

KIÉ LESZ AZ ÁRVAHÁZ?

Mária Terézia alapítványa a debreceni árvaház létrehozására
és egy évszázadnyi vita annak felekezeti jellegéről

WHO SHALL HAVE THE ORPHANAGE?

Maria Theresa's Foundation for the Establishment of Debrecen Orphanage
and a Century of Controversies concerning Its Confessional Character¹

Ingrid Kušniráková

Szlovák Tudományos Akadémia

ÖSSZEFOGLALÁS

1760-ban Debrecen városa 30 000 forint kölcsönzött a királyi kincstárnak a Poroszország elleni háborúval kapcsolatos kiadások fedezésére. Tizennégy évvel később a város úgy döntött, hogy ezt a kölcsönt ajándéknak tekinti Mária Terézia számára. A nagylelkű ajándék azonban a város ellen fordult, amikor a császárnő úgy döntött, hogy a pénzt egy katolikus árvaház alapítására fordítja egy markánsan kálvinista városban. Figyelembe véve a lakosság kálvinista többségét, nem határozta meg egyértelműen az intézmény vallási céljait, ami végtelen konfliktusokhoz vezetett a nevelőotthonban élő gyermekek vallási hovatartozása tekintetében. Egyrészt a városi hatóságok azt állították, hogy Mária Terézia minden helyi árvát gondoskodni akart, vallási hovatartozástól függetlenül. Másrészt a katolikus Oradea püspökség és a helytartói tanács az intézmény katolikus jellegét védte. A vitát a bécsi bíróságnak kellett volna rendeznie, azonban a Magyar Királyság vallási és politikai helyzete miatt a bíróság évtizedekig halogatta a döntést. Az alapító okirat kétértelmű megfogalmazása és a bécsi bíróság habozó hozzáállása miatt az alapítvány csak 85 évvel a létrehozása után kezdte meg tevékenységét.

A tanulmány a debreceni árvaház alapításával és vallási meghatározásával kapcsolatos vita alakulását vizsgálja a Magyar Királyságban a vallási kapcsolatok és az árva gyermekek intézményi gondozásának fejlődése kontextusában.

ABSTRACT

In 1760, the town of Debrecen loaned 30,000 florins to the Royal Treasury to cover the expenses related to the war against Prussia. Fourteen years later, the town decided to consider this loan a gift to Maria Theresa. However, a generous gift turned against the city itself when the empress decided to use the means for the foundation of the Catholic orphanage in a strikingly Calvinist town. Taking into consideration the Calvinist majority in the population, she did not define the institution's confessional

¹ This work was supported by the Slovak Research and Development Agency under the contract No. APVV-24-0509, Confessionalization of Hungarian/Slovak society in 19th century and by grant VEGA 2/0025/25 Transformations of the Hungarian aristocracy in the 18th and 19th centuries. Social and economic power, changes in cultural values. Author works at Institute of History SAS.

objectives clearly, which resulted in endless conflicts in terms of the religious belief of its foster children. On one hand, there was a municipal authority maintaining that Maria Theresa intended to take care of all local orphans regardless of their confession. On the other hand, the Catholic Bishopric of Oradea and the Lieutenantcy Council defended a Catholic character of this institution. The dispute was to be resolved by the court in Vienna; however, due to the religious and political situation in the Kingdom of Hungary, the court was postponing the ruling for decades. Ambiguous wording of the foundation charter and the hesitant approach of the Viennese court caused the foundation to commence its activities only 85 years after it had been established.

The study examines the course of the dispute over the establishment and confessional definition of the orphanage in Debrecen in the context of the development of religious relations and institutional care for orphaned children in the Kingdom of Hungary.

Kulcsszavak: Debrecen, Confessionalization, 18th-19th century, Orphanages, Care of orphans, Religious disputes

Keywords: Debrecen, Confessionalization, 18th-19th century, Orphanages, Care of orphans, Religious disputes

In 1760, the town of Debrecen loaned 30,000 florins to the Royal Treasury to cover the expenses related to the war against Prussia. Fourteen years later, the town decided to consider this loan a gift to Maria Theresa. However, a generous gift turned against the city itself when the empress decided to use the means for the foundation of the Catholic orphanage in a strikingly Calvinist town. Taking into consideration the Reformed majority in the population, she did not define the institution's confessional objectives clearly, which resulted in endless conflicts in terms of the religious belief of its foster children. On one hand, there was a municipal authority maintaining that Maria Theresa intended to take care of all local orphans regardless of their confession. On the other hand, the Catholic Bishopric of Oradea and the Lieutenantcy Council defended a Catholic character of this institution. The dispute was to be resolved by the court in Vienna; however, due to the religious and political situation in the Kingdom of Hungary, the court was postponing the ruling for decades. Ambiguous wording of the foundation charter and the hesitant approach of the Viennese court caused the foundation to commence its activities only 85 years after it had been established.

Maria Theresa's decision to establish an orphanage in Debrecen within the context of the religious situation in the town

The town of Debrecen became a "bastion" of Calvinism in the Kingdom of Hungary in the 1560s and maintained this status, even though political and power circumstances started changing in favour of the Catholic Church in the course of the 17th century. Only the Calvinist Church was

allowed to operate in the city, whereas the other churches, despite being permitted by the law, could not establish their ecclesiastical or educational institutions in the town. Furthermore, their faithful were not allowed to settle down in the town and obtain town rights. As Debrecen was under Ottoman rule until 1687, neither restrictions against Protestants enforced by the state power after 1669, nor legislation passed by the Hungarian Diet between 1681 and 1687 wielded any influence on the town's religious landscape. Once the town had been liberated from the Ottomans, the state power started gradually weaken the previously monopolistic position of the Calvinist Church. During the reign of both Charles VI and Maria Theresa, Debrecen specifically became a target of recatholization effort of the state, as the centre of Hungarian Calvinism, as well as one of the richest and most populous towns in the Kingdom of Hungary. In 1717, a royal commissariat was established in the city to enforce this policy.²

Debrecen faced the last wave of major recatholization effort in 1770 – 1777 when the office of a royal commissary was held by József Vecsei and Miklós Forgách. Based on M. Forgách's recommendations, Maria Theresa issued a mandate on November 8th, 1774, commanding to take several measures aimed, for instance, at enhancing the status of the yet marginalized Catholic Church in the town, or at ensuring all the prerogatives of this denomination as the state church. According to clause 32 of the mandate, all poor orphans and abandoned children that the city was in charge of were to be raised in accordance with the Catholic faith. Clause 53 confirmed that the empress had accepted the offered 30,000 florins as a gift from the city, and allocated the money to the foundation of the orphanage serving Debrecen and its surroundings. Interests ensuing from the capital were to be invested and further capitalized on, until a sufficiently big budget to found an institution would be put together. The municipal authority was obliged to allocate one of its plots of land beyond the town walls for the future orphanage that had been previously delimited by the Royal Commissary M. Forgách as building plots for impecunious Catholic burghers. The project, together with the orphanage blueprints, was to be presented to the sovereign for her approval.³ In August 1776, Maria Theresa issued another mandate, responding to objections of Debrecen's representatives, which revised or supplemented some of the provisions of the

² GYÖRI, János L. Reformiertes Kollegium Debrecen: Die Bedeutung des reformierten Kollegiums Debrecen für Politik und Kultur in Ungarn vom 16. bis zum 19. Jahrhundert. In FATA, Márta – SCHINDLING, Anton (ed.). *Calvin und Reformiertentum in Ungarn und Siebenbürgen: helvetisches Bekenntnis, Ethnie und Politik vom 16. Jahrhundert bis 1918*. Münster: Aschendorff, 2011, p. 241-245.

³ ZIMMERMANN, Károly. Debreczenben a' catholicismus. In *Religio és Nevelés*, 1846. 2. éfv., 16. sz., p. 125-126; Emlékirata a debreczeni rom. kath. egyházközségi bizottmánynak, a debreczeni árvatartó pénzalap ügyében. Debreczen: Nyomatott a város könyvnyomdájában, 1870, p. 3-5.

