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PHD THESIS BOOKLET

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THE CHANGES IN CANON LAW AND THEIR EFFECTS ON CIVIL LAW IN HUNGARY IN THE SECOND HALF OF THE 19TH CENTURY

Budapest 2012

These answers below clarified as the results of out scientific research on our three basic questions:

Ad 1st: In the second part of the 19th century, the state law on Church and the canon law in these most outstanding themes practiced influence to each other: a) the supreme gift (meaning: rights of the highest patron), b) the deletion of tithing, c) deletion of privilegium fori, d) the placetum regium (exequatur), e) the striving for autonomy, f) the deletion of diocesan tribunals (holy sees), g) the mixed marriages, h) the children's religion and i) the cautions (meaning: written assurance to baptize and to bring up all children of the mixed marriage as Catholics), j) the baptisms into other denominations, k) the conversions, l) the civil marriages, m) the civil registration, n) the free exercise of one's religion. As we could see in the explanations, the outer and the inner historical situations, the social effects and the political powers strongly left their stamps to legislation.

Ad 2nd: Practicing affection particularly shaped as it follows:

a) *The supreme gift:* Even it was questioned, the king practiced this right. The 6th § of the 3rd law in 1848, as every decisions the king made on the Church, for example: designating a position, the signature of the Minister of Cult was required for making them to be legally bound, only theoretically hurt the rights of the Holy See. The fact, that the designating of a person, who is ecclesiastically fit to be bishop can be vetoed by a layman, who maybe is not a Catholic, and maybe making decisions based only on political reasons, and due to this, the search for the fit one had to continue until finally it wins the favor of the lay minister, is a strong limitation of the practice of the pope's rights designating the apostolic successor in our country, in cooperation with the Catholic king. In practice there was always a pre-agreement between the pope and the king in the designating of a bishop and in the establishing of bishoprics. So this § didn't query the supreme gift, but it installed the minister's person, a bureaucratic element, before his final word. But the king himself went beyond his rights as the highest patron, when in the time of retribution, he named bishops without the approval of the pope. Later, there was an endeavor by the 9-membered vice council of the 27-membered council of the first organizing congress, that henceforth the designating of high priests should be suggested by the autonomy instead of the government, so that the king should practice his rights as the highest patron not through the minister of the government but through the autonomy, this endeavor did not oppose to the universal canon law, because the naming of a bishop finally was approved, in any case, by the pope. However, it opposed the body of bishops' commitment in October 1867, so it opposed the particular law. The Hungarian particular canon law accepted the supreme gift, and thought it to be natural. The second congress announced in a much milder form: they wanted the supreme gift, practiced by the Minister of Cult, to remain untouched. They wanted only to give opinions and not suggestions about the designation of the high priests, through a 5-membered council, which consisted of the primate, two bishops and two laymen: this would have made the 3 candidacy, but later received the competent bishop's opinion, yet in designating of the Abbots

and Provosts depended on the highest patron. These plans of the autonomy ceased to exist as the autonomy dropped off.

b) *The deletion of tithing:* The priest MPs disclaimed the tithing of their own choice, so by deleting this there wasn't any infringement on the Catholic Church's rights in our country. But, however there were on many individuals, because the lower priests didn't give any authorization to the MPs for disclaiming this type of cost-of-living in the name of everyone. The MPs should have had the right to do this especially of their own accord. Sooner than later the high priests (e. g. Mihály Horváth) as well as the government (e. g. Eötvös, and later the subscribers of the concordat) saw the necessity to recompense the lower priests and the laymen put in a poor living standard by that deletion. There was good intention on both sides. Unfortunately the needy still had to wait decades for this order to be brought about by the congrua. In this case from the part of the state: József Ferenc, Trefort, Csáky, Bánffy, Wlassics, Apponyi, from the part of the Church: the bishops, in particular cardinals Schlauch and Vaszary made the most effort to follow it through.

