáló magyar huszárok számára. In *Hadtörténelmi Közlemények*, 1890, vol. III, p. 667-674; ARDELEAN, *Military Justice*, pp. 189-190.

16 HAUSNER. Bethlen Gábor erdélyi fejedelem hadi edictuma. In *Hadtörténelmi Közlemények*,

Some military regulations were issued within a very specific context which had a significant impact on their content. For example, in March 1645, Prince George Rákóczi I (1630–1648) established a particular set of rules for some of his troops which had received quarters in Eastern Hungary, mostly concerned with the relation between the army and town authorities. The prince did not hesitate to prescribe very harsh punishment for those soldiers who abused members of the local communities in any way, because he wanted to maintain good relations with the estates and the population of the region. This particular regulation was strongly influenced by political context, and its content was motivated by the need of the Transylvanian prince to secure the loyalty of Upper Hungary.¹⁷ Apparently the decree did not solve the complicated problems of coexistence between the Transylvanian army and the local communities, and so a few months later, Prince Rákóczi signed a new, enlarged act which consisted of no less than 46 articles in an attempt to limit the damaging social impact of his army. A specific feature of the document is the rules referring to religious life, like the mandatory participation in daily religious service and the interdiction of drinking inside the camp after the evening prayer. Furthermore, churches and the houses of priests were exempted from sheltering soldiers.¹⁸

A strong preoccupation with enforcing discipline and containing criminal behaviour among soldiers was maintained throughout the long rule of Prince Michael Apafi (1661–1690). Although, the Transylvanian army was significantly diminished, as we will see in the following section, Prince Apafi was very concerned with the state and behaviour of his soldiers. Apart from the two abovementioned regulations that will be discussed at length in the final part of the article, Apafi issued at least two more military edicts during the last decade of his reign. One came into force in August 1682, just before the Transylvanian army initiated a short campaign in Upper Hungary to support the Hungarian rebels against the Habsburgs.¹⁹ The last known military edict of Prince Apafi was prepared in 1683 as he was preparing his troops for the siege of Vienna, which he joined as a vassal of the Ottoman sultan.²⁰ This last document consists of 40 articles aimed at regulating the daily life of soldiers on campaign, approaching various administrative aspects such as marching order, provisioning, military hierarchy, religious service and camp life in general. More than half of the articles

2001, vol. 124, no. 2-3, pp. 469-485.

17 SZILÁDY and SZILÁGYI. *Török-Magyarkori történelmi emlékek, III*. Pest 1868, pp. 314-319.

18 SZILÁDY and SZILÁGYI, *Török-Magyarkori*, pp. 341-344; ARDELEAN, Piety, morality and discipline, pp. 268-269.

19 KONCZ. Magyar hadi szabályzatok gyűjteménye. Apafy Mihály erdély fejedelem hadi edictuma 1682 aug. hó 5-éről. In *Hadtörténelmi Közlemények*, 1891, vol. IV, pp. 291-296.

20 SZILÁGYI, *Erdélyi Országgyűlési*, vol. XVIII, pp. 136-141.

(25 of 40) deal explicitly with the issues of crime and punishment. The death sentence was punishment for a wide range of offences including blasphemy, abusive behaviour against vulnerable non-combatants (women, clergy etc.), armed conflicts with fellow soldiers, adultery, desecrating graves, arson, theft within the boundaries of the camp, spreading false rumours, communicating with the enemy, leaving camp or the marching column without permission, and refusing to deliver captives to superior officers.²¹

Although most of these historical sources were edited at the end of the nineteenth century, their use in historical writing has been rather limited, with only a few analysed from the perspective of criminal justice. The authority of these edicts was usually limited to a single campaign or a specific part of the army, like a garrison or troops quartered in a certain area. These documents became more and more complex during the seventeenth century, dealing with a wider variety of problems. While a portion of the articles approached matters of organization and administration, a significant number of provisions referred to particular crimes and implied a certain form of punishment. The importance of crime and punishment in military edicts increased with the passing of time, with most standardizing the conduct of soldiers in camp or while marching, but there were also some provisions which attempted to limit abusive behaviour towards non-combatants.

