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## MAKING MARIA THERESIA ‘KING’ OF HUNGARY\*

BENEDEK M. VARGA 

*Trinity Hall, Cambridge*

**ABSTRACT.** *This article examines the succession of Maria Theresia as ‘king’ of Hungary in 1741, by questioning the notion of the ‘king’s two bodies’, an interpretation that has dominated the scholarship. It argues that Maria Theresia’s coming to the throne challenged both conceptions of gender and the understanding of kingship in eighteenth-century Hungary. The female body of the new ruler caused anxieties which were mitigated by the revival of the medieval rex femineus tradition as well as ancient legal procedures aiming to stress the integrity of royal power when it was granted to a woman.*

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When the Holy Roman Emperor, king of Hungary and Bohemia, Charles VI<sup>1</sup> unexpectedly died in October 1740, his oldest daughter and successor, the twenty-three-year-old Maria Theresia, had to shoulder the burdens of the Habsburg empire and face the ensuing War of Austrian Succession (1740–8), the most severe crisis of the dynasty’s early modern history. The treasury was almost empty, the armies were exhausted, and the dynasty’s debt was high. Amidst these difficulties, it was essential for the young queen to emphasize the legitimacy of her power and secure the support of her lands, among them Hungary. Consequently, she had to assume the fullness of royal power there as soon as possible and demonstrate the Pragmatic Sanction’s domestic validity to its contenders. But what does royal power mean when it is exercised by a woman? For the Hungarians, the succession of the young queen to the throne not only raised doubts about her abilities to tackle the immediate problems of war, but also challenged their ideas about kingship. Should the very concept of royal power be rearticulated in order that it might accommodate the rule of a woman? Or vice versa, is it the new ruler’s womanhood that

*Trinity Hall, Cambridge, CB2 1TJ [bv287@cam.ac.uk](mailto:bv287@cam.ac.uk)*

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<sup>1</sup> As Holy Roman Emperor Charles VI, but as king of Hungary Charles III, and as king of Bohemia Charles II.

must be addressed and refashioned in a way that it might fit into the existing frameworks of tradition? The curious sounding title, 'Domina et Rex', with which Maria Theresa was finally addressed at her coronation in 1741 by her Hungarian subjects, concisely expresses this dilemma.

Reflecting on these problems, this article aims both to investigate the origins of the queen's *rex* title, and to examine the question of gynecocracy – the political supremacy of women – in eighteenth-century Hungary. While the existing scholarship on Maria Theresa had a penchant for applying the dichotomy of the *body politic* and *body natural* as an explanatory framework for why she was called *rex*, so far no one has examined what people in the eighteenth century actually thought about this or how they understood the obvious tension between the female gender of their ruler and the male representation of royal power conferred on her. This article argues that there was a medieval historiographical tradition and an ancient legal procedure in Hungary, which suggested that women can be, or rather have to be, seen as men when it came to assuming royal power. Therefore, this study demonstrates that in this context medieval tradition and legal thought served as tools in transgressing existing boundaries between seemingly fixed gender roles, while at the same time keeping the integrity of kingship.

## I

The English traveller, Sir Nathaniel Wraxall, when visiting Vienna in 1779, scribbled down some notes in his diary on the Hungarian coronation of Maria Theresa, based on the reminiscences of people who attended the ceremony in 1741 at Pressburg (today Bratislava, Slovakia). According to the informants, '[w]hen the Crown was placed upon her head it proved to be so much large, that it was found necessary to put cushions round her forehead, in order to prevent its falling down over her face'.<sup>2</sup> Furthermore, Wraxall was told that due to its heavy weight the crown was removed from the queen's head during the festive dinner following the coronation. What is intriguing about these accounts is that both describe regular customs – adapting the crown to the head by the means of cushions, as well as the removal of the crown during the dinner – that were observed at the coronations of male rulers as well.<sup>3</sup> Wraxall's informants, however, depicted these moments as unfortunate incidents which signified the female weakness of Maria Theresa. These rumours on the size and unbearable weight of the Holy Crown of St Stephen are telling, because they clearly express doubt as to whether a female head would be able to wear the diadem of the country.<sup>4</sup>

<sup>2</sup> Nathaniel William Wraxall, *Memoirs of the courts of Berlin, Dresden, Warsaw, and Vienna, in the years 1777, 1778, and 1779* (1779) (2 vols., Cambridge, 2012), II, pp. 299–300.

<sup>3</sup> Fanni Hende, 'Politikai reprezentáció a magyar országgyűléseken 1687 és 1765 között' (Ph.D. thesis, Budapest, 2017), pp. 79, 106.

<sup>4</sup> The author is currently working on an article focusing on the material culture of Maria Theresa's coronation.

Besides the peculiar coronation ritual, European contemporaries were also interested in the fact that during the ceremony, the Hungarian estates addressed Maria Theresa with the title of male kings, *rex*, instead of the female form, *regina*. The eighteenth-century French historian, Claude-Louis-Michel de Sacy, made a curious remark on female rule in Hungary: ‘it seems that the ancestors of the Hungarians...could not stand female rule to such an extent that they gave the title of kings to the women who ruled over them’.<sup>5</sup> Thus, Sacy understood the *rex* title of the Hungarian female monarchs as a token of rejecting gynecocracy.

The two above-mentioned examples convey the tension between expectations and reality and problematize the question of continuity at a time when a woman had to assume a role for which only men were considered capable. These issues not only puzzled eighteenth-century contemporaries, but also historians who examine gendered hierarchies and the representation of royal power. How could it be explained that a woman ascended the throne bearing a male royal title?

Recent scholarship focusing on Maria Theresa had drawn inspiration from Ernst Kantorowicz’s study of the king’s two bodies. According to Kantorowicz, medieval English rulers had a biological body (body natural) and a political body founded on legal fiction (body politic). In times when the ‘state’ as a concept did not exist, this legal fiction represented the kingdom and the continuity of royal power.<sup>6</sup> The dichotomy between the two bodies has influenced the fields of gender and art history, where the theory served as an explanatory framework for examining how the masculine language of royal power is related to the female gender of queens.

Scholars like Regina Schulte, Werner Telesko, and Christina Strunck used the term *body politic* in a broader sense, standing for the political meanings attached to the natural body of the ruler. They all referred to the well-known moment at the Diet in 1741, when the Hungarian nobility expressed sympathy for the desperate young queen – who according to the commonly held misconception wore the Holy Crown while holding the baby Joseph II in her hands<sup>7</sup> – and gallantly offered their military assistance amidst the escalating war of succession while shouting ‘*moriatur pro rege nostro*’. Historians stressed that Maria Theresa consciously blurred the line between her *body natural* and *body politic*

<sup>5</sup> M. de Sacy, *Histoire générale de Hongrie: depuis la première invasion des Huns, jusqu’ à nos jours* (2 vols., Paris, 1778), II, p. 505.

<sup>6</sup> Ernst Kantorowicz, *The king’s two bodies: a study in mediaeval political theology* (Princeton, NJ, 1957).

<sup>7</sup> In reality, there were two different events which became mixed both in eighteenth-century representations and later historical accounts. On 11 September 1741, when the estates offered their life for their queen, Joseph II had not yet been taken to Pressburg. He was only introduced to the estates ten days later, when Francis Stephen of Lorraine made his vow as co-regent. For a historiographical overview of the two events, see István M. Szijártó, ‘Emberek és struktúrák a 18. századi Magyarországon. A politikai elit társadalom- és kultúrtörténeti megközelítésben’ (D.Sc. thesis, Budapest, 2017), pp. 351–5.

so that she could use her physical body for manipulating emotions and imposing her political will.<sup>8</sup>

Furthermore, Sandra Hertel argued that the two bodies of kings became even more visible in the case of Maria Theresia's Hungarian coronation, when the biologically female body was extended by the act of anointment and coronation into a political state body (*Staatskörper*) which compensated the alleged weaknesses of the female nature. She concluded that this explained why Maria Theresia was crowned not as queen, but as 'king' of Hungary.<sup>9</sup> While these scholars all reference Kantorowicz or use his work as a point of departure, it seems that they have blurred his model in different ways which raised several problems rather than solving them. It should be stressed that the term *body politic* as it was applied by Kantorowicz is not equivalent to the natural body on which political meanings were inscribed. While the former was closely associated with a legal fiction of kingship, the latter was more about the representation of politics made manifest on a natural body.

