Theses for doctoral thesis (PhD)

A Comparative Analysis of *Apostolic Administrator* and *Exarch* in the Prehistory of the Eparchy of Miskolc (1924–2015)

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1. Topic and Objective

In 2024, the Eparchy of Miskolc celebrated the centenary of the foundation of its predecessor, the Apostolic Administration of Miskolc. And it was just ten years ago, that Pope Francis made the Apostolic Exarchate of Miskolc an eparchy with his Apostolic Constitution *Qui successimus*, thus ending the last particular Church in Hungary which, by its very nature, did not have a governing Hierarch on its own right. These two anniversaries alone justified an examination of the ecclesiastical office of 'apostolic administrator' and 'exarch'. Moreover, the legal form and office of both the apostolic administrator and the exarch have traditionally been rather flexible, as a result of their multiple possible roles. „This flexibility, however, stems not only from typological specificity, but also from the uncertainty and legal lacuna that result from a lack of regulation."[1] These two legal instruments are under-regulated. This is one of the reasons why, although several works have dealt with the office of apostolic administrator and the development of the modern concept of exarch, to our knowledge, only our first supervisor has so far examined these two ecclesiastical offices together, although mainly from the point of view of the doctrine of nomenclature. The specific prehistory of the Eparchy of Miskolc also prompted us to examine it together. The Greek Catholic hierarchical unit of Miskolc was founded in 1924, as an apostolic administration. Initially, it was governed as an apostolic administrator by the titular archbishop Antal Papp, whose official title was changed to apostolic exarch in 1941.

Thus, between 1941 and 1945, an apostolic administration was governed by an apostolic exarch. During the first Eastern codification, the particular Church of Miskolc was renamed as an 'Exarchate', after an apostolic Exarchate was governed by apostolic administrators for about half a century. The latter extraordinary situation was only resolved when, in 2011, the exarchate was again given a separate Hierarch, now in the quality of an Exarch.

With these facts in mind, we set ourselves the following objectives in writing this dissertation, seeking answers to the following questions:

(1) What are the historical origins of the offices of apostolic administrator and of exarch according to the law in force? What classes of these offices existed in the past and still exist, and what powers have been and are vested in the holders of these offices today?

(2) What were the reasons for the establishment of apostolic administration and exarchates in the past and what can be these reasons at the present time, and how do these Hierarchical unites relate to the eparchy/diocese and to other particular Churches equated to the

[1] UJHÁZY Lóránd, „A trianoni békeszerződés és a szentszéki rendelkezések hatása a magyar egyházigazgatási rendszerre", in *Trianon 100. Tanulmányok a békeszerződés centenáriumára,* BARNA A. (szerk.), Budapest 2020, 466.

diocese, with particular reference to the vacancy of seats in apostolic administration and exarchates?

(3) What was the extent of the juridical authority of the hierarchies of the apostolic administration and exarchates in the light of their letters of appointment?

(4) In the Metropolitan Church *sui iuris* of Hungary, under the common law and the particular law *sui iuris*, what powers would an apostolic administrator at the head of an eparchy have?

(5) If the Holy See were to establish a new Greek Catholic exarchate for the further development of the Metropolitan Church *sui iuris* of Hungary, what powers would an exarch at the head of this hierarchical unit have under the common law and the particular law *sui iuris*?

To sum up: how does the institution of the administration and the exarchate appear in the Greek Catholic community in Hungary from the perspectives of the past, present and possible future? An accurate identification of similar (or at least seemingly similar) offices in the history of the development of the Miskolc particular Church is an important contribution in understanding our past. And an analysis and deeper understanding of the details of the above-mentioned issues can also be useful for the future of the Greek Catholic community in Hungary.

2. Sources and Methods of the Thesis

Through an analysis of the former and current constitutional law of the Codes of the Latin and Eastern Catholic Churches and of the relevant documents of the Holy See, the present thesis describes the specific features and development of the offices of the apostolic administrator and the exarch. Since the possible competences and powers of the apostolic administrator are mainly determined by the relative letter of appointment, it was necessary, in addition to analysing the common law, to examine the circumstances in which the hierarchs concerned took office, in the light of the provisions of the Holy See. In the discipline of the Eastern Churches, the provisions of the particular law also play a relevant role. Since the particular law of the Hungarian Greek Catholic Church is still mainly to be found in the eparchial circulars, we have tried to analyse the measures contained in these, with reference to the period in question. The Greek Catholic Episcopal Archives of Debrecen and the Miskolc Eparchial Archives were of great help in our search for sources.