The Transylvanian Army during the reign of Michael Apafi I (1661–1690)

The reign of Prince Michael Apafi (1661–1690) represents the last phase in the history of the Transylvanian Principality as an autonomous state. The unsuccessful campaign of György Rákoczi II for the Polish-Lithuanian throne in 1657–1658 marked a decisive turning point in the evolution of the principality as the failure of such an ambitious project had a tremendous impact on the political situation in Transylvania, a territory once again caught in the struggle for supremacy between its powerful neighbours, the Habsburgs and the Ottomans. The rule of Apafi began under dire circumstances following the short and tumultuous reigns of Ferenc Rhédey (1657–1658), Ákos Barcsay (1658–1660) and János Kemény (1661–1662), which were interspersed with short returns to the throne by György Rákoczi II until his death on 7 June 1660. Although he was elected by the Diet and acknowledged by the Ottoman sultan in September 1661, Apafi exercised only partial control over his country until January 1662 when his rival, János Kemény was defeated and killed in the battle of Seleuş (Nagyszöllös).²²

21 ARDELEAN. *The army of Transylvania (1613–1690): war and military organization from the 'golden age' of the principality to the Habsburg conquest*. Warwick 2024, pp. 68–72.

22 The short period between the failed campaign in Poland and the beginning of the reign of Michael Apafi I has been rightfully described as disastrous, even tragic for Transylvanian statehood. A significant presence of foreign troops was followed by several major confrontations

Internal stability was restored after a few more years of minor confrontations but Transylvania had lost its status as a dominant regional power, a position acquired during the Thirty Years War. Compared to his predecessors, Apafi ruled over a significantly diminished territory because Oradea (Nagyvárad), the most important fortification on the western frontier, had been conquered by the Ottomans in 1660.²³ Two years earlier, in 1658, the Banat of Caransebeș and Lugoj was also lost to the Turks.²⁴ Although the country was considerably smaller, the Ottoman tribute was maintained at the same level, causing great discontent among the Transylvanian estates.²⁵ From the first years of his reign, Apafi made efforts to reorganize the western defensive system of the country. Older fortifications from the Transylvanian hinterland became part of the new western borderland: Hațeg (Hátszeg), Deva (Déva), Hunedoara (Vajdahunyad), Ilia (Marosillye), Cluj (Kolozsvár), Bologa (Sebesvár), Șimleul Silvaniei (Szilágysomlyó), Cehu Silvaniei (Szilágycseh), Hodod (Hadad) and Chioar (Kővár).²⁶ The captain of Cluj was entrusted with coordinating the defence of the western frontier, inheriting the position held by the captain of Oradea before 1660. One of the most remarkable personalities who held this major military position was Dénes Bánffy. In 1664, he accumulated several important offices such as supreme captain of the garrisons from Cluj, Șimleul Silvaniei, Cehu

and territorial losses for the principality, especially the fortress of Oradea and its surrounding territory. For a thorough analysis of this period see: SZABÓ. *Erdély tragédiája: 1657–1662*. Budapest 2019; ANDEA. Evoluții politice în secolul al XVII-lea. In POP; NÁGLER and MAGYARI, ed. *Istoria Transilvaniei, vol. II*. Cluj-Napoca 2005, pp. 133-137; PÉTER. The Golden Age of the Principality (1606–1660). In MAKKAI and SZÁSZ, ed. *History of Transylvania, vol. II*. New York 2002, pp. 140-151; more recently the military actions of the Ottomans against Transylvania have been interpreted as a calculated aggression, meant to oppose the Habsburg expansion in the region, see: CEVRİOĞLU. A neorealist interpretation of Ottoman wars in eastern and central Europe: the case of Köprülü Mehmed Pasha (1656–1661). In *Historický časopis*, 2024, vol. 72, no. 5, pp. 849-874.