c) *The deletion of privilegium fori:* The parliament by its decision in January, 1848, stripped the clergy of this privilege obtained centuries before, so arbitrarily deprived them of their vested rights. Hám's forced renouncement and confiscation was qualified as a canonical injuria: the ruler could say on the nomination of the primate, so logically on the countermanding, too, but he had no rights to act over the pope's head. Rudnyánszky's deprivation of his episcopal dignity was also a strong infringement on the legal independency of the Church and its inner processing order, because this was only the pope's privilege. The injuriatic deletion of the privilegium fori was not accepted by the pope, nor by the nuntius or by some parts of the Hungarian public thinking. So the fact, that in the period of the retribution the privilegium fori was regularly neglected, was an infringement on the rights of all the tortured bishops and priests through the mire. This situation was deemed wrong only by the Austrian concordat in 1855, because in that the Holy See disclaimed the privilegium fori of its own choice.

d) *The placetum regium:* There was József Ferenc's cooperation with the rule of law of our Church to delete the exequatur. But the ministerial order attached to this, which ordained the intervention of the Austrian ambassador in the correspondence with the pope, was legally unacceptable, because it still arbitrarily set back the totally independent communication, which was demanded by the high priests. They had similar expectations in reference to the issue of the episcopal letters, although the ruler only ordered to send them to his office for taking cognizance. According to us, the fact that the ruler also wanted to know about the content of the issued letters, didn't obstruct the freedom of issuing, because to serve the common good was his obligation, and these information were indispensable for this. However, the concordat confirmed the deletion of the placetum, otherwise Pius IX ordered to send the episcopal

letters and the synodal decrees also to the secular authorities for taking cognizance: this is a concrete example of cooperation of the two rules of law. After the dogma of the papal infallibility, count Gyula Andrássy reintroduced the deleted placetum. The minority of the above mentioned 27-membered council of autonomy, also wanted to acknowledge the ius placeti to be legal, but as unsuccessfully as later Bánffy.

e) The striving for autonomy: Our high priests in favor of defense of the Church's rights wanted to involve the expert believers in the beginning with the handling of Catholic schools and foundations independently from the state (outer autonomy), later into all of the duties around the Church, which didn't directly need a priest (inner autonomy). But the opinions about the realization were strongly different from one another. But in the course of discussions, the majority was the winner, which respected the canon law. It helped to avoid the collision with the state laws. There have been roles in the initiative steps by Mihály Horváth and Scitovszky from the side of the Church, and the concordat from the side of the kaiser and of the pope, which insured self-dependent power to the Church in cases of foundations, handling goods and acquirement of property. The cooperation between the two rules of law was well formed, however, the handling of the Foundation of Religion was not given to the Church, yet. The state, without answer, left the primate's sedulity to get it back in 1865. In that time almost everyone agreed in the necessity of a step to be made. The 27-membered council established by Trefort definitely promoted the two rules of law to respect each others' independency. There were only two exceptions of this, which injured the canon law. Eötvös had good intention in 1870, when he bustled up to exhibit a bill for incorporating the earnings of vacant sees into the Foundation of Religion, but his nisus remained unsuccessful. As the worked-out autonomy proposal got ready, Trefort closed it into his pedestal desk for 24 years. From this time he, as well as his successor Csáky, and also PM Kálmán Tisza obstructed the evolvement of the nation-wide autonomy. Trefort only supported the local autonomy, he judged the nation-wide one to be dangerous. The local-leveled materialization was permitted by the state laws of legal force, the minister himself also hastened it. The lower chamber trusted Apponyi and Apáthy to pre-examine the situation of ownership of religious and educational foundations: both of them concluded to the Catholic ownership of the foundations. All the same, Tisza was qualified as national ones even the Catholic foundations themselves. Tisza, as PM, did his level best to impede the autonomy. In time of the second congress Csáky already was helpful. After this Bánffy and Wlassics inhibited the fulfillment of the Catholic endeavoring. Wlassics left the handling of the foundations in royal hands, doing this he hurt the formulae of the canon law; he defied the villages to support the schools of Church; instead of simple supervision of handling the denominational goods and foundations, in the case of Catholics, he himself handled them: by these three steps contravened as state, as ecclesiastical law. From the millennium their stance turned into positive direction: pronouncing the first congress to be ended, the king, on the initiative of the minister, allowed opening a second one. Wlassics at least beteemed the autonomy to have a word in the matter of fulfilling of high priests' sees. The congress wanted to put through the handling of the

