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## **SIGNIFICANT PATTERNS IN HUNGARY'S CONSTITUTIONAL HISTORY**

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## Significant Patterns in Hungary's Constitutional History

Dr. Tamás Lukácsi, Brussels / Budapest\*

Recently, I have been experiencing an embarrassing phenomenon. When I am introduced to someone, and they learn that I am Hungarian, the reaction often is a congratulation for being Hungarian. Why is that? Why has Hungary become central to the debate in Europe—or perhaps even worldwide? Why does the *perception* of the developments of the last decade provoke such a high degree of emotion on both sides? For my experience is that, on the one hand, there is a hope for a miraculous renaissance of the old world, a renaissance of much regretted values and decency in European civilisation, and what happens in Hungary is the beginning of that renewal. But others fear something else: a resurgence of the old demons of our continent, long shadows woken up, again, in Hungary. Emotion on both sides. With an important election approaching, these emotions are even amplified and the two opposing perceptions become even more exaggerated.

In the midst of that political and emotional turmoil, I intend to take a step back, and to offer you a personal selection of the great trends of Hungarian history and of the main features of our constitutional history in particular. I certainly don't intend to say anything, or too much, about the present. However, if you have the impression that I am speaking about the present, that will perhaps only be a confirmation that I indeed identify recurring trends, but more probably it will be the confirmation of the old truth in the Old Testament book of Ecclesiastes (1, 9—10):

What is it that has existed? The same shall exist in the future.

What is it that has been done? The same shall continue to be done.

There is nothing new under the sun. Neither is anyone able to say: "Behold, this is new!" For it has already been brought forth in the ages that were before us.

Naturally, it would be an impossible venture to summarize any country's history, even its constitutional history, in less than one hour. Therefore, we need to focus our attention. The structure I propose for this lecture is thus the following.

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\* This essay is based on a lecture held on May 9<sup>th</sup> 2019 at Dimitris-Tsatsos-Institut für Europäische Verfassungswissenschaften.

In the first part I will identify the main trends or the main influences that determine the country's history, at least in the last 500 years. This is of course only one of the possible readings, and certainly it is my personal and selective reading. I decided to talk about four important elements:

1. The geographical position of Hungary and the fact that we are a land-locked and a typically agricultural country. This was not a problem in the Middle Ages, but it gained an undesirable significance in the age of geographical discoveries, colonialism and world trade, as well as military strength, based on maritime power.

2. The fact that Hungary is situated right between three great centres of power: a German bloc (the Holy Roman Empire and later Germany), Russia and the Ottoman Empire (later Turkey). We are used to living in the shadow of these centres of power and were repeatedly invaded by one of them. This fact shaped to a large extent our foreign policy, if there was any, but also the way our constitution developed or, in certain times, became unrecognisable.

3. The fact that a deeply rooted European dynasty, the house of Habsburg ruled over Hungary from the 16<sup>th</sup> century *de facto* until 1918. During these roughly four centuries, the Habsburg rule resulted in a limited sovereignty, with especially foreign and military affairs being determined in Vienna or Prague. On the other hand, it was a military and political shelter against those three centres of power and also a safeguard for a certain level of economic standards.

4. The constant and repeated resurgence of a freedom fight and the need for a national saviour, who would liberate Hungary from the previous influence, namely the Habsburg monarchy. The limited sovereignty resulted in a constant opposition to the dynasty and a dream that our old glory can be reinstated. Naturally, I think that the realisation of that dream had to come to grief, because of the first two points, namely our geographical situation and the three great powers.

In the second part of the lecture, I will dwell on the 20<sup>th</sup> century and on the significant patterns of our constitutional history in that turbulent period. I will aim to demonstrate that the lack of constitutional stability has been a hallmark of that century. What will be worthy of our attention specifically is the consequence of that instability, namely that institutions be-

came weak in the last 100 years, and this weakness made it possible for politicians to build a political system around their own person. But let us wind back first some 500 years and examine the geographical situation of Hungary and its consequences for the country at the dawn of the modern age.

## **I. Four major trends**

### **I.1 Geographical situation and its consequences**

In the year 1492, Christopher Columbus set sail westwards on the Atlantic Ocean with three frail ships. In the same period, the Medieval Kingdom of Hungary was at the climax of its grandeur. King MATTHIAS CORVINUS (1458—1490) ruled over one of the strongest countries in Europe. He conquered parts of Bohemia and Lower Austria, including Vienna. At the south, he successfully kept at bay the expanding Ottoman Empire. This was business as usual. Medieval Hungary was one of the great powers of continental Europe.

