



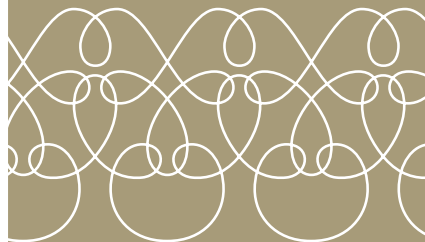
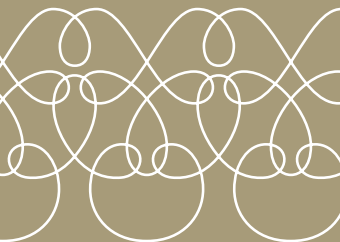
THE

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*Estates and Political Culture in the  
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## *Estates and Political Culture in the 18th–19th-Century Habsburg Monarchy*

András Forgó and István H. Németh  
Special Editors of the Thematic Issue

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[The political culture of the Hungarian estates].

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# Rebellious Priests? The Catholic Clergy and the Diet, 1764–1765\*

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The study of the eighteenth-century parliament has intensified in Hungary over the past decade and a half. This tendency is part of a larger European historiographical trend which has revalued the role of the Diets in the study of eighteenth-century political decision-making and political culture. The Hungarian Diet of 1764–1765 is traditionally seen as an outstanding political event in the century, and at the same time as a turning point of the reign of Maria Theresa. After the bitter experiences gained here, she did not convene the estates of Hungary during the remaining fifteen years of her reign, she rather ruled the country by decrees with the help of the institutions of the estates in Hungary. This study is looking for the answer to the question of how the clergy's opposition to the politics of the court is represented in the sources and how the “change of sides” by the chapter representatives can be grasped in the parliamentary debates.

Keywords: Hungarian Diet, Catholic clergy, political culture, lower house, Corpus Juris Hungarici, Tripartitum, pasquillus, constitution, estates, eighteenth century

The study of the political activity of the ecclesiastical order in the eighteenth century is not a recent trend in Hungarian historiography. It has long been known in the secondary literature that the advancement of Catholic confessionalization, or in other words the massive support of Catholicism in the era, was accompanied by an increase in the role of the clergy in public life. This public role can be examined mainly through an analysis of the clergy's activity in the parliaments. The study of the activities, composition, and decision-making mechanisms of the eighteenth-century parliament has intensified in Hungary over the past decade and a half. This tendency is part of a larger European historiographical trend which has revalued the role of the Diets in the study of eighteenth-century political decision-making and political culture.<sup>1</sup>

The Diet of 1608 passed an article which specified who would be entitled to participate in the work of the parliament, a matter previously regulated exclusively by customary law. Article I included the groups of the prelates (*praelati*), barons

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1 Szijártó, “The unexpected survival,” 27–39.

or magnates (*barones/magnates*), the nobles (*nobiles*), and the free royal cities (*liberae regiae civitates*) among the estates (*status et ordines*). It then specified the composition of the upper house (*tabula superior*) and the lower house (*tabula inferior*). As for the members of the clergy, the diocesan bishops were given the right to sit and vote in the upper house, while the representatives of the cathedral and collegiate chapters could vote in the lower house. The abbots and provosts *infulati* and *possessionati* were guaranteed a personal appearance in the Diet, but among the ordinary inhabitants of the country (*inter regnicolas*), i.e. in the lower house.<sup>2</sup> As a consequence, the clergy enjoyed substantial representation in the parliament, and if they coordinated their activities, they could influence decision-making in both the lower and the upper houses. For precisely this reason, it is important to consider how members of the ecclesiastical order behaved during the parliamentary debates.

István Szijártó has placed eighteenth-century Hungarian estate politics in a new context when he applied the theorems of “confessional corporatism” and “constitutional corporatism” to the political life of the period. The first parliaments of the eighteenth century were dominated by religious debates. The Catholic majority and the followers of the legally authorized Protestant confessions, the Lutherans and the Calvinists, were in irreconcilable conflict. Taking advantage of the new situation after the expulsion of the Ottomans, the Catholics, led by the clergy, demanded the complete suppression of Protestantism, while the Protestants demanded free religious practice based on the 1606 Treaty of Vienna.<sup>3</sup> These debates often paralyzed the work of the parliament for months. As it became almost impossible to make the decisions that were important to the court, beginning in 1715, Vienna sought to exclude the religious issue from parliamentary discussions. Eventually, this led to the

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2 It should be noted that this regulation was not entirely in line with the approach of the ecclesiastical order: the article of the law classified only the bishops in the order of the prelates and granted the right to appear during the sessions of the upper house only to them. Contemporary canon law however, also considered abbots and provosts *infulati* to be prelates (lesser prelates, *praelati minores*). The current canon law knows only territorial prelates (*praelati territoriales*), but according to Hungarian law, they were entitled to appear only in the lower house. This gave rise to much controversy throughout the era. Bánk, *Egyházjog*, 94–100; Erdő, *Egyházjog*, 308; Eckhart, “A praecedentia kérdése,” 172–80.

3 The first point of the Peace in Vienna, which ended the armed uprising led by István Bocskai (1604–1606), allowed free religious practice for the Lutheran and Reformed confessions in Hungary. Although it was later included in the laws of the country (Act I of 1608), it was never complied with in practice. This is partly explained by the fact that the Holy See considered the law invalid because of its detrimental effect on the Catholic Church, and the Holy See even held out the prospect of the public excommunication of Matthias Habsburg (Matthias II as king of Hungary), who sanctioned it. Tusor, “Die päpstliche *potestas indirecta*,” 79–93.