Catholic foundations, and the goods of the parishes and schools, to the hand of the autonomy. But the minister allowed only the inspection of his handlings. The congress was opened to the self-rate leviable on the believers allowed it to be maximized by the Minister of Cult, and still reckoned on the help of the state in collecting the unredeemable ecclesiastical tax. Later Wlassics conceded the institutions of the education of people to come to the jurisdiction of the autonomy, and the custody of the Catholic character of the high schools and collegiate schools should be insured by the autonomy. In this time the cooperation between the state and the Church in the matters of schools, their purviews defending also one anothers' rights – except the mentioned ones just now – were exemplary in the history of the state and canonical rules of law. The state and the body of bishops gradually sequestered themselves from the beginning enthusiasm organizing the second autonomy. Széll assisted the autonomy, Wlassics and the king also waited the primate's answer, and the answer nonetheless didn't come, so the case got stuck again. From the next governments, only the Minister of Cult of the second Wekerle-government, one of the main life and soul of the autonomy, count Apponyi could draw Vaszary on to commit writing his opinion at last, after silence for 4 years. As a result of this, he promised that the state gives through the handled Catholic schools and foundations by itself, this far, to the autonomy. However, the effectuation was stuck twice: firstly his government fell, secondly Apponyi got sick, and the world war broke out. The whole case of autonomy finally had only one successful partial effect: the local vicarages came into existence.

f) *The deletion of diocesan tribunals:* In the favor of separation of Church and state, which was wished, we can agree with those parts of Simor's and Minister of Justice Horvát's opinions, that either the ecclesiastical or the state tribunals should adjudicate in marital cases in their ways, totally independently from one another. The 48th law in 1868 promoted the inner functioning of the holy sees, at the same time it was injuriatic in limitation of their jurisdiction exclusively on the Catholics. The power of the diocesan tribunals was more narrowed by virtue of the 54th law in 1868: the state trusted the judging totally to the civil tribunals on civilian legal subsequences of the marriages. The result of this was prevailingly positive: it liberated the holy sees from the burden of dealing with matters, which didn't belong to them. In point of fact the state didn't go beyond its jurisdiction: it didn't delete the holy sees, but merely regulated how much it claims their judgeship to be a part of its rule of law, and it had the right to do this.

g) *The mixed marriages:* The mixed marriages were considered to be dangerous either by the Holy See, or by the Hungarian bishops. Despite of this they didn't forbid them, moreover put various instructions and allowances in this topic. Ferdinánd V gave placetum for *Quas Vestro* for the passive assistance in cases of mixed marriages missing cautions (vide in *i)*), and for under-secretary Lambruschini's instruction issued in conjunction with this for the validity of the marriages bound without the Tridentine form, in the presence of a Protestant pastor. The last mentioned point was accepted yet by the Hungarian parliament, i. e. the civilian law accepted the canon law. However, the 9-11th §§ of the 53rd

law in 1868 did harm to the canon law: the state didn't have rights to rule over the ecclesiastical conditions of the mixed marriages. It could have rights to rule, at best, the range of the civil legal effects, but it went beyond this power. Because of this, the body of bishops allowed only the passive assistance for half a year. Later they allowed the ceremonious blessing of the mixed marriages, if the priest had a moral certitude about the parts' candidness in giving the caution. The fact, that our high priests were settled for the oral promise prescribed by the state, signed their cooperativeness with the civilian law.

