

# HUNGARIAN MUNICIPAL GOVERNMENTS (1848-1918)

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(Summary)

The rebirth of the Hungarian local governments has commenced with the making of Act 65 of 1990 and other related laws. This process should draw on the endowments of the present political-economic situation, the European requirements as well as on the historical experience of the past local governments. The present work is intended to help this by examining the pre-history of the Hungarian bourgeois municipal governments and their European background, presenting their multi-stage evolution and adaptation to the Dualist political system. Besides legal regulation it also deals with the transformation of the network of the Hungarian towns, local law-making, the international organization and administrative staff of the towns, the police of the local governments and the issues of the town property. In the concluding part of the book the definition of the Hungarian-type municipal government, the evaluation of its achievements and limits are discussed in comparison with the European development.

## I.

The chapter discussing the 19th century modernization of the European municipal governments makes possible comparison with the towns of the larger spaces. First it summarizes the mediaeval antecedents of modern municipal law. The autonomy of the flourishing mediaeval towns, however, was crushed by absolutism in the 16th-18th centuries and which also modernized certain partial areas of municipal governing while patronizing over them. This deforming impact was particularly asserted in certain elements of the municipal law. As a result of all this modern municipal law

could adopt only certain public administrative institutions of the former municipal law. With a view to constitutional law the bourgeois municipal governments had to be re-established.

The study gives an outline of the basic model of the European municipal law. The English model was established by the town act of 1835, the local government was legitimated in a democratic way, a peculiar feature was the outstanding role of the committees, the control of norms by the courts, a number of new powers granted by local acts.

The French model was formed by Bonapartism. The uniform communal organization integrated into the central state apparatus is known, the decentralization of which started only in the period of the Third Republic.

The Prussian model exercised a great influence all over Eastern and Central Europe. After the defeat suffered from Napoleon, in 1808 *Stein's* reform made it possible for the urban bourgeoisie to intervene in the local government and thereby it felt more and more to be part of the state. At this point political-strategic significance was attributed to the modernization of the towns. In spite of this, *Stein's* model did not become general in Prussia either, on the other hand, no liberal state was built upon it in the end. In 1853 the town regulations issued for the eastern provinces institutionalized the three-class election system which attached value to the votes in proportion to the amount of the taxes paid and had been present in the Prussian law also before. Thus the social base of the municipal government was narrowed down. In the last third of the century, the Prussian model came to a crisis, which was also reflected by the fact that the effort to enact the modernization of the municipal law was unsuccessful.

The Austrian communal self-government model was created by the provisional communal act of March 17, 1849, with the liberal slogan "the basis of a free state is the free community". It was characterized by the uniform regulation of the communities including the villages and towns alike, which was mitigated only partly by the fact that some towns were granted a separate statute. In the Austrian communities the natural (autonomous) powers were separated from the ones delegated by the state. The number of the voters was narrowed down by the curial suffrage following the Prussian model. In the period of neoabsolutism the regulation of 1849 changed in a retrograd direction, this process was summed up by the community act of 1859 which was not enforced in reality. The imperial communal act of 1862 and the crown-land laws issued subsequently returned to the foundations of 1849. By the end of the century the Austrian communal law came to an institutional, political and financial crisis.

The crisis of the municipal law of the German spece was connected with the fact that the old municipal organization concentrating of office work for the authorities was not always able to cope with the new communal tasks and the development of servicing administration.

## II.

The Hungarian municipal governments were in an archaic state having characterized the period prior to the bourgeois revolution of 1848. The liberal reform-politicians recognized this and in Parliament did their best to transform the organization of the towns in the modernization process of the society, state organization and legal system of Hungary.

From among the Hungarian towns the free royal boroughs had a power of representation in Parliament, they were independent municipalities. We cannot regard them, however, as democratic institutions, because the power was in the hand of the magistrates and narrow groups. The matters were administered slowly, jurisdiction and public administration were not separated, corruption was wide-spread, there were strifes between the different interest groups.

The smaller towns (oppidums) were in the power of the landlords, only the most developed ones tried attain the status of a free royal borough.

In the struggle of the estates and the Austrian absolutism Vienna did not manage to gain such lasting predominance which might have enabled it to crush the local governments and the autonomy of the free royal boroughs in addition to that of the counties. At the same time it did not modernize public administration either, for this reason the free royal boroughs were formulations with a relatively wide-based self-government but of archaic character.

