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## Tolerant Country – Misunderstood Laws. Interpreting Sixteenth-Century Transylvanian Legislation Concerning Religion<sup>1</sup>

In this essay, I offer a new interpretation of the religious laws that were passed in Transylvania between 1568 and 1571. I conclude that the interpretations that have been ventured so far in the secondary literature have failed to provide a concrete analysis of the relationships between different confessions, either because of national prejudice or because of general ignorance of prevailing conditions at the time. As a consequence, a view has gained acceptance in several comprehensive works according to which, by recognizing the four confessions in Transylvania, lawmakers sought to ensure the survival of the newly emerged principality. I offer a thorough study of the texts of the laws in support of my contention that this is not the case. The laws include no specific list of the four confessions. The first such list dates from 1595, the year after which the laws make mention of the Orthodox religion of the Romanian speaking population as a tolerated religion. As my analysis clearly demonstrates, up until the end of the century the most important goal of the laws was the continuous assertion of the Protestant identity of the Principality, and paradoxically this did not even change in 1571, when the Roman Catholic István Báthory came to the Transylvanian throne. Until the middle of the 1570s this Protestant identity was essentially undivided due to the unparalleled slowness (in comparison with the rest of Europe) of the spread of confessionalism. It is worth noting that until the early 1570s the prince and those closest to him saw the restoration of Protestant unity in Europe as the mission of Transylvanian Protestantism, and this meant attempting to spread Protestantism among the Orthodox communities of the country. At the same time, the estates in Transylvania, a principality that saw itself as fundamentally Protestant, sought to ensure the preservation of conditions necessary for the survival of the religious lives of the dwindling number of Catholics.

keywords: Principality of Transylvania, religious plurality, confessionalization, tolerance

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1 An earlier version of this essay was published in German: “Über den europäischen Kontext der siebenbürgischen Religionsgesetze des 16. Jahrhunderts,” in *Fragmenta Melanchthoniana. Humanismus und Europäische Identität*, vol. 4, ed. Günter Frank (Ubstadt–Weiher–Heidelberg–Neustadt a.d.W.–Basel: Verlag Regionalkultur, 2009), 11–27.

### *Introduction: Legislation in 1568 and 1571*

The process that eventually led to the formulation of a new state, the Transylvanian principality, in the eastern region of medieval Hungary gained additional momentum in the mid-1550s. In addition to new institutions of statehood, the new organizational forms of religious life also had to be established. Probably the most important step, which in the long run determined the limits of this process, was a claim by Queen Isabel, the widow of János Szapolyai, who returned from Poland. At the diet of Torda (today Turda, Romania), held in February 1557, she declared that according to her office and her royal dignity (*pro functione et dignitate nostra regali*) she regarded it as her duty to protect all religious denominations within her country. Various explanations suggest that her son, who considered himself the King of Hungary at the end of his life (*Johannes secundus electus rex Hungariae*), followed the same principle, as did his sixteenth and seventeenth-century followers, whose titles were restricted to *Princeps Transylvaniae*. This law (*ius patronatus*) meant that until the end of the seventeenth century the bishops of the emerging denominations could only begin their endeavors after they had acquired the necessary royal warrant.

At the same time, the actual ruler always proclaimed his religious orders after having heard the Diet. Therefore, the Diets were probably the most important forum for the discussion of such orders, although these discussions might have been instrumental to some extent because of the superiority of the royal power. For alongside representatives of the three nations who participated in the operation of the state (Hungarians, Saxons, Székelys), it was the actual ruler who made decisions about the participants of any given diet. The Prince and the Council operating alongside him were also responsible for selecting the topics to be discussed, so it was ultimately the Prince who decided when and in whose presence religious questions would be put on the agenda. Because of the later destruction in the archives of the Principality, no documents from the preparatory phase of decision-making remain, so historians have little more than the texts of the legal articles themselves on which to base conclusions. From the 1560s on, these were written in Hungarian, although the introductory formulas, which declare that the ruler vouchsafes to confirm the text of the law in question on the request of the citizens of the country, remained in Latin until the end of the sixteenth century. Under these circumstances, the laws are of profound importance to any attempt to study the boundaries of contemporary religious life, and they tend to include more elaborate, developed arguments as

of the second half of the 1560s. There is consensus among historians that in this respect as well, the highest standards are represented by the texts composed in the last phase of the reign of Zsigmond János, between 1568 and 1571. Yet the assessments made by Hungarian scholars differ in tone and content from the international secondary literature on the topic.

Hungarian scholars frequently claim that these laws turned Transylvania into an exceptionally tolerant country, the pioneer of legislated religious freedom, an example that was followed by other European countries only centuries later.<sup>2</sup> Foreign scholars, when placing the Transylvanian phenomena on the map of early modern Europe, seem completely ignorant of these claims, or they tacitly dismiss them as exaggerations.<sup>3</sup> Both approaches are based on topoi instead of a precise and detailed discussion of the individual characteristics. In the first case, the topos of national bias is obvious. In the second instance, the topos is linked to the borderline position of the principality (which became a buffer zone between two world empires) and to its varied ethnic and religious landscape. (As early as the Middle Ages, several ethnic groups lived in Transylvania, and the presence of the Eastern Orthodox Church *ab ovo* assured confessional pluralism.<sup>4</sup>) Recent works by Gábor Barta and Ágnes Várkonyi, although providing a more refined historical background, give no concrete analysis of confessional relationships; they offer a picture that is already widely accepted in Hungary because of popular accounts and summaries.<sup>5</sup>

2 Kálmán Benda, “La Réforme en Hongrie,” *Bulletin de la Société de l’histoire du protestantisme français*, 122 (1976): 30–53.

3 Winfried Eberhard, “Reformation and Counterreformation in East Central Europe,” in *Handbook of European History 1400–1600. Late Middle Ages, Renaissance and Reformation*, ed. Thomas Brady, Jr. Heikko Obermann, and James D. Tracy (Leiden–New York–Cologne: E. J. Brill, 1995), vol. 2, 551–84.

