REGULATION OF THE LEGAL INSTITUTION OF HUNGARIAN NATIONALITY FROM THE BEGINNINGS TO ACT L OF 1879

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Anyone inquiring into state history is bound to be concerned, sooner or later, with nationality as an expression of belonging to a particular state. Unfortunately there seems to have been no reason, apart from pressure, for occasional discussions, fashionable or popular, of this subject. One can find no real explanation for the somewhat disfavoured treatment of this province of law, all the more so since important rights are rather often attached to the fact of belonging to a state.

The population living in the territory of a given state is divided into nationals and aliens by the legal fact of belonging to that state.[1] In a narrow sense, the persons deemed to be nationals on this ground are those who participate in the exercise of state power, namely they enjoy political rights. In this sense, belonging to the "body of the State" was expressed by membership in the Holy Crown. Members of the Holy Crown were the nobility, citizens of the royal free boroughs granted corporate nobility.[2]

Nationality or the bonds of subjects' allegiance as broadly understood also included natives (*indigena*)[3] who were likewise deemed to belong to the Holy Crown of Hungary. They were distinguished from aliens[4] by special rights and obligations. The special rights enjoyed by them were these:

(a) nobility could only be granted to natives (Statute XXX of 1630);
(b) public office open to other than nobles as well could only be held by natives (Statutes V, XII, XV, XXV, XXVI of 1439; Statute X of 1608; Statute XCIV of 1647; Statute XXXVIII of 1659; Statute XXVII of 1681; Statute XXII of 1715; Statute XV of 1741);
(c) ecclesiastic office was likewise open to natives only (Statute V of 1439; Statutes XXX, XXXI and XXXII of 1492; Statute XVIII of 1550; Statute XXXVIII of 1659; Statute XXVII of 1681; Statute XV of 1741).

Legislation before the Nationality Act of 1879 allowed acquisition of nationality *by birth, naturalization,* and *operation of law.*

As regards the mode of acquiring nationality *by birth* or descent, it can be stated that Hungary was one of the countries that followed the principle of *ius sanguinis.*

Naturalization appeared in Hungarian legislation for the first time in Statute L of 1542. Under it, King Ferdinánd I and the Hungarian Diet had castellan Musika alias Márton Laskai[5] of Esztergom "admitted" to the ranks of the Hungarian nobility in rec-

ognition of his merits and those of his uncle. In connection with that case Ágost Ekmayer calls attention to the fact that the castellan of Esztergom was a commoner as regards his social status and that he was raised to Hungarian nobility by naturalization, so, he concludes, the applicant's condition as a foreign noble was not originally a basic requirement for admission to membership in the Hungarian Holy Crown. Nevertheless, later practice and the register of naturalized aliens (*syllabus indigenarum*) showed that alien applicants for *indigenatus* had been nobles in their country of origin and had verified that fact during the naturalization proceedings. The procedure itself was regulated by Statute LXXVII of 1550, which vested authority to grant *indigenatus* and thereby Hungarian nobility in the King and the Diet, issuing joint order when the Diet was in session or in the King, acting with the knowledge of and in consultation with his councillors when the Diet was not in session. In the latter case, however, naturalized persons were required to apply subsequently to the Diet for enactment of such certificates.

The part of proceedings was followed by the oath of the naturalized person, who solemnly declared to subject himself entirely to the laws of the land, to defend its freedom to the utmost of his ability and means, not to contravene the laws, and not to alienate any castle of the country or any part thereof, but to do his best even to recover any castles alienated. He had to take the oath before the Diet or, when it was not in session, before the Chancellor, and the text and the place of the oath together with his name were entered in the registers.

Thereafter, aliens to be naturazlized had to pay a fee fixed by statute to the national treasury, the rates being 1,000 golds for laymen (Statute XXVI of 1688), later 2,000 golds (Statute XLI of 1741 and Statute LXIX of 1790–91), and 1,000 golds for ecclesiastics who had gained a larger benefice (Statute XVII of 1741) and 200 golds for those who had gained a smaller benefice (Statute LXX of 1790).[6] On payment of that fee naturalized persons could take out the letters-patent (*diploma indigenatus*) from the Royal Hungarian Chancery.