In this thesis, we have tried to apply the comparative method in presenting two legal systems. The comparison of Latin and Eastern legislation helped to identify and highlight specific Eastern features. A meticulous comparison of the texts of the two Codes (CIC, CCEO), showing

their dissimilarities, is essential to understand the differences and specific elements of the Eastern law in force.

3. Structure of the Dissertation

In the first short, historical part of the our work we wanted to present the traces of Eastern Christianity in the Carpathian Basin, and then the history of the eparchies from whose territory the Apostolic Exarchate of Miskolc was formed: the Eparchy of Mukachevo, canonized in 1771, the Eparchy of Preshov, established in 1818, and the Eparchy of Hajdúdorog, created in 1912, after long struggles. We conclude this section with the historical context of the creation of the Apostolic Administration of Miskolc formed from the parishes of the Eparchies of Preshov and Mukachevo remained in Hungary, in 1924.

In the second and third chapters, we juxtaposed the offices of apostolic administrator and exarch. The office of apostolic administrator dates back to the offices of 'visitator', 'interventor', 'intercessor', and 'commendator', functions appeared in the early days of the Church, and are closely linked to the vacancy of a diocese, the establishment of apostolic administrations as independent particular Churches was mainly due to external reasons. They were created to deal with the post-World War I situation. This was due to the greater flexibility of this legal structure compared with other types of similar particular Churches. This is also reflected in the fact that the apostolic administrator can have a great variety of competences and powers.

It was therefore necessary to examine the first Code of canon law (CIC'1917), which is no longer in force, and the previous Eastern constitutional law, the *mp. Cleri sanctitati* (1957). After that, in a following step, we analysed the provisions of the law in force (CIC'83 and CCEO'90), and we analysed the criteria by which the extent of the powers of an apostolic administrator can be identified. However, since during the first Eastern codification some apostolic administration was renamed as 'Exarchate', no longer headed by an apostolic administrator but by an exarch, it was necessary to identify the competences of the Exarch as well, according to the Eastern Catholic disciplinary of that time. We have concluded this section, concerning the Apostolic Administrator and the Exarch, with the presentation of the norms contained in the draft text of the Particular Law *sui iuris* of the Metropolitan Church *sui iuris* of Hungary.

In the fourth chapter, in the framework of the institutional historical development, we determined the powers of the single hierarchs at the head of the Apostolic Administration (later Apostolic Exarchate) of Miskolc, in the light of their appointing documents (from 1924 to 2015). The complexity of the situation is illustrated by the fact that, as an earlier study pointed out, "in Miskolc, the apostolic administration was first governed by an apostolic administrator, then by an

apostolic exarch between 1941 and 1945, while after the name of 'exarchate' was adopted (1964), apostolic administrators governed the apostolic exarchate for about half a century".[2] This unusual situation was only resolved when the exarchate was again given a separate residential Hierarch. We have examined the powers of the hierarchs first of all from two perspectives: the canon law background of their investiture, on the one hand, and, with regard to the exercise of executive power, the possibility of the appointment of vicars by them, on the other hand, especially in the extraordinary transitional period between 1945 and 2011.

4. Results of the Dissertation

1. The legal-historical sources outlined in the treatise have clearly demonstrated that the history of the office of apostolic administrator dates back to the fourth century, and is closely linked to the vacancy of the episcopal see. Abuses were frequent, especially when the vacancy was caused by the death of the bishop. In response to this, the office of 'visitator' was created, with different geographical names, but all referring to the same reality, the historical ancestor of the apostolic administrator. During the pontificate of St Gregory the Great, he sent a number of visitators to the province of Rome, and to the Sicilian and Gallican provinces as well. These appointments, however, were by no means limited to vacant dioceses, but was applied also in case of fulfilled episcopal sees, *sede plena*. From the 8th century onwards, with the expansion of the powers of the cathedral chapter, this office began a steady decline, but did not completely disappear. Pope Boniface VIII reserved the appointment of the administrator to the reigning pope.

