

# The Ties That Divide Nationalities and Confessions in the Debate on Civil Marriage in the Hungarian Parliament (1894–1895)

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*“Political decay and  
national catastrophes are  
always preceded by  
the ethical disease to which  
society falls prey.”  
(Lőrincz Schlauch)*

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## Methodology

THE SPEECHES made by the members of the ecclesiastical elite in the Upper House of the Hungarian Parliament can certainly be read through the lens of the political activity they conducted over a period of time that was marked by formidable polemical effervescence. The political modernization of Dualist Hungary cannot be understood outside a reconsideration of the reactions, strategies and goals of these high prelates, who had numerous goals on their agendas.

Far from being an approach undertaken strictly from the vantage point of ecclesiastical historiography, this study aims to explore aspects of the church–state relations in Dualist Hungary at the interface between various fields of analysis (historical, political, religious and discursive) using a source that has rarely been investigated in the context of this debate, namely, the parliamentary speeches occasioned by this bill of law. We shall there-

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fore use, as a relevant support for our analysis, the speeches delivered in the Budapest Parliament,<sup>1</sup> speeches that may reveal both the official positions of the church and the state representatives and the dialogue between these two categories of authorities.

The Upper Chamber (the equivalent of the House of Lords) of the Hungarian Parliament, also known as the House of Magnates, included *ex officio* the representatives of all the recognized churches. With approximately 750 members until the 1885 Reform and 350 members after that date, the Upper Chamber of the Hungarian Parliament comprised 50–60 high prelates (their number varied depending on the vacancies of episcopal sees), metropolitans and bishops, representatives of the dioceses on the territory of Transleithania, all of them forming a genuine spiritual aristocracy.<sup>2</sup> By definition a conservative institution during the period of dualism, the House of Magnates tended to be a passive, non-intrusive legislative partner (except in a few situations that included the issue of civil marriage).<sup>3</sup> From 1867 to 1918, it was the Chamber of Deputies that functioned as the decisional body of the Hungarian Parliament, operating like a genuine legislative laboratory that reflected the pace of modernization in society.<sup>4</sup>

In the course of our research, a legitimate question arose concerning the degree of representativeness of the Mosaic cult in the House of Magnates. In this context, we should mention the fact that the Mosaic cult was not officially recognized until the second half of the nineteenth century. The Hungarian state refused to recognize the Mosaic religion and to grant it full reciprocity and equality with the other religions in Hungary. It was not until the summer of 1849 that the Hungarian politicians demanded that Parliament should adopt a series of amendments for the recognition of the Mosaic religion. Then, several years later, references to the Mosaic faith were introduced in the Patent of 29 May 1853 for the implementation of the General Civil Code in the Principality of Transylvania.<sup>5</sup> As regards the participation of the leaders of the Mosaic religion in the sessions of the House of Magnates, historians insist that this occurred only after 1895.<sup>6</sup>

The parliamentary setting of the House of Magnates is highly relevant for our analysis on the dilemmas experienced by the church representatives, as they had to adopt a clear position on the issues under debate and to manage several types of relations: church vs. state, the Catholic/Reformed/Orthodox/Greek-Catholic denomination v. Hungarian liberalism, interfaith dialogue, the representatives of the church vs. confessional leaders and/or national leaders, etc.

The parliamentary rostrum is a public space of official, normative, ritualized political action. Hence, the context in which speeches are delivered from the rostrum should be taken into account in any analysis of parliamentary debates.<sup>7</sup> This perspective on the chronotope of parliamentary debates channels the subject of our presentation towards the sphere of political analysis. As members of the House of Magnates, hence, as contributors to a platform of political debate, the higher clergy were compelled to employ a political type of discourse, to negotiate with the political class and, ultimately, to assume the role of interlocutors in the process of finding political solutions to various issues.

We were inspired, in this research, by the approaches initiated by Rogers Brubaker, who considers that understanding certain conceptual categories like nationalism or modernism is not possible without analyzing how these concepts are used at the level of discourse.<sup>8</sup>

## Context

**E**SPECIALLY AFTER 1867, the religious denominations and the consciousness of belonging to one church or another became essential factors in the transformation of Hungary's national minorities into "genuine nations pre-1918."<sup>9</sup> The multiethnic composition of Dualist Hungary was further complicated by interesting confessional differentiations, in what was an already very tense context of the modern period.

Up until the reform of 1894, in Hungary there were eight marriage laws regulated by the church.<sup>10</sup> Whereas the state-church relationship was governed by clear laws and statutes in Western societies, the so-called customary laws prevailed in Hungary and in other Eastern European areas. These laws had generated a variety of administrative practices, which allowed each of the churches to operate within the limits of their own religious lives.<sup>11</sup>

The Liberal Hungarian Party had made numerous attempts at legislative standardization, including in the religious sphere, and at adjustments that reflected the principles of secular modernity. Hungarian political liberalism requires different grids of interpretation than those applicable to Western Europe: the competition between Vienna and Budapest, the heterogeneity of Hungary's population and the political monopoly exerted by the Hungarian nobility entailed a different configuration of liberalism here than those consecrated elsewhere.<sup>12</sup> The virulent insistence on matters pertaining to the construction of the national unitary Hungarian state turned this current of opinion into a form of national liberalism predicated on Magyarization, which came into conflict with the other nationalisms emerging in the area.<sup>13</sup> A political current like this, built at the intersection of the liberal and the national programs, prepared the grounds for a highly combative and creative political culture, which, in crisis situations, was willing to equate the idea of progress with the idea of the homeland in order to mobilize significant segments of the population.<sup>14</sup>

On 7 May 1894, the first debates on the aforementioned bill began in the Upper Chamber of the Budapest Parliament. This bill of law had already obtained the approval of the Chamber of Deputies. The series of debates continued on 8, 9 and 10 May 1894, when the bill was rejected. Discussions were subsequently resumed on 21 June 1894, when the majority of the House of Magnates voted in its favor.<sup>15</sup>

The presence of these hierarchs in the Upper Chamber of the Hungarian Parliament did not automatically mean that all of them expressed their positions verbally. On the contrary, the criterion of representativeness and of rhetorical prowess pre-

vailed during those debates. Generally, only the best two orators from each confession took the floor at these meetings.