regulation of religious affairs in 1731 and 1734 and the issuing of the two *Carolina resolutio*.<sup>4</sup> Although this was not a reassuring solution for either party, the fact that the confessional issue was no longer a subject of debate in the Diets opened up the possibility not only for the negotiation of the reforms, but also for the defense of the constitutional order. As a consequence, an alliance of the estates across confessions could be established, which began an era that Szijártó has labelled the period of “constitutional corporatism,” when the parliament could deal more and more with the protection of the rights guaranteed by the Treaty of Szatmár (1711). This process culminated in the resistance movement of the estates at the Diet of 1764–1765. The next parliament, however, which met in 1790–1791 (after the death of Joseph II and following a 25-year pause), stirred up confessional tempers again. At this point, the Hungarian estates had to take a position on whether to codify Joseph’s policy of tolerance or to return to the religious conditions of Maria Theresa’s reign. The parliament eventually passed a law with the same meaning as the Edict of Tolerance, so religion once again could be removed from the agenda and the estates could continue to focus on the protection of the constitution.<sup>5</sup>

In his work on the eighteenth-century history of the Hungarian episcopate, Joachim Bahlcke formulated a definitive thesis about the relationship of the prelates to the court and thus, indirectly, about their role in public life. The central idea of the monograph is that, in the first half of the century, the prelates worked closely with the court on building the Catholic institutional system and at the same time resolutely supported the policy of the rulers in Hungary. In the middle of the century, however, there was a sharp turn: cooperation turned into opposition. Maria Theresa’s measures to reform the Catholic Church and to reduce the influence of the ecclesiastical order in Hungary provoked fierce resistance from the prelates. According to Bahlcke, the change in the relationship was first made noticeable by the Viennese reception of the famous *Enchiridion de fide* by Bishop Márton Padányi Biró of Veszprém.<sup>6</sup> The document, which was extremely anti-Protestant, was banned by Maria Theresa, mainly due to its turbulent reception abroad. However, the real clash, according to Bahlcke, took

4 The decree issued by Charles VI (Charles III as king of Hungary) in 1731 and confirmed and supplemented in 1734 regulated the living conditions of the Lutheran and Reformed confessions in Hungary until the famous decree of Joseph II in 1781. Although within a very strict framework, the regulation allowed them to practice their religion in a limited way and operate their institutional system, unlike the Protestants in Austria. Forgó, “Formen der Spätkonfessionalisierung,” 273–87.

5 Szijártó, “A konfessionális rendiségűtől az alkotmányos rendiségig,” 37–62.

6 *Enchiridion Martini Bironii Padani episcopi Wessprimensis*.

place in the Diet of 1764–1765, when the clergy joined the clerical resistance generated by the writing of Adam František Kollár, director of the Vienna Library, which is to be discussed in more detail later. Unsurprisingly, the conflict only became really aggravated during the reign of Joseph II. When Pius VI visited Vienna, the Hungarian prelates took joint action against the ruler's measures affecting the Catholic Church. Thus, in Bahlcke's wording, cooperation became confrontation. In other words, by the end of the century, the Hungarian prelates turned against the politics of the court.<sup>7</sup>

Bahlcke's thesis has previously been criticized by many in Hungarian historiography,<sup>8</sup> but it is noteworthy in his argumentation that, like István Szijártó, he considers the parliament of 1764–1765 an important stage of open confrontation. The work of Mihály Horváth discussing the same parliament refines the picture outlined by Bahlcke on the clergy's role. According to Horváth, the clergy was united in the support of the opposition put up by the estates in the Kollár case, and the lower house clergy backed the opposition even at the beginning of the debate on the tax increase. At one point, however, they shifted to the side of the court, and that changed the balance of power in favor of the "ruling party."<sup>9</sup> Thus, in the following, I am looking for the answer to the question of how the clergy's opposition to the politics of the court is represented in the sources and how the "change of sides" by the chapter representatives can be grasped in the tax debates.<sup>10</sup>

### *Political Debates of the Parliament of 1764–1765*

In accordance with old traditions, Maria Theresa summoned the parliament on June 17, 1764 to Pozsony (today Bratislava, Slovakia). The laws set a four-day deadline for the estates to assemble. As the celebration of Corpus Christi

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7 Bahlcke, *Ungarischer Episkopat*.

8 First, we can find one prelate who faced the court before the middle of the century in the person of Bishop Michael Friedrich Althann of Vác (1718–1734), who came into conflict with Charles VI due to the *Carolina resolutio*. Second, the Theresian reform program from the 1750s was supported by many prelates. Third, the Josephinist church policy tended to divide the Hungarian clergy rather than create a "united front" against the court. Forgó, "Der ungarische Klerus"; see: Gőzsy and Varga, "Bahlcke, Joachim: Ungarischer Episkopat," 70–75; Szijártó, "A kora újkori magyar rendiség," 105–11.

9 Horváth, "Az 1764-ki országgyűlés."

10 I have dealt in detail with the eighteenth century political activity of the lower house clergy: Forgó, *Egyház – Rendiség – Politikai kultúra*. In the followings, I supplement these results with new sources for the parliament of 1764–1765 and with the latest findings in the secondary literature.

fell on June 21 of that year, the first day of the meeting was held on June 22, with the presidency of Personalis Ferenc Koller in the lower house and Palatine Lajos Batthyány in the upper house. As usual, the estates invited the ruler to the parliament through an elected delegation, which marched into the city on July 3. Already the queen's itinerary and her entrance to Pozsony signaled that a new era of governance had begun: while the ceremonies before the opening of the coronation parliament in 1741 took place with the usual solemnity, in 1751 and 1764 the members of the dynasty travelled to Pozsony without the usual night stop at Petronell, and the ceremonial elements of the entry into the city were also dramatically shortened.<sup>11</sup> After receiving the propositions, the estates met again on July 5 in a so-called mixed session (*sessio mixta*) where they were all present to acquaint themselves with the text of the proposal. According to the plans, the lower house would have begun the detailed discussion on July 9. At this moment, however, the biggest scandal in the history of this parliament broke out, the outrage over the aforementioned work by Adam František Kollár.<sup>12</sup>

Maria Theresa wanted to use the Diet of 1764–1765 to implement reforms in Hungary that had already been introduced in the Czech and Austrian provinces. These reforms were primarily aimed at the transformation of taxation. Although the queen had managed to achieve a tax increase in the past,<sup>13</sup> the estates did not want to consent to the voluntary waiver of their declared tax exemption. On the one hand, reference was made to István Werbőczy's legal book, the *Tripartitum* (1514), which, although not officially part of the Hungarian *Corpus Juris*, was still highly esteemed among the nobility, mainly for the description it contained of the privileges of the estates. The *Tripartitum* stated that one of the fundamental privileges of the estates was that they were exempt from the payment of all gifts, taxes, and duties, and in return, they were obligated to provide military protection for the country.<sup>14</sup>

In defense of their tax exemption, they could also rely on Article VIII of Act 1741, in which Maria Theresa, in exchange for their financial and armed assistance in the Austrian War of Succession, reaffirmed the privileges of the Hungarian estates, first openly declaring their exemption from taxes by stating that property could not be a basis for taxation (*ne onus fundo quoquo modo inhaereat*).

