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Debates on Precedence of the Religious Orders at the Hungarian Diet*

The Catholic clergy played an important role in the Hungarian Diet also in the first half of the eighteenth century. The spokesmen for religious disputes were mainly the delegates of the chapters, whereas the religious orders were more involved in the struggle for position among the clergy. The most prominent of these were conflicts over the establishment of a hierarchy. In the decades following the liberation from the Ottoman rule, Catholic religious communities began to repatriate, bringing about the second heyday of monasticism in Hungary. However, the emergence of new monastic groups was often accompanied by conflicts, not only in the dioceses but also in the national political arena. The superiors claimed seats in both forums of parliament, and the designation of their seats led to the outbreak of disputes, which were settled only after years of power struggles. By the middle of the century, a practice had finally emerged that regulated the position of each superior in the assembly, symbolically marking out their place in the society of the Estates.

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The order within the Estates, or, in contemporary terminology, disputes over *precedence*, can be observed throughout Europe during the eighteenth century. Behind what today often seems like grotesque squabbles lies the symbolic view of the time when the political, social, etc. hierarchy was tangibly expressed in the seating order during the various ceremonies of the Estates; that is, those who occupy a more prominent place at a political or social event also have a more distinguished position within the Estates. The famous German lawyer, historian, and publicist Johann Christian Lünig (1662–1740) summarized the contemporary view of social hierarchy as follows: "The lion is superior to the wolf, the sun is superior to the moon, and diamonds are more

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valuable than crystals. Among intelligent beings, angels precede humans, parents precede children, the elderly precede the young, and superiors precede subordinates, even according to the Holy Scriptures, that is, according to the divine decree."¹ Jonathan Dewald, as a contemporary historian views this attitude of a man of early modern times as one in which belief in social hierarchy was able to intensify competition to an extraordinary degree, because in that hierarchical world, where every noble family differed somewhat in status from the others, each individual could only gain advantage at the expense of others. The nobility typically expressed this worldview through a constant awareness of their right of precedence, marching at the head of processions, occupying prestigious offices, and securing the best seats in church. These things, which in themselves were often incredibly insignificant but were terribly important in the eyes of those involved, could be the subject of generations of struggles.²

After this, it is not surprising that the assemblies of the Estates also served as a scene for similar power struggles. In the Holy Roman Empire, the deliberations began with systematic battles over the seating order,³ and in Hungary, similar *praecedentia* disputes began to appear in greater numbers from the end of the seventeenth century, reaching their peak in the first decades of the following century. They were evident not only in the Diet but also at all levels of politics and encompassed the entire spectrum of the political elite of the time. In 1687, a law was passed on the seating order because "it had been found that the disorder that had arisen in the house of magnates and nobles with regard to the sessions of the Diet had caused no small trouble among the Estates of the country."⁴ However, this provision did not end *praecedentia* disputes. As we shall see, the order of precedence among the clergy remained a contentious issue at subsequent Diets, but there was not always agreement among secular nobles either.⁵

In our era, these debates began after the opening of the Diet in 1708, at a meeting convened by Cardinal Christian August, Archbishop of Esztergom, and initially concerned only the high-ranking clergy. Research has focused almost exclusively on the separate meetings of Protestant county representatives, who were in minority, between 1708 and 1715. However, in addition to this undoubtedly important forum, there was another assembly that took a position contrary to the previous one, in which the Catholic clergy coordinated their position on the issues related to the agenda of the Diet, primarily religious matters. However, managing power struggles among the clergy was equally important during the negotiations. After the Diet was adjourned, the ecclesiastical assembly played also a significant role in distributing aid to

¹ LÜNIG 1719. p. 7. (translated by the author)

² DEWALD 1996. p. 114.

³ SCHINDLING 1991. p. 67.

⁴ Article X of 1687. MÁRKUS 1900. p. 340–343.

⁵ SZIJÁRTÓ 2005. p. 101–104.

fortification. The latter has already been noted in the historiography.⁶ At the 1708 session, the first meeting was held on 3 March, the day the Diet opened. According to the diary of the bishop of Zagreb (Martin Brajković), Archbishop Pál Széchényi of Kalocsa, Imre Csáky, bishop of Nagyvárad [Oradea, RO] at the time, László Ádám Erdődy, bishop of Nyitra [Nitra, SK], and several titular bishops were also present. The topic of discussion was the seating order of the clergy in the two chambers of the Diet. The participants agreed that in the Upper House negotiations, the two archbishops would be followed in the seating order by the diocesan bishops of Eger and Zagreb, as both could prove their ancient privileges to be seated. The other diocesan bishops would be seated in order of ordination, and all non-ordained titular bishops in order of their appointment. The abbots were also seated in the Lower House in order of their date of benediction. However, at the next meeting on 7 March, Franz Wilhelm Nesselrode, bishop of Pécs protested against the seating order, which he considered inappropriate, but was unable to credibly prove his claim. Thus, the decision was confirmed with the addition that the archabbot of Pannonhalma, the prior general of the Paulines, and the provost of Zagreb could also take their places at the Upper House. In the case of the chapters, only the order of Esztergom and Kalocsa, as well as the chapters of Eger and Zagreb, was announced, no decision was made in the other cases, but the representant of the cathedral chapter of Pécs was ranked last because it had not appeared at the Diet for many years due to the Ottoman conquest.

