

## ILLYRIAN PRIVILEGES AND THE ROMANIANS FROM THE BANAT

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After the imperial armies' victory against the Turks, in 1683, and the Reconquista beginnings, the House of Vienna emitted six diplomas between 1690 and 1695, comprising what the Serbian history would name the Illyrian privileges. The status of those first six diplomas was rigorously set by Paul Brusanowski. The first one, emitted on the 6<sup>th</sup> of April 1690, was a manifest, a letter to invite the Orthodox peoples from the Balkans to join the imperial armies against the Turks in that area. The given privileges by that diploma were: the right to freely practice their religion, the right to elect their voivode, releasing the taxes and discharging of any obligations. Once the imperial armies receding, a great part of the Serbian population retired too and in June 1690, the representatives of that population put their desiderata forward to the Emperor: the right to freely practice their religion, the Julian calendar preserving, the clergy and secular people's right to elect the bishop, the bishop's right to freely have all the Orthodox churches, releasing from tithe, from any contributions and from quartering, and the clergy's right to get out of the secular instances and to submit only to the metropolitan judgement. After bishop Isaia Diacovici talks to the Court, the emperor emitted the second diploma, on the 21<sup>st</sup> of August 1690, with the following privileges: the Julian calendar preserving, the clergy and the secular people's representatives' right to elect the Patriarch, setting of the archbishop's prerogatives, namely to consecrate the bishops, the right to approve churches building, and to install priests in their communities; setting of bishops' prerogatives – within which: ownership on churches and monasteries, the right to make canonical visitations, the free communication

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with the priests, the churches and monasteries getting out of the secular jurisdiction, releasing from tithe, contributions and quartering.

After the Turkish offensive and occupancy of Belgrade, a large number of Serbians settled in Hungary, so emperor Leopold I was determined to emit the third diploma, on the 11<sup>th</sup> of December 1690, to reconfirm the former privileges. The Court emitted the fourth diploma on the 4<sup>th</sup> of March 1691 because of the protests of the cities authorities and of Liubratci, the Greek-Catholic bishop of Sirmium and Slavonia; through that diploma the Serbians were got out of the Hungarian county jurisdiction and got the right to elect their vice-voivode. The fifth diploma was emitted on the 20<sup>th</sup> of August 1691; it reconfirmed the former rights and new ones were added: in the case of a deceased Orthodox believer without heirs, his wealth reverted to the Orthodox church; in the case of a bishop death, his wealth reverted to the archiepiscopate; the Serbians depended only on their Patriarch in what concerned their spiritual and earthly life, that one being taken for the supreme head of the Serbians. As the Magyar authorities had not respected some of the Serbians' rights, the imperial Court was obliged to emit the sixth diploma, on the 4<sup>th</sup> of March 1695, which was intended to protect the Serbians against the Magyar political and clerical authorities' pretensions. That diploma admitted a clerical organization with six bishops, the bishops' right to collect the clerical taxes, the right of free practice of the Orthodox creed without harming the Catholic hierarchy' rights, and the Serbians excepting for paying taxes to the Catholic bishops, the Orthodox priests being in charge with instead.

According to Paul Bruszanowski's conclusions, the six diplomas admitted privileges as following: existence of "a community of Greek rite and Rascian nationality", which was named "the Illyrian nation", an autonomous one under the imperial Court protection; two social status formed that nation, „Ecclesiasticis et Saecularibus Statibus", under the archbishop's leadership. Seven suffragan episcopates were recognized by the Court, a number that oscillated during the 18<sup>th</sup> century and finally set at seven; the Court granted also the free practice of the creed, the Julian calendar preserving, the right to build monasteries and churches, the bishops' right of making canonical visitations and of judging the Orthodox faithful. Releasing the Orthodox faithful from teeth, fiscal contributions, servitude and quartering in relation with the political authorities from Hungary<sup>1</sup> were granted by the Court too.

As after the Peace from Karlowitz, 1699, the Serbians setting in Hungary could no longer be taken for a temporary one, the Court began to organize that community. The Serbian hierarchy, through Arsenie III Cernoevici, in 1706,

<sup>1</sup> Paul Bruszanowski, "Jurisdicția bisericească și privilegiile ilirice în Banat și Ungaria de Sud/Serbia de Nord în secolele XVII–XVIII," *Piramida* (Zrenianin) 2, nr. 4 (2012): 127–131.

and Isaia Diaconovici, in 1709, seized the opportunity of the Court difficult position created by the kurucs'war [curuți] and asked for their privileges extending, especially for the political ones. The Serbian hierarchy tried in 1723 and 1729 to obtain the privileges recognition through the medium of the Diet of Hungary.