At the national assembly of 1843-44 a comprehensive bill was brought in to settle the situation of the free royal boroughs. The draft bill of European level also drew on *Stein's* 1807 reform, bringing about a number of liberal institutions: thus the number of the inhabitants actively involved in municipal matters increased, government control was not strictly determined. The conservative higher court and the liberal lower court were having a dispute about these solutions for several months, but did not reach an agreement.

In 1847 the matter of the towns was brought before Parliament again, this time the liberal motions brought forward were accompanied by a conservative government proposal again. The revolution of 1848, however, shaped the course of events in a different way.

## III.

Until the statutory regulation of the Hungarian municipal governments taking place from 1848 to 1870 a diversified course had been taken in accordance with the great political events.

At the time of the bourgeois revolution Act 23 of 1848 put the modern system of the free royal boroughs on an organized base. Nevertheless, the regulation of the towns put on a representative basis contained only broad

objectives owing to lack of time, it was not possible to adopt the detailed rules of the draft bills of the Reform Era. It would have been necessary to develop further the modern municipal law by means of new statutory provisions, but this could not occur because of the military events. The modernization process of the towns was not concluded in 1848-49.

The Austrian neoabsolutism attempted to introduce the Austrian communal acts of 1849 and 1859 subsequently, but this did not take place. The system of the Hungarian towns was regulated by the provisional instruction of 1851. After the loss of the national independence the towns became part of a foreign, centralized and bureaucratic state apparatus, in some regions, however, modernization took place.

Between 1861 and 1869 Act 23 of 1848 was enforced again. This period, however, can be divided into several phases. In 1861 constitutional order was restored, in 1862-65 appointed town leaders functioned again, at the end of 1865 the elected senior civil servants returned, but it was only in 1867 that the legitimate representative organs were set up.

Act 23 of 1848 was not detailed. At this its gaps were filled in by the so-called "Rules of Procedure", that is regulations, organizational and operational statutes of the towns, the most important of which were that of Pest. During these years some towns made an attempt to obtain an archaically worded privilege-charter.

#### IV.

The regulation of the municipal governments took place by means of two acts. Act 42 of 1870 regulated the towns given priority as county boroughs together with the counties, while the other towns were defined as corporate towns by the communal act (Act 18 of 1871). The capital Budapest was established by Act 36 of 1872. This divided regulation in Hungary was peculiar, because neither uniform communal law, nor independent municipal law came into being like in other spaces. The tripartite regulation had power-political reasons connected with the protection of the Austro-Hungarian Compromise. The political stratum of leaders protecting the compromise of 1867 wanted to maintain the constitution-protecting role for the bigger towns in addition to that of the counties. The smaller towns could not play such a role, therefore, they were regulated by the communal act.

The political considerations impeded not only the existence of an independent municipal law but also forced out the communal respects. As regards the other side of its outstanding political powers, the government in office wanted to prevent the oppositional action of the municipalities. Therefore, governmental control over them became strong which was directly

exercised by the Lord Lieutenant in the county boroughs, while the smaller towns were subordinated to the counties.

As opposed to the democratic principles, in the representative organs of the towns only half of the members were elected, the other half automatically came from among the citizens paying the highest amounts of taxes (virilism). The towns, the parliamentary opposition argued in favour of an independent municipal law, without any result.

The capital of Budapest was established from the towns of Pest, Buda and Óbuda by the provisions of Act 36 of 1872, so that it could become the centre translating into practice the conception of the state. In fact, Budapest can be regarded as an outstanding variant of the county boroughs.

The stabilization of the Dualist municipal law occurred by means of Acts 21 and 22 of 1886 which modified the former rules in several places, extending at the same time the licences of the central power.

## V.

The towns took all opportunities to achieve a uniform municipal law for all the categories of towns. Several draft bills were born in connection with the reform of the towns being supported also by the representative organs of the towns. The government made a promise again to introduce the municipal law (1891, 1912), but such a law was not issued either in the era of Dualism, or subsequently.

The units of the historical network of the Hungarian towns were the free royal boroughs and the markettowns. In 1870 some of these were requalified generously as county boroughs. At the same time, because a lot of them did not meet the requirements, Act 20 of 1876 deprived the towns with a population below 12,000 of the higher legal status.