In addition to the above procedural requirements, mention should be made of two legislative provisions restrictive of the category of persons eligible for *indigenatus*. Within the meaning of Statutes XXVI and XVII o1791 and Statute X of 1792, applicants for naturalization must belong to any one of the established Christian religions in the country (Roman or Greek Catholis, "Augustan or Helvetian" Protestant, Greek Orthodox).

On examination of the aforementioned procedural requisites it may be stated that enactment, taking of oath and payment of the prescribed fee were considered as conditions for the validity of naturalization, whereas letters patent were only a means of proving indigenatus. The effect of acquired "country membership" was that thenceforward the person concerned enjoyed all the rights emanating from Hungarian nobility and that, if he had had the status of peer in his previous country, he automatically became a member of the Table of Magnates in Hungary, too. (this latter right was restricted by Acts XLIX, L and LI of 1840 to the effect that membership in the Table of Magnates became subject to separate conferment by the Diet of the right to attend sessions and the right to vote.)

The history of the independent Principality of Transylvania constitutes a separate chapter in Hungary's modern history. The regulation of *indigenatus* has its Transylva-

nian counterpart consequential upon the independent status of the Principality. the legislative provisions governing the status of nationals and the mode of its acquisition are contained in the *Approbatae Constitutiones*, which, as was the case in Hungary, distinguished between nationals and aliens:

(a) the right to hold public office was conferred on nationals only (Art. 41. (1) of *Appr. Const.* Part III; Statute XV of 1791;)
(b) the right to own land was likewise conceded to nationals only (Art. 41. (1) *Appr. Const.* in Part III);
(c) the title of nobility, viz. admission to the three united nations, was similarly reserved for them only (Statute XIX of 1791).

During the procedure for acquisition of *indigenatus* applicants were required to have belonged to the nobility in their previous country, to apply to the Transylvanian Diet for naturalization and to take an oath before that Diet, with naturalization thereupon enacted. then they had to pay 1,000 golds to the "National Treasury", with exemption from that requirement to be granted only by the Diet in exceptional cases, and after such payment the newly naturalized persons received the relevant certificate from the Prince.[7]

A comparison of the two – Hungarian and Transylvanian – regulations shows almost the same statutory requirements. However, the *indigenatus* acquired through these procedures resulted in two statutes of nobility and nationality, one in Transylvania and one in Hungary. The subjects thereof became subjects of the sovereign rules of the two parts of the country, so it appears logical to say that "country memberships" were not mutually recognized by the two States. After the country's territorial unification under one ruler it took a rather long time to settle the situation (Transylvanian Statute XVI of 1791). It was spelled out then that since the Principality of Transylvania and Hungary "are subjected to one and the same royal power" and "are governed by the same essential laws", reciprocity is to be established between the two States with regard to the "status and freedom of nobles and nationals".

Summing up the naturalization proceedings, it can be stated that admission to membership in the Holy Crown was subject to the agency of the Diet on the one hand and, on the other, to the Kings's decision after taking the opinion of Hungarian councillors. Moreover, the King was empowered[8] to confer, at discretion, Hungarian nobility, in the form of either royal grant (*donatio regia*) or letters-patent (*armales*), on aliens other than of noble rank. These forms covered merely those types of naturalization whereby applicants acquired the "status of Estate of the Land" (*indigenatus momentus) together with indigenatus*) in Hungary. In the other case of acquiring nationality an alien merely became a national without the grant of nobility (*indigenatus successivus*). This is called "*acquisition by operation of law* " ensuing from permanent settlement or from prolonged stay in the country without any period of time being established, from one's registration as a tax-paying inhabitant of a town or a chartered community, and from holding a public office.[9]

Upon closer examination one finds that acquisition of citizenship of a town was not covered in a general way by contemporary Hungarian legislation except by municipal

statutes, which required an applicant to show proof of his legitimate birth, his clean record and "good moral character". In some places (e.g. Kassa, Kolozsvár, 1537) marriage and, elsewhere, guild membership or ownership of real property (e.g. Kolozsvár, Fiume, Kassa 1607) were added prerequisites.[10] The status of citizen could be granted by town councils to aliens who, upon proof of compliance with the above requirements, had to pay "burgess money" and to take an oath of citizenship.