- 23 SZABÓ. Asedierea cetății Oradea de către tătari și turci: 1658, 1660. In OBORNI. „Oradea cum e ocrotită” *Lupte pentru Oradea în epoca modernă timpurie: Studii despre istoria Țării Bihorului* 7. Oradea 2020, pp. 133-151; BORCEA. Un document inedit despre căderea Oradei în mâna turcilor (scrisoarea din 31 august 1660). In *Crisia*, 1976, vol. VI, pp. 207-233.
- 24 FENEȘAN-BULGARU. Problema instaurării dominației otomane asupra Banatului Lugojului și Caransebeșului. In *Banatica*, 1977, vol. IV, pp. 223-239.
- 25 SZILÁGYI. *Erdélyi Országgyűlési Emlékek (Monumenta Comititalia Regni Transylvaniae), vol. XIII*. Budapest 1888, pp. 90-93.
- 26 ANDEA. Instituții centrale și locale în Transilvania. In CÂNDEA and REZACHEVICI, ed. *Istoria Românilor, vol. V*. București 2003, pp. 732; BORCEA. Oamenii din cetățile de margine ale Nord-Vestului Transilvaniei în epoca principatului (secolele XVI-XVII). In *Crisia*, 1978, vol. VIII, p. 116.

Silvaniei, Bologa and Gherla, count (*ispán*) of Cluj and Dăbâca counties and councillor of the Prince.²⁷

In the second half of the 17th century, many Transylvanian fortifications were defended by mixed garrisons, composed of local soldiers and foreign mercenaries. At the same time, the size of garrisons was increased compared to previous decades,²⁸ and the defensive system of the country, both fortifications and garrisons, grew to be one of the most pressing military issues debated during the assemblies of the estates (Diet). It soon became clear that the income generated by the fiscal estates of the country, lands under the direct authority of the Prince, was insufficient to maintain the defensive system. There was a general consensus that the permanent garrisons in the frontier area were one of the most important components of the Transylvanian army, but opinions were divided regarding the means of financing these troops. Eventually the Diet agreed that a general tax of 5 florins should be paid for each *porta* (*kapu*) for the needs of the army. János Szalárdi was appointed *perceptor* and was entrusted to oversee collection of the tax.²⁹ In addition to soldiers who received regular wages, fortifications were also defended by a variety of groups of semi-privileged peasant-soldiers inhabiting nearby villages. Known under different names like guardsmen (*drabant/darabont*), freemen (*libertini*), gunmen (*puskások*) or *hajdú*,³⁰ they performed irregular military service in exchange for certain freedoms and tax exemptions. Their numbers varied from one estate to another, but were usually below 100 men. On rare occasions they could also exceed 200 men.³¹

27 ARDELEAN. *Organizarea militară în Principatul Transilvaniei (1541–1691): Comitate și domenii fiscale*. Cluj-Napoca 2019, p. 142; DÖRNER. Lupta pentru putere în Transilvania periodei lui Mihail Apafi I. In *Anuarul Institutului de Istorie George Barițiu din Cluj-Napoca*, 2016, tom LV, p. 151.

28 In 1665, for example, Cluj had a garrison of about 200 soldiers, mostly German mercenaries. The smaller fortress from Bologa was defended by 100 soldiers, 60 cavalry and 40 infantry (*60 equites et 40 milites*), see: ARDELEAN, *Organizarea militară*, pp. 156-160.

29 SZILÁGYI. Erdélyi Országgyűlési Emlékek, vol. XV, p. 140; BORCEA. *Cronica de jale a lui Ioan Szalárdi*. Studiu critic. Oradea 2007, p. 29.

30 Although they were initially found on the western borderlands of Transylvania, especially in Bihor County, the social status of *hajdú* was expanded to other areas of the country. During the 17th century, they were also present in the towns of Maramureș County, see: GLÚCK. A hajdúrend az öt máramarosi városban (1624-től a 18. század elejéig). In EGYED; BOGDÁNDI and WEISZ ed. *Certamen II: Előadások a Magyar Tudomány Napján az Erdélyi Múzeum-Egyesület I. Szakosztályában*. Kolozsvár 2015, pp. 253-264.