The positions adopted in relation to this bill are relevant because two distinct camps were delineated among the higher clergy: on the one hand, the representatives of the Catholic, the Greek-Catholic and the Orthodox Churches distinguished themselves as stark opponents of the bill; on the other hand, the Protestant clergy supported it. This division of the clerical elite should not surprise us, for the predictability of the positions the clerics advocated was rooted in Hungary's more or less recent history.

An examination of the arguments invoked by the church dignitaries in this debate will reveal the existence of several antagonistic positions that were significant for the divided responses this problem generated at the level of the entire Hungarian society in the late nineteenth century. Our analysis will focus on the fractures that appeared inside the House of Magnates at the time when this bill was discussed in Parliament, summarized succinctly as follows: the Catholic Church vs. the Liberal Hungarian Government; the Catholic Church vs. the Reformed Church; the Orthodox Church vs. the national unitary Hungarian state.

## The Rift between the Catholic Church and the Liberal Hungarian State

**T**HE FIRST split, which is also the most intensely exploited in historiography, was the opposition between the Catholic Church and the liberal Hungarian state.<sup>16</sup>

The Dualist Pact of 1867 led to ever bolder challenges concerning the status of the Catholic Church, as the top-tier Hungarian political representatives had begun to be increasingly recruited from among the Protestant liberal intellectuals. Even though it remained dominated by conservative Catholic elements, the House of Magnates was reformed in 1885, when the titular Catholic bishops were removed from the structure of this parliamentary body, as a consequence of the fact that Hungarian political nationalism was conceived now in supra-denominational terms.<sup>17</sup>

At the beginning of the first sitting devoted to the subject of civil marriages, the lawyer Bódog Czorda briefly presented the political context that had led to the discussion of this legislative initiative. The denominational pluralism of Hungary had determined the Hungarian political class to embark on a process of successive legislative adjustments to this context, in which the national interest was to prevail. However, a remark in this argument (“the Hungarian state has always maintained its independence from Rome”<sup>18</sup>) triggered a tense dialogue between the Hungarian political leaders and the leaders of the Catholic Church. Czorda's statement was a covert attack against the Catholic Church, suspected of placing the interests of the Vatican above the Hungarian national interests. The liberal politicians had used, from the very outset of this debate, a sort of discursive Manichaeism (Vatican vs.

Budapest) in order to mobilize their followers and thus block, by recourse to the nationalist sentiment, any possible theological explanations coming from the Catholic hierarchy. The representatives of secular Hungarian politics attempted to undermine the potentially dogmatic background of the discussion by shifting the focus of attention onto considerations on the functions and the role of the Hungarian state. After the anti-Vatican argument invoked by the Hungarian speaker, the legal aspect was brought into question, as the introduction of civil marriage was deemed to achieve the goal of legislative unification, in a state where matrimonial law differed according to the subjects' residence, religious denomination or ethnic group membership. The—otherwise predictable—conclusion of the Hungarian Liberal was as follows: it is not the priests, but the state that should play the role of judge in the case of marriages and divorces.<sup>19</sup> The rationale of the argument made by the representative of liberal politics revolved around a historical parallelism (past vs. present), used precisely in order to bring out even more poignantly the mutations that the newly envisaged formula of the rule of law could bring about in the sphere of ecclesiastical legislation.

The first to reply was Kolos Vaszary, Primate of Hungary, archbishop of Esztergom, the most authoritative voice of the Catholic Church. According to him, the civil matrimonial law was “offensive” not only to the church, but also to the Homeland.<sup>20</sup> The historical arguments used by the archbishop of Esztergom in his demonstration, which descended in time all the way to the Council of Trent, had a two-fold legitimizing role: they reflected the order established by the Catholic Church, which had survived intact across many centuries, and, even more importantly, they associated the history of this church with the history of the Hungarian nation. The rationale for the rejection of this bill by the Catholic Church rested on fundamental doctrinal principles, impossible to ignore in this situation: “The principles of civil marriage are profoundly detrimental to the dogmas of the Catholic Church,”<sup>21</sup> for which marriage was a sacrament that only the church could validate. The tense dialogue between the Catholic Church and the advocates of Hungarian liberalism was translated, in the context of this debate on civil marriage, into two phrases that reflected rigid positions, impossible to be reduced to a consensus: marriage-as-a-sacrament vs. marriage-as-a-civil-contract.