"Grant of Hungarian status" to aliens of serf's condition was not even subject to consideration. Oral or written leave by the landlord of the given territory to settle in a serf's community was sufficient, by operation of law, for acquisition of Hungarian nationality, which naturally involved nothing more than the rights recognized for serfhood.[11]

The question of defining nationality emerged again during the reform era (apart from one of the draft constitutions, submitted by József Hajnóczy to and rejected by the Diet of 1790–91, which sought to set out the criteria for belonging to the Hungarian nation). That era was one of the nations' awakening to consciousness, which was fundamentally bound up with the definition of nationality. The conditions for acquisition and loss of nationality were determined by the Civil Codes in France and Austria. Their relevant regulations show that nationality or citizenship in those States fell within the province of *civil law*. In Hungary, however, the various drafts addressed the question within the frameworks of *public law*. this basic feature of the Hungarian regulation was retained in later legislations, in separate statutory enactments in force.

The related draft laws were submitted to two sessions of the Diet (in 1843–44 and 1847–48), but they were not carried. Following the 1848–49 Revolution and War of independence, the Austrian Civil Code became operative also in Hungary in 1853 and effect was given to its articles on nationality in the Part on Personal Law. Mention should also be made of Minister of Justice Boldizsár Horváth's draft of 1868, which, unlike those of the reform era, did not even come up for debate.

Along with the draft laws, reference should be made to the new naturalization practice as established in conformity with concrete enactments.[12] Under them, the Minister of the Interior issued applicants with a certificate of naturalization upon taking an oath of allegiance and showing proof that they were not subjects of another state, had been resident in the country for 5 years, were paying tax continuously, and no objection was raised against them in respect of morals, property and politics.

Finally, in 1879, the Hungarian legislature thought the time was ripe for a definitive regulation of nationality. The choice of the date was not accidental, for the legislative wave of regulating nationality had "swept over" Europe during the previous years (German Act of 1870, Swiss Act of 1876, Italian Civil Code of 1865, British Act of 1870). That international process was joined by Hungary when *on 8 October 1879* Prime Minister Kálmán Tisza presented to the Honourable House his Bill on "*Acquisition and Loss of Hungarian Nationality*". The motivation to the Bill referred to the need to end the confused legal situation and to protect the interests of the Hungarian State as the two main reasons for legislation. The proposed law also served to fill a basic gap since the previous Hungarian regulations had been silent on loss of nationality, apart from the marriage of Hungarian women to aliens.

After the presentation of the Bill the House of Representatives set up a *Committee on Naturalization* on the same day. On 29 October the Committee submitted the result of its work to the House at the beginning of the general debate over the Bill.

Speaking about the general principles of the Bill, Referee Jenő Péchy pinpointed three important "guiding principles", namely *equality of rights, principle of one and the same nationality,* and "*special Hungarian feature*".[13]

