

The original structure of the Hungarian government in direct international comparison

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Abstract

The Hungarian governmental structure created by Act III of 1848 was used as a reference until World War II and later after 1990 in Hungary. It is commonly accepted that the people involved in creating the Hungarian governmental structure were influenced by the English, French and Belgian examples.

As part of a broader research, we wanted to check this influence between the constitutional development of these countries. Our hypothesis was that there must be a visible connection between the Hungarian and the English, French or Belgian governmental structures. If there is none, then we have found an evidence that this widely accepted fact is not true.

When making the comparison we were looking for direct matches between the Hungarian governmental structure of 1848 and other countries' governmental structure of that time. We were looking for the contemporaneous direct example or model that affected the Hungarian legislation when formulating Act III/1848. After making the direct comparison we realised that the governmental structures of the same era in Hungary, Belgium and the United Kingdom are very different, but there was a significant similarity between the Hungarian Batthány-cabinet and the French Guizot-cabinet.

Keywords: governmental structure, ministerial structure, ministries, 1848, Hungary

Introduction

From the beginning of its statehood, Hungary is said to be an example-follower state. This is especially true for the organisation of the state and the constitutional structure. The examples and models of the modern Hungarian state of 1848 are often researched by legal historians specialised in public law or constitutional law.

Our broader research subject is the development of the Hungarian governmental structure. The governmental structure established in Hungary in 1848 had proven to be quite durable. This formed the basis of the ministerial structure of Hungarian governments not only during the time of the revolution and the dual monarchy from 1867 to 1917, but also right up to World War II.

As part of our research, we would have liked to check the commonly accepted fact, that the people involved in creating the Hungarian governmental structure were influenced by the English, French and Belgian examples. The organs, that previously fulfilled the tasks of government, especially the Locotenential Council, had different organisation from the subsequent government. That was one of the reasons why we thought, that there must be either an original idea of the ministerial structure, or a direct external example, that was followed in 1848.

1. Creating the first government in 1848

Work started in the parliament on 18th March 1848, the day after Lajos Batthyány was appointed prime minister. The royal rescript supporting the proposal for the establishment of an independent responsible Hungarian ministry was read on 19th March 1848 in front of the joint assembly of the two houses of the parliament. (Ruszoly, 2002) This was when work commenced on the wording of the proposed act on the responsible and independent Hungarian ministry. Those responsible for the wording of what was later to become Act III of 1848 cannot be determined beyond all doubt. Bertalan Szemere, Kálmán Ghyczy and Lajos Kossuth were definitely amongst those working for the wording; however, there is no way of knowing who had worded the original proposal. This is because Bertalan Szemere made his corrections on a fair copy, but the creator of this is unknown. For the purpose of the topic at hand, Szemere's important corrections¹ are the ones that divided a single and uniform economic department, that is the ministry, into two. The original draft contained the following departments, that are ministries, in the order given: internal affairs; national finances; transportation equipment, commerce, agriculture, industry, and sailing; defence of our home, religion and education, justice and mercy. Szemere divided the ministry responsible for a wide scope of competences, namely "transportation equipment, commerce, agriculture, industry, and sailing", which was responsible for a quite wide range of competences as follows: public works and transportation equipment, as well as agriculture, industry, and commerce. These two ministries were placed after one another on the list. The name of the department responsible for the defence of our home was changed to home defence and inserted as the last but one on the list. The name of the ministry responsible for the affairs of religion and education was changed to "religion and public education." (Ruszoly, 2002)

No significant proposal was submitted to the House of Representatives for the reforming of the ministerial structure. At the district meeting held on 22nd March, István Ruttkay proposed that the sea service receive a separate department on the list of ministries in the bill. This was answered by Lajos Kossuth, who said that the matter of Hungarian sailing is not adequately developed to receive a ministry on its own. His opinion was that the matter of sailing

¹ MNL (Hungarian National Archives) Diaeta anni 1847/48: Cc/59.

