

# THE RELIGIOUS TOLERANCE ACT OF 1568 – THE EDICT OF TURDA

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**Abstract:** *The Edict of Turda (1568) is a daring legislative attempt to go beyond the cuius regio, eius religio principle introduced by the Augsburg Settlement (1555). The idea that followers of various (Christian) confessions can peacefully coexist in the same region and live side by side in the same town or even village is a revolutionary concept achieved much later in European legal history.*

*The paper initially presents the sociohistorical context of the Principality of Transylvania, which, as an Ottoman vassal positioned between two great powers, had been compelled to aim for a political ambience fitting for its various (opposing) Christian fractions. The central part of the paper examines the 1568 Edict of Turda, usually referred to as the first religious tolerance act in Medieval Europe. Its provisions are analysed in relation to the overall 16<sup>th</sup>-century central European sociolegal framework, as well as the Westphalian system established 80 years later.*

**Keywords:** *religious toleration, the Edict of Turda 1568, Protestantism, the Principality of Transylvania, Westphalian sovereignty*

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## INTRODUCTION

The early spread of Protestantism did not, for the most part, include the idea of religious tolerance. To the contrary, it seems that the initial protestant version of ‘war against heretics’ by and large echoed the charm of correlative Roman Catholic methods. Bene finds that in the 16<sup>th</sup>-century Protestantism discourse, tolerance was considered deviant as it yields to departures from accepted beliefs and doctrines; it is a way of conceding with heresy<sup>2</sup>. On that account, according to his remark, Protestantism was “in today’s sense ‘intolerant’ with ‘tolerance’ itself” (Bene, 2015: 49).

A well-known example in this respect is Calvin’s involvement in the Servetus affair. Namely, John Calvin, who was already a famous pastor and a pioneer of one of the major protestant theologies<sup>3</sup>, in the Spring of 1553, reported to the Roman Catholic Church that a nontrinitarian<sup>4</sup> book written by Michael Servetus had been published in Geneva. The Catholic Inquisition captured Servetus and charged him inter alia with heresy<sup>5</sup>. However, after spending a few days in prison, Servetus managed to escape. On his way to Italy in August 1553, Servetus stopped in Geneva, where he was recognised and thrown into jail. Following a few non-conclusive trials and debates between him and Calvin, the Genevan Council (based on a report that other Swiss Protestant towns would support such an outcome) issued Servetus’ death penalty. He was burnt alive together with his books on 27 October 1553. Calvin did not attend Servetus’ public execution (Njoto, 2017: 45-46).

Hillar (2002: 34-35) suggests that heresy as a concept was alien to the pre-Christian Greco-Roman civilisation.<sup>6</sup> It was the establishment of state-sup-

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2 For Labrousse (1974: 113) religious toleration is ideologically incompatible with Christianity due to the ‘jealous’ nature of the Judeo-Christian god.

3 Later known as Calvinism.

4 In this paper, the term ‘nontrinitarian’ refers to the form of Christianity known for rejecting the usual doctrine of Trinity in a generic way, without specifying its nuances and various positions (e.g., distinctions between expressions such as antitrinitarian/nontrinitarian, etc.).

5 Calvin himself, being a Protestant, was a heretic by Roman Catholic standards (Hillar, 2002: 36).

6 Bury (1952: 35-36) in his analysis of legal actions against several Athenian thinkers being charged for blasphemy, including the famous Socrates trial, indicates that these proceedings seemingly served other purposes, with heresy being only a pretext for what essentially were personal or political attacks. The Roman civilisation, otherwise quite tolerant of various cults and faiths within its realm, initially demonstrated animosity in the case of Judaism. However, from the 1<sup>st</sup> century CE, the Romans initially sporadically, later quite systematically prosecuted Christians.

ported Christianity, especially its proclamation as the state religion under the Edict of Thessalonica (380 CE), that constituted a theocratic society that eventually defined heresy as a crime against public order. This shift in social paradigm marked a transition from humanistic principles<sup>7</sup> of ancient morality to new medieval ecclesiastical ethics. This new worldview formulated by the Christian clergy had initially been (forcefully) imposed by Roman emperors, eventually becoming a tradition established by a system of state and church laws implemented by various institutions (Hillar, 2002: 36).

Though religious tolerance was not recognised in medieval Europe<sup>8</sup> (Benda, 1994: 1), the importance of the coexistence of peoples belonging to different faiths was not an unfamiliar concept. E.g., in the 12<sup>th</sup> and 13<sup>th</sup> centuries, laws enacted by Iberian towns and cities (*fueros*), as well as privileges of settlement throughout the lands of Christian Spain, “demonstrate a total equality of all citizens – Jews, Christians, and often Muslims” (Roth, 1992: 18). It seems that such coexistence had in its roots a clear understanding that members of various religious groups came from different ethnic backgrounds and that, as such, they were ‘born into’ different faiths. Hence, the medieval concept of ‘peaceful religious coexistence’ emerged from the clear ethnoreligious grouping of peoples living together in a given territory.<sup>9</sup>

The 16<sup>th</sup>-century Protestant Reformation rests on a distinctly different social practice: *conversion*<sup>10</sup>. Groups or individuals born into the Roman Catholic faith departed from their original church and declared (by themselves) that they onward belonged to a new Christian confession. In such circumstances, the notion of religious tolerance was all of a sudden forced to deal with so far uncommon, exceptionally subtle nuances of otherness. To make matters worse, the region of central Europe had caught the eye of daring Ottoman invaders.

7 “Wrongs done to the gods were the gods’ concern. [*Deorum iniuriae diis curae.*]” (Tacitus, 1906: 37).

8 Alternative hypothesis: BEJCZY István (1997): *Tolerantia: A Medieval Concept. Journal of the History of Ideas* 58 (3): 365–384.

9 The concept of classifying subjects based on their religion did not disappear in the post-reformation period. E.g., the privileges of Emperor Leopold I to Serbian frontiersmen in regions bordering the Ottoman Empire were primarily based on their ethnoreligious rights (Picot, 1873: 68–70).

10 Hillar (2002: 34) points out that ancient Greco-Roman religions did not require conversion.

## THE SOCIOHISTORICAL CONTEXT

The Battle of Mohács (1526) was much more than a simple military campaign, just one of countless Ottoman victories in Europe. It became the graveyard for the majority of Hungarian state administration officials and its church dignitaries. The tragic conflict led to the deaths of both Hungarian archbishops, five bishops (those of Várad, Pécs, Győr, Csanád and Bosnia), together with a vast number of clergymen. The Lord Chief Justice of Hungary<sup>11</sup>, János Drágffy, died on the battlefield side by side with twenty-seven barons, hundreds of noblemen, as well as many heads of counties<sup>12</sup> with their deputies<sup>13</sup>. Surely, the battle's most significant loss was the death of the young King Louis II<sup>14</sup> (Györe-Pfeiffer, 2017: 197).

The collapse of the Medieval Hungarian state had a significant impact on the overall society as well. Coinciding with the introduction of Protestantism, some contemporary authors and preachers were convinced that the 1526 cataclysm was God's punishment for the sins of the Hungarians.<sup>15</sup> Henceforth, the majority of the general population (especially in the occupied regions) rejected the veneration of saints as well as the Virgin Mary as these had failed to protect the country against the heathen Turks (Ács, 2019: 14).

### The Principality of Transylvania

In years following the Battle of Mohács, the Kingdom of Hungary was eventually divided between the Habsburg-controlled west, Turkish possession of the middle and eastern parts, with Transylvania being transformed into an autonomous realm, vassal to the Ottoman Empire (Perjés, 1981: 153). The Treaty of Speyer (1570) finalised the separation of two Hungarian territories, which established that

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11 Hungarian: országbíró.

12 Hungarian: ispán.

13 Hungarian: alispán.

14 Louis II from the House of Jagiellon [Hungarian: II. Lajos; Czech: Ludvík Jagellonský; Croatian: Ludovik II.], born in 1506, was King of Hungary, Croatia, and Bohemia from 1516 to 1526. It is reported that during the retreat from the battle, the young king drowned in a stream due to the weight of his armour as he fell backwards from his horse that stumbled. When István Aczél, one of the king's wingmen, tried to assist the king, he had also drowned in the stream (Nemes-Tolvaj, 2014: 475).

15 Similar notions were not unknown in European history. E.g., the Viking invasion of 9<sup>th</sup> and 10<sup>th</sup> centuries was regarded by Carolingian writers as God's punishment for Frankish sins, consequently leading to passivity and fatalism (Coupland, 1991: 536-537).

the territory seeded from the Kingdom of Hungary be styled as the Principality of Transylvania (Oborni, 2013: 314).

The constituent Diet (the legislative body of the newly established Transylvanian state) was held on 29 March 1542. During the Diet of 1544, the nobles from the counties east of the Tisza River completed the parliamentary and feudal structure of Transylvania. With their participation, the noblemen declared that they accepted Isabella's<sup>16</sup> reign, wanted to belong to this part of the country and be allied to Transylvanian Diets. In this respect, the self-designating title of the Transylvanian state assembly used from the mid-16<sup>th</sup> to the end of the 17<sup>th</sup> century was: States and Orders of the Three Nations of Transylvania<sup>17</sup> and of the Joined Parts of Hungary<sup>18</sup> (Oborni, 2013: 314).

