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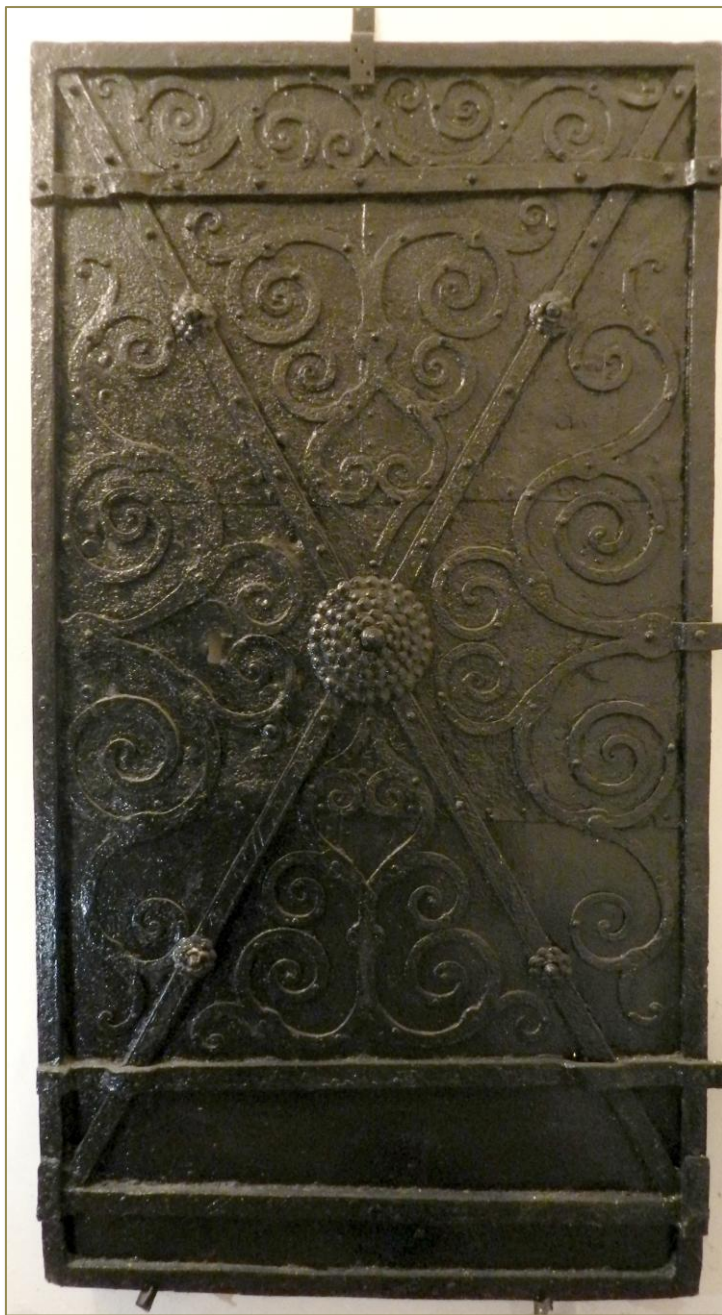
## High Treason Lawsuits against Protestant Preachers and Teachers (1674)

### Abstract

The lawsuits of the 1670s have become the symbol of Protestant persecution in the historical memory of Hungary. This study focuses on illustrating the lawsuit topics, false arguments and false evidence, intended to frame a view on Protestants and to take control over on a wide range of Protestant society. My aim is to show how a conspiracy by seemingly lawful means was managed step by step.

*Keywords:* narratives, conspiracy, rebellion, court documents, Primatial Archives in Esztergom

The series of lawsuits against Protestants supported by the state authority in Hungary and referred to as an example of aggressive Catholic expansion even centuries later reached its zenith with the process in March and April 1674 in Pozsony (now: Bratislava). Historical memory refers to this as the galley slave process, namely, its one-time sufferers were Protestant preachers and teachers, most of whom were sent to the galleys.<sup>1</sup> Based on their narratives, the Protestant public opinion in Europe could rightly challenge the spectacularly propagated religious tolerance of the Habsburg power; and finally, yet importantly, these narratives facilitated their release. This study is going to handle this topic in detail.



*The door of the prison for the prisoners of the trial in Bratislava (SK), now on display  
in the church of the local Reformed congregation*

In earlier years, the indoctrination with a focus on rebellion (revolt, rebellion) against the sovereign was emphatic in the propaganda of those in power, whilst the Habsburg house was trying to break down the resistance in Hungary at all costs and without being deterred from it by any means. Also the lawsuits of 1674 turned into a grand process exceeding religious frameworks and made to fit into political games easily, served as a means of intimidation.

On the whole, the lawsuits of the 1670s<sup>2</sup> have become the symbol of Protestant persecution in the historical memory of Hungary. Taking the notice of appeal to Pozsony and the punishment into consideration, various concepts (pros and cons) have developed about the most extensive lawsuit and its consequences based on their listing by name and their place of ministry. These were created from the sprawling story of the Wesselényi conspiracy, the hopes towards the Principality of Transylvania and the Sublime Porte, and in the later historical literature from the interpretative debates about the essential components of the absolutism of Leopold I, the questions about the antecedents of the Kuruc (Hungarian rebels) movement and the church-related topics of the ‘mourning decade.’ The latter ones were authenticated by the memoirs of the people released from prison or those who survived the persecutions. They offered appropriate evidence mainly about Protestant persecutions and the martyrological approach.

The court documents about the lawsuit of 1674 were not created in the course of the procedure at the spot but compiled in a ‘protocol-like way,’ actually as an extract for the ultimate verdict. Now this report has become studiable in authenticated archival sources;<sup>3</sup> its text can inspire historians, literary historians, church- and legal historians to study it. The Latin text of seventy-four double foils in modern legal language is, as a matter of fact, a report on what happened at a given place (Pozsony), at a given time (in March and April 1674), with given participants (exceptional court). The interpretation of the text is not an easy task. It is not going too far in the direction of self-laudation to say that it was I who published the authenticated version of the report (2002)<sup>4</sup> and made its interpretation to comply with the requirements of modern textology (2008).<sup>5</sup>