should be grouped together with commerce and home defence. (Ruszoly, 2002) After the parliament accepted a series of extraordinary and revolutionary laws, the estates approved the bill on 22nd March 1848. The magnates put it on their agenda as early as 23rd March at 10 AM. The dispute lasted for nearly three hours, with Prime Minister Batthyány himself responding to the questions raised. The main issues of dispute were questions of competence (appointment of bishops, competence of the minister of home defence and the minister attending to the person of the king), which are outside of the scope of this paper. From amongst the proposed amendments of the magnates, the lower house was only willing to accept the clarification proposal related to the competence of the minister attending to the person of the king if a constraint was to be built into it in the case of ministerial counter-signatures. Their request was that the right of ministerial counter-signatures only be exercised by ministers “residing in Buda-Pest”, thereby excluding the minister attending to the person of the king who resided in Vienna from exercising the right of counter-signatures. Batthyány recognized that due to the increasingly intense disaffection of the radicals based in Pest, it was necessary to appoint the members of the government, or at least to announce the planned members of the government as early as possible. Therefore, he interrupted the dispute, and announced the eight planned members of the government as well as the ministries he intended for them to lead. Following this, the estates adjourned the meeting. (Urbán, 2007)

According to the understandable conclusion of Aladár Urbán, the day of 23rd March 1848 was a pivotal point in the work of Lajos Batthyány as prime minister and legislator. This was the day when Batthyány announced the list of the future government, this was when the Temporary National Ministerial Commission was appointed, prime ministerial circular no. 2 (Urbán, 1999) was sent out, and contact was made with the Locotenential Council. This was also the day when the activities of the Prime Minister’s Office commenced. Also, this was the day when the “joint national assembly” approved the act on the independent and responsible Hungarian ministry. (Urbán, 2007) The bill was submitted to the court chancellery on 24th March 1848. (Ruszoly, 2002) The bill forwarded by the way of the palatine reached the State Council on 26th March, together with other also quite significant bills (Urbán, 2007). The following sentence can be read in the proposal of councillor Rosenfeld attached to the bill: “es ist eine neue Verfassung für Ungarn” (this is a new constitution for Hungary). The councillor made this remark disapprovingly, but beyond doubt had a good grip on the seriousness of the planned legislation. His grievance was that he believed that the parliament acted outside of its competence when drafting such an act. (Károlyi, 1936) The bill was passed following two royal rescripts by the lower house on 2nd April 1848 and by the house of magnates on 3rd April 1848.

2. Functioning of the government

According to Act III of 1848, the prime minister was the head of the responsible government and had eight ministers – if not directly responsible for any of the portfolios himself. Section 12 of the Act reads: “The prime minister shall make a proposal as to the fellow ministers for supreme confirmation.” This therefore indicates that the prime minister has the right to select his fellow ministers. The Act lists the eight possible ministerial positions in two sections. Section 13 exclusively regulates the minister attending to the person of the king, while Section 14 lists the other seven ministerial positions. Antal Szécsen highlighted the peculiarities of the position of the minister attending to the person of the king as follows: “As far as the clubs in Pest are concerned, Esterházy’s position is an ambassador in disguise – and as far as the royal circles in Vienna are concerned, he is a chancellor in disguise.” (Urbán, 2007)

Within the new governmental model, the cabinet incorporated the functions of the government as a body. According to Section 17 of Act III/1848: “Should His Highness or the royal palatine governor not be present at any councils of any ministries, the prime minister shall act as the chair and shall have the power to summon this council at any time that he deems necessary.” It is apparent that in the case of the meeting of bodies, the prime minister is in control, the prime minister disposes over when to summon the cabinet.

According to Section 14 of Act III/1848, the ministers were the heads of departments, offices, that is ministries. This started the Hungarian public law tradition according to which the list of ministries is set forth by acts. (Szente, 2011)

Following the Austro-Hungarian Compromise of 1867, the Hungarian ministry once again needed to govern according to the restored laws of April 1848. Considering that due to the short time available, the revolutionary situation, and the compromises entered into at the time, the laws passed in 1848 were not suitable for the country to be governed based on the stipulations within, the regulations were incomplete, and issues of details were in many cases left unregulated. This was exacerbated by the fact that during the extraordinary situation of the 1848 and 1849 Revolution and War of Independence, there had been no possibility of testing these regulations in practice. However, for completely understandable reasons, it was not possible to amend the April Laws shortly following the Compromise. For symbolic reasons, the government had not been in a position to initiate the amendments of these laws, as it was the result of decades of struggle that it once again became possible to govern the country according to the April Laws. (Sarlós, 1968) In 1868, minister of justice Boldizsár Horváth described this situation to Ferenc Deák as follows: “It would be easy to govern this country if we had laws for everything. However, the problem is exactly that our laws are lacking in all areas.” (Kónyi, 1898) In 1867, a completely new governmental structure commenced its

