

# The Creation of the Codification Commission of Hajdúdorog (1929) in the Light of Archival Data\*

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Summary: Introduction; 1. Request for the local participation in the codification process; 2. The content of the ‘draft resolution’ of the Chapter of Canons of Hajdúdorog (2 May 1929); 3. Commencing the work of collecting sources; Concluding Remarks.

## Introduction

The codification of Eastern Catholic Canon Law commenced in the time of Pope Pius XI. Representatives of the Churches concerned were meaningfully engaged in this work from the outset. Although the question of the legal distinctness of the *Hungarian Rite* was not unequivocally clarified yet, the Bishop of Hajdúdorog and the former Apostolic Exarchate were also requested to participate in the preparation of the Code. This brief study is intended to provide a succinct overview of the *initial steps* of this *local* participation in the Eastern codification process based on a few hitherto unpublished archival records.

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*abbreviations:* AAS = Acta Apostolicae Sedis; AAEESS= Archivio della Congregazione degli Affari Ecclesiastici Straordinari; ASCO = Archivio della Sacra Congregazione Orientale; APCTL = Archivio Pontificio Consiglio per i Testi Legislativi; GKPL = Görögkatolikus Püspöki Levéltár (Greek Catholic Episcopal Archives) [Debrecen].

## I. Request for the local participation in the codification process

In 1927 a decision was made to issue a common Code for the Oriental Churches.<sup>1</sup> Dated 5 January 1929, Cardinal Luigi Sincero, the

- 1 Beginning of the work on the Oriental Code was decreed by Pope Pius XI (1922–1939) after the plenary session of the Congregation for the Oriental Church in July 1927 (on 3 August) and defined the task at hand as not only necessary but also *urgent*. The idea of a unified codification effort spearheaded by Rome was at first received by the Oriental Catholic patriarchs with considerable reservations inasmuch as it could be read as a harbinger of further Latinisation and centralisation to come. For an accurate overview of this initial phase based on notable archival data, see: Giovanni COCO, ‘Canoni e Concili: l’idea e lo sviluppo della prima codificazione orientale tra il Vaticano I e Vaticano II’, in *Iura orientalia* IX (2013) 14–59, 32–39. For an outline of the entire codification process, see: Ivan ŽUŽEK, *Appunti sulla storia della Codificazione canonica orientale*, in *The Eastern Code: Text and Resources*, edited by Yoannis L. GAID (Kanonika 13), Rome 2007, 31–71, 40–50; as well as: ‘«Codificazione Canonica Orientale» (1926–1935). Verballi delle Adunanze’, in *Communicationes* 26 (1994) 234–331; as for the writings of the participants of the codification process, addressing important details, see: Amleto CICOGNANI, *Prefazione sull’opera della codificazione canonica orientale*, in S. CONGREGAZIONE ORIENTALE, *Codificazione canonica orientale, Fonti* (Serie I, Fasc. I), *Testi vari di diritto nuovo (1550–1902)*, parte I, Città del Vaticano 1930 [in reality: 1931!], I–XIV; IDEM, ‘De codificazione canonica orientali’, in *Apollinaris* 5 (1932) 86–95; S. CONGREGAZIONE ORIENTALE, *Codificazione canonica orientale, Fonti* (Serie I, Fasc. VIII), *Studi storici sulle fonti del diritto canonico orientale*, Città del Vaticano 1932, including: Cyril KOROLEVSKY, *Introduzione agli studi storici delle fonti*, 7–29; Acacius COUSSA, *De codificazione canonica orientale*, in *Acta congressus iuridici internationalis VII saeculo a decretalibus Gregorii IX et XIV a Codice Iustiniano promulgatis, Romae 12–17 Novembris 1934*, Roma 1936, vol. IV, 493–532; Cyril KOROLEVSKY, ‘La méthode d’élaboration de Code de droit canonique oriental’, in *Revue des Sciences Religieuses* 18 (1938) 3, 293–318 and 18/4, 421–447; Acacius COUSSA – Cyril KOROLEVSKY, ‘Codificazione canonica orientale’, in *Novissimo Digesto Italiano*, Antonio AZARA – Ernesto EULA (a cura di), vol. III, Torino 1959, 412–414; [Acacius COUSSA], *Codificazione canonica orientale*, in *Oriente cattolico, cenni storici e statistiche*, Città del Vaticano 1962, 35–61. For a summary of the history of codification in Hungarian, see: Péter SZABÓ, ‘A keleti

then Secretary of the ‘Congregation for the Oriental Church’, dispatched three circulars to the Eastern Catholic Episcopate, including István Miklósy,<sup>2</sup> Bishop of Hajdúdorog. In it, he requested the Churches concerned to contribute to the preparation of a common Oriental Code.<sup>3</sup>

The underlying content of the circular may be summarised along the following lines. In the first place, the document indicates that Pope Pius XI is cognisant of the intrinsic need in the Church for an imminent codification of Oriental Canon Law. This demand was voiced by Eastern hierarchs even at the First Vatican Council,<sup>4</sup> but it has particularly intensified since the promulgation of the Latin Code of Canons.<sup>5</sup> Compliance with this request is a matter of personal pri-

kodifikáció története (I). A kezdetektől a II. Vatikáni Zsinatig’, in *Athanasiana* 12 (2001) 95–114; as for the debatable question of the *reconcilability* of the phenomenon of codification and Eastern tradition, see: IDEM, ‘Tradizioni orientali e codificazione orientale’, in *Ius Ecclesiae* 29 (2017) 3, 635–658, 636–648.

2 For biographical data on István Miklósy, see: István PIRIGYI, *A Hajdúdorogi Egyházmegye története*, in *A Hajdúdorogi Bizánci Katolikus Egyházmegye jubileumi évkönyve 1912–1987*, Nyíregyháza 1987, 17–45, 22–29.