11 ÖStA, HHStA, Obersthofmeisteramt, Ältere Zeremonialakten Kart. 63. ff. 1<sup>r</sup>–378<sup>v</sup>. Ungarischer Landtag in Pressburg, Reise und Zeremoniell, 1764. V. 4 – XI. 24.

12 Stefancsik, *Az 1764/65-i országgyűlés*, 8–15.

13 Horváth, "Az 1764-ki országgyűlés," 382–83.

14 Werbőczy, *Tripartitum*, I/ 9, § 5.



Thus, at the beginning of Maria Theresa's reign, the court failed to switch to land-based taxation in Hungary, as it had already done successfully in Austria. After that, Vienna had no choice but to increase the amount of the war tax (*contributio*) from parliament to parliament, and these costs were passed on to the serfs by the nobility.<sup>15</sup>

The tax reform emerged in 1764 in connection with the question of military supply: Maria Theresa considered it necessary to put an end to the obsolete noble uprising (*insurrectio*) and to establish a permanent army maintained by the nobility instead. This was contained in the royal proposals. Moreover, the settlement of the serf-landlord issue was also put on the agenda in Vienna. For tactical reasons, however, it was not included in the royal proposal, but was intended to be submitted to the parliament when, in accordance with the traditions, the estates would come forward to lament the burdens of the poor taxpaying people (*misera plebs contribuens*), that is, the peasantry. As the estates invoked historical reasons to preserve their tax exemption, the court also needed such arguments to introduce reforms. These arguments were provided by Kollár's work, which was written in Latin.<sup>16</sup>

The main purpose of the work, which stirred up a great storm, was to show that the rulers could exercise their legislative power without the consent of the estates and also that their power over the church extended to ecclesiastical property and possessions. In support of his propositions, Kollár analyzed the decrees of the Hungarian rulers from the Árpád era onwards, thus illustrating that the estates had only been able to intervene in government during the period of late medieval anarchy, and that the kings exercised power over the church without restriction. The *Tripartitum*, to which the nobility had since referred as the primary source of law, had been written during a period of anarchy, and it had never been accepted by a parliament and had even been revised by the estates themselves a few decades after its publication. The tax exemption for the nobility was rejected by Kollár on the grounds that the nobility had already been called the protector of the realm by Saint Stephen, and in the decree of Andrew II, it was stated that the nobles owed loyalty and service to the ruler in exchange for their privileges. Here Kollár refers to Article XXXI of 1222, which states that, in order to preserve their liberties, the estates owed obedience to the crown. The piquancy of this argument is that the next paragraph of the Article

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15 Szijártó, *A diéta*, 242.

16 Kollar, *De originibus et usu perpetuo potestatis*.

is the famous resistance clause, which the estates, on the basis of the *Tripartitum*, considered the legal guarantee of any legitimate action against the ruler.

The estates understood the message of Kollár's work very clearly: the Habsburg government wanted to put an end to the uniquely strong rights of the Hungarian estates and intended to launch reforms which threatened to undermine the noble privileges in this hereditary province, too. As Kollár attacked the prerogatives of both the first and the second estates, both the ecclesiastical and the secular nobility rejected the conclusions of the work. Thus, the alliance of interests already discussed in the introduction of this paper was formed. The lower house began open resistance on July 9: it refused to discuss the royal proposals until its grievances had been remedied, which included the public burning of Kollár's work and even the punishment of the Kollár himself to set an example. Although the intervention of the upper house poured oil on troubled waters, Vienna eventually had to back down: the distribution of Kollár's work was banned, copies already sent to Hungary were confiscated, and Maria Theresa ordered an investigation on August 16 to clarify the matter. Although the lower house was still busy compiling the grievances, the work of Adam Franz Kollár was eventually taken off the agenda.<sup>17</sup>

Tempers, however, continued to flare: even though the queen was eagerly awaiting the estates' response to the propositions, the estates were now busy collecting their grievances. This was followed by the *tractatus diaetalis* on the issue of taxation. As we have seen, it was not possible to raise the idea of a formal tax reform because of Article VIII of 1741. One of the queen's confidants, Miklós Pálffy, the later Judge Royal, also warned the queen before convening the parliament against attacking this noble privilege, though he himself considered it harmful.<sup>18</sup> There is no doubt that in rejecting land-based taxation, the nobility was clearly confronted with a European practice that increasingly involved privileged social groups in bearing the burden of the state, and thus for a long time prevented the reduction of the financial burdens of the common people.<sup>19</sup> Therefore, it is no wonder that the Viennese government circles also condemned the privileges of the Hungarian estates. Wenzel Anton Kaunitz had a particularly negative opinion of the freestanding of Hungary, and he likened Hungarians

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17 Csizmadia, *Adam Franz Kollar*.

18 Szijártó, *A diéta*, 248.

19 See Poór, *Adók, katonák, országgyűlések*, 254–55.

to ticks.<sup>20</sup> However, the court had no choice but to continue to focus only on raising the tax rate instead of on implementing comprehensive reforms.