After Brajković's death, the bishops of Nagyvárad [Oradea, RO] and Nyitra [Nitra, SK] also protested against the prominent position of his successor, Imre Esterházy, because he had previously accepted the order of consecration while he was still the bishop of Vác. Esterházy then referred to his predecessor, Alexandar Mikulić, who had also taken his place after the archbishops and the bishop of Győr at the Diet of 1687, even though, according to the order of consecration, he should have been in last place. The issue could not be resolved satisfactorily, so Esterházy's seat was temporarily assigned not among the other bishops at the table, but at the side of the chamber (*ad latus sessionis*).⁷ The matter was later discussed by the Chancellery, which also did not support Esterházy's efforts, citing the fact that he had accepted the seating order according to consecration while still being the bishop of Vác. After lengthy debate and deliberation, the issue was finally decided in 1723, when, according to a decree by Charles III (1711–1740), the diocesan bishops were to be seated after the two archbishops, followed by the titular bishops in the order of their appointments.⁸ Thus, neither Gábor Erdődy of Eger nor Imre Esterházy of Zagreb succeeded in their efforts to secure a more prominent position. The controversy surrounding Bishop Esterházy coincided in part with the negotiations on the female succession of the House of Habsburg, hence researchers mistakenly assumed that the bishop of Zagreb was discriminated

⁶ MÁLNÁSI 1933. p. 229–230.

⁷ FARLATI 1775. p. 593–594.

⁸ ECKHART 1941. p. 172–180.

because of his role playing in the acceptance of the *Pragmatica Sanctio* in Croatia.⁹ The instructions issued by the cathedral chapter of Esztergom attest the fact that even by the time of the 1722–1723 Diet, tempers had not calmed down regarding the seating order: the instructions stipulate that, in addition to protecting the Catholic religion, the delegates of Esztergom must be assigned the first seats in the Diet.¹⁰

According to the diary of Cistercian monk and delegate P. Engelbert Hermann,¹¹ the clergy held another meeting during the session of 1712, again led by Cardinal-Archbishop Christian August. P. Engelbert reported on the meetings held on May, and one of the main topics was also the question of *praecedentia*. P. Engelbert's diary reports, that the order of precedence among the bishops was quickly discussed, and it was resolved on the basis of the ordination and the appointment.¹² The main issue at that time was not this, but rather the determination of the order of precedence of the monastic superiors and their representatives, who were reappearing among the clergy. This was of great importance because several monastic orders were also discussed by the Diet, and the monarch also took a position in this matter. By the session of 1708, superiors and representatives of abbeys and provostries under monastic administration had already appeared. Among the Benedictines, the archabbot of Pannonhalma,¹³ and the representative of Tihany also requested admission to the Diet,¹⁴ and was able to take his place among the delegates.¹⁵ Cistercian abbot of Heinrichau [Henrików, PL] in Silesia and Zirc in Hungary, had not yet received royal confirmation at the opening of the Diet on 29 February, so he received the invitation later.¹⁶ Abbot of Velehrad in Moravia and Pásztó in Hungary, received it on time,¹⁷ and was represented by P. Engelbert. Delegates of the provosts of Jászó [Jasov, SK] and Lelesz [Leles, SK], two of the Premonstratensian provostries, also appeared in Pozsony [Bratislava, SK] in 1708.¹⁸ Prior general of the Pauline Order, and at least one representative of the Jesuits were also present.¹⁹ The following year, the archabbot of Pannonhalma and the prior general of the Paulines appeared

⁹ KLAÍČ 1915. p. 140; BAHLCKE 2005. p. 183.

¹⁰ EPL EFL, Lad. 69. Fasc. I. Esztergom, 6 July 1722.

¹¹ See: FORGÓ 2018.

¹² HERMANN 2013. p. 218.

¹³ Egyed Karner, his Royal invitation: PFL, Documents of the Pannonhalma Archabbey, *Acta antiquiora*, Fasc. 74. No. 23.