31 Between 36 and 59 guardsmen (sometimes also referred to as watchmen or gunmen) were registered on the estate of Gurghiu fortress in 1665-1688, see: URȘUȚIU. *Domeniul Gurghiu (1652–1706): urbarii, inventare și socoteli economice*. Cluj-Napoca 2006, pp. 75-202; In the second half of the 17th century, the number of military freemen on Hunedoara estate varied

Another important component of the Transylvanian military framework was the court army, also referred to as the guard of the prince. During his long reign, Apafi was able to organize a strong but heterogeneous group of local soldiers and foreign mercenaries who were under his direct control. Some of them resided at the princely court of Alba Iulia while others were dispatched to different fortifications and fiscal estates. Preserved accounts of the princely court shed light on the size and composition of this small army of “professional soldiers”. Four groups can be distinguished in the sources based on ethnic origin: seimeni (mostly Romanians from Wallachia and Moldavia), Germans, Polish (members of the so called “French troops” because they were initially recruited with subsidies sent by King Louis XIV) and Hungarians. Their numbers varied from one year to the next, reaching the highest level in 1683 – a total of 1,170 soldiers.³²

Traditional elements of the Transylvanian army, like the noble insurrection or the detachments provided by the Saxon and Székelyi estates, were maintained but their role was considerably diminished in comparison with previous decades. Military service based on privilege and tax exemption was gradually replaced by paid military service, but Apafi could not afford a large army with regular wages. It has been estimated that between 1678 and 1680, 26,248 florins were paid for the wages of cavalry troops alone in the Transylvanian army.³³ In 1683, the annual wages of the 1,170 soldiers from the court army amounted to a total of 27,017 florins.³⁴ A general estimation of military expenditure would be very imprecise because of insufficient sources, but the existing data is enough to confirm that the army was the biggest financial burden for the Principality of Transylvania.

The Transylvanian army was mobilized several times during the long reign of Mihály Apafi I (1661–1690). In 1663, accompanied by a small armed retinue of about 200 men, Apafi joined the Ottoman siege of Ersekujvár (*Nové Zámky*). The symbolic size of his army was of little strategic consequence, however, his presence in the Ottoman camp was meant to encourage the anti-Habsburg

between 27 and 82, see: URSUȚIU. Relații agrare pe domeniul Hunedoara în secolul al XVII-lea. In *Anuarul Institutului de Istorie și Arheologie*. Cluj-Napoca, 1983–1984, tom XXVI, pp. 167-168; 227 gunmen (puskások) were registered on the estate of Chioar fortress in 1669 but this high number also included the sons of those who earned such a status, SZILÁGYI, *Erdélyi Országgyűlési*, vol. XV, pp. 406-413.

32 There are many muster roll registers of the court guard from the year 1683, Serviciul Județean al Arhivelor Naționale Cluj (SJAN CJ), fund (f.) Colecția socoteli princiare, 46 Evidențe nominale de efective militare, f. 118-191; ARDELEAN, *Organizarea militară*, pp. 171-195.

33 KONCZ. Mennyibe kerül a katonatartás az erdély fejedelemnek a XVII. század végével. In *Hadtörténelmi Közlemények*, 1890, vol. III, pp. 711-712.

34 ARDELEAN, *Organizarea militară*, p. 211.

sentiment among locals.³⁵ The sultan was aware that his Transylvanian vassal had limited military means so he preferred to ask for logistic support (food provisions) as he did in 1667 and 1674 during campaigns against the Polish-Lithuanian Commonwealth.³⁶

In the years following the Vasvár Peace Treaty (1664), Apafi supported the anti-Habsburg rebellion in Hungary, though he was hesitant in taking decisive actions in the beginning.³⁷ Many Hungarian rebels found refuge in Transylvania, persuading the Prince to undertake diplomatic initiatives in their favour and to allow his willing subjects to join the war against Habsburgs. Transylvanian troops, led by influential nobles like Mihály Teleky, crossed the frontier and fought the local Habsburg garrisons but with little success. Some of the latter campaigns, initiated by the Ottomans, brought the Transylvanian army deeper into Habsburg territory, like the siege of Fülek (1682) or the siege of Vienna (1683).³⁸ Each time, Apafi was able to mobilize between 5,000 and 8,000 men. In this particular context, the Transylvanian prince was careful to reorganize his military forces and compensate for the lack of numbers with discipline and efficiency.