The Treaty of Speyer had inter alia defined the title of the first Transylvanian sovereign as His Majesty, Prince John, son of the late King John I, King of Hungary, Dalmatia, Croatia, etc., Prince John, by the Grace of God, of Transylvania and Parts of Hungary (*Princeps Transylvaniae et Partium regni Hungariae*).<sup>19</sup> According to the Treaty, John Sigismund and his descendants could peacefully possess Transylvania and *Partium* enjoying all the rights of free princes (passing judgements, executing laws and granting estates). However, they did not have the right to alienate properties belonging to the Holy Crown by the law of succession (Oborni, 2013: 315).

### Early Reformation in Transylvania

King Géza II,<sup>20</sup> in order to strengthen the defence of the south-eastern border of his kingdom against the Cumans and to populate uninhabited parts of the area, in the mid-12<sup>th</sup> century, invited colonists from Wallonia and Flanders to Transylvania. Since subsequent settlers to the region were mainly German-speaking, the general term for all of them was the Saxons (Lupescu, 2014: 105).

16 Isabella Jagiellon (1519-1559) was the mother of John Sigismund Szapolyai acting as his regent.

17 The Three Nations of Transylvania enjoying political rights were the Hungarians, the Szeklers [the Székelys], and the Saxons (Homoki-Nagy, 2020: 227).

18 *Status et ordines trium nationum regni Transylvaniae Partiumque Hungariae eidem annexarum.*

19 Until the Treaty of Speyer, John Szapolyai styled himself as king-elect (*rex electus*): John II Sigismund Szapolyai King-elect of Hungary.

20 King of Hungary and Croatia (reign: 1141-1162).

In 1224, King Andrew II<sup>21</sup> granted the Transylvanian Saxons significant privileges in a royal charter known as *Diploma Andreanum*. The King had even assigned the territory<sup>22</sup>, later named Königsboden<sup>23</sup>, to Saxons as their exclusive possession. Based on the *Diploma*, as King's guests (*hospes*), the Saxons had the privilege of electing their own parish priests and county judges who would rule based on their own customary laws<sup>24</sup>, as well as to hold fairs, including the right to free trade (Homoki-Nagy, 2020: 245).

### *The Lutheran influence*

Shortly after the Ninety-five thesis, German merchants quite rapidly brought the protestant message from Leipzig and Wittenberg to the purely German towns in north Hungary, the Szepes County and Transylvania. Even before the Battle of Mohács, King Louis II and the parliament had united in an attempt to forcefully surpass the spread of the Lutheran message (Wien, 2022: 54-55). As early as 1518, Imre Perényi (the Palatine of Hungary) ordered three distributors of Luther's works to be burnt alive (F. Balogh, 1892: 21). In 1524, a messenger from Wittenberg was burnt alive in Pest (Huber, 1892: 104).

In 1523, the Hungarian parliament declared that King Louis II, as a Catholic Prince, should punish all Lutherans and their patrons, as well as those who adhere to their denomination, with death and the forfeiture of all their goods on account of them being barefaced heretics and enemies of the Blessed Virgin Mary.<sup>25</sup> Two years later, the parliament issued an act prescribing that "The Lutherans should all

21 King of Hungary and Croatia (reign: 1205-1235).

22 The Saxon privileges initially covered the city of Sibiu and its surroundings, and later included the Saxons settled in the area of Braşov [Brassó; Kronstadt; Corona] and in Țara Bârsei [Barcaság; Burzenland].

23 In German: King's Land; in Latin: Fundus Regus.

24 The *Schwabenspiegel* (the Mirror of the Swabians), a collection of laws written around 1275 in Augsburg.

25 „Méltóztassék a királyi felségnek, mint katolikus fejedelemnek, minden lutheránust és azok pártfogóit, valamint a felekezetükhöz ragaszkodókat, mint nyilvános eretnekeket és a boldogságos szűz Mária ellenségeit halállal és összes javaik elvételével büntetni.” – 1523. évi LIV. törvénycikk a lutheránusok és azok pártfogói megbüntetéséről. Available on: <https://net.jogtar.hu/ezer-ev-torveny?docid=52300054.TV&searchUrl=/ezer-ev-torvenyei%3Fpagenum%3D8> (March 28, 2024).

be exterminated from the country; and wherever they are found, not only ecclesiastics but also lay persons, should be freely caught and burned.”<sup>26</sup>

It seems that the privileges granted to Transylvanian Saxons allowed them to protect their new faith. In 1522, the town council of Sibiu<sup>27</sup> declared its alliance with ministers preaching the Lutheran message (Dienes, 2001). The Saxon count<sup>28</sup> Markus Pemflinger, being also the supreme judge of Sibiu, successfully protected Lutherans against royal or catholic attacks (Balogh, 2017: 30). In a letter to the Archbishop of Esztergom from 1525, catholic clergy complains that the number of Lutherans in Sibiu had grown to such an extent that “the new faith could not be more powerful even in Luther’s very town”<sup>29</sup> (F. Balogh, 1892: 30).

After the Battle of Mohács, though both John I Szapolyai and Ferdinand I Habsburg tried forcefully to suppress the spread of the new doctrine by threatening confiscation of properties and diverse punishments, Protestantism made steady progress in various parts of Hungary. Such success could be attributed to the overall collapse of the central state authority, which did not have the capacity to enforce its counter-Lutheran measures<sup>30</sup>. Surely, the new faith spread strongly due to some of its gifted preachers, like ‘the Transylvanian Luther’ Johannes Honterus (Ittu, 2016: 109), or Matthias Dévay, another native of Transylvania known as ‘the Luther of Hungary’ (F. Balogh, 1892: 32).

26 „A lutheránusokat is mind ki kell irtani az országból; és bárhol találhatók, nemcsak az egyházi, hanem a világi személyek is szabadon fogják el és égessék meg.” – 4. § 1525. évi IV. törvénycikk. Available on: <https://net.jogtar.hu/ezer-ev-torveny?docid=52500004.TV&searchUrl=/ezer-ev-torvenyei%3Fpagenum%3D8> (Feb. 2, 2024).

27 The town of Sibiu [(Nagy)Szeben, Hermannstadt] was one of the major centres of the Transylvanian Saxon community. Apart from being an important trade centre, it was the home of the Transylvanian Saxon University, and following the departure of the Ottomans, the capital of the Principality of Transylvania.

28 Comes Saxonum, a high Saxon dignitary initially nominated by the king, but later elected by the Saxons themselves. He held the office of Sibiu supreme judge, the head of the Transylvanian Saxon University, etc. (Borcoman, 2012: 75).

29 „[A]z új tan Luther városában sem uralkodhatnék hatalmasabban”.

30 E.g., on 18 February 1529, the town council of Sibiu charged the members of the local cathedral chapter, the clergy, the nuns, etc., either to denounce their papist faith or to leave the town no later than in eight days subject to the death penalty. Three days later, many Catholic clerics left the town, while their parish church became a Lutheran cathedral (F. Balogh, 1892: 31-32).

### *The Helvetic influence*

Dienes (2001: 119) indicates that the Swiss branch of the Reformation<sup>31</sup> had also reached Hungary before the Battle of Mohács. In 1525, a booklet on the Eucharist introducing Zwinglian theology was written by one Reyss Konrad<sup>32</sup> from Buda. Márton Kálmáncsehi's sermons in Debrecen echoed Helvetic Reformation before Péter Melius arrived there (Gaál, 2017: 294-295). Szabó (2019: 90) points out that Kálmáncsehi had been active in Transylvania as well, with one of his disciples being Gergely Szegedi, a follower of Swiss theology as early as during his studies in Wittenberg (1556/1557).

In 1548, the Parliament of Royal Hungary<sup>33</sup> issued an act<sup>34</sup> by which the realm's lords and nobles, acting upon a warning by His Majesty the King<sup>35</sup>, decreed that the Anabaptists and the Calvinists who had remained in the kingdom were to be expelled from all the lands and that none of them might be admitted within the borders of the realm. Csepregi (2013: 295) suggests that the 1548 Act was not a result of Ferdinand's unpleasant experience with the Hutterites and the Moravian Brethren in Hungary but rather in the Czech and Austrian provinces.<sup>36</sup> Among some of the most prominent figures in spreading Calvin's views in Hungary were

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31 In October 1529 Martin Luther and Ulrich Zwingli, leading protestant reformers of the time, failed to find agreement on their differences concerning the Eucharist during the Marburg Colloquy. In 1536 Zwingli's disciple Heinrich Bullinger drafted the First Helvetic Confession. John Calvin in March 1536 published his work *Institutio Christianae Religionis*, with Calvinism being formally acknowledged during his work in Geneva (1541-1549). Eventually, this led to the formation of two major Protestant theologies in mainland Europe (F. Balogh, 1892: 58-59).

32 Dienes asserts that even if the author had used a Hungarian alias without being an actual Hungarian, Swiss message had been present in Hungary before 1526.

33 Parts of the medieval Kingdom of Hungary under Habsburg control following the post-Battle of Mohács partition.

34 1548. évi XI. törvénycikk az ujrakeresztelőköt és a kálvinistákat az országból ki kell űzni. „Az ország rendei és karai, a királyi felség figyelmeztetéséhez képest megállapították, hogy az ujrakeresztelők és kálvinisták, a kik az országban még fenmaradtak, mindenkinek a fekvő jószágaiól kiűzendők. 1. § És hogy azokat, vagy közülök bárkit többé az ország határai közé befogadni nem szabad.” – Available on <https://net.jogtar.hu/ezer-ev-torveny?docid=54800011.TV&searchUrl=/ezer-ev-torvenyei%3Fpagenum%3D10> (March 28, 2024).