h) *The children's religion:* The civilian legislation many a time went beyond the principle, that the upbringing of their underage children, so stipulating their religion (denomination) is the parents' right. The state could rule at best the range of its civil legal effects. The Church welcomed the state giving help by its laws to the Catholic parents in baptizing and upbringing their children as Catholics, as it was their duty by the canon law. There was contraposition between the two rules of law in the matter of changing denomination, and in which denomination should the children be brought up. The 12th § of the 53rd law in 1868 obliged to follow the precept of sexus sexum sequitur, as a result of that the child's real religion was different from what the state considered. Even the given § didn't concern the Catholics, our priests automatically kept that, which so hard obstructed the subservience of canon law in practice. Finally, the 32nd law in 1894, made legally binding, permitted the parents to make a pact, but only before getting married for good, and in following one another's religion, however, in lack of pact it prescribed to follow the precept of sexus sexum sequitur. There was a factual at last to delete the sexus sexum sequitur to be unconditionally obligatory, as how it was before.

i) *The cautions:* As we mentioned in point *g),* our high priests were settled for the oral caution with time. Conforming to the state law, they testified their cooperativeness. After 26 years, the council of justice offered a substantial compromise in the matter, that the parents could give a stately valid caution also. Accepting this, the 32nd law in 1894 endowed the canon law also with effect of state right. We can consider the fact, that in exchange for the approbation the state prescribed that the tie must be in front of its own officer and according to its own formulas, as an acceptable cost.

j) *The baptisms into other denominations:* Tisza and his Liberal Party deformed the interpretation of the 53rd § of the 40th law in 1879, referring to the Catholic clergy, in favor of obstructing the canon law. Tisza's threat in 1883, as well as Trefort's decree in 1884 were injuriatic, and the latter, in its strength, those priests also could be punished over the above mentioned ones, who didn't send the christening voucher within 8 days, to the pastor, who is assigned second to the law, in favor of registration. Csáky's decree on baptisms into other denominations added insult to these injuries, which not only did it have hard infringement on emergence of the canon law, but also illegitimate according to the state law: scilicet a law can't be overwritten by a ministerial decree. Under pressure our high priests transiently prescribed

to keep the decree, but their intention was to do all in their power in favor of the parents deciding over their child's religion. However, the lower priests united and categorically neglected the decree: they baptized the children arisen from mixed marriages, but they didn't send a voucher to the Protestant pastors, by which they could be authorized to register and so to consider the child belonging to their denomination. As the result of the negotiations, the government allowed the sending of the vouchers to the administrative authorities, instead of the other pastors. Nevertheless, in place of this, Rampolla only allowed to continue the practice to send annual reports to the state from the Church. In favor of that, the priests should not at least be sanctioned, and of replacing the status quo ante, Simor agreed that a religion be written, different from the reality, in the registration book, so by the state the child could be considered belonging to another denomination. But Csáky and Szilágyi turned stubborn, however, Szapáry ordained to amerce all the priests, who baptize into other denomination, by penalty, in every case sent up to him. In order that the priests, who baptize into other denomination could be accused again because of the lack of the vouchers, he deleted the obligation to send them. Putting them in a bailiff became the current practice. The strained relations were solved by installing the civil registration, which was prescribed by the 33rd law in 1894.

k) *The conversions:* The principle here is not different from the previous ones: the state doesn't have the right to say a word in the matter of anyone's religion, only to rule the consequences in civil law of the civilian's religious decisions belonging to its jurisdiction. The state went beyond this power in this matter even already before 1868, when it decided, that depending from what religion the parents, and depending on their sex, converted from and to which religion, the children depending on which age, religion and sex to what religion they should belong. They newly caused a grievance by the first 7 §§ of the 53rd law in 1868, in which they regulated again not just the consequences in civil law of the conversion, but also its ecclesiastical side. The inadequacy of that law not making an exception for the conversions on the death-bed, was also a gravamen of the canon law: the state required the formalities and paperwork specified by itself, even in that time, when it was obviously unable to be kept in practice. This anomaly was solved just by a decree issued by the Home Secretary in 1897.