Apafi inherited a complex military system which relied, to a certain extent, on medieval levies and social groups which performed military service to maintain their privileges and social status. At the same time, the Transylvanian army included a good number of mercenary forces, both foreigners and locally recruited troops. Maintaining discipline and containing criminal activity in such a diverse army was challenging and required a flexible approach. As we will see in the following sections, a soldier's social status was not neglected when deciding on punishment, as crime and punishment in the army was heavily influenced by the social and military hierarchy.

35 KRAUS. *Cronica Transilvaniei, 1608–1665*. București 1965, pp. 526-527; For three months, Apafi was outside the borders of Transylvania. In his absence, the princely council, his wife Anna Bornemisza and a lieutenant composed of Pál Béldi, István Petki and Andreas Fleischer attended to the matters of state, see: SZALAI. A helytartók, Bornemissza Anna és a „tanácsi rend“ kormányzati szerepe I. Apafi Mihály 1663. évi távolléte idején. In *Történelmi Szemle*, 2021, vol. LXIII, no. 2, pp. 227-241.

36 SZABÓ. Splendid isolation? The Military cooperation of the Principality of Transylvania with the Ottoman Empire (1571–1688) in the Mirror of the Hungarian historiography's dilemmas. In KÁRMÁN and KUNČEVIĆ, ed. *The European Tributary States of the Ottoman Empire in the Sixteenth and Seventeenth Centuries*. Leiden 2013, pp. 323-324.

37 MICHELS, Georg B. Ready to Secede to the Ottoman Empire: Habsburg Hungary after the Vasvár Peace Treaty (1664–1674). In *AHEA: E-journal of the American Hungarian Educators Association*, 2012, Vol. 5, pp. 1-11, DOI: [10.5195/ahea.2012.69](https://doi.org/10.5195/ahea.2012.69).

38 ARDELEAN, *Organizarea militară*, pp. 351-367.

Military regulation (*edictum militare*) of the Chioar (Kövár) fortress (1665)

Chioar was one of the most important fortifications in the northern sector of the western frontier of Transylvania. Initially a stone fortress built after the Great Mongol Invasion of 1241, Chioar was modernized during the sixteenth and seventeenth centuries. It was occupied by a Habsburg garrison during the troubled years following the Polish campaign of Prince György Rákóczi II. In 1665, the fortress was returned peacefully to Transylvania and Mihály Teleki appointed captain by Prince Apafi.³⁹

Previously, Teleki had been sent to the frontier area to negotiate matters of territorial delimitations with Habsburg representatives. By the end of February 1665, he reached the Chioar fortress and remained there until the beginning of April.⁴⁰ While Teleki was away, command of the garrison was entrusted to the vice-captain, Mihály Katona, who sent occasional reports on the state of the fortress to his superior.⁴¹ As supreme captain of Chioar, Teleki drafted a brief, temporary regulation for the new garrison of the fortress. The document contained 12 articles referring to a variety of aspects of internal organization, but also to matters of crime and punishment.⁴²

In addition, the document offers information on the layout of the fortress (bridge, gates, inner courtyards, a dungeon, living quarters of the soldiers, storage space etc.) and the composition of the defending garrison; a mix of local soldiers referred to as guardsmen (*drabant*) and German mercenaries.⁴³ Most of the articles refer to crimes and their associated punishments.