4 See: Jean Bérenger, *Tolérance ou paix de religion en Europe centrale (1415–1792)* (Paris: Champion, 2000); István Pásztori Kupán, “Invocation of Biblical Authority in secular Decision. The Theoretic Relevance of Torda Edict (1568),” *Református Szemle* 101 (2008): 694–95; Erich Bryner, “Die religiöse Toleranz in Siebenbürgen und Polen-Litauen im Kontext der europäischen Kirchengeschichte,” in *Bewegung und Beharrung. Aspekte des reformierten Protestantismus 1526–1650. Festschrift für Emidio Campi*, ed. Christian Moser and Peter Opitz (Leiden: Brill, 2011), 361–81.

5 See Gábor Barta’s paper published in different languages. In Hungarian: “A XVI. századi erdélyi vallási türelem kérdéseiről” [On Sixteenth-Century Transylvanian Religious Tolerance], in *Hungaro-Polonica: Tanulmányok a magyar–lengyel történelmi és irodalmi kapcsolatok köréből* [Hungaro-Polonica. Studies on Hungarian–Polish Historical and Literary Connections], ed. Csaba Kiss Gy. and István Kovács (Budapest: MTA Irodalomtudományi Intézet, 1986) 37–43; in French: “L’intolérance dans un pays tolérant: la principauté de Transylvanie au XVI<sup>e</sup> siècle,” in *Les frontières religieuses en Europe du XV<sup>e</sup> au XV<sup>e</sup> siècle*, ed. Robert Sauzet (Paris: Éditions Vrin, 1992), 151–58; in German: “Bedingungsfaktoren zur Entstehung religiöser Toleranz in Siebenbürgen” in *Luther und Siebenbürgen*, ed. Georg und Renate Weber (Cologne–Vienna: Böhlau, 1985),

According to this concept, the important laws conceived during the second part of the 1560s were the result of a fascinating confessional pluralism caused by the unique situation of the Principality. With these laws, the leaders of Transylvanian political life were able to secure internal order and peace. For a country wedged between two world powers, this was a basic precondition of survival; the already ethnically fragmented new political construction could not afford to become the site of bloody confessional struggles and religious wars. This led to a unique event in European history, namely the institutionalization of the four received religions (Roman Catholic, Evangelical Lutheran, Calvinist, Unitarian), with the further addition of tolerance for the Orthodox Church.

In what follows, I attempt to draft a new model. The most important claim is that the purpose of the famous laws created in the final period of Zsigmond János's reign was to establish the Protestant religious identity of the newly created country, and the rights of other non-Protestant denominations were acknowledged only in the last decade of the century. In the course of this inquiry, I concentrate on the texts of two laws to which the representatives of the aforementioned concept frequently refer. Below is the text of the laws enacted in Torda in January, 1568, then in Marosvásárhely (today Târgu Mureș, Romania) in January, 1571, both originally written in Hungarian.

#### January 1568, Torda

According to agreements reached at previous sittings of the Diet between His Majesty and the people of his realm concerning matters of religion, it is once again confirmed by this present sitting that pastors shall be free to preach and teach the Gospel wherever they may be and according to their own interpretation. If a parish chooses to accept this interpretation, well and good; if not, the parish shall not be forced to accept it against its will and shall be free to insist upon the maintenance of a preacher whose teachings suit its requirements. Following former constitutions, none of the superintendents, nor any other person shall have the right to offend a pastor or abuse anyone on the basis of his religion, nor shall anyone be threatened with imprisonment or removal from office for

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229–44; Ágnes Várkonyi, “Pro quiete regni – Az ország nyugalmaért. (A vallási toleranciát törvénybe iktató 1568. évi tordai országgyűlés 425. évfordulójára)” [Pro quiete regni – for the Peace of the Country. (For the 425th Anniversary of the 1568 Diet that Legislated Religious Tolerance)], *Protestáns Szemle* 55 (1993): 260–77; in English: “Pro quiete regni – for the Peace of the Realm. The 1568 Law on Religious Tolerance in the Principality of Transylvania,” *The Hungarian Quarterly* 34, no. 130 (1993): 99–112.

his preaching. Faith is a gift of God received through hearing, the vehicle of God's word.<sup>6</sup>

January 1571, Marosvásárhely

It has been decided concerning the preaching of God's word that, just as Your Majesty earlier decided with the Diet, the word of God shall be preached freely everywhere. No one, neither preacher nor listener, shall come to harm on account of his confession, but if a minister should fall into criminal excess, he shall be condemned and deprived of all his functions by the superintendent, and then shall be banished from the realm.<sup>7</sup>

However, it is equally important from the perspective of this inquiry to emphasize the importance of two other laws which many representatives of the aforementioned concept treat only superficially, if at all. Thus, in another part of the previously cited text of the law from Torda one reads the following:

We humbly report to your Majesty that there are many in your Majesty's country who disobey the Wallachian bishop, who was appointed to this position by your grace; they prefer to follow the former priests and their heresies, and prevent the bishop from properly fulfilling his duties; therefore we beg your Majesty to graciously grant the advancement of the Gospel according to your Majesty's earlier decree concerning the country, and to punish those who dare oppose it.

### *The Limits of Tolerance*

The enactment in Medgyes (today Mediaș, Romania) of the following law in January 1570 is also highly relevant:

January 1570, Medgyes

We will carry out Your Majesty's order concerning the newly emerging heresies and their initiators; that Your Majesty considers honoring God and respecting his royal dignity of foremost importance, therefore he does not tolerate such blasphemy and heresy in his realm, but rather

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6 Sándor Szilágyi, ed., *Monumenta Comitalia Regni Transylvaniae – Erdélyi Országgyűlési Emlékek, 1540–1699* [Monuments of Transylvanian Diets], vol. 2 (Budapest: Magyar Tudományos Akadémia, 1875), 343. (Hereafter: EOE)

7 EOE, vol. 2, 374.

scrutinizes them and punishes both their authors and propagators in order to avoid an even greater divine wrath upon us.