l) *The civil marriages:* In favor of the common good, the state had the right to rule the external, civil consequences of the marriage. But had no rights to set up impediments annulling the marriage, only resolutory impediments (second to the contemporary phrasing) relating to the civil consequences of that. We can consider the partition of the Church and the state in matter of the marriage to be a useful aim, in favor of not hurting the jurisdiction of one another by their legal rules. Pauler's proposed bill about the civil marriages bound by Hungarians abroad was the direct antecedent of the compulsively installed civil marriages. Győry denied even the reason for the existence of the ecclesiastical marriage, as well as the enforcing of the canon law; he considered the marriage to be an exclusively civil contract. Those

proposals, which harmed the canon law, and beforehand were refused by the parliament, he included into his layout: he neglected the impediment of disparitas cultus by allowing the Jewish-Christian marriages without asking dispensation from the competent ecclesiastical authority, he vindicated rights for himself to delete clearly ecclesiastical impediments by doing-away with the impediments of the ordo and of the vow of chastity, and he did harm to the indissolubility of the marriage by granting the divorce in case of willful desertion and of adultery. His mandator, minister Szilágyi firstly favored the facultative form. Putting the ecclesiastical and civil marriage to the same level, indicating them as alternatives, would have been strong infringement to the sacramental character of the marriage, and the directions of the canon law having connection with mixed marriages. It was auspicious, that finally they totally disapproved the facultative form. Later the minister switched-over pushing to initiate the generally obligatory form: in favor of the partition, this didn't ascribe civil legal consequences to the ecclesiastical marriage, but at least acknowledged the legitimacy of that. The initiation of the in-emergency form could have been more favorable than this, because it would have occurred just rarely, less ravaging the public thinking, the outlook connecting to the marriage (comp. the spreading of the concept of divorce). According to our opinion, it would have been even more fortunate than this to give a different name to the civil legal institution – in contrast with the international practice –, in favor of not having always to specify the concept of the "marriage" used in the public language, because of its double meaning (civil/ecclesiastical marriage). However the fact is that the purpose of the historical process was exactly to secularize the content of the ecclesiastical meaning of the marriage. József Ferenc fought heroically against all the forms of the civil marriage, because introducing any of them would sorely limit the emergence of the canon law in cases of the Catholics in advance. Our high priests, the believers, participating the general assemblies, even a part of the Liberal Party proceeded similarly also. In time of the discussion of the marital law, the lower chamber proposed that the binding of the ecclesiastical marriage should be anticipated by the civil one, and they made it possible that the parts can evade the law prohibiting the divorce by mutual consent, if they lie (scilicet adultery happened). The upper chamber broke by the liberal ascendancy, so they refused the primate's motions for amendments, without any exception, however each of them reflected to a canonical injuria. There was only one sentence as an allowance by liberals: "This law leaves untouched the religious obligations concerning marriage." The 10th § of Perczel's directive on registration and the 61st § of Sándor Erdély's edict pertaining to binding of marriages, abated our grievances as these warned to cooperate with canon law. In the justification of the 31st law in 1894, so of the law on civil marriage, which finally came into effect, there was a good purpose to make the marriages more difficult to dissolve, but the start-up was incorrect from the viewpoint of the canon law: the valid and consummated sacramental marriages were not dissoluble at any time, nevertheless the fact that if whether the merely civil marriage is dissoluble, doesn't have any legal consequences according to the canon law. To study the valid rules of the Catholic canon law, in its fullest detail, was Szilágyi's merit. The Penal Code modified second to the new law on marriage, sanctioned

already only the priests, who were disobedient to the rota of the binding was a positive development, but still sanctioning at all was a negative one. Later, our high priests and state leaders achieved the expanding of the effect of the *Provida* to our country by common diplomatic exertion, which also testified to the cooperation between the two rules of law.