operations. The organs of the Austrian imperial state authority were completely eliminated. As a result, the Hungarian Chancellery or the Locotenential Council also ceased their operation. These were replaced within state administration by the responsible Hungarian government and nine ministries. The years following the Compromise were spent by establishing the system – this was a necessary phase, and also the result of the deficiencies of the above-mentioned laws. The issue of the ministerial seats was left unresolved for a long time. Virtually all ministries were constantly on the move, continuously reorganized, with new departments being created within. Both the seats of the ministries as well as the establishment and reorganization of the internal structures of ministries were frequent items on the cabinet's agenda. The most important forum for decision preparation within the government was still the cabinet, that is the government's meeting.

3. Ministerial structure – basis of comparison

According to Section 13 and 14 of Act III of 1848 the new Hungarian government was made up of the following ministries: the prime minister, the minister of the interior, the minister of national finance, the minister of public labour, means of transportation and sailing, the minister for agriculture, industry and commerce, the minister for religion and public education, the minister for justice and royal pardon, the minister of home defence and the minister attending to the person of the king. The act did not really mention the names of the ministries nor the names of the ministerial positions. It used the phrase “department” for the ministries, or – to be more precise – for the main tasks of each ministry. Later, in the daily use, these names were used for the denomination of the ministries in a shortened, simplified way. Instead of saying ‘minister of public labour, means of transportation and sailing’ the simplified and shortened but still official version was ‘the minister for public labour and transportation’, and instead of ‘minister for justice and royal pardon’ they simply used ‘justice minister’.

It is commonly accepted that the people involved in creating the Hungarian governmental structure were influenced by the English, French and Belgian examples. When making the comparison we were looking for direct matches between the Hungarian governmental structure of 1848 and other countries' governmental structure of that time. We were looking for the contemporaneous direct example or model that affected the Hungarian legislation when formulating Act III of 1848.

4. Comparison with the ministerial structure of the United Kingdom

The United Kingdom that time, shortly before the 1848 Hungarian revolution seems to be the most logical choice as it is a country based on a historical constitution which is also true for Hungary at the time of the creation of the original Hungarian governmental structure in 1848. There is a strong, centralised executive power in the United Kingdom in accordance with

the system of governance that is said to be dual, because the monarch is also part of the executive power. The functioning government evolved from the personal advisory board of the monarch, from the Privy Council after a long development. This council nowadays is connected to the government itself (it is a department of the government) and has many hundreds of members like present and former cabinet ministers, who received lifelong appointment from the monarch.(Chronowski, 2007) The phrase 'government' is a collective phrase, it is used with a dual meaning. The broader meaning of the government contains the prime minister and deputy, the cabinet ministers, other ministers and secretaries without governmental office. In this way, the government is an organisation with more than one hundred members. The present government of the United Kingdom consists of the prime minister, 22 cabinet ministers and 98 other ministers. Altogether the government of Theresa May has 121 members.² There are three levels of the governmental membership. The first one is the level of the secretary of state, which title is worn by the majority of the cabinet ministers having portfolios. According to the Hungarian governmental structure this is the level of the ministers. The second level is the level of the ministers of state, that is the equivalent of the junior ministers in the British, and the equivalent of the secretaries of state in the Hungarian system. The third type of the government membership is the parliamentary under-secretary of state, which is one level under the minister of state in the hierarchy. (There is a fourth level, the parliamentary private secretary, but members of this level are not members of the government.) The narrow meaning of the government is the cabinet, and consists of the prime minister, the deputy prime minister and the cabinet ministers. This group is made up of approximately twenty people. The members of the cabinet receive the title of secretary of state from the monarch. It is characteristic of this system, that the title of the secretary of state is higher than the title of minister. Another characteristic – unlike on the continent – that the attorney general is part of the government.(Borók, 2011) The members of the cabinet are not equal and are not of the same level. The headcount of the cabinet may be changed, but there is a limit is the number of the paid cabinet members. There must only be 22 paid members of the cabinet.(Imre, Kristó, 2011)