The Court limited those privileges through Declaratorium, 1729, through a decree in 1732, and an explanatory Rescript, in 1734. They were limited: the metropolitan bishop's right to appoint the bishops, the metropolitan bishop's range as the community politic leader, right of canonical visitations and the clergy's jurisdictional right that was transferred to the secular trials, in 1729, for civil and penal causes. The metropolitan bishop's right to inherit the deceased persons without children and the wealth of the deceased bishops was also limited. The right of the supreme inspection of the Court was introduced, as well as that one of approving the national synods and congresses convoking and of having an imperial commissar as its representative in the congresses. The imperial Court set in 1769 the composition of the national clergy Congress, restricted to 75 individuals, 25 as representing the clergy, 25 the military and 25 secular persons.<sup>2</sup>

The first Serbian colonists set in South Hungary and the Banat, under Patriarch Arsenie III Cernoevici's leading, in reply to the imperial offer. Almost 40,000 families came then and were given the well-known "Illyrian privileges". A new wave of Serbian colonists settled in the region under Patriarch Arsenie IV Ioanovici of Şakabent's leading.

The above mentioned privileges the Orthodox Church in South Hungary and the Banat was given ensured it a considerable distinct status from that one of the Orthodox religion in Transylvania and Hungary. The clergy and church belonging to Karlowitz Metropolitan seat were practically the beneficiaries of those privileges; they were organized in Vrsac, Timișoara, and Arad bishoprics, in 1739, along the territories where a Romanian compact population lived. In contrast with the situation of Transylvania, where the medieval constitution did not recognize the Orthodox religion and where the Romanian nation was but tolerated, the Romanians, Serbians and Greeks from the Banat and Hungary benefited of an incomparable better situation under the protection of those privileges.

The privileges the Serbians were given beginning with 1690 through the diplomas of emperor Leopold I created an autonomous Orthodox bloc at the eastern border of the monarchy; that one was preserved and periodically strengthen up through new diplomas during that time of Catholicism expansion

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<sup>2</sup> Ibid.

toward east and the territorial expansion of the monarchy and the incorporation of the Empire eastern provinces. The explanation of straitening that Orthodox bloc in front of the Counter-Reformation might consists in the Empire military needs during that time of continuously confrontation with the Ottoman Empire, and also in its politically needs, to counteract the status and privileged orders' power from Hungary that opposed the Hapsburgs. So, a privileged bloc was opposed to another one, for the reasons of a political equilibrium in the Monarchy eastern territories. So long as the privileges existed, those reasons stood good. The aulic circles needed the military potential of the population from that region even after the border with the Ottoman Empire stabilizing, in order to encourage the immigration in the oriental provinces and to consolidate their latest installed domination there.<sup>3</sup>

By the diploma of 1690 only the Serbian clergy and population were named as beneficiaries of the Illyrian privileges, no other ethnic groups of Orthodox religion being mentioned. According to that diploma, the privileges area comprised only the territories the Serbians lived in, in 1690, excepting the Banat and Sirmium, or those where the Serbian would settle after.<sup>4</sup> The further diplomas that came to confirm the privileges of 1690 referred only to the Serbian (Rascian) Orthodox community and its hierarchy: diplomas of Leopold I, emitted on the 20<sup>th</sup> of August 1691, the 4<sup>th</sup> of March 1695, the 22<sup>nd</sup> of November 1703; of Joseph I, emitted on the 29<sup>th</sup> of September 1706; of Carol IV, emitted on the 8<sup>th</sup> of October 1713, and of Maria Theresa, emitted on the 18<sup>th</sup> of May 1743.<sup>5</sup>

All the period between 1690 and 1740 was dominated by the Serbian hierarchy's tendency to extend its authority over all the Orthodox faithful, in virtue of the jurisdiction that the Patriarchy from Ipek had had on those regions, to consolidate the position of the Metropolitan seat of Karlowitz and Orthodoxy within the empire in fight with the Counter-Reformation.<sup>6</sup> We might note in the context the significant action of Karlowitz Metropolitan seat to extend its jurisdiction over the Orthodox faithful from Transylvania, Oltenia after 1718, and counties from Partium during the 18<sup>th</sup> century first half.<sup>7</sup>

The title of the Serbian hierarchs offers an argument relating to the hierarchy's tendency to extend its jurisdiction over all the Orthodox faithful regardless

<sup>3</sup> Silviu Anuichi, *Relații bisericești româno-sârbe în secolul al XVII-lea și al XVIII-lea* (București, 1980), 118.

<sup>4</sup> The text of Diploma, in Gh. Cotoșman, *Episcopia Caransebeșului până în pragul secolului al XIX-lea*, (Caransebeș, 1941), 85–87, into Romanian.

<sup>5</sup> See Yovan Radonits, *Histoire des serbes de Hongrie* (Paris, 1919), Annexes, 203–225.

<sup>6</sup> Anuichi, *Relații*, 44–46.

