

THESES OF PH.D. DISSERTATION

Norbert Varga

THE INTRODUCTION OF THE MUNICIPAL AUTHORITIES ACT (ACT XLII OF 1870) IN THE ROYAL FREE BOROUGHES OF DEBRECEN AND SZEGED (1870-1872)



University of Debrecen, Faculty of Arts and Humanities
2007

**The Introduction of the Municipal Authorities Act (Act XLII of 1870) in the Royal Free
Boroughs of Debrecen and Szeged (1870-1872)**

Norbert Varga

assistant lecturer

University of Szeged, Faculty of Law

Department of Hungarian Legal History

Dissertation advisor:

Dr. György Miru

Associate Professor

University of Debrecen, Faculty of Arts and Humanities

Institute of History

University of Debrecen

2007

I.

The objectives of the dissertation and the delimitation of the topic

After the Compromise of 1867, the reform process could finally commence, the result of which included changes in several areas of the state organisation, and one necessary part of which was the transformation of public administration entailing such significant measures as, for example, the reorganisation of the justice system. The organisation of public administration had to be introduced into the public law construct that was created by Act XII of 1867. The execution was determined by the relationship between the monarch and the government, which was in close relationship with the establishment of the civil system of municipalities. The counties and towns could no longer maintain their earlier organisational structure and sphere of authority. The transformation of the towns, which already commenced in the Reform Era, had to be completed, but attention had to be paid to the changes in the politics of power of the period that elapsed in between.

In order to provide a wider context of overview and ensure better understanding, I found it necessary to discuss also the antecedents leading up to the reforms of public administration, as a precondition of understanding the subsequent reforms and the related political views. This overview starts with the antecedents in the Reform Era, the laws of 1848, which defined the organisational and statutory foundation on which the transformation of public administration in the dualistic period could be started, with a brief discussion also devoted to changes in public administration in the era of neo-absolutism. It also became evident from the transformation works – on the basis of the minutes of meetings and reports published in daily newspapers – that the laws of 1848 served as a point of reference in the interest of protecting municipal rights. The compromise suggested legal continuity, which could only be realised partly only. This was manifested in the provisions and legal institutions of the municipal authorities act which were already raised in connection with earlier drafts of municipal law. Such a measure was also the settlement of the practice of supervision over towns, as well as the introduction of “virilism.”

The development of the relationship between the monarch and the government on the one hand, and between the municipal authorities and the government on the other hand in the parliamentary system should be clearly seen. The civilian government had to be “wedged” into the municipal governments. This was also manifested in the course of the parliamentary debate of the proposed law, as a consequence of which I only highlighted the most significant issues (e.g. the joint regulation of counties and towns, the extent of self-government, the

office of the Lord Lieutenant, virilism and specialised administration), as the materials of the parliamentary debate have been otherwise dealt with extensively by Andor Csizmadia, István Kajtár, Béla Sarlós and István Stipta.

In my dissertation I attempted to explore and present the reasons behind the individual reform efforts from both sides. Special treatment should be given to the development of the relationship between the central government and the local authorities. I intended to illustrate that the reform of public administration took place not only on a political plane, but professional aspects were also given a significant role in it. It is true that we cannot talk about specialised administration in today's sense of the word, but some early traces of it already appearing are worth examining.

The aim of my dissertation is to present the development of the organisation of public administration of Debrecen and Szeged, to expose the problems arising in the course of the implementation of the reforms, and thereby to shed light on the situation of public administration on the local level within the system of public law. In my opinion, the detailed analysis of the developments of local politics is indispensable for the above. In this respect, the study of the contemporary press yielded some new results of scholarship, as the minutes of the meetings of the general assemblies did not have much in store due to their objectivity.

In my opinion it would have pointed beyond the boundaries of the dissertation if, in addition to the organisational reforms, the practice of the municipal authorities was also discussed. In line with the characteristics of local history, I did not enlarge upon a discussion of the municipal organisational solutions used across Europe at the time. These directions of research also represent further directions in which the dissertation can be developed.

What could not be avoided in my dissertation, however, was a discussion of the links between local and national politics, as it left a strong mark on the ways in which public administrative reforms were implemented. It is worth examining the local-level objectives, as well as their subsequent realisation, as a counterpoint to the efforts of centralisation represented by the governmental policy.