In the 1917 Code, a new aspect of apostolic administrators was introduced, which basically predetermined their rights and obligations: the 'temporality' or rather the *stability* of appointment. An apostolic administrator could be appointed permanently (*permanens*) or temporarily (*ad tempus*). A permanent appointment meant that there was no time limit on the expiry of his office, i.e. his term of office was not fixed, but was for an indefinite period. The apostolic administrator appointed permanently (*permanenter*) enjoyed the same rights and prerogatives of honour and was subject to the same duties as a diocesan bishop. He could of course also appoint a vicar general. The expiry of the term of office of an interim apostolic administrator was not usually linked to an explicit date, but his letter of appointment contained such expressions as: *ad nutum Sanctae Sedis, ad beneplacitum Sedis Apostolicae* or *quosque autem haec dioecesis de proprio pastore providiatur*. An interim apostolic administrator could also be appointed in

[2] SZABÓ Péter, „Exarchátus és kormányzóság, valamint az élükön álló főpásztorok – fogalmi tisztázások a hazai görögkatolikus szóhasználathoz", in *Athanasiana* 48 (2019) 199.

the event of a vacancy in the episcopal see (*sede vacante*) or even if the episcopal see had a titular (*sede plena*). In the 1917 Code, a new aspect of apostolic administrators appeared. This Code (can. 314) set out a very important principle according to which in the determination of rights and duties the appointing document was the primary source. However, if the document of appointment contained only a general formulation of the competences, i.e. it gave 'all the rights and obligations' which, according to the law, were 'attached to that office', the power of the provisional apostolic administrator was the same as that of the vicar of the chapter. If the letter of appointment did not give the apostolic administrator the rights and duties attached to the office of diocesan bishop, he could not appoint a vicar general. The *mp. Cleri sanctitati* dealt with the legislation on apostolic administrators in 10 canons. The description contained in 352–358 reflected a close resemblance to the former Latin Code, while the extra three canons described the figure of apostolic administrators appointed to patriarchal and archiepiscopal sees.

In the 1983 Code, there is only one canon on the apostolic administrator at the head of a diocese. According to this norm (can. 1018, § 1, n. 2), such an apostolic administrator may grant a dimissorial letters for secular clergy. However, in the light of practice of the Holy See, apostolic administrators may have several types of competences. Among the letters of appointment, there are those in which the apostolic administrator is given the 'rights and duties of the local hierarch'. This is the most restrictive form of authority. It is a greater competence, if the letter of appointment grants the apostolic administrator the 'rights and duties of the office of diocesan administrator'. The broadest authorization that an apostolic administrator can receive is to confer on him the 'rights and duties of a diocesan bishop'. Even if an apostolic administrator has been given all the rights and duties of a diocesan bishop, the see nevertheless remains vacant. From this point of view, n. 244 of the *instr. Apostolorum successores* lays down two prohibitions: the apostolic administrator may not extend the mandate of the episcopal senate and the pastoral council, nor appoint vicars. The apostolic administrator can only grant *delegated* powers to former vicars until the new bishop canonically takes his office.

That the possible powers of the apostolic administrator are determined by his letter of appointment alone is clear from the CCEO regulations. The existing Eastern law does not mention the possibility of permanent or temporary appointment, so that this distinction is no longer relevant in terms of rights and obligations.

The terms exarch and exarchate are derived from the Byzantine military and administrative system. In the 4th century, exarch referred to a lower ranking officer. In the ecclesiastical context, however, the term exarch originally referred to a bishop, who presided over an entire 'diocese' consisting of several provinces. From the 6th century onwards, however, these

exarchates lost their supra-metropolitan character, and soon the term 'patriarch' was used to designate the supra-metropolitan ecclesiastical office. The term 'Exarch' appeared in Catholic ecclesiastical law only during the first Eastern codification.

The *mp. Cleri sanctitati* (1957) distinguished three types of exarchs: the exarch with his own territory, the apostolic exarch and the patriarchal (or archiepiscopal) exarch. An exarch with his own territory seemed to be identical to a '*nullius* abbot' under Latin law, the superior of an independent monastery. An apostolic exarch governs in the name of the Roman Pontiff a territory entrusted to him, which were not erected in eparchies for serious reasons, like, for example, the small number of faithful. These hierarchical unites were established outside the territory of the Patriarchates or Archbishoprics. This hierarchical unit bears a strong resemblance to the apostolic vicar and apostolic prefect according to the Latin law. An important difference, however, is that the *mp. Cleri sanctitati* authorised apostolic exarchs to appoint a vicar (*syncellus*). The third category described in the *mp. Cleri sanctitati*, a patriarchal (or archepiscopal) exarchs, in my opinion, is equivalent to apostolic administrator at the head of a permanent apostolic administration.

As Title VIII on exarchates and exarchs is not divided into any further chapters in the current Eastern Code, at first glance it would seem that the CCEO now recognizes only one type of exarch without further sub-distinctions, as opposed to the former typology: exarch with his own territory, and apostolic or patriarchal (archiepiscopal) exarchs. The Eastern Code in force however does not exclude complex typology either. In the Eastern Code, these different types are simply grouped under a single heading, without being named explicitly and separately.[3] Similarly to the apostolic administrator, to the office of exarch as well is given a certain flexibility by its legal under-regulation. The exarch governs either in his own name or on behalf of the higher authority that appointed him, he is always entitled to appoint a vicar.