To find the direct connection between the British and the Hungarian governmental structure we have examined the functioning government in the United Kingdom around the formation of the first Hungarian government. This government of the United Kingdom of Great Britain and Ireland was led by Lord John Russel from 1846 to 1852. The members or the positions of the cabinet of this government were the following: First Lord of the Treasury, Lord Chancellor, Lord President of the Council, Lord Privy Seal, Home Secretary, Foreign Secretary, Secretary of State for War and the Colonies, Chancellor of the Exchequer, First

² <https://www.gov.uk/government/how-government-works#how-governement-is-run> (2018-03-16)

Lord of the Admiralty, President of the Board of Control, President of the Board of Trade, Chancellor of the Duchy of Lancaster, First Commissioner of Woods and Forests, Chief Secretary for Ireland, Postmaster General, Paymaster General and Secretary of War. According to this list the first Russel-government had 18 members including the prime minister. At first sight, the first thing to take notice of is the number of the government members. Of course, the United Kingdom was much bigger in 1848, than Hungary or even the Habsburg Empire, which is a good explanation for the smaller number of the ministries in Hungary.

The second remarkable thing is that the word 'minister' is not even used for the ministerial positions in the Russel-cabinet. There are lords, first lords, secretaries, presidents, chancellors and a commissioner. During the debate on the tasks of the Hungarian ministries in February 1848, the question occurred, whether there should be more ministries and ministerial positions having traditional names in the cabinet. There was an initiative or at least an idea to use traditional names of high Hungarian dignitaries for the ministerial positions in the government. (Ferdinandy, 1902) This idea was dismissed.

The structure and the functioning of the British cabinet seems to be very much different from the Hungarian one. There are no traces of such high number of cabinet-members or the strict levels of the cabinet-members in the Hungarian governmental traditions. For me, this means, that the British government system was not a direct example for the Batthyány-cabinet in 1848.

5. Comparison with the French ministerial structure

The second possible example to be examined here is the French example. We would like to show two cabinets from 1848, the cabinet of François-Pierre Guizot and the cabinet of Jacques-Charles Dupont de l'Eure. The 1848 French revolution makes a momentous change in the French constitutional system, but not in the governmental system or the ministerial structure. We would like to show the Guizot cabinet from directly before the revolution and the Dupont de l'Eure cabinet from directly after the revolution.

The Cabinet of François-Pierre Guizot was the last ministry of King Louis Philippe I of France, and it was formed by decree of and was in office from 19th September 1847. This government was dissolved when the provisional government was formed on 24th February 1848 after the February Revolution. The Guizot-government had the following positions: president of the council and minister of foreign affairs, minister of interior, minister of justice and religious affairs, minister of war, minister of finance, minister of navy and colonies, minister of public education, minister of public works, minister of agriculture and commerce. (Muel, 1891) This government had nine members with ten governmental positions. The prime minister (the president of the council) was the minister of foreign affairs at the same time. This was a

common practise in the Hungarian governments as well between 1867 and 1944. The prime minister used another portfolio to strengthen its position in the ministerial council.

The size of the government is very similar to the Hungarian government in 1848. It seems that the size of the country was not in connection with the size of the government. France was more than two times bigger than Hungary, but the governments were almost the same size.

The positions in the French Guizot-government and in the Hungarian government according to Act III/1848 may be paralleled as in this chart:

French Guizot-cabinet	Hungarian Batthyány-cabinet
president of the council	prime minister
minister of foreign affairs	minister attending to the person of the king
minister of interior	minister of interior
minister of finance	minister of national finance
minister of war	minister of home defence
minister of agriculture and commerce	minister for agriculture, industry and commerce
minister of justice and religious affairs	minister for justice and royal pardon
minister of public education	minister for religion and public education
minister of public works	minister of public labour, means of transportation and sailing
minister of navy and colonies	

For the comparison, it must be said, that there were 10 members of the Guizot-cabinet and 9 members in the Batthyány-cabinet. The parallelism cannot be unseen. There is a prime minister, a minister of foreign affairs, for interior, for finance, for defence and for agriculture and commerce. There are only two differences to be recognised. The first is the arrangement of the portfolios of justice, religion and education. These three portfolios are arranged differently, but in each government into two ministries. In the Guizot-cabinet there is a separate ministry for education and for the portfolios of justice and religion are connected. To the contrary, in the Batthyány-cabinet there is a separate ministry for justice, and there is another joint ministry for the portfolios of religion and education. The reason for this is simple and comes from the Hungarian administrative traditions. Before the revolution of 1848, the matters of religion and education were handled jointly by the leading executive organ, the Locotenential