35 Ferdinand I Habsburg.

36 Péter (2006: 81-82) notes that the Act did not order the prosecution of Lutheran Protestants.



Péter Melius and István Szegedi Kis, who, together with Gergely Szegedi, drafted the Debrecen–Egervölgy Creed of 1562<sup>37</sup> (Szabó, 2019: 90–91).

By this time, though initially, Transylvanian nobility remained chiefly Lutheran, the majority of the region's general population had embraced the Swiss Reformation (J. Balogh, 2017: 33). E.g., on All-Saints Day of 1559, the protestant church in Marosvásárhely [Târgu Mureș] officially declared its Eucharistic doctrines based on Zwinglian and Calvinist views (Csepregi, 2017: 4–5).

### *The Nontrinitarian influence*

In 1563 Giorgio Biandrata<sup>38</sup>, a convinced nontrinitarian, became the court physician of John Sigismund. Biandrata's doctrinal views influenced not only the young sovereign<sup>39</sup>, but Ferenc Dávid as well, who was the recently ordained bishop of the central Calvinist Church in Kolozsvár [Cluj-Napoca]. Eventually, both the sovereign and the bishop embraced Biandrata's nontrinitarian beliefs.

The spread of the nontrinitarian message in Transylvania is often associated with the support of the court, as it particularly grew among the ruler's bodyguards, with the majority of them being Szeklers [Székelys]. Consequently, a number of Székely noblemen, as well as the general population in the region, embraced a belief later known as Unitarianism (Horn, 2009: 42–78).

### **Religious tensions**

The region's social and political turmoil following the Battle of Mohács (1526)<sup>40</sup> was further advanced by the wake of Protestantism. Zealous preachers presenting

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37 Considered the first Calvinist Confession of Faith in Hungary (F. Balogh 1892: 69).

38 Giorgio Biandrata, or Blandrata (1515–1588), an Italian-born physician and polemicist, a descendant of the powerful 13th-century De Biandrate family.

39 Zoványi (1977, 11) suggests that John Sigismund studied the writings of Michael Servetus provided to him by Biandrata.

40 Though being the direct cause of the partition of the medieval Kingdom of Hungary, thus the formation of the Transylvanian principality, the Battle of Mohács was not the only socio-political turbulence in the region in the early 16<sup>th</sup> century. In 1514, a Székely man-at-arms György Dózsa led a massive peasants' rebellion against landed nobility. In like manner, right after the Battle of Mohács, Jovan Nenad "the Black", a gifted soldier and a mystic, gathered considerable troupes against the Ottomans and controlled an extensive territory in present-day Bačka until 1527. Interestingly enough, John I Szapolyai, the father of John Sigismund, played a significant role in the repression of both György Dózsa (Neumann, 2015: 80) and Nenad "the Black" (Szántó, 1977: 28).

the Ottomans as divine retribution for the sins of the Catholic clergy, the nobility, etc., in an age of overall uncertainty and disorder, persuaded many to convert. In addition, in 1542, a fervent keeper of the region's Catholic structure and a steadfast fighter against the protestant message, Transylvanian bishop János Statileo<sup>41</sup> died. His death created a socioreligious vacuum as the Roman Catholic church failed to replace him for quite some time (Sörös, 1916: 56). Such religious confusion expectably assisted the advancement of Protestantism in the region to such an extent that even the efforts of Ferdinand I to restore Catholicism while his troops were stationed in Transylvania ten years later (1551-1556) had no real effects (J. Balogh, 2017: 31-32).

Changes in the religious landscape of Transylvania inevitably triggered various social conflicts. The extent of some of them even necessitated the involvement of the State Diet. E.g., in Marosvásárhely tensions between Catholic dignitaries and Lutherans led to disputes regarding the use of the local temple, the cemetery, etc. The State Diet in 1552 (despite its Habsburg control) allowed the Lutheran minister in Marosvásárhely to preach in the Catholic chapel of Saint Elisabeth and to perform evangelical ceremonies, granting him to use one of the buildings as his home. The Diet even appointed two trustees to effectuate this decision and deal with possible complaints (Szilágyi, 1875: 412).

Calvinist puritanism went much further. E.g., in March 1565 zealous Calvinists threw the church organ out of the Catholic Church of St. Michael in Kolozsvár. A few months later, a large mob attacked the town cathedral in Gyulafehérvár [Alba Iulia] and expelled the Roman Catholic priests while smashing and crushing the altars, paintings, statues, two organs and some of the stone coffins decorated with ornate reliefs.<sup>42</sup> A similar attack on the local St. Lazarus temple was prevented by the ruler himself (Pokoly, 1904: 171-172).

Balogh (2017: 35) notes that most of the interfaith conflicts in the region at the time occurred between the Catholics and the Protestants, as the latter, until the end of the 16<sup>th</sup> century, did not form clear theological differences. However, it seems that this was not the case in connection with the Nontrinitarians. In the

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41 János Statileo (Ivan Statilić) was of Dalmatian origin, a bishop and a diplomat for King John I Szapolyai (Bónis, 1971: 322).

42 Only the tombs of John Hunyadi (the Voivode of Transylvania, aka Hunyadi János, Сибињанин Јанко, Ioan de Hunedoara, etc.; 1406-1456), King John I Szapolyai, George Martinuzzi (born as Juraj Utješen[ov]ić, the bishop of Várad [Oradea], aka Friar György, a diplomat, the guardian of infant King John II, subsequently Prince John; 1482-1551) and Queen Isabella were exempted.

period when Ferenc Dávid and some of his fellow clerics<sup>43</sup> adopted nontrinitarian theology (c. 1565), the ‘ruling’<sup>44</sup> Calvinists decided to ‘nip it in the bud’.

From 1566 onward, several church councils and theological debates were convoked to suppress the undesired faith. On 22 January 1566, at the Synod of Gönc, nontrinitarian Lukács Egri was summoned to explain his views on the Godhead. Though being quite open about his beliefs, the Synod did not denounce him from his ministerial post. On 24 April 1566 a colloquy was convened in Gyulafehérvár on which Ferenc Dávid and Péter Melius presented their views in the presence of John Sigismund. The colloquy lasted for three days, with both sides claiming some kind of success. However, as the sovereign had inevitably spent more time with his personal physician (Biandrata) and his ‘court chaplain’ (Ferenc Dávid<sup>45</sup>), he eventually fell under their influence, if not as a pro-nontrinitarian, than at least indifferent in the matter. This change prompted the Calvinists to intensify their activities (Zoványi, 1977: 13-17).

In 1567, the Calvinist published a creed in which Péter Melius attacked the Nontrinitarians with unbridled fury, often in an almost threatening tone. In his address to John Sigismund, Melius points out that both Servetus and Gentilis<sup>46</sup> had been burnt alive for their Sabellian beliefs, pointing out that he had intended the same fate for the Ferenc Dávid group as followers of the same heresy. This creed was further sent to merchants from Nagyszombat [Trnava], Kassa [Košice], Debrecen, and Várad [Oradea] with a call to fight against Ferenc Dávid with all their might, as his destiny was the death of Servetus and Gentilis (Zoványi, 1977: 16). In the following years, this zeal intensified.

In the Autumn of the same year, Ferenc Dávid published his response to Melius<sup>47</sup>, stating that there is no greater irrationality or absurdity than to impose anything upon one’s conscience or soul by external force. Dávid further petitions the sovereign for his accusers to be safe from any unjust punishments, granted every

43 István Basilius, Lukács Egri, Lajos Szegedi (Pokoly, 1904: 185).

44 Prince John Sigismund, born Roman Catholic, changed his faith three times. He initially adopted Lutheranism, then Calvinism, and finally the nontrinitarian theology.

45 Balázs (2008: 71-72) suggests that Dávid as early as in 1557, at the time Lutheran, chose John Sigismund as his patron, styling him as the father and the protector (*pater et custos*) of God’s armies.

46 John Valentine Gentilis, a victim of the Calvinists’ fanaticism, was beheaded in Bern in 1566.

47 *Refutatio Scripti Petri Melii, quo nomine Synodi Debrecinae docet Johoualitatem, et trinitarium Deum Patriarchis, Prophetis, et Apostolis incognitum.*

honour and reward, that they should be free to write, to teach, to condemn, and in general to be allowed to do whatever they wished in their cause (Zoványi, 1977: 18).

### **Legislative Framework on Religious Freedoms (1550-1568)**

The rise of Protestantism in Transylvania called for its legislative regulation. From the 1550s onward, due to various political and military shifts, its religion-related legislation varied considerably. Such fluctuations were often caused by the Protestants themselves as a result of their internal segmentation and internal conflicts, sometimes even supported by the State Diet. However, the independent Transylvanian realm, at its beginnings, in addition to the Roman Catholic Church, subsequently acknowledged religious freedoms to its various Protestants: the Lutherans, the Calvinists, and finally, all three of them (including the Nontrinitarians). However, it had also outlawed the Orthodox Church in order to ‘purge the land from ungodly practices’.