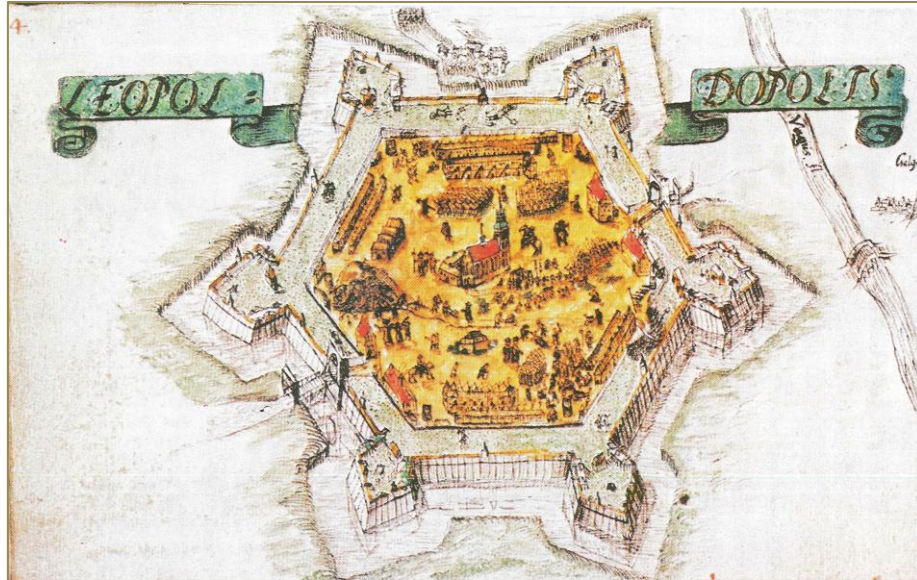
For the sake of accuracy: up to now, the above only original copy with the signature of authentication by Archbishop György Szelepcsényi, governor of Hungary, chairman of the exceptional court can be found at the Primatial Archives in Esztergom: Archivum Ecclesiasticum Vetus, № 1790/4. A small contemporary slip of paper attached to it says: *Processus Szelepcsényianus contra praedicantes in facto rebellionis*. (Szelepcsényi’s

lawsuit against preachers in the cause of rebellion). The unknown clerk who filed this original copy of the report thought that the names of Archbishop György Szelepcsényi and István Vitnyédi<sup>6</sup> authenticated it. Only the two incriminated printed matters (letters of István Vitnyédi) and their versions distributed in various languages were introduced to the public opinion of that time, thus, justifying the legitimacy of the procedure that was professed in public.<sup>7</sup>

For a long time, the lawsuit was authenticated in the public eye by a late copy that appeared in print in the 19<sup>th</sup> century: *Causa<sup>8</sup> Fisci Regii contra V. D. Ministros coram Delegato Posoniensi Judicio anno 1673 mota, et anno 1673 !!! terminata*. It has to be added: more than one copy exists, and their creation, fate, and last but not least, their quality and qualification is a separate story.<sup>9</sup> The text of the copy published<sup>10</sup> offers misleading knowledge; it is full of mistakes and shortcomings (as a matter of fact, this is inexplicable considering its source).<sup>11</sup>

As far as the text is concerned, the Latin language conveys the false information said and written in the course of the lawsuit to the posterity. Thus, the language can be investigated as a political practice, political discourse. The viewpoint, the terminological choices, the argumentative technique of the extract (*extractus*), that must have been written based on voluminous court documents, are one-sided. Its argumentation represents legitimacy in the name of the emperor; thus, also the text indoctrinates stereotypes. The enemy concept gains linguistic expression sanctified by the court, which at the same time justifies the legitimacy of the ruler's lawful proceedings. Although the power intricacies of the decision-making mechanism (governmental *simulatio* and *dissimulatio*), which involves unmasked or created, fictive information or information that the authority views with suspicion, are confidential, the most obvious and generalised indictment is high treason. Deception, creation of fake images have served this purpose.

The sins of the accused are the so-called "illegal formation of public opinion", sermons, invocations (*concio*), orations (*discursio*, *declamatio*), but also the *preces* (prayers, invocations), as a recurrent formula, are considered incitements in the rhetoric of the charge. Thus, everything that the authority names in connection with the rebels (*rebelles*), insurgents, belongs to the category of "secret" (*clandestinus*) publicity between the preachers (*praedicatores*, *ministri*) and their audience (*auditores*). A serious manifestation of their disobedience is that they have tried to seek alliance with each other, which is a sin that makes them rebels in general.



*Leopoldov Castle (SK), one of the places of imprisonment of preachers, drawing from Tobias Masnecius' manuscript Monumentum (National Archives of Evangelical Churches)*

The defendants are considered guilty for conspiracy, publishing seditious books,<sup>12</sup> organizing conspiracies, developing dangerous ties, exerting unpredictable effect on their audience, opposing the Fiscus as a legal entity, they are accomplices that take part in rebellions in some parts of the country (*complices, companni, asseclae, coadjutores*) and hold meetings, correspond with rebels and incite people to rebellion.

The fact that the earlier and the contemporary aggressive Counter-Reformation on the part of the squires has risen to the level of government interests, appears also in the argumentation of the plaintiff's lawyer when he rejects the defendant's defense and replicates.<sup>13</sup>

As all participants in this rebellion are allies and rebels also in general, consequently, penalties must be imposed on them without exception in the same way as on such rebels; i.e., nothing contradicts the conclusion (that the lawyer of the accused tried to attack elsewhere) that every preacher is a rebel on the territory of Hungary [...].<sup>14</sup>

The lawsuit started in Pozsony on 5 March 1674 and lasted for two months as *iudicium extraordinarium* after several delays. The delays (*respirium*)

happened for various reasons (the night fell, Easter was coming, there was no defense attorney, copies of court documents were required). The inner chronology of the minutes, the recorded days follow one after the other like this: 9 March, 11 March, 15 March and 16 March, then 2 April and 3 April. Because of the long argumentative replies (pros and cons) on 15 March, the process went on also on 16 March. As they made no advance in anything, the court postponed the court day to 2 April. According to this chronology 3 April was the last, recorded court day when the guilts of the accused were listed again and the declaration of their culpability closed the legal process.<sup>15</sup>

The acts, which were made the subject of the prosecution, were considered much more serious crimes in a conceptual sense than the crime of *lèse majesté*; they were considered high treason (*crimen perduellionis*). Contrary to the rules of customary domestic law, the courts delegated by the king proceeded in these cases by virtue of the power of the primary jurisdiction of the ruler. It was the king who determined the composition of the court, consequently, it exercised its jurisdiction (*tribunal*) *ex mandato regis*. By royal decree, the Hungarian members of the board of governors (*gubernium*) under Johann Caspar Ampringen's chairmanship became members of the ad hoc court on 27 February 1673. Besides György Szelepcsényi they were the following: Ádám Forgács Seneschalsy, Cardinal Leopold Karl von Kollonitsch president of the Chamber and János Majthényi chief officer representing the king. They played a major background role in the course of the lawsuit. Leopold I's tactical procedure deserves our attention, namely instead of all members of the board of governors, he delegated only the Hungarian members because he was afraid that the presence of 'strangers' (Germans) at the court might have elicited dislike in the European Protestant public opinion. He also feared that the delegation of the four Austrian members of the board of governors might have aroused sympathy towards the accused in the Hungarian Catholics.<sup>16</sup>