<sup>7</sup> *Ibid.*

of their ethnic origin. An analysis of that title puts out several unconcordant questions between the acts of the metropolitan office and those of the Court of Vienna. The Serbian hierarchy specifies in the metropolitan acts the real territories and ethnic groups submitted to its jurisdiction, while the acts of the imperial office give privileges only to the Serbian nation and hierarchy without naming a unitary and admitted territory for the Serbian population. Such an unconcordant point between Vienna and Karlowitz regarding the meaning of the privileges, well reflected in the precise terminology between 1690 and 1743 relating to the ethnic group to benefit of (the Rascian community) on the one hand, and, on the other hand, the ambiguity in naming the territorial extension of those privileges, speaks about a dispute between the Court and the metropolitan hierarchy in the question. The on site reality in the 18<sup>th</sup> century first half, the usage and the privileges confirming after 1740 certify that all the territories and Orthodox faithful under the jurisdiction of Karlowitz metropolitan seat benefited of those privileges, excepting those ones (Transylvania, Oltenia between 1718 and 1738, and Bucovina after), which were submitted only in what concerns the spiritual matters.<sup>8</sup>

The extension of the Illyrian privileges especially in several territories of Hungary jostled against the opposition of the status and orders from the Kingdom, which were benefiting of some social and political privileges and did not agree there a privileged bloc of any other confession. For instance, Partium inclusion in Hungary after 1741 and the former Serbian frontier-guards' incorporation in the administrative offices in the Banat after the border of the Mureş – the Tisza abolition strongly limited the privileges political component.<sup>9</sup> Similar situations were registered in other territories of Hungary, in Croatia and Slovenia. A permanent opposition after 1699 was promoted by the privileged status and orders, and the political fora from Hungary against the Orthodox privileges system; those ones were declared unconstitutional as they hadn't been promulgated by the nobiliary diet or confirmed by it. It was the reason of the consequent action of the Serbian hierarchy and elite, in the 18<sup>th</sup> century, to introduce the privileges in the diet of Hungary legislation and harmonize them with the medieval Magyar constitutionalism.<sup>10</sup>

<sup>8</sup> Gh. Ciuhandu, *România din Câmpia Aradului de acum două veacuri* (Arad, 1940), 56–57, after Jireček's conclusions; E. Turczynski, *Konfession und Nation zur frühgeschichte der serbischen und rumänischen Nationsbildung* (Düsseldorf, 1976); see also Turczynski, "The National Movement in the Greek Orthodox Church in the Habsburg Monarchy," *Austrian History Yearbook* 3 (1967), pct. 3: 83–128; "Promemoria clerului și inteligenții laice ortodoxe," *Biserica și școala* 22, no. 37–42 (1898): 398–400, 405–407, 413–415, 421–423, 434–435.

<sup>9</sup> Ciuhandu, *România*, 57.

<sup>10</sup> *Biserica și școala*, 22, no. 39 (27 September/9 October, 1898): 413.

Given the juridical status of the province that was directly dependent on the emperor up to 1778–1779, and the social particular structure there, where the privileged status had been excluded, the privileges extending in the Banat didn't meet any resistance. The bishoprics of Timișoara and Vrsac were transferred, through “Extention patente” from the 16<sup>th</sup> of November 1720, under Moise Petrovici's jurisdiction, the metropolitan bishop of Belgrade<sup>11</sup>, who was named “archbishop and metropolitan bishop” of the Banat<sup>12</sup>, in 1724, with a similar status the Catholic bishop of Cenad had in fiscal and administrative matters.<sup>13</sup> Emperor Carol VI gave him in 1724 the right to benefit of the Orthodox inhabitants of the Banat's tithe<sup>14</sup>, and confirmed in 1726 the jurisdiction of Karlowitz-Belgrade Metropolitan seat upon Serbia, the Banat and Oltenia.<sup>15</sup>

As for the efficiency of those privileges, the Banat had the most advantageous position, as they were never competed there by status and orders. Only the regulation in 17 points concerning the Orthodox faithful, proposed by the province administration on the 25<sup>th</sup> of April 1721 and debated by Timișoara Consistorium, stipulated the dominance of the Catholic religion and the interdiction that the Orthodox hierarchy hinder the Catholicism spreading.<sup>16</sup> Although the rules tended to limit the privileges results, the right of the Orthodox faithful to attend German or Latin schools was admitted and so they opened the Romanians' door to secondary and superior schools latter.