However, those three frail ships sailing out on the Atlantic changed the dynamics of world economy: seagoing countries, having access to the new lifeline of world commerce became dominant. The centre of power shifted more and more to the Atlantic coast, with Portugal, Spain, France and Great Britain becoming ever more powerful. Hungary, being land-locked and not a seagoing country anyway, became increasingly peripheral in the global economy. At the same time, the menace by the Ottoman Empire became more imminent from the South. Eventually, in the first part of the 16<sup>th</sup> century, a large part of the Kingdom of Hungary was conquered by the Sultans and remained under the shadow of the Crescent up until the 18<sup>th</sup> century.

The geographical situation of Hungary, in my view, strongly determined its position in a world ruled by maritime powers. Military conquest, commerce, colonialism, economic expansion depended ever more on the power of the navy and not on the medieval knight in shining armour. In the 14<sup>th</sup> century, LOUIS the Great (1342—1382) not only ruled on one of the major realms of Christendom, but he was able to wage expansive wars in Southern Italy and Poland.

In the 16<sup>th</sup> and 17<sup>th</sup> century, that was over. Countries with a strong navy conquered the world, while Central Europe was struggling with an outdated, agricultural economic model and the Ottoman menace. At the time of King Matthias, Hungary was by all means a more powerful country than England, but the balance of power shifted quickly. The traditional “Blue Water” doctrine of the Tory Party, a sort of earlier version of the idea of “Global Britain”, captures very well the idea of economic expansion on a global scale, based on maritime power. Such expansion was, for geographic reasons, not possible for Hungary.

## **I. 2 Between three great powers**

The second determining element in my view was the fact, that Hungary lies in the middle of three traditionally strong power centres. At the South, as I have already mentioned, it is the Ottoman Empire, the modern day Turkey. At the West, it is Germany (before the Holy Roman Empire). At the East, it is Russia. The importance and the influences of these three centres altered throughout history. While Turkey was a main concern in the 16<sup>th</sup> to the 18<sup>th</sup> century, its influence on our region declined in the last two centuries. Russia played a salient role in oppressing two Hungarian revolutions in the 19<sup>th</sup> and 20<sup>th</sup> centuries and needless to say that it dominated the country throughout the Cold War. Germany's influence was the greatest during and between the two World Wars. However the domination of these three power centres altered, it remained a constant fact that Hungary was (and is) in the middle of this triangle of powers.

The great Hungarian poet, ENDRE ADY (1877—1919) famously called Hungary a “ferry country” (*kompország*). In his poetic allegory, Hungary is like a ferry boat that is constantly sailing back and forth between East and West, never able to anchor permanently. If we translate the image of the “ferry country” into the language of foreign relations, then we see that the Hungarian political class was never able to shape a permanent and exclusive Western or Eastern political orientation. It never succeeded in anchoring itself in a stable system of alliances, either on the West or on the East. This also means that while being a Christian and European Country, it has been a temptation of Hungarian foreign policy to turn to Moscow or Istanbul in order to try to keep a balance. Or the illusion of a balance.

The metaphor of the “ferry-country” translates the geopolitical fact that the way to survive in between the three centres of power was one of constant change of alliances in order to ensure the survival of a political community.

### **I. 3 An anchor to Europe: the House of Habsburg**

If what I have described is true, that is if Hungary is a small land-locked agricultural country situated between three great powers, two of them Eastern empires, you might ask me: how was it then possible, that in the last 500 years, it was nevertheless able to keep a dominantly Western orientation. How was it able to remain a nation state and how did it avoid the fate of Poland, which was divided between greater powers and which lost its independence up until 1918?

A part of the answer in my view—and I have to admit there is no consensus on this point among historians—is the fact that it was ruled by a powerful and talented Western dynasty, the House of Habsburg, between 1526 and—*de facto*— 1918. In 1526 the Hungarian army suffered a historic defeat from the Turks in the South, close to the Danube. The King, LOUIS II (1516—1526), died soon after the battle; he drowned in a small river while running away from the battle scene. Within a year, in the turmoil that followed the military defeat, FERDINAND I (1526—1564) of the Habsburg family was crowned king of Hungary. He was the younger brother of CHARLES QUINT (1519—1556), Holy Roman Emperor. After Ferdinand, the same family ruled over Hungary for four centuries. That was the Habsburg period of my country.