39 On the beginnings and evolution of the Chioar fortress and its district, see: HOSSU. *Nobilimea Chioarului*. Baia Mare: Biblioteca Județeană "Petre Dulfu", 2003, pp. 17-161; ARDELEAN. Political Boundaries and Territorial Identity in Early Modern Central Europe: The Western Frontier of Transylvania during the Sixteenth Century. In *Territorial Identity and Development*, 2021, vol. 6, no.1, pp. 30-31, <http://doi.org/10.23740/TID120212>.

40 The first letter of Teleki from Chioar in 1665 was sent on 22 February to Prince Mihály Apafi, and the last one to Gábor Kende on 2 April, GERGELY, ed. *Teleki Mihály levelezése: A Római Szent Birodalmi gróf Széki Teleki család oklevéltára, vol. III*. Budapest 1907, pp. 412-413, 442-443.

41 HERPEI. Adatok Teleki Mihály és udvara életéhez (Töredék). In *Adattár XVII. századi szellemi mozgalmaink történetéhez*, 1971, vol. 3, pp. 23-30; On 22 August 1665 Mihály Katona wrote to Teleki about a concerning mobilization of Ottoman troops led by the Pasha of Oradea. As a precaution, he gathered his troops together with the nobles and gunmen of the Chioar district, GERGELY, ed., *Teleki Mihály levelezése*, pp. 504-505.

42 KONCZ, Magyar hadi szabályzatok, pp. 429-432.

43 In his first report to Prince Apafi, Teleki mentions 33 German soldiers who had decided to remain in the fortress, GERGELY, ed., *Teleki Mihály levelezése*, pp. 412-413.

Table 1. Crime and punishment according to the military regulation (edictum militare) of the Chioar (Kövár) fortress (1665)

Nr.	Crime	Punishment	Targeted group	Article
1	Adultery	death penalty (by stoning)	entire garrison	art.2
2	Leaving guard duty without good reason	reprimand (for the first and second time), death penalty (for the third time)	entire garrison c	art.3
3	Pointing a weapon at/ threatening an officer	death penalty	common soldiers	art.4
4	Making loud noises inside the fortress	death penalty	entire garrison	art. 8
5	Communicating with strangers beyond the walls of the fortress during the night	death penalty	common soldiers	art.9
6	Cursing/blasphemy	flogging/beating	common soldiers	art.2
7	Shooting without good reason	mutilation (amputation of one hand)	entire garrison	art.4
8	Leaving the fortress in pursuit of fugitives without the approval of an officer	flogging/beating	common soldiers	art.7
9	Communicating with strangers beyond the walls of the fortress during the day	flogging/beating	common soldiers	art.9
10	Leaving unattended fires inside the fortress	forced to dive in the moat under the bridge	entire garrison	art. 10
11	Failing to attend daily prayer/ religious mass	loss of daily food ration	entire garrison	art.2
12	Cursing/blasphemy	Fine	officers (captain - 1 florin, vice-captain 30 denars, porkoláb - 20 denars)	art.2
13	Walking inside the fortress during the night without a lantern	Confinement	entire garrison	art.6
14	Losing a prisoner during guard duty	fine and confinement	common soldiers	art.11

Three types of abusive behaviour can be identified based on the severity of punishment. The first includes major offences that were punishable by death. Five out of 14 crimes (35.71%) fit this first group, ranging from moral offences like adultery to crimes which might endanger the security of the fortress and the cohesion of the garrison, like failing guard duty, threatening officers, causing panic through loud noises and communicating with outsiders during the night.

Physical punishment like flogging and mutilation was prescribed for the second group of crimes, totalling the same percentage as the death penalty group (35.71%) and included blasphemy (in the case of common soldiers), shooting without good reason, leaving the fortress without approval, communicating with strangers during the day and leaving unattended fires inside the fortress. Once again, most of these crimes were punished severely due to the potential impact on the security of the fortress.