m) *The civil registration:* The disassociation of the registration also promoted the wanted partition of the Church and state. By this, the clergy was acquitted from the encumbrances, which settled on them in the course of the history, but which weren't inevitable parts of their service. Both parts also were acquitted from the debates, by which the matter was signified till then: both can register according to their own inner rules of law, what they considered to be important. In that time, the pope objected with reason that the civil registration would go against the parents' right, as it would allow the state to force the children baptized into another denomination, be catechized by the denomination that the state wills. So we wouldn't talk about infringement on the canon law, only if the state, in time of initiation of the civil registration, also solved the problem arisen from that, which was objected by the pope. The fact, that the state obliged to replicate the registry books, caused more security against loosing data, also according to the viewpoint of the Church, so we can consider it to be a positive purview. As we mentioned it, the 53rd law in 1868 affected negatively the good relationship, by ordering to send the voucher to the pastor of the other denomination, in case of baptizing someone into another denomination. The registration of the children's legality caused canonical injuria in this matter. It was escalated by the 60th § of the 40th law in 1879, which regulated by force for the priests to pay regard to the validity of the civil marriage instead of the ecclesiastical one, when they register the children's legality, and this § put hard sanctions to its contraveners. Csáky's decree on baptisms into other denominations graved more the chasm. But the problem of registering the child, whose mother lives in public concubinage, was successfully solved by the two rules of law together, as well as the matter of the registration of a wedlock-child's father. The 33rd law in 1894 was accepted, as a result of Home Secretary Perczel's honest cooperativeness

n) *The free exercise of one's religion:* That's true also for the 43rd law in 1895: to regularize entering and leaving the Catholic Church, concerns only its inner rule of law. The jurisdiction of state ranges by far is to regulate its consequences in civil law. They observed this in the 7-21st §§ of the mentioned law, as the subhead of the 2nd chapter, containing these ones: *About the denominations legally received in the future.* By the previous and following 1-6th and 22-34th §§ the state regrettably went beyond its jurisdiction, so it came to grips with canon law in several points. The practical aim of the 3rd § for hamstring to duck the rules on soldiering, monogamy, and similar obligations, fitted to the task of the state to guarantee the common order. It was positive, that the 24th § defended the vested interests of the left Church, so our ones, too.

Ad 3rd: Our third question was oriented to the observable tendency. The ending of the praeponderans character of the Catholic Church, caused by the 20th law in 1848, was advantageous in favor of the separation of Church and state, but the method achieving this was injuriatic in several cases. According to the contemporary conceptualization there were like e. g. the deleting of the privilegium fori; and the Minister of Cult's tutelage over handling our schools and foundations. We can consider it positive the takeover of the ecclesiastical costs of the education, in time its secularization, the allowance of free establishing ecclesiastical schools, the settlement of the questions of the high priest's devise and the earnings of the vacant sees, and the fought-out 2.5 million Forints from the wartime budget for supporting the ecclesiastical schools and the lower clergy – these are linked with the person of Eötvös, so in the time of his ministerial work, the balance of the cooperation of the two rules of law tilted to positive direction. From his part, it was negative to secularize the 10 ecclesiastical high-schools, what was executed in the cases of the two Piarist schools by his follower Szász, meddling strongly into the inner function of the Catholic Church.

In point of the cooperation of the two rules of law, we can value the period of Bishop Mihály Horváth's ministerial work to be ambivalent, but Kossuth's actions were rather negative: the "pronouncing to be belated", the pronouncing of the episcopal see of Veszprém to be vacant, and his opinion about the bills of politics on the Church in his elder age. There were similarly injuriatic actions suffered from the state, to discard Hám from the primate's see over the pope's head, Rudnyánszky's deprivation of the episcopal dignity, and forcing the clergy for soldiering. In the time, the Hungarian Government many times ordered the episcopal sees, as if these were offices subjected to the power of state, and doing this unequivocally hurt the independency of the Church, and mixed together the state and the ecclesiastical systems of institution. So in the period of the revolution, of the war for independence and of the retribution, the state prevailingly impedited the functioning of the canon law, hereupon of the historical and political events, the two rules of law with force diverged from each other.

In the next period, József Ferenc's person and activity newly indemnified a strong bastion and protectiveness from the background to the emergence of the canon law. We could see many concrete manifestations of this, for e. g. deleting the exequatur; restitution of our bishops' rights to judge and to punish in questions of ecclesiastical discipline; recovery of the theological professorship on the faculty of arts; filling the vacant episcopal sees; or the prohibition of the Catholic priests' enlistment. But in fact, there were good many unsettled matters too, as recompensation of the tithe, not handing over the Foundation of Religion to our Church, not acknowledging the Catholic character of the university, and the fact that the theologian teachers outside of the university could be nominated by the bishops only after the king was previously notified, not even mentioning the special situation of the Faculty of Theology in the University of Pest. But we can see from the list, that looking at József Ferenc's person, the balance swayed to positive direction, even before his Hungarian coronation.