If, as a first step, one interprets this latter passage, it becomes obvious that in contrast to the passages cited from 1568 and 1571, there are serious restrictions here, and those who propagated ideas deemed heretical or blasphemous had to face the prospect of retribution.

More serious historians, however, did not ignore these laws. Rather they attempted to arrive at an explanation for the restrictive character of the last one cited here and for its vast difference from the first two. There are two common types of explanations regarding this. According to one, those who drafted this law had long-term considerations in mind. The extremely influential historian, Gyula Szekfű, offered the most suggestive explanation: in his view, the reason for introducing these restrictions was that unconstrained freedom in religious matters following the edict of 1568 was visibly leading to liberalism and anarchy.<sup>8</sup> Another version of this interpretation is Márta Fata's recent extensive summary, published in Germany. In Fata's view, the resulting "individuelle Konfessionswahl bedrohte jedoch die bestehene Ordnung, so 1570 das Gesetz auf Ersuchen der Stände zurückgezogen werden musste. Individuelle Religionsfreiheit konnte im ethnisch-ständisch organisierten Siebenbürgen des 16. Jahrhunderts noch nicht funktionieren" ("individual choice of confession, however, threatened established order, so in 1570 the law had to be withdrawn given the conditions. Individual freedom of religion could not yet function in the ethnically-corporative Transylvania of the sixteenth century").<sup>9</sup>

Given the significance of this interpretation, I wish to make it clear that I consider the modernizing attitude palpable in this quotation highly suspect. In line with Axel Gotthard<sup>10</sup> and others, I believe that there is no reason to project twentieth-century notions of individual religious freedom and human rights onto sixteenth-century documents. The sixteenth-century laws deal not with individuals but with groups of people, communities, and confessions, as well as the territories in which they lived all over Europe. Only as the result of a long process could freedom of conscience emerge as a problem of the individual.

8 Gyula Szekfű, *Magyar történet* [History of Hungary], vol. 3 (Budapest: Királyi Magyar Egyetemi Nyomda, 1935), 66–67.

9 Márta Fata, *Ungarn, das Reich der Stephanskronen, im Zeitalter der Reformation und Konfessionalisierung Multiethnizität, Land und Konfession 1500 bis 1700*, ed. Franz Brendle and Anton Schindling (Münster: Aschendorff, 2000), 108–9, 173. On an earlier, similar notion see: László Révész, "Die Entwicklung der konfessionellen Toleranz in Siebenbürgen," in *Ungarn-Jahrbuch* 12 (1982): 112–14.

10 Axel Gotthard, *Der Augsburger Religionsfrieden* (Münster: Aschendorff, 2004), 551–60.

Returning to the topic at hand, Szekfű and his followers obviously made the mistake of failing to provide an answer to the following question: after the 1570 restrictive law, why did the Diet of January 1571 in Marosvásárhely once again accept a law much like the one in 1568, that is, a tolerant one?

I share the view of the second group of historians, who think that in 1570 the short-term measure was directed against a newly emerging group or phenomenon. This view can be supported by the following consideration: it had been customary even in the case of religious laws that the introduction to the core content also makes reference to the earlier, related law. This is not the case here; the article does not refer to any antecedents. More importantly, the text refers not to customary “matters of religion” or confession, but rather heresies, moreover, “recently emerging heresies.” It is highly probable that this was related to the sudden appearance of a representative of anabaptist-spiritualist ideas. The information comes from a letter that Samuël Goldenberg found in the archives in Kolozsvár (today Cluj-Napoca, Romania).

The German-language letter, written in Krakow, Poland in February 1570, was sent to Gaspar Helt (Gáspár Heltai), one of the ministers and most important men of the Saxon congregation. The author of the letter was a preacher named Elias Gczmidele, who had earlier been expelled from Kolozsvár. The letter, which is full of reproaches, reports that Gczmidele, a sort of wandering preacher, was spreading pacifism and communitarianism in the city of Kolozsvár. Because of this activity, some kind of church court of justice sentenced him to be expelled from the city.<sup>11</sup> Heltai’s prayer book (Gebetbuch) is a rich source of additional information. It turned out that Heltai re-wrote Johann Habermann’s prayers and added his own commentaries to bring them up-to-date. The commentaries written during these months reflect Heltai’s overwhelming concern with similar views, which were even being spread among the Hungarian speaking population. He passionately condemns those who viewed prayer and churchgoing as entirely futile.<sup>12</sup> If one also considers that Gczmidele admittedly interpreted Luther’s much-debated ideas concerning the Turks to suggest that taking any action against the Turks would be a great mistake, one can understand why

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11 Detailed presentation of the sources and the scholarship concerning Gczmidele: *Bibliotheca Dissidentium Répertoire des non-conformistes religieux des seizième et dix-septième siècles, vol. 12 (Ungarländische Antitrinitarier I)* Bibliotheca Bibliographica Aureliana 121 (Baden-Baden: Éditions Valentin Koerner, 1990), 151–58.

12 Mihály Balázs, “Johann Habermann und Caspar Helth. Die antitrinitarische Überarbeitung des Betbüchleins (1570),” in *Die Wege und die Begegnungen. Festschrift für Károly Csúri zum 60. Geburtstag*, ed. Géza Horváth and Attila Bombitz (Budapest: Gondolat Kiadó, 2006), 261–73.

both religious and secular leaders of the city had to register the spread of ideas that were extremely dangerous in a political sense as well. Therefore, it seemed reasonable for the Diet to take measures. One should remember that this view concerning the Turkish problem in Kolozsvár had a very different meaning than in other places within the empire. In support of upcoming reflections we can at least state that when circumstances dictated, freedom in preaching the gospel was also restricted in Kolozsvár.