3 For its text: Appendix I (p. 198, bottom): SACRA CONGREGATIO PRO ECCLESIA ORIENTALI, prot. not. 428/28, Roma, 5 gennaio 1929; see: GKPL I-I-a, 351/1929. (Canon Géza Melles’s Hungarian translation of the circular written in Italian also survives in the Archives.) Another circular (dated October) proposed the collection of *legal sources*; see: 36, bottom.

4 See e.g.: COCO, ‘Canoni’ (ftn. 1), 16–21.

5 As suggested by Circular Statement No. 2187/1925 of the Eparchy of Hajdúdorog, at the joint request of the Bishops of Mukacheve (*Munkács*), Prešov (*Eperjes*) and Hajdúdorog, the Holy See was to extend the force of the Latin Code of 1917 to the three Byzantine eparchies with some restrictions. (In this relation, the Circular alludes to the response of Cardinal Gasparri from 10 March 1918.) This ordinance (i.e. the *form* and *degree* of the extension of the force of the Latin Code) is not entirely clear; cf. e.g. KOROLEVSKY, ‘La méthode’ (ftn. 1), 295–296’. It appears apposite to remark here that the handwritten letter sent by the three Greek-rite Bishops to Pope Benedict XV is to be found among the documents related to the first (Latin) codification held in the Vatican Secret

ority for the Pope.<sup>6</sup> Following discussion at the appropriate levels, the circular requires Eastern church leaders to submit their recommendations about the manner of codification as deemed best by them, from practical aspects of the preparation, as well as of the implementation. It is emphasised that the recommendations should be informed by the requirements of the particular Rite or Church, along with its customs, traditions and privileges – in one word, by everything that is necessary to enable the codification process to attain its goal and benefit the priests and the faithful of the Churches concerned.

Finally, the Circular asks that the Eastern patriarchs and archbishops signal which of their priests they consider to be eligible, on account of their education, scholarly training and prudence, to participate in the codification efforts. According to the document, the involvement of such contributors does not necessarily require them to sojourn in Rome, but the selected individuals could as well assist with the work from the respective local Church, retaining their original seats and offices. At the end –presumably justified by the weight of the matter–, the Circular sets a half-year deadline for the drafting and submission of recommendations.

Interestingly enough, the request from Rome arrived by way of the Primate of Hungary as well. In its covering letter dated 17 February, Cardinal Jusztinián Serédi requested Bishop Miklósý to dispatch the impending proposal previously to him.<sup>7</sup>

Archives; see: AAEESS, *Codex Iuris Canonici*, Varia, scatola n. 90; for its text: Appendix 2 (p. 199, bottom).

- 6 Achile Ratti, a pope of particular erudition, took a keen interest in Churches of the East well beyond the issue of codification; see: Mariano SANZ – Juan Cruz ARNANZ, *El 'afecto oriental' de los Papas, de León XIII a Juan Pablo II. Roma y las Iglesias del Oriente cristiano*, in Adolfo GONZÁLEZ MONTES (dir.), *Las Iglesias orientales* (BAC 604), Madrid 2000, 5–108, 28–44.
- 7 n. 650/929: 'Hereby, I request Your Excellency to ensure to formulate the intended proposal either in the Latin or in the Italian language and dispatch it to me by the end of May of this present year. I shall forward it complete with

2. The content of the ‘draft resolution’ of the Chapter of Canons of Hajdúdorog (2 May 1929)

The *guidelines* for the response to the Circular from Rome were drafted by the *Hajdúdorogi Székeskáptalan* (Chapter of Canons of Hajdúdorog) at the request of the eparchial Bishop.

Its content is described by the aforementioned eparchial body’s ‘draft resolution’ delivered at the 2 May 1929 chapter session (9/1929).<sup>8</sup> In compliance with the request, the text, on the one hand, advances *personal propositions* and, on the other hand, addresses *content-related* and *methodological* aspects of codification.

(1) *Personal matters*

The following clergymen from the Eparchy of Hajdúdorog were recommended as members of the (Local) Codification Commission: Papal Prelate and Chapter Arch-Provost Jenő Bányay (*Chairman*); as well as: Canons Géza Melles and László Sereghy, along with Assessor of the Holy See and Episcopal Secretary István Bihon.<sup>9</sup> (As testified by a biographical letter from 14 December 1947, György Papp would also become a member of the Eparchial Codification Commission thereafter.<sup>10</sup>)

(2) *Content-related issues*

As a *starting point* for the work of the ‘Local Codification Commission’ of the aforementioned composition, the draft resolution of

my own observations and the necessary endorsement...’ (translated from the Hungarian original); see: GKPL I-1-a, 351/1929.

8 See: Appendix 3 (p. 201, bottom); GKPL I-1-a, 351/1929.

9 For data on the biographies of those listed above, see: Tamás VÉGHSEŐ, *Görög-katolikus papok történeti névtára* (Collectanea Athanasiana V/1), Nyíregyháza 2015, 48, 78–79, 100–101, 121; see also: PIRIGYI *A Hajdúdorogi* (ftn. 3), 29.

10 ASCO, 719/48, n. 8: [*Ruteni–ungheresi Hajdúdorog / mons. Giorgio Papp (prelato dom – marzo 1959)*].

the Chapter specified the *Latin Code* (*CIC* 1917). Accordingly, the forthcoming task of the Hajdúdorog codifiers consisted in carefully studying the text of *Codex iuris canonici*, as well as subsequently marking the canons to be modified for the 'Greek Rite' and identifying Byzantine canonical and liturgical rules to be instituted separately. (As Cyril Korolevsky notes in his study written at the time, four possible methodological paths were available to the Oriental codifiers.<sup>11</sup> The first of these would have involved the *minimal adaptation* of the Latin Code for the Eastern Catholic Churches.<sup>12</sup> An excellent review of the historical progression of the first oriental codification reveals that, partly driven by a sense of simplicity promising rapid results and partly under the influence of Cardinal Pietro Gasparri, the Vatican Commission also favoured this minimalist solution.<sup>13</sup>)

In addition to summarising the eastern suggestions for changes along the lines of the text of the Latin Code as referred to above, the Chapter document specifies that Vicar-General Jenő Bányay, Chairman of the Commission, visit the priests of the Eparchy well-versed with canon law and liturgics. They are to supply written recommendations as to which canons ought to be adopted in a prospective Oriental Code and with what wording.