¹⁴ Amand Reyser, MNL OL N 50 Lad. R, *Diaeta anni 1708–1715*, Fasc. Z NB, No. 4. His invitation letter from 1712 has been preserved: PFL, *Acta abbatiarum*, Tihany Abbey, Fasc. 23. No. 1.

¹⁵ ZSILINSZKY 1888. p. 44–45.

¹⁶ Thobias Ackermann. Joseph I's letter to the palatine dated March 26, 1708 OSZKK Fol. Lat. 565, p. 87–88, and a copy of the palatine's letter dated May 4. OSZKK Fol. Lat. 4266, p. 20–21.

¹⁷ Joseph I's invitation to Florian Nezorin, abbot of Pásztó, 23 December, 1707. MNL VeML XII.2.a, *Archivum Vetus*, E 185.

¹⁸ ZSILINSZKY 1897. p. 346.

¹⁹ ZSILINSZKY 1897. p. 346, and MNL OL N 50 Lad. R, *Diaeta anni 1708–1715*, Fasc. Q, No. 4.

again, along with a representative of the Pásztó Abbey,²⁰ and representatives of the provosts of Jászó and Lelesz were also present.²¹

We do not know much about the meetings that took place between January and March 1710,²² but in 1712, we find several monks again at the Diet, at least as evidenced by the debates between them and other members of the clergy discussed below. At the last session, between 1714 and 1715, in addition to the archabbot of Pannonhalma, the abbot of Bakonybél also appeared at the Diet.²³ Alongside them, the prior general of the Paulines and, among the Cistercians, the administrator of the Zirc Abbey, represented the head of the double abbey Heinrichau and Zirc.²⁴ Among the Premonstratensians, provost of Csorna appeared in person, and a clergyman represented the provost of Nagyvárád (Oradea RO). The Jesuits' two representatives were also present.²⁵

Following the Ottoman occupation, several monastic institutions applied for admission into the country. Despite a long struggle, the Teutonic Order was ultimately not accepted, even though it owned estates in Hungary. On 2 May 1708, the Augustinian hermits requested in their memorandum to be readmitted to the country, but no decision was made on the matter. Therefore, they repeated their request on 3 June 1712.²⁶ The Order of Malta applied for admission on 7 May and 6 June 1708.²⁷ The county representatives were mainly opposed to them, while some members of the Royal Court of Justice and certain city representatives supported their request. Thus, this issue was postponed until a later date. On 31 May, members of the Franciscan Province of St. Elizabeth appealed to the Estates for admission. In their petition, they wisely emphasized that they had already separated from the foreign province the previous year. The Estates took up their cause and submitted their requests for admission to the ruler. The following year, several religious orders approached again the Diet: the Hungarian provincial superior represented the Paulines,²⁸ in his memorandum he requested the lifting of restrictions on the establishment of colleges. The representative of the Cistercians appealed to the Estates for the return of their former estates. And the Observant and Capuchin branch of the Franciscans requested financial assistance from the Lower House.²⁹ However, the most heated debate arose among the Jesuits.

²⁰ MNL OL N 50, Lad. R, Diaeta anni 1708–1715, Fasc. U, No. 35.

²¹ OGYK 700.477 p. 365.

²² Cf. ZSILINSZKY 1897, p. 403–431.

²³ Royal invitation for Ferenc Vidlics from 1712: PFL Acta abbatiarum, Bakonybél Abbey, Fasc. 7. No. 25.

²⁴ The Abbey of Heinrichau owned Zirc between 1699 and 1802.

²⁵ Heinrich Schneider OCist, Provost Robert Sancius OPraem, Felix Helcher OPraem, András Madocsányi SJ, János Gyurkovics SJ. Database of the Diaeta Research Group: <http://szijarto.web.elte.hu/diaeta-index.html> (accessed 30-12-2025) (hereinafter: Diaeta database). Regalia issued to the provost of Csorna: CSPPL Archivum Vetus carton 8, Nr. 30a III. 1. Regales.

²⁶ MNL OL N 50 Lad. R, Diaeta anni 1708–1715, Fasc. X, No. 53.

²⁷ Their petition: MNL OL N 50, Lad R, Diaeta anni 1708–1715, Fasc. Nr. 33.

²⁸ Lajos Barilovics OSPPE.

²⁹ ZSILINSZKY 1897. p. 394–397.