#### *The Act of 1550*

In 1549-1551, Ferdinand I allied with George Martinuzzi in an attempt to unify Hungary, which led to an armed conflict with Queen Isabella (Oborni, 2021: 316-317). This rivalry had further amplified social tensions in Transylvania to such an extent that the nobles’ in their motion for convening the State Diet at the very beginning of 1550 reported to the Queen that “slavery, murder, pillage, beating of priests and nobles, and all kinds of crime, are so widespread as to oppress the nobility, we wish that they may be abolished” (Szilágyi, 1875: 256).

In such circumstances, the State Diet of Turda convened in June 1550 *inter alia* issued an act ordering mutual tolerance between the Catholics and the Lutherans. As there are no records of the Diet in question, the given Act is evident from records of an assembly convened five years later. The Diet in April 1555 confirmed that the Act of 23 June 1550 had constituted mutual tolerance between the two denominations, specifying that if one offended the other, it should bring its case before the voivodes (Szilágyi, 1875: 539-540). It seems that the 1550 Act had also modified revenues due to the Gyulafehérvár Cathedral as the Diet of 1555 ordered their reinstatement. Finally, the 1555 Diet explicitly constituted Gyulafehérvár Cathedral jurisdiction over Lutheran ministers, except in matters concerning religion, which remained in the jurisdiction of the voivodes (Szilágyi, 1875: 540).

The legislative wording of the 1555 Diet allows a conclusion that apart from mutual tolerance between two denominations, the 1550 Act had also established certain freedoms for Lutheran ministers with respect to the Gyulafehérvár Cathedral. As such freedoms were obtained in the period of armed conflicts (1549-1551), the Habsburg-dominated Diet of 1555 had most likely tried to limit the extent of freedoms pertinent to the Lutheran clergy.

The State Diet in June 1557 further confirmed religious freedoms declaring that within the realm, everyone could profess either the faith of the new (Lutheranism) or that of old ceremonies according to one's choice – *quisque teneret eam fidem quam vellet cum novis et antiquis ceremoniis* (Szilágyi, 1876: 78).

### The Act of 1564

Following an unsuccessful campaign against one of his lords who had offered allegiance to Ferdinand I in 1562, John Sigismund found himself in an unfavourable situation. The Szeklers [the Székelys] decided to benefit from the current situation and rose to rebellion, which he managed to suppress. However, his attempts to use the ceasefire agreement with Ferdinand I to his advantage were rather ineffective. In addition, retributions weighed down on the Szeklers as a result of their rebellion (especially in the form of taxes), further complicating the situation.

In 1563, the State Diet, wishing to pacify the situation in Szeklerland [Székelyföld], prescribed that both the Catholics and the Protestants within the region be free to practice their own religion. If a settlement had a single sanctuary, it was decided that when one denomination held a service, the other would wait outside, and only when the first had left the church the second would enter (Szilágyi, 1876: 163).

In January 1564, John Sigismund convened the State Diet, instructing the nobles to prepare for combat. This 'state of emergency' Diet proclaimed that everyone could freely profess whatever faith he wished without disturbing the other denomination (Szilágyi, 1876: 168).<sup>48</sup> However, the planned military campaign to repossess lost territories had not been launched.

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48 The Diet resolved a dispute in the town of Caransebeș [Karánsebes] between the Catholics and the Protestants over the use of the local temple, deciding that on one day the Catholics and on another the Protestants could use the church building, during which time is forbidden to disturb those who are engaged in divine worship. Also, as a dispute broke out between Saxon and Hungarian priests regarding the Lord's Supper which had not been settled by the county synod as ordered by

The Sate Diet convened in June 1564 eventually settled the question of two Protestant denominations as their reconciliation had proven impossible over time. It was decided that both Lutherans and Calvinists enjoyed the same religious liberties.

The Act of 1564 stipulated that all Protestants were free to hold either the religion affiliated with Hungarian Kolozsvár or Saxon Sibiu. If a pastor of a particular town or village preaches his Protestant faith in an attempt to compel it by force, he could not do so. Whatever Protestant faith a town or a village wished to have, it shall hold a preacher of that confession with the possibility to remove that of the other. Approaching a given church by those of the same or of another Protestant denomination was available only without any interference and discomfort to its pastor, who should remain free from any offence, scorn or ridicule (Szilágyi, 1876: 231-232).

At first glance, the Act of June 1564 might seem like a step backwards regarding the possibility of 'timesharing' a single local church building by different denominations<sup>49</sup>, as provided for by the acts of 1552<sup>50</sup>, 1563 or January 1564. However, these were designed to regulate affairs between the Roman Catholics and the Protestants on a local level<sup>51</sup>. Likewise, until June 1564, Transylvanian legislation perceived denominational differences only between the Roman Catholics and the Protestants in general without further segmentation.

However, in June 1564, the State Diet aspired to take into consideration the overall regional peculiarities of granted religious freedoms. Namely, in contrast to previous attempts, the enacted statute endorsed the coexistence of two separate Protestant faiths: that of Kolozsvár, or the 'Hungarian' one (the Calvinists), and that of Sibiu, or the 'Saxon' one (the Lutherans). This diversification was forced by strong socio-regional partition based not only on religious differences but also ethnical ones (Hungarian-Saxon).

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His Majesty two years before, it was decided that the priests of both parties should be summoned to Enyed [Aiud], where a discussion will be held in the presence of pious men and one of His Majesty's deacons (Szilágyi, 1876: 168).

49 For Péter (2006: 78) the practice of using the same temple by different denominations in villages was rather a common and widespread practice in Transylvania at the time.

50 As earlier noted, the Lutheran minister in Marosvásárhely was allowed to preach in the Catholic chapel of Saint Elisabeth and to perform evangelical ceremonies (Szilágyi, 1875: 412).

51 The Act of 1563 concerned only Szeklerland where both denominations were assumed to be Saxons, the Act of 1552 handled the situation in Marosvásárhely and the Act of January 1564 the one in Caransebeș.

Same-local-temple ‘timesharing’ acts of 1552, 1563, and January 1564 were based on an idea that a given Transylvanian settlement could only have two denominations: the Catholic and the [one] Protestant. A similar legislative intention seems to be applied in the Act of June 1564. The only difference with respect to earlier legislation is that a given settlement was now in a position to choose one of the two approved protestant denominations. This choice was made by singling out the local pastor, as the one preaching the alternative Protestant faith could be sent away – *contrarientem vero ammouere valeat* (Szilágyi, 1876: 231). The level of interference between the two statutory Protestant denominations was based on the discretion of the local pastor, whose dignity had to be preserved.

From June 1654, Calvinism found itself in a position of having a clear possibility to advance in settlements where it formed the minority with respect to the local Roman Catholic majority as they were compelled to allow the usage of their temples by an elected local Protestant pastor.

### *The 1566 Acts*

In 1566, the Transylvanian State Diet made a clear step back in terms of its legislation on religious freedoms.

In March, the Diet declared that in order to purge the Mother church from false doctrine and deviation, each priest within the realm who adhered to papal science and human heresy unwilling to turn away from it should be straightened out. The act further stipulated that if the clerics of the Várad cathedral chapter repented until the following Palm Sunday, they could peacefully continue to enjoy their houses, vineyards, cattle and goods that onward belonged to His Majesty. If they chose not to receive the word of God, they were to take their cattle and be dismissed.

In November, the Diet banned the Orthodox Church on accounts of idolatry and blasphemy. In order to purge the land from their ungodly practices, the statute labelled the Romanian<sup>52</sup> Orthodox priests as blind men leading the blind. The Act ordered a debate between Bishop George<sup>53</sup> and the Romanian Orthodox clergy,

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<sup>52</sup> In the Act designated as Oláhs.

<sup>53</sup> Bishop George [György püspök superintendens] could have been appointed by John Sigismund as the superintendent Romanian Bishop (Szilágyi, 1876: 326), and as such was referred to in the noble's address to the sovereign during the State Diet of January 1568 (Szilágyi, 1876: 341). Balász (2013: 99) proposes that John Sigismund might have appointed a Romanian protestant bishop in



facing the latter with the prospect of infidelity penalty (excommunication)<sup>54</sup> for those who choose not to repent.

The wording of the statute (e.g., “[...] that every Christian should have the things of God before his eyes, that in keeping the gospel being preached before him he may not be troubled among any nation, nor the honour and majesty of God be offended, but rather that all idolatries and blasphemies against God may be purged and stopped”)<sup>55</sup> resembles the Calvinist discourse found in theological disputes with the Nontrinitarians convened on numerous occasions from that year onwards.

It seems that both of the 1566 Acts emerged on the wave of advancing Calvinist puritanism.

## THE EDICT OF TURDA (1568)

### The State Diet of January 1568

The Transylvanian State Diet of January 1568 was convened in the midst of Constantinople peace talks between the representatives of Maximilian II<sup>56</sup> and Selim II, whose late father<sup>57</sup> had launched the military campaign of 1566 against the Habsburgs, supported by John Sigismund.<sup>58</sup> The Diet primarily focused on taxation and military issues.

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order to convert the Romanian populations to Protestantism as they (unlike the Catholics) were still significant in numbers.

54 „[...] hitlenségnek penájával büntetessenek” (Szilágyi, 1876: 327).