The tendency of extending the area of privileges during the 18<sup>th</sup> century first half is the main treasure of their history along that time. The hierarchy's efforts to consolidate the Orthodox bloc in the monarchy made possible the extension of those privileges to other peoples than the Serbians even if other ethnic groups weren't mentioned in the diplomas that stipulated or confirmed the privileges. The Serbian hierarchy followed such an extension up in order to counterbalance the Catholic proselytism and also to enlarge the number of the faithful under its authority, nor less the revenues of the metropolitan seat. The results of those privileges were mainly of a confessional order up to the reign of the enlightened monarchs, a situation that becomes explicable if we take into account the clergy disputes in the monarchy oriental territories up to the second half of the century. In proportion as the hierarchy's authority

<sup>11</sup> Cotoșman, *Episcopia Caransebeșului*, 105.

<sup>12</sup> Anuichi, *Relații*, 59.

<sup>13</sup> I. D. Suci, Radu Constantinescu, *Documente privitoare la istoria Mitropoliei Banatului*, vol. I (Timișoara, 1980), 156.

<sup>14</sup> *Ibid.* 161–163.

<sup>15</sup> Anuichi, *Relații*, 57.

<sup>16</sup> The rendering into Romanian of the 17 points, in Suci, Constantinescu, *Documente*, 158–159.

improved including the political valences of the privileges as, for instances, the desideratum of a territorial autonomy or of some political prerogatives for the national clergy congress, the imperial Court's tendency was to limit the privileges field without a total cancellation of them. The Court suspected especially the articles with possible results in the monarchy's policy of centralization or in its unity. The enlighten monarchy's policy came into collision with the Orthodox hierarchy's programme. Once the border stabilizing in 1739 and the Ottoman peril relegating in the Austrian foreign policy, the expansion of which toward east stopped for a couple of decays, the Serbians military role diminished. The above mentioned tendency of the Court was mainly determined by the Orthodox hierarchy improving influence, out of the limits initially stipulated in the diplomas, an influence that provoked the religious movements in Transylvania and Partium, respectively; compact masses of faithful which had been thought for being ready to become Greek-Catholics returned to Orthodoxy due to those movements. It was the main reason of the Court for limiting the advantages the Orthodox faithful were given through the privileges<sup>17</sup>, a reason that also determined the Austrian policy changing as regards the Orthodox Church in Transylvania, through reactivating its bishopric but without the Illyrian privileges benefits.

The autonomy the Orthodox Church in the Banat was given meant a statute of a large tolerance, an existence by rights that was recognized through the imperial diplomas, implicitly a larger liberty to activate, in an area where no other legislation limited that autonomy.

A series of political elements came to join that autonomy and to grant the clergy organization the role of the unique legally admitted and organized institution, which acted for the interests of the population under the aegis of those privileges. In the case of peoples having no statehood, the Orthodox Church assumed political or administrative prerogatives as a representative of those peoples. The clergy autonomy and the Orthodox hierarchy's ever enlarging influence generated in the case of Romanians (extensively in the case of Serbians) the process of the ecclesiastic elite setting up and asserting itself; that elite assumed the role of the Romanian population's representative. Gradually, due to those favorable circumstances of Orthodox autonomy, the clergy elite promoted the consciousness of national individuality. If it was the boyars' work in the Romanian Principalities, as that social class had been the bear of the national filling that was also assumed by the autochthonous reigns after 1821, genesis of the national idea in the Romanian provinces from the Hapsburg Empire was directly connected to the clergy elite setting up.<sup>18</sup> The confessional

<sup>17</sup> Cotoşman, *Episcopia Caransebeşului*, 57.

<sup>18</sup> E. Turczynski, *Konfession und Nation*.

autonomy was thus of a distinct value for the Romanians who had practically no setting up elites until then.

The statute of toleration and autonomy of Orthodoxy in the Banat kept the unity of the Romanian ethnic group around that confession; the crises of conscience were so avoided, in contrast with Transylvania or the county of Partium where the Catholicism expansion enlarged in the absence of privileges or due to their limitation. Through the instrumentality of privileges, the Romanians in the Banat had several rights that those ones in Transylvania never had: right to settle in towns, to access professions or even some local administrative functions up to a specific level. The Banat autonomy facilitated the enlightened monarchy's reforms implementing in province, implicitly the Enlightenment spreading there, beginning with the 8<sup>th</sup> decade of the 18<sup>th</sup> century. The impressive absorption of Romanian books and manuscripts, of clerks, psalm readers and painters from the other Romanian territories gives a Romanian expression to Orthodoxy in the Banat within Karlowitz Metropolitan bishopric; it facilitated the process of national individualization which would be illustrated, in the beginning of the 19<sup>th</sup> century, by demanding a national Romanian hierarchy and clergy.