However, in the tense atmosphere caused by Kollár's work, the estates even refrained from raising taxes, and some county deputies even wanted to reduce taxes by the same amount as had been suggested by the previous parliament in 1751. Maria Theresa, on the other hand, stood her ground: in her response to the grievances of September 19, she insisted on the need for a tax increase. The upper house also sided with the queen this time, giving up the earlier anti-government position it had adopted during the tug-of-war around Kollár's book. As a consequence, only the lower house needed to be softened and persuaded to give up its oppositional stance. This work was carried out, as usual, by the Personalis Ferenc Koller and the Royal Court of Justice. The main argument in favor of abandoning the position of the lower house was that the estates could only expect a positive assessment of their grievances if they, too, made concessions from their position on taxes. Persistent work was ultimately crowned with success: the lower house first withdrew its insistence on the restoration the level of taxation before 1751, and it eventually consented to an increase in taxes. Moreover, Maria Theresa even managed to extort support from the estates for the Royal Hungarian Noble Bodyguard. However, the court could not by any means record the outcome of the *tractatus diaetalis* in 1764–1765 as a success, as no results had been achieved with the estates on either the issue of the insurrection or the issue of feudal duties.<sup>21</sup> It is well-known that the latter was regulated by decree by the queen, but the former had not been satisfactorily settled for the court for a long time.<sup>22</sup>

### *The Role of the Clergy in the Parliamentary Debates*

The ceremonial events surrounding the opening of the parliament were not a harbinger of the subsequent behavior of the clergy: according to a report by one of the county deputies, the prelates, together with the secular dignitaries, received Maria Theresa at the border with “great honor.” The head of the Hungarian prelates, Prince-Archbishop Ferenc Barkóczy of Esztergom (1761–1765), gave a nearly half-hour-long, “unspeakably beautiful” speech in Latin to

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20 Szabo, *Kaunitz and Enlightened Absolutism*, 313–14; H. Balázs, *Bécs és Pest-Buda*, 68.

21 Horváth, “Az 1764-ki országgyűlés,” 390–410, Stefancsik, *Az 1764/65-i országgyűlés*, 34–46; Szijártó, *A diéta*, 248–55.

22 Poór, *Adók, katonák, országgyűlések*, 162–94.

the queen.<sup>23</sup> A note from one of the court officials, which has survived in the official documents of the parliament, also highlights the primate's ornate speech, interspersed with expressions appropriate to the solemnity of the event.<sup>24</sup> In this speech, he contended that the country was lucky threefold, because Maria Theresa had visited Pozsony for the third time, after her coronation in 1741 and the parliament in 1751. Barkóczy emphasized that this time the husband of Maria Theresa, the co-ruler Francis of Lorraine, the Holy Roman emperor, and the heir to the throne, Archduke Joseph, had also come to Hungary. The primate also repeated the offering of *vitam et sanguinem*, which became famous in 1741.<sup>25</sup> At that time, thus, there was no indication of a conflict.

However, on July 10, an unknown source had already notified Kollár that a discussion of his book had begun in the upper house. Primate Barkóczy now personally accused him of trying to question the privileges and rights of the nobility and of wanting to stir up a conflict between Maria Theresa and the estates.<sup>26</sup> In the Kollár case, Barkóczy remained an advocate of the clergy, whose positions were closely followed in the court. In addition to Barkóczy, Bishop János Gusztinyi of Nyitra (1764–1777) was active in the fight against Kollár's work. He was elected to the twelve-member committee which had the task of investigating the so-called illegal allegations.

It was Gusztinyi who presented the results of the investigation to the estates, in which he made serious accusations against Kollár. According to Gusztinyi, Kollár had moved away from the faith by attacking the divine origin of the ecclesiastical hierarchy. He had also supported a misguided view of ecclesiastical property, according to Gusztinyi, as this property was not owned by the ruler, who was only a guardian and protector of it. The report also refutes Kollár's attacks on the *Tripartitum*, which are seen as a defamation of the Hungarian

23 Letter from Ferenc Rosty, Vice Comes of Vas County, to his wife on July 4, 1764. Bezerédj, *Rosti Ferenc levelei*, 9.

24 "Endlich trate obbemelter Primatis Regni Fürstlichen Gnaden gegen den thron etwas nähender, und machten im nahmen des ganzen Landes eine sehr zierliche Anrede, welche wegen ihren so gemässigten, als beträchtlichen Ausdrückungen halben vollständig in das haupt Diaetal Diarium eingebracht worden ist." ÖStA HHStA Länderabteilungen, Ungarische Akten, Comititalia, Fasc. 408, konv. B, fol. 3r.- 103v. Unterthänigster Bericht über den Verlauf des auf den siebzehenden Monat Junii des 1764. Jahres allergnädigst ausgeschriebenen und in der königl(ichen) Frey-stadt Preßburg gehaltenen Landtages. 7<sup>v</sup>.

25 Hende, "Politikai reprezentáció," 42.

26 "In hesterno statuum congressu princeps praesul Strigoniensis contra opusculum Tuum longam orationem habuit, applaudentibus fere omnibus, dum pro arbitrato privilegia et jura nationis in dubium revocares, et praesenti tempore inter augustam et status turbarum semina inseminares." Unknown writer to Kollár, Pozsony, July 10, For its edition, see: *Kollár Ádám Ferenc levelezése*, 156.

nation, and it states that Kollár was deceived by “a-Catholic authors.” Finally, Gusztinyi contends that Kollár had disregarded the laws, the liberties of the estates, and the principles of canon law, and thus he had significantly threatened to infringe on the public good and the “res publica.”<sup>27</sup>