1774 decree. Firstly, the town objected to the upbringing of orphaned and abandoned children; however, Maria Theresa confirmed her decision that all the children dependent on charity and provided for from the town's public resources were to be brought up in the Catholic denomination. The municipal authority demanded that the non-Catholic children be received at the orphanage, too. The empress stated that the capital of 30,000 florins donated by the city was to be used to establish an institution for poor orphans, of the Catholic denomination in particular. However, she conceded to admitting also non-Catholic children, provided these children *"would be entrusted in its care."*⁴

Therefore, it is obvious that Maria Theresa, bearing in mind the existence of a Calvinist majority in the city, did not define the religious dimension of the institution on purpose. It was an untypical decision, as in the case of foundations, their founders always clearly characterized confession-wise target groups of their charitable or educational activities. As a ruling to establish the Debrecen orphanage was passed with an extensive package of recatholization measures and bearing in mind that contemporary Hungarian orphanages followed certain confessional goals, we can almost certainly exclude the option that the Viennese court would intend to establish an institution where Calvinist orphans would be admitted without a concealed or openly declared intention to convert them to the Catholic Church. Although later interpretations have repeatedly doubted this premise, in my opinion, a unified Catholic upbringing was the given due to the statute concerning the mandatory Catholic upbringing of all children dependent on public charity. Despite unclear definitions of some of Maria Theresa's mandates, we may assume on the basis of other preserved documents that in the late 1770s, representatives of both state power and the town of Debrecen clearly perceived the orphanage as a Catholic educational institution. For instance, the municipal authorities as well as the elected community stated in their response to questions of the royal commissary from August, 19th, 1777, on adherence to the empress' orders, namely in respect to the clause 41: *"It has been impossible to commence the construction of the orphanage for Roman Catholic, as the interests ensuing from the capital of 30,000 florins have not increased sufficiently, and we have been unable to fulfill royal request yet."*⁵

Confessional and recatholization objectives of the first orphanages in the Kingdom of Hungary

Institutionalized care for orphans started evolving in the Kingdom of Hungary in the late 18th century when the first four orphanages, three private (Kőszeg, Sopron, Oradea) and one royal (Tomášikovo), were established. In contrast to countries west of the Kingdom of Hungary, where

⁴ Ibidem, p.. 6-7.

⁵ Ibidem, p. 7-8.

orphanages emerged within the measure to eliminate beggary or to support manufacturing production, the reasons for establishing such institutions in the Kingdom of Hungary were mainly confessional. As numerous Christian denominations were able to legally operate in the country, the institutional care for orphaned children became an inseparable part of confessional conflicts. Due to the religious and political situation in the country, all the above-mentioned orphanages were founded as Catholic. Thus, the priority of their upbringing was to keep children (especially those of converted parents) in the Catholic faith or bring them to this faith. Contrary to institutions established in alignment with mercantilism, with “upbringing” focused mainly on work in manufacturing, Hungarian orphanages emphasised religious and general education.⁶

In order to support the elementary school reform that had been facing numerous setbacks in the Kingdom of Hungary, the court in Vienna classified orphanages within the network of elementary schools. Such a concept is rather specific not only within the Habsburg monarchy but also in the whole of Europe. According to school act *Ratio educationis* from 1777, in the centre of each of the *nine* school districts, an orphanage was to be established along a four-class municipal (normal) school, together with a *preparandia* (teachers training institute), and boys in the institutional care were supposed to primarily focus on future employment as teachers at elementary (primary) schools.⁷ For orphanages to fulfill goals as expected by the state power, Maria Theresa commanded to prepare a general direction that would help organize and manage all existing as well as newly established institutes in the country. The draft was prepared by the Lieutenancy Council councillor and curator of royal orphanage Ferenc Balassa. The council discussed the proposal on April 4th, 1780, and forwarded it to the Viennese court without further objections. However, Maria Theresa did not approve the proposal until her death in November 1780, and it later became outdated within the context of the reforms of her successor, Joseph II. Despite this development, Balassa’s direction became for several decades a fundamental framework for the existence and activities of orphanages in the Kingdom of Hungary. The document also reflects changing views of the state power representatives on confessional objectives of orphanages at the end of Maria Theresa’s reign. Balassa decreed

⁶ For more detailed history of first Hungarian orphanages see KUŠNIRÁKOVÁ, Ingrid. *Za bránami sirotincov: počiatky ústavnej starostlivosti o osirelé deti v Uhorsku*. Bratislava : VEDA vydavateľstvo SAV; Historický ústav SAV, 2019.

⁷ MIKLEŠ, Ján – Novacká, Mária. *Ratio educationis 1777 a 1806*. Bratislava: Slovenské pedagogické nakladateľstvo, 1988, p. 74. -here, the original edition of RE (available on web: https://books.google.sk/books?id=AS2JoAEACAAJ&printsec=frontcover&hl=sk&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false) as well as a Hungarian translation (Mészáros) could be used/mentioned.

that a confession different from the Catholic denomination no longer posed an obstacle for a child to be admitted to the orphanage. Non-Catholic children were also future citizens of the country, and therefore, it was not desirable to deny them the needed education. In the contemporary context, Balassa interestingly maintained that the cohabitation of protestant children with the Catholic community could help in overcoming religious intolerance, which would serve the interests of the country and its inhabitants. Therefore, in Balassa's view, admitting children to orphanages in order to convert them or force them to do so was to be strictly prohibited. On the other hand, he accepted that chaplains could discreetly indoctrinate children with the basics of the Catholic faith.⁸

In contrast to Maria Theresa, Joseph II did not consider orphanages educational, but exclusively charitable institutions. Besides, after the Patent of Toleration, the recatholization dimension of their existence disappeared. In accordance with his own idea concerning efficient, organized care for the poor, he ordered the reorganization of the royal orphanage and its relocation from Senec to Bratislava in 1785. After the transformation, there were only 50 boys entrusted in its care, while the remaining children were allocated to foster families for an annual fee. In 1787, the sovereign ordered to merge all other Hungarian orphanages with this institute, together with a part of the endowment intended for the care for orphans. As a result, the capacity of the facility increased to 410 places, with 80 in institutionalized care and 330 in foster care. Passing this decision, Joseph II unprecedentedly violated previously untouchable regulations of the founding charters of the foundations. He at least respected the original confessional delimitation, and all places in the institutional and foster care were left for orphans of Catholic confession, although without priority acceptance of those converted. On the other hand, the children entrusted to foster families remained without any religious or general education that were so much emphasised by the founders of the first Hungarian orphanages.⁹

Unrealized project of the Debrecen orphanage from 1784

Decrees from 1785 and 1787 posed a striking contradiction to the concept of institutionalized care for orphaned children from the reign of Maria Theresa, even though Joseph II had first continued the policies of his predecessor. In 1780 – 1783, he paid major attention to the normal elementary school at the Senec orphanage. He also allocated funds to establish an institute in Pécs and ordered to open the orphanage in Debrecen. At the end of 1783, the building had already been purchased and furnished, and

⁸ This document is interpreted according to a copy stored in Magyar Nemzeti Levéltár - Országos Levéltár (hereinafter only MNL OL), C 67 Departamentum litterario-politicum 1773 – 1848, 1780, Miscel. n. 13.