The refractory attitude of Hungarian political circles over against the privileges, the perspective of changing the equilibrium within the eastern area of the Empire due to the gradual improving of the Serbian hierarchy's power and influence, and the inconveniences that Vienna registered due to the tendency of privileges extending and consolidating determined the Court to check again its attitude towards Orthodoxy and inaugurate a new direction towards that church. The new direction towards the Orthodox Church from the Banat and Hungary, as well as towards that one from Transylvania was inaugurated by Maria Theresa in 1761, concomitantly with the beginning of the reforms in the Empire. The new Hapsburgs' policy concerning the Orthodox Church intended in fact to subordinate it to the state and ensure the state control over the spiritual affairs, to equalize the level (the cultural one, first of all) of peoples that benefited of those privileges, and to arbitrate the Serbian – Magyar differences on the subject of privileges. Councilor Bartenstein, who initiated the new policy, recommended that the Romanians and the Serbians be equally treated in that system of privileges, while Koller upheld the view that the Serbians may be separated from the Romanians, as the Hungarian government asked.<sup>19</sup>

The political and military reasons that had determined Vienna to grant those privileges partly remained valid in the middle of the 18<sup>th</sup> century too, as the new policy didn't intend to revoke them, but to narrow their area only to

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<sup>19</sup> Ibid., 160 sq.



the confessional affairs, to eliminate the possible political interpretations, and also the ambitions they could have kept up. In the second place, the new policy provided for subordinating the clergy organization to the monarchy' policy of unity and centralization in view to integrate the Orthodox peoples. The new policy towards Orthodoxy determined Maria Theresa's absolutism to act for rationalizing and subordinating the Orthodox Church to state, in order to display and put in practice the reforms of the enlightened monarchy.

Such a policy was sublimed in the concept of Illyrian nation used by Hapsburgs to name the Orthodox population. E. Turckzynski defined that concept as a confessional poly-ethnic nation, a transitory stage to confessional mono-ethnic nation and to political nationality after, but his interpretation is far for exhausting all the concept hypostases.<sup>20</sup> By their terminology, the official Austrian deeds named in fact a confessional community of two no statehood ethnic groups that benefited of the Illyrian privileges, an Orthodox solidarity that was conceived and made, as the entire reformist policy, from top to bottom, from the Court to the Orthodox clergy and population belonging to the autonomous Metropolitan set of Karlowitz, in order to individualize them from a confessional, ethnic and linguistic point of view. As concerns the geographic area, that concept had in view the Orthodox population from Southern Hungary, the Banat and Partium; Romanians, Serbians, Greeks and Macedo-Romanians/ Macedono-Vlachs were the peoples that the concept referred to from the ethnical point of view.

The benefits of those Illyrian privileges and the Illyrian nation statute were settled through the Illyrian regulations from 1770, 1777, and 1779. The regulation admitted the confessional autonomy, the right of a national congress, the clergy discharging of public obligations, and the existence of a hierarchy and of a precisely delimited territory after 1770. A minimum of political, social and economic rights were still supposed to be used within that concept of the enlightened monarchy: access to some public functions, the right of living in towns and of professions practicing. The concept the aulic circles used might be placed in a transitory time, between traditionalism and modernity but trying to blur or to delay the national individualities asserting as those ones were in the process of crystallizing, to equalize the statute of the social groups and melt them in a confessional rigorously defined unity/ entity that had to be submitted to the enlightened monarchy's exigency of integration and centralization. E. Turckzynski asserted that the joined social groups in the Illyrian community, which benefited of the above mentioned privileges, manifested the tendency to arrive to a position that was equivalent or close to that one of the

<sup>20</sup> Ibid.; the author of the studies published under the name of „Bătrânul” [the Old Man] in *Biserica și școala*, 22, no. 37–42 (1898), arrived to similar results.

privileges status. It is partly an exaggerated assertion. The Illyrian nation is in fact a political and confessional construct of the Hapsburgs, one of the expressions of reason of state to be used in the clergy affairs, in order to reform and subordinate the Orthodox Church. A new kind of relation between state and church was involved in, concerning the church subordinating to the reforms programme, to line it up the absolutist directions of rule; it was the reason the church was given administrative prerogatives too.

The Illyrian regulation of 1770 that was adopted after the clergy national congress of 1769, came to juridically and constitutionally systematize the rights and limits of the Orthodox Church autonomy within the Hapsburg Empire. Under the title of *Normal Patent dat pentru națiunea iliră neunită* [Letters patent for the Illyrian non-Uniate Nation], the regulation was distributed also into Romanian, in an abbreviate form. Through that regulation the Orthodox clergy and population were subordinated to the Illyrian Deputation that represented them under the aulic circles with political, clergy, cultural, and educational competences. The Orthodox faithful' dependency on the new institution in what concerned the spiritual affairs was stipulated in; the regulation banned the bishop's authority in political affairs, rigorously set the superior, intermediate and below clergy's revenues, with a visible diminution, regulated the ecclesiastic estates book-keeping, and the population's clergy visible diminished taxes; it also banned the canonic visitations without the Court approval, ordered a clergy educational system setting up, discharged vicars of any taxes and set the right of every priest (in the Banat) to own an entire plot of land; the regulation proposed the primary schools setting up, the right of the Orthodox faithful to attend Catholic schools, as well as an Illyrian printing house setting up for creed and didactic books that the Orthodox communities needed; the Orthodox priests and red-letter days number diminishing was also stipulated, as well as the interdiction of any meeting or deputation at the Court without a preliminary approval of the aulic circles. On the basis of that regulation they elaborated *Mineiul credinței greco-ortodoxe răsăritene* [Liturgy Book of Eastern Greek-Orthodox Creed], the Orthodox feasts being clearly specified.<sup>21</sup>