The third group is represented by lesser crimes (28.57%) punished by fines, detention and loss of daily food rations. Some of the articles referring to this third type of crimes indicate the fact that fortresses were also used as places of confinement, roughly the equivalent of modern prisons. There is also a clear indication that Transylvanian authorities were making efforts to regulate the daily life of soldiers through religious means by imposing a mandatory attendance of daily prayers and by severely punishing immoral behaviour.⁴⁴ A further interesting aspect is that this regulation makes a clear distinction between common soldiers and officers in terms of punishment. While some of the rules apply equally to the entire garrison, there are some obvious differences between the two groups like in the case of cursing/blasphemy, common soldiers were punished by flogging while officers had to pay a fine according to their rank.

Unlike most Transylvanian military regulations which were intended for armies on campaign, this document was issued for the use of a resident garrison consisting of less than one hundred men. The regulation was therefore adapted to the specifics of military service in a border fortification, where soldiers had fewer interactions with the local community. Interestingly, the regulation applies equally to the two distinct groups of soldiers which formed the garrison, the local guardsmen and the German mercenaries. The only notable differences are determined by the position of the soldier within the military hierarchy, with officers (most of them of noble descent) receiving a lesser forms of punishment for the same kind of offense.

44 Piety and the moral aspects of everyday life became very important in Transylvanian military regulations throughout the seventeenth century. Capital sins and immoral behavior were punished with particular harshness, ARDELEAN, Piety, morality and discipline, pp. 263-274.

***Edictum militare* of 10 June 1671**

This military regulation (*edictum militare*) was issued on 10 June 1671 in the context of a partial insurrection and the inspection of troops gathered in the camp of Someșeni (Szamosfalva), in the vicinity of Cluj. The reason for such a muster was a conflict that erupted in the neighbouring country, namely the anti-Habsburg rebellion in Royal Hungary. Letters sent and received by Mihály Teleki during the months of May, June and July indicate that orders of mobilization had been sent to the counties, but also to the Székely and Saxon seats. Nevertheless the army was not concentrated in a single camp and most of those called to arms were allowed to return home.⁴⁵ Prince Apafi was unable to attend the muster personally so he appointed Mihály Teleki and Dénes Bánffy his deputies (*locumtenens*). The troops expected to arrive are as follows: Alba County (*Fejérvármegye*) – 150 horsemen, Hunedoara (*Hunyad*) – 100, Cluj (*Kolozs*) – 100, Turda (*Torda*) – 150 horsemen, Târnave (*Küküllő*) – 100 horsemen, Dăbâca (*Doboka*) – 50, Inner Szolnok (*Belső-Szolnok*) – 100 horsemen; a total of 750 mounted nobles and retainers. After inspection, the nobles and their servants were allowed to return home but were to mobilize swiftly in case of necessity. Mihály Teleki was entrusted to maintain discipline and to apply the strict rules of the military edict that was issued on this occasion. Apafi appointed Teleki as commander of the army and if the troops were to travel beyond the borders of the country, the commander was asked to take great care and punish those who committed crimes against the local population because, according to Apafi, “*without discipline, an army can never be honourable*”.⁴⁶

This document bears the mark of Prince Apafi, who was acknowledged among his contemporaries as a very pious and stern man. The field army was expected to follow a harsh set of rules which enforced the death penalty for no less than 11 situations of misconduct (68.75%). Most articles refer to crimes committed against fellow soldiers or officers, but there are also a few paragraphs concerning the relation between the army and the general population, indicating a clear intention of reducing the negative impact of military presence on local communities. Acts of indiscriminate violence against locals along the marching route were punishable by death while theft was punished by flogging. The difference between common soldiers and officers is once again very clear and was most likely determined by the difference in social status between the two groups.

45 GERGELY, ed., *Teleki Mihály levelezése*, pp. 531-532, 545-547, 566.

46 SZILÁGYI, *Erdélyi Országgyűlési*, vol. XV, pp. 202-204; RUSU. Armata Transilvaniei și justiția în lumina unui edict din anul 1671. In *Anuarul Institutului de Istorie „G. Barițiu” din Cluj-Napoca, Series Humanistica*, 2020, tom. XVIII, pp. 351-366.