On 31 May 1708, the Lower House first discussed the participation of the Jesuits in the Diet and decided that they could only take part in the work of the Diet if the Hungarian members of the order separated from the Austrian Province.³⁰ The Bohemian-Moravian province had already separated from the Austrian Jesuits in 1622, although it initially had only 250 members, and after the separation, the number of Austrian Jesuits fell to 400 members. However, owing to rapid growth, the membership of both provinces soon began to increase significantly, with the number of members in the Austrian province reaching 1,000 by the middle of the century. However, only 165 were born in Hungary, and only 203 were active in the Hungarian communities. Nevertheless, the question of separating the province was raised at the provincial assembly in 1649, and from then on, it was requested at almost every assembly held every three years. Their main arguments were the large number of institutions in Hungary and the great distance between them, compounded by poor road conditions. Under these circumstances, the provincial superior was unable to fulfil his important duty of visiting the monasteries annually, which was detrimental to the discipline and the efficient operations. Later petitions also emphasized that the Hungarian clergy could rely more effectively on an independent Hungarian province.³¹

However, counterarguments began to accumulate, as some Austrian members of the order had already drafted a petition against an independent Hungarian province in 1678, in which they mainly put forward political arguments. On the one hand, they drew attention to the danger that a province consisting of unruly Hungarians could become involved in another anti-monarchical conspiracy, and on the other hand, Vienna would not agree to the separation of the province because the Austrian members of the colleges operating in strategically important Hungarian cities provided the court with important information about political events. However, the Hungarian Jesuits were also considered to be unreliable in Vienna.³² Nevertheless, plans to divide the province were made in the last years of the century. Two different approaches were developed: the so-called *simplex divisio* (simple division), which would have created two new provinces along political borders, consisting of purely Austrian and purely Hungarian houses, and the *mixta divisio* (mixed division), in which both provinces would have consisted of Austrian and Hungarian institutions and members, or Hungarian institutions would have remained in the Austrian province. The latter would have marked the river Danube as the border between the two provinces; thus, only the left-bank houses stretching from Pozsony to Pétervárad [Petrovaradin, SRB] would have belonged to the new Hungarian province. According to the information of the superior general of the Jesuits, Leopold I had changed his previous opinion and, in 1700, the king clearly supported this solution. However, the provincial assemblies voted by a large majority in favour of the

³⁰ ZSILINSZKY 1897. p. 345–346.

³¹ LUKÁCS 1989. p. 8–14.

³² LUKÁCS 1989. p. 21–23.

simplex divisio, so the superior general postponed the matter, citing more suitable times.³³ Nevertheless, the resolution of the issue became increasingly urgent in the following years, as the matter of the Jesuits in Hungary was also on the agenda during the uprising led by Ferenc Rákóczi II (1703–1711). The assembly of 1705 of their Confederation in Szécsény already dealt with the Society of Jesus: although it recognized the educational work of the order, it decided that the estates donated to the Jesuits in previous decades should be returned to their original ecclesiastical owners, it also expelled members of the order who remained loyal to the Austrian province from the territory of the Confederation, and called on the members of the group to either break away from the Austrian province within four months or leave the country.³⁴ The Jesuit issue was also raised at the meeting of the Confederation Senate held in Miskolc in January-February: on 4 February The request of Archbishop Pál Széchényi of Kalocsa to extend the four-month deadline for secession, due to the death of the superior general, was accepted without debate. On 9 February, however, a debate arose, in connection with the abolition of the *Neoacquistica Commissio*³⁵ and the demand for the return of confiscated estates, as to whether Jesuit property should also be seized, or whether the order should be allowed to continue to operate within the framework of the independent province. However, point 16 of the May-June peace negotiations in Nagyszombat [Trnava, SK] again clearly demanded the establishment of an independent Hungarian province. As negotiations on the division of the province began, the meeting of the Senate in January 1707 in Rozsnyó [Rožňava, SK] allowed a few Jesuits to continue teaching at the colleges in Kassa [Košice, SK] and Nagyszombat. Ferenc Rákóczi II also instructed Domokos Brenner, the provost of Szepes [Spiš, SK], who had been sent to Rome, to negotiate with the superior general regarding the establishment of the Hungarian province.³⁶

Thus, the participants of the Lower House of the Diet held in Pozsony in 1708 essentially adopted the Rákóczi's rebels' demands when they took a stand in favor of establishing an independent Hungarian province. On 12 June, the Upper House also dealt with the Jesuits and complained that they had not received a royal invitation to the Diet; although, as we have seen, one of their representatives was present.³⁷ The tension clearly arose from the fact that although Article XX of the act adopted in 1687 admitted the Society of Jesus to Hungary, it did not decide on its participation in the Diet. The Jesuits repeated their request on 8 April 1710,³⁸ and their case was one of the central issues at

³³ LUKÁCS 1989. p. 29–32.

³⁴ *Articuli Inclytorum Regni Hungariae Statuum et Ordinum pro Libertate Confoederatorum in Generali Eorundem Conventu ad Oppidum Szécsény praeterito mense Septemb(ri)s. Anno 1705. indicto Conclusi.* In: R. VÁRKONYI – KIS 2004. p. 127–133.