At this time there was fluctuation in the number of the towns. Between 1869 and 1900 it decreased from 175 to 130, then until 1910 it increased to 139, as pointed out by *E. Deák*. Characteristically, two-fifths of the former free royal boroughs became county boroughs permanently, the legal status of only one-third of the corporate towns was stable.

The legal system of the Hungarian towns was not affected by the urbanization processes. A lot of county boroughs stagnated, but their legal status remained. As opposed to this, on the basis of a complex urbanistic indicator at least 25 corporate towns surpassed the values of the weakest county boroughs. In our opinion out of these at least 6 corporate towns would have been able and willing to apply for a higher status. To achieve this, however, an act should have been made, which occurred only in the case of Miskolc in the era of Dualism. In this respect the Dualist municipal law became rigid.

## VI.

The legislation, statute-making of the Hungarian municipal governments obtained an outstanding role in the whole Hungarian legal history – concerning both continuity and comprehensiveness. The municipal statute-making was also regulated by *István Werbőczy's* "Tripartitum". This issue obtained special significance in the municipal bill of 1843-44.

In accordance with Act 42 of 1870 the statutes were practically revalued, because the internal relationships of the county boroughs handled together with the counties were not regulated by the law but were left to the towns' own ordinances.

In accordance with Act 42 of 1870 the general assembly was entitled to make statues within the competence of the local government only if they did not contradict the law, the governmental regulation. The citizens had the right to appeal against the statute, and in this case the minister made a resolution with reasons adduced after the hearing of the town. It was usual practice that the statues to be made compulsorily in accordance with the law had to be submitted for approval, on the other hand, the ones made on local initiative did not. Act 21 of 1886 provided that the minister should endorse every statue with a "presentation clause". This obscure wording was becoming more and more the control of expediency beyond that of lawfulness.

The law-making of the Dualist era resulted in rich experience. In the preparation of the statues different committees, the chief commissioner of police, the municipal attorney, the town clerk and the representative organs took part and discussed them in great detail at the general meetings. Among the laws published on posters, in newspapers and included in collections, there were also lengthy norms, the breaking of which was punished. The palette of the statues is very rich. The author exposes them with regard to the county boroughs and corporate towns under the following headings: organization, personnel of the local government, the police, the finances of the local government, the regulation of construction, communal facilities, transportation, practice of industry, trade, agriculture, public health, social welfare matters.

The municipal law-making accompanied the citizen from the cradle to the grave.

The organizational framework of the county boroughs is shown by the example of the 1896 organization of Debrecen based on Act 21.

Among the corporate organs the municipal board had a central role. Its general assembly made principled and strategic decisions in connection with the life of the town in organizational, personnel and economic issues. The rules of procedure of the general assembly regulated the order of dispatching invitations, drawing up of the agenda, holding the sessions, discussion, voting and taking down the minutes. These rules are noteworthy even today.

The interpellation to the town management, to the mayor above all, was diversely regulated in the towns. The majority of the questions comments on local problems, but there were also interpellations in connection with nation-wide and municipal political issues.

The functioning of the municipal board of Budapest between 1887 and 1918 is also illustrated by figures.

Among the corporate organs the most important is the administrative board which was set up in 1876 and coordinated the functioning of the organs of the local government and of the state organs functioning on its area. The setting up of other standing committees was prescribed for the towns by central law, or the towns set them up of their own decision. There were ad hoc committees as well.

The standing committees prepared the sessions of the general assembly, gave expert opinions and brought forward motions. Numerous rules of their functioning can be used even today. The present book gives an outline of the standing committees of Pest in 1871 and those of Budapest in 1912.

The operative organ of municipal administration was the council with multi-directional competence. The first official of the town, the mayor also had an outstanding role in the administration of the municipal government.

## VII.

The personnel of the municipal governments is characterized by statistical data. It is shown that in 1908 out of the county boroughs the total personnel in service of the towns was the highest in Budapest (10,989 persons) and in Temesvár (946 persons), while out of the corporate towns Brassó (326 persons) and Nyíregyháza (273 persons) maintained the largest apparatuses. At the same time the number of the personnel in the smallest towns was around 10-30. The number of personnel per 1,000 inhabitants is also a relevant figure. The number of the personnel of the plants and institutions engaged in servicing activities in the towns is also given great detail. The concrete personnel structure of a town is illustrated by the 1910 condition of Temesvár. The data of the officials' salaries in 1910 are shown by the example of two towns.