### *Protestant Universalism in Sixteenth-Century Transylvania*

If one considers Olivier Christin<sup>13</sup> and Eike Wolgast's<sup>14</sup> attempt to arrive at a complete typology, or other comparisons<sup>15</sup> when examining these long-term laws, one realizes that, despite the remarkable presence of theological argumentation, the taxonomy of the relevant confessions is missing. This omission is hardly compatible with the popular view cited earlier. If these laws reflected an inter-confessional peace among the established churches, a careful listing of them would be inevitable. How can such an enumeration be missing when the condition for the creation of these laws was precisely the balance of forces among the four established confessions in Transylvania—the Roman Catholic, Evangelical

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13 Olivier Christin, *La paix de religion. L'autonomisation de la raison politique au XVI<sup>e</sup> siècle* (Paris: Seuil, 1997); "L'Europe des paix de religion. Semblants et faux-semblants," in *Coexister dans l'intolérance. L'édit de Nantes (1598)*, ed. Michele Grandjean and Bernard Roussel (Genève: Labor et Fides, 1998), 490–505; David El Kenz and Claire Gantet, *Guerres et paix de religion en Europe aux 16<sup>e</sup>-17<sup>e</sup> siècles* (Paris: Colin, 2003).

14 Eike Wolgast, "Religionsfrieden als politisches Problem der frühen Neuzeit," *Historische Zeitschrift* 282, no. 1 (2006): 59–96.

15 Ekkehard Völkel, "Möglichkeiten und Grenzen der konfessionellen Toleranz dargestellt am Beispiel Siebenbürgens im 16. Jahrhundert," in *Ungarn-Jahrbuch* 4 (1972): 46–60; Paul Philippi, "Staatliche Einheit und gesellschaftliche Pluralität in der Religionsgesetzgebung des Fürstentums Siebenbürgen," in *Heidelberger Jahrbücher* 18 (1974): 5–65; Béla Király, *Tolerance and Movements of Religious Dissent in Eastern Europe* (New York–London: Columbia University Press, 1975); Ludwig Binder, *Grundlagen und Formen der Toleranz in Siebenbürgen bis zur Mitte des 17. Jahrhunderts* (Cologne–Vienna: Böhlau, 1976), 89–91, 156–59; Ludwig Binder, "Humanismus und Toleranz in Siebenbürgen," in *Siebenbürgen. Eine europäische Kulturlandschaft*, ed. Horst Kühnel (München: Haus der Deutschen Ostens, 1986), 35–50; Katalin Péter, "Tolerance and Intolerance in Sixteenth-Century Hungary," in *Tolerance and Intolerance in the European Reformation*, ed. Ole Peter and Bob Scribner (Cambridge: Cambridge University Press, 1996), 249–61; István György Tóth, "La tolérance religieuse au 17<sup>e</sup> siècle en Hongrie en Transylvanie et sur le territoire hongrois occupé par les Turcs," in *La Tolérance, Colloque international de Nantes (mai 1998)*, ed. Guy Saupin and Marcel Launay (Paris: Perrin, 1999), 127–33; Márta Fata, "Der Augsburger Religionsfrieden als Vorbild für die ungarische und siebenbürgische Mehrkonfessionalität?" in *Der Augsburger Religionsfrieden 1555, Wissenschaftliches Symposium aus Anlass des 450. Jahrestages des Friedenschlusses, Augsburg 21. bis 25. September 2005, Münster*, ed. Heinz Schilling and Herbert Smolinsky (Münster: Aschendorff, 2007), 415–37.



Lutheran, Calvinist and Unitarian? I think we blur the essential characteristics of these laws if we downplay the importance of this fact, and instead, based on our historical knowledge, consider the list simply implied. Furthermore, it is not the list alone that is missing, but also the overview and evaluation of events during the previous years—the supporting arguments for establishing this inter-confessional peace. To exaggerate somewhat, these laws were intended not to bring something to a close, but rather, quite the opposite, to drive a scarcely begun process to full victory. This process, in the end, was supposed to abolish all confessions.

In order to substantiate my contentions, I should offer a detailed presentation of the distinctive history of the Transylvanian Reformation, but I restrict myself to the most important moments.<sup>16</sup> First, this peculiar history was essentially influenced by the fact that a new country was coming into existence. This country was developing in the Eastern parts of Medieval Hungary, split apart by the Turkish invasion. It relied on certain pre-existent historical events, yet lacked a significant institutional background. As a consequence, following the fall of Buda, the royal family, escaping to the East, moved into the Bishop's residence at Gyulafehérvár (Alba Iulia, Romania), which was turned into a royal, then a princely palace. Moreover, most of the Bishop's incomes also went into the hands of this new secular power. Consequently, even before the Reformation's more intense development, the newly formed secular power had already weakened the Roman Catholic Church's institutional system. Later, with the advances of the Reformation in the 1550-60s, Catholicism essentially lost its followers. As the end of this process, the Diet in 1566 made arrangements about the remnants of the Catholic hierarchy by ordering that "those priests who insist upon the papal teachings and upon what was made up by humans, and refuse to convert, should be ousted from His Majesty's realm."<sup>17</sup>

Historians have always suspected that the Roman Catholic Church suffered great losses, but the drastic nature of these losses has only recently become

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16 On the characteristics of the Transylvanian Reformation: Katalin Péter, "Die Reformation in Ungarn," in *European Intellectual Trends and Hungary*, ed. Ferenc Glatz, *Études historiques hongroises* 4 (Budapest: MTA Történettudományi Intézet 1990), 39–52; Mihály Balázs, *Early Transylvanian Antitrinitarianism 1567–1571. From Servet to Palaeologus*, *Bibliotheca Dissidentium. Scripta et Studia* 7 (Baden-Baden: Éditions Valentin Koerner, 1996); Mihály Balázs, "Gab es eine unitarische Konfessionalisierung im Siebenbürgen des 16. Jahrhunderts?" in *Konfessionsbildung und Konfessionskultur in Siebenbürgen in der Frühen Neuzeit*, ed. Volker Leppin and Ulrich A. Wien, *Quellen und Studien zur Geschichte des östlichen Europa* 66 (Stuttgart: Steiner, 2005), 135–42.

17 EOE, vol. 2, 302–3.

clear with the publication of many documents from the archives of the Vatican. These selected documents attempt to describe the situation during the last third of the sixteenth century in an objective way, hoping for the possible return of the Catholics. Recent research on this period claims that by mid-1560 the number of Roman Catholics still living within the principality was insignificant. They lived primarily on the estates of Catholic members of the nobility who had not converted and also in certain settlements of the so-called Székely Land.