It is important to stress that a secular court sat in judgement, which had also ecclesiastical members by virtue of their dignity: György Szelepcsényi archbishop of Esztergom, and as the ultimate '*forum*', i.e., judge of the cases submitted to the king, was the ruler's governor in judicial matters (*in judiciis locumtenens*); György Széchenyi, archbishop of the canonically united churches in Bács and Kalocsa and administrator of the episcopate of Győr; Tamás Pálffy Erdődi, bishop of Nyitra, the Hungarian court chancellor of His Highness; Cardinal Leopold Karl von Kollonitsch,



bishop of Bécsújhely (Wiener Neustadt), knight of the Order of St. John of Jerusalem, chairman of the Hungarian Chamber; István Sennyey, bishop of Veszprém; János Gubasóczy, bishop of Pécs; Ádám Forgách, eternal count of Ghymes, seneschalsy and master of the treasury; Pál Esterházy, eternal count of Fraknó, royal majordomo and commissioner of the mining area; Miklós Erdődi Pálffy, eternal shireman of Pozsony county, royal arch-chamberlain; László Nagykárolyi Károlyi, shireman of Szatmár county and János Majthényi, chief officer representing the king. Their names were listed in the minutes but there was no information on their particular contribution.

Formally, the conduct of the procedure complied with the notion and norms of an ordinary contentious proceeding (*processus solemnus*). This was a written procedure, in the course of which both the formal objections and the so called ‘argumentative replies’ (the substantial discussion) took place in writing. As usual, extracts were made from these documents, including those about the interrogations and testimonies (testimony of the accused) and all other processes of investigation. The court’s decision and the judgement-making were not based on the original, sometimes rather lengthy documents, but on the extracted documents. In accordance with the classical Code of Procedure there were three parties in the minutes: the prosecutor representing the applicant (György Horváth represented Miklós Majláth, director of royal legal matters, at least his name was mentioned at the beginning of the lawsuit); the lawyers representing the accused – Ferenc Nagy (Lessenyi) was the best-known of them, he was a judge and sub-prefect of Bars county, one of the organisers of the Wesselényi conspiracy, he was imprisoned, but got a pardon in 1673 (in the course of the lawsuit also additional appointed lawyers were named); and the court that was consistently referred to in first person plural (*deliberavimus*,<sup>17</sup> we decided).

The interpretation of the text of the minutes is not an easy task because the former text-writers highlighted important names and activities deliberately and insinuatingly, on the one hand, other pieces of information remained hidden or could not be interpreted in the context, on the other hand. On determining the range of defendants, the removal of the preachers who were considered accomplices in the rebellion was expedited because the rebellion had come about due to the preachers’ exhortation, i.e., they turned against their ruler and the divine command at the time of the exulants’ inrush. All defendants were considered accomplices (*companni*) in the rebellion that threatened Hungary (*Regnum Hungariae*),<sup>18</sup> thus, they de-

served the stigmatization ‘eternal infidelity’ (*notae perpetuae infidelitatis*) as a retribution. In the text, the rebellion was referred to as *rebellio moderna* (meaning current rebellion, faction) because of the proximity of the event in time.

Both parties, i.e., the delegated court and the hundreds of people that were deprived of their personality, individuality and were handled as a group (or even groups that stayed away), were present through their representatives.

Based on the text created by the authority, the roles of the parties can be recognised unmistakably, the parting-line between them being the range of logical argumentation of the indictment. The plaintiff justifying the preachers’ writ of summons stressed the legitimacy and the necessity of ‘the administration of justice’ because the preachers had broken their binding oath of allegiance (excesses in religious practices, their extensive network of contacts with rebels, and their Turkomania<sup>19</sup> etc.); thus, he envisaged a wide range of sanctions.

It was difficult for the representative of the defendants to find suitable arguments against the generalised charges. He tried to cling to the fact that *de facto* no crimes could be proved against them. However, the litigants did not deny the charge because in this case they would have admitted it; rather, they required concrete evidences taking care, of course, to comply with the legal limits imposed on them. If they had dared to call the evidentiary arguments of the plaintiff’s prosecutor into question, they would also have committed misdemeanor.

Protestant preachers had always been victims of aggressive conversion;<sup>20</sup> however, the forcible occupation of churches by squires and the persecution of preachers did not *per se* mean the victory of Catholicism. Only the work of the missionaries based on persuasion and conversion could ensure the lasting victory of the Roman religion on this terrain ‘cleared’ in this way. Also the answers of the serfs questioned on the palatine Miklós Esterházy’s newly recatholicized manor in Frakno-Kismarton in 1638 referred to this: although they did not know almost any of the teachings of their originally Lutheran denomination or the Catholic religion that was forced upon them, they stuck to ‘their father’s religion’ as much as they could.

The Pauline missionary, Bonifác Acsády, made the above-mentioned experience, too. Ferenc Nádasdy invited him to his Transdanubian estate after he had expelled the Lutheran pastors by brute force. Acsády preached around Csepreg, and converted some 150 people; however, many of them



regretted their conversion and wanted to kill him. The monk supported by the power of the lord of the manor converted 53 especially stubborn Lutherans forcefully; however, some of them attacked him at night throwing a pointed stick at him through the window of the parish house, which almost killed him. At another time, when Acsády was trying to convert the beloved *dominus* (teacher) of the villagers, who kept postponing the conversion, the peasants attacked him with clubs and beat the Pauline monk half to death, saying: 'You forced us to give up on our faith!' The complexity of the situation is perceptible, namely the recatholized serfs were not just will-less robots on the richest and the most powerful magnate, Ferenc Nádasdy's estate. They were not willing to change their religion and conviction to the landlord's admonition.<sup>21</sup> Also other sources (e.g. reminiscences of memoir writers) report on the violent manifestations of converting intents. When the following sentence about the recognizance, i.e., reversal of about 200 preachers(!) admitting rebellion was inserted, the minutes of 1674 emphasized that forceful conversion was a rightful punishment for their disobedience:

In this passage the prosecutor referred to the reversal of some 200 preachers and newly sued complicit, in which they freely admitted that they abused the service entrusted to them, incited common people to rebellion and conspired to revolt.<sup>22</sup>