This becomes especially obvious when one considers that in the Hungarian legal universe rulers had only one, physical, body. The fact that such legal fiction as the theory of the 'king's two bodies' was never developed there has already been noted by Kantorowicz himself. He convincingly argued that 'Hungary carried the distinction between the mystical Crown and a physical king to great refinement, but the material relic of the Crown of St Stephen seems to have prevented the king from growing his own super-body.'<sup>10</sup> Kantorowicz briefly touched even upon the reason why Mary I of Anjou, queen of Hungary, and Maria Theresia both held the title of *Rex Hungariae*. He stipulated that as the crown gradually begun to represent more than just an object, the royal title itself became more abstract.<sup>11</sup>

<sup>8</sup> Regina Schulte, 'Introduction. Conceptual approaches to the queen's body', in Regina Schulte, ed., *The body of the queen: gender and rule in the courtly world, 1500–2000* (New York, NY, 2006), pp. 9–10; Christina Strunck, 'The "two bodies" of the female sovereign: awkward hierarchies in images of Empress Maria Theresia, Catherine the Great of Russia and their male consorts', in Helen Watanabe-O'Kelly and Adam Morton, eds., *Queens consort, cultural transfer and European politics, c. 1500–1800* (London, 2017), p. 76; Werner Telesko, "'She died as a man—and as an empress.'" Politics of the body and visual representation in the case of Maria Theresia', in Lena Oetzel and Kerstin Weiand, eds., *Defizitäre Souveräne: Herrscherlegitimationen im Konflikt* (Frankfurt and New York, NY, 2018), p. 319.

<sup>9</sup> Sandra Hertel, 'Maria Theresia als "König von Ungarn" im Krönungszeremoniell in Preßburg (1741)', *Frühneuzeit-Info*, 27 (2016), pp. 110–23, at pp. 110–11. See also idem, 'Der weibliche Körper als Quelle? Überlegungen zu einer höfischen Körpergeschichte zur Zeit Maria Theresias', in Thomas Wallnig, Elisabeth Lobenwein, and Franz-Stefan Seitschek, eds., *Maria Theresia? Neue Perspektiven der Forschung / Maria Theresia? New Research Perspectives / Marie Thérèse? Nouvelles approches de recherche* (Bochum, 2017), p. 35.

<sup>10</sup> Kantorowicz, *The king's two bodies*, p. 446. See also László Péter, 'The Holy Crown of Hungary, visible and invisible', *Slavonic and East European Review*, 81 (2003), pp. 421–510, at p. 437.

<sup>11</sup> Kantorowicz, *The king's two bodies*, p. 80 n. 93. See also István Rév, 'A testetlen Szent Korona', *Beszélő*, 7 (2002), <http://beszelo.c3.hu/cikkek/a-testetlen-szent-korona>.

Based on these observations, I suggest that instead of applying the ‘two bodies’ narrative, it would make more sense to examine closely the specificities of the early modern intellectual context in which Maria Theresia’s *rex* title had been developed and to focus on the problem of gynecocracy in Hungary more broadly. I find the idea that one must consider the basis on which royal power is legitimated in any given context before analysing the meaning of queens’ bodies to be crucial.<sup>12</sup>

## II

It has recently been argued that Maria Theresia’s coronation was ritually an exceptional case without any historical precedent, because in 1741 a woman was anointed as the ‘king’ of Hungary who also symbolically carried the sword.<sup>13</sup> This, however, was just the opposite of what contemporaries in the eighteenth century thought about the event. In fact, even before the problem of female succession in the Habsburg dynasty under Charles VI was raised, Hungarian legal thinkers kept referring to the medieval precedent of Mary I, whose coming to the throne served as the model for determining whether gynecocracy could be an accepted political form in the country and under what title the new female monarch ought to begin her rule.

The most relevant source in this context is a passage in the *Chronica Hungarorum* (1488) written by János Thuróczy. As King Louis I of Anjou (1342–82) did not have male heirs, he had to divide his realms between his two daughters before his death. Hedwig became the heir of Poland, while twelve-year-old Mary succeeded her father in Hungary and her mother, Elisabeth, was given regency.<sup>14</sup> In all probability, King Louis I may well have thought that Mary would reign as soon as she became old enough to marry her groom, Sigismund of Luxembourg, on which occasion Mary would pass over the royal power to her husband.

Thuróczy – based on the work of the Venetian ambassador, Lorenzo de Monacis – recorded Mary’s coronation as follows: ‘with one heart and soul the entire people address this girl as king, they decorate the female sex with this distinguished title, she is seated on the glorious throne of her father and they crown the virgin head with the Holy Crown’.<sup>15</sup> Thus, Mary I became a

<sup>12</sup> Rachel Weil, ‘Royal flesh, gender and the construction of monarchy’, in Schulte, ed., *The body of the queen*, p. 89.

<sup>13</sup> Barbara Stollberg-Rilinger, *Maria Theresia: die Kaiserin in ihrer Zeit: eine Biographie* (Munich, 2017), p. 88.

<sup>14</sup> János M. Bak, ‘Roles and functions of queens in Árpáadian and Angevin Hungary (1000–1386 A.D.)’, in John Carmi Parson, ed., *Medieval queenship* (New York, NY, 1993), p. 21.

<sup>15</sup> ‘omnis vulgus concordi animo hanc virginem regem appellat, femineum hoc celebri sexum nomine illustrant, illam alto parentis in solio locantes sacro virgineum caput diademate coronant’. Johannes de Thurocz, *Chronica Hungarorum*, ed. Elisabeth Galántai and Julius Kristó (3 vols., Bibliotheca Scriptorum Medii Recentisque Aevorum, Series Nova vols. 7–9, Budapest, 1985), I, p. 189–90. The original lines on Mary’s *rex* title in de Monacis’s work:

*rex femineus*, a woman with royal power who, as a sign of respect, received the title of *rex* which meant nothing less than that, in spite of her sex, she was seen as equal with former male kings. The Italian chronicler of King Matthias I, Antonio Bonfini, added the remark that the lavish favours of good fortune compensated Mary for all the shortcomings that her female sex caused to her.<sup>16</sup> This ‘compliment’ highlighted an important feature of the *rex femineus* topos, namely that her capabilities were beyond those of other women in which sense she stood closer to men. Thuróczy’s, and consequently Bonfini’s, narrative on Mary as *rex* was adopted by all the relevant works on the Holy Crown and the Hungarian coronations written between the sixteenth and eighteenth centuries, which firmly grounded Mary I’s precedent in the historical thought of the early modern period.<sup>17</sup> This was the tradition whose elements were recomposed in the eighteenth century in order to prepare the ground for Maria Theresia’s kingship.

However, while the *rex femineus* concept served as a paragon for the future, the judgement on female rule in Hungary was not so simple, for the reign of Mary and her mother escalated into a bloody civil war between competing baronial leagues, which was finally ended by Sigismund, the husband of Mary I. Thuróczy also recorded the opinion of those who opposed Mary’s rule and who argued that Hungarians never venerated women with a royal title, for their sagacity was insufficient to hold the reins of the kingdom.<sup>18</sup>

Therefore, early modern legal scholars in Hungary were divided on the question of whether gynecocracy could be accepted. In this period, the Hungarian political thought was heavily influenced by the works of Justus Lipsius and German Neo-Aristotelian political theory.<sup>19</sup> Lipsius’s works were equivocal about gynecocracy: in some places, he welcomed occasions when ‘the peaceful

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Laurentius de Monacis, ‘Carmen seu historia de Carolo II cognomento Parvo Rege Hungariae’, in Flaminius Cornelius, ed., *Ad Ludovici Antonii Muratorii Rerum Italicarum Scriptorum tomum VIII. Appendix; seu Laurentii de Monacis Veneti Cretae cancellarii Chronicon de rebus Venetis ab u.c. ad annum MCCCCLIV, sive ad conjurationem ducis Faledro. Accedit ejusdem Laurentii Carmen de Carolo II. Rege Hungariae, & Anonymi Scriptoris de causis belli exorti inter Venetos, & Ducem Ferrariensem* (Venice, 1758), p. 326.

<sup>16</sup> Antonius Bonfinius, *Rerum Ungaricarum Decades quatuor cum dimidia. His accessere Ioan. Sambuci aliquot appendixes, & alia: una cum priscorum Regum Ungariae Decretis, seu constitutionibus: quarum narrationes Bonfinii obiter meminere & quae pagina 16 indicat*, ed. Joannes Sambucus (Frankfurt, 1581), p. 355.

<sup>17</sup> Melchior Inchofer, *Annales ecclesiastici regni Hungariae* (Rome, 1644), p. 279; Petrus de Rewa, *De monarchia et sacra corona regni Hungariae centuriae septem* (Frankfurt, 1659), p. 25; Martinus Schmeizel, *De insignibus vulgo clenodiis regni Hungariae ut et ritu inaugurandi regem Hungariae schediasma historicum* (Jena, 1713), p. 48.