2. Apostolic administration (*administratio apostolica*) was not included in the 1917 Code. There were mainly external reasons for the establishment of apostolic administration. They were usually established to govern parts of dioceses that were separated from the episcopal centre due to new political borders following World War I. By its nature, an apostolic administration is therefore a particular Church established by the Pope for a serious reason, usually not internal (ecclesiastical), but external, mainly political in nature. The administrator of such an apostolic administration was juridically equated with the permanent apostolic administrator. According to the Latin Code in force, an apostolic administration is a part of the people of God which, for

[3] Vö.: MARTI, Frederico, „L'esarcato per i fedeli orientali quale prototipo della versatilità dei modelli di organizzazione ecclesiastica: ipotesi applicative e natura della giurisdizione", in *Ius Ecclesiae* 35 (2023) 189.

special and very serious reasons, is not erected as a diocese. It is considered by the Code as a true particular Church and it is equated with a diocese, unless the contrary is clear.

Like an apostolic administration, an exarchate under the CCEO is a part of the people of God, not created as an eparchy because of special circumstances, a hierarchical unity territorially or otherwise delimited. The CCEO also draws an analogy between eparchy and exarchate, since what the law says about eparchy should also be applied to exarchates, unless the law expressly provides otherwise, or the contrary is obvious from the nature of the thing.

3. The ninety-year history of the particular Church of Miskolc can be divided into three stages. From the foundation in 1924 until the death of Antal Papp in 1945 and the from the appointment of Atanáz Orosz in 2011 until the establishment of the Eparchy of Miskolc in 2015, the apostolic administration and then the exarchate was led by a residential hierarch. However, from 1945 to 2011, it was governed by interim administrators.

The First World War ended on 4 June 1920 with the Treaty of Trianon. The territory of the Eparchy of Mukachevo and Preshov was divided by the new borders. 105 Greek Catholic parishes remained in Hungary, of which 20 were in the former Eparchy of Preshov and 1 in the former Eparchy of Mukachevo. These parishes did not come under the jurisdiction of the Bishop of Hajdúdorog, but on 4 June 1924 an apostolic administration was erected for the above mentioned 21 parishes remained in Hungary. From July 1, 1924, Antal Papp, the former bishop of Munkács, was appointed by Pius XI to govern this new unit, with the title of Archbishop of Küzike. The decree issued by the nuncio in Prague about this provision clearly conferred on Antal Papp the 'special rights and privileges proper to a diocesan bishops'.[4]

After Antal Papp's death, the College of Consultors of Miskolc, at its meeting on 27 December 1945, elected István Szántay-Szémán as a 'consultor vicar', to whom was granted the title of 'permanent apostolic administrator' by Archbishop József Grősz of Kalocsa.

Bishop Miklós Dudás of Hajdúdorog was informed on 14 November 1946 that he had been appointed Apostolic Administrator of the Exarchate of Miskolc by the Holy See. As the appointment of Miklós Dudás was *temporary*, his rights were the same as those of a capitular vicar under Latin law and of a consultor vicar under Eastern canon law.

Miklós Dudás died on 15 July 1972. According to canon 384. of the *mp. Cleri sanctitati*, in the event of a vacancy in the exarchate, the pro-exarch takes over the government. In the absence of a pro-exarch, the interim leadership of the exarchate would pass to the senior priest. This is the priest who is present in the area and has been serving there the longest. In the event of a

[4] For the text of the decree see: *Források a magyar görögkatolikusok történetéhez 4. kötet (1917-1925),* VÉGHSEŐ T. (szerk.), Nyíregyháza 2020, 657.

vacancy in the exarchate, the former Eastern law already excluded the election of a temporary head of the exarchate, since he was determined by the law itself. In light of this, the election of Imre Timkó in 1972 and Szilárd Keresztes in 1988 as consultor vicar of Miskolc did not seem to be in accordance with the norms of the *mp. Cleri sanctitati.*

Imre Timkó was appointed Apostolic Administrator of the Exarchate of Miskolc (*ad nutum Sanctae Sedis*) by the Holy See on 7 January 1975, and Szilárd Keresztes on 6 July 1988. Their powers were the same as those of an administrator of a diocese in vacancy. As did Fülöp Kocsis, who became Apostolic Administrator of the Exarchate of Miskolc on 2 May 2008. According to the decision of the Congregation for the Oriental Churches No. 37/2008, Fülöp Kocsis was appointed Apostolic Administrator of the Apostolic Exarchate of Miskolc, which was in a canonical state of vacancy.