³⁵ A Committee established to settle land ownership issues in territories recaptured by Hungary from Turkish occupation.

³⁶ R. VÁRKONYI 2006. p. 163–189.

³⁷ ERDŐDY 2004. p. 347.

³⁸ MNL OL N 50, Lad. R, Diaeta anni 1708–1715, Fasc. V, No. 21.

the ecclesiastical council held between 10 and 12 May 1712. It is entirely understandable that it was the archabbot of Pannonhalma who most vehemently opposed to inviting the heads of the colleges as titular abbots, since the Jesuits also controlled the estates of the Benedictine Abbeys.³⁹ However, representatives of other abbeys under monastic administration also attacked the Jesuits, which led to much shouting and noise. In a later entry in his diary, P. Engelbert quoted Cicero in protesting against this plan: "Oh times, Oh customs! What kind of Jesuit fathers usurp the titles of abbots!"⁴⁰ Nevertheless, Cardinal-Archbishop Christian August supported the Jesuits against the monastics: in addition to personally inviting the leaders of Jesuit institutions, he argued, among other things, that this would give Catholics even more votes in the Lower House. Finally, in response to this proposal, the clergy supported the appearance of three Jesuit representatives at the Diet, which was accepted by provincial superior Gábor Hevenesi, who was present.⁴¹

According to our sources, the Lower House dealt with the Jesuits on three occasions in 1712. On 4 May, before the ecclesiastical assembly, the Jesuits' memoirs of their participation in the Diet were presented. These aimed to ensure that the rectors of the order who held the titles of abbots or provosts in the country would be personally invited to the Diet, in accordance with the practice of the previous century.⁴² As usual, this sparked a heated debate, but the Estates finally agreed to admit the Jesuits on the condition that they separate themselves from the Austrian province.⁴³ On 18 May representatives of the Jesuits appeared before the Lower House,⁴⁴ but contrary to the decision of the ecclesiastical assembly, only two of them showed up to the meeting. Their first appearance was immediately met with scandal,⁴⁵ but the greatest uproar occurred on 14 July. This was when the Lower House received the monarch's response to the petition of the Estates. The royal decree was generally disappointing, but it was the Jesuit Order, which was undoubtedly hit hardest. In his reply, Charles III harshly criticized the Jesuits for being given seats in the Diet without the monarch's consent. He also reproached them for establishing an independent Hungarian province. This development naturally caused a great stir in the chamber: the two Jesuits and the other members of the clergy were completely confused by the ruler's unexpected anger, while the Jesuits' opponents, led by the Protestant Estates, began to express their loud approval.⁴⁶

³⁹ E. g. the benefices in Lébény and Szalka. See : SÖRÖS 1912. p. 217, 423.

⁴⁰ "O Tempora, o mores, queis Patres Societatis sibi usurpant nomen Patris Abbatis." The two sessions: HERMANN 2013. p. 214–215; the quoted section: p. 241.

⁴¹ HERMANN 2013. p. 218–220; ÖNB HS Cod. 12109, fol. 39^v.

⁴² This is confirmed by sources from 1646–1647 and 1687: GUSZAROVA 2005. p. 117; ZSILINSZKY 1897. p. 411. Provincial Governor Gábor Hevenesi's petition in April: MNL OL N 50, Lad. R, Diaeta anni 1708–1715, Fasc. X, Nr. 68–69.

⁴³ HERMANN 2013. p. 214–215.

⁴⁴ MNL OL N 50, Lad R, Diaeta anni 1708–1715, Fasc. X, No. 4.

⁴⁵ HERMANN 2013. p. 215.

⁴⁶ HERMANN 2013. p. 268–269.

The two Jesuits were therefore taken by surprise by the monarch's decree, even though an investigation into the matter had already been launched in Vienna before the royal response was announced. Here, they sought answers to whom had given their consent to the establishment of an independent Hungarian province, whether the consent of the superior general had been solicited, why the monarch's agreement had not been requested, and who had authorized the Jesuits participating in the Diet to declare that the superior general and the members of the province wanted the separation. Both the general and the rector in Vienna stated that the separation of the province could only take place with the prior consent of the monarch, but that the issue was not actually taken into consideration due to the war's circumstances.⁴⁷ Later, Provincial Superior Hevenesi also stated that the province would not force the separation against the will of the ruler, and the Hungarian Estates also omitted this demand from the postulates. Therefore, Charles III again agreed to allow the Jesuits to participate in the Diet.⁴⁸ This is clearly demonstrated by the fact that the draft decree, drawn up in August 1712, already included the Jesuits' right to attend the assembly, with wording that was practically identical to the later ratified law.⁴⁹ The Jesuits recorded the events in such a way that Charles III secured their voting rights that year.⁵⁰