<sup>18</sup> De Thurocz, *Chronica*, I, p. 198.

<sup>19</sup> Nóra G. Etényi, ‘Államelmélet, politika és pamfletok a 17. századi Európában’, *Aetas*, 18 (2002), pp. 15–35; at p. 29; Tibor Wittman, ‘A magyarországi államelméleti tudományosság XVII. század eleji alapvetésének németalföldi forrásaihoz. J. Lipsius’, *Filológiai Közlemény*, 3 (1957), pp. 53–66; Tibor Klaniczay, ‘A magyar későreneszansz problémái (sztoicizmus és manierizmus)’, *Irodalomtörténet*, 48 (1960), pp. 41–61.

sex' was given political power, while other passages indicate that he dismissed the idea of female rule.<sup>20</sup> In the *Politica*, Lipsius argued that 'unius imperium' could fall on both sexes, but especially men were ordered by nature to possess it. Although women were weak, lacked constancy, were not wise, but rather often full of vice and deceit, still virtues were never restricted only to the male sex and women could compensate their female 'defects' by manly care. Thus, Lipsius's conclusion was that women were capable of governing unless the law or the ancestral custom commanded otherwise.<sup>21</sup> The local custom however, seemed quite confusing in Hungary.

A dissertation, published in 1666, by Johann Andreas Lochner, a Hungarian student at Tübingen, examined the question as to whether a woman would be capable to rule the Hungarian kingdom.<sup>22</sup> While considering Lipsius's ideas and those of other early modern theorists debating on the question of female rule, Lochner argued that the example of Mary I demonstrated that gynecocracy was formerly accepted in Hungary, although he acknowledged that it caused a lot of turmoil. While an early eighteenth-century commentator on Lochner's work, János Jóny, argued that the fact that the noble estates accepted gynecocracy for some political reasons did not necessarily entail that they considered women fit to rule. He reminded his readers of the passages where Thuróczy demonstrated that Mary I was given royal power 'against the customs of the country', and that her weak rule caused civil war.<sup>23</sup> Jóny agreed with the German political philosopher, Henning Arnisaeus, who thought that it was better to exclude women entirely from royal succession. Thus, the legacy of Mary I was quite ambivalent and seemed to convince political thinkers to avoid rather than embrace gynecocracy.

A 1729 play from Szeged demonstrates the prevalence of such ideas about female rule in the first half of the eighteenth century. The title of the work *Muliebris imperii infelicitas/ Das Weiber-Regiment nihmt selten ein guts End* (The misfortune of female rule) briefly summarizes the moral of the story. Following the death of her husband, the main character, Laodice of Cappadocia, kills six of

<sup>20</sup> Jan Wasznik, 'Introduction', in *Justus Lipsius, Politica. Six books of politics or political instruction*, ed. and trans. Jan Wasznik (Bibliotheca Latinitatis Novae, vol. 5, Assen, 2004), pp. 111–12; Sharon L. Jansen, *Debating women, politics, and power in early modern Europe* (New York, NY, 2008), pp. 111–12; M. R. Sperberg-McQueen, 'Gardening without Eve: the role of the feminine in Justus Lipsius's *De constantia* and in Neo-Stoic thought', *German Quarterly*, 68 (1995), pp. 389–407.

<sup>21</sup> Justus Lipsius, *Politiorum sive civilis doctrinae libri sex* (Leiden, 1589), p. 36.

<sup>22</sup> 'Ad aptitudinem eligendi pertinent sexus, ubi quaeritur, an Regni Hungarici foemina sit capax?' Johannes Andrea Lochnerus, *Facies Juris Publici Hungariae, Praeside Johanne Gravio, U. J. D. & P. P.h.t. Facultatis Decano, Publico examini submissa...a Joh. Andrea Lochnero, Sempr. Hungaro* (Tübingen, 1666), p. 11.

<sup>23</sup> Johannes Andrea Lochnerus, *Facies Juris Publici Hungariae. A clarissimis viris Ioanne Gravio Ic. et Prof. Publ. et Io. Andr. Lochnero Sempron. Hungaro Anno MDCLXVI In Academia Tubingensi Publice Proposita nunc vero ob exemplarium defectum doctrinae autem praestantiam iustiore ordine iteratis mandata typis suisque et aliorum observantionibus locupletata a Ioanne Iony Iglovia Hungaro Iurium in Alma Salana Cultore*, ed. Joannes Jony (Jena, 1717), pp. 15–16 nn. c–g.

her seven children in order to prolong her reign. However, the youngest child manages to escape and ultimately ascends the throne, while Laodice is murdered.<sup>24</sup> According to an advertisement for the stage play, the drama was inspired by a chapter in Lipsius's *Monita et exempla politica*, which hoped to illustrate why women were not suitable for political power.<sup>25</sup>

While such ideas were widespread among the Hungarian political and intellectual elite in this period, the theoretical question of female rule soon became a practical problem too, when the new emperor, Charles VI, unexpectedly became the ruler of the eastern Habsburg dominions in 1711. In the midst of the War of Spanish Succession, a secret dynastic pact (1703) between Emperor Leopold I and his sons, Joseph and Charles, laid down the principles of dynastic succession, just before Charles was sent to Spain to fight for his inheritance. Among other things, this agreement stated that if either Joseph or Charles failed to father male descendants, the dominions of the extinct male line would be automatically transferred to the other male line. More importantly, this pact also discussed the possibility of female succession, echoing earlier Habsburg *Hausgesetze*. It was stated that, in the event that the male line which unified the territories left no male heir, but only female successors, then the oldest daughter would inherit the lands and the kingdoms of the dynasty.<sup>26</sup>

In 1711 – while Charles was still in Barcelona – his brother Emperor Joseph I unexpectedly died. In accordance with the resolutions of 1703, Charles left Spain and was crowned Holy Roman Emperor in December 1711, eventually arriving in Vienna the next month.<sup>27</sup> In 1713, the former secret pact was made public, and the so-called Pragmatic Sanction announced that Charles's descendants, either male or female, would inherit the lands of the dynasty. Only if he failed to father children would Joseph's, and then Leopold's successors inherit the dominions. It is crucial to stress that the Leopoldine pact of 1703 was a dynastic agreement which applied to only Leopold and his sons, who pledged to uphold it. In the Holy Roman Empire, women had no right to become regent empresses. In the kingdoms of Hungary and Bohemia, where succession to the throne was determined by local laws, the pact of 1703 and its proclamation in 1713 had no legal binding either. As a result, Charles spent most of his life – but especially after 1717, when Maria Theresia

<sup>24</sup> István Kilián, *A Magyarországi piarista iskolai színjátszás forrásai és irodalma 1799-ig: Fontes ludorum sceniorum in gymnasiis collegiisque scholarum piarum Hungariae* (Budapest, 1994), pp. 520–2.

<sup>25</sup> In book 2, ch. 2 of the *Monita* – where this story can be found – Lipsius first tried to convince his readers about the disadvantages of the political rule of women; however, later, he provided both good and bad examples of female rulers. Wasznik, 'Introduction', p. 112.

<sup>26</sup> They had not considered the possibility that both male lines would become extinct at the same time.

<sup>27</sup> William O'Reilly, 'Lost chances of the House of Habsburg', *Austrian History Yearbook*, 40 (2009), pp. 53–70, at p. 60.

was born – seeking to have the Pragmatic Sanction accepted across his dominions and to obtain the assent of foreign powers.<sup>28</sup>

The question of extending the hereditary succession to the female line of the Habsburg dynasty in the Hungarian kingdom was first raised publicly in 1712, before the Hungarian coronation of Charles, by a Croat committee which assembled in Zagreb on 9 March to give commands to the delegates being sent to Pressburg, where the Hungarian Diet had been convoked.<sup>29</sup> During the negotiations there, Imre Esterházy, the bishop of Zagreb, unexpectedly raised the question of female succession that the Diet accepted after long discussion.<sup>30</sup> The final document, which is sometimes called the ‘Croat Pragmatic Sanction’, presented arguments as to why it would be important to extend the Habsburg dynasty’s right of hereditary succession – that Leopold I secured for the male line already in 1687 – also to the female line in the kingdom of Hungary. The reasons for the Croatian enthusiasm for female succession – which could have surprised Charles himself – can be found, on one hand, in that Croatia enjoyed the financial and military protection of southern Austria during the Ottoman period, thus the Croatian estates were afraid of the prospect of Habsburg rule ceasing in Hungary, exposing them once again to the threat of Ottoman campaigning. On the other hand, the developing discourse of Croat patriotism, most eminently represented by Pavao Ritter-Vitezović, envisaged a Croatian revival within the Habsburg empire.<sup>31</sup>

Consequently, the Croat conference suggested that the right of freely electing a king in a case when the male line of the Habsburg dynasty died out would only leave the entire kingdom in confusion.<sup>32</sup> To avoid the fatal consequences of a

<sup>28</sup> Gustav Turba, *Die Grundlagen der Pragmatischen Sanktion* (2 vols., Leipzig and Vienna, 1911–12); Gustav Turba, *Geschichte des Thronfolgerechtes in allen habsburgischen Ländern bis zur pragmatischen Sanktion Kaiser Karls VI., 1156 bis 1732* (Leipzig and Vienna, 1903); István Csekey, *A magyar trónörökési jog. Jogtörténelmi és közjogi tanulmány oklevélmellékletekkel* (Budapest, 1917), pp. 163–282.

