

The National Council of 1648

Catholic Autonomy in Early Modern Hungary?



I.

The definition of the aspect of Catholicism in the early modern period was apparently influenced by the councils. Not only the Council of Trent (1545–1563), but also the local synods, which

intensified its resolutions, left their marks on the aspect of the Catholic confessionalisation organized from Rome.

It was not otherwise in Hungary. On the initiatives of Miklós Oláh (1553–1568) in the seventeenth century, a series of important and significant resolutions were made on the diocesan, provincial, moreover national councils. Their critical publication is among the crucial duties of the Hungarian church historical researches.

In their effect and significance, the national councils, which covered the whole primatial province, were the most important. First of all, the one, in 1611, was a milestone in the adaptation of the decrees of the Council of Trent. In its form, it was a provincial synod of Esztergom, however, through the voluntary acceptance of its resolutions by the archbishop of Kalocsa, *de facto* it can be referred to the whole Hungarian primacy. On the other hand, the sessions of Péter Pázmány (1616–1637) in 1630 and 1633 on the initiation and execution of the Roman Rite. Finally, the national council summoned by György Lippay (1642–1666) in 1648. Later, only after 174 years was a national council convened in Hungary by Primate Sándor Rudnay (1819–1831) in Pozsony (Pressburg) in 1822.

The national councils, namely the common synods of the given political entity's dioceses internationally fell into the background. According to the thesis of church history, the papacy, which was fight-

ing against the rising episcopalism and Febronianism, opposed to their convocation, in addition, the spread of the royal absolutism proved to be a hindrance. This latter either hindered the national councils or made the execution of their resolutions impossible, like it happened in Hungary in 1822.

Further on, I would like to shade this fundamentally true thesis. It is not evident at the first glance that the development of a well-organised, single, indoctrinated Catholicism in Hungary was not in the Habsburg state power's own interest. For instance, the programme of the council of Nagyszombat (Tyrnau) on 14 September 1648 and especially the proposals of Archbishop Lippay advanced this.

The *acta synodalia* of this national council unfortunately are lost. Apart from the propositions, we can not find them in KÁROLY PÉTERFFY'S basic source book (*Sacra concilia... in regno Hungariae celebrata*, 1742).

The sole decree (*deliberatio*) found in our archival researches on the council of 1648 states the following:

“Due to the transgressions of Right Reverend György Draskovich, bishop of Győr, namely he impoverished the possessions of the bishopric of Győr and after having created a debt he landed them into the hands of laymen, besides, he is intolerably vexing the subjects of the church in numerous ways to such an extent that the most beautiful diocese of Győr should be destroyed and its possessions would become absolutely abandoned, unless an effective remedy was applied. Therefore, he should be suspended from enjoying and managing the incomes of the episcopal, tithe and other goods, by letting him keep his residence in Győr and the spiritual guidance of his diocese... His Majesty, and His Holiness if needed, shall be informed about these and asked for help in the execution.”

A long, unique and detailed treatise, “*Informatio pro Deliberatione Sacrae Synodi*” belongs to the conciliar document, which was remained among the special documents (*Acta particularia*) of the Hungarian royal chancery. Its content and thoughts almost make up for the documents of the last Hungarian

national council of the early modern period and bring the particular atmosphere of the meetings in autumn of 1648 to very near.

Consequently, the document most probably drafted by György Lippay, archbishop of Esztergom, with the assistance of the Jesuits is a key document of the Hungarian conciliar way of thinking of the seventeenth century. It can be divided into two parts. Firstly, Bishop Draskovich's possible objections are considered – who wanted to appeal to the papal nuncio and the apostolic King –, and then they are refuted at great length to inform and convince the state power, namely the monarch, Ferdinand III.

There is no space now to do an entire analysis of the *Informatio*'s several points. I have done it in my article. Now I would like briefly to underline some aspects.

The essential part of the *Informatio pro Deliberatione Sacrae Synodi* is being described in relation to the appeals and the offence of the royal rights by the resolution of the council.

It states that the sacred council agrees the right of appeal to the pope and if Innocent X sends "*mandatum apostolicum*", they will obey it. However, the declaration of Camillo Melzi, archbishop of Capua, nuncio of Vienna (1644–1652), namely "*idem esse papam, quod nuntium, et nuntium quod papam*" is sharply rejected. The *Informatio* aptly proclaims that as the bishops are not confirmed by the nuncios but the pope, the resolutions of the council are likewise. It explicitly finds it outrageous that the nuncio judges the whole council out of his ordinary faculty – unless he has a special authority given by the pope –, namely he was not the council's appointed chairman on behalf of the Apostolic See. It also states that the chairman of the council was the archbishop of Esztergom, who was otherwise a *legatus natus*, from whom and the whole council ("*ab ipso et universa Synodo*") it is impossible to turn to the nuncio. It declares that the country and the clergy of the Hungarian Kingdom "*iuxta sacros canones et iura nostra*" will never allow the nuncio or his auditor to apply censorship or correct, by chance repeal the resolutions and statutes which were unanimously voted for (*voto deliberarunt*) by the whole *status ecclesiasticus* (all the bishops and prelates).

In the *Informatio*, the national council is mentioned as the *status ecclesiasticus*'s forum of self-government, which is also palpable concerning the question of the appeal to the apostolic king. In this relation, the following statement is drafted so definitely that it does credit to the Roman consistorial lawyers: "The appeal of an ecclesiastical case to Your Majesty would be in contradiction with any secular and church rights." The thesis is immediately supported by an argument of canon law that relating to the cases of the bishops one cannot lodge an appeal from an ecclesiastical to a secular judge, and it states

that the monarch has no intention to defame canon law, which clearly declares that one can appeal from the *forum spirituale* only to the pope or his delegate. Moreover, in the spirit of the medieval papal universalism, it risks the statement that after the honourable example of the Christian Catholic monarchs according to the decree of Emperor Constantine the Great, Ferdinand III does not get involved in the clergy's business and does not want to supervise them since they are the ones who are supposed to judge and absolve him.