Because of the repeated political changes between 1848 and 1872 the stability of the town administration did not correspond to the relationships of balanced public administration. After the changes of the sample years 1848, 1849 and those of absolutism, 1861, 1862, 1865 and 1867 the situation became normal again after 1872. It can be also observed that the conformity of town management to the government is greater than in the case of the counties.

At the top of the bureaucratic elite of the town was the mayor. He was usually elected at the age of 40-50, after a long period of service for the town. Besides financial dotation in his life and death he enjoyed moral appreciation (ennoblement, awards, having his portrait painted, naming streets after him, honorary grave). In a number of cases he could become an M.P. but his career was restricted to the city walls as a rule.

On the area of the towns the police of the local governments had a central role in ensuring legal order, enforcing the statutes, maintaining public order and security.

The head of police was the chief commissioner whose tasks had already been formed in the Middle Ages. In the middle of the 19th century according to the evidence of the documents in the free royal borough of Pécs his duties included criminal investigation, the management of prisons, the protection of forests, meadows, surveillance of aliens, fire-protection, the supervision of trade and the guilds, the control of prostitution, public health, taking measures against epidemics and pests, the control of poisons and gunpowder, to mention only the most important ones.

In the era of Dualism the idea of transforming the local police into a state organ emerged on several occasions. This took place in Budapest in 1881, the other towns maintained their own police until 1919. Up to that time the municipal police had had diverse tasks, the 1899 regulation of the county borough of Pécs is cited as an example. The municipal police dealt with matters in the field of public administrative law as well. Offences could be formulated by the law and ministerial decrees as well as by municipal ordinances. The authorities took strict measures against the offenders who disturbed the life of the town.

The organization and operation of the municipal police is shown in several tables. The police of the town of Debrecen is described in great detail relating to the year 1896. The figures of 1908 are given with regard to the police of the county boroughs and the smaller towns given priority. The numbers of the police staff are given per 1,000 inhabitants and 10,000 cadastral acres. The criminality of the county boroughs is illustrated in a separate table.

## VIII.

The chapter dealing with the functioning of the property funds of the municipal governments spells out the rules connected with the property management of the towns on the basis of Acts 21 and 22 of 1886. Property management was supervised by the minister and in the case of the corporate towns by the county. Because of its slowness, it could impede the business flexibility of the towns. In 1912 this was moderated to some extent. Disposal



over the initial funds, the conclusion of significant contracts required qualified majority at the general meeting. It was possible to appeal against such resolutions to the Minister of the Interior.

The towns possessed significant landed property. For example, in 1908 Debrecen owned around 84,500 cadastral acres of landed property, Budapest owned 874 and Debrecen 633 buildings. A table provides information about the total property of the towns and property per inhabitant, complementing it with data on the indebtedness of the county boroughs.

The revenues of the municipal property, however, proved to be insufficient to cover expenditures, therefore local taxes and surtaxes had to be imposed. Consequently, municipal property is a necessary but not sufficient prerequisite of the self-governing of the towns.

## IX.

The final conclusion reached is that the Hungarian municipal governments were not in accordance with the Prussian and Austrian types. In the course of the drawn-out bourgeois transformation the modernization of the towns also took place in phases. Their legal system and regulation was recorded in 1870-72. The Dualist political relations did not make possible the issuance of a uniform municipal law. This circumstance and virilism (the direct participation of the inhabitants paying the highest amount of local tax at the general meeting), which limited the democratic basis of the towns, gave a peculiar character to the Hungarian towns having significant competence in self-governing – including local law-making – even by European standards.

In the field of urbanization the Hungarian towns fell behind Europe in comparison. Out of the 63 counties there were not any towns in 4,26 had only 1 town each. The urban population amounted only to less than 25% of the rural population in 45 counties. Naturally the towns were of much greater significance than the rural settlements.

In 1910 the towns determined their development objectives in their replies given to a questionnaire. The most important objectives included drainage, the building of watermains, road and pavement, the improvement of transportation. Public health and public supply did not have such a prominence and town planning was confined to the last place.

The development of the Hungarian towns was drastically interrupted by World War I. With this the 1848-1948 phase of the Hungarian municipal governments came to an end. Despite the limits of urban life they were of European type, which proves that the local governments are able to fulfil the objectives of the towns by means of their own property, laws and personnel.