⁹ KUŠNIRÁKOVÁ, *Za bránami sirotincov*, p. 220-225.

the director of the school district of Oradea Joseph Haller, started working on the project. On January 5th, 1784, he presented the Lieutenancy Council with a document, referring mainly to the example of the Tomášikovo (!) orphanage¹⁰. The text confirms that he was familiar with Balassa's general direction. This inspiration is apparent in a part related to the confession of admitted children in particular. Fully aligned with Balassa, Haller also recommended admitting orphans from "*tolerated confessions*", as they could also become useful citizens of their homeland, and cohabitation of children of different denominations "under one roof" could contribute to overcoming religious conflicts in the country. The inmates were to attend public schools in the town, which was presented by Haller as an "insurance policy" of sorts against forceful conversion of Protestant children to "*true belief*". Haller also referred to the Patent of Toleration when maintaining that Protestant children were to be enabled to attend their own services on Sunday. Although Haller presented the facility as supraconfessional, without any recatholization objectives, the orphanage built according to his project was a Catholic institution, where the Protestant children were only tolerated, although then at least formally shielded against the pressure to convert.¹¹ The project presented by J. Haller was probably never even discussed by the Lieutenancy Council, as in the meantime, the sovereign's ideas on the care for orphaned children had changed significantly. During next autumn, J. Haller appealed in vain to the state power representatives that the building had remained vacant and unused. There were already some indications that the orphanage would not be established at all, and the building would be repurposed. In the end, the Lieutenancy Council commanded the city of Debrecen by the official notification from December 13th, 1785, referring to the order of Joseph II, to rent out the building of orphanages of Transtisza district court, as long as the town would not find "*another suitable place*."¹² The district court remained in the building intended for the orphanage for almost eight decades, and thus, the foundation of the orphanage was postponed accordingly. Joseph II's attitude to the establishment of the Debrecen orphanage represents one of numerous examples of how much his reforms lacked concept and thorough thinking.

Institutional care of orphaned children in the Kingdom of Hungary in the long 19th century

The general orphanage in Bratislava, similarly to other Josephian projects, did not survive its creator and was dissolved shortly after the emperor's death. The royal orphanage was preserved in the form obtained after the

¹⁰ The royal orphanage founded in 1763 in Tomášikovo, was relocated to Senec in 1780.

¹¹ MNL OL, C 80 Departamentum foundationum saecularium 1783 – 1848, 1784, f. 8.

¹² Ibidem, 1785, f. 8.

transformation in 1786, mainly due to financial reasons. Places in the institutional care were reserved for boys of a noble origin or a particular family background, who were thus predestined to further study. Other children were placed in foster care or as apprentices in workshops. The country's financial difficulties reflected in funding of the facility; therefore, the number of children placed in institutional and foster care was gradually decreasing. After a huge fire in Bratislava in 1800, the orphanage relocated to Győr, where it ceased to exist, de facto in 1809, and de iure in 1815. Revenues from its capital were used for scholarships for children of both genders. Due to the lack of an appropriate building, the Oradea orphanage was not renewed, and therefore, only the foster care was financed from its resources. Facilities in Sopron and Kőszeg were renewed in their original setup, and in accordance with their confessional targets, they kept emphasising the religious education of the children. Also based on the Act n. 23/1791 and 26/1791, all the foundations and orphanages maintained the same confessional affiliation and were still reserved for Catholic children or potential converts.¹³

When Leopold II died in 1792, the period of enlightened reforms was over in the Habsburg monarchy, as well as the state's interest in conceptual management of care for the poor, including the care for orphaned or abandoned children. As the state power lost its interest, both church and lay elites stopped almost completely participating in foundations and support for these facilities. In the first half of 19th century, only three orphanages were established and run by the Catholic Church (namely in Veszprém, Pécs, Žilina), intended for orphans of Catholic confession, or converts (Veszprém). The founder of the orphanage of Žilina, Joseph Vurum, Bishop of Nitra, considered a violation of "*universal principles of Christian charity*" to exclude Protestant children from the facility. Patrons of private endowments could also accept Protestant children, however, they had to cover the expenses for their religious education.¹⁴ Apart from clearly Catholic orphanages, also the first town orphanages (Bratislava, Győr, Pest) were founded in the Kingdom of Hungary in this particular period. They accepted children of all the legal Christian denominations, with neither concealed nor open intention to convert them. Although these facilities presented themselves as supraconfessional, due to the confession of the majority of their inmates, connection to Catholic Church or a chapel, church calendar and fasting practice, they may be considered Catholic institutions.¹⁵

¹³ KUŠNIRÁKOVÁ, *Za bránami sirotincov*, p. 110n., 151n., 226-230,

¹⁴ In reality, this condition posed almost insurmountable obstacle, as there was no Lutheran Church community in Žilina, and thus a priest would need to commute from one of neighbouring villages.

¹⁵ For more detail see KUŠNIRÁKOVÁ, Ingrid. Ústavná starostlivosť o osirelé deti v prvej polovici 19. storočia. In KUŠNIRÁKOVÁ, Ingrid – MANNOVÁ, Elena (ed.).

As an example of the Debrecen orphanage shall demonstrate below, a debate concerning the advantages and disadvantages of institutional and foster care for orphaned children, which emerged in the German lands in the 1760s, was also present in the Kingdom of Hungary during the whole 19th century. Both sides maintained basically similar arguments throughout the decades, and constantly repeated them. The institutionalized care opponents first suggested that foster care is cheaper and more efficient. The orphanages were criticized due to a high mortality rate as well as quality of the provided care. Bearing in mind the origin and expected future of their inmates, the facilities should not have spoiled them by abundance and comfort. In addition, the critics claimed children leaving institutions lacked necessary skills and industriousness; therefore, craftsmen did not like accepting orphanage boys for their apprentices, and girls often failed as maids and ended up as prostitutes. On the contrary, a foster family could develop an individual child; they could learn from an early age to distinguish good from evil, and were naturally motivated to work. The institutional care proponents argued that foster families, because of their social background and material circumstances, did not guarantee any upbringing or education, and there was always a risk they would use the entrusted children as a source of cheap labour. The level of provided care was questioned as well, as many families lived in health-threatening dwellings. Criteria for foster families were fairly low, and basically, anyone who had requested the children usually got them.¹⁶

Although it may have seemed that the trend was heading towards supraconfessional Christian facilities, the opposite turned out to be the reality. Within the renewal of religious life after the fall of Bach absolutism, representatives of Protestant church congregations, as well as Jewish religious communities, started addressing an issue of founding their own confessional orphanages. A necessity to establish such facilities was aptly described in an article *Ueber evangelische Waisenhäuser* in the *Evangelisches Wochenblatt* magazine, defending an idea to establish a joint Protestant institution in Pest. To paraphrase this argumentation, God did not and shall not abandon a single poor orphan, although nobody knows how many had already abandoned him. Protestant orphans in the Kingdom of Hungary usually did not lack bread, but religious upbringing, and therefore, they often lost their faith. The article rejected concerns related to building a shared facility for orphans of Lutheran and Calvinist denominations by stating that “*Christian love is a sufficiently solid and wide pillar to construct a*

“*Zabránit' bahnu morálneho rozkladu*” : starostlivosť o osirelé deti v Uhorsku/na Slovensku do roku 1945. Bratislava : VEDA, vydavateľstvo SAV, 2020, p. 149-167.

¹⁶ Interpreted according to Schmid, Karl Adolf. *Encyklopädie des gesammten Erziehungs- und Unterrichtswesens (...)*. Gotha: Verlag von Rudolf Besser, 1875, p. 242n; BESSER, Leopold. *Beiträge zur Waisenhaus-Frage*. Berlin: Verlag von Julius Springer, 1863, p. 29n.

*common work upon – a memorial for German and Swiss reformers.*¹⁷ While the article referred to a future Protestant orphanage in Pest only in a very poetic and careful manner, with respect to the foundation of a similarly oriented institution in Vienna, the newspaper openly welcomed the idea as it would offer salvation for Lutheran orphans via Christian upbringing. The editorial board maintained the time was right “*to rectify substantial damage that has been caused in our countries in the last 70 years by allowing the majority of Lutheran orphans to be lost for our precious church.*”¹⁸

Real development in terms of institutional care for orphaned children in the Kingdom of Hungary commenced in the last three decades of the 19th century, when 70 new facilities were established across the country. It was a rather unusually rapid growth, as between 1749 and 1870, there were no more than 30 orphanages founded.¹⁹ Apart from social and economic reasons, contemporary secularization and the dismantling of the residues of the confessional state of the early Modern Age substantially aided the development of orphanages. Legislation of the Hungarian government related to schooling, marriages, and the upbringing of children from the cross-confessional marriages was creating new conditions, for existence and operation of the Catholic Church in particular, which reacted by increasing activity in education, health, or social care. Other confessions active in the country were also attempting to establish and run their own educational, health care, or charitable facilities. Furthermore, this process, sometimes also labelled the second confessionalization, included increased interest of ecclesiastical and secular elites in founding confessionally defined orphanages that provided their inmates with upbringing and education in accordance with their expectations.²⁰

Despite the progressing secularization of society, even in the late 19th century, confession was perceived as an important feature of self-identification of an individual, and religion was considered a basis for upbringing and educating children. All the orphanages, regardless of their founder or confessional affiliation, emphasised religious and moral education of their inhabitants, while expecting them to fulfill duties related to the worship practice. This practice (everyday prayers, attendance at services, receiving

¹⁷ Ueber evangelische Waisenhäuser. In *Evangelisches Wochenblatt*, 2, 1. 4. 1858, n. 13, p. 199-200.