This explains why the Protestant prince and the Protestant estates did not consider indispensable the mention of this insignificant minority in the laws of a country in which Protestantism became increasingly part of self-identity, and which was continuously forced to take up arms in self-defense against the Habsburgs, who had the support of the Papacy. Not even incidental sources from the era help one decide whether there had been disputes about the necessity to regulate their legal status. When in the 1580s this matter came up for debate, documents attest that the Diet repeatedly declared that no one limited the ancient right by which every noble man was free to keep a clergyman of his choice on his estate. From the majority Protestant viewpoint, a 1588 document offers the clearest assessment of their status.<sup>18</sup> In 1588, the estates insisted on expelling the Jesuits, whom had been brought into the Principality in the meantime by the Roman Catholic Prince, István Báthory. Their representatives, however, insistently separated their demand for the ban from the question of the rights of the small number of Catholics. The document states that even at the time of the introduction of the “true faith,” that is, Protestantism, there had been a certain number of Catholics; it then declares that only the greatest majority can constitute a universality. Therefore, the Diet may legislate universally only in their case, but it guarantees freedom of conscience for the Catholic minority. We have no documentation regarding the manner in which this freedom of conscience was practiced, but this lack of elaboration could have meant more than a meticulous staking out of the rights of the minority, as we read in the Edict of Nantes. For this framework allowed the inclusion of the religious life naturally surviving on the estates of the Catholic aristocracy, as well as the practice of allowing the use of the church building and the performance of Mass in settlements in which

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18 More details on this: Balázs Mihály, “Az új ország és a katolikusok” [The new country and the Catholics], in “...*éltünk mi sokáig két hazában...*” *Tanulmányok a 90 éves Kis András tiszteletére* [“...We Have Lived in two Homelands for Long...” Studies Honoring the 90 year-old András Kis], ed. Veronika Dáné, Teréz Oborni and Gábor Sipos (Debrecen: Egyetemi Kiadó, 2012), 37–53.

there was a recognized Catholic majority.<sup>19</sup> This document therefore clearly demonstrates that until the end of the sixteenth century, although Catholicism was not a legally recognized religion in Transylvania, there were no excessive restrictions limiting its religious practice.

The reason that the laws of the 1560s omitted any list of other confessions must then lie elsewhere. The simple cause for a confession going unnamed is that in the period they still lacked church structures organized along lines of dogma. One can discern no more than an incipient process tending towards their formation. I wish to emphasize that I am not simply speaking about a delayed development of certain processes in East-Central Europe, but about the fact that the emerging solutions are original and particular in character. One notes this during the formation of the church's organizational framework. The extinct Catholic bishopric was replaced by Protestant bishoprics, which were organized for a long time not on a confessional basis but on territorial and national bases in a medieval sense. Thus, all Protestant residents living in Saxon territories (cities and villages)—whether they or the larger community had accepted the Augsburg Confession, adopted some of the Helvetic beliefs, or already become followers of the Antitrinitarians or not—belonged under the supervision of the Saxon Bishop residing in Hermannstadt (Sibiu, Romania; Nagyszeben in Hungarian). The same is true of the so-called “Hungarian” Bishop who resided in Kolozsvár; that is, each Protestant community formed in a dominantly Hungarian county fell under the jurisdiction of the Hungarian Bishop, whether the community remained Evangelical Lutheran or—as the majority did—became Calvinist or Antitrinitarian. The dogmatic homogenization was no doubt more advanced in the Saxon territories, where the Hermannstadt headquarters and their circles successfully fought for the Saxon settlements to become dogmatically and organizationally perfectly unified and loyal to the Augsburg Confession. However, this process was still in the making.

This is even truer of the later Calvinist and Unitarian churches. All one can assert regarding this period is that the predominantly Hungarian-populated territories of contemporary Transylvania fell under the supervision of the bishop residing in Kolozsvár, that is, Ferenc Dávid. And after 1564, the majority of the congregations accepted a Helvetic type of the doctrine of communion. Therefore, one cannot speak of the existence of a Unitarian denomination, and it is an especially troubling anachronism to assign even the date of its beginning to

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19 EOE, vol. 2, 238–40.

the time of the “first” law, that is, to 1568 January. Antitrinitarianism, which only stepped on the stage in 1566, was still considered a fresh and novel phenomenon within the religious life of the principality. Moreover, the idea of establishing an independent Unitarian church by quickly breaking away from the Calvinists was completely alien to the program presented by the Antitrinitarians. Their objective was not simply one more church among many, but significantly more. Building upon the Apostolic Creed, they wanted to win over the population of all of Transylvania—which, of course, would (they hoped) have been a mere prelude to the victory of their teachings all over Europe. They viewed this as the fulfillment of the process that had begun with Martin Luther. They believed that they were the people capable of restoring the unity of Protestantism.

This concept might provoke a smile today; but its stubborn representation can be witnessed not only in the religious debates held between 1568 and 1570 with the participation of the Prince, but also in a persistent striving to win over leading theologians or politicians of other Protestant states. Several signs suggest that they considered it the mission of the Principality to establish Protestant unity by consistently applying Biblicism as its dogmatic foundation. They assumed that since they had successfully eliminated the supposedly biblical foundation of the Trinity, they would be able to persuade everybody of the truth of their theological teachings.

According to a recently surfaced document, this program is delineated in the inscription of one of the publications that they sent to Queen Elisabeth of England in the early days of 1570.<sup>20</sup> The Latin letter draws a parallel between King Eduard VI and his successor, Queen Elisabeth, and *Johannes secundus electus rex Hungariae*, that is, John Sigismund. Obsessed by this mission, Unitarians obviously did not rush any organizational break away from the Calvinists. Although by 1571 it might have become clear that they would be incapable of winning over even the entire population of the Principality, the organizational consequences would not yet become clear during John Sigismund’s rule. Ferenc Dávid remained the bishop of all Protestant Hungarians in the territory of Transylvania.