The treatise supports the sole legitimacy of canon law in ecclesiastical processes with the example of the Hungarian judicial practice, namely, in the Hungarian Kingdom one cannot appeal to the monarch even in secular, civil cases but they are judged only on the palatine tribunals, which practice should be followed in ecclesiastical cases, as well.

The more and more distinct adumbrating of the *status ecclesiasticus*' self-government, naturally could not elude the question of the Hungarian Royal Patronage and Supremacy. The *Informatio* establishes that "according to our laws, concerning the ecclesiastical goods the Royal Majesty has no other right but the patronage and supremacy, namely to bestow them on suitable people when they become vacant and to elect bishops for the presentation for His Holiness." The phrasing is masterly and it is almost precise in terms of canon law, since it refers the concept of the '*collatio*' – which was questioned by the Roman Curia for long – to the episcopal property and chattels and not to the bishoprics themselves in the spirit of the traditional Hungarian legal interpretation and practice. Likewise, it does not mean the royal heredity of the capitular *electio*, which ensures canonical rights, but only the election for the nomination and presentation for the pope.

The *Informatio* interprets the Royal Patronage and Supremacy almost entirely in the way of the manorial patronage, and affirms: the patronage and supremacy is a right only at the moment of the filling, furthermore: "they [the monarchs] are not responsible if the clergymen subject somebody to scrutiny either for preventing damages or for meeting a debt". Moreover, not the right of the monarch, but that of the bishop's was temporarily suspended by the sacred council, and by no means did it affect the royal right." In addition, it also adds: "the sacred council... did not transfer the right of the bishop to laymen, or to his majesty, but to clergymen as the goods had earlier been administered by a churchman."

In the *Informatio*, the monarch is obliged to support and secure the execution of the sacred council's decision – noted above in detail –, which serves salutary purposes (the redemption of church goods, keeping novices, etc.) and is invariable as such.

II.

The feudal dualism in the early modern period: within the frameworks of the mutual exercise of power of the monarch and the estates regulated in 1608, the feudal rights and the protection of the feudal freedom were always rather delicate questions in Hungary. According to the signs, apart from the secular estate the (in Hungary state-creating) clergy also should be included in this problem, which practically has not been paid attention to by historians.

A natural element of this “freedom” is the self-governance, the let’s say *autonomy*, which is based on canon law, secular and feudal rights, whose most important representative institution is nothing else but the national council. The existence and decisions of this considerably restrict the Royal Patronage and Supremacy; beside the licences related to the filling of the benefices, only one sort of protectorate is acknowledged, whose essence is nothing else but the assurance of the conciliar resolutions’ execution. In the year of the Peace of Westphalia the Hungarian *status ecclesiasticus* could justly assume that: it is its vital interest to extend its scope for action and independence – at least theoretically – by expressing and debating the “conciliar self-government” with the monarch, who was more and more driven by the almighty *raison d’état*.

The Habsburg-state power, which had previously allowed the summon of the national council, realised the danger that the national council meant in terms of the self-organisation of the *status ecclesiasticus*. Despite the vehement protest of Primate Lippay, Ferdinand III suspended the execution of the conciliar resolution and took the case of the bishop of Győr into his own hands, and finally the monarch was satisfied with the large fine of the refractory bishop.

It is obvious: in this context, the repression of feudalism and the development of absolutism could not tolerate the institution of the national council: not only its stabilization, but its further summon. As a consequence, the state power did not oppose to the councils for ecclesiastical reasons at all – for sake of which it would have been even concerned in their summon – but, until 1848, it saw the inner legislative, self-governing forum of one of the state-creating feudal orders in them. On the highest level, in the national councils, on lower levels in the provincial and diocesan councils, whose number reduced to minimum from the second half of the seventeenth century. Consequently, in this sense, the European trend of spreading absolutism can be also detected in the Carpathian basin. Moreover, due to the stronger feudalism than that of in Western Europe, the political genesis of the state’s “opposition towards councils” is even more noticeable here owing to the arguments

of the “*Informatio pro Deliberatione Sacrae Synodi*”. The church autonomy in Hungary, which was constructed along the conciliar idea in the early modern period, appeared 200 years later in an absolutely different historical context: not in relation to the state absolutism, but to the fight with liberalism and it became the most vital problem of church and domestic policy from 1848 and 1867 until the great powers dissolved the historical Hungarian state and church constitution in 1920.

The denouement clearly shows that the national council as a self-governmental form failed against the absolutistic state-power in 1648. Yet, the fact that there were practical steps taken towards its realisation, and its grounds and necessity were expressed also on theoretical level is significant, especially given the knowledge of the problematic relations of the state and church in the eighteenth and nineteenth century. Thus, the roots of these problems – whose substance can be mainly apprehended in the movements for autonomy of the nineteenth century, around the development of the civil societies – can be explored already in the feudal circumstances of the seventeenth century. The lack of their exploration is explained by the insufficiency of the professional church historical researches of the given period. Namely, one should not be astonished at the results, at all, since rationalism of the eighteenth century, then liberalism of the nineteenth century is actually the exponential acceleration of those processes of de-confessionalisation, whose origin can be found in the European relations being altered in the Thirty Years’ War. The beginning of the state, politics, society, science and culture’s secularization is clearly indicated by the Peace of Westphalia. To avoid its resolutions, immediately, already in the year of its conclusion, there was a really special step taken in Hungary which could have opened up new prospects, even if the conciliar idea of self-government was composed in connection with a very unique case of church discipline.

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