<sup>29</sup> Croatia had been in personal union with Hungary between 1102 and 1918. According to the historian Géza Pálffy, however, the two kingdoms were *de facto* in a real union due to overwhelming power of the Hungarian part. In the early modern period, Croatia was governed by a viceroy, the *ban*, while the assembly of the Croat nobility, the *sabor*, sent delegates to the Hungarian Diet. Géza Pálffy, ‘Szétdarabolódva a közép-európai kultúrkörben’, in Árpád Mikó and Mária Verő, eds., *Mátyás király öröksége. Késő reneszánsz művészet Magyarországon a 16–17. században* (Budapest, 2008), p. 14.

<sup>30</sup> András Forgó, ‘Esterházy Imre és az aulikus politika a 18. század első felében’, in Ibolya Maczák, ed., *Fényes palotákban, ékes kőfalokban. Tanulmányok az Esterházy családról* (Budapest, 2009), pp. 72–3. On the Croat Pragmatic Sanction, an old but still the most informative text: Vjekoslav Klaić, *Die kroatische pragmatische Sanktion: Vorgelegt in der feierlichen Sitzung der südslavischen Akademie der Wissenschaften und Künste in Zagreb am 23. Mai 1914* (Zagreb, 1915).

<sup>31</sup> R. J. W. Evans, ‘Afterword’, in Balázs Trencsényi and Márton Zászkaliczky, eds., *Whose love of which country? Composite states, national histories and patriotic discourses in early modern East Central Europe* (Leiden, 2010), p. 761. On Ritter-Vitezović, see Zrinka Blazević, ‘Performing national identity: the case of Pavao Ritter Vitezović (1652–1713)’, *National Identities*, 5 (2003), pp. 251–68.

<sup>32</sup> Joannes Kukuljević aliter Bassani de Sacchi ed., *Articuli & Constitutiones Dietae seu Generalium Congregationum Regni Croatiae, Dalmatiae & Slavoniae* (Zagreb, 1862), p. 106.

possible interregnum, they proposed to extend the hereditary succession to the female line of the dynasty. They argued that if Louis I had merited the right from the Hungarians to make his daughter, Mary I, ‘successor of the crown and king’, the Austrian House deserved this even more from the *gens Croata*.<sup>33</sup> This proposal, however, did not have any further consequence, because the Hungarian Diet did not decide on these issues.

In fact, it seems that the Hungarians were having quite different reflections on a possible female succession. It is worth examining the resolutions of another conference, which was convoked in Pressburg by the palatine, Pál Esterházy, on 7 July 1712, following the request of Charles. Under certain conditions, the conference could accept if a female member of the Habsburg dynasty inherited the throne. However, the first condition was already unacceptable for Charles, because they demanded that he name just one woman in the dynasty in whose favour all other female members were to renounce their right of succession. Of course, Charles, who had nieces and no nephews at that time, had to decline this offer. Had he accepted these terms, his future daughters would have been excluded from the succession, thus he decided to postpone the question altogether. Curiously, the conference also demanded that besides the chosen female member, her husband had to be crowned as *co-rex*.<sup>34</sup> It seems that in 1712, the leading Hungarian political figures abhorred the idea of having a woman on the throne, and probably thought of the example of Mary I and the calamitous period that her rule caused.<sup>35</sup> These different stances aptly represent the ambiguous opinions which were associated with female succession and gynecocracy in the early eighteenth century: whereas the Croat nobility regarded the Habsburg female rule as a possible key for future political stability in the region, the Hungarian palatine and his circle saw in that the roots of more confusion to come.

The Hungarians’ aversion to female rule had not changed much and caused constant troubles for Vienna, where the issue became more and more pressing. At the secret conference of 12 March 1714, when arrangements were made once again to convoke the Diet at Pressburg, Count Starhemberg suggested that it would have been better to delay the issue of female succession altogether, for no one liked it in Hungary, not even those who were otherwise loyal to Charles, because ‘the Hungarians want kings, not queens, and whenever this question is raised, unrest evolves’.<sup>36</sup> Similarly, the discussion at the conference of 28 February 1714 reveals that the Hungarians continuously asked Charles to

<sup>33</sup> *Ibid.*, p. 107.

<sup>34</sup> *Opinio palatini principis Pauli Esterházy et consiliariorum de successione sexus feminini Carolo III. presentata. Posonii, 8. Julii 1712.* The entire document published in: Csekey, *A magyar trónöröklési jog*, pp. 492–6.

<sup>35</sup> *Ibid.*, p. 180.

<sup>36</sup> ‘Hongaros enim Reges, non Reginas optare et hanc ipsam quaestionem iam motam varios inter Hungaros motus excitasse.’ *Protokoll der geheimen Konferenz vom 12. März 1714.* Published in Turba, *Die Grundlagen*, II, p. 280.

name the husband of the would-be heiress. They enquired whether the future husband would become a king and whether he would remain in his position in case his wife died without an heir.<sup>37</sup> These discussions cast light on the central issue – as Gustav Turba pointed out – that for the Hungarians, the main question was the king, not the heiress of the throne, as they wanted only male governance.<sup>38</sup>

Thus, the puzzle Vienna had to solve seemed impossible: how to assure the Hungarians that they would have a fully legitimate *rex*, even if she turned out to be a woman? The ingenious solution was devised by Ferenc Szluha, a former *kuruc* rebel and legal expert of the palatine who at the Diet of 1722 – having been persuaded by the palatine, Miklós Pálffy, and Cardinal Imre Csáky to stand for the case of female succession – delivered an address to the Hungarian estates after which they finally, as the last ones in the Habsburg realm, accepted the Pragmatic Sanction. Szluha argued that the daughter of Charles would be

man in the person of a woman, by the best Law: For the Fundamental Law of the Fatherland transforms women into men...Other princes count amongst the royal entitlements that they are free from law; our law, however, can transform a first-born girl – as yet little but still majestic – into a man, a king! Such is the power of the Fatherland's Law, that it can accomplish this kind of metamorphosis!<sup>39</sup>

The curious law that could turn a woman into a man was a medieval private law procedure called *praeffectio*. It was a royal privilege granted to noblemen whose only legitimate heirs were women. In such situations (*defectus seminis*), the land and family fortune would automatically revert to the king, because women could not inherit landed property. For these cases, *praeffectio* was introduced, by which the daughter of the nobleman could legally become a man, thus the family fortune could be preserved.<sup>40</sup> Szluha was toying with this idea and applied this mechanism of private law to the public law case of royal succession. His goal was to prove that it was not against the Hungarian customary law if a woman inherited the throne and ruled the country. Also, with these

<sup>37</sup> *Ibid.*, p. 279.

<sup>38</sup> *Ibid.*, p. 138.

<sup>39</sup> 'Vir in Foemina! & quidem Jure optimo: Lex etenim Fundamentalibus Patria! Foeminas, in Virum praeffectit...Alii Principes Lege solvi; inter Jura Majestatis computant; nostra elevat, nunc Tenellam, at Augustam Foeminarum Primogenituram, in Virum, Regem! Quanta Legum Patriae vis, quae talem efficit Metamorphosim!' Franciscus Szluha, *Oratio Magistri Francisci Szluha de Iklad; Sacrae Caesareae, ac Regiae Majestatis Consilarii, Protonotarii Palatinalis: & Comitatus Comaromiensis Vice-Comitis; In ingressu Comitiorum, Anno 1722 ad Inclitos Regni Hungariae status, dicta* (n.p., n.d.), sig. A4r.