However, not all of the prelates lined up behind the opposition. Archbishop József Batthyány of Kalocsa, the second dignitary of the episcopate, played a mediating role in the conflict from the outset, thus trying to address the tense situation. As soon as the conflict broke out, Kollár turned to the archbishop, asking him to represent his interests in the parliament. In his reply, Batthyány did not deceive Kollár: he explained that it would be difficult to pacify the offended Hungarians, and he also drew Kollár’s attention to the statements from his work directed against the papal power, the church, and the nobility. He encouraged Kollár to try to clarify his position and reconcile with the participants of the parliament by writing a letter in his own defense, and he promised to do everything to help him.<sup>28</sup> Batthyány also contacted Corneille de Nény (Cornelius Franz von Neny), the cabinet secretary of Maria Theresa (1763–1776).<sup>29</sup> Nény seems to have played a significant connecting role between the Hungarian parliament and the court, because in addition to the archbishop of Kalocsa, letters in his estate survived from Palatine Lajos Batthyány, Ferenc Balassa, count of Szerém county, Pál Festetich, councilor of the chancellery, and József Demkovich, deputy of Szerém county.<sup>30</sup> Archbishop Batthyány wrote his reports to the cabinet secretary between October 3, 1764 and January 4, 1765. He wrote most of them in October and November, when, as we have seen, the debate on taxation was becoming increasingly intense. The archbishop tried to strike a balance between the estates and the court so that the queen’s intention could prevail. He sought to gain the support of the estates both in the cases of the amount of taxes which Maria Theresa sought to levy and the noble uprising. He also mentioned the contentions made by Barkóczy in opposition to the court on several occasions, but overall, he was optimistic about the clergy’s supportive attitude.<sup>31</sup> Incidentally, the resistance of Archbishop Ferenc Barkóczy

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27 Bahlcke, *Ungarischer Episkopat*, 275–76.

28 Kollár to Batthány, Vienna, after July 16, 1764. Batthány to Kollár, Pozsony, July 24, 1764. *Kollár Adám Ferenc levelezése*, 157, 160–61.

29 Gonsa, “Das kaiserliche Kabinett,” 541–50.

30 On the documents which survived in Nény’s estate, see: Fazekas, *A Haus-, Hof- und Staatsarchiv*, 411.

31 ÖstA HHStA, Kabinettsarchiv, Kabinettskanzlei, Nachlass Nenny, Geheime Berichte des Erzbischoffen von Colocza über den ungarischen Landtag, anni 1764/5, an den geheimen Kabinetts Sekretär Hofrath Baron Nenny, Pressbourg (in French).

of Esztergom and Palatine Lajos Batthyány to the wishes and will of the court was an extraordinary shock, even for the contemporary public. Their deaths in 1765 were attributed to them having fallen into disfavor with Maria Theresa as a result of the events in the parliament.<sup>32</sup>

The next question is when and under what circumstances the opposition attitude changed in the parliament and what role the members of the clergy played in this. Following Mihály Horváth, the scholarly literature tends to concur that the lower house gave up the rejection of the tax increase at the 41st session of the parliament on October 10, 1764. József Bajzáth, canon of Esztergom, gave a long speech in which he said that the members of the upper house had already agreed to the tax increase, so if the estates were to insist on their negative position, they would anger the queen, thus completely turning her heart against the nation. However, if they were to agree to some tax increase, she would also respond to the grievances of the estates. After this, the representatives of the clergy also espoused Bajzáth's views, and seeing this, the other members of the lower house withdrew their insistence on a reduction in taxes, and the majority accepted the tax increase.<sup>33</sup> Therefore, according to Horváth, the clergy in the lower house changed their mind during the debate and switched from the oppositional view of the lower house to the view of the court and the upper house, thus reversing the position of the whole lower house. Now, I will turn to sources which offer some insights into the ways in which the figures of the clergy who were involved in these shifts experienced the events.

János Szily, canon of Győr and the first bishop of the newly established diocese of Szombathely from 1777, represented his chapter in the parliament of 1764–1765 with his fellow canon György Herman. He regularly informed the members of his chapter about the events between July 6, 1764 and March 21, 1765, or in other words for almost the entire duration of the Diet, thus forming a picture of the whole course of the parliament. His fellow deputy is also relevant to this discussion because he is commemorated in several parliamentary satires, as we shall see, not in a particularly flattering way. According to Szily's report, the clergy, as had been the case in previous years, held special meetings during the parliament, partly with the involvement of monks.<sup>34</sup> Kollár's work is mentioned in the first letters, which also confirm that the discussion about of his work erupted in the Diet on July 9. It is also clear from Szily's letters that, in accordance with

32 Marczali, *Magyarország története*, 296.

33 Horváth, "Az 1764-ki országgyűlés," 405–8.

34 GyEL II/1. Theca XLII, Nr. 5420. (July 6, 1764).

existing practice, the palatine, the personalis, and the protonotaries sought to expedite the work of the parliament, especially in compiling grievances, and that they urged the estates to discuss royal propositions.<sup>35</sup> The two envoys also wanted to address the grievances of their chapter in the parliament, and to achieve this, they negotiated with Archbishop Ferenc Barkóczy as well. However, Barkóczy asked them not to submit their grievances to the joint committee responsible for compiling grievances or to the parliament at the time, because, as the archbishop argued, internal conflicts should be set aside due to the fact that Kollár's book now threatened the whole ecclesiastical order. Thus, the two canons of Győr did not raise the grievances of the chapter for months.<sup>36</sup>

Szily had also following the tax debates since the beginning of September. Since the lower house initially demanded a reduction in the tax amount, on September 5, the 28th session, according to Szily's report, after the departure of the upper house delegation, Personalis Koller asked the clergy's opinion on the matter of the tax. Pál Kiss, the deputy of the cathedral chapter of Veszprém, replied with a long speech in which he indicated that the clergy agreed with the estates on everything. On the question of the noble uprising at the meeting the next day, however, the lower house clergy was no longer so united. Szily's fellow deputy, canon Herman, represented the position of the estates, while Gábor Gloser (Gloszer), who spoke on behalf of the canons of the cathedral chapter of Kalocsa, was in favor of the ruler's proposal.<sup>37</sup> The latter should not surprise us. Gloser's letter of commission explicitly stated that the chapter of Kalocsa would support the ruler's propositions.<sup>38</sup> The next day, on September 7, canon Herman again spoke in agreement with the county deputies about the noble uprising. This concord was also demonstrated at the next sitting, which was held on September 10. Canon Szily pointed out that the estates had every reason to be satisfied with the clergy, since the clergy did not oppose them, but, as they had promised at the previous parliament, the clergy had joined them on every issue.<sup>39</sup>

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35 GyEL II/1. Theca XLII, Nr. 5422 (June 17, 1764) and passim.