55 „[...] minden keresztyének isteni dolgot keljen szeme előtt viselni, hogy ez előtt való articulusok tartása szerint, az evangelium praedikálása, semminemű nemzet között meg ne háborittassék, és az isten tisztessége, nevedése meg ne bántassék, sőt inkább minden bálványozások, és isten ellen való káromlások közülök kitisztittassanak, és megszűnjenek” (Szilágyi, 1876: 326).

56 Maximilian II, Holy Roman Emperor (1527-1576) was a successor of Ferdinand I the ruler of the Habsburg-dominated western parts of the Kingdom of Hungary based on the Treaty of Várad (1538).

57 Suleiman the Magnificent (1494-1566) died in his tent during the Siege of Szigetvár.

58 The peace talks eventually resulted in the Treaty of Adrianople marking a period of 25 years of peace between the two empires. The Ottoman side was represented by a Bosnian-born Sokollu Mehmed Pasha [Serbian: Мехмед-паша Соколовић] (1506-1579).



In religious matters, the Diet deliberated on two issues. Initially, the nobles reported to the sovereign that the Oláhs<sup>59</sup> within his realm did not yield to the bishop appointed for them by His Majesty. They pled that following the previously enacted laws of the land, John Sigismund continued to support the advancement of the gospels and to punish the foolhardy rebels. Their motion was accepted.<sup>60</sup>

The second topic concerned the ongoing heated theological debates among the Hungarian Protestants (Calvinist-Nontrinitarians). Zoványi (1977: 19-20) points out that Gáspár Károlyi,<sup>61</sup> provoked by Lukács Egri's success, 'joined forces' with Péter Melius and, in November 1567, convoked an 'anti-nontrinitarian' general synod for 6 January 1568 in the town of Szikszó. To secure the Synod's success, Károlyi solicited Lazarus von Schwendi, the commander of Maximilian II's troupes seated in Kassa [Košice], for assistance. Károlyi asked Schwendi to personally attend and authorise the general Szikszó synod, to ensure Lukács Egri's and other heretics' presence (if necessary, by force), to guarantee a free passage for participants, and finally to instruct the Lutheran cities in Upper Hungary to join the fight against the Nontrinitarians.

The Lutheran Schwendi refused Károlyi as he did not favour a predominantly Calvinist church council. However, though not really interested in theological disputes, he nevertheless wanted to maintain peace and order in the region and to prevent Helvetic propaganda among the Lutherans. Likewise, blocking Egri's further success was in his interest as well, since not only the Calvinists and the Lutherans but also the Roman Catholic clergy were concerned about the spread of nontrinitarian beliefs. Eventually, instead of Szikszó, a synod was set up in Kassa for 27 January 1568, where only the doctrine of Egri was to be examined and discussed. In order to secure Egri's presence, Schwendi had him arrested and brought to Kassa (Bucsay-Csepregi, 2009: 404).

These events significantly changed the socio-political context of the Transylvanian inter-protestant debate on the eve of the State Diet of Turda (January 1568).

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59 Vlachs, Romanians.

60 „Felségödnök alázatosan jelentjük, sokan vannak az felségöd országába, kik az oláh pispeknek, melyet felségöd kegyelmességéből az pispekségnek tisztire választott, nem engednek, hanem az régi papoknak és azoknak tévelgésinek engedvén ellenek állnak, ötet az ő tisztibe elő nem bocsátják; könyörgünk felségednek, hogy felséged országával az előbbi végezése szerint az evangéliomnak kegyelmesen engedjen előmenetelt és ez ellen való vakmerő bátorkodókat büntesse meg.” (Szilágyi, 1876: 341).

61 In Protestant usage Károli (c. 1530-1592), a Calvinist pastor and Bible translator.

Calvinists' passionate 'holy war' for suppressing nontrinitarian beliefs from the land had now received a new political dimension. Their initial predominantly rhetorical (verbal and written) calls for adherence to 'one true Christian faith' followed by open hopes of bonfire executions for Ferenc Dávid and his followers had by the end of 1567 been supplemented with actions bearing resemblance to high treason.

It seems that Károlyi's invitation to Schwendi, Maximilian's military commander stationed in Upper Hungary, to intervene in the internal affairs of Transylvania bore all the features of allying with the enemy of the state. Further, such solicitation was not just an offence to John Sigismund but also a form of his humiliation in the midst of the Constantinople peace talks. A call to an enemy military commander for interference, followed by a plea to attend and authorise a church synod, including motions for the use of force on subjects of the Transylvanian ruler, had unequivocally crossed all the lines of admissible conduct, even in the context of a 'Calvinist jihad'.

An occurrence that made the situation even worse was that Schwendi assumed jurisdiction over Lukács Egri, had him arrested and brought to Kassa, where he was kept in custody on account of securing his attendance at the church synod convoked for disproving his teachings. Károlyi's underlying message to John Sigismund (even if unintentional) was that should the interest of the gospel demand allying with His Majesty's enemies, he is more than willing to do so.<sup>62</sup>

### **The Religious Tolerance Act of 1568**

Faced with the possibility of a potentially uncontrollable escalation of religious tensions and apparently not being in the best of health, John Sigismund tried to take matters back into his hands. The promulgated legislative solution aimed to prevent further use of force and prosecutions on account of preaching the gospel. Gagyí (1912: 81) suggests that the Egri affair had contributed to the wording of the statute as well.

Hence, in January 1568, the Transylvanian State Diet was held in Turda [Hung. Torda, Germ. Thorenburg] dealing with matters of religion enacted the following act (Szilágyi, 1876: 343):

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<sup>62</sup> Pokoly (1904: 208) suggests that the hearsay of the time was that it was Melius who had put Egri in Schwendi's hands, and had him 'dispatched to Szádvár' (a fortification in Upper Hungary taken by Schwendi in January 1567).

## HUNGARIAN (ORIGINAL)

Urunk ő felsége miképen ennek előtte való gyűlésibe országával közönséggel az religió dolgáról végezött, azonképen mostan és ez jelen való gyűlésébe azont erősíti, tudniillik hogy mindön helyökön az prédikátorok az evangeliomot prédikálják, hirdessék, kiki az ő értelme szerént, és az község ha venni akarja, jó, ha nem penig senki kényszerítéssel ne készerítse az ű lelke azon meg nem nyugodván, de oly prédikátort tarthasson, az kinek tanítása ő nékie tetszik. Ezért penig senki az superintendensök közül, se egyebek az prédikátorokat meg ne bánthassa, ne szidalmaztassék senki az religióért senkitől, az elébbi constitutiók szerént, és nem engedtetik ez senkinek, hogy senkit fogsággal, avagy helyéből való priválással fenyegetssön az tanításért, mert az hit istennek ajándéka, ez hallásból lészön, mely hallás istennek ígéje által vagyon.

ENGLISH TRANSLATION<sup>63</sup>

As His Majesty, by his previous Diets in community with his realm, has been engaged in the affairs of religion, so now, and by this present Diet, he confirms that in all places the preachers are to preach the gospel, let each spread it according to his own understanding, and the congregation, if willing to receive it, good, if not, no man shall by force coerce their soul to things they are not at rest with, let them have such preacher whose teachings they favour. Therefore, let no one among the superintendents, nor others, bother the preachers, neither let anyone be scolded for religion by anyone, according to our previous statutes, and let no one be threatened with imprisonment or by removal from his post for his teaching, as faith is the gift of God, that cometh by hearing, and hearing by the word of God.

### *The agents of religious freedom*

The Edict of Turda<sup>64</sup> primarily regulates the status of preachers and congregations with respect the gospel; the former in their activity of preaching (prédikálják) and spreading (hirdessék) the gospel, subject to the use of force (senki kényszerítéssel ne készerítse), and the latter having the power to select a teaching of the gospel they approve (oly prédikátort tarthasson, az kinek tanítása ő nékie tetszik). Hence, the Edict primarily continues on previously enacted legislation on matters of religion, as mentioned twice in the Edict itself (miképen ennek előtte [...] religió dolgáról végezött; az elébbi constitutiók szerént).

<sup>63</sup> Author's translation.

<sup>64</sup> In this section phrases 'the Edict of Turda', 'the Edict' indicate the religious tolerance act of the Transylvanian State Diet enacted in the town of Turda in January 1568.

The Act of 1564 had established the standard of ‘the dignity of a local Protestant pastor’ whose authority was based on the choice of a town where he ministered. If another Protestant preacher wanted to spread his understanding of the gospels in a given settlement, he was able to do so as long as he did not use force and respected the dignity of the local parish priest. According to the 1564 Act, religious freedoms were effectuated by the preference of a *settlement* opting for the Protestant beliefs of a *pastor* it had chosen.

The Edict of 1568 expands the margin of agents enjoying religious freedoms, granting it to *preachers* and *congregations*. A settlement was now in a position to accommodate preachers of all acknowledged denominations, based on the choice of a congregation, without possibilities for established local pastors to prevent ‘non-violent’ preachers from giving their sermons to those who wished to listen to them (senki az superintendensök közül, se egyebek az prédikátorokat meg ne bántassa). In line with the already effective ‘local-temple-timesharing legislation,’ Transylvanian protestant preachers, subject only to being non-violent, were now in a position to spread their understanding of the gospel in any of the available places of worship, as long as there had been a group of believers listening to their sermons.