In my dissertation, I present the local organisational implementation of Act XLII of 1870 in Debrecen and Szeged. The choice of the two towns mentioned in the title is justified by the desire to avoid foregrounding the case study of a single town entitled with municipal rights, but rather to offer grounds for comparisons, and thereby an approach to the issue from several different angles. The selection of these two municipal authorities from among those in the Great Plains region could be explained by their economic and political power placing them above other municipalities at the time. In passing, I also dealt with the reorganisation

efforts in the towns of Arad, Kecskemét and Nagyvárad as well, due to the fact that Szeged was under common supervision of a Lord Lieutenant with Kecskemét and Arad, while Debrecen with Nagyvárad.

As a result, the question concerning the relationship between the government and the municipal authorities arose. Which institutions were inherited from earlier solutions of municipal organisation? Which were the most hotly debated issues in the parliamentary debate of the municipal authorities act? How was special administration enforced on the dualistic era? How did local politics influence the practical implementation of the act? What resulting organisational solutions emerged in the two towns examined? How did the election and re-election of the committee members take place?

II.

An overview of the methods used

In my dissertation, I basically offer a comparative analysis of the two towns, describing in detail the development that Debrecen and Szeged underwent in connection with the public administration reform, following the process, in a parallel way, from the commencement of the reorganisation to the re-election of the officers, paying special attention to both the identical and different nature of the partial processes of the reforms and also exploring their reasons.

I scrutinised the materials issued by the Minister of Interior, as available in the National Archives of Hungary (both the presidential and the general documents) for the period 1869-1872, on the basis of which it can be concluded that the sources related to the county-level reorganisation are more complete, with much less surviving from the correspondence and other documents of the towns. It is mainly just references that we can find in the National Archives in connection with towns.

The sources related to the reorganisation of public administration can be found in the county archives (of Csongrád, Hajdú-Bihar and Bács-Kiskun Counties); in fact, the letters from the Minister of Interior sent to the towns in connection with the reforms are also located here.

In order to properly understand and accurately to present the changes, it was indispensable to review the minutes and other documents of the municipal committees for the given years in Debrecen, Kecskemét and Szeged. A summary presentation of these, as well as the reception of the public administration reforms and the developments of local politics can be understood from the writings in the contemporary daily newspapers (*Debreczen, Alföldi Hírlap, Szegedi Híradó, Kecskeméti Lapok*).

I also examined the materials related to the parliamentary debate of the act, which provided valuable data, new aspects and political arguments for my dissertation.

Of course, in addition to the analysis of the primary sources, the study and use of earlier scholarship in the field was also very important. In connection with Act XLII of 1870, both historians and jurists primarily dealt with counties as units of self-government (cf. István Stipta, Béla Sarlós). Counties, as “bastions of the constitution” played a more significant role in the past in the efforts countering the centralisation processes. The material on counties available in the National Archives also reinforced this direction of research. This is why I intended to examine a less explored area of municipal history in the age.

In their monographs and textbooks, scholars of the 19th and 20th centuries dealing with constitutional and public administrative law (Zoltán Magyary, Károly Kmety, Gejza Ferdinandy, István Kiss, Ernő Nagy, Arthur Balogh, etc.) primarily relied on a mere description of the provisions of the act, and few ventured into more in-depth analysis or explanation.

The public administrative reforms of 1870 in free royal boroughs are only discussed tangentially in the monographs of municipal history dealing with individual towns (Péter Gunst, ed.: *Debrecen története 1849-1919*. 3. Debrecen, 1997.; Endre Gaál, ed.: *Szeged története 1849-1919*. 3.2. Szeged, 1991.) It should also be mentioned, however, that many local historians (József Ruszoly, István Stipta, Tibor Zsuppán F., László Blazovich, Károly Irinyi, etc.) have already dealt with this topic.

Apart from local historians, of course, legal historians (István Kajtár, József Ruszoly, István Stipta, Gábor Máthé, Andor Csizmadia, Béla Sarlós, Ferenc Nagy) also discussed these aspects of public administrative reform. Owing to the topic of the dissertation, however, the results of scholarship by historians (including Ferenc Pölöskei, Zoltán Szász, Monika Kozári, László Csorba, György Miru, Zoltán Fónagy) cannot be overlooked either. Very few historians dealing with the political institutions in the dualistic era (Péter Hanák, Éva Somogyi, Ferenc Pölöskei, András Gerő, Dániel Szabó, Monika Kozári, György Miru, etc.) researched this significant period in the history of public administration.