36 GyEL II/1. Theca XLII, Nr. 5423 (June 24, 1764).

37 GyEL II/1. Theca XLII, Nr. 5437 (September 10, 1764).

38 KFL II/1. a), vol. 1a, Protocollum capitulare actorum privatum, pag. 144–152 (the session on 25 April 1764).

39 "*Cum venerabile clero pariter status et ordines sunt contenti, quod non solum nihil contrarii statibus opposuerint (uti elapsa diaeta primi promittendo fecerunt), verum etiam eos secundaverint. Nos ultronee declaravimus semper statibus adhaesuros, dummodo et ii nobis adhaereant, quod et liberaliter promiserunt.*" GyEL II/1. Theca XLII, Nr. 5437 (September 10, 1764).

At the 39th session, which was held on October 1, the upper house again proposed raising the tax through the usual delegation, after which the personalis turned to the cities and the clergy for their opinion. At the time, János Szily himself spoke, arguing that since the estates knew the misery of the taxpaying ordinary people, they would join them with their vote. In contrast with Szily, György Malenich, canon of Zagreb, argued in his long speech in favor of the tax increase. This was also supported by István Bartha, canon of Eger, which is not surprising, because the abovementioned delegation of the upper house was led by Bishop Károly Eszterházy of Eger.<sup>40</sup> The canon József Bajzáth from Esztergom proposed to offer the sum which had been paid in 1751, but in the end, the majority wanted to vote for the amount reduced by the surplus from 1751, and so this position was communicated to the upper house.<sup>41</sup> In the days that followed, according to Szily's report, there was no parliamentary session, but the deputies discussed the tax issue with the palatine and the personalis in private talks. Chancellor Ferenc Esterházy then arrived in Pozsony with three of his officers,<sup>42</sup> which indicated that the pressure to accept the tax increase had grown. In the end, this increased pressure prevailed: at the meeting on October 17, which Szily apparently mistakenly calls the 54th day of the meeting, the lower house offered the abovementioned 100,000 forints for the costs of the Royal Bodyguard. At that point, even the deputies of the cathedral chapter of Várad supported raising the amount.<sup>43</sup> From then on, the issue of the tax was touched upon only sporadically in Szily's accounts, which is a clear sign of the victory of the court. On the other hand, though he was young, the canon of Győr suffered from a serious illness during this period, and although he tried to inform his chapter about the events which were taking place in parliament, he was repeatedly forced to apologize for his less and less frequent letters.<sup>44</sup>

Thus, unlike Mihály Horváth, Szily mentions neither the session of October 10 nor the speech given by József Bajzáth. However, according to the official diary of the parliament, which was certainly Horváth's main source, Bajzáth surely gave a speech.<sup>45</sup> This is confirmed by the note to the court cited above,

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40 Unfortunately, Bartha's letter of commission has not been preserved by the *protocollum* of the chapter. MNL HML XII. 2/a, Acta conferentiarum capitularium annorum 1754 usque 1782.

41 GyEL II/1. Theca XLII, Nr. 5430 (October 3, 1764).

42 GyEL II/1. Theca XLII, Nr. 5431 (October 15, 1764).

43 GyEL II/1. Theca XLII, Nr. 5432 (October 17, 1764).

44 GyEL II/1. Theca XLII, Nr. 5432A–5438 (October 20, 1764–December 12, 1764).

45 OGYK 700.465, Acta et diarium Diaetae anni 1764–1765, pag. 138–140.



which reports not only on the speech but also on its effect on the lower house.<sup>46</sup> Compared to the scenario drawn by Mihály Horváth, Szily presents the position of the chapter deputies on the tax increase in a more nuanced way. According to him, there were canons who represented the position of the court from the outset. However, Szily's records also indicate that the majority of the clergy, together with the majority of the lower house, changed their previous opposition position mid-October and accepted the tax increase.

We get a similar picture from the diary of Károly Fejérváry, deputy of Sáros County, about the events which took place in parliament. He also dated the outbreak of the Kollár case to July 9, and he even states that it was canon Szily who suggested to the estates that the two houses set up a joint commission of inquiry into the matter and recommended that Kollár be punished and that copies of his book be burned. Pál Kiss, provost of Veszprém, the canons József Bajzáth from Esztergom, József Herman from Győr, and István Bartha from Eger were also elected to the committee. Fejérváry also mentions the speech held by Gloser on September 6, in which he supported the reform of the noble uprising advocated by the court. However, according to him, at the time, Szily behaved in a manner that suggested that he was opposed to the reforms recommended by Gloser, much as he also did at the meeting on September 28, when he interrupted Gloser's speech, and the two canons debated the issue of reforms before the lower house. Fejérváry also confirmed that Malenich's speech, which he dated to October 2, called for the adoption of the tax increase. According to Malenich, on October 10, even canon Pál Kiss of Veszprém urged a compromise with the upper house, although he had previously spoken out several times in defense of the "poor taxpaying people." The phrase, which, as we have seen, is typical of the era, was used to encourage rejection of the tax increase. Fejérváry claims that canon Bajzáth also joined him. Pál Festetich also reported in his letters to cabinet secretary Nény on the division of the canons, although his account differs somewhat from the two cited above. He mentioned István Bartha, canon of Eger, as the leader of the "opposition" canons, alongside Pál Kiss.<sup>47</sup>

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46 "Auf diesen gleich erwähnten vortrag haben sich endlich die gesamten H[erren] Stände einhellig entschlossen, das abbelte anno 1751 erhobene Quantum neuerdings zu bestätigen..." ÖStA HHStA Länderabteilungen, Ungarische Akten, Comititalia Fasc. 408, konv. B, fol. 3<sup>v</sup>-103<sup>v</sup>. Unterthänigster Bericht... fol. 97<sup>v</sup>.