When they gave the reasons for their rejection of the bill, the high Catholic clergymen (besides the archbishop of Esztergom, the Catholic bishop of Oradea /Nagyvárad), Lőrincz Schlauch also made a consistent intervention) did not hesitate to accuse the dualistic legislation, considered responsible for giving rise to chaotic situations, such as the one under consideration here. The experiments that the Hungarian political body had carried out since 1868 had unsettled both churches in Hungary and their believers. The state's interference in the legislation of the church, especially after 1867, had produced an unprecedented turmoil in the ecclesiastical domain: “The reason for the chaos that prevails in today's ecclesiastical legislation and in our interdenominational life (an unknown situation before 1868) should be sought not in the canons of the Catholic Church, but in the civil laws. . .”<sup>22</sup>

The representatives of the Catholic Church admitted, during this debate, that there were some civil consequences of marriage, but did not agree with the phrasing of the bill, which mentioned the existence of two distinct components of this law, one civil and the other ecclesiastical, the civil component being nonetheless binding. This dissociation attempted by the Hungarian authorities led the Catholic bishop of Oradea, Lőrincz Schlauch, to address an essential topic, the separation of church and state, an experiment that would represent, according to his opinion, the “beginning of a dissolution.”<sup>23</sup>

Both the Catholic Church and the political parties involved in this debate insisted on arguments borrowed from their own fields of action, this situation explaining the deadlock that ensued. The replies of the Catholic representatives were grounded in truths of faith that were difficult to conceive through the logic of liberalism, for which societal regulation had to prevail over other, competing types of loyalties, be they of an ecclesiastical nature.

After the historical and doctrinal arguments invoked by the Catholic prelates, they switched, at the end of their interventions, to a more dynamic approach, insisting on the negative social effects of this legislation. It was not only the church, but also the state that would have to suffer from this liberal law, which was bound to spawn social libertinage. The Catholic Church drew attention to the increasingly materialistic climate in which marriage could become the object of financial speculation or could even be removed from the horizon of expectation of the young individuals, through the propaganda that was made in support of this law: “In an age when everything is in motion, we cannot change the institution of marriage and, through it, public morality.”<sup>24</sup>

In order to avoid limiting the point of view of the Catholic Church to doctrinal details, the archbishop of Esztergom spoke about the natural principles underlying marriage: “Because natural law claims that the bond between man and God, between the citizen and the homeland, or between the child and the parent is indissoluble, let the bond between the spouses also be indissoluble.”<sup>25</sup> The reply was articulated in such a way that by using an argument that was dear to Hungarian nationalist liberalism, the almost metaphysical relationship between the citizen and the homeland was to achieve the same effect, through a semantic transfer, at the level of the relationship between man and God.

Another strategy through which the Catholic Church endeavored to stave off the bill proposed by the political authorities was the use of exemplarity, by identifying among their adversaries personalities of great renown who had publicly expressed their opinion in favor of the ideas upheld by the Catholic clergy. References to famous liberals like Prime Minister Gladstone or the American Minister Phelps<sup>26</sup> were intended to counter a strong argument that had been extensively used by the opposing camp, namely, an alignment to the requirements of liberal modernity and of the “civilized world.”

Trying to clarify the state–church relationship, the Catholics steered the course of the debate by insisting that canon law should be accepted by the state, but not is-

sued by the state. This argument was important because it cancelled the right of the state to intervene in a matter where no interferences were permissible: “The church has not received this right from any state; on the contrary, the Christian states have recognized the right of the church in this respect.”<sup>27</sup> Because it affected the “national conscience and morality,” this law had become a political issue, as detrimental here, in the opinion of the Catholic leaders, as it was in the ecclesiastical field.

For Lőrincz Schlauch, Catholic bishop of Oradea, the confrontation between state and church occasioned by this debate was based on a crude exercise in manipulation: the attempt to pass civil marriage for an interest of national import.<sup>28</sup> As Schlauch contended, the regulation of family life could not be dependent on the political whims of a fickle government that refused to admit that marriage was, in fact, “a social institution, not a state or a political institution.”<sup>29</sup> A marriage based on a civil contract represented a way out of the bounds of morality and a symptom of the political decline of the nation: “Political decay and national catastrophes are always preceded by the ethical disease to which society falls prey.”<sup>30</sup> When this law was introduced in France, the “sick society”<sup>31</sup> there developed the idea of the “rule of law” introducing a system of principles that has not been, to this day, clarified, in which “there are a lot of vague and arbitrary things, whose content and limit is difficult to ascertain even by the most distinguished scholars of the law. . . It is true that there is no nation that could live without the law; but it is also true that there is no nation that could live solely on the law.”<sup>32</sup> Schlauch’s arguments triggered the response of Justice Minister Dezső Szilágyi, who showed that the public good was an area reserved exclusively for the state and not the church and who refused the indications offered by the Catholic prelates as to how societal order should be managed. The reply of the Catholic bishop of Oradea was prompt and amounted to a warning addressed to the entire Hungarian political class: “Can [Hungary] afford to reject a tested and loyal partner in the midst of so many centrifugal forces? A nation that is, so to say, still in the stage of fighting for its existence should not try to find its regenerative force by undermining an institution that has the power to give the nation strong and truly patriotic characters only if it remains untouched by profane hands. . . . Is the state in Hungary sufficiently strong to break up a relationship that has lasted for eight hundred years and that has become embedded in the customs, the traditions and the very blood of the Hungarian people. . . ?”<sup>33</sup>

When the archbishop of Esztergom had to explain his vote against this bill of law, he stated that he had decided to act this way after having meditated on all his personal stances: as a Catholic, he deemed this bill to be an “insult” against the doctrines of his church; as a Hungarian citizen, he could foresee the devastating moral and material effects it would produce, especially as regards public morality; and as a member of the House of Magnates, he believed that this act would be an “inexhaustible source of constant complications in our political, social and religious life.”<sup>34</sup> The speech of the Catholic prelate and the interrogations around the bill of law led him to ponder the dilemma of loyalties: when he had been sworn in as the highest ecclesiastical authority in Hungary, he swore allegiance to both the head of

his church and the king, so what position should he adopt on this bill so as to not appear to be unfaithful to either of these authorities? He should simply reject the bill, the archbishop of Esztergom curtly concluded.<sup>35</sup>

The position of the representatives of the Catholic Church in this debate was emblematic for the shock they had experienced in relation to a political class that could no longer imagine the ecclesiastical institution as the nation's unifying factor.