However, despite appearances, the members of the Jesuit Order were not satisfied with this solution. At the Diet of 1728–1729, Ferenc Kiris, rector of the college in Pozsony, his successor Ferenc Csepelényi, and Ferenc Fasching, a local librarian,⁵¹ opposed the claim to precedence made by the prior general of the Paulines and the Cistercian abbot of Pásztó. They argued that they were not entitled to seats at the ecclesiastical table, as they were appearing in place of their superiors and should therefore have been seated among the representatives absent magnates. While the Jesuit envoys arrived in accordance with the law and custom, representing the titular abbeys and provostries owned by the Jesuits, they should have taken their places after the envoys of the chapters and the abbots, not among the envoys of the absent magnates. This was further compounded by the fact that the Jesuit Order had more influence in the country than those who disputed it.⁵² The Pauline and Cistercian envoys then turned to the Archbishop of Esztergom and the Diet, asking for protection against what they called the 'Jesuits' unjustified attacks'.⁵³ It seems that the archbishop—at that time the former superior general of the Paulines, Imre Esterházy—was successful in his efforts, as there is no evidence

⁴⁷ LUKÁCS 1989, p. 107–110.

⁴⁸ LUKÁCS 1989, p. 36–37.

⁴⁹ ÖStA HHStA UA Comititalia 1707–1712. Fasc. 403. Konv A, f. 67^v. Art. LXX De Sessione P. Societates Jesu.

⁵⁰ ÖNB HS, Cod. 12106, pag. 2.

⁵¹ LUKÁCS 1993, p. 561, 619.

⁵² MNL OL N 52 diaetae anni 1728–1729, Fasc. VV Nr. 60. ff. 38^r–42^v.

⁵³ Published by BÉKEFI 1902, no. LXXXIII. p. 159–160, and MNL OL N 52, Lad. S, Diaeta anni 1728–1729, Fasc. AAA, Nr. 90.

that any decision was made on the matter, meaning that the seating order remained unchanged.

However, the fact that contemporaries were also unaware of the difference between the clergy of the Lower House and the clergy representing them is well illustrated by the fact that the abbots' and provosts' envoys were sometimes listed among the clergy and sometimes among the envoys of the absents.⁵⁴ One report on the 1764–1765 Diet mentions that the representatives of those absents sat at the end of the ecclesiastical table, which makes the confusion between these two groups even more striking. Disagreements may have arisen during voting, but as time passed, the spread of the *pars sanior* principle meant that this issue became irrelevant. The Lower House was increasingly regarded as the “more sober and superior part (*sanior et potior pars*)” of county nobility. Thus, the votes of the members of the Lower House were not counted equally: they were not counted but weighted (*vota non numerantur, sed ponderantur*).⁵⁵

It is also important to mention that the Jesuits' efforts to obtain the right to attend and vote in the Diet after acquiring abbeys and provostries were only successful for a short time in the seventeenth century. István Rohonczy, the provost of Turóc [Turiec, SK], and Pál Hoffman, the abbot of Pornó, appear among the titular abbots and provosts at the Diet of 1646–1647. However, they were not members of the Jesuit Order but canons of Esztergom, so they represented the Jesuits as delegates of their chapter. The first documented participation of four Jesuits can only be attested at the Diet of 1655.: István Keresztes, superior of Kassa [Košice, SK], as provost of Mislye [Myslina, SK]; Márton Palkovich, rector of Nagyszombat, as provost of Turóc; Ferenc Lippay, rector of Trencsén [Trenčín, SK], as abbot of Szkalka [Skalka, SK], and Ferenc Nedeczki, rector of Sopron, as abbot of Pornó. Prior to this, Article VIII of the law adopted at the Diet of 1608, which forbade Jesuits to own property, may have been enforced. This prohibition also impacted negatively the establishment of an independent Hungarian province. In the 1650s, in addition to the arguments listed above, the leadership of the order did not consider it feasible to operate a province independent of Austria because of the uncertain legal situation of institutions in Hungary.⁵⁶

In addition to the Jesuits, the archabbot of Pannonhalma's dispute with the head of the Pauline Order over precedence also came up at several Diets, partly because of incomplete legislation. More precisely, the balance of power between the two was previously governed by the customary law. However, the provision of 1608 on the composition of the Diet does not mention the archabbot of Pannonhalma by name, and only grants the prior general of the Paulines the right to attend and vote without specifying at which House of the Diet he should sit. At the session held in 1708, the newly appointed superior general of the Paulines, Ivan Kristolovec, first had to fight to have his right to

⁵⁴ See: the Diaeta database.

⁵⁵ SZIJÁRTÓ 2005. p. 116, 310–313.