The Illyrian congress from 1776 emphasized the above mentioned tendencies and enlarged the state interfering in the clergy affairs. The regulation of 1777 was edited following the previous one structure, but it wasn't applied because of the violent opposition of the Orthodox clergy and faithful against the Catholic interferences, but also against the diminishing to cancellation of the Orthodox Church autonomy and the state control over entire Metropolitan seat spiritual, cultural or material life.<sup>22</sup>

<sup>21</sup> Gr. Popiți, *Date și documente bănățene* (Timișoara, 1939), 28–44.

<sup>22</sup> Anuichi, *Relații*, 123.

The regulation of 1777 cancellation and the Illyrian Deputation repealing after the Orthodox faithful's violent reaction were followed by promulgation, in 1779, of *Rescriptului declaratoriu* [Declarative Rescript]. The new Illyrian constitution re-confirmed the Illyrian privileges of 1690, instituted the Orthodox faithful's obeying, both to the clergy hierarchy "in what related to creed, conscience and rites" and the territorial magistrates and jurisdiction, namely the military authorities (in the Borderland) and Hungarian aulic Office (in the civil province) for all the other affairs. The regulation admitted the metropolitan bishop as the head of the Illyrian nation both in the clergy and secular affairs, and the nation's right to elect the metropolitan bishop, on stipulation of his later confirming by the emperor. The regulation separated the metropolitan bishop's estate from that one of the archbishopric, stipulated that the congress convocation for bishops electing had to be approved by the emperor; the priests' number in a parish was set according to the flock's number, the inferior and superior clergy's taxes were also set, as well as the precise rounding off of the archpriests' ranks and the way to certify the quality as a priest through graduation certificates and demonstration of knowledge. In the same measure, it set up the clergy's dependency on secular or penal jurisdictions, the extension of the Hungarian educational legislation over the Orthodox schools and the Illyrian composition limited at 75 members (25 secular persons, 25 military representatives, and 25 representatives of clergy), that meant a larger representation of the secular individuals (of 2/3).<sup>23</sup>

Under the same spirit of the clergy rationalization, the consistorial organizing was ended in 1872 through the so-called *Sistemă constituțională* [Constitutional System], a regulation that came to enforce the Declarative Rescript stipulations. Civil causes were separated from the clergy ones and submitted to the secular jurisdictions, the consistorian structures and competences were also specified in order to enforce the self-managing capacity of the clergy organization and the resistance of the hierarchy.<sup>24</sup>

The evolution of the Illyrian question during Maria Theresa's age points out the failure, even a partial one, of the reformist policy to subordinate the Orthodox Church and limit its autonomy. The several previous rights restoring in 1779 did not totally overrule the state control over the Illyrian metropolitan bishopric or its subordinating to reason of state, but guaranteed the toleration that Orthodoxy had previously benefited and renounced at the pretension that the Illyrian affairs were of Hapsburg House's competence and not of the Magyar kingdom's.<sup>25</sup> After the Banat incorporating in the Hungarian kingdom,

<sup>23</sup> Suci, Constantinescu, *Documente*, 410–433 (into Romanian).

<sup>24</sup> *Ibid.*, 441–444 (into Romanian).

<sup>25</sup> *Biserica și școala*, 22, no. 39 (27 September/9 October, 1898): 415. Kolowrat had such a

the Illyrian nation, excepting the Orthodox clergy and population from the borderland, was also integrated in the political and administrative system of Hungary. Directly subordinated since then to the aulic circles and controlled through the medium of the Illyrian Deputation, the Illyrian autonomy received a hard blow from two directions at least: the status and orders in the kingdom that were dominating the entire political and social life did not agree a privileged system inside the society they held the power, so that they would act in order to cancel the Illyrian privileges on the reason of their illegitimate status so long as they hadn't been placed on the Diet articles; in the second place, the Orthodox religion was but tolerated in Hungary, not recognized, so the results of the privileges were considerably decreased due to the opposition at the local or central jurisdictions.