The proposal made by the Chapter urges the Commission to ensure to complete the assignment within a few months so that the eparchial Bishop may submit the material thus compiled to the Roman Dicastery in due course. As a final recommendation, the document

11 KOROLEVSKY, 'La méthode' (ftn. 1), 294 ss.

12 Cf. 'La première [méthode] consistait à prendre tout simplement le Code latin et à y faire les modifications nécessaires pour le mettre d'accord avec la pratique suivie dans la plupart des groupements catholiques de rite oriental', KOROLEVSKY, 'La méthode' (ftn. 1), 294; see also: COCO, 'Canonii' (ftn. 1), 35–36.

13 Cf. ŽUŽEK, *Appunti* (ftn. 1.), 40–42; see also: IDEM, 'L'idée de Gasparri d'un *Codex Ecclesiae universae* comme «Point de départ», de la codification canonique orientale', in *L'année canonique* 38 (1995–1996) 53–74.

asserts that, should a trip to Rome be required in conjunction with the codification, Canon Géza Melles,<sup>14</sup> member of the Commission, will be appointed for that.

The draft resolution of the Chapter also addresses the above mentioned letter of Cardinal Jusztinián Serédi, advocating a course of action consistent with his request.<sup>15</sup>

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It may be gathered from the letter of István Szántay-Szémán, Vicar-General to the Apostolic Administration of Miskolc, presumably addressed to Jenő Bányay, dated 17 June, that the Administration submitted ‘its proposal pertinent to the codification of Eastern Canon Law’ to Esztergom as early as the beginning of June, to meet the request of the Prince-Primate. At the request of the Hajdúdorog Commission, the only copy surviving in Miskolc was reproduced and forwarded to Nyíregyháza by Prelate Szántay, together with a letter dated 22 June (740/1929).<sup>16</sup> The dispatched proposal may also be found under the following voluminous title: *Relatio Commissionis Administraturae Apostolicae Miskolczensis in Hungaria in sensu Rescripti S. Congr. „Pro Ecclesia Orientali” die 5-a anni 1929, sub numero 428/28 emanati convocatae, in qua humillimam suam sententiam relatae ad codificationem iuris canonici Ecclesiae orientalis patefacit.*<sup>17</sup>

14 See: ftn. 9. (The minutes containing the draft resolution issued by the Chapter of Canons described here was recorded and signed by Géza Melles as Chapter Notary.)

15 ‘... As the Sacred Congregation has also informed the honourable Cardinal and Price-Primate, *our archbishop*, about measure No. 428/28, who orders to be sent the desired response record by the end of May of this present year, we must proceed in accordance with the wish of His Eminence’ (see: ftn. 7).

16 See: GKPL I-1-a, 351/1929.

17 GKPL I-1-a, 351/1929. The 16-page long, type-written proposal divided into five chapters, putting forward principles and specific codification-related recommendations, is worth further analysis. The last page of the document features the names of Vicar Miklós Szántay-Szémán, as well as Konstantin Zapotoczky and András Bubnó, as authors.

It is well worth remarking that notable monographic studies on the impending oriental codification were written by Miklós Rusznák.<sup>18</sup> Moreover, the Vatican-based archives of the Pontifical Council for Legislative Texts also holds a *complete oriental draft Code* [!] by this author.<sup>19</sup> (At first glance, this is also reflective of the early working method referred to above – i.e. the adaptation of the Latin Code for the Eastern Catholic Churches with minimal changes.) Although a priest of the Eparchy of Prešov/Eperjes, Rusznák participates in the codification as a representative of the ‘Apostolic Administration of Miskolc’ (southern part of the Eparchy remained in Hungary after the peace treaty of Trianon). It is interesting to see that his observations on the draft texts were included under the headword ‘ungheresi’,<sup>20</sup> even though the rite-based classification of the Administration of

18 Miklós RUSZNÁK, *Az új kánonkódex és az egyház keleti jogfegyelme*, Prešov 1918; ID., *Codex iuris canonici respectu habito edendi pro iure Ecclesiae catholicae orientali Codicem iuris canonici*, Prague 1931. (For biographical data and works of the Prelate, see: Andrej SLODIČKA, *Život a dielo Mikuláša Russnáka [1878 – 1954] v kontexte ekumenizmu*, Prešov 2011 [manuscript]).

19 APCTL [uncatalogued]. The cover of the material comprising two bulky bundles of records bears the following inscription: [The Apostolic Administration formed out of the Eparchies of Prešov and Mukacheve] ‘*Projectum de Cod. Orient*’ — *Studio sulla codificazione del diritto orientale del Rev.mo prof. Nicola Russnák della diocesi di Eperjes /Fragopolitana/ e per il tramite della Nunziatura di Budapest trasmesso a nome di Mgr. Antonio Papp, amministratore greco-cattolico di Miskolc, alla Commissione Pontificia per la Codificazione del Diritto Orientale con Rapporto Nr. 4061/31 della Nunziatura di Budapest in data 12/11/31*. The draft itself is entitled ‘*Codex B Iuris Canonici Pii papae XI auctoritate promulgatus*’. (The existence of the uncatalogued bundle of records has been pointed out to me by Federico Marti, to whom I wish to express my gratitude here.)