## The Split between the Catholics and the Protestants

**T**HIS DIVIDE at the heart of the Hungarian nation was, in fact, the result of the conflict between one religious denomination that had played a decisive role in the state-building process and another religious denomination that had been prevalently associated with the nation-building process.<sup>36</sup> These were two facets of a well-established mythology in Hungarian political culture, but they also represented the obverse and the reverse facets of an extremely important trope of religious denomination in the imaginary of nationalist liberalism: Calvinists were seen as the supreme defenders of the Hungarian nation, while Catholics were considered Habsburgtreue or manipulated by the Vatican.<sup>37</sup>

Returning to the debate that revolved around the issue of civil marriages, this rift between the Catholic and the Protestant hierarchs appeared, at times, to have been widened by the political decision makers, who were directly interested in destabilizing and dividing the ecclesiastical bloc in the House of Magnates. When the bill was introduced in Parliament, the liberal Bódog Czorda claimed that as long as Catholicism had represented the dominant denomination in the country, the canon law of the church had posed no difficulty to the state, but after the religious edicts of 1790–1791 the context had substantially changed and the legislative projects initiated by the state were now imperative.<sup>38</sup> The Catholic higher clergy had been aggravated by the fact that this civil marriage law was of definite Protestant inspiration: “Because if this bill of law is passed, then the Catholics will be bound by a civil marriage legislation that has been inspired by the Protestant ideology. . . . Because, according to the Protestants, marriage is: 1. a civil contract, 2. dissoluble, 3. its validity can be decided by the state.”<sup>39</sup> The Catholic Archbishop Kolos Vaszary rhetorically asked why certain rights granted to the Protestants had been denied to the Catholics, who would be directly affected by this law.<sup>40</sup> Vaszary did not forget to caution that if civil marriages were to be introduced, the Catholic clergy would adopt, in the future, the belligerent attitude of their Protestant colleagues in their fight against these deleterious principles. This basically amounted to a relinquishment of the attitude of cooperation with the central power and to an allusion to the divergent positions that the two parties would assume as of that moment. It should be noted that throughout his speech, the Catholic archbishop made consistent recourse to the idea of an overlap between the Magyar state and Protestantism. React-



ing to repeated analogies made by the Catholic speakers, for whom the matrimonial bill of law was, as shown above, the result of a Protestant laboratory experiment, Justice Minister Dezső Szilágyi intervened firmly and prohibited the confiscation of the subject of civil marriages by these interfaith disputes.

The Protestant camp, attacked by the Catholics, responded initially through the voice of Bishop Pál Zelenka. The bishop claimed that even if the Catholic Church was to lose some of its privileges, the Hungarian society would not be imperiled in any way. On the contrary, he saluted the “amicable separation between the power wielded by the Catholic Church and the sphere of functioning of the state.”<sup>41</sup> The ecumenism advocated by the Protestant bishop also conveyed the idea of a weakening of the powers of the Catholic Church. Zelenka’s argument borrowed here a famous thesis of Hungarian liberal theology: the idea that religiosity is above the religious denominations.<sup>42</sup> Moreover, in many of their interventions on this issue, the representatives of the Reformed Church appeared to behave as *ex officio* defenders of the state and of Hungarian liberalism. Religious arguments were also brought in support of this bill, which was accepted without reservations by the members of this clergy: the desiderata of the liberal state were but the principles of the Gospel put into practice. Moreover, the national, state interests were to prevail over ecclesiastical interests: “I want the citizens to feel that belonging to the state is stronger and more important than belonging to a church or to a denomination” (Protestant Bishop Károly Szász).<sup>43</sup>

Although the Protestant bishops acknowledged that under this law “the church would give up a great privilege,” this did not represent, in their vision, “an unjustified or a worrisome fact.” The Catholic Church stood to lose the most because of this legislation, but even though this institution was to be deprived of some of its privileges, it had to become an active participant in “the process of building the Magyar state.”<sup>44</sup> For the Reformed, the Hungarian state was a project constantly in the making. This could explain the dynamic, much more open solution they proposed for the country’s internal problems. The challenges of modernity and the assaults on the church were regarded with undissimulated serenity by Pál Zelenka and Károly Szász. The two Reformed bishops spoke on this topic in the House of Magnates, stating that at the end of this process the church would find again its true vocation of providing spiritual guidance to the people and that it would withdraw from the political sphere, where the state should be the main organizing power. The representatives of the Protestant Church laid emphasis not upon marriage as a theological topic (unlike the Catholics), but on the usefulness of this legislative initiative for the development of the state: “Do we want to develop side by side with the other nations, in a liberal and national spirit, or do we want to lag behind, to lapse back into the past centuries, into the period before the Reformation, into the Middle Ages?” (Protestant Bishop Szász).<sup>45</sup>

The two lines of argument, offered in a mirror by the representatives of the Catholic and, respectively, the Protestant Churches, are relevant for the competition these denominations engaged in from 1890 to 1914, when their ultimate goal was

the creation of a religious nationalism.<sup>46</sup> The debate was significant for the positions adopted by the two religious denominations in relation to the state: strong rupture in the case of the Catholics, but growing consolidation in the case of the Protestants. Not at all incidentally, in the speeches they made in the House of Magnates, the representatives of the Catholic Church invoked most often the effects this law would have upon their believers, while the members of the Protestant Church made reference primarily to the Hungarian citizens. The two discursive referents are relevant for the different approaches of the two ecclesiastical institutions and for the different ways in which they maintained a dialogue with the Hungarian state.