The transitional and theologically anomalous situation caused by the absence of a resident hierarch was remedied on 5 March 2011, when Pope Benedict XVI appointed Atanáz Orosz as Apostolic Exarch of the Exarchate of Miskolc. This ended the long vacancy in the Exarchate. The appointment of Bishop Atanáz Orosz made it possible for the then territorially enlarged hierarchical unit to have once again an Exarch, a residential Hierarch in line with the status of the particular Church.

4. The particular law *sui iuris* stipulates that the term 'eparchial bishop' includes the exarch, or temporary head of the eparchies. This analogy is also true as for the membership in the Council of Hierarchs, since the members of this synodal body are all the ordained bishops of the Metropolitan Church *sui iuris* of Hungary, and, by special authorisation of the Holy See, are members also the other hierarchs, i.e. eventual priest exarchs and priest administrators, equated with eparchial bishop.

5. Despite the fact that the common law only refers to the partial law in relation to the retention or non-retention of the privileges and insignia of the priest-exarch, the draft text of the partial law of the Metropolitan Church of Hungary with its own right also contains four canons dealing with the exarch and the exarchate, since, although there is no Greek Catholic exarchate in Hungary at present, the establishment of such a particular church within our Church is not excluded in the future.

There are several possibilities as to what kind of exarchate should be established in the future in the Hungarian Greek Catholic Church. At first glance the erection of an apostolic exarchate might seem like the best idea. But the Holy See could also establish a territorial exarchate as well, i.e. a unit the head of which would exercise his authority in his *own* name. A territorial exarchate could also be established in a form corresponding to the current Latin

territorial prelature, i.e. independently of a monastery. A territorial prelate is usually an ordained bishop who governs his unit in its proper name. It would therefore also be desirable for an exarch who governs in his own name to be ordained as a bishop.

An even more original suggestion has been made in this area. According to this new forward-looking proposal though the exarch would have vicarial power he would govern the territorial unit entrusted to him not in the name of the Pope, but in the name of the head of his local Church *sui iuris*, i.e. the metropolitan *sui iuris*. It would be a metropolitan exarchate. Such a particular Church could be entrusted to a person who is not ordained as a bishop, since the metropolitan would carry out the sanctifying functions of the episcopal order, while the exarch, in the priestly order, would direct the day-to-day governmental and pastoral activities. We believe that the future erection of such a metropolitan exarchate would be the best solution as a next step to help the pastoral service of the Metropolitan Church of Hungary. In fact, an metropolitan exarchate (unlike an apostolic exarchate) would remain integral part of the Metropolia *sui iuris*, while at the same time the powers of the metropolitan and the metropolitan exarch could be shared and coordinated in a suitable way to prevent an excessive fragmentation of government.

5. Conclusion

The legal under-regulation of the apostolic administrator and the exarchate provides a certain flexibility to these offices. The analysis of the legal history of the hierarchs at the head of the Apostolic Administration (later Apostolic Exarchate) of Miskolc, and the comparative analysis of the two Codes in force, has identified a clear legal framework for the persons holding the above-mentioned ecclesiastical offices. In the life of the Metropolitan Church *sui iuris* of Hungary, the appointment of an apostolic administrator would be most likely to take place when an eparchial episcopate is vacant. Since a vacancy creates a sensitive situation in the eparchy, it is particularly important to know exactly what powers the interim leader has been granted. The establishment of a future metropolitan exarchate could open the possibility of more effective pastoral care for the Greek Catholic faithful in the capital, its suburbs and the Transdanubian Region, even under the leadership of an exarch of the priestly order.

The prototype of the particular Church is the eparchia (diocese). The People of God usually is articulated into eparchies. As a specificity of canon law as a sacred legal system, however, it also seeks to provide *appropriate legal solutions to deal with extraordinary needs* of pastoral care and government. An example for this special feature is the series of hierarchical units of government equated with the eparchy/diocese. These include the administration and the exarchate, the main topics of this dissertation. In the course of our reflection, we have seen that

these extraordinary forms of government were also effective in helping the Greek Catholics in the regions of Borsod and Abaúj who had been separated from their eparchies by the new borders. We can only hope that similar solutions will also improve the life of our Byzantine Catholic faithful scattered in the internal Hungarian diaspora, whose pastoral care is today hampered by the great distance from the archieparchial see.