So, just as no Unitarian church existed at the beginning of the 1570s, according to the explanation above, one cannot speak of an independently organized Calvinist church either. All one can say is that there existed congregations

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20 For more details on this: Mihály Balázs, “About a copy of ‘De falsa et vera unius Dei... Cognitione’. Additional data to the history of the English connections of the Antitrinitarians of Transylvania,” *Odrodzenie i reformacja w Polsce* 47 (2003): 53–64.

unwilling to step on the path of religious innovation offered by Italian Giorgio Blandrata and his fellows, but Ferenc Dávid still remained their bishop, whose teachings concerning several theological questions obviously differed from the ideas of the Swiss reformers.

### *The Spirit of Protestant Proselytizing*

This universal Protestant character, which also included the Antitrinitarians, can be recognized in the distinctive nature of the laws, as well as in the character of the theological argumentation. The very presence of theological argumentation is also exceptional, and we can consider it symbolic that the 1568 law quotes Apostle Paul's Letter to the Romans 10:17, one of Luther's favorite biblical passages: "Ergo fides ex auditu, auditus autem per verbum Christi." It is remarkable that during the religious debates of the time the Antitrinitarians held Luther in high regard, naturally thinking of themselves as the authentic fulfillers of his unfinished work. All this is probably not entirely unrelated to the fact that in the tolerance-debate following Servet's death, the Basel representatives of heterodoxy made the young Luther speak once again. It was their reminder of the exceptionally close relationship between Transylvanian Antitrinitarians and Basel. They read, copied and revised the works of Castelio, Aconcio and Celio Secundo Curione, and even rewrote and republished the most important parts of *De hereticis non sint persequendi*.<sup>21</sup>

Returning to the practical level, in the 1568 law the biblical argumentation of the early Reformation is revitalized with the help of the humanists from Basel, and this textual tradition is reminiscent of the early period of the Reformation. This careful theological argumentation might compel one to attribute a great role to theologians in formulating the laws. This has a great tradition in the Unitarian church, where this is basically an axiom, and even the title of a highly revered painting refers to the proclamation by Ferenc Dávid of religious freedom. In reality, we do not know anything about this, for at the end of the sixteenth century the royal library was destroyed, and nothing survived from the Diets other than the texts of laws already passed.

The laws written in Protestant theological language thus ascribe an exclusive role to the sermon, which stands in an obvious opposition not only to Catholicism,

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21 Mihály Balázs, "Einflüsse des Baseler Humanismus auf den Siebenbürger Antitrinitarismus," in *Konfessionsbildung und Konfessionskultur in Siebenbürgen in der Frühen Neuzeit*, ed. Volker Leppin and Ulrich A. Wien, Quellen und Studien zur Geschichte des östlichen Europa 66 (Stuttgart: Steiner, 2005), 143–52.

but also to the Orthodox Church, where icons have pivotal importance in the genesis of faith. And all Romanians, who represented one-third of the population, belonged to this church. Concerning this issue, Hungarian and Saxon historians correctly emphasize that Romanians were not included in the early sixteenth-century state and church documents indicate that politically they were not a so-called “state-creating” nation. Since the Romanian population was comprised almost entirely of shepherds and peasants, their rights were limited according to the prevalent European practice that regulated the life of these social groups. According to another accurate scholarly statement, this was not the result of national discrimination, for neither Hungarian nor Saxon serfs were granted any rights not enjoyed by members of the Romanian speaking peasantry.

Another issue, however, requires explanation: why does the handling of the matters of faith among the Romanians change during the period of inquiry, that is, in the mid-1560s? The most spectacular documentation of this change is in the first part of the 1568 law, not yet discussed here. For the sake of simplicity, I cite it again:

We humbly report to your Majesty that there are many in your Majesty’s country who disobey the Wallachian bishop, who was appointed to this position by your grace; they prefer to follow the former priests and their heresies, and prevent the bishop from properly fulfilling his duties; therefore we beg your Majesty to graciously grant the advancement of the Gospel according to your Majesty’s earlier decree concerning the country, and to punish those who dare oppose it.<sup>22</sup>

This makes it obvious that the political establishment of the time set the goal of spreading Protestant teachings among the entirety of the Romanian population. The Wallachian bishop of the text is obviously the Romanian Protestant bishop, appointed by the Prince, and we even have some data about his life. So, the law calls the Romanians to account because of their obedience to this bishop, and reiterates an article of the 1566 law that calls on the Romanians to come forward and challenge him on biblical matters in order “to get to know the truth this way.”<sup>23</sup>

Hungarian historians traditionally remain silent on this, while Romanian historiography tends to view it as an early manifestation of national prejudice. But the context does not support this. It is obvious that the aforementioned

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22 EOE, vol. 2, 302–3.

23 Ibid., 326.

Protestant proselytizing tendencies are at work in the measures taken on behalf of the Orthodox population, which explains why they urge that the spread of the Gospel must be granted. It is the fervor of the Protestant preacher that bursts forth in that particular decision, which first appears in the 1566 legislation. As noted, it was ruled that the Orthodox priests should be persuaded to engage in debate with the Protestant bishop whom the Prince would appoint, and the debate would be based on the Bible. The 1566 text clearly indicates that they declared war against idolatry, which was seen as having gained ground both among Catholics and Orthodox; they even proclaim that “this kind of idolatry must be erased from all generations of this land.”<sup>24</sup> Both laws, that of 1566 and that of 1568, concern the propagation of the Protestant faith. The reason for the separate mention of the Orthodox in 1568 is that, unlike the Catholics, they were still significant numbers of them living in the Principality. Catholics were no longer mentioned, since they were seen essentially as having already vanished, and the few remaining representatives or groups could be managed according to local conditions.