¹⁸ Die christlich-evangelische Waisenpflege in Oesterreich. In *Evangelisches Wochenblatt*, 4, 22. 11. 1860, n. 47, p. 762.

¹⁹ *Statistisches Jahrbuch für Ungarn 1888. Magyar statisztikai évkönyv 1888.* Buda: Országos Magyar Kir. Statisztikai Hivatal, 1890, p. 200-207; *Ungarisches statistisches Jahrbuch.* Neue Folge VI., 1900. Budapest: Központi Statisztikai Hivatal, 1902, p. 371.

²⁰ KUŠNIRÁKOVÁ, Ingrid. Ústavná forma zaopatrenia osirelých detí v kontexte nacionálnych a konfesijných zápasov druhej polovice 19. storočia. In KUŠNIRÁKOVÁ – MANNOVÁ, “*Zabrániť babnu morálneho rozkladu*”, p. 180-181.

sacraments, and observing fasting), as well as the culture of feasts and commemorative events were usually adapted to the dominant confession at a particular facility, and children of minor confessions were exposed to direct or indirect pressure to change their denomination. In a predominantly Catholic country, Catholic orphanages were continuously perceived as a tool to recatholicize non-Catholic orphans. In the case of the Protestant or Jewish facilities, religious objectives took precedence over charitable ones. Elites of these confessions favoured own orphanages in order to provide orphans upbringing and education in accordance with the confession in order to prevent their growing up in the Catholic environment, which could lead to their converting.²¹

Conflicts concerning the definition of the orphanage of Debrecen in the context of religious situation development in the Kingdom of Hungary, in the early 19th century

The Patent of Toleration issued by Joseph II and the Act n. 26/1791 represented a significant, albeit only the first, step to full freedom of worship. Although the Protestants obtained the right to worship and practice their beliefs, the Catholic Church had maintained its prerogative as the state religion. However, some of the provisions under the Act n. 26/1791 were perceived as unacceptable, even though the Protestants saw this legal norm only as a beginning of the journey towards reclaiming the religious freedom as guaranteed by the Treaties of Vienna (1606) and Linz (1645). On the other hand, the trend set by the state power was quite the contrary. Numerous contradicting issues were being solved in favour of Catholics thanks to the sovereign's decrees or official notifications issued by the Lieutenancy Council, where prominent positions were held by the Catholic episcopate.²² Legal as well as everyday practice conflicts were related mainly to circumstances and conditions of contracting mixed marriages, closely interconnected confessional affiliation, and religious upbringing of potential children from these marriages. A duty to participate in the six-week-long instruction, which was required for a person wishing to convert to Protestantism, was often misused by Catholic priests to pose various obstacles and cause delays.

Protestant church representatives objected against violation of their rights by petitions addressed to either the sovereign or the palatine. They did not present these petitions to the diet, as it was not deemed tactical, due to concerns that once the religious issue had been discussed at the diet, the Catholic majority would abuse this situation to preserve the status quo or even enforce further restrictions against non-Catholic churches and

²¹ Ibidem, p. 184-191.

²² ŠOLTÉS, Peter. Občianske zrovnoprávenie alebo náboženský indiferentizmus? Problém zmiešaných manželstiev v kontexte sekularizácie Uhorska v 30. a 40. rokoch 19. storočia. In *Forum Historiae*, 2015, vol. 9, n. 1, p. 41-42.

their worshippers. The topic of position and rights of Protestant worshippers was first discussed by the diet as late as 1830, under the influence of the legal emancipation of Irish Catholics in Great Britain. However, the Upper chamber swept the religious agenda off the table and postponed it for the following diet. During the sessions of the diet in 1832 – 1836 and 1839 – 1840, a widely acceptable model of churches functioning in the society and the regulation of their mutual relations became one of the crucial topics of discussions of both chambers. The Lower chamber of the parliament presented a proposal of an act on the freedom of worship for Protestants, but the so-called long diet (1832 – 1836) did not pass the legislation due to the rejection of the Upper chamber, and subsequently due to obstructions posed by the court in Vienna. A compromise approved by both chambers as well as the Viennese court was only achieved by the diet opened by Emperor Ferdinand V on May 18th, 1843. However, the Act n. 4/1843-44 did not mean full emancipation of all Christian denominations in the country; this took place only at the revolutionary diet in 1848. The Catholic Church lost its status as the state religion as well as a legally superior or more advantageous position to other Christian denominations by the Act n. 20/1848.²³

A brief description of the religious situation in the Kingdom of Hungary since the Hungarian Diet approved the Patent of Toleration in 1791 until the emancipation of Protestant churches in 1848 reveals that the court in Vienna, aided by Hungarian conservative forces, including Catholic dignitaries, staunchly defended the prerogatives of the Catholic Church as the state religion. Simultaneously, while considering the domestic political stability and religious reconciliation in the country, the court had to at least formally insist on observing the legal rights of Protestants, and respect growing demands of emerging liberal opposition concerning religious (as well as civil) equality. This ambivalent approach of the Viennese court was fully reflected in a decision process concerning the confessional affiliation of the foundation, which was determined by Maria Theresa in 1774 for an orphanage in Debrecen.

After 1789, or 1790 respectively, turbulent development hit the Habsburg monarchy, together with the whole of Europe. Therefore, the issue of the Debrecen orphanage foundation remained insignificant for a long time. The Lieutenancy Council had sporadically revisited this topic; however, the authorities in the Kingdom of Hungary and Vienna were pressurized by Oradea Bishop Joseph Vurum²⁴ to tackle it more thoroughly only as late as 1826. According to the balance sheet of the Debrecen

²³ For Hungarian Diet agenda on the position of Protestant denominations in the country see: HORVÁTH, Michael. *Fünfundzwanzig Jahre aus der Geschichte Ungarns von 1823-1848*. Leipzig: F. A. Brockhaus, 1867.

²⁴ Joseph Vurum (1763 – 1838) – bishop of Székesfehérvár (since 1816), Oradea (since 1821) and Nitra (since 1827).

magistrate, presented to the Lieutenancy Council in the same year, the foundation of Maria Theresa was already valued at 125,202 florins. As the orphanage already owned the building, the Lieutenancy Council ruled that this sum was sufficient to establish and run the orphanage. By an official notification from April 10th, 1827, the Council ordered the magistrate of Debrecen to coordinate with the Bishop of Oradea and prepare a project and budget for 14 Catholic orphans, and subsequently present these documents at the council for approval. The municipal authority objected, though, that they had found no reference in decrees of Maria Theresa that would exclude orphans from being admitted to the orphanage on the basis of their confession. Therefore, they asked the Lieutenancy Council that all city inhabitants would profit from the foundation, as loyal subjects of their sovereign. The Lieutenancy Council responded with an official notification from August 1827, which rejected the town's petition, referring to clauses 32 and 53 of their order from January 26th, 1775, and insisted on the Catholic character of the orphanage. Since the town did not respond, the order was reissued on April 28th, 1829, and again on March 30th, 1830. The official notification from September 21st, 1830, threatened to suspend the wages of the municipal body representatives and commanded them to present the required documentation within the period of 15 days. The municipal authority obliged, although simultaneously, the town representatives decided to take advantage of the presence of Emperor Francis II at the diet and, via their diet delegates, ask him to terminate the council's decision, as it contradicted the will of Maria Theresa. The emperor was petitioned to run the foundation in accordance with the original purpose. Since the sovereign departed from the diet prematurely, the delegates submitted their petition to the Hungarian Chancellor Adam Reviczky, who forwarded the document to the Hungarian Court Chancery in Vienna. In addition, the municipal authority of Debrecen informed the Lieutenancy Council in a letter from December 4th, 1830, about the petition and demanded that the council maintain the status quo until the decision was announced.²⁵