Over against the threats concerning Orthodoxy, Joseph II extended the stipulations of the toleration edict of 1781 over the Orthodox faithful too, emphasizing the role of toleration in the Hungarian kingdom: "...especially for the Hungarian Country I thought it proper to enforce the entire art of toleration".<sup>26</sup> So, the regime of Orthodox religion toleration in Hungary was enforced and extended also over areas that hadn't benefited of Illyrian privileges, and the former advantages were fulfilled or guaranteed through several new stipulations: functions accessibility, in the educational system and professions on the basis of concivility right. The Edict of Toleration from 1781 did not cancel the Illyrian privileges but opened the door to equalizing the statute of all the Orthodox faithful.

Although that edict wasn't rescinded after the death of Joseph II, the uncertainties and suspicions regarding the Orthodox faithful's privileges and autonomy came up for consideration during the reaction age, as the Illyrian Congress from 1790 (Timișoara) showed, and nor less the counties reactions towards the Romanians calling at the congress, which was taken for a consequence of Horea's uprising.

Two were the tendencies that confronted each other in the congress of Timișoara: the first one was represented by Sava Thököly, as a favorable one to the compromise with the Hungarian aulic office to "legalize" the privileges through their placing in the Diet articles; the second one was represented by Ștefan Stratimirovici who pleaded for the Orthodox Church enforcing through admitting its territorial and political autonomy under Vienna control, out of the political system of the Hungarian state, thus an equal statute of the Orthodox faithful with the other confessions and, by consequence, an extension of the political competences of the clergy congress. The beyond example agitation

conception.

<sup>26</sup> Edict of Religion Toleration, in *Transilvania*, no. 6, November-December (1910): 446-455.

within the archdiocese directed the hierarchy's interests toward political desiderata. Besides the territorial autonomy, the congress and a series of previous memories of the hierarchs asked for the privileges of 1690 restoring, the Orthodox faithful's right to held political and juridical positions, a secondary and superior educational system organizing so that "the Illyrian nation have the same rights and advantages all over the kingdom as the Hungarians have".<sup>27</sup>

The priorities transferring toward political problems during the Congress of 1790 might be explained both by the need of obtaining firm guarantees so to save the privileges, and by the evolution of the two peoples (Romanian and Serbian ones) toward a secular and national status after the dissolution that the Enlightenment operated within the model of a confessional universality. Although the above mentioned desiderata were asked in the name of the Illyrian nation, the Congress represented not a confessional point of view but a political-national one. So the Serbian-Romanian union under the privileges framing dissolved itself due to the victory of the concept of cultural nation and of the process of the church institutionalizing on national basis. The Congress of 1790 forecasted in fact the relative short career of the Illyrian nation, by asserting the modern nations' aspirations in process at that time.

They were the decisions of Diet in 1791 and 1792 that came to put an end to the Illyrian privileges existence and to the Illyrian nation too. The Hungarian Diet article from 1791 stipulated: "This named Oriental church, what was considered tolerated since now up to this province laws, through the authority of this article is sanctioned for its free function". The article 27 from 1792 equalized the political-juridical statute of the Orthodox faithful with that one of the other citizens, including all the advantages of citizenship rights: right to get belongings and functions and the former privileges recognizing in what concerned the clergy, educational and associative affairs.<sup>28</sup> That article was sanctioned again through the Hungarian Diet from 1843, which specified the equality of Orthodox faithful with the other confessions and their citizenship rights.<sup>29</sup>

Laws of 1791–1792 cancelled in fact an Orthodox autonomous entity inside the political system of Hungary, making the Illyrian privileges inoperative and limited to confessional aspects from the moment when the Diet of Hungary

<sup>27</sup> I. D. Suciu, *Monografia Mitropoliei Banatului* (Timișoara, 1977), 140–143; Slavko Gavrilović and Nicola Petrović published the Congress documentes in *Temisvarski sabor 1790* (Novi Sad-Sremski Karlovci, 1972).

<sup>28</sup> Iulian Suciu, "Istoria bisericii gr. or. române din Transilvania și Ungaria de la 1810–1846," *Biserica și școala* 20, no. 35 (1/13 Septembrie, 1896): 277–278 and Gh. Ciuhandu, *Episcopii Samuil Vulcan și Gherasim Raț* (Arad, 1935), 1.

<sup>29</sup> *Gazeta de Transilvania* 6, no. 67, 23 August (1843): 265–266.

admitted the Orthodox Church and the right of practicing that creed. But the respective laws concerned with the individuals belonging to that confession, not with the community as an independent one. The Illyrian privileges remained a reference of the Serbians' historic right in their political confrontation with the Magyar political circles, a part of their historic image, a myth that allowed their national individuality shaping in the beginning of the 19<sup>th</sup> century, as well as their political programme of emancipation.