Following the statement of the Committee's referee, which was marked by a solemn but occasionally somewhat high-flown style and a long-winded rhetoric, representative of the opposition Nádor Szederkényi made his observations, complaining that the Government was trying to push through its Bill by posthaste work, that "this Bill is not given consideration according to its merits"[14] and that pressure of time[15] prevented representatives from a thorough study thereof. He challenged Jenő Péchy's statement about the Bill's special Hungarian feature", declaring that the part of the Bill relating to foreigners' naturalization and repatriation would "bring about an extraordinary situation", mainly "with Austria", which to pre-empt he proposed that the prerogative to naturalize foreigners should be vested in the legislature rather than the ruler, thereby ensuring that a person so naturalized was not entitled to become a member of the Hungarian legislature and the Hungarian Crown Council and that, by way of strengthening the special Hungarian feature, the oath of allegiance was to be sworn, not to "His Imperial and Apostolic Royal Majesty", but to the King of Hungary. Furthermore, he moved that the provision of Art. 32, which was attacked with the greatest vehemence during the whole parliamentary debate and which stated that a Hungarian national who had spent 10 consecutive years away from the Monarchy must lose his Hungarian nationality, should be omitted altogether.

Nándor Szederkényi's view was shared by Lajos Mocsári, who felt he had discovered a departure from preexisting Hungarian legal practice in disregarding two concrete jural postulates: "No Hungarian national shall be deprived of his civic rights unless he himself so request. This is one of the essential characteristics of the Hungarian approach. The other is that naturalization is a prerogative reserved for the National Assembly, not for the Prince".[16] It was Mocsári who spelled out most clearly the Government's end the opposition thought was pursued with Art. 32, namely to have Lajos Kossuth and the patriots who had emigrated after the 1848 – Revolution and War of Independence deprived of their Hungarian nationality, which the opposition protested most vehemently against.

For the Government, Minister of Justice Tivadar Pauler and Prime Minister Kálmán Tisza replied briefly to the statements of the opposition and insisted on a second reading by the Honourable House, which accepted the proposal by a great majority.

During the second reading, which began the following day, the first to cause a great stir was the admissibility of dual nationality, but the original wording was retained after a fierce dispute between the opposition and the Government: "Art. 1. Nationality shall be one and the same in all countries of the Hungarian Holy Crown".

Another neuralgic spot was the legal institution of naturalization by grant (royal diploma) in recognition of extraordinary services rendered. During the debate that concept was first contested by Albert Apponyi of the opposition, who said that adoption of the new legal institution would be a breakaway from the old tradition of public law as it

would introduce a mode of acquisition of nationality without the involvement of the National Assembly and with the initiative passing to the Government and with the act given effect by a royal diploma. Apponyi's speech was indicative of the opposition's basic position of principle voiced throughout the parliamentary debate, viz. a struggle against the growth of Austrian influence.

The pro-Government side characterized the proposal as a practical way of speedy reward for extraordinary merits and, to "reassure" the opposition, it referred to parliamentary control over the Government as a safeguard. The question was then decided by a roll-call vote in favour of the original Bill, which was carried by a majority.[17]

There arose a highly spirited debate over the power of the Viceroy of Croatia to grant nationality. Under Art. 10 of Act XXX of 1869, which was referred to as a Croatin–Hungarian compromise, "whereas legislation is common with respect to nationality and naturalization, enforcement thereof in these matters shall be reserved for Croatia, Slavonia and Dalmatia". Nevertheless, during the second reading of the Nationality Bill, the majority of the Committee on Naturalization presented to the Honourable House a wording which conferred the power of enforcement on the Hungarian Council of Ministers or the Prime Minister in the whole territory of the Hungarian Crown. This was contrary to the Government's original wording as well as to the statutory provision quoted above. Both sides in the House interpreted in long-winded speeches the substance of enforcement, the limits to state sovereignty and the topical provisions of the Croation–Hungarian Agreement on Public Law. After a heated debated the votes finally gave a green light to the to Government's original concept, that is to the prerogative of the Viceroy of Croatia to grant applications for naturalization.

The hottest words and the most passionate expressions of views were invited, as mentioned above, by Art. 32, which sought to introduce into Hungarian law the loss of nationality after an absence of 10 years from the country. The opposition labelled the proposal as an open attack by the Government against political emigrants and thereby set the direction of the unfolding debate. The weight of legal arguments was dwarfed by politically charged speeches and statements anxious for the nation. The Government side tried to calm the opposition (and to quiet its own conscience) by arguing that maintenance of nationality was linked merely with a simple declaration which, given its little significance, could not deeply offend the principles of any emigrant.