## **The Orthodox Churches vs. the National Unitary Hungarian State**

**I**N A monarchy in which the Dualist solution had created the need to keep under control and manage the centrifugal forces of the numerous ethnicities residing on its territory, civil marriage legislation was interpreted as an unwarranted interference in the internal affairs of the national churches.<sup>47</sup> The higher clergy of these ethnic groups, which had no or very few representatives in the Chamber of Deputies of the Parliament in Budapest, took on the role of promoting the political goals of these ethnicities, becoming thus major decision makers among their own nations. It should be noted that the Romantic ideology of bishops as national-political figureheads prevailed, in this area, until the end of the nineteenth century and, in some cases, until the eve of the war. The translation of the clerical elite into a political elite should not be shocking in this context, in which such “confusions” of status were customary.

In a multi-ethnic and multi-denominational state, secularization was tantamount to de-nationalization from the point of view of the non-dominant groups, the stakes of this process being related to the ethnic survival of these communities and not necessarily to the terrors that modernization had brought upon the church. The arguments of those high prelates borrowed heavily from the vocabulary of the political leaders and were targeted at an impregnable bastion: ecclesiastical autonomy. The defensive reaction of these churches should be seen in the context of the ecclesiastical-educational legislation that was passed in the latter part of the nineteenth century and that was unfavorable to the development of the national minorities in Transleithania.

The justice minister made direct accusations in the House of Magnates against the representatives of the national churches, who had allegedly used this legislative pretext to alarm the people and to build a victimizing discourse around their own nationality.<sup>48</sup> The turmoil created on this occasion had actually fueled covert protests against the Hungarian Government, according to the same justice minister. It was a dangerous situation because it showed the exact measure of loyalism among these ethnic groups. The minister made a direct recommendation to the Romanian

and the Serbian metropolitans, present in the room: “The high prelates had better enlighten and appease the people...”<sup>49</sup>

Because of the intense pressure to which the Hungarian power holders had subjected them, the representatives of the Serbian Orthodox Church and of the Romanian Orthodox Church—the only spokesmen of the non-Catholic and non-Protestant minorities that took the floor in this debate—reassured the Hungarian politicians that their point of view would not adversely affect the interests of the Hungarian state. The legalist position consistently upheld by the two Orthodox representatives was visible throughout the duration of these debates. When the Serbian patriarch was reproached by Prime Minister Sándor Wekerle for having organized a protest meeting in Sremski Karlovci concerning the envisaged civil marriage legislation, he immediately attempted to exculpate himself, using an utterly unconvincing argument: he had been unaware that the meeting in question would be organized, even though he had given his blessing to it. At the end of his specious argument, the metropolitan stated that “I will never stray off the legal path.”<sup>50</sup> This exchange of replies is relevant for the power relations between the Hungarian officials and the non-dominant ethnic groups: the latter were always bound to express their allegiance to the Hungarian state, even when they had to explain gestures or reactions that proved otherwise.

When the politicians attempted to justify their position by presenting the civil marriage bill as a project that would strengthen the political unity of the nation, the Romanian Orthodox Metropolitan Miron Romanul replied by bringing into discussion the laws of 1868, around which the idea of the Hungarian state had been built. He resumed the discussion on the legislative package under the auspices of which the Dualist era had made its debut and which was supposed to ensure also the “free development of the non-Hungarian nations in the country.”<sup>51</sup> He did so in order to demonstrate the huge gap between the theoretical premises of these laws and the reality of the year 1894, by which time Romanian-Hungarian relations had severely deteriorated.

The Serbian patriarch and the Romanian metropolitan agreed with the doctrinal arguments provided by the Catholic prelates (“a civil covenant cannot create, in Christian terms, a marriage”<sup>52</sup>). For many representatives of this clergy, the adoption of this law meant a step further in legitimizing the Magyarization policy carried out by the Hungarian state with ever greater intensity in the late nineteenth century.

In order to reinforce this argument but also to avoid a radicalization of his own discourse, Metropolitan Miron Romanul chose to read before the members of the House of Magnates a decision that had been reached in a sitting of the Transylvanian Orthodox Archdiocese and sent to him by telegraph.<sup>53</sup> This strategy of detachment from the serious accusations leveled at those who opposed this legislation revealed the difficult task of representation assigned to the higher clergy of Transleithania. When the justice minister made a series of comments on the Romanian metropolitan’s intervention, the latter tried to exculpate himself by saying “I was merely quoting!”<sup>54</sup> This gesture was adeptly speculated by the experienced Hungarian politician, who ironically remarked, to the amusement of the entire audience: “If he was merely

quoting, I will refrain from ascribing to him an opinion that he does not share, but he ought to have made that very clear.”<sup>55</sup>