In this respect, the Edict envisages two types of religious freedom agents: one *individual* and one *collective*. The preachers enjoyed the individual right of choice. They were allowed to spread their own (i.e., personal) understanding of the gospels (hirdessék, kiki az ő értelme szerint – literally: each according to his own mind). On the other hand, members of congregations had only a collective right of choice. There could be no ‘individual’ believers of a given denomination, or nonbelievers for that matter (atheists<sup>65</sup>, agnostics). Each subject of the Transylvanian sovereign had to belong to one of the faiths available within the realm.<sup>66</sup>

However, the preachers’ individual freedom of choice had not been absolute, i.e., based exclusively on their inner convictions. They could (merely) choose among the faiths already perceived by Transylvanian legislation<sup>67</sup>: Roman Catholic,

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65 The notion that toleration should be extended even to individual atheists was first advocated in the late 1680s by the Huguenot Pierre Bayle (2005: 202-203).

66 It appears that the Act of 1557 had established wider individual freedoms in terms of religion, as it allowed anyone to freely choose either the faith of the new ceremony or that of the old. However, the Act of 1557 allowed believers merely to single out one of the two religions (Lutheran or Catholic) thus making an individual choice basically impossible.

67 E.g., the acts of 1550, 1557, 1564.

Lutheran (Saxon) and Helvetic (Hungarian) – or as the Edict refers to them: the gospel (az prédikátorok az evangéliomot prédikálják)<sup>68</sup>. The Edict of 1568, in essence, was a step ahead as it acknowledged that within the Hungarian protestant corpus, there are two divergent theologies (trinitarian/nontrinitarian), allowing both of them to be spread. Still, these two concepts were permitted only as they were preached by the clergy ordained within the Helvetic (Hungarian) branch of Transylvanian Protestantism. The intention of the Edict was not for preachers to teach any theology outside the set statutory framework (e.g., orthodox, anabaptist, etc.). The status of a *preacher* as an agent of religious freedoms was limited only to ministers ordained by the recognised Churches within the realm (e.g., ordination by a Hussite or a Huguenot elder would not constitute a right to preach, regardless of their Protestant affiliation).<sup>69</sup>

Balázs (2013: 93–96) suggests that the ‘religious acts’ of the Transylvanian Diet in the 1560s and 1570s were not enacted to enhance interconfessional peace but rather to eventually abolish all faiths by establishing one Protestant Transylvanian Principality, as part of the realm’s new self-identity. In this sense, the ‘gospel’ in 1568, 1571, etc., Acts had essentially been envisaged as that one, eventually united Protestant faith, formulated through domestic and international religious debates. One of the arguments in this respect is the absence of any statutory taxonomy of relevant confessions enjoying religious freedom. It was not before 1595 when the Transylvanian Diet enacted its regulation concerning the realm’s *religiones receptae* as Roman Catholic, Lutheran, Calvinist and Nontrinitarian (Szilágyi, 1877: 472).

### *Prohibition of the use of force and imprisonment*

The central motive of the Edict of 1568, its primary intention was to eliminate the use of force by clerics in their interfaith disputes. As already noted, religious debates in Transylvania at the time were quite fervent, intense, and all too often close to violent. When means of verbal persuasion had proven insufficient, some

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68 E.g., Based on the Transylvanian legal framework, Orthodox Christianity was not considered a part of ‘the gospel’. Romanian Orthodox Church, following an apparently unsuccessful attempt to convert Romanians to Protestantism, will only at the beginning of the 17<sup>th</sup> century receive legislative sanction as a tolerated religion, but still not one of the *religiones receptae* – Roman Catholic, Lutheran, Calvinist and Nontrinitarian (Balázs, 2013: 104.)

69 However, Balázs (2006: 25) points out that the Edict of 1568 is not at all concerned with what kind of approval or ordination is required in order to become a preacher, or to be classified as one.

preachers were inclined to resort to ‘swords of the princes’<sup>70</sup> in order to secure their truth to prevail.

The Edict first reiterates previously enacted statutory rules prohibiting preachers from using coercion or force to address the general public. Similar provisions are found as early as in the Act of 1550 prescribing mutual tolerance between faiths (Catholic and Lutheran) as well as a neutral dispute resolution mechanism in religious matters (the Voivode). Later, the Act of 1564 unequivocally outlawed any use of force or coercion by preachers in their attempt to win over believers to their form of Protestantism.

The Edict of 1568 amplifies the enacted forceful coercion prohibition rule by introducing a highly broad (hence vague) statutory standard of what amounts to the use of force in preaching: it is to bring a soul in place of unrest with respect to a given message (senki kényszerítéssel ne készerítse az ű lelke azon meg nem nyúgodván).<sup>71</sup>

Apart from believers, the 1568 Edict stipulates protection for the clergy against any ecclesiastical disturbance, threats or imprisonment on account of preaching the gospel. The Act of 1564 had only set forth that when wishing to approach a given settlement, a preacher could not bring impediment or trouble for a local pastor – *absque quorumlibet impedimento et molestia ad parochum religionis* (Szilágyi, 1876: 232), introducing thus general duty of all ‘men of the cloth’ to safeguard the dignity of parish priests.

Radicalisation in the conduct of (predominantly Calvinist) ministers had called for an advanced legislative response. Hence, the Edict of 1568 explicitly forbids the superintendents and other ministers to scold any preacher (ne szidalmaztassék senki az religióért senkitől) as well as to threaten them with imprisonment or the loss of position (senkit fogsággal, avagy helyéből való priválással fenyögessön az tanításért) on account of teachings. These provisions directly deprive all individual ecclesiastical authorities (senki az superintendensök közül, se egyebek) to interfere with the work of their subordinate preachers, apparently allowing only church synods to take further actions in such matters.

70 As it happens, Károlyi’s communication with Maximilian II’s military commander Schwendi in 1567 urging him to, if necessary, use force on John Sigismund’s subjects had been one of the reasons for the given legislative action.

71 It appears that all religious tolerance regulations enacted since the Edict of 1568 until our day and age have not offered mankind a simpler and more accurate description of what ‘Christian missionary harassment’ looks like.

### The Analysis

The 1568 Religious Tolerance Act of Turda is a legislative instrument that appeared ahead of its time, not only for being a crucial milestone in mankind's universal struggle for religious toleration (and, as such, human rights in general) but also as it features certain sociolegal elements necessary for effective protection of religious freedoms identified much later by European mainstream social, political and legal scholars. On the other hand, it contains certain limitations pertinent to the period it was enacted.

#### *Affirmative aspects*

The prerogative of individuals (the preachers) and groups of individuals (believers joined into congregations) to freely and independently choose a religion they wish to follow is possible only if the competent public (the realm) and quasi-public authorities (the medieval church hierarchy) deprive themselves of certain levels of competence. Hence, according to the 1568 Edict of Turda, the 'State of Transylvania' in effect (to an extent) limited its sovereignty when it came to the religious choices of its preachers and groups of believers (congregations). It had even compelled its church dignitaries to restrain themselves from any interference regarding granted freedoms.

Further, in order to be effective, the Edict necessitated that the public authority depart from ongoing religious debates and remain neutral and impartial about each acknowledged religion. His Majesty's 'exodus' from (certain) aspects of (certain) faiths present on his realm's territory, his refusal to operate the state monopoly of power (i.e., to coerce heretics and to put them under arrest) to settle various faith disputes, hides in itself the nucleolus of what will much later become the concept of a secular state, the *conditio sine qua non* of effective religious freedoms. Only 120 years later will John Locke, in his *Letter Concerning Toleration*, note that "No man, therefore, with the whatsoever ecclesiastical office he be dignified, can deprive another man, that is not of his church and faith, either of liberty, or of any part of his worldly goods, upon the account of that difference which is between them in religion [...] Let them not call in the magistrate's authority to the aid of their eloquence or learning; lest perhaps, whilst they pretend only love for the truth, this their intemperate zeal, breathing nothing but fire and sword, betray their ambition, and show that what they desire is temporal dominion." (Locke, 1823: 21, 23). The 1568 Edict not just explicitly forbids any use of systematic force, but it



outlaws any form of spontaneous repressions (nem engedtetik ez senkinek, hogy senkit fogsággal, avagy helyéből való priválással fenyőgessön az tanításért).

Finally, the Edict explicitly allows preachers to teach solely according to their 'own understanding' (kiki az ő értelme szerint) to such congregations that find their message acceptable as it 'brings peace to their souls' (az ű lelke [...] nyúgodván). The two statutory standards seem quite unique in the context of medieval public order, as they resemble sociolegal concepts emerging much later in European circles.

A possibility to freely articulate one's opinion without fear of censorship or sanctions, both spiritual and temporal (senki az superintendensök közül, se egyebek az prédikátorokat meg ne bánthassa, ne szidalmaztassék senki az religióért senkitől) correspond to legal standards knowns as freedom of thought and freedom of speech (freedom of expression)<sup>72</sup>. The crucial aspect of preachers' freedom in Transylvania granted by the Edict was that they were allowed to freely form their own opinion on a given matter<sup>73</sup> exclusively based on their personal understanding of the gospels (*forum internum*<sup>74</sup>). The involvement of church authorities in this respect forbade coercion or physical threats and, in practice, was limited to persuasion through arguments and examples.