20 ‘Ungheresi: Mons. S. Miklosy, Vescovo di Hajdu-Dorog. Mons. A. Papp, Amministratore apostolico di Miskolcs [*sic!*]. Mons. E. Bányay Presidente della Commissione della diocesi di Hajdu-Dorog. Mons. N. Russnák, Presidente della Commissione della diocesi di Miskolcs’; see: S. CONGREGAZIONE ORIENTALE, Prot n. 268/33, *Codificazione canonica orientale, per gli Emi Padri della*



Miskolc in the publications of the Apostolic See would for a long time continue to be 'Ruthenian'.<sup>21</sup>

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Apart from the draft resolution of the Chapter written in Hungarian, in the material in the Archives of Hajdúdorog, the Latin drafts of two additional proposals addressed to Secretary Cardinal Sincero are also to be found, both displaying the signature 'Vicarius Generalis Episcopis'. One of them is dated June, while the other July, without closer specification of the day in either case. The first (June) draft letter is practically a preliminary information letter,<sup>22</sup> announcing the establishment of the Eparchial Codification Commission by Bishop Miklósy, as well as its composition, along with indications of the task assigned to the organ. It suggests that, based on a review of the text of the Latin Code (*CIC* 1917), recommendations should be made as to which of its canons could be incorporated unaltered into the Oriental Code to be compiled, which of them could be accommodated with minimal modifications, and which instances will call for completely different and new wording by virtue of the peculiarities of Eastern discipline. Finally, the letter states that the Commission Proposal is expected to be dispatched within a few weeks without delay.<sup>23</sup> The second

*Pontificia Commissione, III, Schema dei canoni 145–355 (C.I.C.) proposto dalla Commissione dei Rev.mi Delegati Orientali e le osservazioni dell'Episcopato orientale, 5; see: APCLT, scatola n.*

21 The epithet 'Ruthenian' in the designation of the Administration (later Exarchate) is omitted from the Pontifical Yearbook only in 1963, when, to replace the hitherto conventional label 'the parishes of the Byzantine-rite Ruthenian Catholic faithful in Hungarian territory', the simpler and more inclusive reference 'Byzantine-rite Catholics' emerges, see: *Annuario Pontificio 1963*, 733; cf. *Annuario Pontificio 1962*, 706.

22 See: Appendix 4 (p. 203, bottom); GKPL I-I-a, 351/1929.

23 'Ima cum reverentia perfero ad altam Eminentiae Tuae notitiam, sententiam Praesulis nostri una cum plano per Commissionem exarato intra aliquos hebdomades Eminentiae tuae Dominationi absque mora propositum iri' (Ibid).

(July) draft letter<sup>24</sup> is the covering letter to the detailed proposal and report (*relatio*). Among other things, it summarises the considerations made in adjusting the Latin Code of Canons to Eastern demands,<sup>25</sup> as well as the principles observed in regulating relations with the Latins.<sup>26</sup>

Serédi's letter to Miklósy from 11 June, urging the delivery of the proposal, may also be retrieved from the material.<sup>27</sup> On its basis, it is reasonable to assume that the requested proposal was eventually sent to the Congregation and the Primate simultaneously only with delay, beyond the half-year deadline, referred to above, expiring on 5 July.

The actual text of the *Report of Hajdúdorog* is in all probability the 23-page, Latin, type-written paper that is also retrievable in the same archival location. After a brief historical lead-in, the text enumerates four basic codification principles: (1) the proscription of arbitrary and rash rite changing; (2) the preservation of purity of rite in the Mass and in the administration of the sacraments; (3) relaxing austerity with regard to church feasts and fasting; (4) the development of an Oriental Code. This is followed by the canons of the Latin Code in a three-way division: those that may be adopted into the Oriental Code without changes, those that require some alterations and, finally, those that are to be completely reformulated with reference to Eastern demands. Even proposed texts are included for certain canons.<sup>28</sup>

24 See: Appendix 5 (see: p. 204.); GKPL I-1-a, 351/1929.

25 'The Commission explored how the canons of the Latin Code could be modified vis-à-vis the Greek Rite and its laws and regulations, applying them in a way that –as far as possible– they may be adhered to more easily, on the one hand, and they may be adapted to certain, well-defined contemporary circumstances as best as possible, on the other hand, so that whoever is affected thereby will abide thereby' (Ibid).

26 'Quod spectat relationem nostram ad latinus [...] (Ibid).

27 n. 2122/1929; GKPL I-1-a, 351/1929.

28 GKPL I-1-a, 351/1929. (Unfortunately, the 23-page typed proposal lacks a title page. Nevertheless, it may be established from the text that it is in fact the Codification Proposal of Hajdúdorog.)

Letter No. 1576/29 of the Episcopal Office of Hajdúdorog to Prince-Primate Jusztinián Serédi, dated 23 June, discloses that, to this point, only a submission regarded as a ‘interpolative response’ has been made to the Congregation,<sup>29</sup> while ‘the respective activities are in progress’, and the proposal under preparation ‘will be presented to the Primate as soon as possible’.<sup>30</sup> The archival documentation is concluded by Cardinal Sincero’s letter from 20 July 1929 saying thanks for the invaluable recommendations sent by Vicar Bányay.<sup>31</sup> (The annotation on the reverse of the *Proposal* of Hajdúdorogi evidences that the document arrived at the eparchial archives only on 30 July 1929.<sup>32</sup>)

### 3. Commencing the work of collecting sources

Even though it may not pertain to a narrowly defined concept or process of ‘codification’ in a modern sense, finally, it would also be worthwhile to make some mention of the process of *collecting* of the Hungarian Greek Catholic canon law *sources*,<sup>33</sup> a job complementing the codification, or rather running parallel to it. István Miklósy’s letter to Secretary Cardinal Luigi Sincero from 29 April 1935, with the Bishop asking for a research opportunity in the Vatican Archives for

29 This is most probably the same as the preliminary notification previously alluded to as the letter composed in June (see: ftn. 22).