⁵⁶ KADÁR 2022. p. 245.

appear at the Upper House accepted. This privilege had been granted to his predecessor, Imre Esterházy, who shortly thereafter became the bishop of Vác. Therefore, in accordance with the rules of the Paulines, he resigned from his position in favour of his deputy, Kristolovec. However, some members of the Upper House protested this procedure. Finally, with the intervention of Cardinal-Archbishop Christian August, Kristolovec succeeded in taking his rightful position.⁵⁷ However, he was not able to enjoy his new privilege for long, because, the archabbot of Pannonhalma, demanded precedence over him among the prelates. Some of the arguments and counterarguments, were of a historical and ecclesiastical nature: the Benedictines tried to justify their primacy with the significance of the Archabbey of Pannonhalma as the first monastic institution in Hungary, and they also referred to the abbot's *nullius* status.⁵⁸ Since the Benedictine order preceded the establishment of the Paulines by centuries, the latter could only argue on the basis of the antiquity of the order's namesake, St. Paul the Hermit, who, according to tradition, lived at the turn of the third and fourth centuries, and on the fact that the head of the Pauline Order was the superior of the entire monastic community, while the archabbot of Pannonhalma had jurisdiction only over the convents in Hungary. At the ecclesiastical assembly of 1712, the prior general of the Paulines emerged victorious from the dispute. According to P. Engelbert's diary, Cardinal-Archbishop Christian August defended the interests of the Paulines against the archabbot of Pannonhalma.⁵⁹ As he was the cardinal protector of the Pauline Order, his behaviour is not surprising. However, this did not settle the issue: in 1722, Archabbot Benedek Sajghó brought the *praeCEDentia* before the Diet, but Christian August again decided the dispute in favour of the Paulines. Sajghó raised the issue once more in 1728, but *praeCEDentia* was not discussed later.⁶⁰ The position of the prior general of the Paulines was further strengthened by the fact that from 1725 Imre Esterházy, the former superior of the Paulines, held the office of the archbishop of Esztergom.

Representatives of the Cistercian abbots of Heinrichau in Silesia and Velehrad in Moravia secured their abbots' right to participate in the Hungarian Diet after acquiring the abbeys of Zirc and Pásztó in Hungary. However, the abbot of Heinrichau also attempted to sit at the Upper House, while the abbot of Velehrad did not appear in person at the Diet because he considered the Lower House beneath his rank.⁶¹ Ultimately, two positions clashed regarding the participation of abbots and provosts in the Diet, which led to disagreements. According to P. Engelbert's diary, foreign abbots and provosts, including the abbots of Heinrichau and Velehrad, approached the request from the perspective of canon law. According to this, in addition to the so-called

⁵⁷ BEKK Ab 154, Tom. IV. ff. 35^{r-v}.

⁵⁸ According to canon law of the time, the *nullius* abbot had limited episcopal jurisdiction within his own abbey and wore episcopal insignia. The equivalent in current canon law is the territorial abbot (can. 370). BÁNK 1958. p. 94.

⁵⁹ HERMANN 2013. p. 220.

⁶⁰ NÉMETH 1907. p. 151–159.

⁶¹ HERMANN 2013. p. 197.

higher prelates (*prelati maiores*) having ordinary jurisdiction, that is, archbishops and bishops, there were also so-called lower prelates (*prelati minores*) who, although not ordained bishops, governed their abbeys or provostries independently of the jurisdiction of the diocesan bishop and wore prelate insignia.⁶² Several foreign abbots and provosts, including the Cistercian abbots of Heinrichau and Velehrad, enjoyed similar privileges in their home countries, and in the case of Heinrichau, this was accompanied by a secular title: the abbot was also captain of Münsterberg [Ziębice, PL]. The abbot of Velehrad gained the right to wear prelate insignia in 1379, and from 1477, he was ranked first among the prelates after the bishop of Olomouc. In canonical terms, therefore, both belonged to minor prelates. However, the provisions of Article I of the Hungarian Diet held in 1608 did not follow this approach: it listed the diocesan bishops and the provosts of the cathedral chapters among the prelates, then the *nullius* abbots and provosts, and finally the infulate abbots and provosts with property rights. However, only diocesan bishops are granted membership in the Upper House, while the others are referred to in the Lower House. In practice, however, titular and “elected” bishops (*episcopi electi*) also had seats at the Upper House, even though the latter, with the exception of those in Knin and Nándorfehérvár [Belgrade, SRB], were not consecrated as bishops and were therefore not prelates in the canonical sense; in most cases, these titles were held by canons.⁶³ The provost of Zagreb also had a seat at the Upper House, according to the provisions of Article LXI of the law adopted in 1625. The reason for this was that he held also the title of prior of Vrana, which had previously been held by the Order of St. John. The Benedictine abbots and provosts, on the other hand, were relegated to the Lower House, and even though many of them invoked their *nullius* status, diocesan bishops with territorial jurisdiction did not recognise it.⁶⁴