<sup>40</sup> Marianne Sághy, 'Aspects of female rulership in late medieval literature: the queens' reign in Angevin Hungary', *East Central Europe*, 20 (1993), pp. 69–86, at pp. 79–81; Erik Fügedi, 'Kinship and privilege. The social system of medieval Hungarian nobility as defined in customary law', in János M. Bak, ed., *Nobilities in central and Eastern Europe: kinship, property and privilege* (Budapest, 1994), pp. 65–6.

arguments, he was able to provide a legal theoretical explanation as to why a queen could be addressed as *rex*.

Szluha was, however, not the only one in 1722 to use the legal tool of *jus praefectionis* to strengthen the case of the Pragmatic Sanction. The legal scholar Mihály Bencsik, in a grand theoretical work, written in an absolutist spirit, suggested that in case the male line of the Habsburg dynasty should die out, the female line should ‘*per Praefectionem*’<sup>41</sup> inherit the throne of Hungary. He cited a paragraph from the laws of the Diet in 1547, where the Hungarian estates declared that they submitted themselves to the heirs and successors of Ferdinand I.<sup>42</sup> Since the customary law permitted daughters to be called ‘heirs’, they could have the right of royal succession by *praefectio*. According to Bencsik’s explanation, Mary I also attained royal power by this legal act.<sup>43</sup>

These efforts were in theory important for pushing through the Pragmatic Sanction which was accepted by ‘Vivat!’ exclamations at the Diet in 1722. However, it is important to emphasize that Maria Theresia did not become the ruler of Hungary *per praefectionem*, but by the virtue of the Pragmatic Sanction. The argument about *praefectio* was needed only to convince the Hungarian estates that the female hereditary succession was not in any way contrary to their laws. Nevertheless, in the period and beyond it was believed by many that behind the *rex* title of Mary I and subsequently Maria Theresia, the transformative legal forces of *praefectio* operated, for when they were granted royal power, they also legally became a man.<sup>44</sup>

Therefore, by the time of Maria Theresia’s succession, the parallels between Mary I and the future ruler had become widely known. The historian and geographer, Mátyás Bél, on 27 October 1740 – a week after the death of Charles VI – wrote the following in a letter: ‘the heavenly god granted us a queen, who is educated, merciful and well-disposed towards literature, in a way which is beyond the female sex. If I am not mistaken, we will call her Mary II which will be decided by the Diet that shall be convoked soon.’<sup>45</sup>

<sup>41</sup> Michael Bencsik, *Novissima Diaeta Nobilissima Principis, Statuumque, & Ordinum Inclyti Regni Hungariae, Partiumque Eidem Annexarum. Sive Propositiones Academicae Lege Nobilitares...jus patriae publicum redolentes* (Trnava, 1722), p. 105.

<sup>42</sup> Sándor Kolozsvári, Dezső Márkus, and Kelemen Óvári, ed. and trans., *Corpus Juris Hungarici. Magyar Törvénytár. 1526–1608. Évi Törvényzikkék* (Budapest, 1899), p. 192.

<sup>43</sup> Bencsik, *Novissima Diaeta*, p. 105.

<sup>44</sup> [Ignatius Baerenkopf], *De jure coronandarum reginarum Hungariae disquisitio* (Pressburg, 1792), pp. 47–8.

<sup>45</sup> ‘*reginam nobis, coeleste numen indulsit, ultra feminae modum, doctam, clementem et aduersus bonas litteras, benignam. Mariam II si bene auguror vocabimus. quod tamen comitia, definient, iam iam promulganda*’, letter by Mátyás Bél to Gottfried Schwartz, Pressburg, 27 Oct. 1740, published in László N. Szelestei, ed., *Bél Mátyás levelezése* (Commercia Litteraria Eruditorum Hungariae, vol. 3, Budapest, 1993), pp. 479–80, at p. 480.

## III

Indeed, on 19 June 1741, the day before Maria Theresa's entry to the city of Pressburg, the question was raised in the higher chamber of the Diet as to which exclamation the queen should be greeted with during her coronation ceremony. Unfortunately, we do not have a long account of this debate, but one of the participants of the Diet and an eyewitness of the coronation, Gábor Kolinovics, briefly described the discussion in his diary. We learn from Kolinovics that Imre Esterházy – the former bishop of Zagreb and promoter of the Croat proposal in 1712, who had in the interim become archbishop of Esztergom – raised the question of whether 'Vivat Rex' or 'Vivat Regina' should be shouted in St Martin's Church, following the coronation. In the original programme, sent from Vienna, 'Vivat Regina'<sup>46</sup> was given. According to Esterházy, the sex of the queen and the royal *dignitas* could be part of the same exclamation only if the formula would be 'Vivat Domina et Rex noster'. The bishop of Eger, Gábor Erdődy, who preferred the *rex* word included in the exclamation, argued that although the second article of the Pragmatic Sanction accepted both male and female successors as heirs, the word *regina* did not convey the same meaning as *rex*. To support this argument, the bishop referred to a golden medal that a student at the University of Vienna had received for his dissertation that he dedicated to the queen. On the medal the following was written: 'Maria Theresia Dei gratia Ungariae, Bohemiae etc. Rex'.<sup>47</sup> Thus, finally – wrote Kolinovics – the Diet agreed on the new formula: 'Vivat Rex Domina nostra'.<sup>48</sup>

<sup>46</sup> Library of the Hungarian Parliament, Gyurikovits Collection (OGYK) 700.478, *Diarium Diaetae Anni 1741 continuatum usque ad diem 27 Julii, desunt autem Menses Augustus, September, October et respectiva November*, p. 100.

<sup>47</sup> We know about the existence of this medal from a different source. The historian, András Károlyi BÉL, also made reference to this coin in a work which will be discussed below. Carolus Andrea Belius, *De Maria Hungariae regina Ludovici primi, principe filia commentatio historico-critica* (Leipzig, 1742), p. 32. According to Eduard Holzmair, the so-called *Gnadenmedaillen* – awarded to people for special merit, as in this case – had the title *rex* inscribed on them, as these medals had the character of official honorary gifts and therefore had constitutional importance. Eduard Holzmair, 'Maria Theresia als Trägerin "männlicher" Titel. Eine numismatische Studie', *Mitteilungen des Instituts für Österreichische Geschichtsforschung*, 72 (1964), pp. 122–34, at pp. 126–8; Anna Fabiankowitz, 'Geprägt für die Ewigkeit. Medaillen Maria Theresias als Denkmäler der Herrscherrepräsentation', in Sabine Haag, ed., *Zuhanden Ihrer Majestät: Medaillen Maria Theresias* (Vienna, 2017), pp. 61–2.

<sup>48</sup> Gabriel Kolinovics, *Nova Ungariae Periodus, anno primo gynaeco-cratiae Austriacae inchoata, sive comitiorum generalium... recensens absolutissima narratio*, ed. Martinus Georgius Kovachich (Buda, 1790), pp. 148–9. Other diaries of the Diet provide somewhat different accounts on the debate. It is a common feature of all diaries that it was Imre Esterházy who came up with the question at the higher chamber. According to most of the accounts, Esterházy's question referred to the 'Vivat' exclamation in the church right after the coronation; however, in other versions, the question was about the exclamation following an oath that the new ruler had to make over the coronation charter. A diary mentioned that there was a debate even on whether the 'vivat Domina, & Rex noster' or the 'vivat Rex & Domina nostra' formula would be more appropriate. Perhaps some thought it more important to stress the royal title

The estates sought to stress that the Holy Crown would be placed on the head of Maria Theresia as it was in the case of kings who possessed full royal power, whereas at the ceremonies of queen-consorts, the Holy Crown merely touched their right shoulder.<sup>49</sup> In 1613, Péter Révay, a Hungarian crown guard and ardent reader of Lipsius, explained this custom by arguing that the power of women should be moderated and limited; the duty of a queen, as a companion, is to help in carrying the heavy burden of governance, as ‘the glory of obeying is suitable to the weaker sex’.<sup>50</sup>

In 1741, however, Maria Theresia not only helped in governing the land, but – literally and symbolically – carried the burden of royal power herself, an important distinction that had to be made clear in her royal title, following on from the precedent of Mary I. The Hungarian estates were afraid that the legal and political order of the country would not be reflected properly if only a *regina* took the throne.<sup>51</sup> This is the reason why the archbishop greeted Maria Theresia on her arrival at the Hungarian border with the following words: ‘We adore Your Majesty as our lady, regarding your sex, and – regarding your power – in accordance with the customs of our forefathers or the fatherly sanction... – as our king and lord.’<sup>52</sup>

With the words ‘customs of our forefathers’, Esterházy undoubtedly evoked the *rex femineus* tradition developed by Thuróczy, while by mentioning the ‘fatherly sanction’, he referred to the Pragmatic Sanction. Thus, he provided a subtle explanation as to why Maria Theresia had to be addressed as *rex*: on one hand, the Pragmatic Sanction stated that the female descendants of Charles had to be acknowledged as successors to the Hungarian throne; on the other hand, the medieval history of Mary I was an example as to why the newly crowned female ruler should be addressed as *rex*. Therefore, Esterházy and the Hungarian estates found in the *Vivat Domina et Rex noster* formula a compromise where the Hungarian tradition of kingship was reconciled with the political reality of Habsburg hereditary rule in Hungary. When on 25 June 1741, Esterházy placed the Holy Crown on the head of Maria Theresia, he could also celebrate the success of his own political programme, for Esterházy

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than the sex of the queen. National Archives of Hungary (MNL OL), A 95 20. kötet. *Diarium Diaetae. Sub 18a May 1741 inchoatum, ac usque ad finem Diaetae, videlicet 29am Octobris continuatum.*

<sup>49</sup> Kolinovics, *Nova Ungariae Periodus*, p. 148.