30 GKPL I-1-a, 351/1929. (See: The Proposal of Hajdúdorog and its covering letter: ftn. 24 and 28).

31 ‘Quod dum Tibi significo, A. T. gratias ago propter favorem quo codificationem hanc prosequeris. Tibique atque egregiis illis ecclesiasticis viris, quibus commisisti ut tam praeclare operi studia sua conferant, fausta omnia a Deo adprecor’, GKPL I-1-a, 351/1929. (The letter of thanks also reveals that the [preliminary?] material in question was posted to Rome by Bányay on 23 June.)

32 ‘Received and acknowledged on 30 July. Content reported to those involved in the work; subsequently consigned to archives’ GKPL I-1-a, 351/1929.

33 Cf. ŽUŽEK, *Appunti* (ftn. 1), 41, 44, 51; see also: *Sources of CCEO and CIC 83*, edited by Yoannis LAHZI GAID (Kanonika 17), Rome 2012, 17–21.

György Papp,<sup>34</sup> qualified as ‘doctor of the Holy Canons’, a scholarship holder residing in Rome, with a view to enabling the collection of legal sources affecting Hungarian Greek Catholics, has been discovered in the Archives of the Congregation for the Oriental Churches.<sup>35</sup> Item 6 of the dossier is 19-page (uncompleted) study in Latin, with the title *Historia fontium juris particularis Hungaro-graecorum*.<sup>36</sup>

### Concluding Remarks

1. The Eparchy of Hajdúdorog was also invited to participate in the first Eastern codification process. The Chapter of Canons proposed that the Eparchy set up a four-member local *Codification Commission*, which did actually happen. In response to the letter of the Congregation for the Oriental Church from 5 January 1929, this organ submitted a 23-page long detailed proposal in July 1929 with the recommendations of Hajdúdorog for the impending Eastern codification.<sup>37</sup> In it, first of all, they presented the basic principles they considered to be of the essence in the area of codification. In addition, they subjected the Latin Code of 1917, seen as a starting point, to renewed scrutiny from an Eastern perspective. It was in line with this inquiry that they categorised its content: canons that could be adopted unaltered on the one

34 On his life and professional activities, see: István PIRIGYI, *A magyar görög-katolikuság történetének kiemelkedő személyiségei*, in *Hajdúdorogi [jubileumi évkönyv]* (ftn. 1) 218–219; Péter SZABÓ, ‘Orientalisches Kirchenrecht in Ungarn im XX. Jahrhundert (I). Kirchenrechtliche Tätigkeit von György Papp’, in *Folia Canonica* 2 (1999) 267–274.

35 See: Appendix 6 (p. 206); ASCO 719/48, n. 4 [*Ruteni* – ungheresi Hajdúdorog / mons. Giorgio Papp (prelato dom – marzo 1959)]. The publication of legal sources by ‘Rite’ was already prescribed by a Congregation circular issued on 25 October 1929; see: ŽUŽEK, *Appunti* (ftn. 1) 41.

36 ASCO 719/48, n. 6 [*Ruteni* – ungheresi Hajdúdorog / mons. Giorgio Papp (prelato dom – marzo 1959)].

37 See: ftn. 28.

hand and those that required adjustments or complete rewriting on the other. Besides the emphasis on Eastern characteristics, the detailed proposal also included ease of reference and modernisation of the canons among the explicitly stated criteria. The work of the Hajdúdorog Commission was also aided by a paper with similar content prepared by the Apostolic Administration of Miskolc. Later György Papp would also join in the activities of this prestigious body. At his Bishop's request, his engagement was primarily concentrated on the collection of legal sources with a bearing on Hungarian Greek Catholics.<sup>38</sup>

2. The recognition of the independent character of the 'Hungarian Rite' was already slowly but steadily 'underway' at that time. The *modes* of Hungarian involvement in the codification process appear to underscore the *transitional* nature of this period, from their point of view, as well. The participation of both Hungarian Greek Catholic Bishops in the activities concerned was solicited. As suggested by additional materials found in the Archives of the Pontifical Council for Legislative Texts, Hungarian contributors showed a surprisingly high degree of activity in the assessment of the completed drafts. Into the ranks of *Eastern delegates*<sup>39</sup> entrusted with the preparation of draft texts, no Hungarian canon-law expert was co-opted though.

3. The results of archival research on the history of oriental codification so far indicate that the Hungarian involvement –at least at the early stages of the activities– was more significant in this respect than previously expected. Exploring the actual modes and content of involvement will warrant further archival research and analysis.

38 For his main publication on this topic see: György PAPP, *A magyar görögkatolikus egyház partikuláris jogforrásai*, Budapest 1943

39 See: COCO, 'Canoni' (ftn. 1), 38; ŽUŽEK, *Appunti* (ftn. 1), 46–47. The absence of Hungarian codifiers in Rome may partly be explained by the fact that the Byzantine Rite (Tradition) was already heavily overrepresented within the total of Eastern delegates to the detriment of the other traditions. (Half of the working group encompassing five traditions was Byzantine!); see: KOROLEVSKY, 'La méthode' (ftn. 1), 425–426.

## Appendices

### I.

S. Congregazione «Pro Ecclesia orientali»

Num. Di Prot. 428/28

Roma, 5 Gennaio 1929.

Illustrissimo e Reverendissimo Signore Mons. Stefano Miklósy  
Vesc. di Haidudorog

Illustrissimo e Reverendissimo Signore,

A Sua Santità Pio PP. XI, felicemente regnante sono ben noti i desiderî e voti in più circostanze espressi da molti Prelati Orientali, per una codificazione canonica in servizio delle Chiese Orientali, desiderî fattisi più vivi dopo la pubblicazione del «Codex Iuris Canonici». Ora nulla sta più a cuore di Sua Santità che venire incontro a questi giusti desiderî delle Chiese Orientali, e dei loro degnissimi Prelati.