The Hungarian Court Chancery reacted to the petition by requesting conflict-related information from the Lieutenancy Council.²⁶ The council responded extensively on March 1st, 1831, referring to mandates of Maria Theresa from 1774 and 1776, which concerned the establishment of the orphanage and religious education of city orphans. They used the mandates to argue that the orphanage was exclusively intended for orphans of the Catholic creed; however, the facility could also admit non-Catholic children if "*such children were entrusted in its care.*" The municipal authority of Debrecen objected not only to the confessional definition of the

²⁵ MNL OL, A 39 Acta generalia 1770 – 1848 (hereinafter only as A 39), 1830: 14 067, 1831: 3764.

²⁶ MNL OL, A 39, 1830:14 067.

orphanage, but also against institutional upbringing of orphaned children as such. Destitute, tutorless children were placed in foster care by the city, and such a decision was also proposed for Maria Theresa's foundation. In this manner, expenses for building reconstruction as well as overhead costs would be eliminated, and thus, by preserving resources, even more children could be supported. Furthermore, any religious discrimination would be avoided as well. Secondly, the municipal authority argued that the district court resided in the building intended for the orphanage, and there was no other building suitable for this purpose in the city. The Lieutenancy Council considered these arguments a mere obstruction, aiming to terminate the orphanage establishment. As the council deemed it its duty to ensure the will of founders was fulfilled, it instructed the royal commissary in the town and the Bishop of Oradea to oversee the establishment of the orphanage that would raise children in the Catholic faith, more so that the orphans placed in foster care to non-Catholics, which could threaten their Catholic affiliation. Although the magistrate presented the required documentation, it kept opposing the establishment of the orphanage. They used an opportunity when the sovereign attended the diet in Bratislava and instructed their representatives to present their petition to the emperor. The Lieutenancy Council concluded its report by stating that Maria Theresa's decrees clearly declare that the orphanage was intended for Catholic orphans, and non-Catholic orphans were to be accepted only under the condition of mandatory Catholic education. The council recommended rejecting the petition of Debrecen's magistrate as unsubstantiated. The royal commissary was to be commanded to complete the process, with the assistance of the Bishop of Oradea.²⁷

The conflict concerning the confessional character of the Debrecen orphanage became a part of the Hungarian Court Chancery agenda on April 9th, 1831. Charles Pauly, a clerk in charge of this issue, agreed with an interpretation of the Lieutenancy Council, as well as three other councillors, namely Thaddeus Kussevich, Bishop Johannes Horvath, and Gabriel Keglevich. Other councillors of the office presumed that the decree concerning mandatory Catholic education of children dependent on public charity could not be connected with religious education in the orphanage. The councillors maintained that the mixed committee that had been assessing proposals of Commissary M. Forgách for solving the political and economic agenda of the city, recommended the sovereign to accept the offered 30,000 florins and use these resources to establish an orphanage. However, neither the protocol issued by the committee nor the mandate of Maria Theresa from November 1774 stated that the facility should serve only Catholic orphans and exclude non-Catholic ones. Referring back to the decree of Maria Theresa concerning the establishment of an independent

²⁷ MNL OL, A 39, 1831 : 3764.

spital in the city, the Debrecen magistrate proposed in 1775 that the same approach should be applied in the case of the orphanage, and for Catholic and Protestant children, separate facilities would be set up. The state power reacted by ruling that the capital was to be used to establish the institution for Catholic orphans; however, non-Catholic orphans could be accepted once they had been “entrusted” to the orphanage. The majority of the councillors interpreted this decision in the manner that there had been no ruling concerning the establishment of a separate facility for non-Catholic orphans, and their admittance to the orphanage was not conditioned by the mandatory Catholic education. If Maria Theresa’s mandate from 1776 had not excluded the non-Catholic orphans from being admitted to the facility, the supraconfessional character of the institution would have been supported also by the Act n. 26/1791, stating that in order to preserve religious peace in the country, the current proprietary situation within foundations was to be respected. In reality, it meant the Catholic foundations were kept by Catholics and non-Catholic ones by non-Catholics, always in accordance with provisions of their founding charters or with the will of their founder. Since the Protestants had freely used the foundation of Maria Theresa for many years, the majority of councillors of the Hungarian Court Chancery, also bearing in mind “new” religious legislation, considered it impossible or unsuitable to introduce Catholic education of non-Catholic orphans *ex post*. Following the example of military academies or an institute for children with impaired hearing in Vác, they proposed to establish an institution in Debrecen where children could be raised according to the confession of their parents.²⁸ The Hungarian Court Chancery forwarded the file to Emperor Francis II, who postponed his decision in this respect indefinitely.

Due to an absenting decision of the sovereign, the Hungarian Court Chancery had to repeatedly revisit the issue of the confessional definition of the Debrecen orphanage. The bishops of Oradea, supported by the Lieutenantcy Council, requested to establish, from the foundation of Maria Theresa, the facility intended exclusively for Catholic orphans or with mandatory Catholic education. The opposing party, the municipal authority of Debrecen, insisted on financing institutional care of orphans regardless of their confession. Both conflicting parties maintained basically the same positions throughout the years. The Hungarian Court Chancery persisted in its stance, despite the refusal of the Viennese court and Hungarian conservative circles, on the emancipation of Protestant denominations from the Catholic Church. Until 1845, the chancery repeatedly urged the sovereign to decide on the matter in accordance with their proposal from April 1831.²⁹ Curiously, once the Act n. 4/1843-44, had been passed and

²⁸ Ibidem.

²⁹ Österreichisches Staatsarchiv, Haus-, Hof- und Staatsarchiv (hereinafter only ÖStA HHStA), Staatsrat, 1835: 6034, 1836: 848, 1836: 3865, 1837: 5764, 1838:

improved the status of Protestants in the country, while relations between Hungarian Catholic episcopate and the court in Vienna was going sour, the Hungarian Court Chancery significantly changed their opinion, even though it shall be noted that personnel structure of the office did not substantially alter in 1844 – 1845, and in both cases a Titular Bishop Anton Karner was in charge of this issue.

László Bémer was appointed the Bishop of Oradea in 1843. Once he probably got more acquainted with the situation in his bishopric, he appealed to the Lieutenantcy Council in summer 1844 to reject in alignment with the Act n. 23/1791 and § 12 Act n. 26/1791, the petition of the Debrecen municipal authority to extend Maria Theresa's foundation to Protestant orphans. He interpreted the Lieutenantcy Council's official notifications from January 26th, 1775, and September 9th, 1776 as follows: Maria Theresa established her foundation solely for the Catholics of Debrecen, specifically for their impoverished orphans. The Lieutenantcy Council passed the request to the sovereign, and referred to their own petition from 1830 to require the emperor to "pull the foundation intended for Catholic orphans out of its current state of uncertainty" and to order to set up this controversial orphanage in accordance with the will of its foundress. A Hungarian Court Chancery councillor and clerk in charge of this issue A. Karner proposed to the sovereign to rule concerning the bishop's request in accordance with the chancery's petition from April 9th, 1831, and the board of the chancery approved his proposal at the meeting on August 16th, 1844.³⁰ A year later, in autumn 1845, Bishop of Oradea, L. Bémer, addressed yet another request to the Lieutenantcy Council related to the orphanage of Debrecen, stating that on August 25th, 1845, an infant school was established in Debrecen, attended by 23 children of Calvinist creed aged 4 to 6 years old. Bémer criticized the fact that although Catholic burghers participated in its establishment and the facility was to be supra-confessional by the order of the municipal authority, in his opinion, there was no hope that there would be a Catholic teacher employed there, nor Catholic children admitted to it, to be raised and educated in their faith from an early age. The bishop proposed to set up a Catholic infant school within the Catholic orphanage, created from the foundation of Maria Theresa. In addition, he urged the state authorities to ban Catholic children from being admitted to the newly-established town infant school. At the proposal of the clerk A. Karner (!), the Hungarian Court Chancery stated in their stance to the bishop's petition that Maria Theresa's will to establish a "Catholic orphanage" in Debrecen had remained unfulfilled, since the municipal authority of Debrecen that was in charge of the foundation,

4383, 1838: 5073; MNL OL, A 39, 1835: 13518, 1835: 15449, 1837: 12 820, 1838: 12624.