The evaluation of the long reign of the Habsburg is not straightforward among scholars, nor is it so in the collective memory. What I could risk to say, without losing objectivity, is that the rule of this Catholic and Western dynasty proved to be a strong anchor for the “ferry country”, an anchor that kept it on the European side of civilisation and ensured a somewhat malformed, but European, style of development. Hungary was, under the Habsburgs, a part of their empire, but it remained to a large extent independent. We were able, more or less, to keep our own constitutional rules and traditions. For example, the Emperor never ruled in Hungary as Emperor of the Holy Roman Empire or, later, as the Emperor of Austria, but he or she was always crowned King of Hungary and took an oath to respect the constitution of Hungary. (Even MARIA THERESA (1740—1780) was crowned King and not Queen, but that

was in an age before gender neutral language.) At the same time, the dynasty was a modernising and protective force. It assumed the military defence of Hungary, and finally it was the main drive behind the forces that liberated the country from the Turks. It was a protective element also in the sense, that Hungary was able to keep its limited independence in the middle of the lugubrious triangle I described earlier. The Kingdom of Hungary, under the shield of the Habsburg Empire, lost its capacity to define its own foreign policy, but Hungarian politicians were able to shape the much more powerful foreign policy of the Empire. Hungary lost its sovereignty to define its own commercial or industrial policy, but benefited to a great extent from the enormous market of the Empire.

In the last 50 years of the Double Monarchy, Hungary and the Austrian territories enjoyed parity. Both parts had their own parliament and their own government. What remained common was foreign policy, defence (that is the army) and the financial aspects of these two fields. In these shared policy areas, a parliamentary delegation composed of equal members from both sides was competent. This delegation met in Budapest and Vienna and its task was to exercise parliamentary control over the two common policy fields.

The existence of shared policy fields meant limited sovereignty, but this certain loss of sovereignty was the price of security ensured by the common army, and a foreign policy influence at a greater scale. This resulted in relative peace and prosperity up until World War I.

On the other hand, the quest for full sovereignty and the dream of our “ancient glory” remained a strong aspiration in the Hungarian political class. Several insurrections and revolutions mark the 400 years of Habsburg rule. The dynasty was deposed three times, but two times it was able to claim back the throne.

Perhaps we have time for one story that describes that double faced relationship. In the revolution of 1848—49 large parts of the Hungarian ruling class were opposed to the dynasty. The leader of the revolution was LAJOS KOSSUTH (1802—1894), who deposed the King and became Governor-President of Hungary in April 1849. After a military defeat in the same year (inflicted on the Hungarian army by Russian troops), he left the country and lived in exile in Turin, Italy for the rest of his life. The dynasty re-established order and carried out a bloody repression. In 1867, a compromise was finally reached and FRANZ JOSEPH I (1867—1916) was accepted by the ruling class as lawful King of Hungary. Long decades of econom-



ic boom and peace followed with a parliamentary democracy — 19<sup>th</sup> century type liberalism of course. The son of the exiled Governor-President, FERENC KOSSUTH (1841—1914) became a minister in the Government of King Franz Joseph, the arch-enemy of his father. He oversaw, as member of Parliament and later minister for commerce, an unprecedented economic development, among others the inauguration in Budapest in 1896 (!) of the first metro line on the European continent (still functioning).

Kossuth father and son symbolise our ambiguous relationship with the Habsburgs. While one became a political exile following the bloodshed in search of a long lost independence, the other was a key political figure of a country of limited sovereignty, but enjoying peace, stability and an economic boom. This ambiguous historical period still divides scholars and even ordinary people. Some prefer Kossuth the father, who fought for independence but left the country devastated and vulnerable. Others prefer Kossuth the son and likeminded politicians, who accepted limited sovereignty within the empire, but then enjoyed not only the blessings of economic growth and peace, but were also able to shape the foreign policy of the whole Empire, giving Hungary a significantly stronger and safer position in international affairs, as it would have enjoyed as an independent— isolated— nation state.