Pertanto questa S. Congregazione *pro Ecclesia Orientali* si è oggi rivolta a tutti gli Eccellentissimi e Reverendissimi Signori Patriarchi e ai Reverendissimi Arcivescovi Metropolitani Orientali, affinchè uditi i loro Arcivescovi e Vescovi nella maniera che crederanno più opportuna, e sentiti inoltre quanti crederanno di consultare, si compiacciano di esprimere Ciascuno con piena libertà il suo modo di vedere circa una così importante materia, circa la necessaria ed opportuna sua preparazione, nonchè circa il modo pratico di attuazione ed esecuzione: tutto questo, tenendo Ciascuno il debito conto dei bisogni, necessità od opportunità del proprio Rito o propria Chiesa, come pure delle consuetudini, tradizioni, privilegi e della propria lingua, di tutto quanto in una parola è necessario e opportuno, affinchè la Codifica-

zione riesca appieno corrispondente allo scopo inteso ed a vantaggio delle loro Chiese, del loro Clero e della loro popolazione.

Sono pure invitati gli Eccellentissimi e Reverendissimi Signori Patriarchi e i Reverendissimi Arcivescovi Metropolitani Orientali a volere indicare alla S. Congregazione *pro Ecclesia Orientali* quali persone, tra i loro Prelati, Sacerdoti o Religiosi, credano più adatte, per la loro coltura, / scienza e prudenza, a collaborare in questa opera, sia venendo, se del caso, a Roma, che rimanendo nelle proprie Sedi, o nei propri uffici.

La S. Congregazione confida che entro lo spazio di sei mesi, non oltre, dalla data della presente circolare, avrà ricevuta la risposta.

L'invito sopra fatto questa S. C. rivolge pure alla S. V. Reverendissima, attendendo da Lei quanto è domandato nella presente Lettera.

Intanto con particolare ossequio mi professo della S. V. Reverendissima

affmo. come fr. Luigi Card. Sincero, *Segretario*.

A. G. Cicognani, *Assessore*.

## 2.

Beatissime Pater!

Quo laeto animo exceptit ecclesia Latina Sanctitatis Tuae constitutionem „Providentissima Mater Ecclesia” die festo Pentecostes anni 1917.-i emissam, per quam nempe Codex iuris canonici promulgatur, vimque legis posthac habere pro universa Ecclesia decernitur atque iubetur, tanto magis dolore afficit fideles graeci, ritus catholicos Ruthenos Hungarosque habitantes in regno Hungariae dispositio Codicis novi expresse iam in canone primo decernens: Codicem novum tantummodo iura ecclesiae latinae in se complecti.

Notum est, fideles graeci ritus Ruthenos in Hungaria habitantes medio saeculi XVII.-i unionem cum S. Apostolica Sede iniisse atque ex dispositione suprema Apostolicae Sedis per quaedam tempora in rebus spiritualibus per vicarios apostolicos gubernatos fuisse.

Anno tamen 1771.-o tunc tempore gloriose regnans Clemens XI-V.-us papa per bullam „Eximia regalium principium” die 19-a Septembris pro supra memoratis fidelibus graeci ritus Ruthenis canonice erexit dioecesim nomine Munkacsensem simulque hanc iam canonisationem dioecesim novam subiecit iurisdictioni metropolitani Strigonensis ritus Latini archiepiscopi, primatisque Hungariae. – Anno 1806.-o autem Sancta Sedes ex hac dioecesi novam Eperjesiensem nominatam dioecesim segregavit, cui similiter metropolitam Strigonensem archiepiscopum Latini ritus praefecit. –

Tandem novissime /:1912:/ nova dioecesis Hajdudorogensis, constans maxime ex parte e parochiis ex his duabus dioecesibus sumptis, dispositione b. r. Pii X.-i Summi / Pontificis pariter Strigonensem archiepiscopum nacta est metropolitam.

dispositiones Apostolicae Sedis nunc memoratae fideles graeci ritus maxime ex parte Ruthenos, in Hungaria habitantes, arcte cum ecclesia Latina iuribusque eius connexere etquidem ita, ut per decursum temporum – via consuetudinis – fere in omnibus rebus disciplinariis ius ecclesiasticum ecclesiae Latinae invaluit, factumque est voluntate praedecessorum ius proprium harum trium dioecesium in Hungaria existentium, videlicet: Munkacsensis, Eperjesiensis atque Hajdudorogensis. Hodie nempe, si excipiatur verbi gratia ius Liturgicum, ius ieiunale aliaque non tam gravis momenti et pauca Graecorum propria iura, quoad essentiam ius ecclesiae Latinae viget apud nos et usitatur.

Itaque promulgatio Codicis novi eiusque post decursum unius anni incipienda obligatio omnino gravi rerum exitui ansam praebabit, quia in dioecesibus his vi legis, consuetudinariae a maioribus nostris adaptatae etiam in posterum observanda essent ecclesiae Latinae iam abrogata iura, quae conditio merito inquietat et totaliter perturbare potest clerum fidelesque legibus ecclesiasticis Latinae ecclesiae adhaerere cupientes atque desiderantes. Pariter exoriri debet difficultas magna in Lyceis nostris Theologicis quoque, ubi nempe clerus iunior per decursum temporis praelectiones e iure ecclesiastico praecipue in spiritu iuris ecclesiae Latinae exceptit.



Ergo reipsa gravissimi momenti quaestio exoritur, authenticaque omnino solutio desideratur, quid nempe in posterum faciendum respectu novi Codici in tribus supra memoratis dioecesibus graeci ritus catholicis existentibus in regno Hungariae, ubi circiter 900,000 ecclesiae catholicae unitorum fidelium inveniuntur, quorum promovendae saluti et gubernationi atque directioni necessario in adhibendo iure ecclesiastico quoque prospiciendum est.