Due to the scarcity of scholarship in local history, therefore, processing the available material was not an easy task, since the majority of the works related to my dissertation topic take the approach of political history or sociology rather than the history of public administration. Most of the available literature only deals with the circumstances of the passing of the law and discusses its provisions. This is why I considered it important to examine the public administrative reform in a depth so that answers could be found to the question of how the municipalities act was enforced in practice. The comparison of the two towns provides a good insight into the development of the local conditions, and also sheds light on the problems emerging in the course of the implementation of the law.

III.

An itemised list of the findings of the dissertation

The conditions for the development of the bourgeois society were created in the years after the Compromise of 1867. The government undertook the task of the transformation of the public administration system still preserving many holdovers from the earlier decades. The new laws, including Act XLII of 1870, created the foundation for a modern, liberal state organisation. Simultaneously with the reforms of the justice system, the reorganisation of public administration could also be started.

1. Prior to the act of 1870 there were a few legal institutions that had an effect on the public administration of the dualistic era. It is worth examining the effect of the bills and laws emerging from the Reform Era on the eventual content of the municipalities act. This way we can clearly see that the establishment of the bourgeois public administration was not without any antecedents. There had been attempts earlier for settling the issue of supervision; the idea of virilism was also raised, and the regulations pertaining to the scope of authority associated with various offices also shows some similarities. Act XXIII of 1848 served as a point of departure from where the reform of public administration and the passing of the municipalities act could commence.

2. The organisation under public law into which the new system of public administration had to be integrated must be clearly seen. This aim was served by the decree issued on 10 April 1867, in which the government defined the directions of the public administrative reform. In this decree one can already sense the objective of the government to move in the direction of centralisation. Naturally, this could not have been in any other way, if we also take into consideration the introduction of the pre-sanctioning right. In my opinion, the reasons associated with power politics had a major influence on public administrative reforms.

3. The parliamentary debate of the municipalities act clearly shows which the most topical issues were. Members of parliament on the government and opposition sides fought a very fierce battle on the acceptance of the individual provisions of law. This can be easily understood if we consider that each party wanted to settle issue of municipalities in accordance with their own interests. The provisions chosen for analysis in the dissertation (the right of self-government, the introduction of the office of the Lord Lieutenant, virilism, etc.) were the ones through which the changes in the organisation and tasks of the towns can actually be followed.

4. We can conclude that it was not only reasons of power politics that played a role in the reorganisation of towns, but the efforts to have specialised administration in place was also important. At the same time we cannot clearly state that the principles of specialised administration could be enforced to the full in a political system where the municipalities were, in fact, expected to mediate the will of the government. In the appointment of the lord lieutenants and mayors, significant attention was also given to professional qualifications and proficiency, just as in the case of municipal medical officers, engineers, the municipal attorney and the town clerk. My opinion is that the solutions that were put into practice represented a step forward from the earlier system of public administration. Principles of specialised administration could be enforced, especially with the participation of municipal citizens more familiar with the local conditions. They intended to realise several changes that appeared expedient. Specialised administration manifested itself not only in the municipal organisation, but also in the requirement of qualifications.

5. The definition of municipalities and their scope of authority was not an easy task either, as opinions differed with respect to the question of which towns should be regarded as municipalities. The literature on public law is also divided on this issue. In the regulations on scopes of authority, the limitation of municipal rights was suspected.

6. Political relationships on the local level were becoming really important in this period. The party organisations forming in the first half of the dualistic era were defining also from the point of view of the practical implementation of the public administration reforms. The enforcement of the national politics on the local level was greatly influenced by the various tendencies emerging in the towns, as also discussed in my dissertation.

7. The appointment of the lord lieutenants was the first significant act of the public administration reforms. All towns strongly protested against the introduction of this office. They could see and sense its disadvantages due to the activities of the earlier county lord lieutenants. They were concerned that the powers of the lord lieutenants would be regulated in a way that would allow a significant influence on the everyday life of the towns. This actually happened on the basis of Act XLII of 1870: the high officer of the town played the role of intermediary between the municipality and the central government. His chief task was the maintenance of the constitutional system of the dualistic era and adapting it to the local level. This also had to be implemented in practice in order for the constitutional system to be able to operate efficiently and survive.