An aspect even more critical in this context was that the preachers were in a position to freely disclose their ideas to those willing to listen to them. The Edict, in this sense, adheres to the rudimental requirement of what makes the freedom of thought substantially effective: the possibility to communicate internal ideas with other humans. A society where freedom of speech is even slightly breached by either institutional or noninstitutional factors takes away the texture of this inherent, unalienable capacity of humans to form opinions (freedom of thought). What's more, every preacher of accepted faiths in Transylvania was in a position

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72 "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." – Article 19 of the United Nations Universal Declaration of Human Rights (1948). Available on: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (Feb 16, 2024).

73 As already mentioned, this possibility was not general, it was available solely within the framework of Christian denominations acknowledged by legislation. The Edict at the very beginning specifies that the extent of 'the right to preach' was preaching 'the gospel' of statutory Christian streams.

74 See: *Compilation of the Venice Commission Opinions and Reports Concerning Freedom of Religion and Belief*, p. 11. Link: [https://www.venice.coe.int/webforms/documents/?pdf=CDL\(2013\)042-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL(2013)042-e) (Feb 17, 2024).



to use all of the public spaces purposefully erected for ‘spreading the gospel’ (the temples) in order to publicly express his understanding of faith.

When it comes to the individual groups of believers, they had the freedom not to align with preachers they did not agree with. A congregation was in a position to choose independently the preacher of its liking (és az község ha venni akarja, jó) without any consequences for the choice that was made (ha nem pedig senki kényszerítéssel ne kényszerítse). Hence, the Edict brought to an end the ‘ancient’ principle of compulsory obedience to the priesthood in matters of faith (praxis similar to that of communist commissars). This legal prerogative of free will, somewhat of a *carte blanche*, was based on congregations’ right to internal peace, their peace of mind, peace in their soul ([...] ne kényszerítse az ő lelke azon meg nem nyúgodván). The possibility to act according to one’s internal imperative forms the essence of a legal standard known as freedom of conscience. Believers were no longer considered an inferior flock (masses) that had to be led by the superior clergy (the elite). They were now considered adults: free to act according to their own ‘peace of heart’.

Finally, what makes these freedoms really astonishing is that in the context of medieval Christianity, both agents: the preachers and the congregations were in a position to freely change their opinion. The wording of the Edict in light of the given socioreligious context allows a firm conclusion that its clear statutory intention was to create a legal context that allows the change of religious convictions, to change one’s belief: to convert<sup>75</sup>. In this respect, the Edict came very close to the modern concept of freedom of religion. It essentially lacked the possibility of an individual to accept a ‘life philosophy’ she/he sees fit outside any congregations, as well as a general right for anyone to ‘lose one’s religion’ – atheism, scepticism, agnosticism.<sup>76</sup>

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75 E.g., John Sigismund together with the majority of the nobles forming the Diet had converted more than once.

76 “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” – Article 18 of the United Nations Universal Declaration of Human Rights (1948). Available on: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (Feb 16, 2024).

### *Detrimental aspects*

The obvious derogatory side of the 1568 Edict is its legislative narrowness combined with discrimination. Rights to freely preach and to freely choose a faith were limited to 'statutory' Christian messages only. Even more, the realm of Transylvania had simultaneously, with religious freedoms for 'the chosen', launched an action with respect to its Oláhs (Orthodox Romanians). As already mentioned, in November 1566, Oláh priests were defined by legislation as blind men leading the blind, and their practices as forms of idolatry and blasphemy, commanding them to convert to 'true' (i.e., official) Christianity and to honour the (Protestant) bishop ordained for them by the state. Faced with opposition, the Diet in January 1568<sup>77</sup> enacted punishment possibilities for Oláh ministers who remained loyal to their previous elders.<sup>78</sup> Upon the death of Prince John, his successor Stephen Báthory<sup>79</sup> and the Diet in November 1571 confirmed such legal position of Oláhs, further underlying their confinement within set internal borders.<sup>80</sup>

The legal position of Oláhs in Transylvania at the time showed evident religious intolerance towards the Orthodox believers, hence, the realm maintained the usual contemporary European practices in matters of faith. This included its competence to evaluate different faiths in terms of their theological correctness (orthodoxy) as well as using the state monopoly of power for various sanctions regarding the clergy and the followers of religions deemed undesired.

The statutory position of the Orthodox priests and those who adhered to papal science and human heresy (the 1566 Acts) follows the assumption that the state has the power to define what constitutes a false religion. Namely, the Transylvanian legal system by 1568 positioned itself as fully competent to identify the religions of the minority (the Orthodox and the followers of the Pope) as heathen

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77 The very same one that enacted its Religious Tolerance Act.

78 In January 1569 the Diet declared that each Oláh who had converted to the gospel should give to their priests a measure of wheat. „Az evangyeliomi vallásra áttért oláhok papjaiknak egy-egy kalangya buzát adjanak.” (Szilágyi, 1876: 274). In January 1569 the Diet limited for a period of one year the fees payable to Oláh ministers to 1 forint, subject to punishments. „Végeztetett ez is, hogy esztendeig az oláh pispok az oláh papokon többet ne vehessen többet egy forintnál, de ha valamely nem akarna az pispeknek engedni, azt megbüntettesse, degradálja.” (Szilágyi, 1876: 379).

79 Báthory István (1533-1586) the Voivode/Prince of Transylvania from 1571 to 1586.

80 „Az oláh pispökök és papok az mi módon és rendtartásban voltak az mi megholt kegyelmes urunk idejében, azonban maradjanak, úgy hogy az mely határt szabott volt nekik, mindenik határába tartsa magát, azon kívül egyik se merjen menni.” (Szilágyi, 1876: 507).

but simultaneously declared itself incompetent to define false teachings among its Protestant majority.

Another disadvantage of the Edict of Turda was its breach of church autonomy with respect to internal ecclesiastical mechanisms in matters of doctrine, discipline, sacraments, etc. Statutory restriction imposed on senior church officials to oversee their clergy with respect individual beliefs and/or liturgical practices ([...] senki az superintendensök közül, se egyebek az prédikátorokat meg ne bánthassa, ne szidalmaztassék senki az religióért senkitől) is a step in the wrong direction in terms of exercising religious freedoms. The Edict, with its commendable intention to prevent any use of force or coercion among ministers based on their theological differences, had, at the same time, probably unintentionally created a legal framework for dogmatic and liturgical chaos.

In order to secure effective religious freedoms, it is not sufficient for a state to avoid using its power to scrutinise the meaning of sacred words, practices, or events. It has to allow religious organisations to function according to their own internal canons, subject only to criminal and general civil and public law liability that remains the prerogative of a secular state.

Lastly, an interesting feature of the 1568 Edict is its scriptural invocation<sup>81</sup> set in a clearly positive, affirmative tone, in contrast to the gloomy invocation<sup>82</sup> found in the Act of November 1566. In the latter, the scriptural reference obviously served as a biblical 'excuse' for launching an inland crusade against the Oláh religion.

### *Neutrality*

The legal system of Transylvania at the time did not regulate questions regarding Judaism and Islam. It might appear that the religious intolerance included the two religions as well. However, this is not the case, at least surely not with respect to Islam. As a vassal state to the Ottoman Empire, Transylvania had no jurisdiction over Muslims as they were subjects to the Sublime Porte. This included not just religious matters but also civil and criminal matters.

Regarding Jewish settlers, it seems that they enjoyed certain ethnoreligious autonomy from the early days. E.g., there are records that in 1591 in Gyulafehérvár an independent Jewish civil and religious tribunal (Beth din) had already operated

81 Quote from St. Paul's Epistle to Romans (X,17).

82 The Gospel According to St. Mathew (XV, 14).

(Papp, 2019: 124), meaning that the institutional organisation of the Jewish minority in Transylvania started at an earlier time.

### Aftermath

The Edict of Turda 1568 granted significant freedoms to preachers of the Protestant message across the realm and their followers. Apparently, in practice, such freedoms created certain social unrest or were even misused by the clergy.

On January 1570, the State Diet enacted legislation ordering punishments for authors and preachers of blasphemies and heresies that had recently attacked the realm in order to withhold the wrath of God (Szilágyi, 1876: 368). It seems that the absence of supervisory and corrective mechanisms by senior clergy had led to various teaching, with some even being fanatical. E.g., according to some historians, in 1569, a strong, tall man, György Karácsony, started a peasant revolt, gathering a large number of men leading them to the battlefield where they sang psalms based on his belief that without weapons, by singing psalms alone, they would defeat the Turkish garrison (Nagy, 2017: 52).<sup>83</sup>

Balázs (2008: 88) calls attention to the fact that the wording of the 1570 Act does not contain a straightforward answer as to whether it was intended to surpass distinct Lutheran, Calvinist or Nontrinitarian anomalies or the emerging mystical anabaptist messengers. He even suggests that one of the possible reasons for the 1570 legislation might have been connected with the activities of one Elias Gczmidele, a wandering preacher probably expelled from Kolozsvár for spreading pacifism and communitarianism. At the time, such messages could easily have apart religious, grave secular consequences (Balázs, 2013: 91-92).

One year later, in January 1571, the State Diet issued an act that initially reiterated religious freedoms granted in 1568, affirming that the word of God is to be preached freely everywhere, with both preachers and their listeners protected from all offences based on their confession. However, the Act of 1571 further stipulates that if any minister is found committing crime<sup>84</sup>, he may be judged by the superintendent, and deprived of all his functions, and thenceforth excommunicated (Szilágyi, 1876: 374).

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<sup>83</sup> Historians indicate various versions of the György Karácsony rebellion (Heckenast 1963).