<sup>50</sup> ‘tanquam sexum imbecilliozem decere *obsequii gloriam*’. Petrus de Rewa, *De sacrae coronae regni Hungariae ortu, virtute, victoria, fortuna, annos ultra DC clarissimae brevis commentarius* (Augsburg, 1613), p. 93.

<sup>51</sup> Ákos Barcsay, *Herrschaftsantritt im Ungarn des 18. Jahrhunderts. Studien zum Verhältnis zwischen Kron Gewalt und Ständetum im Zeitalter des Absolutismus* (Sankt Katharinen, 2002), p. 207.

<sup>52</sup> ‘M[ai]es[t]r[at]em V[est]ram, quam Sexu Dominam Nostram, Potestate Vero praelucentibus Majorum N[ost]rorum moribus, Patriave Sanctione...veneramur Regem & Dominum Nostrum.’ National Széchényi Library, Manuscript Archives (OSZKK) Fol. Lat. 597, *Diarium Diaetae Anni 1741. per Suam Majestatem Sacratissimam Mariam Theresiam...pro die 14a Mensis Maji indictae*, p. 74.

promoted the female hereditary succession of the Habsburg dynasty already when he was the bishop of Zagreb.

Maria Theresia's coronation followed the ritual order of the previous ceremonies performed by male rulers. It was emphasized in Vienna and Pressburg that she must be crowned, not simply as the wife of a king, but as a king.<sup>53</sup> While the visual and narrative representations stressed by both contemporaries in the eighteenth century and historians today underline the heroic act of how Maria Theresia underwent a male ritual,<sup>54</sup> closer scrutiny of sources can reveal that many had doubts if the queen could successfully fulfil her new role of a king. The diaries of the Diet and eyewitness accounts describing Maria Theresia's splendid dress that she wore when leaving the church, did not fail to mention that she showed the signs of 'observable fatigue'<sup>55</sup> under the heavy coronation regalia that weighed some 40 kg (88.185 lb).<sup>56</sup>

Another critical event in the ceremony was the Royal Hill, where the queen had to ride up to the top with the sword of St Stephen in her hand and point towards the four cardinal directions, representing that she was willing to defend the country from all enemies. On 8 April 1741, the *Hofkonferenz* in Vienna discussed how Maria Theresia should perform this act. There was agreement that this was an indispensable part of the ceremony, and it was suggested that the queen should be carried to the top of the hill in a sedan chair, since there was not enough space to use a chariot for that purpose.<sup>57</sup> The queen, however, changed her mind and began to practise horseback riding to perform the coronation act in its entirety.<sup>58</sup> The queen's unusual riding lessons became so well known, that even the London-based *The Gentleman's Magazine* informed its readers about them.<sup>59</sup>

No wonder then that Maria Theresia's depiction on the horse became a favourite topic in the representations of the coronation ceremony. A memorial medal of the ceremony shows the queen on horseback with the inscription, 'Nec priscis regibus impar': she is not inferior to the old kings.<sup>60</sup> This imagery expressed the idea in the most telling way that Maria Theresia, as a

<sup>53</sup> Barcsay, *Herrschaftsantritt in Ungarn*, p. 206.

<sup>54</sup> Szaboles Serfőző, 'Männlich und mächtig: Die Inszenierung Maria Theresias als Königin von Ungarn auf Staatsporträts', in Elfriede Iby, Martin Mutschlechner, Werner Telesko, and Karl Vocelka, eds., *Maria Theresia, 1717–1780. Strategin, Mutter, Reformerin* (Vienna, 2017), pp. 105–9.

<sup>55</sup> OSZKK Fol. Lat. 597, *Diarium Diaetae Anni 1741*, p. 135.

<sup>56</sup> Szabolcs Serfőző, 'Mária Terézia koronázási diszruhájának metamorfózisa', *Magyar Múzeumok* (2020), <https://magyarmuzeumok.hu/cikk/maria-terezia-koronazasi-diszruhajanak-metamorfozisa>, created 4 Feb. 2020.

<sup>57</sup> Österreichisches Staatsarchiv, Haus-, Hof- und Staatsarchiv (HHStA) OMeA ZA-Prot. 18, fo. 71r.

<sup>58</sup> Stollberg-Rilinger, *Maria Theresia*, p. 88.

<sup>59</sup> [Anon.], 'Extracts of letters from foreign parts', *The Gentleman's Magazine*, 11 (1741), pp. 333–4, at p. 333.

<sup>60</sup> Strunck, 'The "two bodies" of the female sovereign', p. 66.

*rex femineus*, was well beyond the capabilities of the female sex and that, in spite of her female body, she was capable enough to rule like a man.

The diaries of the Hungarian Diet, however, offer a somewhat different picture. The queen mounted on a horse which was ‘pro eo actu instructo’ – meaning seemingly that the horse was already trained to perform the task.<sup>61</sup> More importantly, however, another diary mentioned that when Maria Theresia wanted to ride up to the hill, the horse in the beginning seemed to resist the queen’s command, but then without greater hesitation they galloped to the top.<sup>62</sup> The hint that the horse did not want to follow the command of the queen is extremely revealing. This short anecdote demonstrates that some observers were looking out for the ways in which the queen’s body was not capable to play the role of a male monarch. Showing good skills in horse-riding was essential for early modern rulers. Paul Kléber Monod demonstrated that the portrayals of kings on horseback testified their capacity to rule, for the horse represented the kingdom as well as the people.<sup>63</sup>

Similar concerns about female rule were expressed by a rumour mentioned in Gábor Kolinovics’s work. He was told by a very erudite friend that 12,000 coins were spread in Hungary and the neighbouring regions, showing the queen’s image on one side, and the Hungarian coat of arms on the other. However, through the error of the curators in the mint, or maybe ‘divine providence predicted a bad sign’, the coat of arms was broken, and the queen’s effigy was distorted by thousands of points as if smallpox had attacked her.<sup>64</sup> This short anecdote, along with the fatigue of the queen and the little misadventure when horse-riding, reflects the distrust and maybe the ill-will of those who doubted the future success of Maria Theresia’s gynococracy which during the War of Austrian Succession was not entirely groundless.

These fears were explicitly addressed by a canon, Márton Padányi Biró, who was a celebrated preacher during the Diet of 1741. At Christmas in the year following the coronation, he gave a sermon where he compared the powerless baby Jesus with Maria Theresia:

Although, like your almighty child King, who took up weak human nature, your King on the earth seems also weak and powerless for she is a woman, but do not worry... The choice of kings is in the hand of God, he gave her to you as your king, thus do not be afraid, and trust even more in her weakness, because here not man, but God achieves the victory.<sup>65</sup>

<sup>61</sup> OSZKK Fol. Lat. 597, *Diarium Diaetae Anni 1741*, p. 139.

<sup>62</sup> OSZKK Quart Lat. 401, *Diarium Diaetae Anni 1741*, fo. 30v.

<sup>63</sup> Paul Kléber Monod, *The power of kings: monarchy and religion in Europe, 1589–1715* (New Haven, CT, 1999), pp. 319–20.

<sup>64</sup> Kolinovics, *Nova Hungariae Periodus*, p. 231.

<sup>65</sup> ‘Ámbár tehát ezen emberi erőtlenségben öltözött mindenható Kisdéd gyermek Királyod után való földi Királyodis erőtlennek láttassék azért, hogy Aszony állat, de ne fély...’ ‘A’ Királyi Választás egyedül ISTENTül vagyon, Isten adta ezt néked Királyul, ne fély azért, sőt inkább azért bizakodgyál hogy erőten, mert már itt nem az ember, hanem önnön maga a’

What comes through these lines is that despite the official rhetoric, people were unsure about how their female king would perform the royal duties. What could have bothered many is that although Maria Theresa was crowned as *rex*, and might have had male qualities which elevated her above other women, she was still ‘just’ a woman. She did not have a *body politic*, just a natural female body which was subject to failures and shortcomings like that of every other woman. The female body was a source of anxiety that tradition and legal fiction of kingship tried to alleviate.