At the end of a sharp dispute, which was not devoid of personal remarks, the opposition rallied behind Ernő Simonyi's motion for an amendment reading: "Art. 33. The provisions of Art. 32 shall not apply to persons who have emigrated for political reasons".[18] Prime Minister Kálmán Tisza rose to speak for the Government and asked the Honourable House to reject the motion. According to his explanation, the legal institution of repatriation was covered by Art. 41 of the Bill, under which a returnee was to automatically regain his lost nationality by admission to membership in a community, so the opposition's charge about exile was unfounded.

The majority of the House took heed to their prime Minister that time again and, during the roll-call vote by 193 representatives present (out of the 442 accredited ones) it rejected Ernő Simonyi's proposed amendment by a vote of 141 to 52, with the Speaker casting no vote, thus adopting the Government's original wording.

The other draft articles were considered by the House of Representatives without much debate, and after the third reading on 8 November 1879 the Bill was finally adopted by a vote of 88 to 73 and sent to the Table of Magnates for its consideration and approval.

(It is a fact arousing reflexion that a decreasing number of representatives took part in the debate in the House of Representatives; the participation rate touched bedrock at the final vote, with as little as 161 out of 442 representatives deeming it important to be present.)

Apart from a few slight stylistic changes, the Table of Magnates adopted the draft text, which was then laid before Francis Joseph, who sanctioned it on 20 December 1879. The Act entered into force on 5 January 1880. This brings me to describe its essential provisions.

There are five modes of acquiring nationality: by descent, legitimation and marriage, naturalization, and residence in the country.

Nationality by descent may be acquired by any person of legitimate birth whose father was a Hungarian national, and also by any illegitimate child of a mother of Hungarian nationality regardless of whether the child was born in Hungary or abroad.

Nationality by legitimation may be acquired by a child of illegitimate birth if his mother is not, but his father is a Hungarian national.

A foreign woman married to a Hungarian national has also acquired Hungarian nationality through the marriage.

There were two types of naturalization: ordinary end extraordinary.

Ordinary naturalization could be obtained exclusively on application and was within the competence of the Minister of the Interior or the Viceroy of Croatia. Application was to be presented by a person authorized thereto, and the applicant was required to have an assurance of admission to membership in a Hungarian community,[19] to have been resident in Hungary for 5 consecutive years and to have been registered as a taxpayer the same period of time, to be capable of supporting himself and his family, and to have shown irreproachable conduct. The competent organs, however, had discretion to reject an application despite the fulfilment of all these conditions. If the application was granted, a decree of naturalization was issued, the applicant took an oath and then received a certificate of naturalization. Nevertheless, the person so naturalized had his political rights restricted by the fact that he became eligible after the lapse of 10 years, his membership in the Table of Magnates was subject to legislation, and he was not entitled to become a keeper of the crown.

By contrast, a person naturalized by royal diploma in recognition of extraordinary merits became eligible for election to the House of Representatives immediately.

Residence in the country resulted in one's recognition as a national if the person concerned had been residing in Hungary for not less than 5 years prior to 8 January 1880 and had been entered in the register of taxpayers in a Hungarian community.

The modes of termination and loss of nationality includes legitimation, marriage, absence from the country, release and administrative decision.

The nationality was terminated by legitimation of a person of illegitimate birth (with only his mother having been a Hungarian national) who had been legitimized un-

der the law of his foreign father's country and had thereafter ceased to be resident in the territory of Hungary.

A Hungarian woman married to a national of a foreign state lost her nationality through such marriage.

Under the notorious clause of absence his Hungarian nationality was lost by a person who, without the authorization of the Hungarian Government or the common Austro-Hungarian ministers, had been staying outside the territory of the Hungarian State for 10 consecutive years. Loss of rights affected the absentee's wife and minor children as well.