It was well-known about Szelepcsényi at that time that his decision was relevant in the lawsuit against the preachers.<sup>23</sup>

In my opinion they will have to be tormented for some days, and through Your gracious decree with the clause, i.e., under relentless penalty of loss of head and property, Your Most Sacred Majesty condescends to command to banish them and make them leave the country within two weeks. Intending to report on the remaining events, I will not omit to inform Your Most Sacred Majesty about the whole issue.<sup>24</sup>

The power struggles before the lawsuit of 1674 seem to prove – in the case of Protestant preachers by all means – that the chairman of the committee, György Szelepcsényi as authorized deputy of the country from 1670, was an authoritative personality in judicial matters, and there were direct contacts and political consensus between him and the Emperor Leopold and King of Hungary. Today it is known that the tacit exemption of the Viennese court, and that only the clergy was to blame for the persecutions

used to be common phenomena in the church historical literature of that age. The lack of criticism on the part of secular supremacy is clear, namely the court in Pozsony summoned the preachers under the pretext of 'rebellion' and cooperation with exulants, thus, they (either Bálint Kocsi Csergő, or Pál Debreceni Ember) did not want to feed these allegations.<sup>25</sup> Recent research allows us to summarize the roles the Viennese central offices and the Hungarian royal central offices played in the lawsuit. The emperor's original decree concerning the contentious proceeding of 1674 has not been known up to now; only the evidence of the approbation by the sovereign was copied in the minutes.

The deliberation of 1673, whose documents I have found in the course of my archival research,<sup>26</sup> may be an important contribution to the comprehension of the situation and can bring us closer to answering the question. This is a document whose subject is the set of items (cases) that Cardinal Leopold von Kollonitsch, chairman of the Hungarian Chamber proposed on 14, 15, 16 and 20 November at the conference of the Court Chamber and War-Council, on the basis of which the approbation by the sovereign was established (after the set of items had been submitted to the emperor on 27 and 28 November).

In the second half of the 17th century, Secret Council meetings were preceded by a committee meeting, i.e., a so-called conference dealing with the preparation of one case at a time; this was probably also the case with this document. The highlighted place-names in the mandate<sup>27</sup> of 29 November 1673 (ergo the point of time follows that of the test case of 25 September) are significant from the viewpoint of the text of the lawsuit too. The royal mandate copied in the minutes lists towns in the first place. As the lawsuit expanded over several towns nationwide, not only the culpability of the 'highlighted' places, that had suffered violent processes (Lőcse, Késmárk, Sopron), became the subjects of the process. In fact, years of atrocities against Lőcse, Késmárk, Bártfa, Kisszeben and 13 towns in Szepes, occupation of churches were concluded by a legal procedure. (Késmárk, Lőcse were mentioned among the towns to be punished because of 'repeated' rebellions between September 1673. and 15 January.<sup>28</sup> Summarizing *ibidem*:

Eighth, as non-Catholic preachers from mining towns are all rebels, and – as our Hungarian Court Chamber has informed us about this – obviously they have been proved guilty of the act of rebellion; thus, we have decided that it is not contrary to the laws of the country to expel and

punish them. Nevertheless, our Hungarian Chamber and our Chancellery must bear in mind to choose exemplary pastors and Catholic pastors of souls to replace them.<sup>29</sup>

The last decision in the minutes is formulated like:

[...] because of the high number of lawfully sentenced persons and the lack of an appropriate number of chains, not each of the persons sued can be imprisoned; by the special grace of the tribunal they must stay within the walls of the town Pozsony until the last decision is made, under the burden of immediate and merciless execution of the sentence imposed in the judgment, which must be performed without delay, none of them shall skip bail and must dare to leave the town.<sup>30</sup>

The intimidation transmits the message about the intention that the process will probably be expanded to further accused persons:

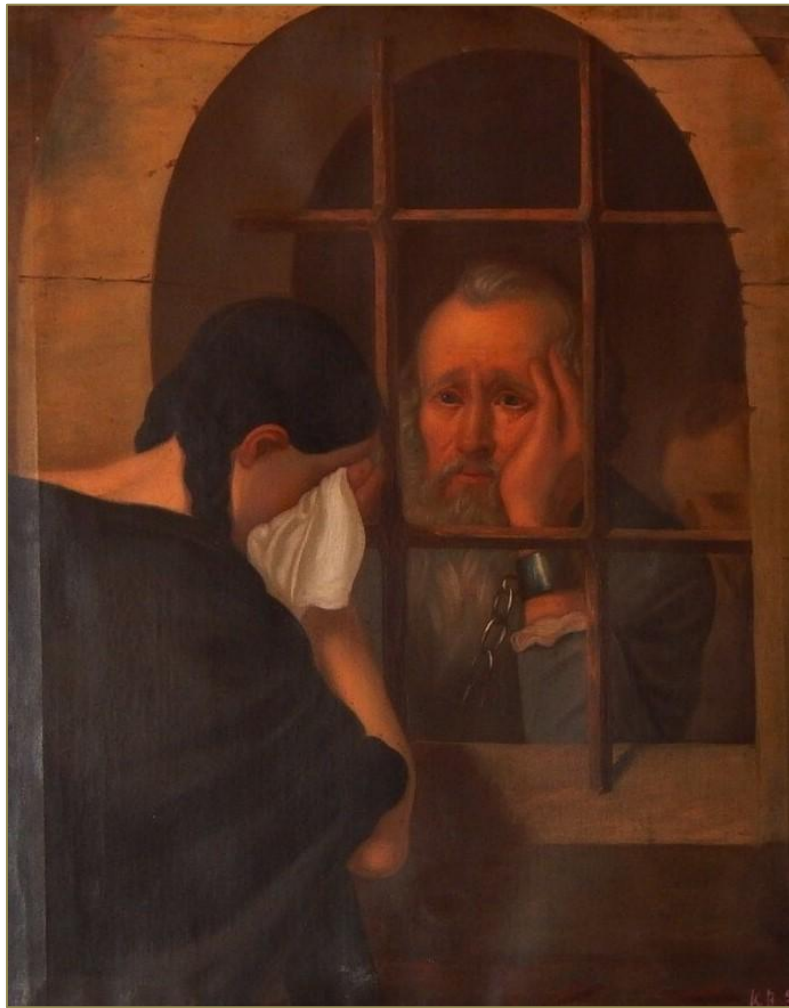
This shall serve as a deserved punishment for all accused so that all their descendants shall desperately mourn about the punishment for their being sinful and the torments of the punishment of all the above mentioned accused persons; however, for all times this shall be a terrible and fearsome example and deterrent for those who would descend to doing similar deeds.<sup>31</sup>