If speaking of the Romanians from the Banat, the reforms policy regarding the Illyrian question had major results and facilitated the distinct cultural efforts during the 18<sup>th</sup> century second half. As expressed in the concept of the Illyrian nation, the leveling tendency of Vienna extended the cultural advantages of the privileges over Romanians too. Even if the Serbian hierarchy's exclusivist attitude had provided an inferior statute for the Romanian inhabitants, it was a decisive time between 1765 and 1792 for the Romanians' cultural starting under the Enlightenment circumstances, especially manifested through the educational work (construction of primary schools, access to the clergy, normal or preparandial schools, at the Catholic or Reformat high-schools and, gradually, to higher schools). The Romanian elite of intellectuals crystallized that time, beside the clergy, the administrative and the military ones. Those elite, limited at the beginning but in progress in the next century beginning, made the first spreading system of the Enlightenment cultural model of the aulic circles, as it had been crystallized in the ambiance of reforms in Vienna. The unitary programme that was proposed to Romanians and Serbians, clearly bound to reason of state and the Enlightenment ideology, was materialized in printings, identical educational handbooks and curricula, so that the cultural development of the two peoples run together for a while. That time of parallel cultural works under the Enlightenment line might be taken for being marked by the Orthodox Enlightenment – as certain researchers tried to such a kind of Enlightenment accrediting<sup>30</sup> –, on the basis of the Illyrian nation privileges. After 1791, the orientation toward the work of *Școala Ardeleană* [Transylvanian School], without totally canceling the local specific features, affirmed a Romanian Enlightenment with unitary features in all the Romanian provinces, beyond confessional variances or social differences.

In the case of the Romanians from the Banat, that spirit of tolerance preserved their national, native language within church, school and publishing work, though the tendencies of the Serbian Slavonic language generalization

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<sup>30</sup> For the Orthodox Enlightenment, see E. Turczynski, "The Role of the Orthodox Church in Adapting and Transforming the Western Enlightenment in South-Eastern Europe," *East European Quarterly* 9, no. 4 (1975), and Mircea Popa, *Ioan Molnar Piuariu* (Cluj-Napoca, 1976), 6, 196.

did manifest at that time. The intellectual movement into Romanian starting decisively contributed to the dislocation of the Illyrian nation and to the Romanian nationalism manifesting. The leveling and homogenizing tendency of the reforms ended in affirming the Romanian individuality and national specific nature as long as the historic and philological of the Enlightenment, of Transylvanian School more particularly was contributing to the Orthodox solidarity dissolving and to construction of the figures or myths of that new national solidarity. The confessional poly-ethnic nation was a transitory stage in the Romanian community evolution toward a cultural nation. Evolution toward a secular conception of the former cultural model based on Orthodoxy was one of the first conditions in coagulating the modern national solidarity. The separation of Romanians from the Serbians due to dissolution of the Illyrian nation is a similar phenomenon to that one from the Romanian Principalities between Romanians and Greeks, after 1821.<sup>31</sup> In its first stage from the end of the 18<sup>th</sup> century – the beginning of the next one, that phenomenon materialized through the tendency of institutionalizing church and school on national bases, of constituting a Romanian national church within Karlowitz Metropolitan bishopric.

The Romanians' self-awareness successively defined on confessional, cultural and political levels resulted from a long historic process that was rushed by the enlightened monarchy's reforms in the 18<sup>th</sup> century second half and rushed in turn the dissolution of the confessional solidarity in favor of the national one. The Byzantine model of universality that had dominated up to the 18<sup>th</sup> century both the Balkan mentality and the cultural model of the south-eastern Orthodoxy was replaced by a cultural national one; that model was connected to the Enlightenment rationalism and was adopted by the entire Romanian cultural movement up to the beginning of the 19<sup>th</sup> century, with several disparities from a province to another one.<sup>32</sup>

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<sup>31</sup> See Paul Cornea, "Intervenție," in vol. *Les Lumières en Hongrie, en Europe Centrale et en Europe orientale. Actes du Deuxième Colloque de Mátrafüred. 2-5 octobre 1972* (Budapest, 1975), 58-62.

<sup>32</sup> Al. Dușu, *Cultura română în civilizația europeană modernă* (București, 1978), 36-38.

## PRIVILEGIILE ILIRE ȘI ROMÂNII DIN BANAT

### *Rezumat*

Studiul prezintă privilegiile ilire acordate populației ortodoxe din Balcani pentru a se așeza în teritoriile austriece de la granița cu Imperiul otoman, colonizarea sârbilor, românilor și a macedo-românilor din Balcani în Ungaria și în Banat din 1690, diplomele prin care au fost acordate sau reconfirmate aceste privilegii, consecințele acestora asupra populației ortodoxe din Ungaria și Banat pe plan bisericesc, cultural și social, asupra organizării Bisericii ortodoxe din provincie. Casa de Habsburg a acordat aceste privilegii din rațiuni politice și militare, a diminuat treptat efectele acestora după ce a subordonat Biserica ortodoxă prin constituțiile ilire.