Council (Ember, 1940). The second difference is the arrangement of the portfolios of public work and transportation. There were two separate ministries in the Guizot-cabinet for these portfolios. The Batthyány-cabinet had only one, joint ministry for these portfolios. It is obvious, that Hungary never had colonies, but the idea of the separate ministry for sailing appeared during the parliamentary debate of Act XIII/1848. (Ruszoly, 2002)

The French provisional government was a short-lived government formed on 24th February 1848 at the start of the French Second Republic, after the cabinet of François-Pierre Guizot and after the July Monarchy. This government was in office only until 9th May 1848. This provisional government was composed of the following positions: president of the council, minister of interior, minister of foreign affairs, minister of finance, minister of justice, minister of public works, minister of agriculture and commerce, minister of education and religious affairs, minister of navy and colonies and minister of war (Fortescue, 2004). The number of ministries is the same as it was in the Guizot-cabinet. But there is a minor change that makes the provisional government more like the Hungarian Batthyány-cabinet. This minor change is that the portfolio of religion is attached to the ministry of education not to the ministry of justice. This was one of the above spotted differences between the Guizot- and the Batthyány-governments.

It cannot remain unsaid that there is much parallelism and resemblance between the Hungarian Batthyány-cabinet and the above-mentioned two French cabinets. Their structure, the names of the ministries are almost the same except for a very few differences. The amount of these differences is much less than the natural and historical differences between France and Hungary in 1848. This means that the French government's ministerial structure could have been a direct model and example for the first responsible Hungarian government.

6. Comparison with the Belgian government

The third possible example to be examined in this paper is the Belgian government. It is widely accepted, that the Belgian constitution of 1831 was an example for the Hungarian legislature in 1848 when adopting the acts creating the modern bourgeois state.

Articles 97 to 99 of the 1831 Belgian constitution contain provisions regarding the membership of the federal government. Article 97 stipulates that only Belgian nationals can be ministers and Article 98 provides that no member of the Belgian royal family can be a minister. Article 99 provides that the council of ministers cannot have more than 15 members and that the council of ministers must comprise as many Dutch-speaking as French-speaking members, with the possible exception of the Prime Minister. (Deseure, 2016)

To find the direct connection with the Hungarian Batthyány-government we examined the contemporaneous government in Belgium, the Rogier-cabinet. Charles Rogier was prime minister and led his government in Belgium for the first time between 12th August 1847 and 31st October 1852. This cabinet had less than fifteen members, according to Article 99 of the 1831 constitution. The number of the cabinet-members was six, and these six persons led seven portfolios. The positions of the members were the following: prime minister, minister of interior, minister of finance, minister of foreign affairs, minister of war, minister of justice and minister of public works (Mabille, 2011). Prime Minister Rogier was the minister of interior at the same time. In respect to the number of ministers, it is just by one higher than it was in 1831 in the Gerlach-cabinet (26th February – 4th March 1831). That time there was no minister of public works.

In comparison with the Hungarian Batthyány-cabinet, there are some portfolios that seem to be missing from the Rogier-cabinet. There is no ministry for the agriculture, for the commerce, for the industry or for the transportation. Later, the number of ministries increased. The Beernaert-cabinet (1884-1894) had eight members, the Carton de Wiart-cabinet (1920-1921) had thirteen members. With this initial low number of cabinet-members the Belgian government does not seem to be a direct example for the Batthyány-government.

Conclusion

As a summary, we must say that the measure of the resemblance of the Batthyány-cabinet and the Guizot-cabinet was a surprise. From a formal perspective, it can be stated that the British and the Belgian governmental structures were not direct examples for the Hungarian Batthyány-cabinet of 1848. It can also be stated, that the French governmental structures around 1848 could be direct models for the Hungarian ministerial structure in 1848.

From the above, it is not true, that the people involved in creating the Hungarian governmental structure were influenced by the English, French and Belgian examples. They have chosen the contemporaneous French model to follow. This fits to the idea, that the leaders of the Hungarian reform age and the 1848 revolution were highly influenced by the French constitutional reforms after the great revolution of 1789. Of course, we cannot state that other elements of the Hungarian constitutional structure have the same sources.

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