As mentioned above, the text (minutes of the process) is a source of legal history in the first place. It is a legal historical and at the same time textological dilemma, whether it is a minutes or a letter of judgement. It is an undeniable fact that no separate letter of judgement has been attached to court documents; however, the 'final decision' with a summarized reasoning can be read in the minutes two times. In the decisions made by the court and placed in the minutes, the wording '*deliberavimus*', i.e., 'we decided' occurs several times, finally the 'conclusive judgement' follows that takes the counts of indictment for proven.<sup>32</sup>

György Szelepcsényi, archbishop of Esztergom's authentic signature and dry seal impression in red wax close the extract of the minutes on 30 April. The drafts are not available for posterity. Its final wording has been given apparently by István Orbán, secretary to chancellor. The procedure itself, which is also clear from the minutes, was adapted to suit the contemporary practice of law. In the case of such lawsuits no exactly defined code of civil procedure existed, and the delegated courts very often deviated even from the customary law; i.e., such a legal procedure is a *iudicium extraordinarium* (extraordinary court) if only because of its tribunal

nature.<sup>33</sup> The names, the rank and the position of the members of the delegated court were listed on the first page of the minutes.

The procedure was carried out according to the classical code of civil procedure (between the prosecutor representing the plaintiff, the lawyers representing the accused and the court), in the sense of the rules of court, according to the domestic and customary law.



*János Pethes Jablonczai bidding farewell to his daughter in the dungeon of Leopoldvár (Leopoldov, SK) in 1674 (Bálint Kiss, oil, 1846)*

The lawsuit started with György Szelepcsényi's announcement, i.e. the procedure had to be considered as the continuation of the 'lawsuit launched against the preachers [in the last year on 25 September 1673] who were accomplices in rebellion, and which was not completed.'<sup>34</sup> Then the range of defendants was introduced (at first on this occasion), then three more times: those who were obligated to appear for court, on the one hand, and more emphatically those who stayed away, on the other hand; however, both groups of defendants were guilty according to the prosecutor's statement that he had repeated several times.

Namely, if the preachers did not appear at the court, the judge pronounced them absent (*absentes*), which meant that they abandoned their rights to legal protection. On the other hand, non-appearance, as the minutes makes it clear, entailed immediate conviction. That is, if the delinquents did not appear at court, they proved guilty of disobedience; however, if they did, they could be convicted according to all counts of indictment. It is highly important not only because of the text interpretation but also from the viewpoint of the conduct of lawsuit to decipher side-notes, like '*prima proclamatio*', i.e., the first proclamation or interpleader, more precisely summons to the preachers to appear in court; likewise '*prima proscriptio*', i.e., the first listing of the preachers' names: namely default of appearance because of 'obstinacy' entailed legal sanction, i.e., as an act of disobedience it was the subject of indictment.

The justification of the charges was the task of the prosecutor. It was difficult if not impossible to deny the charges, which were brought against the defendants one by one, and the statements of the depositions justifying them; the 'defence' could only shed a different light on the intentions and the drivers of the events that had occurred.

The charge against the preachers can be summarized as follows: the summoned exceeded the set framework of their service; consequently they offended against their king, the Roman Catholic faith approved by the laws of the country (*fides Romano-catholica legibus et constitutionis regni approbata*),<sup>35</sup> the saints and most of all the Virgin Mary. The felony against the cult of the Virgin Mary was a serious charge, just as the *topoi querela Hungariae* and the *propugnaculum Christianitatis* were the expressions of 'protection' at the time of the Turkish conquest, embodied by the celestial patron that was more powerful than anyone else was. The charge that unworthy acts were performed in the churches occupied by the Catholics occurred at several places. Repeated accusations in the testimonies were the following: 'the cross was trampled', the communion wafer 'was smeared

with mud.<sup>36</sup> Nevertheless, the preachers were most of all rebels who incited their followers (*auditores, populus, plebs, rudis plebicula*) to rebellion, which could be proved by rebellions extending on border castles, too.

Another charge was that they held meetings, corresponded with rebels and instigated rebellion; all these were backed up by their 'Turkophilism',<sup>37</sup> leading the country to ruin. They were also guilty of defiance against the subpoena, and they had the officials serving the summons incarcerated in Turkish prisons. They wrote and printed squib papers, gave false information to foreign princes, and against the sanctified 13. Article of Law 1659, they turned to the Turkish sultan for protection. Even the most severe punishments in view did not deter them from all these, i.e., they turned against the sanctified laws and the common law of the country. The charges were generalizing, i.e., they applied to all defendants without any personal proof. In the course of the procedure, the royal prosecutor represented this standpoint consequently, and submitted it several times supported with testimonies. The situation was the same in the case of punishments (like persecution, disenfranchisement, and deprivation of all movable and immovable property) that the prosecutor requested from the court on all defendants in general.

The argumentation logic of the defending counsels was constructed in the opposite way: they stressed that the truth of the charges be proved individually and not in general, and the events and the venues be specified. The defendants, every one of them, were ready to prove their innocence, whether by personal bodily oath (*iuramentum corporale*),<sup>38</sup> or by resting a hand on an object of ceremonial importance (relique, crucifix, Bible).

Besides all these, the (judicial) role of the court was technical in nature, on the one hand, i.e., compliance with rules of procedure and legality, weighing the arguments for and against, issuing copies of court documents to the representative of the defendants, authorization of the stay of proceedings. On the other hand, it is, of course, the task of the court to make the final judgement. The decree that took the points of claim as proved says:

As the above mentioned letters make it obvious, we decided that the named preachers were lawfully summoned before the extraordinary court set to today's date and hereto, this place; however, as an obvious sign of their guilt, they stubbornly opposed law enforcement and legislation, others ran to the Turks so that they could in no way be summoned before the present court, and in this way they blocked the [receipt of the] above mentioned summons by the help of the Turkish threat in many places;



that is why all and each of them have to be condemned in the applicant's application, and the judgement concerning their exile, [and] ordering the loss of their property and rights has to be issued against them.<sup>39</sup>

Letters, in fact, leaflets were attached to the lawsuit minutes as evidence. Also János Bethlen's letter of 14 October 1670, which was ascribed to the year 1671, was found among the court documents. Prince Mihály Apafi's two letters of 25 April 1672 were copied and placed among the court documents: the addressees were the Helvetian Republic and the French king, respectively. However, these were ascribed to an earlier date, 18 March 1671, and docketed under the name of the Transylvanian Reformed bishop Péter Kovásznai, instead of that of Apafi. Also the defendants' letters of assistance written to foreign countries, that were considered Péter Kovásznai's (died in 1673) work according to the minutes, were joined to the court documents.