In this context I should also mention count GYULA ANDRÁSSY (1823—1890), the “handsome hung man”. He got his nickname from the revolution and freedom fight of 1848, at the end of which he was sentenced to death by hanging by the neck. In 1851 the sentence was executed *in absentia*. However, by that time he enjoyed the life of expatriate aristocrats in Paris and London. In 1867, the year of the Austro-Hungarian compromise, he became Prime Minister of Hungary. His dexterity and good looks ensured him a good political carrier: not only was he the confidante of the Queen, but he even became Minister of Foreign Affairs of the Austro-Hungarian Monarchy.<sup>1</sup> The story of count Andrassy is again quite telling in my view. He encompassed in one person the two archetypes that Kossuth father and son represent: a lapsed freedom fighter in exile on the one hand, but on the other hand a successful Austro-Hungarian statesman, who accepted to play the game of limited sovereignty and thus found himself at the table of the rulers of Europe, having a role in major league politics.

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<sup>1</sup> When I was at university, the famous book *Diplomacy* by Henry Kissinger was often in front of me on my bookshelf. On the cover of the book you can see count Andrassy, the “beautiful hung man”, in the company of Chancellor Otto von Bismarck at the Berlin conference in 1878.

#### I. 4 In quest for a saviour

France is not the only country where the “*mythe du sauveur*” is a recurrent historical narrative. Hungary is perhaps even more attached to that particular sport. Since the beginning of the Habsburg rule in the 16<sup>th</sup> century, insurrections, revolutions, independence fights followed one another with a more or less regular rate. These events pushed to the forefront politicians who assumed the role of a kind of saviour of national independence. Lajos Kossuth was one of those saviours, also the young count Andrassy, but we have seen others. To understand Hungarian history and constitutional culture, one has to grasp that immense hunger or aptitude of the Hungarian people for a leader who can bring back good old days and ensure at last the full independence and untarnished glory of our country. Needless to say, all these saviours proved to be failures, not because of lack of talent or ambitions, but because — personally I am convinced — of the iron rules of world economy and geopolitics to which I referred above. A land-locked, agricultural country, surrounded by three great powers was simply not able to assert its full sovereignty anymore in a world based on maritime commerce, colonialism and, later, the industrial revolution, mass production and machine warfare. Hungary simply did not have the size and natural resources to keep up with the spearhead countries of the industrial revolutions. But the romantic illusion that a great national leader will be able to reaffirm long-lost power, might and pride remained, and still remains, deeply seated. Political philosopher ISTVÁN BIBÓ (1911—1979) spoke in this context about “phony realists”.

In 1946, Bibó wrote an essay on *The Misery of Small Eastern European States* in which he analysed the archetype of the phony realist.

In the course of this development, political figures of a unique type became characteristic of political life in Central and Eastern Europe: the phony realist. This type of political figure, which either descended into politics from an aristocratic environment or rose into it on the wings of representative government and democratic forces, was characterized by both unquestionable talent as well as a certain cunning and a certain aggression that made him perfectly suitable to become the administrator and repository of the distortion of democracy, of anti-democratic government flowing within the boundaries of democratic form or of some other kind of aggressive political forgery.

I would again give one example as an illustration. In the 17<sup>th</sup> century, Hungary was still under Turkish occupation. The historical Hungary, ruled by the Habsburg king, was diminished to a crescent at the northern part of the Carpathian basin, roughly speaking present day Slovakia. Much of the ecclesiastical and political government took refuge in that part of the country, in the city of Nagyszombat (the present day Trnava). That was the temporary capital of the Kingdom of Hungary. It was in that city that PÉTER PÁZMÁNY (1570—1637), a Jesuit archbishop and primate of Hungary founded a university.

A few years ago I visited Nagyszombat (Trnava) and discovered that in one of the freedom fights the university was burnt to ashes. It was IMRE THÖKÖLY (1657—1705), a Protestant nobleman who led an anti-Habsburg military campaign, backed by the Turks, in order to “liberate” the country and regain its independence. Thököly still has his statue on Heroes’ Square in Budapest and there is a street named after him. He is seen and remembered as one of the “saviours” who fought for independence. Still, the fact remains that it was his troops that burnt down the university.

Again, we see here an ambiguous situation. Elements of dubious national pedigree—such as Jesuits, Habsburg-affiliated Catholic peers—establish a university in a country otherwise devastated by war. Then elements of excellent national pedigree—anti-Habsburg freedom fighters, independence-seeking, true Hungarians—burn down that same university in their quest for full national independence...