³⁰ ÖStA HHStA, Kabinettsarchiv Staatsrat, 1844: 4380; MNL OL, A 39, 1844: 12 530.

paying no heed to the will of the empress nor valid legislation, wished to accept also Protestant orphans. The controversial issue was presented to the emperor, together with the view from the Hungarian Court Chancery, on April 9th, 1831, and the decision was exclusively up to him. In contradiction to the petition from 1831, which the chancery itself referred to, they claimed that the bishops of Oradea zealously demanded of the sovereign to liberate the foundation from an illegal request of the Debrecen municipal authority, and the pleas had been passed by the chancery to the emperor in 1837, 1837, and 1844. The chancery repeated the procedure again, as there was a threat for the foundation to be split, which would be illegal as well as dangerous for all the Catholic endowments in the country. The Hungarian Court Chancery, “*out of responsibility for administration of pious endowments*”, thus asked the sovereign to confirm, in accordance with the will of Maria Theresa, that the foundation was intended for Catholic orphans and decree to use it to provide for them. This amended opinion of the Hungarian Court Chancery’s members did not change the stance of the Viennese court, though, as it kept abstaining from any decisions, and subsequently dropped the file *ad acta*.³¹

Francis Joseph I and his decision to split the foundation

The revolutionary years 1848 – 1849 and pertaining events, yet again marginalized the issue of the Debrecen orphanage establishment. According to contemporary press, it was first re-addressed by János Csorba, a burgo-master of Debrecen, in 1854. His petition to the Viennese court has not been preserved; however, it may be assumed that he might have proposed to the state authorities to establish a facility for both Catholic and Protestant orphans. Most probably, the proposal left no significant impact on the court’s next actions. After decades of hesitations and postponements, the Viennese court finally passed a decision on the orphanage of Debrecen in 1859, shortly after the Protestant Patent had been issued (on September 1st, 1859), in accordance with the contemporary politics towards the Protestant denominations in the Kingdom of Hungary. Emperor Franz Joseph I decreed to establish the facility on December 8th, without further delay, and admit orphans of all Christian denominations: Catholic, Lutheran, and Calvinist, and ensure appropriate religious education to all.³² Similar to the Protestant Patent, this decree did not meet the expectations of the Viennese court nor calmed down the tense situation related to Hungarian Protestant churches. The decision to accept Protestant orphans at the orphanage in Debrecen did not put an end to decades lasting conflicts concerning its confessional definition.

³¹ ÖStA HHStA, Staatsrat, 1845: 6645; MNL OL, A 39, 1845: 18355.

³² Szűcs, István. *Szabad királyi Debreczen város történelme: A legrégebbi időktől I. Rákóczy György fejedelem haláláig*. Debreczen : Szerző, 1871, p. 1044-1045.

The mandate of Franz Joseph I from 1859 removed the greatest obstacle to the orphanage establishment; however, it did not target how the orphanage should be set up and run. These questions were to be answered by a committee chaired by the Governor of the North Bihar County, Márton Váradi Szabó, established on January 19th, 1860, by the administrative district of Oradea (department of the Lieutenantcy Council in Oradea). There were other members of the committee, namely Oradea canon and Titular Bishop Miklós Fogarassy, a representative of royal and imperial financial administration, Károly Csáthy, and a burgomaster, János Szőlóssy. A town councillor, Gyula Leidenfrost, was appointed its correspondence clerk. The committee met on June 5th and July 3rd, 1860, to conclude that it served no purpose to raise children of various confessions in one facility and thus proposed to split the foundation as an inevitable solution. The burgomaster J. Szőlóssy suggested dividing the capital of the foundation into half, regardless of the number of respective worshippers, with equal shares for both Catholics and Protestants of both denominations. The existing building was to be given to the Catholics, whereas the plot of land was to be given to the Protestants. The newly established foundations were to remain under the administration of the town of Debrecen. Representatives of both confessional parties were to prepare statutes of their institutions and present these documents to state authorities for an approval. The orphanages were to be primarily intended for children from Debrecen, while vacancies could be offered to orphans from the countryside, with a priority for villages closer to the town. The sovereign approved the committee's recommendations on January 5th, 1861, and the city was notified via a decree issued by the Hungarian Lieutenantcy on August, 14th, 1861. Due to the division of the foundation's property, a special committee was to be set up, chaired by an appointed councillor of the Hungarian Lieutenantcy. The decree was, in addition, sent to the Superintendent of the Reformed Church, Péter Balog, instructing him to prepare a project for the orphanage, together with an Lutheran Church Superintendent Károly Máday. Subsequently, they were to send the proposal to the Lieutenantcy for approval.³³

During the process of discussing the foundation and manner of the Debrecen orphanage, Emperor Franz Joseph I issued the October Diploma, which initiated significant constitutional and administrative changes in the whole monarchy, the Kingdom of Hungary, as well as the town as such. The municipal authority of Debrecen, appointed by the state authorities, was replaced by elected autonomous bodies that considered the split of Maria Theresa's foundation into a Catholic and Protestant

³³ SZÜCS, *Szabad királyi Debreczen város történelme*, p. 1044-1045; Sz. k. Debreczen város árvái javára Mária Terézia ő felsége által alapított árvatartó pénztár ügyének jelenlegi állása s történelmi előadása. In Hortobágy, vol. 1, n. 12, 18. 7. 1862, p. 91-95; *Emlékirata*, p. 20n.

part a violation of the town's rights. In an extensive filing from October 2nd, 1861³⁴, the town council objected against the very composition of the committee which had proposed the division of the foundation to the sovereign. The town authorities did not consider J. Szőlőssy and Gy. Leidenfrost, appointed by the state power, to be legitimate representatives of the town which was also attested by the fact that they had agreed with a solution that had contradicted a long-term stance held by Debrecen. While the town council maintained that the town was not represented in the committee, the Bishopric of Oradea was unwarrantedly represented. According to the town's interpretation, the foundation was intended for town orphans, and not orphans of a particular confession. The further existence of the orphanage was to be decided by the state authorities in cooperation with the local government, entitled to represent all the confessions in the town. If, theoretically, the whole issue had been addressed from a confessional point of view, representatives of local non-Catholic churches should have been invited to participate in negotiations; however, this did not occur. Based on this reasoning, the town concluded that a decree based on recommendations of the illegally assembled committee was to be terminated. The final solution of the 85-year-long conflict was to be built upon a proposal issued by the constitutionally elected city administration.