From the standpoint of the Orthodox archbishop of the Romanians, the examples from other countries used by the justice minister were annulled by the fact that the tremendously diverse ethnic and denominational situation in Hungary did not lend itself to comparative approaches. His point of view was endorsed by the Serbian patriarch, who spoke, in front of the magnates, about a concrete impasse that could arise in the ecclesiastical institution under his tutelage. The Serbian patriarch had jurisdiction over the territories of Croatia and Slavonia, where the effects of this law would not be applicable. A double measure in addressing this matter would produce a major confusion and “even a schism in the Metropolitan Church of Karlovci.”<sup>56</sup> Both the Serbian and the Romanian metropolitans concluded that the law under consideration ultimately represented a serious breach of ecclesiastical autonomy. The Serbian patriarch believed that the law would face the Orthodox priests with a difficult dilemma, as they had a duty to follow the doctrines of the church and were forced, at the same time, to take note of the legislative limitations imposed by the state. There were internal regulations of the Orthodox Church governing the marriage of those who were to become priests and the ecclesiastical authorities could not allow the authorities to intervene in these matters. According to the Serbian patriarch, the legislative proposal violated one of the basic principles of liberalism, namely, religious freedom: “We cannot speak of religious freedom when the state forces the good Christian to contract a civil marriage which, according to his faith and conscience, desecrates the very institution of marriage; on the other hand, the religious ceremony, which confers marriage its sacred character, is degraded to the status of an accessory of the civil covenant.”<sup>57</sup>

As mentioned above, the representatives of the Orthodox Church shared the platform of arguments used by the Catholic hierarchy when rejecting this project on doctrinal grounds, but reserved their right to come up with some amendments referring strictly to the rapports between their church and the Hungarian political establishment. Visibly annoyed by the arguments of the two prelates, the justice minister intervened and requested that they should both dissociate themselves from a dangerous distinction: the citizens’ obligations towards the state vs. those towards the church. Given that the church represented a national institution for the Serbs and the Romanians in Transleithania, the mere suggestion of such a distinction could create an open conflict between the nationalities and the Hungarian state.

The heated debate on this bill of law stood under the aegis of a phenomenon identified by Rogers Brubaker as the “nationalization of the public space,”<sup>58</sup> a strong indicator of modernity in general, increasingly visible in Dualist Hungary at the end of the 19<sup>th</sup> century.

In the context of the one-hundredth commemoration of the outbreak of World War I, the reopening of this huge field of research cannot avoid investigating the internal vulnerabilities of the great empires that were dissolved in the aftermath of this global conflagration. In analyzing the dysfunctionalities that existed in Dualist Hungary prior

to 1914, the issue of civil marriages can be regarded as a litmus test that will provide important data on the challenges brought about by modernity in a space in which the political establishment was constantly besieged by waves of competing nationalisms.

At the end of four intense sessions in the House of Magnates and after an initial rejection, the civil marriage bill of law received the approval of this parliamentary body and came into force in 1895. As the arguments above have tried to show, this bill of law and the debates it generated recalibrated not only the relations between the Catholic Church and the Hungarian state, but also those of the Protestants with the state or with the other religious denominations, including the Orthodox, who were extremely sensitive to any interference of the central authorities. As a direct consequence of this law, Hungarian Catholicism embarked on a political project that would serve as a counterweight to liberalism, setting up the Catholic People's Party in 1895; the Protestant churches consolidated their dialogue with the state; the Orthodox created resistance structures against the danger of Magyar assimilationism and formed a political and cultural elite increasingly attuned to the practices of challenging the national unitary Hungarian state.



(Translated by CARMEN-VERONICA BORBÉLY)

## Notes

1. The speeches are fully reproduced in *Országgyűlés Főrendiházának Naplója 3* (Budapest: Hiteles Kiadás, 1894).
2. For a history of the House of Magnates and a list of the projects for reforming this parliamentary institution, see Szalai Miklós's study "Főrendiházi reform Magyarországon 1885-ben," *Történelmi Szemle* 6 (2012): 1294–1338.
3. The political positions of this parliamentary body should be seen in the context of the pressure exerted by the Hungarian political leaders, who constantly came up with projects for reforming the Upper Chamber of the Hungarian Parliament, including through the appointment of new members, so as to fundamentally change its orientation. *Ibid.*, 1329–1338.
4. *Ibid.*, 1311.
5. Ioan Bolovan and Marius Eppel, "Churches and Interfaith Marriages in Transylvania: From 1895 to the Present," in *Intermarriage throughout History*, eds. Luminița Dumănescu, Daniela Mărza, and Marius Eppel (Newcastle-upon-Tyne: Cambridge Scholars Publishing, 2014), 282–283.
6. The Jewish population had much better representation in the House of Magnates after the adoption of Law 22 in 1926, when the Upper Chamber of the Hungarian Parliament was restructured. László Péter, "Church-State Relations and Civil Society in Hungary: A Historical Perspective," *Hungarian Studies* 10, 1 (1985): 28.
7. For several other seminal remarks on the importance of context in the analysis of parliamentary debates, see Teun A. van Dijk, "Text and context of parliamentary debates," <http://www.discourses.org/OldArticles/Text%20and%20context%20of%20parliamentary%20debates.pdf>. Accessed 28 February 2016.