## **II. Instability of the constitution in the 20<sup>th</sup> century and longing for stability**

It is time now to enter into the second part of this lecture, which concerns the developments of the Hungarian constitution in the 20<sup>th</sup> century. As I mentioned, in 1918, at the end of World War I, the Austro-Hungarian Monarchy came to a bitter end. That event opened a new century, characterised by, first, German and then Soviet Russian domination.

Let us first examine, how did the four great determining elements change in the beginning of that century. The most important change was that one of the four elements, the House of

Habsburg as ruling dynasty, and their empire, came to an end. After World War I, the Empire and Hungary were both split up by the Allied powers. Independent nation states were born in the region: Austria, Czechoslovakia, Poland, Romania, Hungary, etc. Hungary lost 2/3 of its territory and more than half of its population as a result of the Treaties of Paris. If it used to be geographically land-locked and vulnerable, it became even more so.

The last King, Blessed CHARLES IV (1887—1922), died in exile on the island of Madeira. His son OTTO VON HABSURG (1912—2011) was never able to claim back the throne, although he was considered by some constitutionalists as *rex hereditarius* of Hungary. Instead of King of Hungary, Otto became Member of the European Parliament later in his life. With the fall of the dynasty, the protecting shield of the Habsburg Empire also ceased to exist and Hungary found itself without any protection in the middle of the mighty power triangle. Hungary gained its independence and full sovereignty after World War I, but became smaller, and even more vulnerable from an economic and military point of view. With the fall of the Empire and the newly-found national independence, the quest for a saviour also diminished. Since Hungary was no more a part of the Habsburg Empire, the strive for independence became devoid of purpose. Thus, two of the four determining factors were taken out from the equation I described earlier.

What remained of course, was our vulnerable geopolitical position between three great powers. The triangle of Berlin, Moscow and Istanbul still framed our geopolitical situation, the latter loosing significance after the fall of the Ottoman Empire and the coming of MUSTAFA KEMAL (1881—1938) who made all efforts to erase any trace of imperial past. However, the influence of Nazi Germany and the Soviet Union determined the fate of Hungary for 60 years. This was a paradoxical situation. Hungary was a sovereign country in theory, it was not part of a supranational entity anymore. But, despite its *de iure* independence, it was never in its history more dependent on great powers. Thus in between the early 1930s and 1945 it became a vassal of Nazi Germany, and then, between 1948 and 1989 a vassal state or satellite of the Soviet Union.

How did the constitutional system of Hungary develop in that century?

During the last months of 1918 and the first half of 1919 Hungary became a republic, but this was rather, in reality, a short period of Bolshevik terror in an invaded country that lost the war. That short lived republic was not able to establish any meaningful republican tradition.

Law and order and the monarchical form of the state was reinstated in 1919 and 1920 by Admiral MIKLÓS HORTHY (1868—1957), a high ranking soldier and former *aide de camp* of King Franz Joseph. However, the lawful king, Charles IV, was not allowed to rule despite the restitution of the monarchy by Admiral Horthy. He was twice expelled from the country, the second time *manu militari* when he was captured and transported to the island of Madeira on a British ship of sinister name, the HMS Glowworm. After the king's premature death in 1922, a paradoxical period began. It is called by historians the Horthy-period, after Admiral Horthy who ruled as a regent until 1944.

That controversial period, expanding to a quarter of a century, is also called the period of a “kingdom without king”. The basic institutions remained the same as they had been under the Austro-Hungarian Monarchy. Naturally, the common foreign and defence policy ceased to exist and Hungary got its own ministry of foreign affairs and ministry of defence after many centuries. There was no monarch in this monarchy, but the head of state was a regent who ruled in the name of the Crown. The two chambers of parliament—an elected House of Representatives and a Higher Chamber composed of peers, prelates and dignitaries nominated by the regent—continued to function until the end of World War II. A government responsible in front of parliament was in place. Limited freedom of press and 19<sup>th</sup> century-type civil liberties made the country relatively liveable even in the first years of World War II. Nevertheless, antisemitism was common, and several laws against the Jews were adopted under German pressure, or, even more sadly, under the pretext of a German pressure.