Release from nationality was subject to proceedings instituted only on application after the applicant had completed compulsory military service. If he had not, but was over 17 years of age, he had to produce a municipal certificate showing that it was not his intention to evade military service by losing his nationality. If was in military service, a discharge letter of the Minister of National Defence had to be annexed to his application. Furthermore, in times of peace, the applicant had to show that he had independent power of disposal or that he had the consent to release of his father or guardian or curator, which was subject to approval by the guardianship authority, that he was not in arrears with his state and municipal taxes, that no criminal proceedings had been instituted against him in Hungary, or that no final sentence had been passed against him. With all those conditions present, the Minister of the Interior (the Croatian-Slavonian Viceroy in the territory of "Croatia–Slavonia" or exclusively "His Majesty" in times of war) with powers to issue documents of release could not deny grant of applications, and a person so released lost his Hungarian nationality. The loss of rights came into effect with respect also to the wife and minor children of the person released from nationality.

If, without the permission of the competent authority (Minister of the Interior, Croation–Slavonian Viceroy, national military border authority), a Hungarian national had entered service of another state and had failed to leave such service despite the summons of the said authority within a specified time, he lost his nationality by virtue of a decision of that authority.

Beside the legal consequences of acquisition and loss of nationality, the Act declared its recognition of dual (or multiple) nationality and, last but not least, introduced lego-technical clauses on the conduct of proceedings concerning nationality.

Although long-drawn-out and complicated, this legislation proved to be enduring, for, apart from two inevitable amendments (Act XVII of 1922 and Act XIII of 1939), the essential provisions of the Act remained in force for little short of seven decades.

The Nationality Act had shown itself to be an important landmark in building a modern bourgeois state based on the rule of law, and the creation of such a state was not only a necessary means, but also a salutary end of the political elite under the hallmark of adaptation to contemporary Europe.

1 Writers on the Hungarian public law hold different views on this question. Artúr Balog (*A magyar államjog alaptanai* [Rudiments of Hungarian Political Law]) and Kálmán Molnár (*Magyar közjog* Hungarian Public Law) divide the state-creating population into legal population taken to mean the totality of nationals and into actual population including all persons residing in the territory of the state, notably aliens as well. This concept is contested by Móric Tomcsányi (*Magyarország közjoga* Hungary's Public Law), who considers the above division as not entirely precise since the state recognizes certain rights also for aliens resident in the territory of the state, so there exist legal relations between them, too.

2 The nobility can be divided into prelates, peers, the lesser nobility, and the range of royal free boroughs was widened to include the Jazygian-Cumanian districts and the Heyduck towns. Taken together, they constituted the Estates of the Land.

3 For an explanation of the term, let us rely on Ágost Ekmayer's *A honfiúság* (indigenatus) Magyarországban *(Natives [Indigenatus] in Hungary)*, Jogtudományi Közlöny, No. 30 of 1867: "Persons who have acquired nationality by birth or naturalization or otherwise are called *citizens,* or *membra regni vel civitatis* (Art.. 28 of the Austrian Civil Code). Hungarian statutes refer to them as *very hungari s. indigena* (natives) too, versus those born abroad, who are also called *forenses s. alienigena.* Again *indigena* are called *inlanders (intranei)*, or *inhabitants of the Land* (reginocolae) (1439:5.26 – 1608: kor. e. 1. – 1647:26.)", and *ibid.* fn. 2. In this country the mere term *indigena* means Hungarians either born or naturalized. 1618:5. 18. – 1729:24.1."

4 The Golden Bull (Art. 11) empowered the Council of the Land to confer dignity on guests (aliens) if they were honourable. Later, by way of exception proving the rule, aliens were admitted to specified posts like clerkship in salt-offices (Statute XXXI of 1552) and mine-offices (Statute VIII of 1792), while it was a general practice to appoint them to military posts.