The next part of the filing included the town council's own "legal opinion" concerning foundation circumstances as well as its confessional definition. The town argued that its representatives offered the capital of 30,000 florins as a "*sacrifice to the homeland*" and not a personal gift for the sovereign. The fact that Maria Theresa entrusted the administration of the foundation to the town supposedly served as proof of this statement. Within the existing legal or constitutional framework, the municipal authority could not donate money, and then, the sovereign could not use the money contrary to the law, in this case, by establishing a facility exclusively for one confession, at the expense of the others. The town provided the sovereign with 30,000 florins to be "*at her disposal*"; however, according to this interpretation, it did not mean she was free to use the funds at her will to establish an institute for Catholic orphans. A notion "*at her disposal*" was to be understood and interpreted within a constitutional framework, and therefore, Maria Theresa could use the funds only in accordance with the valid legislation. If, purely hypothetically, Maria Theresa had been able to use the money freely, the town representatives doubted that she would have wished to trigger (justifiable) outrage of the Protestant majority in the city while having established a foundation for Catholic children exclusively. In addition, the municipal authority yet again repeated the argument that no official document pointing to the sovereign's intention to establish an

³⁴ The filing of the city council from 2. 10. 1861 was published in segments in a local periodical *Hortobágy*. *Hortobágy*, vol.1, n. 12, 18. 7. 1862, p. 91-95, 13. sz., 25. 7. 1862, p. 99-102, 14. sz., 1. 8. 1862, p. 107-109.

orphanage solely for Catholic orphans had been preserved since the time when the foundation had been set. Her will was subsequently twisted, in the opinion of town representatives, due to the religious bigotry of “*dark past times*”. Therefore, they maintained, with a lack of discovered sources confirming the orphanage was clearly intended for children of a particular confession, or confessions respectively, it was obvious that all the Debrecen orphans could be admitted to the facility, regardless of their confession.

The proposal from the “*anti-constitutional period*” ruling that the foundation should be split between Catholic and two Protestant confessions did not only contradict the will of the foundress but also the numerous representations of individual confessions in the town and the numbers of their orphans. Otherwise, some children in need would be rejected due to their confession, or their church would have to take care of them. Should the foundation stay undivided, all the orphans could be taken care of. Should the foundation be split among individual confessions, the only just criterion was to be a number of worshippers of respective churches. The city representatives deemed it unacceptable that other confessions had been omitted at the division, namely, Jews, Greek Catholics, and Orthodox faithful. Besides, there were more Greek as well as Orthodox Catholics than Lutherans, and they constituted the poorest layers of the population; thus, they were more dependent on charity. The town authorities believed that the committee members favoured some groups of the population at the expense of other groups, or they were unable to “*abandon binding shackles of confessionalism*.” Therefore, the “*constitutionally elected*” administration was obliged to attain the termination of this proposal and promote a solution that would be aligned with principles of religious equality, as declared by the emperor, too. This was to be achieved only if the original objective of the foundation were renewed, aiming at all Debrecen orphans, regardless of their confession. With a reference to “*all Debrecen orphans*”, the town denied the opinion of the committee that the foundation had also been intended for orphaned children from neighbouring villages. The town representatives maintained that the mandate of Maria Theresa from November 1774 was translated incorrectly, and Latin words *vicinae partes* did not refer to neighbouring villages, but extensive wastelands around Debrecen.

The filing of the Debrecen town council concluded with a proposal on how the foundation of Maria Theresa should be used sensibly and justly. Although Debrecen representatives criticized exclusively the committee that had suggested the division of the foundation and thoroughly avoided any criticism towards Franz Joseph I, who had approved the committee’s proposal, they did not abstain from reproaching Maria Theresa. In their opinion, the presented argumentation clearly demonstrated that the sovereign established the town foundation to provide for orphans of Debrecen. As town authorities were best aware of local circumstances as well as the

needs of local orphans, it was the “*queen’s duty*” to demand from the Debrecen representatives to prepare a proposal on how to utilize the foundation, and not to order an establishment of an orphanage by unclear definitions that had resulted in almost a century of lasting conflicts. Since Maria Theresa failed to meet the obligation, the town assumed this responsibility. As multiple times before, the presented proposal rejected the very idea of founding an orphanage and argued in favour of foster care for orphaned and abandoned children. They considered such care cheaper and more efficient, as while saving the costs necessary to operate an orphanage, it enabled them to provide for more children. Allegedly, experience confirmed that institutional care could mark children negatively for life, and life in an orphanage was unbearable for poor children in particular. Although they rejected the committee as well as its proposals, they agreed with the opinion that raising children of various confessions in one facility is impossible without endangering their religious sentiments. With respect to a long-term practice of placing children in foster families, they maintained that it yielded better and cheaper results than institutionalized education. Children could grow up in a family-like environment, and there were checks in place to ensure that, should the children be neglected, they would be taken away from their foster parents and placed elsewhere. Thousands of Debrecen children were brought up in this proven practice, and later became skillful craftsmen, or even distinguished personalities.

An extensive file concluded with a statement that the foundation belonged to the town and thus it was to be administered by the town; the state was to intervene only in a limited manner. Help was to be provided regardless of the confession, but only to orphans from the city, and children were to be rather entrusted to foster families than placed in a newly established institution. The foster families were obliged to provide upbringing and care appropriate for their age and social status. Such a solution was deemed the most suitable and just, as the help and support could be provided to all the orphans in the city. As they summed up, Maria Theresa would also certainly wished for meeting the objectives of her foundation after 85 long years.

A conflict concerning the character of the Debrecen orphanage as part of the public debate

The filing to the sovereign on October 2nd, 1861, was published in segments in the local periodical *Hortobágy* during the following summer. Therefore, an administrative issue gradually became a part of the public discourse. The “Catholic party” reacted at the end of 1862 with an article in the weekly *Religio*. Its author started with a short historical digression, emphasising that Maria Theresa intended to establish a Catholic orphanage in Debrecen. However, a Protestant (Calvinist) municipal authority was trying to modify the objectives over a long period to transform it into

a supraconfessional town orphanage fund. A decision to split the foundation into a Catholic and Protestant part was interpreted as a demonstration of brotherly love from the Catholic side, which was received by the town of Debrecen with objections instead of thankfulness. The article's author stated that although the filing from October 2nd, 1861, was prepared by a "constitutionally" elected administrative body, its content was full of lies as well as claims contradicting the existing legislation of the Kingdom of Hungary. In his interpretation of the Tripartitum, rulers of the Kingdom of Hungary were entitled and had the power to donate the state property or use it for charitable purposes. Quite the contrary, it was the town that failed to adhere to the Acts n. 23 and 26/1791, when it attempted to use Maria Theresa's funds at their will, and amend the original objective of the foundation. If the city was truly trying to explain the history of the foundation, they should have mentioned Maria Theresa's decree concerning mandatory Catholic education of all children reliant on public charity, as well as her mandate from 1776, which decreed to establish a facility for Catholic orphans in Debrecen, and the 30,000 florins provided by the town to be used for this very purpose. The author concluded that party (confessional) interests could lead even the authorities adverting to their constitutional origin, astray, from the road of truth and justice. The filing addressed to the sovereign by the Debrecen town council was not based upon the constitution of the Kingdom of Hungary, but rather on "modern liberalism" that had twisted actual historical right.³⁵

In 1869, the town commenced an initiative to present the conflict concerning Maria Theresa's foundation at the Hungarian Diet, and thus it yet again resonated in the public space. For this occasion, the city prepared an extensive proposal, objecting against "unlawful division of the orphan fund and a violent transfer of its part (valued at approximately 140,000) to the custody of the Bishopric of Oradea." The document was also published in print.³⁶ The Roman Catholic church committee, established to found and run the orphanage, responded by printing a brochure.³⁷ The text quoted in

³⁵ Előleges nyilatkozat a debreczeni „Hortobágy” című hetilap 12., 13., 14. számában megjelent ily fölratú cikkekre/Oral statement on this issue appeared in three parts in the weekly published periodical *Hortobágy*: Sz. k. Debreczenváros árvái javára Mária Theresiaó Fölsége által alapított árvarattó pénzttár ügyének jelenlegi állása s történelmi előadása. In *Religio*, 1862, 2. félév, 52. szám, p. I-IV.

³⁶ *Az 1869-dik évi ápril hó 20-dikára hirdetett Országgyűllés Képviselelházi írományok*, III. kötet. Pest: 1870, p. 195; *Az 1869-dik évi ápril hó 20-dikára hirdetett Országgyűllés Képviselelházi naplója*, IV. kötet. Pest: 1870, p. 357. I have not managed to find an issue of this print as of now, however, it may be presumed the city cited the same or similar arguments as in its filing to the sovereign on October 2nd, 1861.