Obviously one can have lengthy discussions about how the events in Transylvania fit into the Protestant experiment of winning over the Orthodox world, and there is a rich, continuous (if somewhat fluctuating in its intensity) secondary literature on this topic. Concerning these discussions, I wish to put one single issue on record: this Protestant proselytizing zeal also meant that, parallel to the creation of the law, in the spirit of the universal ideas of the Reformation, serious efforts were made to promote literacy among Romanians. Romanian translations of excerpts from the Bible, catechisms, and sermons were published. I do not think that the culture that was intended to be spread was superior to the one already present in the Orthodox world, but I also find unacceptable the position of some Romanian historians, who suggest that this introduction of literacy, in fact, was intended to annihilate Romanian national character. They argue that, as the reverence of Romanians for icons was under attack, their culture and the core of their spirituality were also violated, and in this sense, the events of the sixteenth century form part of centuries of actions of denationalization.<sup>25</sup>

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24 Ibid., 303.

25 High-standard summary on earlier tendencies of Romanian historiography: Teodor Pompiliu, “Beziehungen zwischen Reformation und Rumänen im Spiegel vornämlich rumänischer Geschichtsschreibung” in *Luther und Siebenbürgen. Austrahlungen der Reformation und Humanismus nach*

### *A Protestant Political Theology?*

I return now to the characteristics of the text of the laws. Without exception each of the laws instituted in Europe, from the religious peace of Augsburg, the confederation of Warsaw and the union of Utrecht to the edict of Nantes, expresses, whether briefly or at length, the goal of avoiding turmoil and wars and preserving the peace of the country. These exordiums are occasionally extremely significant. For example, in the interpretation of the edict of Nantes, the question of who is responsible for drafting the preamble of the political reasoning is crucially important, as is the question of how it is to be understood. The Transylvanian laws created at the end of the 1560s completely lack this secular and political argumentation. This cannot be explained simply with reference to formal reasons. While these European laws were festive documents, dealing exclusively with religious matters, the articles on religious matters in Transylvania were embedded in the most mundane affairs. The formal explanation is insufficient, because up to the beginning of 1560s, all other documents were similar to this, and each contained a similar secular explanation, so we read that “*pro quiete regnicolarum,*” that is, the measures are taken for the sake of the peace of the population. Laws instituted in the 1560s are just the opposite, as if they explicitly wanted to avoid secular reasoning. Moreover, the one in 1571 begins with the statement that, in their decision, lawmakers focused on the most important matter, God’s kingdom: “Because our Lord Jesus commands that we first should seek God’s kingdom and its truth...”<sup>26</sup> I believe that this is also connected to the strong theological character of the laws. Since the measures taken by the prince and the estates nevertheless concerned secular-political interests, this polity must have been intended precisely to emphasize this Protestant character, deemed universal. Therefore, a Protestant country proclaims its ideal of making the reformed faith universal by means of continuous preaching and evangelizing.

In this context, it seems appropriate to interpret the exceptional manner in which these laws delineated the authority of the bishops. According to the aforementioned ecclesiastical organization, they do not allow the bishops to interfere with the content of the sermons preached by the ministers. Their role is

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*Siebenbürgen*, ed. Georg und Renate Weber (Cologne–Vienna: Böhlau, 1985), 78–94. See the recent studies in the volume of *Ethnicity and Religion in Central and Eastern Europe*, ed. Maria Craciun and Ovidiu Ghitta (Cluj: Cluj University Press, 1995).

26 EOE, vol. 2, 374.



only to watch over the moral conduct of the ministers. The 1568 law, however, fails to formulate *expressis verbis* even this right of the bishops. So the 1571 law seems to clarify the situation, specifying that if a minister should commit a criminal offense or fall into criminal excess, the bishop has the right to punish him. Perhaps I am not mistaken when I consider the strikingly balanced and thorough nature of the 1568 law as extremely significant. We can see that it is intended to avoid coercion and despotism on several fronts. It seeks to protect the congregation from this, which is reminiscent of the early period of the German reformation, but it also protects the preachers from intimidation by the bishop or anyone else.

We do not know, of course, what the consequent practice was once the law was accepted. Since almost all of the documents that might have yielded answers to this question perished in the seventeenth century, we do not know whether it was really the community, the *communitas*, that decided what kind of minister to choose from the Protestant offer. Katalin Péter has collected enough data to assert that noble patrons of Transylvania and Hungary, observing the medieval practice, did not care at all about the confessional affiliation of their subjects. They refrained from forcing their own religion on their subjects living in the villages and market-towns. Thus these communities enjoyed a degree of autonomy in this decision.<sup>27</sup> This statement seems too bold, and there are data that contradict it. It is clear, of course, that in the big cities the final word belonged to the magistrates, but there is no way of knowing exactly what happened in the market towns (Marktflecken) and in the villages. The few case-studies offer a varied picture. There were places where the forceful patron did not tolerate interference in the selection of the minister. In other places, the actual *communitas* successfully asserted its will.

Of course, it is logical to assume that the nobility, operating inside the Diet, as well as the cities thus created an opportunity for themselves to enforce their will. Another objective that cannot be excluded was to moderate the disputes and animosities on the higher level. This must have been relevant for a country forced repeatedly to take up arms against the Habsburgs.

According to the above, the practice of tolerance, far from being unlimited, developed within a unique and peculiar ecclesiastical framework that understandably made sixteenth-century Transylvania famous. Contrary to popular views, institutionalization of the one tolerated and four received religions had not yet taken place, but paradoxically it would come about as a

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27 Katalin Péter, “The way from the church of the priest to the church of the congregation,” in *Frontiers of Faith. Religious Exchange and the Constitution of Religious identities*, ed. Eszter Andor and István György Tóth (Budapest: Central European University, 2001), 9–19.

result of the increasingly strained religious and political hostilities in 1595. Here I can only highlight the most important stages of the process leading up to it.