8. The other major novelty brought about by the new law was virilism, which by and large conserved the traditional power and political structure and the earlier social forces; on

the other hand, it also offered more scope for political action to new, monied classes and the emerging intelligentsia. This way, the law narrowed down the representative bases of the municipalities. In towns, those wealthier persons whose interests included the local-level enforcement of the economic and political objectives associated with the dualistic system were generally in majority. In its power politics, the government was able to rely not only on the lord lieutenants but also on the virilists. In my opinion, lord lieutenants alone would not have been capable of this. The government wanted to gain influence also in the general assembly of the municipal committees. By putting the highest tax-payers on the committee, those of the government party could gain a majority in the towns. This, however, was not the final result everywhere. Opposition politicians were also well aware of the situation.

9. The reorganisation works had to be drawn up under the supervision of the lord lieutenant. The government intended to ensure the enforcement of its objectives already in the implementation of the reform plans. This is why the lord lieutenants were so quickly appointed. The most important task of the organising committees was setting up their rules of organisation, creating the election districts and fixing the names of the virilists.

Events took place in a very similar way in the two towns examined. One of the most important differences was in the establishment of the organisation of the town council. In Debrecen, they wanted to create a separate economic and public administration council; however, the minister of interior rejected this. Both towns received two ordinances: the first one concerned the public administration organisation in general, while the second one was about the board of guardians. There were fewer problems with the Szeged plan, which was actually praised by the minister of interior. In Debrecen, however, the reorganisation works were completed with a delay of a few months. Examining the objectives of the government it becomes evident that in this case it interfered with the life of the towns, as it was clearly seen that the reorganisation was one of the most important events which had to be controlled at all cost.

10. The reorganisation of the towns was actually realised in the organisational regulations. They attempted to take local conditions into consideration. The rules pertaining to the corporate bodies (the committee, the council) were drawn up in the regulations of both towns. In addition, the chief tasks of the offices (the board of guardians, chief medical officer, taxation, forestry, engineering, etc.) were clearly defined. The legal basis was not only Act XLII of 1870, but also the provisions related to the individual fields of special administration. This constituted the real objective of the public administration reforms, as the election of the municipal committee members could take place after the approval of the organisational rules.

11. Local and national politics played a significant role in the setting up of the municipal committee. There was much interest in the election of the members in both towns, as the committee was the forum where the local citizens could act in opposition to the efforts of the government. In addition to virilism, coordinated action was needed in the towns to counterpoint the objectives of the central power. In Debrecen, the opposition came out as the winner, while in Szeged those of the government party gained a majority. No accurate data survived on the political composition of the committees, as we can only infer this information from the reports of the newspapers.

12. The re-election of the officers took place after the statutory meetings of the municipal committees. The lord lieutenant had a strong influence on this by way of his right of nomination. The election of the mayors caused no disappointment in either of the towns. Ferenc Pálffy and Lajos Kovács had both been involved in local public life. The most important offices were all filled by local citizens who had been active in public administration before. The re-election of the officers constituted the final act of the public administration reform.

The aim of my dissertation is to present the execution of Act XLII of 1870 on the local level. Through these, I intended to give a sense of one of the most important problems of public administration in the dualistic era. The reforms of public administration took place in a nearly identical way in the towns.

In my opinion, the significance of local government was, in fact, giving towns of municipal right the power to manage their own affairs. Public administration should have been independent: especially independent of politics. This, however, could not be realised due to the prevailing situation of public law. Partisanship should have played no role in the management of local affairs.

The government only aimed at reinforcing its own political status, as it was necessary to enforce its objectives not only locally, but also in the legislature, in the performance of public roles. The same dependency can be observed between the central and the local organs, as was present between the monarch and the government. The public law organisation of the state left its mark strongly on the development of the local situation. This type of duality was typical on all levels of the state administration in the dualistic era.

The Compromise brought about fundamental changes also in public administration, changing its entire system. The objective of the government in public administration was to protect the dualistic state organisation by way of provisions of law. It is my opinion that it did so by way of the municipal authorities act.

In addition to maintaining their role of safeguarding the constitution, the most important role of municipalities, as medium-level units of public administration, was to manage the everyday life of the cities.

I examined the reforms of the two municipal towns comparatively, which is an approach unprecedented in the relevant local historical scholarship. In case of the antecedents, I paid special attention to institutions that survived in any form also in the dualistic era. I highlighted those most important problems that emerged in connection with the practical implementation of the municipalities act, while also striving to present the objectives of both the government and the towns. This period is a rather neglected one in the historical scholarship on towns; consequently, the public administration reforms discussed in my dissertation may provide useful information for further evaluations of the dualistic era. This municipal organisation was slightly changed by subsequent laws (such as Act XXI of 1886), and so it survived until the bourgeois democratic revolution.