Quapropter ut nos infrascripti Ordinarii certam et authenticam normam in tam gravi causa habeamus, rem prorsus utilem reputavimus / proferre atque Sanctitati Tuae commendare, ut eam ad trutinam revocando iudicium Tuum pandere et – si expediat – obligationem Codicis novi ad dioeceses nostras – salvis tamen iuribus hucadusque specialibus nostris – extendere dignearis.

Interim Beatitudinis Tuae pedes exosculamur, atque summa pro-  
volutione ante Sedem Tuam permanemus

Ungvarini, die 31-a Decembris anni 1917.

Sanctitatis Tuae addictissimi ac obsequentissimi filii:

Antonius Papp,

Episcopus Munkácsensis Graeci ritus Catholicorum.

Stephanus Miklósy  
Episcopus Hajdudorogensis gr. rit.

Dr. Stephanus Novák  
Episcopus Eperjesensis Graeci ritus Catholicorum

**3.**

Az 1929. május 2-án tartott káptalani ülés jegyzőkönyvi kivonata

9:1912. szám A S. Congregatio pro Ecclesia Orientali f. é. Január 5-én, 428/28. sz. a. a keleti Egyház speciális jogszabályainak rendszerbe foglalását határozván el, a közreműködésre legalkalmasabb e. m.

áldozópapok megnevezését kéri, az e. m. főhatóságtól. Közli, hogy az illetők lakóhelyeiken maradva dolgozhatnak, de szükséges lehet Rómába utazásuk is. A főtiszt. e. m. kormány f. é. 351. sz. a. ez ügyben a káptalantól javaslatot kíván.

Határozati javaslat.

1.) A bizottság a következőleg alakítható meg:

Elnök: Bányay Jenő pápai praelatus, káptalani nagyprépost.

Tagok: Melles Géza, Sereghy László kanonokok és Bihon István szsz. ülnök, püspöki titkár.

A javaslat elfogadása esetén neveik a megkereső kongregációhoz bejelentendők. Minthogy pedig a sz. kongregáció a 428/28. sz. intézkedést a biboros hercegprimás urnak, mint a mi érsekünknek is tudomására hozta, aki a kívánt válasziratot a folyó május hó végéig magához kéri, Őeminenciája óhaja szerint járjunk el.

2.) A bizottság tanulmányozza át figyelmesen a Codex I. C.-t. Jelölje meg a görög szertartás szempontjából módosításra váró kánonokat, s a külön alkotandó görög egyházjogi, s liturgikus szabályokat. Ezek felsorolása mellett az elnök keresse meg az egyházmegyének az egyházjogtanban s a szertartástanban legkiválóbb lelkészeit és segédlelkészeit: legyenek a bizottság segítségére s adjanak írásbeli nyilatkozatot, mely kánonokat, milyen szövegezéssel kell, vagy tanácsos a keleti egyházi kódexszbe bevenni. Igyekezék a bizottság a munkát néhány hónapon belül elvégezni, hogy az e. m. főhatóság az elaborátumokat Rómába idejébe fölterjeszthesse. Szükség esetén Melles Géza kanonok, deszignált, bizottsági tag menjen fel Rómába a tárgyalásokra.

K. m. f.

A jegyzőkönyvet fölvette s e kivonatot hitelesíti:

Melles Géza  
kanonok, kápt. jegyző

4.

Eminentissimo ac Reverendissimo Domino Domino Ludovico Cardinali Sincero S. Congregationis Pro Ecclesia Orientali Secretario Romae.

Eminentissime ac Reverendissime Domine Cardinalis Praefecte, Domine Mi Colendissime!

Responsurus ad aestimatissimam requisitionem sub numero Di Prot. 428/28. ad Ordinariatum meum Hajdudorogensem factam, Praesule, de praesenti vacationem fruendo absente, ex speciali eius mandato habeo honorem Eminentiae Tuae referendi in sequentibus:

Illustrissimus Episcopus noster, ad exsequenda studia praeparatoria pro codificatione canonum Ecclesiae orientalis priorum, Commissionem composuit Dioecesanam, denominando 1.) in Praesidem: Eugenium Bányay, Praelatum Suae Sanctitatis Domesticum, Praepositum Maiorem Ecclesiae Cathedralis, in membra porro: 2.) Nicephorum G. Melles Canonicum Custodem, 3.) Ladislaum Sereghy Canonicum Scholasticum et 4.) Stephanum Bihon, Secretarium Episcopalem, SS. Theologiae Baccalaureum.

Commissioni iniunctum est munus collaborandi in Sede Episcopali Civitate Nyiregyháza, atque duo membra nominatim Canonicos sub 2.) et 3.) memoratos, si necessarium videbitur, Romam deputandi ad immediatas cum Commissione Primaria tractationes peragendas.

Eidem Commissioni prae oculis est fixum Officium triplex: a.) assignandi Canones ritui graeco quadam cum genuini Codici textus immutatione adaptandos; b.) Canones ex Codice in horum integritate, originalitate assumendos; c.) canones, quibus novae regulae liturgicae ac iuridicae specialiter graecae debent substitui, respectu praesertim conditionis nostrae graeco-catholicorum in Hungaria. / Commissio audiendo plures quoque prebyteros condioecesanos, assidue incumbit muneribus susceptis adimplendis. Pro ratione sequenda prae se tenet non solum ob propinquitatem schismatis Rumenorum

Péter SZABÓ

in Transsilvania praevaletis et contra schismaticas velleitates ruthe-  
nas in Cechoslovakia – licet paucis cum effectibus – excitatas esse  
fideles nostros per istos canones defendendos, sed eosdem una cum  
fratribus latinis inter haereticos lutheranos et calvinianos commixte  
videntes aptis regulis quoque debere in fide vera confirmari.

Ima cum reverentia perfero ad altam Eminentiae Tuae notitiam:  
sententiam Praesulis nostri una cum plano per Commissionem exa-  
rando intra aliquot hebdomadas Eminentissimae Tuae Dominationis  
absque mora propositum iri.