The relative stability and relative liberalism—I mean liberalism only as compared to Stalinist Soviet Union or Nazi Germany—of the Horthy period was based on the person of the regent. Horthy was an old-fashioned military officer of the Austro-Hungarian Navy, whose political views were shaped before World War I in Vienna, under the Emperor Franz Joseph. As a Navy officer he travelled a lot, spoke languages and—contrary to many decision makers in the Axis powers—understood the importance of maritime power and the supremacy of the Anglo-Saxon navies on the high seas. Of course, from a constitutionally purist point of view, he was a usurper, someone who ruled in the place of the monarch. However, that situation

satisfied anti-Habsburg monarchists, that is the mainstream of the Hungarian political class. Moreover, Admiral Horthy was rather popular and was seen as a guarantor of political stability.

The hallmark of the 1930s in Central-Europe was the growing influence of Nazi Germany and, in parallel, the growing fear of Stalinist Soviet Union. In this foreign policy context, the Hungarian constitutional system reacted with two parallel trends. One was the continuous extension of the powers of the regent and the other the restriction of electoral rights.

In 1920, when Admiral Horthy became regent, his role was limited to that of a classic head of state and was similar to royal prerogatives under the Dual Monarchy. He had the right to nominate the prime minister, but the government was responsible in front of the National Assembly. He had a control over the government's right of initiative, that is to say the government was allowed to submit to the assembly a legislative proposal only after the approval thereof by the regent. On the other hand, once parliament adopted a law, the regent had to sign and promulgate it, he was not able to veto it. In matters of war and peace the regent was only able to act after parliamentary approval. He enjoyed personal immunity, but was not allowed to infringe the law—this was an implicit referral to his potential criminal responsibility. He was the commander of the army and enjoyed very wide discretion in this field. Finally, contrary to the king, the regent was not able to nominate prelates of the Catholic Church, nor had he the competence to donate titles of nobility.

The regent's powers were extended half a year after his entry into office, still in 1920. He got the power to dissolve the national assembly, similarly to the French head of state in the V<sup>th</sup> Republic. More importantly, he also received the competence to deploy the army outside the borders in case of "urgency"; nevertheless he needed *ex post facto* approval by the National Assembly. This power became important in 1941, when Admiral Horthy was able to start military operations against Czechoslovakia without preliminary parliamentary approval.

In 1933, the regent's powers were extended again. He obtained the competence to suspend the functioning of the parliament *sine die*. However, he never exercised this competence. In 1937, the balance of power between the regent and the parliament shifted further in favour of the former. He became able to postpone the promulgation of laws for a one year period, and if the parliament still insisted on those laws, it got dissolved. A step in the direction of heredi-

tary monarchy was that the regent became able to nominate three persons as his potential successors. The position of Vice Regent was also created and it was exercised by Horthy's eldest son.

Parallel to the extension of the regent's powers, electoral rights were gradually restricted. Before 1918, that is in the Dual Monarchy, some 6% of the population was entitled to vote and voting was not secret. In 1919, as a result of the short-lived revolution and republic, general and secret ballot was introduced. Notably, women were also allowed to cast their votes. Following the return to the monarchy under the regency of Admiral Horthy, winds have changed. General entitlement to vote was considered as a dangerous instrument, leading to the tyranny of the "raw mob" as Prime Minister ISTVÁN BETHLEN (1874—1946) put it. Under the influence of conservative and aristocratic elements, in 1922 the electoral list became more restricted, nearly a million persons were deprived of their voting rights. What was more interesting was that with the exception of the capital and bigger cities, secret voting was abolished. The return to the open voting, used before 1918, reinforced the government parties, especially in smaller communities where it became significantly more difficult to cast a dissenting or anti-system vote openly. This electoral system ensured the re-election of conservative governments until the end of the 1930s.

Then a puzzling development took place: in parallel with the rise of the extreme right all over the continent, secret ballot was reintroduced. This step favoured the anti-system parties and notably the extreme right, influenced by Nazi Germany. In 1939, Nazi parties, benefiting from secret ballot, were able to multiply by four the number of their places in the parliament. What is normally seen as a hallmark of a functioning democracy (secret ballot), actually favoured the rise of extreme right parties.

In that electoral climate, the influence of Nazi Germany grew every year. The theoretically full sovereignty of Hungary became, in the end, an illusion as the country ended up as a vassal in a completely unbalanced military alliance. When Hitler attacked the Soviet Union in 1941, Hungary was also expected to take part in the military manoeuvre. Despite a thousand years of solid military doctrine, according to which Hungarian military forces were designed to carry out defensive wars, the whole second army was sent to the Eastern Front. Deep in Russian territory, at the river Don, Hungary suffered the greatest military disaster of its history. The second army was completely destroyed, the human loss can be only measured in six

digit numbers. That military catastrophe was, in my view, a direct consequence of the fact that despite its theoretical independence, Hungary remained a small and weak country, without any protecting shield, in the shadow of great military powers. The pressure of Nazi Germany and the fear from the Soviet Union was inescapable. The political and military elite was simply unable to pursue an independent military or foreign policy doctrine. That resulted in a whole generation of young men being frozen to death, massacred or deported to Russia.