8. Rogers Brubaker, *Nationalism Reframed, Nationhood and the National Question in the New Europe* (New York: Cambridge University Press, 1996), 7.
9. Jenő Gergely, “Churches since the Establishment of the Hungarian Kingdom up to Modern Times,” 4. [http://www.mfa.gov.hu/NR/rdonlyres/0C80E8AE-8214-4B2E-B535-031407D28DCB/0/Egyhazak\\_en.pdf](http://www.mfa.gov.hu/NR/rdonlyres/0C80E8AE-8214-4B2E-B535-031407D28DCB/0/Egyhazak_en.pdf). Accessed 29 February 2016.
10. Andrea Nagy, “A házassági perek szabályozása az 1894. évi XXXI. Tc. hatályba lépését követően,” *Sectio Juridica et Politica Miskolc* 25, 2 (2007): 635–654. [http://www.matarka.hu/koz/ISSN\\_0866-6032/tomus\\_25\\_2\\_2007/ISSN\\_0866-6032\\_tomus\\_25\\_2\\_2007\\_635-654.pdf](http://www.matarka.hu/koz/ISSN_0866-6032/tomus_25_2_2007/ISSN_0866-6032_tomus_25_2_2007_635-654.pdf). Accessed 16 February 2016.
11. László Péter, “Church-State Relations and Civil Society in Hungary: A Historical Perspective,” *Hungarian Studies* 10, 1 (1985): 4. <http://www.epa.hu/01400/01462/00016/pdf/003-033.pdf>. Accessed 2 March 2016.
12. Nóemi-Emese Chimpan (Kovács), “Politica statală religioasă și Biserica Romano-Catolică din Transilvania (1867–1900),” Ph.D. thesis, Babeș-Bolyai University, Cluj-Napoca, 2011, p. 18.
13. For an ampler demonstration, see László Kürti, “Liberty, Equality and Nationality: National Liberalism, Modernization and Empire in Hungary in the Nineteenth Century,” in *Liberal Imperialism in Europe*, ed. Matthew P. Fitzpatrick (New York: Palgrave Macmillan, 2012), 84.
14. Robert Nemes, “The Uncivil Origins of Civil Marriage: Hungary,” in *Culture Wars: Secular-Catholic Conflict in Nineteenth Century Europe*, eds. Christopher Clark and Wolfram Kaiser (Cambridge: Cambridge University Press, 2003), 315.
15. The members of the clergy who participated in these intense discussions within the House of Magnates were the following: Evangelical Dioceses—Sándor Karsay (Dunántúli egyházkerület, Győr), Pál Zelenka (Tiszai egyházkerület/Miskolc), Friedrich Baltik (Dunáninnen egyházkerület); Greek-Catholic Dioceses—Gyula Firczák (Mukačevo/Munkács), Victor Mihali (Lugoj/Lugos), Mihail Pavel (Oradea/Nagyvárad), Ioan Sabo (Gherla/Szamos-Újvár), Julije Drohobeczky (Križevci/Körös), Ján Vályi (Prešov/Eperjes); Greek-Orthodox Dioceses—Ioan Meșianu (Arad), Nicolae Popea (Caransebeș/Karánsebes), Miron Romanul (Sibiu/Nagy-Szeben), Georgije Branković (Sremski Karlovci/Karlóca), Nektarije Dimitrijević (Vršac/Versecz), Miron Nikolić (Pakrac/Pakrácz), German Opačić (Bač/Bács), Nikanor Popović (Timișoara/Temesvár), Mihailo Grujić (Karlovac/Károlyváros); Reformed Dioceses—Bertalan Kun (Tiszáninnen egyházkerület/Miskolc), Gábor Papp-Kovács (Dunántúli egyházkerület/Rév-Komárom), Károly Szász (Dunamelleki/Budapest); Roman-Catholic Dioceses—Imrich Bende (Nitra/Nyitra), František Benedek (Jasov/Jászó), Zsigmond Bubics (Košice/Kassa), György Császtka (Kalocsa), Nándor Dulánszky (Pécs), Kálmán Ipoly Fehér (Pannonhalma), Kornél Hidassy (Szombathely), Károly Hornig (Veszprém), Ferenc Lönhart (Erdély), János Majorossy (Knin/Tinnin), Gyula Meszlényi (Satu Mare/Szatmár), Juraj Posilović (Zagreb/Zágráb), Károly Rimély (Banská Bystrica/Besztercebánya), József Samassa (Eger), Lőrincz Schlauch (Oradea/Nagyvárad), Juraj Schopper (Rozsnyó/Rozsnyó), Konstantin Schuster (Vác), Fülöp Steiner (Székesfehérvár), Pavol Smrečáni (Spiš/Szepes), Kolos Vaszary (Esztergom), János Zalka (Győr), Sándor Dessewffy (Cenad/Csanád), Josip Juraj Strossmayer (Bosnia, Djakovo/Diakovár and Srem/Szerém).
16. Christopher Clark and Wolfram Kaiser, eds., *Culture Wars: Secular-Catholic Conflict in Nineteenth Century Europe* (Cambridge: Cambridge University Press, 2003); Moritz