<sup>84</sup> Apparently: in flagrante delicto.

## CONCLUSION

For Primorac (1989: 5) tolerance is a social value manifestable only by restraining ourselves from particular actions when faced with things that make us uncomfortable, things we find unacceptable or repulsive. The Transylvanian Religious Tolerance Act of 1568 aspired to effectuate the very same thing – to impede any agitated social reaction to dissenting religious beliefs, to establish a sociolegal context in which a follower of another denomination does not appear as a menace to the group's security and prosperity (Labrousse, 1974: 113). What makes this legal instrument truly remarkable is that it featured several religious toleration factors that are considered fundamental nowadays but which, at the time (mid-16<sup>th</sup> century), directly contrasted the socioreligious legal order established within the Holy Roman Empire one decade prior<sup>85</sup>. I would like to highlight two important ones: religious pluralism and proto-secularisation.

Religious pluralism rests on a suggestion that different religious denominations can peacefully coexist in a given society. This concept had been introduced in Transylvania as early as 1550 when the Diet imposed mutual tolerance between the Catholics and the Lutherans. The practical extent of this approach is best evident in subsequent legislation on using the same local temples by different faiths, a practice possible only if the general population respects the *otherness* of others (Grimshaw, 2023: 79-80).

The idea that followers of diverse Christian denominations could live together civilly within their 'mixed towns' in the mid-16<sup>th</sup> century had a very slow and troublesome progression. The aforesaid 1555 Augsburg Settlement tried to settle deep religious struggles in German lands between the Catholics and the Lutherans, based on the *cuius regio, eius religio* principle. The treaty allowed the princes to choose one of the two denominations, making it the official religion of the realm charging families whose faith did not match that of the ruler to resettle.<sup>86</sup>

This religious uniformity establishing fixed territorial borders between different faiths with a mandatory resettlement rule for those professing the alternative one was altered only following a merciless Thirty Year's War (1618-1648) that had

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85 The 1555 Augsburg Settlement.

86 The Augsburg Settlement included a concession allowing those towns and knights that were practicing Lutheranism for some time to continue, though living within the realm of a Catholic prince. However, this provision (*Declaratio Ferdinandeï*) was not promulgated as part of the Settlement and remain a secret for almost two decades (Parker 2006: 17).

devastated central Europe. The Peace of Westphalia (1648) supplemented bitter emigration rules with individuals' "far more extensive rights to practice their religion [...] regardless of whether they had done so publicly or privately, and regardless of any future conversion of the territorial prince." (Straumann, 2008: 181). The freedom of conscience that had since 1555 been enjoyed only by the princes was now granted to everyone (Labrousse, 1974: 118).

Westphalian system formulated that Lutherans residing within a land of a Catholic ruler (and vice versa) should be patiently tolerated (*patienter tolerantur*) by the majority and enjoy the freedom of conscience (*conscientia libera*). The followers of the minority denomination were allowed to exercise their religion publicly without being condemned on account of their faith. Also, they were not excluded from various communities (merchants, artisans, companies) nor deprived of successions, legacies, hospitals, as well as other privileges or rights, including the use of churchyards and the honour of burial (Article V §§34-35, the Treaty of Osnabrück).<sup>87</sup>

The treaty further specified the right to change one's religion. Two denominations: the Catholic and the Lutheran, were considered equal, with matching rights granted to those who call themselves Reformed (Article VII). For AntoniĆ (1987: 53), Westphalian religious tolerance was not only the result of negative civil wars related experience but all the more the product of an evident political impossibility to secure the universality of a given religious belief through the physical elimination of its opponents.

Eighty years prior to the Peace of Westphalia, the 1568 Edict of Turda introduced in Transylvania the right to freely choose one's religion based on a notion of the freedom of conscience. Further, this freedom included Catholics, Lutherans, Calvinists and Nontrinitarians.<sup>88</sup>

Both the Westphalian system and the 1568 Edict base this freedom on a clear legislative distinction between the private and the public sphere, evidenced in the subjects' rights to have and publicly exercise a faith dissenting that of their rulers. It must be noted that while German lands acknowledged these rights only when faced with the horrors of a brutal religious conflict, the Principality of Transylvania had displayed this social maturity much earlier, probably as a result of significantly

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<sup>87</sup> Available online: [https://germanhistorydocs.ghi-dc.org/pdf/eng/87.%20PeaceWestphalia\\_en.pdf](https://germanhistorydocs.ghi-dc.org/pdf/eng/87.%20PeaceWestphalia_en.pdf) (Feb 21, 2024).

<sup>88</sup> As already mentioned, the statutory taxonomy of the *religiones receptae* was enacted much later, in 1595.

different sociohistorical circumstances (e.g., the Ottoman military control or its anti-Habsburg position).<sup>89</sup>

This statutory distinction between the private and the public powers of the sovereign, though both Transylvania and the Holy Roman Empire never ceased being genuine ‘Christian Commonwealths’ (Gross, 1948: 28), includes the inception of what will later be known as a secular state.<sup>90</sup> The advancement of Protestantism led to the establishment of legal systems that precluded both John Sigismund and the rulers of German lands from determining the specific religion of their subjects. This redesigned ‘constitutional position’ of princes as heads of (still Christian) states rested on an enhanced socio-theological concept that from that point on, rulers and their courts were unable to differentiate between true and false religions: the state was all of a sudden unable to detect heresy. Hence, the post-Protestant administrative structures of central Europe were eventually required to exchange the medieval concept of ‘heretics’ with that of ‘infidels’.

This change in the state’s potential, i.e., its evident incapacity to resolve deep denominational disparities triggered by the Reformation, had pushed both Transylvania and German lands into shifting their focus on the realm’s temporal interests, weakening the once intimate solidarity between the State and the Church. This shift eventually relegated the question of an individual’s religious affiliation to the domain of private life, “that sphere of liberty which the community is able to leave to the individual without endangering itself” (Labrousse, 1974: 112).

The 1568 Edict of Turda incorporates an additional feature that advanced the proto-secular concept of Transylvanian government: the intentional discontinuation of the practice of state indoctrination in matters of faith<sup>91</sup>. John Sigismund purposefully transferred the authority for settling inter-faith disputes on church councils, not only (or not at all) as he wanted to foster church autonomy, but similarly to the Westphalian system – because he wanted to prevent any use of force in settling inter-faith conflicts.

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89 For Péter (2006: 83) the religious toleration in Transylvania was inter alia the result of the constant threat by the Ottomans whereas the rulers did not want to turn their subjects against themselves. Much stronger counter-reformation measures were taken only following the suppression of the Ottomans by the end of 17<sup>th</sup> century.

90 The subsequent Prince of Transylvania István Báthory (1533–1586) expressed the same idea in a proverb: I am a king of peoples, not of consciences – *Rex sum populorum, non conscientiarum* (Wien, 2022: 120).

91 Limited to the state approved faiths (from 1595: *religiones receptae*).



The 1568 Edict purposefully outlawed violence concerning religious disputes, even the threat thereof. The Transylvanian legal order was not just unequivocally against any form of sectarian warfare, but more importantly, it struggled to secure protection for members of those (approved) faiths that formed minorities in various towns and villages. Analogous provisions are present in Westphalian treaties as well.

The 1568 Religious Tolerance Act is an outstanding legal instrument in the history of European civilisation. As an important (and maybe even the first) legal breaking point from medieval Christianity, it is a true flagship, an avant-garde of religious freedoms envisaged in our day and age<sup>92</sup> by various human rights conventions and national constitutions.

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92 A striking illustration is the Norwegian Constitution which until 1956, and only following a heated political debate on ratification of the European Convention on Human Rights (1950) repealed its paragraph 2 (*Jesuittparagrafen*) which denied Jesuits the right to enter Norway (Bottoni-Cianitto, 2022: 32).



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**Received:** March 11, 2024

**Accepted:** March 31, 2024

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## AZ 1568-AS VALLÁSI TOLERANCIA TÖRVÉNYCIKK – A TORDAI EDIKTUM

**Összefoglaló:** A tordai ediktum (1568) merész jogalkotási kísérlet arra, hogy túl-  
lépjen az augsburgi kiegyezés (1555) által bevezetett *cuius regio, eius religio*  
elvén. Az európai jogtörténetben jóval később megvalósult az a forradalmi el-  
képzelés, hogy a különböző (keresztény) felekezetek követői békésen együtt  
élhetnek egyazon régióban, egymás mellett élhetnek egy városban, sőt faluban.  
A tanulmány első részében az Erdélyi Fejedelemség társadalomtörténeti kon-  
textusát mutatja be, amely két nagyhatalom között elhelyezkedő oszmán vaz-  
allusként kénytelen volt a különböző (szembenálló) keresztény felekezetek szá-  
mára megfelelő politikai környezet kialakítására törekedni. A dolgozat közpon-  
ti része az 1568. évi tordai ediktumot vizsgálja, amelyet a középkori Európa első  
vallási toleranciátörvényeként szoktak emlegetni. Rendelkezéseit az általános  
16. századi közép-európai társadalmi-jogi kerethez, valamint a 80 évvel később  
létrehozott vesztfáliai rendszerhez viszonyítva elemezzük.

**Kulcsszavak:** vallási tolerancia, 1568-as tordai ediktum, protestantizmus, Erdé-  
lyi Fejedelemség, vesztfáliai szuverenitás.