IV. List of publications¹

Studies in foreign languages:

1. *The Framing of the First Hungarian Citizenship Law (Act 50 of 1879) and the Acquisition of Citizenship.* Hungarian Studies, vol. 18., 2004. p. 127-153.
2. *The Most Important Regulations of the Citizenship Law in the Late 18th and the 19th Centuries in France.* Miskolc, Studia Iurisprudentiae Doctorandorum Miskolciensium VI/2. 353-370.

Studies in Hungarian language:

3. *A review of the literature on the history of Hungarian citizenship law.* Miskolc, Forum of Doctoral Students, 2002: Proceedings published by the Faculty of Law of the University of Miskolc, 2002. 309-313.
4. *The antecedents of the introduction of municipal authorities pursuant to Act XLII of 1870 in the royal free borough of Debrecen.* Collega 2002. 64-88.
5. *The institute of absence in Hungarian citizenship law, with special attention to the first Act of Citizenship. (Act L of 1879).* Miskolc, Studia Iurisprudentiae Doktorandorum Miskolciensium I. 2002. 417-431.
6. *The loss of citizenship pursuant to Act L of 1879.* Miskolc, Studia Iurisprudentiae Doctorandorum Miskolciensium II. 2002. 455-476.
7. *Archival sources of citizenship law in the age of the dual monarchy, with special attention to the creation of Act L of 1879.* Miskolc, Doktorandusz Fórum, 2003. 421-426.
8. *An analysis of our first citizenship law (Act L of 1879) with special attention to the cases of acquisition and loss of citizenship.* Debrecen, Könyv és Könyvtár, 2003. 267-293.
9. *The Creation and the Punishment System of the Criminal Substantive Proposal in 1843.* Miskolc, Studia Iurisprudentiae Doctorandorum Miskolciensium V. 2004. 373-390.
10. **József Kun Barabási.** 37-63. eds. P. Szabó Béla, Madai Sándor in. A Debreceni Tudományegyetem jogtanárai (1914-1949). Historia Iuridicae Facultatis II. Debrecen, 2004.
11. *The legal institution of naturalization, with special attention to the treaty of 1870 between the United States of America and the Austro-Hungarian Empire.* Jogtörténeti Szemle, 2004. No. 3. 54-57.

12. *The acquisition of citizenship in Hungarian and American constitutional law in the 19th century.* 551-568. eds. Kajtár István, Béli Gábor, Szekeres Róbert in. Jogtörténeti tanulmányok VIII. Pécs, 2005.
13. *The introduction of the office of the lord lieutenant in the royal free boroughs of Debrecen and Szeged on the basis of the municipalities act.* 606-624. eds. Mezey Barna, Révész T. Mihály in. Ünnepi tanulmányok Máthé Gábor 65. születésnapja tiszteletére. Budapest, 2006.
14. *Antal Ullein-Reviczky.* 143-169. ed. P. Szabó Béla in. A Debreceni Tudományegyetem jogtanárai (1914-1949) II. Historia Facultatis Iuridicae III. Debrecen, 2006.
15. ***Reforms in public administration in the royal free boroughs of Debrecen and Szeged (1870-1872).*** Szeged, ÁJK. Proceedings of conference titled *Mezővárosaink jogállása a 18/19. században* (accepted for publication, 2008.)
16. *The medium coat of arms of the Austro-Hungarian Monarchy.* Budapest, ELTE ÁJK, Szimbólum kötet II. (accepted for publication, 2007.)
17. ***The creation of the municipal authorities act (Act XLII of 1870).*** Debreceni Jogi Műhely, (accepted for publication, 2007.)
18. ***The relationship between public administrative reform and local politics in Debrecen and Szeged (1870-1872).*** Debreceni Szemle, (accepted for publication, 2007.)
19. ***Specialised administration or the politics of power in the dualistic era: Public administrative reform in Debrecen and Szeged (1870-1872).*** Századok, (accepted for publication, 2007.)

Reviews:

20. Varga Norbert – Madai Sándor: *Review of the Vilmos Huszti Memorial Volume.* Magyar jog, 2002. 60-63.
21. *Review of Studies in Anglo-Saxon legal history.* KLIÓ, 2002. 5-7.
22. *Review of István Szabó's The Legal Status of the Head of State in the Republic of Weimar.* Magyar jog, 2002. 254-255.
23. *American law in the 20th century.* Jogtörténeti Szemle, 2004. 93-94.

¹ Studies related to the topic of the dissertation are set in bold type.