Therefore, it is unsurprising that the church assembly of 1712 did not support the abbot of Heinrichau’s efforts to gain a seat at the Upper House. In this context, Gábor Erdődy, later bishop of Eger, also complained that the Cistercians were taking income from their estates abroad. This accusation was later repeated by several counties at subsequent Diets.⁶⁵ Engelbert Hermann’s diary also notes several times that monastic orders following their traditions, especially foreign ones, were not looked upon favourably by the Hungarian clergy, and therefore could not count on their support. According to his own notes, he quickly realized this, so unlike the envoy from Heinrichau, he did not request the right for his abbot to appear before the Upper House. This allowed him to participate in the ecclesiastical councils. In addition, they discussed the request of the Premonstratensian abbot of Klosterbruck [Louk, CZ] in Moravia and Nagyvárad in Hungary, who also wanted to be admitted to the Upper House. Among his most important arguments were that he was the general

⁶² See: BÁNK 1958. p. 94–95. Current canon law no longer uses the term “minor prelate”.

⁶³ BAHLCKE 2006. p. 1–24.

⁶⁴ SZIJÁRTÓ 2005. p. 408–418.

⁶⁵ ALPÁR 1942. p. 26.

vicar of the Premonstratensian abbeys in Hungary (with this, he obviously wanted to compare himself to the archabbot of Pannonhalma and the superior of the Pauline Order) and that he was a regular canon. His request was supported by the ruler.⁶⁶

Considering the monastic aspirations described above, it is no coincidence that the decree of 1715 deals with the issue of monastic superiors in a separate article,⁶⁷ clarifying and even slightly modifying the general provision of 1608. According to this, the Estates guaranteed the right to sit and vote among the prelates and magnates, that is, in the Upper House, for the provost of Nagyvárád, who was also the general vicar of the Premonstratensians in Hungary. However, as we have seen, the Jesuits had to be content with the regulation that was already included in the draft decree of 1712: as long as they held their titular abbeys and provostries, they could send two Hungarian representatives to the Diet. The decree also admitted new monastic orders: the Camaldolese, the Trinitarian, and the Piarist, “but without any vote or seat”. It also stated that from then on, new monastic institutions could only be founded with the ruler’s permission.⁶⁸

In the neighbouring Lower Austria, home to the mother monasteries of several Hungarian monastic institutions, we also find abbots and provosts among the prelates. In the fifteenth century, a separate prelate’s table was developed, which incorporated Benedictine abbots, including Altenburg, the Scottish Abbey (Schottenstift) in Vienna and Göttweig, Cistercian superiors, including Heiligenkreuz and Lilienfeld, and the provosts of Premonstratensian convents, including Perenegg. Here, we also find four collegiate chapters that were much more common in German territories than in Hungary during this period, and even the abbess of the Benedictine convent in Erla was among the prelates. However, there is a significant difference in that only some of the bishops appeared on the prelates’ table at these provincial assemblies, while the rest were found among the ranks of the nobility, meaning that the clergy did not form such a closed group as they did in the Hungarian Diet. The bishop of Wiener Neustadt, for example, only received his seat among the prelates after the Josephine diocesan reform, when the centre of the bishopric moved to Sankt Pölten, Austria.⁶⁹ The prelates’ tables at the Reichstag also consisted mainly of monks, as the composition of the Swabian prelates clearly shows. At the end of our period, the Swabian table comprised 23 members consisted of Benedictine, Cistercian, Premonstratensian, and Augustinian canon superiors, as well as female superiors of the Poor Clare. However, due to the curial vote, which had become common practice by this time, the prelates’ tables had

⁶⁶ Draft of Charles III’s decree of 1 August 1712: MNL OLN 50, Lad. R, Diaeta anni 1708–1715, Fasc. X, Nr. 13.

⁶⁷ Article LXXIII of 1715.

⁶⁸ Article CII of 1715.

⁶⁹ STRADAL 1973, p. 53–115.

significantly less political influence than their Hungarian counterparts at the Diet of Pozsony.⁷⁰

The power struggles among the leaders of the religious orders, in addition to the symbolic political manifestations also testify to the attitude of the Hungarian estates toward participation in the Diet, which they were able to assert against both the monarch and the newly emerged estate actors. Although it was the monarch's prerogative to convene the Diet and invite participants, participation in the *tractatus diaetalis* was only possible with the consent of the Estates and in accordance with customary law, which could not be overridden by either the monarch's will or canon law.

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⁷⁰ REDEN-DOHNA 1982, p. 8.

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