- Csáky, *Der Kulturkampf in Ungarn: Die kirchenpolitische Gesetzgebung der Jahre 1894/95* (Graz–Vienna–Cologne: Hermann Böhlhaus Nachfolger, 1967); Andreas Gottsmann, “Austria–Ungheria e Santa Sede Dall’Ausgleich’ Fino Alla Prima Guerra Mondiale,” in *Gli Archivi della Santa Sede e il Regno d’Ungheria (secc. 15–20)*, eds. Gaetano Platana, Matteo Sanfilippo, and Péter Tusor, *Collectanea Vaticana Hungariae, Classis I*, vol. 4 (Budapest–Rome, 2008).
17. Szalai, 1338.
  18. *Országgyűlés Főrendiházának Naplója*, 3 (7.05.1894), 124.
  19. *Ibid.* (7.05.1894), 124–127.
  20. *Ibid.* (21.06.1894), 280–281.
  21. *Ibid.* (7.05.1894), 131.
  22. *Ibid.* (7.05.1894), 128.
  23. *Ibid.* (9.05.1894), 200.
  24. *Ibid.* (7.05.1894), 129.
  25. *Ibid.* (7.05.1894).
  26. William Walter Phelps (1839–1894), us ambassador to Germany (1889–1893) and Austria–Hungary (1881–1882).
  27. *Országgyűlés Főrendiházának Naplója*, 3 (7.05.1894), 131.
  28. *Ibid.* (9.05.1894), 196.
  29. *Ibid.* (9.05.1894), 197.
  30. *Ibid.* (9.05.1894), 198.
  31. *Ibid.* (9.05.1894).
  32. *Ibid.* (9.05.1894), 199–200.
  33. *Ibid.* (9.05.1894), 200.
  34. *Ibid.* (7.05.1894), 133.
  35. *Ibid.* (7.05.1894).
  36. Peter Török, “Hungarian Church–State Relationships: A Socio–historical Analysis,” Ph.D. thesis, University of Toronto, 2000, 74–75.
  37. Nemes, 316–318.
  38. *Országgyűlés Főrendiházának Naplója*, 3 (7.05.1894), 125.
  39. *Ibid.* (7.05.1894), 132.
  40. *Ibid.* (7.05.1894), 131.
  41. *Ibid.* (21.06.1894), 266.
  42. Olga Lukács, *Biserica Reformată din Ardeal în a doua jumătate a secolului al XIX-lea* (Cluj–Napoca: Limes, 2006), 260.
  43. *Országgyűlés Főrendiházának Naplója*, 3 (9.05.1894), 192.
  44. *Ibid.* (21.06.1894), 265.
  45. *Ibid.* (9.05.1894), 195.
  46. Paul A. Hanebrink, *In Defense of Christian Hungary: Religion, Nationalism and Antisemitism 1890–1944* (Ithaca: Cornell University Press, 2006), 10.
  47. Ioan Bolovan, Diana Covaci, Daniela Deteșan, Marius Eppel, and Crinela Elena Holom, eds., *Legislația ecleziastică și laică privind familia românească din Transilvania în a doua jumătate a secolului al XIX-lea* (Cluj–Napoca: Academia Română, Centrul de Studii Transilvane, 2009); Marius Eppel, *Politics and Church in Transylvania 1875–1918* (Frankfurt am Main–Berlin–Bern–Bruxelles–New York–Oxford–Vienna: Peter Lang, 2012); id., “The Family: Some Theological and Orthodox Matrimonial Law Aspects,” in *Fami-*

*lies in Europe between the 19<sup>th</sup> and the 21<sup>st</sup> Centuries: From the Traditional Model to Contemporary PACS (Supplement of Romanian Journal of Population Studies)*, eds. Antoinette Fauve-Chamoux and Ioan Bolovan (Cluj-Napoca, 2009); Ioan Bolovan and Marius Eppel, “Între stat și biserică: identitate și alteritate prin căsătoriile mixte în Transilvania (a doua jumătate a secolului al XIX-lea și începutul secolului XX,” in *In Honorem Alexandru Moșanu: Studii de istorie medievală, modernă și contemporană a românilor*, ed. Nicolae Enciu (Cluj-Napoca: Centrul de Studii Transilvane and Presa Universitară Clujeană, 2012), 327–332.

48. *Országgyűlés Főrendiházának Naplója*, 3 (9.05.1894), 213.
49. *Ibid.* (9.05.1894), 213.
50. *Ibid.* (10.05.1894), 232.
51. *Ibid.* (9.05.1894), 206.
52. *Ibid.* (8.05.1894), 152.
53. *Ibid.* (9.05.1894), 206–207.
54. *Ibid.* (9.05.1894), 213.
55. *Ibid.* (9.05.1894).
56. *Ibid.* (8.05.1894), 153.
57. *Ibid.* (8.05.1894).
58. Brubaker, 4.

## Abstract

The Ties That Divide: Nationalities and Confessions in the Debate on Civil Marriage in the Hungarian Parliament (1894–1895)

Regarded as an indicator of secularization or as just one battle in the long series of cultural wars waged by modernity, the introduction of civil marriage across the European continent caused intense debates about the position of the church not only in relation to the state, but also in relation to society, whose denominational affiliations were becoming increasingly fragile. When such polemics took place in multi-ethnic and multi-denominational contexts, the rhetorical disputes deployed a diverse array of arguments and the stakes appeared to go beyond the ecclesiastical domain. Although it represented a case of “belated secularization” (Sándor Nagy), since civil marriages were introduced here only in 1895, Hungary is one of the most challenging fields of research, as its ethnic-denominational landscape is unique in Europe. Our research sets out to examine the official positions adopted by the clerical elite in the eastern half of the Austro-Hungarian Monarchy towards the enactment of civil marriage legislation in 1894. Although the ecclesiastical elites, as representatives of the churches, defined themselves primarily in denominational terms, the political role they played in the Upper Chamber of the Hungarian Parliament often put them in a situation where they had to manage difficult relations with multiple partners.

## Keywords

civil marriages, Hungary, Upper Chamber, debate, clerical elite