47 Nagy, "A káptalani követek hangadói," 179–83.

After the Christmas break, the work of the parliament continued in January 1765. The drafting of the articles had begun, but other domestic issues had also come to the fore. From the point of view of our topic, it is worth mentioning the tensions around the anonymous pamphlet written by György Richwaldszky, canon of Esztergom, entitled *Vexatio dat intellectum*. The work was met with great resentment in court circles because it drew attention to the attack on the liberties of the estates and the dangers of the introduction of foreign legal practices. Richwaldszky called on the estates not to give up any of their rights, and he called on the Locumtenential Council to ensure that the ruler's instructions did not violate the laws of the country or the prerogatives of the church. He also suggested that those who violate the "sovereignty" of the estates should be prosecuted for crimes of high treason. Railing against the spread of the teaching of natural law, which in his assessment threatened both the church and the old state system, he also emphasized that the interests of the nobility were the same as the interests of the clergy. All in all, he summarized the opposition of the estates to the issues raised by Kollár. It is a telling fact that the pamphlet still spread in manuscript form during the 1764–1765 parliament, but in 1785 it was printed in a Latin-German bilingual edition, so its points also served as weapons against the politics of Joseph II.<sup>48</sup>

Because of the pamphlet, which was publicly burned in Pozsony in 1765 at the order of the ruler, military forces were ordered to come to the town in which the Diet was held, and several members of the ecclesiastical and secular communities were interrogated. A sum of 2,000 gold was offered to anyone who could provide information about Richwaldszky's whereabouts. In his report, however, Szily did not consider it probable that the investigation would produce results.<sup>49</sup> And indeed, although Richwaldszky was suspected of having been the author of the pamphlet, the authorities failed to prove that he had written it. Nor did he lose the favor of the court, as proven by the fact that he was later involved in the preparation of the diocesan reform in the 1770s.<sup>50</sup> This case is interesting from the perspective of the discussion here because in the person of Richwaldszky we find a canon who rebelled against the royal politics as early as 1765, albeit not during the lower house meetings, but in the form of an anonymous pamphlet.

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48 *Vexatio dat intellectum*. Bahlcke, *Ungarischer Episkopat*, 281–87.

49 GyEL II/1. Theca XLII, Nr. 5451 (Mach 5, 1765).

50 Bahlcke, *Ungarischer Episkopat*, 283.

Opposition to the policies of the court among members of the clergy was seen as exceptional even by contemporaries. According to general opinion, they were supporters of the “ruling party.” This view is reflected in particular in the *pasquilli*, that is, in the pamphlets which attacked the individual participants of the Diets. The Parliament of 1764–1765 abounds in *pasquilli* of this kind, which attacked the chapter deputies mainly in their person. Of these, the satire written against the aforementioned canon György Herman of Győr stands out. In addition to his allegedly immoral way of life (he was brought into disrepute because of a claim according to which he had had affairs with several girls and women from Győr), he was accused of supporting the issue of a tax increase in the parliament from the outset. According to one of the *pasquilli*, he agreed with Adam František Kollár that the priesthood should pay taxes, and allegedly, he could not even speak Latin properly.<sup>51</sup> As we have seen, the records of canon Szily do not substantiate these accusations either, and it is particularly difficult to believe that the deputy, who had been elected to serve as the orator of the lower house delegation in August 1764,<sup>52</sup> could not word his sentences precisely. On the contrary, Herman was known as a distinguished speaker,<sup>53</sup> many of whose speeches survived. It was he who spoke at the funeral of Archbishop Barkóczy in 1765 in Pozsony.<sup>54</sup> It is easy to imagine that Szily blunted the edge of his fellow deputy’s speeches in his accounts, but we can still assume that the author of the (anonymous) *pasquillus* exaggerated the weight of Herman’s pro-court manifestations.

The most fervent opposition among the canons was undoubtedly shown by József Bajzáth, the deputy of the Esztergom chapter. In most cases, he led the lower house delegation and, according to Szily’s accounts, he expressed his views innumerable times, or more narrowly, his rejection of the court’s demands. It is no coincidence that he, too, was suspected of having authored the *Vexatio*.<sup>55</sup> Among the opposition, however, he was particularly popular. According to one of the verses celebrating him, he deserved the bishop’s mitre because he spoke

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51 Nem eszemhez való publica szólnani / Mert én nem tanultam nyelvet mértékelni. / Ország dolgát azok tudják megfontolni / Kiknek nyelvek nem nagy, eszek nem parányi. / Én nagy tudományom kevélységben vagon, / Eszem is, iszom is, amit tetszik nagyon, / Hogy ahová járok, erőm ott ne fogyjon. Téglás, *A történeti pasquillus*, 101–3.

52 GyEL II/1. Theca XLII, Nr. 5424 (August 13, 1764).

53 Bedy, *A győri székeskáptalan*, 466.

54 Nagy “Ha nézem a Papokat.”

55 GyEL II/1. Theca XLII, Nr. 5451 (March 5, 1765).

with the voice of the people and even of God in his speeches.<sup>56</sup> His oppositional conduct, however, did not jeopardize his political or ecclesiastical career, as a few months after the closure of the parliament, he became court councilor and officer of the Hungarian Court Chancellery, while at the same time he was also granted the title of bishop of Ansaria. By 1773, he had already been vice-chancellor and secret councilor, and in 1777, he was appointed bishop of Veszprém by the queen.<sup>57</sup> Similarly, canon Pál Kiss of Veszprém was an oppositional voice in September 1764, when, according to Szily, his aforementioned speech was made, and Mihály Horváth has confirmed this in his research as well.<sup>58</sup> Yet one of the *pasquilli* condemns him along with Herman and says he is of humble descent, though he most probably was the descendent of a noble family.<sup>59</sup> These two cases remind us that the anonymous pamphlets can only be used with caution as expressions of “public opinion,” and we cannot always decide with certainty how far the accusations against the people ridiculed reflect the real facts and how many of these accusations were just clichés attributed to the social group to which the people targeted belonged. According to Festetich’s report, canon István Bartha of Eger, in agreement with several other county deputies, suggested keeping the Kollár issue on the agenda on August 7,<sup>60</sup> and he even led the delegation of the lower house in September,<sup>61</sup> but as we have seen, at the October 2 meeting, in agreement with his bishop, he opposed the tax reduction.<sup>62</sup> On October 12, he was one of the deputies who called for a tax increase.<sup>63</sup>