After the accordance and the coronation this tendency continued from his part, however this cooperativeness isn't declarable from the Hungarian governments and their certain individuals. Its obvious evidence is the injuriatic 53rd law in 1868. Between Simor and Eötvös a splendid cooperation began in the question of autonomy. PM Andrássy, after the dogma of infallibility, installed the placetum. Trefort promoted the autonomy by establishing the 27-membered council. His stance to the last question gradually changed, finally he was the one who obstructed the national formation of the autonomy from the part of the state for 24 years and supported only the local leveled ones. The state laws reinforced the Catholic Church in our country in its rights, by regularizing the patron's obligations. Minister of Justice Pauler attested his cooperation with our canon law in the greatest part. Eötvös's further helps were the bill for incorporating the earnings of vacant sees into the Foundation of Religion, and to permit the Church to get ordinary support. Concerning to the benefices, the cooperation of the two rules of law was prominently exemplary: the state sanctioned those who violated the canon law in this matter. In the question of the prisons' chaplaincies, the cooperation was also masterly. Trefort's and Tisza's endeavors referring to the education, directed to grievances. Nevertheless Trefort also had indefeasible merits in settling the cases of educational and religious foundations and the congrua. So, concerning the cooperation of the rules of the state law and of the canon law, we can qualify his person and ministerial work to be waving.

Nonetheless almost every manifestations of PM Kálmán Tisza was unequivocally negative, pertaining to the cooperation of the two rules of law: he himself and his Liberal Party, from the beginning of their governance in 1875, deliberately counterworked the emergence of the Christian principles of Hungary, and doing this, also naturally obstructed the emergence of the canon law (from Tisza's part, the promise collecting the ecclesiastical tax by prefectural help, was an exceptional example from this). The time of Csáky's ministry was a waving period, similarly to Trefort's: he cooperated with the canon law in the questions of the congrua and the new congress of autonomy; but fought against the canon law in the matters of children's religion, in sanctioning the violators of law in 1868 in the bases of the law in 1879, and in baptisms into other denominations, as well as in denominational matters of schools.

Szapáry's order about penalties of priests was negative. In favor of partition of Church and state, Szapáry's and Győry's endeavor to introduce the civil marriage, had positive accomplishments, but in doing this, they made multiple grievances on canon law, which was negative. Szapáry's decree to eliminate the supports of the ecclesiastical schools from the budget of the local deposits only missed the possibility as source to recompense. But Wlassics's decree, prohibiting the development of ecclesiastical schools from the capital of the local deposits was directly injuriatic.

The period of Wekerle's first governance fell among the two, decrees mentioned above, who as a convinced liberal, put through the matters of the laws of politics on the Church successfully in 1894. They neglected Vaszary's proposals to put right the canonical grievances, but by making the pact to be

possible, they at least deleted the obligatory character of the precept of sexus sexum sequitur. The detachment of the civil registration from the ecclesiastical one terminated successfully, Perczel was instrumental in this. Nevertheless the balance of the period of the first Wekerle-government was, without a doubt, negative.

The Bánffy-Wlassics paired cooperativeness with canon law was visible rather only from the millennium. Bánffy's acts against the Catholics were hardly able to be counteracted by Perczel's and Erdély's edicts. In certain questions of cases of schools Wlassics's stance changed so much, that in the later period of his ministry, the cooperation of state and Church, their legal measures reciprocally protecting one another's rights, were prominently exemplary. Concerning this cooperation, his activity was also waving: sometimes cooperative, sometimes obstructive.

Among the later ones, Apponyi's person concerning to the cooperation was eminently positive in referring to the autonomy, to the Catholic schools, to the foundations, and to the recompensation of the ecclesiastical tax, and to the congrua.