Nevertheless, Maria Theresa’s coming to the throne also challenged inherited conceptions about femininity. The Dominican friar Pius Füsü,<sup>66</sup> in his laudatory *Carmen pastoritium* (1741), reflected on the unusual situation that the *rex femineus* and the introduction of gynocracy caused in Hungary. In the poem, three female figures, Galatea, Phyllis, and Amaryllis, known from Virgil’s *Eclogues* are discussing the coming to the throne of Maria Theresa. They not only celebrate the event with great joy, but also proclaim the ‘emancipation’ of the female sex and a rebellion against men. They state that from then on, they do not want to do housework, and men will be subordinated to women:

The righteous gods look upon our sex so mercifully,  
 And bless it with the diadem of the kingdom.  
 The Fates now ordain that we will dominate the world  
 We will give commands to men, and all will obey our orders.  
 No man shall rule anymore.  
 Leaving spindle and distaff to men,  
 We will pursue greater things than that.<sup>67</sup>

Amongst the triumph of the female sex, Amaryllis reminded them that Maria Theresa’s position will not open the road for every woman to leave behind their place in society.

FOR THERESA, who came to the throne of kings  
 Did not give you any power, THERESA’S crown did not save you from the spindle.

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mindenható Isten győzedelmeskedik.’ Márton Padányi Biró, *Infanteria, az az: a nazarethéli Mária szűz anyától született nyolczadnapj mindenható Sabaoth kised gyermek királynak vitézlo magyar serege...* (Sopron, 1742), sig. Bv.

<sup>66</sup> Lajos Zoltán Simon, ‘Tityrus Szombathelyen. Antiárkadia Füsü Pius Josephus, Mariae Theresiae filius című eklogájában’, in Enikő Békés, Péter Kasz, and Réka Lengyel, eds., *Humanista történetírás és neolatín irodalom a 15–18. századi Magyarországon* (Budapest, 2015), p. 248.

<sup>67</sup> I am immensely grateful to Lajos Zoltán Simon for drawing this poem to my attention. Pius Füsü, ‘Carmen Pastoritium Serenissimae ac Potentissimae Mariae Theresiae, Hungariae et Bohemiae Reginae. Dum Posonii Die 25. Junii Coronam Regni Hungariae susciperet’, in *Otia Poetica* (Vienna, 1744), p. 42. ‘Quod tam clementer nostrum pia Numina sexum / Respiciunt, illumque beant diademate regni. / Jam modo nos, sic fata ferunt, dominabimur orbi: / Nos dabimus mandata viris, atque omnia nostris / Parebunt jussis, jam vir non imperet ullus. / Linquentesque viris posthac fusumque, columque, / Nos insistemus rebus majoribus illo.’

She did not tear you from the husband's right.  
 Rather, remaining in our fate, we praise the happy THERESA  
 And we offer her our pious wishes: that for long years she may  
 prosperously rule her kingdoms in undisturbed peace.<sup>68</sup>

Füsi threw cold water on the heated fervour of those who believed that Maria Theresia's succession could be seen as the redefinition of what women were. These verses desperately wanted to emphasize that the new queen's case did not reveal any novelty about female nature, and that her royal power must be seen as nothing else than a glorious exception. Despite these efforts, Füsi's poem indicated that Maria Theresia's kingship began to push the boundaries of established views about what women were like.

Soon, the *rex femineus* tradition itself was questioned. In 1742, the historian Károly András Bél began to doubt that the long-standing interpretation of Thuróczy's chronicle about the 'female king' was correct. In a short treatise, Bél attempted to convince his readers by referring to charters and to a medieval coin that when Mary I acquired full royal power, her official title matched her sex and therefore she was called *regina* and not *rex*. According to his interpretation, in Thuróczy's text – 'Omnis vulgus concordi animo hanc virginem regem appellat' – the word 'vulgus', which referred to the people who addressed Mary I as 'rex', stood for the common folk, not the nobility who had the right to grant her such a title. In his review, the German historian and numismatist, Johann David Köhler, argued that the word *vulgus* should be understood as a reference to the barons and noblemen, who rightfully called Mary I their *rex*.<sup>69</sup>

In his response to Köhler, Bél wrote that he came to the idea of examining this question when Maria Theresia was crowned in Pressburg, because he had heard about the debates on whether the new ruler should be called *regina* or *rex*. Most people then – explained Bél – invoked the example of Mary I.<sup>70</sup> According to Bél, people were shouting both 'Vivat Maria Theresia Rex' and 'Vivat Maria Theresia Regina' on the streets of Pressburg. In his view, Thuróczy could have recorded a similar confusion among the common people.<sup>71</sup> Bél thought that since Maria Theresia did not call herself *rex* in either documents

<sup>68</sup> 'Namque tibi solum conscendens THERESA Regum / Imperium nullum tribuit, THERESAEQUE Corona / Nec tibi fusum adimit, nec te de jure Mariti / Eripit: in nostra tantum forte manentes / Felicem potius THERESAM laudemus, & illi / Vota pia addamus, longos ut fausta per annos / Imperturbata sua Regna in pace gubernet.' Ibid.

<sup>69</sup> [Johann David Köhler], 'Eine rare Silber-Münze König LUDWIGS...', *Der Wöchentlichen Historischen Münz-Belustigung*, 14 (1742), pp. 121–36. See also idem, 'Der Auswurff-Ducate bey der Böhmischen Krönung der Königin MARIA THERESIA mit dem Titul: REX von. A. 1743', *Der Wöchentlichen Historischen Münz-Belustigung*, 16 (1744), pp. 417–40.

<sup>70</sup> Carl Andreas Bel, *Vorläufige Antwort auf die von Hr. Joh. David Köhler, Hist. Prof. Publ. Ord. zu Göttingen wider die Commentationem Historico-Criticam de Maria Hungariae Regina, Ludovici Primi, Principe filia gemachten Einwürffe* (Leipzig, 1743), p. 1.

<sup>71</sup> Carolus Andrea Bel, *De Maria Ludovici primi principis filia, Hungariae non rege, sed regina, commentatio historico critica. Editio altera qua viris clarissimis Koehlero, Lenzio, Peterfyo responsum est* (Leipzig, 1745), p. 18.

or charters, it was futile to argue for her *rex* title and it was incorrect to call her ‘king’.<sup>72</sup> Thus, Bél extended his criticism of the *rex femineus* conception to his own time. A corollary of this debate was nothing less than that a queen could stand on her own ground as a ruler and did not need to ‘cover’ her female sex with the male title.

Nevertheless, Bél and Köhler’s contemporaries saw the debate as entirely fruitless. The eighteenth-century historian, István Katona, in opposition to the views of both Köhler and Bél, argued that Mary I as well as Maria Theresia were interchangeably called *regina* and *rex*. According to Katona, the title *regina* is appropriate if referring to the queen’s sex, whereas she should be called *rex*, if referring to her power.<sup>73</sup> Thus, although Maria Theresia called herself *regina* in royal decrees and charters, nothing prevented people from addressing her as *rex* during her coronation, like in the case of Mary I, because – as Katona put it – ‘we consider in her not the sex, but the dignity, not of queens, but that of kings’.<sup>74</sup>

A similar view was expressed about this debate by the Viennese legal scholar, Christian August Beck. He was professor at the Theresian Academy, which provided legal courses on public law and the legal system of the Habsburg Empire.<sup>75</sup> He was convinced that the struggles between Bél and Köhler were only about words and not the issue itself. Beck echoed Pufendorf’s idea, arguing that ‘the king is a moral person, the name of the power and dignity which fall on both sexes’.<sup>76</sup> As Ben Holland summarized, the *moral persons* for Pufendorf ‘are composites of duties, rights and capacities that we can call roles or offices’.<sup>77</sup> Thus, in the Pufendorffian system, the physical sex became entirely irrelevant, because kingship as a *persona moralis* can be embodied by men and women alike. Looking at from this perspective, being a king, a wife, a mother, etc., did not mean anything else than taking different roles and with them different responsibilities, rights, and obligations. Therefore, in a world of fixed gender roles, natural law theories and legal processes like the *praefectio* could open up the opportunity for transgressing the seemingly

<sup>72</sup> Bél made this argument even though he knew about the coin mentioned in n. 47. Curiously, he believed that the *rex* title written on that medal was just a rare exception.