Szily himself can also be classified as one of the canons who initially supported the opposition, and this did not ruin his career either, as his aforementioned appointment to the seat of Szombathely clearly testifies. These nuances are interesting because, according to contemporary opinion, the deputies of the cathedral chapters, in the hope of an episcopal mitre, supported the ruler’s politics.<sup>64</sup> These examples, however, show that espousing a position

56 “Orator Patriae, mytram tibi Patria uovet, / Vox tua, vox populī, vox sacra, vox Dei est.” Stefancsik, *Az 1764/65-i országgyűlés*, 40.

57 Kollányi, *Esztergomi kanonokok*, 367–69.

58 Horváth, “Az 1764-ki országgyűlés,” 393.

59 Nagy, “Ha nézem a Papokat,” 244.

60 GyEL II/1. Theca XLII, Nr. 5424 (August 13, 1764).

61 GyEL II/1. Theca XLII, Nr. 5437 (September 10, 1764).

62 GyEL II/1. Theca XLII, Nr. 5430 (October 3, 1764).

63 GyEL II/1. Theca XLII, Nr. 5432 (October 17, 1764).

64 Szijártó, *A diéta*, 167.

in opposition to the wishes of the court did not necessarily lead to one being ignored when appointments were later made.

Among the consistently royalist canons, the aforementioned Gábor Gloser from Kalocsa and György Malenich from Zagreb stand out. Gloser was also targeted by one of the *pasquilli*, in which he was rebuked for his allegedly common origin.<sup>65</sup> It is no coincidence that ignoble origin was an rebuke made in many *pasquilli*: historical research has also confirmed that the number of canons of humble origin in the chapters increased greatly in the eighteenth century.<sup>66</sup> Gloser, whose pro-court behavior, as we have seen, was in accordance with his letter of commission, later held minor ecclesiastical and secular offices: in 1775 he was appointed to serve as provost of Felsőörs and, in 1777, as a prelate of the royal court.<sup>67</sup> Canon György Malenich of Zagreb won the provostship of Buda from Maria Theresa in 1754 and the title of abbot of Zselicszentjakab in 1760, but later he did not advance in the hierarchy of the church.<sup>68</sup> It is noteworthy, then, that a show of support for the court by the canons was not an absolute guarantee for later career advancement either.

Returning to our question, we can state that the sources only partially confirm the general conclusions in the secondary literature in connection with the parliament of 1764–1765. On the one hand, the unified opposition of the prelates in connection with the Kollár affair seems exaggerated. It is quite clear that the clergy acted in an organized manner against Kollár's work, which, quite unsurprisingly, was coordinated by Archbishop Barkóczy himself. The claim, however, that all prelates adopted an oppositional stance cannot be substantiated. This conclusion seems to be refuted by the activity of József Batthyány and the role of Bishop Károly Eszterházy of Eger: canon Szily mentions the upper house delegation led by Eszterházy eight times, and in each case this delegation represented the position of the court. As usual, these delegations were led by clerics, and according to Szily's accounts in 1764–1765, Eszterházy was the most active among the bishops.<sup>69</sup> This is reinforced by an anonymous source from the royal court.<sup>70</sup> Thus, even if Maria Theresa was disappointed with Archbishop

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65 Tégla, *A történeti pasquillus*, 103.

66 Nagy, "Ha nézem a Papokat," 247.

67 Lakatos, *A kalocsa-bácsi főegyházmegye*, 24.

68 MNL OL A 57, vol. 43, 351–53; vol. 45, 425–26.

69 Regardless, Archbishop Batthyány did not have a very good opinion of him, because he thought Eszterházy was overly stubborn in his approach to politics. See: Bahlcke, *Ungarischer Episkopat*, 279.

70 ÖStA HHStA Länderabteilungen, Ungarische Akten, Comititalia Fasc. 408, konv. B, fol. 3<sup>r</sup>–103<sup>v</sup>. *Unterthänigster Bericht*, passim.

Barkóczy, the second and third dignities of the Hungarian Catholic Church remained loyal to Vienna. It also seems an oversimplification to claim that the canons initially took a completely united position in opposition to court in the lower house tax disputes and then unexpectedly switched as a group. In fact, there were lower house clerics who supported the position of the court from the outset, while the majority of those who were against the proposal made by the court changed their minds gradually before supporting the court's aims, along with the other lower house representatives.

Concerning the political affiliation of the county deputies, István Szijártó has convincingly refuted the popular opinion that the counties with Protestant majorities beyond the Tisza River were the leaders of the opposition in the eighteenth century parliaments, while the counties with Catholic majorities were supporters of the court. Much as in the whole course of the second half of the century, in 1764–1765 most of the deputies of in the counties which were in opposition to the court were Catholics.<sup>71</sup> Similarly, it is not clear that in 1764–1765, at the initial phase of the discussion of the Kollár affair and the tax issue, the clergy as a whole belonged to the opposition. Like the county deputies, the clergy was also divided and represented different political positions. The parliament of 1764–1765 differs from the previous ones in that we find among them speakers who (temporarily) spoke openly against the aspirations of the court. More precisely, this phenomenon is not new either, since earlier (and later, in 1790–1791), part of the clergy opposed the ruler's position several times, but only on matters of religion.<sup>72</sup> In 1764–1765, however, several of them also became political supporters of the oppositional positions represented by the estates.

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