³⁷ *Emlékirata a debreczeni rom. kath. egyházközségi bizottmánynak, a debreczeni árvarattó pénzttalap ügyében*. Debreczen : Nyomatott a város könyvnyomdájában, 1870.

both the Latin original and Hungarian translation excerpts from the Lieutenantcy Council's official notifications from the 1770s as well as from the early 19th century, which were related to the establishment of an orphanage in Debrecen. Documents were picked and interpreted in order to provide a confirmation for Maria Theresa's intention to establish a Catholic orphanage in Debrecen and to point to confessional obstructions posed by the town when it came to fulfilling the will of the foundress. The foundation division into a Catholic and Protestant part was presented as the obligingness of the Catholic side to share with their Protestant fellow faithful half of their righteous property. Authors of the file doubted the frequently repeated argument of their counterparts that the division was unlawful, as the decision had been made during the anti-constitutional period, as at the same time, many lawful rulings had been passed and numerous contracts concluded, and it was impossible to terminate or declare null and void all of them retrospectively. Besides, the split of the foundation was confirmed by the emperor as an heir and a successor of Maria Theresa.

The next part of the file argued against the claim of the town representatives that the preferred foster care for orphaned and abandoned children was more apt and efficient than institutional care. The file authors maintained that maybe in the past, it had been possible, even right, to place children for a minor fee in poor families. After a mandatory, six-year-long school education, the foster care system turned out to be dysfunctional, though, even detrimental to the correct upbringing of children. For 20 to 30 florins annually, a foster family could not provide a child with board, clothing, or school supplies. Thus, it was questionable whether these children were not further abused to work or even forced into beggary. Furthermore, the authors questioned whether the foster families could be inspected sufficiently in order to avoid negligence towards entrusted children. On the contrary, they considered the upbringing of children in the Debrecen orphanage (established in 1863) transparent and publicly inspectable, therefore any negligence was out of question. They did not deem the foundation division unjust, although there were 38,000 reformed worshippers in the city and only five thousand Catholics. They simply did not believe that their sharing with their "brothers in faith" (!) should reflect numbers nor legal entitlement. When the foundation had been set up, there were no Jews nor Greek Catholics in the city yet; therefore, the authors of the file believed they had no claims in this respect.

They also refused a statement that Maria Theresa's decision to establish a Catholic orphanage in Debrecen questioned her true maternal care for impoverished orphans in any respect, as Catholic confession was the state religion at the time of the foundation. The orphans reliant on public charity were to be naturally brought up in the Catholic faith. Maria Theresa herself was a devoted Catholic, and during her reign, the Debrecen Catholics were rather poor and left to their own devices. In the rich town

of Debrecen, orphans of the reformed confession always found sufficient support, and the town was also later obliged to provide an appropriate volume of funds. Besides, Hungarian kings were entitled to utilize the state property for charitable objectives, and Maria Theresa was free to use the money given by the town of Debrecen.

Once these documents and the foundation circumstances had been investigated in an “unbiased manner”, the committee concluded that Maria Theresa aimed at establishing a Catholic orphanage in Debrecen. She permitted to accept also non-Catholic children, although only under the condition of mandatory Catholic education. The magistrate of Debrecen, therefore, considered the foundation purely Catholic and kept attempting to change this setup. They perceived an idea to provide for all abandoned orphans equally as a beautiful and noble concept, and therefore wished for it to be implemented in practice, wherever necessary. Provided the foundation was intended for a specific confession, and its confessional character was altered without their founder or appointed caretaker being made aware of this situation, it was considered a law violation. However, in the case of the foundation for Debrecen orphanage, the foundress clearly outlined its targets in 1776. Besides, the sovereign, as her heir and successor, decided about the division, in agreement with the Bishop of Oradea, representing both the Debrecen Catholics and the town council. The file authors maintained that it would be hardly possible to come up with a more splendid and convenient way to preserve peace than to split the foundation into the Catholic and Protestant parts. Therefore, they expected that once the issue was revised, after an impartial assessment of the presented charters and arguments, the split would be approved by the current constitutional government.

Establishing Debrecen orphanages

Town representatives' objections against the division of Maria Theresa's foundation that were presented to both the sovereign and the Hungarian Diet, did not further influence the next development of the foundation. As the town refused to enforce the emperor's ruling, a royal commissary was sent to Debrecen in June 1862 to execute the division of the foundation. The commissary divided the capital of 237,620 florins and 40 kreutzers into two halves. In addition, apart from the money, the Catholics obtained the house that had been purchased for the orphanage by the city in 1780, while the Protestant confessions were given its plot of land. Protestant churches representatives who were hoping for the emperor's change of heart did not accept their part, which was subsequently still supervised by the town.³⁸ On the contrary, once the almost eighty-year-long conflict was formally concluded, the Catholic party immediately proceeded to establish its own orphanage. A committee chaired by the town parish priest Károly Huzly

³⁸ SZÜCS, *Szabad királyi Debreczen város történelme*, p. 1045.

was appointed by the diocese Bishop of Oradea, Ferenc Szaniszló, on November 1st, 1862, with the aim to set up and operate the orphanage. The facility was ceremonially opened on June 28th, 1863. The committee ran the institution autonomously, only presenting the Bishop of Oradea with annual reports and balance sheets.³⁹ Apart from the Catholic orphanage, which accepted inmates of both genders, an orphanage for girls opened in the city in 1869. This facility was established and operated by a female charitable association. Despite the lack of defined confessional affiliation, the girls were almost exclusively Calvinist.⁴⁰ The last orphanage to open in Debrecen in the 19th century was one of four land orphanages for children of teachers, established in accordance with the Act n. 43/1891.

The town authorities that were left with the part of the foundation that had been allocated to the Protestants, used the interests from the obtained capital to finance foster care, as it remained favoured over the institutionalized care for orphaned children. Deepening confessional rifts in the society of the Kingdom of Hungary finished shared town administration of this fund after three decades. Representatives of reformed churches, allegedly due to the flourish of the Catholic orphanage, requested their share of the foundation from the town. The municipal magistracy agreed, although only under the condition that it could maintain its influence on the administration. However, the municipal council decided in August 1893 to split the so-called Protestant orphan fund between both local Protestant churches, proportionally in accordance with the numbers of their worshippers and with no conditions. The monetary fund valued at almost 300,000 florins was subsequently divided with the emperor's consent on January 1st, 1894. Debrecen Reformed church representatives announced in the press that by this division, they would obtain funds to establish a "unique" orphanage within the whole country, and started putting aside a part of the annual revenue from the obtained capital to cover future construction costs.⁴¹ However, this concept never materialized.

Conclusion

Since Maria Theresa allocated 30,000 florins to establish an orphanage in Debrecen, to 1894, when the second half of the foundation was split between two Protestant churches in the city, the form of government

³⁹ *Debrecen katolikus múltja és jelene*. Szerk. Liszt Nándor, Sümegey József. Debrecen : A Szt. Imre jubileumi váradí egyházmegyei bizottság, 1930. p. 62-65.

⁴⁰ *A Debreczeni Nőegylet alapszabályait, kormányzatát, a gyűjtő-ívek eredményét s a tagok betűrendes névsorát tartalmazó könyvecske 1869. évről*. Debrecen: Debreceni Nőegylet, 1869.

⁴¹ Protestáns árvaházak Debreczenben. In *Protestáns Egyházi és Iskolai Lap*, 1893, 36. évfolyam, 31. szám, 3. 8. 1893, p. 493; A debreceni református árvaalap. In *Protestáns Egyházi és Iskolai Lap*, 1894, 37. évfolyam, 36. szám, 6. 9. 1894, p. 574-575.

gradually transformed from an absolutist monarchy to a constitutional system. Besides, the position of Protestant churches significantly changed in the Kingdom of Hungary – first, they were marginalized, albeit allowed; to later become tolerated, and subsequently equal to the Catholic Church in 1848. On the other hand, the positions of the involved parties concerning the conflict over the definition of the orphanage's confessional affiliation remained unchanged. Confessional interests remained more crucial than interests of orphaned children and care that was to be provided to them.