The most renowned letters that have already been mentioned, were written by István Vitnyédi.<sup>40</sup> They were joined to the indictment as a decisive proof. The two latter ones differed from the other letters in the court documents (leaflets) in that their printed versions survived too.<sup>41</sup> According to the dates in the minutes, one of the letters was written in Eperjes on 10 May 1669, and the other one was written on 30 December 1669.<sup>42</sup> The dates ascribed to 1669, the personality of the letter writer (István Vitnyédi), the addressees (Miklós Bethlen and Ambrus Keczer) and the content gave a strong political hue to the activities of the accused. A different kind of lesson was provided by turning the diplomatic correspondence (newsletters) that went on with the exclusion of the public, into evidence. While the two previous letters became known all over Europe as printed matters and as pro and contra evidence, the contemporary public opinion did not know about the latter ones because they were sent off through secret legations, messengers (they were confiscated). (At least their authors, signatories did/could not make any mention about them.) The role of their pretended signatory, Péter Kovásznai (who died in 1673) raises further questions, just as the fact that the name of Pál Medgyesi (who died in 1663) as the deputy of preachers was put forward in the lawsuit, and the name of István Czeglédi<sup>43</sup> (who died in 1671) and his Transylvanian legation were mentioned. All these show that the defendants, though, not personally, expiated for the events and spiritual trends of previous years.

As far as the witnesses are concerned: the witnesses (*'de eo utrum'* was created through the contraction of the questioning formula) swore to

the so called *deutrum*, i.e., interrogation points under oath. The interrogation rooms used in the course of the lawsuit cannot be identified on the basis of the minutes. It cannot be known whether the testimonies concerning the lawsuit of 1647 and certified by county officials will ever turn up.<sup>44</sup>

At the ‘investigation-preparatory inquiry stage’ of the procedure the county officials whose task was to collect the evidences interrogated the witnesses about their knowledge of relevant facts solely and exclusively on the basis of the interrogations that were approved and written by the accuser-plaintiff, i.e., by the judge (court), in fact. Conversely, the witnesses of the accused-defendants were not interrogated, the legal representative of the defendants referred their depositions to the court; however, the court was not under any obligation to take account of them. In addition, it did not really take account of them, particularly if on the basis of *ex officio* testimonies<sup>45</sup> some fact was taken for proved 469 testimonies that were quoted only in substance and provided before various legislative committees (*capitulum*) of the Catholic church made it clear, what lively relationship the parts of Hungary that had been torn into three parts nurtured with each other, and how helpful the religious life and the cross-border unity of the “evangelicals”, i.e., Calvinist and Lutheran denominations and the activity of their chosen leaders were in this relationship. And the resistance of the Hungarian estates against the Habsburg absolutism came to life, though the resistance that appeared between the Catholic Viennese court and the Hungarian people most of whom had become Protestant by that time had a religious hue; however, it was basically political in nature.

The preachers who were summoned to Pozsony were active on the whole territory of the Hungarian Kingdom from Lévárd at the western border through Csáca and Tvarosnya at the northern border to Szinna at the eastern border, as well as, from Szatmár through Poroszló, Pásztó, Rétság, Lót, Radvány, Gyermely and Öskü to Csajág at the Ottoman administrative boundary line. Most of them worked as pastors in the settlements that got under Osman occupation in the course of the given years, i.e., southeast of the line marked by the towns Tokaj—Divény—Szentbenedek—Románfalva—Guta—Komárom—Győr—Sárvár—Körmend. It makes the picture complete that a copy of the list of names that is identical with the names of people to be summoned before the court in 1674 survived in an archival file that had originated from three years earlier.<sup>46</sup> On the basis of this material it can be established that the longest list of names in the minutes (name and location, or only location were specified)

is practically identical with this list of people to be summoned before the court in 1670–1671, where specifically preachers and dominie were listed who were not intended to be summoned for a single date only. Although it was not common to indicate dates, the names were accompanied with dates (point of time and day, mainly days between January and March 1671. In one of the lists an archival note (in pencil) from an unknown hand was made after the lawsuit – perhaps contemporary, perhaps later – saying these preachers were summoned before the court.<sup>47</sup>

The systematic analysis of the name and location material does not only facilitate the exact dating of the local facts, withdrawal (deposal) from office, persecution, expulsion, imprisonment, but also provides a clue to archentological research. We can even find out why the names of the best-known recorders like Bálint Kocsi Csergő, Tóbiás Masnicious, János Simonides did not occur in the list of defendants.

We can get a fuller picture of the placenames, duty stations that occur merely here. They are remarkably distorted in the minutes because of mishearing, lack of knowledge, some names and placenames are almost unidentifiable. Also I have made this experience. The range of settlements extended from Zala to Ugocsa, their identification was facilitated at most by the indication of the name of the county (*comitatus*). Moreover, let me refer to the 2002 edition of the text of the lawsuit. In this edition the index contains the accepted Hungarian name of the settlement, the word form that occurs in the text, the name of the county and the (mostly Slovakian) names, by which the municipality or the town can be identified in the given state today.<sup>48</sup> Outlined in the appendix of the volume, the data of the more than 500 accused Protestant preachers (in alphabetical order) and their more than 500 surely identified duty places can be studied.

However, we should not forget that the text of the minutes reflects the coverage of reality recorded at a given moment concerning the age, the lawsuit, and the accused. New sources may further modulate and specify the picture.

(Transl. Izabella Gaál)

#### *Notes*

<sup>1</sup> See also about the European penal practice in general in Van Dülmen, *A rettenet színháza*.