<sup>73</sup> Stephanus Katona, *Historia Pragmatica Hungariae* (2 vols., Buda, 1784), II, p. 138.

<sup>74</sup> ‘quum non tam sexum, quam dignitatem, non reginarum, sed regum, in ea spectamus’. Ibid.

<sup>75</sup> Herman Conrad, ‘Einleitung’, in Herman Conrad, ed., *Recht und Verfassung des Reiches in der Zeit Maria Theresias: Die Vorträge zum Unterricht des Erzherzogs Joseph im Natur- und Völkerrecht sowie im deutschen Staats- und Lehnrecht* (Cologne, 1964), pp. 1–24; Grete Klingenstein, ‘The meanings of “Austria” and “Austrian” in the eighteenth century’, in Robert Oresko, G. C. Gibbs, and H. M. Scott, eds., *Royal and republican sovereignty in early modern Europe: essays in memory of Ragnhild Hatton* (Cambridge, 2006), p. 459.

<sup>76</sup> ‘Rex enim est persona moralis, nomen autem potestatis ac dignitatis, quae cadunt in utrumque sexum’. Christian August Beck, *Specimen II. Juris Publici Austriaci, ex Iphis Legibus Actisque Publicis Eruti...* (Vienna, 1752), p. 53 n. 4

<sup>77</sup> Ben Holland, *The moral person of the state: Pufendorf, sovereignty and composite polities* (Cambridge, 2017), p. 12.

insurmountable differences between the assigned roles of men and women. However, it must also be stressed that, although ‘kingship’ – as Kantorowicz put it – became ‘abstract’ in Hungary, it was certainly not gender neutral.<sup>78</sup> It was still coded as masculine, deriving the symbolism of monarchy from the male body.

Furthermore, Beck placed the understanding of female rule on a new basis. He rejected the views of Aristotle and his followers, who thought that women were incapable of ruling by nature. Instead, he cited Montesquieu’s *Spirit of the laws* to demonstrate that it can be even beneficial for a state if women exercise political power, for they can achieve a more balanced governance by their mild nature:<sup>79</sup>

It is against reason and against nature for women to be mistresses in the house, as was established among the Egyptians, but not for them to govern an empire. In the first case, their weak state does not permit them to be preminent; in the second, their very weakness gives them more gentleness and moderation, which, rather than the harsh and ferocious virtues, can make for a good government.<sup>80</sup>

Thus, although Montesquieu here reinforced the old, biased trope about the weakness of women, he also carved out a possible space for them in the workings of political rule.

#### IV

The way from Lipsius’s theories on female rule to Montesquieu’s ideas summarizes the processes of change addressed by this article. Initially, the female body supposed a challenge to kingship whose integrity made Maria Theresia blur gender boundaries in her coronation ritual where she had been represented as ‘Serenissimus Rex Maria Secundus’.<sup>81</sup> It seems that the integrity of inherited ideas associated with the image of kings proved stronger than those concerning the transgressing of gender roles. The rumours around Maria Theresia’s coronation stemmed from anxieties about the female body of the queen and her capacity to carry out the burden of the Holy Crown. However, gradually the exercise of royal power became distanced from ideas about the physical body of the ruler. Interpretations stressing the *dignitas* and the ‘moral person’ of the king aimed to decrease the symbolic charge of the ruler’s natural body, although the gendered aspect of monarchical rule has not been lost, and men were still positioned as automatic figures of royal power. Nevertheless, it has also been demonstrated that Maria Theresia’s

<sup>78</sup> On the absence of the gender aspect in Kantorowicz’s work, see Cynthia Herrup, ‘The king’s two genders’, *Journal of British Studies*, 45 (2006), pp. 493–510.

<sup>79</sup> Beck, *Specimen II*, pp. 32–3 n. 4.

<sup>80</sup> Charles de Montesquieu, *The spirit of the laws* (Cambridge, 1989), p. 111.

<sup>81</sup> Ladislaus Füleky, *Occidui solis augustissimi aurora serenissima...suaviter irradians* (Pressburg, 1741).

coming to the throne ushered in a period of questioning perceived ideas of female nature. To underscore this point with one example, I wish to return to the legal work, the *Facies Juris Publici Hungariae*, mentioned in the first half of the article. In a copy held at the National Széchényi Library (Budapest), in addition to Jóny's commentaries, there are other handwritten notes from around the 1760s or 1770s.<sup>82</sup> At the section where Lochner asked if women were capable to rule in Hungary, the unknown commentator felt that after many years of having Maria Theresia as the 'king' of the country, a new response should be given, therefore the person wrote with great confidence that '[t]he glorious reign of Maria Theresia is proof enough of how well a woman can rule the Kingdom of Hungary'.<sup>83</sup>

Two years after the Hungarian coronation, Maria Theresia was crowned once again as *rex*. On 12 May 1743, she symbolically assumed royal power in Bohemia, where she was the first woman to ascend the throne. During the coronation ritual, Maria Theresia was called *rex foemina* in prayers and made her solemn vows as *coronandus Rex*.<sup>84</sup> These acts became apparent in the inscriptions of the coronation coins, where her title was *Hungariae et Bohemiae Rex*.<sup>85</sup> The constitutional importance of the *rex* title compared with that of *regina* had once again been made clear in the decision at the *Hofkonferenz* on 10 April 1743, when the question arose whether *rex* or *regina* should be written on the memorial coins to be minted for the *Erbhuldigung* of the Upper-Austrian estates in Linz. The conference suggested *rex*, because even if Maria Theresia 'had not received the Hungarian and Bohemian crowns, through pacts and the providence of the ancestors and Austrian privileges as well as through hereditary rights, she would be still Rex and ruler (Herrscherin), but not Regina which refers the wife of a king'.<sup>86</sup>

<sup>82</sup> The commentator quoted legal books published in the 1760s as 'recentissimi'.

<sup>83</sup> 'Quam capax & femina Regni Hungarici sit, gloriosissimum D[ominiae?] Mariae Theresiae regimen satis pro[bat].' Lochnerus, *Facies Juris Publici Hungariae* (1717), p. 15. Call number of the copy in the catalogue of the National Széchényi Library:175.938/1.

<sup>84</sup> Benita Berning, 'Nach allem löblichen Gebrauch': *Die böhmischen Königskrönungen der Frühen Neuzeit, 1526–1743* (Cologne, 2008), pp. 181–2; Eduard Maur, *Marie Terezie: 12.5.1743 – korunovace na usměřenou* (Prague, 2003). Maria Theresia invited the Hungarian nobility to her coronation in Prague: Zsolt Kökényesi, 'Die ungarischen Stände als Teilnehmer der böhmischen Krönung 1743. Eine Fallstudie zur Regierungsstrategie von Maria Theresia' (forthcoming in *Opera historica*, 2020).

<sup>85</sup> Holzmair, 'Maria Theresia', p. 127; Fabiankowitsch, 'Geprägt für die Ewigkeit', p. 62.

<sup>86</sup> 'wan allerhöchst dieselben auch die königl[ich]e hungar[isch]e und böheim[isch]e crönung noch nit empfangen hätten, per Pacta, et Providentiam Majorum, Privilegiaeque austriaca von erb=rechts wegen Rex und selbst herrscherin, nicht aber Regina wären, als welches eine gemahlin eines königs eigentlich andeuteh'. HHStA OMeA ZA-Prot. 19, fo. 63r–63v. Quote from Vanja Kočevar, 'Dedna poklonitev Avstrije nad Anizo kraljici Mariji Tereziji leta 1743 v Linzu: prispevek k umestitvam Marije Terezije kot vladarice', in Miha Preinfalk and Boris Golec, eds., *Marija Terezija: Med razsvetljenskimi reformami in zgodovinskim spominom* (Ljubljana, 2018), p. 135.

While Maria Theresia was keen to be crowned as king in both Hungary and Bohemia, she refused in 1745 to be crowned as empress when her husband Francis Stephen of Lorraine became Holy Roman Emperor. The reason for her reluctance, it has been suggested, was that the title of empress would have assigned Maria Theresia a subordinated status which was derived from the dignity of her husband, whereas the crowns of Hungary and Bohemia were acquired by her own hereditary right. With her refusal to undergo the imperial ceremonies, Maria Theresia also demonstrated that in her political worldview, the dynasty and its hereditary lands played an even more important role than did the *Reich*.<sup>87</sup>

<sup>87</sup> Stollberg-Rilinger, *Maria Theresia*, p. 148; Michael Yonan, *Empress Maria Theresa and the politics of Habsburg imperial art* (University Park, PA, 2011), p. 30.