Moreover, at home, the preliminary steps of the regent to institute a new dynasty came to a grim end. Horthy's elder son, who was also Vice Regent, died on the Russian front in an airplane accident. His younger son was kidnapped by the Gestapo. Eventually, Horthy shared the same fate in 1944, during the military occupation of Hungary by the Wehrmacht. He managed to avoid the bench of the accused in the Nuremberg trials and eventually died in Portugal in 1957.

In the early 90's when Admiral Horthy's remains were brought back to Hungary, his grandson held the speech at the funeral. To the amazement of all, we learned that he converted to Islam. That was the end of the aborted tentative to establish a new royal dynasty.

After Horthy's abduction, a short but tragic period of dictatorship began under the Hungarian Nazi party, the so-called arrow cross party.

In 1945 the Red Army, after a devastating siege of Budapest, became master of Hungary.

At the end of the war, Hungary was nothing but ruins. All branches of the state were in complete disintegration. The head of state in exile, the parliament disbanded, the only real authority was the commandment of the Red Army. What followed, demonstrated the weakness inherent in any system built around the person of a strong leader. Admiral Horthy's political system was relatively stable and even successful in its first decade, but it was not a system based on the strength of institutions or the rule of law. It was a temporary arrangement, a monarchy without a monarch, held together by the authority of an ageing political leader. The tentative to pass on his power to his descendants was not successful and with the abduction and exile of the Horthy family, the political system named after him also came to an end.



Between 1945 and 1949, a short lived democratic experiment took place. On the first day of 1946, a thousand year old monarchy ceased to exist and Hungary was proclaimed a republic. Many features of the 1989 constitution were already traceable in the short-lived 1946 arrangement.

The monarchy and titles of nobility were abolished. A president elected by the national assembly became the new head of state. His term of office was four years, without a possibility of re-election. The upper chamber was also abolished and the parliament, elected in a general and secret ballot, became unicameral. As a result of the elections, the moderate right was able to form a government, but the Communist Party was also given some key ministerial portfolios, under Soviet pressure.

The rest is well known. The Soviet pressure, lording over Hungary by the Red Army, led to the exile and imprisonment of leading democratic politicians, to a merciless fight against the Church and all well-off elements of society, to a large immigration wave and finally to the establishment of a Soviet style dictatorship. This dictatorship lasted until 1989, becoming less and less repressive in the end. This 40 year period can hardly be described using the notions designed for democratic governments. There was only one party which, rather unsurprisingly, always won the “elections”. That was the people’s republic, without a people.

A short lived, heroic revolution in 1956 was the only moment, when the Soviet rule, at least for a few weeks, was visibly rejected.

The long period between the 1960s and the late 1980s was, similarly to the rule of Admiral Horthy, a relatively stable period. The great difference of course is that stability flew rather from the presence of the Soviet Army than anything else. Nevertheless, the person of the first secretary of the Communist Party, JÁNOS KÁDÁR (1912—1989) was an important element in the stability of the system. Kádár was, just like Horthy, relatively popular and his personal authority contributed to the stability of the system. However, with his death in 1989, the socialist system named after him was put into the grave, together with the victims of the 1956 revolution, who received finally a proper burial and public ceremony.

I see thus a paradox in our 20<sup>th</sup> century constitutional systems. Hungary was a theoretically independent country, but it was never more submitted to foreign interests than in the 20<sup>th</sup> cen-

ture. Moreover, the stability that we might detect in this period, and which certainly corresponded to the expectations of the population, exhausted by wars and violent changes, that stability did not have its sources in institutions or rules, but in persons. Admiral Horthy and First Secretary Kádár were both a source of stability. The systems named after them did not survive them.

The end of the Cold War brought about the fall of the Berlin wall and the well-known democratic changes in Central and Eastern Europe. Hungary became a republic again and a new constitution was adopted in 1989. I will not dwell any more on these changes, but would rather focus on one important fact for our analysis. On 1 May 2004, Hungary became a member of the European Union.