- <sup>2</sup> The series of treason trials began at the turn of the sixties and seventies. The best-known of them is the one on 13 May 1672, that was the lawsuit against the citizens of Pozsony (the minutes of the lawsuit of 1674 refer to it: ‘*in causa perduellionis Posoniensium*’). This was followed by the lawsuit that started on 25 September 1673, and then by the procedure on 5 March 1674 that was ordered as the continuation of the previous procedure. From 1670 the number of procedures might have been about 250. Péter, *A magyarországi protestáns prédikátorok*, 35.
- <sup>3</sup> In 1999, in the course of my archival research at the Primatial Archives of Esztergom, I found it in the file AEV Acta Religionaria as a result of a systematic research.
- <sup>4</sup> S. Varga, *Vitetnek ítélszékére*, 344.
- <sup>5</sup> S. Varga, *Textus és értelmezés*, 295.
- <sup>6</sup> It was filed as follows: *Wittnyedii rebellem et alios praedicantes acatholicos concernenta ad 1674 et 1675*. i.e. [Matters] concerning the rebellious Vitnyédi and other non-Catholic preachers from 1674 and 1675].
- <sup>7</sup> Was the procedural document edited for release? Further thinking about the latter one: if it was published at all, can any of its volumes ever turn up, or if it cannot, why not? Vitnyédi’s letters can be found at the same place where the minutes (Primatial Archives, AEV № 1790/1: *Copia literarum Witnedianarum cum cifris et deliberationis tabulae*), and Cardinal Leopold Karl von Kollonitsch’s wording were filed, that arranged their guilts under 22 headings (*Delicta praedicantium acatholicorum connotata per primatus Kolonitz*), respectively. Primási Levéltár, AEV Vetus № 1790/2.). Cf. *ibid.* 41. fn., see about the same topic in S. Varga, *Textus és értelmezés*, 104–107.
- <sup>8</sup> I note that *causa* is not the synonym of *processus*, as the first one refers to the action at law, and the latter one refers to the case, which is why the procedure is initiated.
- <sup>9</sup> About the versions I know see S. Varga, *Textus és értelmezés*, 17–21.
- <sup>10</sup> NN, ‘Prot. Egyh. Történelmi Kútfők.’, 542–567; 655–690; 915–933 (see most recently *Arcanum Digitális Tudománytár*).
- <sup>11</sup> According to Gedeon Ladányi, the former publisher, the text was copied by the recorder of the town Szatmár from a copy kept in the archives of the chapter in Pozsony at the time of the diet between 1832–1836. Mihály (Sarkadi) Nagy’s copy (*Transcripta a Archivo Capituli Posoniensi anno 1834*) can be found in the Archives of the Transtibiscan Church District and Debrecen Reformed College (R 473/a.). Its date: 4 January 1834.
- <sup>12</sup> The cited book (*libellus*) *Győzedelmeskedő fegyver (Arma triumphantia)* [Triumphing Weapons], must have been a military prayer book in Hungarian, cf. S. Varga, *Textus és értelmezés*, 102.
- <sup>13</sup> Hereafter I release the Latin quotes, which I borrowed from the minutes, on the basis of the translation of S. Varga, *Vitetnek ítélszékére*. In the appendix of S. Varga, *Textus és értelmezés* I kept the partition that I used in the bilingual volume *Vitetnek ítélszékére*. I also kept the even digit page numbers of the Latin minute: thus, the passages are easily retrievable also in Hungarian.
- <sup>14</sup> ‘[...] proinde, cum omnes universaliter in rebellionem hanc conspirassent et consensissent, consequenter omnes omnino, nemine excepto, poena contra eiusmodi

rebelles sancita optimeque puniendos currere argumentum (quod alias procurator ex adverso impugnare intenderet) nimirum omnes praedicantes regni Hungariae sunt rebelles [...].’

- <sup>15</sup> On 15 May 1674, informing the emperor, the President of the Court gave voice to his incomprehension concerning the case that the preachers denied the conversion (*in negotio praedicantium reversales dare recusantium*), and that the preachers – confirmedly, because of stubbornness – raised ridiculous objections when – referring to their oath – they refused to sign it, adding that others were also bound by their oath and in spite of this they signed [the document]. MOL Magyar Kancelláriai Levéltár, A 106 (Hungarica Esterházyana) № 64.
- <sup>16</sup> Gábor Béli has drawn my attention to this very probable correlation.
- <sup>17</sup> Unlike the original copy each word ‘*deliberavimus*’ is highlighted and is made a chapter heading in the copy attributed to Mihály Sarkadi Nagy, just like in Ladányi’s copy.
- <sup>18</sup> According to the pivotal item of *Regnum Marianum* only the Catholic faith has a place in Mary’s country; that is why the nation will – with Mary’s intercession – overcome both heresy and the pagan Turks, and will regain the religious and territorial integrity of the country. See Galla: *Pálos missziók Magyarországon*, 258.
- <sup>19</sup> The Turkish question did not appear in the political leaflets about preachers (that summarized the story of the persecution of the Protestants in Hungary in 20 scenes) in any respect: ‘they did not refer to the fact that in the preacher lawsuit one of the major charges was the collaboration with the Turks; neither did they refer to the fact that in smaller settlements the sometimes hidden, sometimes open support of the Turks occasionally lurked in the background of the exulant movement, that attacked the Catholics.’ See G. Etényi, *Felső-magyarországi felekezeti konfliktusok*, 112.
- <sup>20</sup> I cite Tóth, *Hittérítés vallásszabadság nélkül*, 1346.
- <sup>21</sup> Cf. S. Varga, *Textus és értelmezés*, 69–70.
- <sup>22</sup> ‘Quo in passu referebat se idem procurator etiam ad reversales ducentorum prope vel ultra praedicantium, velut complicum modernorum in causam attractorum, in quibus ultro recognoscerent sese ministeriis suis abusos fuisse, plebem ad seditionem concitasse in rebellionemque consensisse.’
- <sup>23</sup> Szalontai (as the lawyer of the preachers, according to sources he was also later a help to them) and a preacher named István Gömöri who passed down the ‘court decision’ addressed to the emperor to posterity, which was written ‘in the words’ of István Orbán, secretary of the Viennese Hungarian chancellery, on behalf of the archbishop.
- <sup>24</sup> ‘Mea vero ratione praedicantium opinio est, ut ad huc intra aliquot dies mortificentur, et tandem vestra majestas sacratissima expresso benigno mandato dignetur demandare, quod proscribantur et e regno Hungariae duas septimanas exeant, cum ea expressa clausula, quod si qui, post duas septimanas in ambitu regni Hungariae reperientur: sententiae poenae capitalis et amissionis omnium bonorum sub fuit eo facto irremissibiliter. Pro ulteriori vero informatione brevi ascensurus maiestatem vestram sacratissimam de totali negotio informare non intermittam.’ Balogh & Tóth, *Magyar Leveles-könyv*, 324–325.