In osculo ss. manuum et purpurae, eximio cum venerationis cultu  
permaneo in Nyiregyháza (Hungaria) die Junii a. 1929.

Eminentiae Tuae humillimus servus:

Vicarius generalis Episcopi Hajdudorogensis graeci ritus.

5.

Eminentissimo ac Reverendissimo Domino Domino Ludovico  
Cardinalis Sincero, S. Congregationis Pro Ecclesia Orientali Secre-  
tario

Roma.

Eminentissime ac Reverendissime Domine Cardinalis Praefecte,  
Domine Mi Gratosissime!

In nexu aestimatissimae requisitionis Eminentiae Tuae sub nume-  
ro Di Prot. 428/28. ad Ordinarium meum Hajdudorogensem, de pra-  
esenti a residentia procul vacatione fruentem directae, atque responsi  
mei numero 1576. propositi, honoris mihi est, ex speciali Praesulis  
mandatos Eminentiae Tuae humillime praesentandi in advoluto rela-  
tionem Commissionis Dioecesis nostrae, in causa codificationis Juris  
Canonicis Ecclesiae Orientalis.

Ima cum reverentia significo, quod de caeteris ad altam Emi-  
nentiae Tuae notitiam iam pertuleram, Commissionem prae oculis

habuisse non solum schisma rumenum nobis propinquum velleitate-sque in Ruthenia vicina schismaticas, sed etiam – imo principaliter – haereses Lutheri et Calvinii, his in regionibus sat roboratas, simul-que liberalismus modernis errores, contra quos fratribus cum latinis collaborandos, viribus unitis fidem nitimur defendere ac disciplinam catholicam.

Commissio studebat canones Codicis I. C. Occidentalis modificare ritui graeco et regulis iuridicis eiusdem adaptando ita, ut illi una ex parte observatus fiant faciliores, in quantum sit possibile, ex altera autem clari, certi, circumstantiis hodiernis pro posse evadant accomodati atque omnino ab omnibusque, quos et in quantum attinet, adimplendi. /Quod, spectat relationem nostram ad latinis, nobiscum una eiusdem Patris Coelestis ac his in terris Vicarii filios, textus canonum orientalium formulando pro principiis nobis directionis inservierunt charitas fraterna in gloriae divinae ac salutis animarum promovendae servitio, iusta reciprocitas et utriusque ritus defensio contra in essentialibus cuique propriis commixtiones, ut caeremoniae, normae rituales ac disciplinares in utraque Ecclesiae parte perseverent in originali puritate, quin salutare reformationes in bonum animarum necessariae, per Ecclesiam probatae excludantur.

Iterandos, quod in elaborati conclusione continetur, supplices deprecamur pro gratia, dignetur proiecta hac in re Eminentiae Tuae acceptabilia, si quae essent, nobis communicare, paratis caeterum deputatos nostros, si utile censebitur, Romam mittendi ad tractationes cum Commissione Primaria perficiendas.

Enixe obtestamur, ut filiale homagium nostrum Sanctissimo Patri Summo Pontifici ad pedes proferre et Eminentia Tuae eximii honoris cultum a nobis acceptare non dedignetur.

Altis gratiis favoribusque commendatus, in ss. manuum ac purpurae osculo permaneo in Nyiregyháza (Hungaria), die Iulii a. 1929.

Eminentiae Tuae humillimus servus:

Vicarius Generalis Episcopi Hajdudorogensis graeci ritus.

Péter SZABÓ

**6.**

A Hajdudorogi Püspöktől N. 949. 1935.

Eminentissime Princeps,

humillime exoro Eminentiam Vestram, dignetur Presbytero meo Georgio Papp, SS. Canonum Doctori, de praesenti Romae in Collegio Hungarico studiis iuridicis historicisque vacanti benignissime facultatem impertiri, quatenus pro fontibus historiam et statum canonicum fidelium bysantini ritus cath. Hungarorum spectantibus exquirendis in S. Congregationum Curialium Archivis investigationes possit peragere atque dat forte invenienda in copia colligere.

Presbytero nominato mandavi, ut statim se praesentet in S. Commissionis Codificantis Cancellaria pro facultate hac, si concedatur, recipienda.

Altis gratiis ac benevolentiae commendatus eximio cum honorationis cultu, in S. Purpurae osculo, permaneo in

Nyiregyháza, (Hungaria), die 29. Aprilis a. 1935.

Eminentiae Vestrae humillimus in Christo servus:

Stephanus Miklósy

Eppus graeci rit. Dioec. Hajdudorogen.

Eminentissimo ac Reverendissimo

Dno Aloysio card. Sincero, Episcopo

S. Congregationis pro Ecclesia Orient. Secretario,

Romae

## **abstract**

At the beginning of 1929, Cardinal Luigi Sincero, Secretary of the Congregation for the Oriental Churches, dispatched a circular to the Eastern Catholic bishops, among whom was István Miklósý Byzantine Rite Eparch of Hajdúdorog. Therein, he requested them to participate in the preparation of the common Oriental Code. The response to the circular from Rome was drafted by the Chapter of Canons of Hajdúdorog, as documented by its records dated 2 May 1929. In accordance with the request, the document, on the one hand, makes personal recommendations and, on the other hand, addresses content-related and methodological aspects of the codification process. Four individuals were nominated as members of the local codification team: Jenő Bányay, Géza Melles, László Sereghy and István Bihon. According to the proposal, their subsequent assignment would involve identifying the canons that required modifications from the point of view of the ‘Greek Rite’, with reference to the text of the *Codex iuris canonici* as a starting point, as well as making suggestions for additional Greek disciplinary and liturgical rules. Prefaced by a brief historical introduction and formulating four fundamental codification principles, the 23-page text of the Hajdúdorog ‘Relatio’ is also retrievable from the archival material. The documentation is concluded by Cardinal Sincero’s letter (20 July 1929), saying thanks for the proposals.