### *Aftermath: Catholicism as a Received Religion in 1595*

The transformation began with the death of the Unitarian prince, whose successor on the throne was the Roman Catholic István Báthory. After the events described above, it may seem surprising that a Catholic ruler came to the throne, but the country was so unequivocally Protestant that this did not seem to pose a risk. Báthory was favored because of his extensive estates and the high political prestige he had acquired partly through his extraordinary talents, but also because of his committed work on behalf of an anti-Habsburg political movement—despite his being a Catholic. During an important diplomatic mission, he was even imprisoned in Vienna. The zealous Catholic prince respected the Protestant nature of the country. He chose an Evangelical Lutheran court preacher, and, following the tradition of his predecessors, he viewed himself as a religious patron of all his subjects. However, he continuously discriminated among them and did not make it a secret that among the Protestant confessions, he considered only the Augsburg confession somewhat acceptable. Obviously, his measures mostly affected the Unitarians, whose presence he considered politically harmful because it forced the principality into total isolation. For this reason, he pushed through a law that prohibited further religious innovations. Furthermore, he introduced a decree of censorship, the obvious goal of which was to obstruct the printing of Unitarian works. It resulted in an accelerated process of confessional crystallization. By the mid-seventies, Protestant confessions were totally separated in all respects, for both Calvinist and Unitarian congregations came into existence, each with its own bishop. It is highly revealing that the laws dealing with the *libertas religionis* of this period explicitly name them: Evangelical Lutheran, Calvinist and Unitarian. As is well-known, Báthory was elected king of Poland in 1576, and he used his increasing prestige to begin rebuilding the Catholic Church. Based on a distinct royal privilege, he settled the Jesuits in Gyulafehérvár and Kolozsvár.<sup>28</sup> His choice was highly circumspect when he

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28 Basics on Jesuits: *Monumenta Antiquae Hungariae, vols 4, 1550–1600*, ed. Ladislaus Lukács S.J. (Roma: Institutum Historicum Societatis Jesu, 1969–1987). A modest summary based on these sources: Caudio Madonia, “I gesuiti in Europa Orientale. Strategie di riconquista cattolica,” in *György Enyedi and Central European Unitarianism in the 16<sup>th</sup>–17<sup>th</sup> Centuries*, ed. Mihály Balázs and Gizella Keserű (Budapest: Balassi Kiadó, 2000).

brought in an order without precedence, thus establishing that their institutions required no legal disputes. The other extraordinary wisdom in this solution was that the Jesuits arrived from Poland, so they were subordinated to that province (Provinz), not to the Austrians. The justification given for bringing them to Transylvania was the exclusive task of teaching the youth, and in 1582 Báthory made his first attempt to found a Catholic university. However, it is important to point out that these measures did not mean the legitimization in law of what the sources refer to as the *pontificia religio*; Jesuit activity and its regulation gave birth to successive, separate articles.

It would be wrong to think that the legitimization of the Catholics happened as the achievement of an initially slow and calm process. On the one hand, the situation was complicated by the king's death and the resulting power vacuum, because the king entrusted the Transylvanian Principality to a minor cousin. The reason for the grave conflicts was not even the Jesuits' striving to evade the restrictions, propagate the religion they considered the only true faith, and continue to organize their successors. As their reports published during the last decades indicate, they were unable to keep themselves out of high politics, and, from the very beginning, they aroused suspicion by not letting the education of the minor prince elect out of their hands. The result of this evolving political struggle was an ultimatum issued by the estates: they would be willing to elect Zsigmond Báthory, who was coming of age, as prince if he agreed to expel the Jesuits. This would indeed happen, only to force the Diet in 1593 to resettle many of them. This resettlement took place within the framework of a political struggle that would decisively influence the future history of the principality. The essence of this was the following. The Transylvanian Principality was established as a Turkish vassal state, the princes of which exercised power with the approval of the sultan. They paid the sultan large taxes, and they depended on the sultan in their external affairs. The more talented princes successfully attempted to create some space for themselves. They, however, were allowed to manage their internal affairs independently. Based on the sad experiences of the first years following the establishment of the Principality, it became an axiom for the Transylvanian politicians to strictly avoid any engagement in risky political adventures that threatened their relative independence. This position had to be maintained even if Vienna or Habsburg-Hungary offered adequate forces to oust the Turks from the country and reestablish Medieval Hungary. This was also the rule if one of the Popes called for a crusade and made promises to reestablish the kingdom, or even if all of Europe offered its support for the

Principality. The Transylvanian rulers had learned in the first years that such support usually failed to materialize, and they stood to lose more than anyone else. This politics required great wisdom and cautious realism. Of course, they never intended to give up their ambition of reestablishing the unity of Hungary in some distant future. They considered themselves Christian, even if many of them were mocked as “Turk-friendly lords.”

At the encouragement of the Jesuits, Zsigmond Báthory drastically broke away from this politics. He thought he would become the hero of a great crusade that would liberate Europe. This, however, was not easy, for the old political positions proved to be extraordinarily strong. In 1594, in this evolving political fight, in order to break their resistance, he had the most prestigious representatives arrested and cruelly executed. Among them were several humanists who had studied in Padua, men of great erudition, Catholics, Evangelical Lutherans, Calvinists and Unitarians alike.<sup>29</sup>

It is thus not a minor paradox that Catholicism became a received religion at the Diet held in April 1595 in the royal palace, which was surrounded by the royal army. The Diet began with an offer of thanks to the prince by the intimidated estates for having graciously put the pacifist philosophers to death. Following this event, the Diet invalidated the expulsion decree of the Jesuits, adopting the following text: “Concerning the matter of religion, we decree on behalf of the country that the received religions, that is, Catholic, sive romana, Lutheran, Calvinist and Ariana, should everywhere be upheld with no restriction.”<sup>30</sup> It was then, therefore, that the well-known legal text, which historians and popular opinion date back to 1568, was composed. At the beginning of the seventeenth century several amendments mention that there was another religion in the country, that of the Romanians, professed by many, but not a received religion, only a tolerated one. And this formulation also found its way into the law book compiled in the first years of the seventeenth century.

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29 We need to especially emphasize this, for the picture based on Caccamo’s monography suggests that political camps were formed along confessional lines. See Domenico Caccamo, *Eretici italiani in Moravia, Polonia, Transilvania (1558–1611)*. *Studi e documenti* (Firenze: Sansoni–Chicago: Newberry Library, 1970).

30 EOE, vol. 3, 472.

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