5 The spelling of this name is attributed to Andor Csizmadia (*A. Csizmadia:* A magyar állampolgársági jog fejlődése) (Evolution of the Hungarian Law of Nationality). *Állam és Igazgatás*, No. 12 of 1969, p. 1075). That same person is named differently by Ágost Ekmayer: "the very first Hungarian *indigena* is Márton Musica – alias Lascanus of Spanish descent" (Á. Ekmayer: op. cit., p. 38).

6 Pursuant to Act XXXVII of 1827, the naturalization fee was payable in gold in each case, and, under subject to prior payment of the fee. See Ekmayer, op. cit., p. 39.

7 Covered by Art. 41 (1) of *Appr. Const.* in Part III.

8 This prerogative was expressly vested in the King of Hungary by Statute XIV of 1606 and Statute XXX of 1630 as well as by Werbőczi's *Tripartitum* (Art. 3 (7) and Art. 32 in Part I), which was never put into force.

9 Ekmayer's work enumerates two additional special legal titles: acquisition or possession of a piece of civil land, or permanent pursuit of a business, a craft or a trade. Ekmayer: op. cit., p. 40.

10 *Csizmadia:* op. cit., p. 1078.

11 All this assumed huge proportions at the time of repeopling the depopulated regions after the Turkish wars, partly with spontaneous immigration and partly through the Government's determined settlement policy.

12 The related statutory enactments were Act XLII of 1870 (Art. 23.) on Public Law Legislation and Act XXXVI of 1872 (Art. 24) on the Capital City of Budapest.

13 For J. Péchy's speech, see *1878–81. Országgyűlés-Képviselőház Naplója. VII. kötet* (Journals of the National Assembly-House of Representatives of 1878–81. Volume VII), p. 269.

14 Ibid., *Napló. VII. kötet* (Journals. Volume VII), pp. 270–271. *Szederkényi Nándor hozzászólása* (Speech of Nándor Szederkényi).

15 "Presented on the 8th inst., this Bill was debated in the Government on the 18th and in the Committee on the ..., so with 10 days past it is now on the agenda of the House." Ibid., *Napló. VII. kötet* (Journals. Volume VII), p. 270. *Szederkényi Nándor hozzászólása* (Speech of Nándor Szederkényi).

16 Ibid., *Napló. VII. kötet* (Journals. Volume VII), p. 277.

17 The votes by the 442 accredited representatives were 105 in favour and 74 against, with the rest of representatives being absent. For that matter, such "underrepresentation" marked the whole duration of the session, with the absence of the majority of representatives expressing disinterest in the topic.

18 Ibid., *Napló. VII. kötet* (Journals. Volume VII), p. 376.

19 The legislators were required by an operative statute to include this provision: Act XVIII of 1871, the first legislation on communities, stated in Art. 6 that "every national shall belong to a community".

ZUSAMMENFASSUNG

Die Regelung des Rechtsinstituts der ungarischen Staatsangehörigkeit von dem Anfang bis zum Gesetz 50 im Jahre 1879

KÁROLY KISTELEKI

Die Staatsangehörigkeit gehört in Ungarn zum Gebiet des öffentlichen Rechts. Die Staatsangehörigkeit wurde im Mittelalter durch „indignitas" terminus technicus bezeichnet. Die Voraussetzungen der Staatsangehörigkeit waren – im Mittelalter – der adlige Titel oder die Erwerbung des städtischen Bürgerechts oder bei den Hörigen die Aufenthalt und Wohnung im gegebenen Land. Zur Zeit der Österreichischen- Ungarischen Monarchie wurde die Staatsangehörigkeit von einen modernen Gesetz geregelt. Dieses Gesetz wurde nur nach heftige Parlamentsdebatte gebracht. Das Gesetz 50 im Jahre 1879 regelte die verschiedenen Fälle der Erwerbung und des Verlorens der Staatsangehörigkeit. Dieses Gesetz gehörte zu den dauerhaften Gesetze weil bis zum Jahre 1948 geltend war.