Tabel 2. Military regulation issued for the partial insurrection of 10 June 1671 (Edictum militare. Tempore partialis insurrectionis data. Anno 1671, die 10 Junii. Albae Juliae)

Nr.	Crime	Punishment	Targeted group	Article
1	Cursing/blasphemy	death penalty	whole army	art. 1
2	Adultery	death penalty	whole army	art. 2
3	Attacking an officer	death penalty	common soldiers	art. 3
4	Disobeying orders from a superior officer	death penalty	common soldiers	art. 4
5	Spreading false news	death penalty	whole army	art. 5
6	Communicating with the enemy	death penalty	whole army	art. 6
7	Leaving during guard duty without permission	death penalty	common soldiers	art. 7
8	Making loud noises / creating panic in camp	death penalty	whole army	art. 7
9	Injuring a fellow soldier	death penalty	common soldiers	art. 9
10	Harassing camp followers or the local population along the marching route	death penalty	whole army	art. 11
11	Leaving camp without the consent of an officer	death penalty (by hanging)	common soldiers	art. 13
12	Threatening fellow soldiers with a weapon	flogging/ beating	common soldiers	art.8
13	Going outside the camp after the evening prayer	flogging/ beating	common soldiers	art. 10
14	Taking goods without proper payment from the local population	flogging/ beating	whole army	art. 12
16	Officers who sent soldiers away from camp without good reason	losing rank	officers	art.13

The high proportion of crimes and offenses punishable by death represent a specific feature of the military edicts issued during Apafi's reign. Some death sentences were associated with moral crimes, like blasphemy and adultery, while the vast majority are related to matters of discipline: disobeying superior officers, spreading false rumours, violent conflicts with fellow soldiers, or endangering the

security of the camp. In an unprecedented manner, execution was also prescribed for those who committed violent acts towards civilians or camp followers. In previous regulations, such offenses had been treated more leniently, but Apafi sought to be perceived as a protector of Hungary and was ready to take radical measures against those who mistreated local populations.

Conclusion

Although they were issued under different circumstances, for two distinct elements of the Transylvanian army – a fortress garrison in the first case and a part of the field army in the second case, the two documents share many similarities. Like other contemporary manuscripts of this type, Transylvanian military regulations are extremely strict and enforced by severe punishment. In both cases, crimes can be divided in three groups based on the severity of punishment: major offences – punishable by death; serious offences – physical punishment (beating/flogging); and lesser offences – punished through fines, confinement, loss of daily food rations or loss of rank in the case of officers. The death penalty was prescribed for many situations but in these particular cases, it was more common in the field army (68.75%) than for a regular garrison (35.71%). Another interesting aspect is the rules concerned with the moral behaviour of soldiers, which included severe punishment for capital sins like adultery and blasphemy and regular prayers. However, the use of military regulations as historical sources is limited by an insufficient number of documents regarding the application of military justice. Regulations indicate the standards of behaviour in the army and to a certain extent, the most common deviations. The efficiency of these regulations remains hard to assess under the given circumstances and we can only assume, based on analogies and the few direct evidence uncovered so far, that Transylvanian soldiers were occasionally punished for their misdeeds.

Narrative sources offer some examples of military justice being applied in accordance with or even beyond these regulations. A good example is provided by Saxon chronicler Georg Kraus in describing the campaign of György Rákóczi I in Upper Hungary (present day Slovakia) in 1644. The Transylvanian Army was stationed near Prešov for a few days. While most of the troops resumed their march, two captains and their men remained behind and robbed a local noble. According to Kraus, the Prince himself handed down the judgment, condemning both captains to death.⁴⁷ In this case, capital punishment exceeded the usual sentence for such a crime, likely motivated by the need of the Transylvanian

47 KRAUS, *Cronica Transilvaniei*, p. 115.

Prince to maintain good relations with the nobility of Upper Hungary. Although this example precedes our documents by several decades, it is nonetheless relevant for understanding the role of discipline and military justice in early modern Transylvanian armies. Punishment, and especially the death penalty, was used to enforce discipline, but also as a political instrument.

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