- <sup>25</sup> Quoted from: Tóth, *Historia querelarum*, 225.
- <sup>26</sup> Cf. S. Varga, *Textus és értelmezés*, 65.
- <sup>27</sup> *Mandatum electi domini imperatoris properum*. 29 November 1673. Original. MOL Magyar Kamara registratura, E 21 (Ben. res.) 38–47 (fol. 88.).
- <sup>28</sup> With respect to Eperjes, Késmárksee Archívna Správa: Okresný Archív v Prešove. C 219 (MOL Mikrofilmtár); Archívna Správa: Okresný Archív, Poprad (Kežmarok) C 211 (MOL Mikrofilmtár). Measures taken by the Szepes chancellory concerning the termination of Protestant worship can also be found in the same place. (5 March 1674). The Szepes chancellory referring to the decree of the ruler prohibited Protestant worship prohibited Protestant worship and called for a relentless elimination of Protestantism. (4 and 13 September 1674).
- <sup>29</sup> '[...] Octavo praedicantes acatholicorum e civitatibus montanis tanquam rebelles et in facto rebellionis convictos et confessos uti a Cancellaria nostra Ungarica Aulica informamur, expelli, et in eos animadverti potuisse, a legibus regni haud dissonum esse iudicavimus. Invigilabit tamen Camara nostra Ungarica eademque Cancellaria uti boni exempli pastores ac curatores animarum Catholici, in eorundem locum surrogentur.'
- <sup>30</sup> '[...] siquidem tum intuitu pluralitatis personarum iudicialiter, ut praefertur, condemnatarum, tum vero ob defectum tot compedum memorati in causam attracti et condemnati, omnes et singuli commode incarcerationi non possent; ideo ex speciali gratia sedis istius iudiciariae ita cum iisdem dispensatur, ut nimirum iidem intra ambitum istius civitatis Posoniensis sese contineant, usque ad ulteriorem resolutionem; nemoque eorundem se ex hinc subducere aut discedere praesumat, sub poena executionis iam latae sententiae.'
- <sup>31</sup> 'Ipsis quidem praerecensitis universis in causam attractis, in poenam demeritam, ut videlicet omnis eorundem posteritas reatus sui poenam et poenalem eorundem afflictionem, in perpetuum lugeat, aliis vero similia, fors molituris, terribile ac formidolosum cedat in exemplum et refrenamentum aeviternum.'
- <sup>32</sup> Cf. *Mandatum electi*, 39.
- <sup>33</sup> Cf. Némethy, A *Delegatum Iudicium*.
- <sup>34</sup> '[...] contra nonnullos rebellionis in quibusdam locis regni huius Hungariae exortae complices, inchoatorum ulteriusque per altanominatam suam Maiestatem Sacratissimam continuari iussorum ac Nobis pro iudiciaria revisione et discussione iure extraordinario fienda [...]'
- <sup>35</sup> There is an essential difference between 'publicly recognized' and 'acknowledged' denominations. A publicly recognized denomination, especially in this age, meant full recognition under public law.
- <sup>36</sup> These delicts were considered blasphemy. In contrast to verbal blasphemy that counts as *blasphemia simplex*, the above mentioned delicts mean a much more severe kind of blasphemy (*blasphemia haereticalis*), as these are not simple invectives but the denegation of some features of God and the saints. The judgement of heretic blasphemy is not much different from heresy.
- <sup>37</sup> Cf. *Mandatum electi*, 19. To the charge Turcophilism in more detail: S. Varga, *Textus és értelmezés*, 112–113.



- <sup>38</sup> An oath taken by resting a hand on an object of ceremonial importance (relique, crucifix, Bible) was a more severe oath than an oath taken by raising a hand, i.e. simple oath.
- <sup>39</sup> Deliberavimus ... 'siquidem ex suprafatis literis relatoriis constaret manifeste supranominatos praedicantes pro praesenti termino et loco ad ius extraordinarium legitime esse citatos eosdemque nihil ominis in manifestum culpabilitatis suae indicium sese a facie iuris et iustitiae contumaciter absentasse: Reliquos vero quo minus ad praesens iudicium citari possint ad Turcas recursum fecisse taliterque per multifarias Turcarum comminationes dictam citationem impedivisse, ex eo eosdem, universos et singulos in totali actione et acquisitione procuratoris praefati domini actoris convincendos, proscribendos literasque sententiales et proscriptionales contra eosdem extradandas.'
- <sup>40</sup> The archbishop did not mention Vitnyédi's name in the minutes (*protocollum*), which contained his rumbling outbursts against the 'heretic preachers,' in any context in the years prior to and during the lawsuit. All that referred to Vitnyédi was documented on the basis of the documents, testimonies from Vitnyédi's criminal files available for the notary from the previous years, i.e. they were not in connection with 'current' occurrences. Meanwhile, all that became a major factor in the political language of the procedure.
- <sup>41</sup> Labsánszky's propaganda leaflet is identical with Cardinal Leopold Karl von Kollonitsch's draft. Cf. *Mandatum electi*, 7. The *Extractus brevis et verus*, and the report *Kurtzer und warhaffter Berichts-Auszug* with the same content, published by János Labsánszky in Latin and German in 1675, which stated that the condemnation of the rebellious Protestant preachers was legal; contained also the two bogus Vitnyédi-letters in Latin and German, respectively. About recent editions and the falsification of the name of the printing office see V. Ecsedy: *A gályarab-per propagandakiadványai*, 1.
- <sup>42</sup> Cf. Jankovics, *Bethlen Miklós levelei (1657–1698)*. It contains: Miklós Bethlen's Letter to the Exiled Preachers: 1159–1180, Vitnyédi's letter to Bethlen: 1167–1168, his letter to Keczer: 1168–1169, all three in Hungarian translation].
- <sup>43</sup> Cf. S. Varga, *Textus és értelmezés*, 67–68, 77, 89, 95–97, 120, 141–142, 187, 196. To István Czeglédi see: Garadnai & Martis, 'Országűkör és hitvita.', 57.
- <sup>44</sup> Testimonies or burdensome confessions taken outside the court could not be used unless the declarant confirmed them in court. What was recorded of the acts outside the court could have had a significance in giving a substantive reply, provided that the prosecutor had made it available to the opponent. The answers formulated as early as in 1670 and 1671, and which were analogous with the testimonies taken at interrogation points, occurred in the text of the lawsuit of 1674 consequently and regularly. In 1674 the testimonies authenticating the indictments were kind of condensed from these earlier and continuously gathered investigations (*inquisitiones*).
- <sup>45</sup> Besides the above possibilities, the defendant was practically not entitled to any other rights of self defence, he was considered just an investigation subject. His representation was allowed merely for the reason that adequate proficiency and knowledge of the law were essential for the necessary (mostly written) procedural act.
- <sup>46</sup> MOL Magyar Kamara Archivuma, E 148 (NRA) Fasc. 518. № 1–30.
- <sup>47</sup> See more about it in S. Varga, *Textus és értelmezés*, 71–79.

- <sup>48</sup> It was essential for the use of the volume S. Varga, *Vitetnek ítélőszékre* to prepare a name- and place register, a repository on the most important persons, indicative and detailed maps. The maps prepared on the basis of my notes are to be found in the appendix of the book.

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