Why is that significant?

As I mentioned, with the fall of the Habsburg Monarchy in 1918, Hungary became an independent nation state. It entered at the same time a period of desperate submission first to Germany and then to Russia.

If we use the grid I proposed for reading our constitutional history, then out of the four determining factors, only two remained in the 20<sup>th</sup> century: geopolitical vulnerability and the influence of our powerful neighbours. The limited sovereignty under the Habsburg Monarchy and the corresponding strive for full national independence disappeared from the equation.

In 1989 Hungary regained its independence. In 1990, the first freely elected, democratic government immediately made it clear that our place is in the EU and NATO, and a long accession process started. With the accession process and then the accession to these entities, the third determining element re-appeared again in our history: the presence of an enlightened, Western alliance that serves as an anchor and a protecting shield in our vulnerable geopolitical situation. The role played once by the Habsburg monarchy was played again by supranational entities, that required a limited transfer of our sovereignty, in exchange of military protection and an access to an internal market, a customs union and free movement. Beyond the economic aspects, the geopolitical protection offered by them and the opportunity to have some influence in foreign policy on a global scale is also reminiscent of the Habsburg period.

The “ferry country” set anchor again in Europe. However great the benefits of our membership in the EU are, it remains that—similarly to the Habsburg period—these gains are counterbalanced by a contained loss of sovereignty. As Article 1 of the Treaty on European Union says, the Member States of the European Union “*confer competences*” on the Union, in order to “*attain objectives they have in common*”. That means that the third element I described earlier, a supranational entity requiring limited sovereignty transfer, reappeared in Hungarian constitutional history.

Thus, something else had to re-appear, if my analysis was approximately correct. If we understand what had to come to life again, then perhaps we understand better recent developments as well.

The fourth constant element in our history, according at least to my personal understanding, was a quest for a national hero, a saviour, a strong political force which promises full sovereignty—or the “phony realist” of István Bibó, if you prefer. As I mentioned, that “phony realist” was a constant element of Hungarian history under the Habsburg period. The “phony realist’s” political project was of course—as I tried to hint to that—an ambiguous promise, since in reality the alternative of limited sovereignty was being fully sovereign, but that meant being alone in a vulnerable geopolitical situation. Nevertheless, it is a fact that the aspiration for independence and full sovereignty is a constant feature of our constitutional history. However, the phony realism which appropriated that legitimate aspiration is only possible in times of a *quid pro quo* supranational arrangement, such as the European Union.

### **III. Conclusions**

It is now time to recapitulate the patterns that appeared in this presentation. I started by saying that in the last 500 years, Hungary’s development was determined by its land-locked status and the proximity of three great centres of power. From the beginning of the 20<sup>th</sup> century, with the loss of the protective shield of the supranational Habsburg Monarchy, the influence, not to say domination, of the latter two capitals put an enormous pressure on Hungary and its political institutions, to the extent that the continuity of our constitutional development was at least twice interrupted, first in 1944 and then in 1948.

These times of great political change and instability were a hotbed for authoritarian leadership. The sad paradox in that is that these were the times when Hungary, as a matter of international law, was a fully independent country. However, its *de iure* independence was in fact only hiding an abominable submission to totalitarian powers.

Let me return to István Bibó and his thoughts on *The Misery of Small Eastern European States*. What Hungarian and Central European history boils down to in his view is a state of convulsive fear that characterises political communities.

It is not possible to take advantage of the benefits of democracy in this state of convulsive fear which believes that the advance of freedom threatens the national cause. To become a democrat above all entails the absence of fear: fear of other opinions, of other languages, of other races, of revolution, of conspiracy, of the unknown evil intentions of the adversary, of enemy propaganda, of contempt and all other imaginary dangers that become real dangers if we fear them. . . . In the midst of this fear and continual feeling of threat, that which in true democracies gains recognition only in the hour of true danger, becomes standard procedure: the restriction of liberties, censorship, the search for enemy “stooges” and “traitors,” the imposition of order or the appearance of order and national unity to the detriment of liberty. The distortion and corruption of democracy has appeared in diverse forms through the use of methods varying from the most subtle and often unconscious to the most crude: the manipulation of universal suffrage against democratic development, the system of coalitions and compromises founded on unhealthy and ambiguous terms, electoral systems or abuses serving to either inhibit or distort the healthy formation of collective will, putsches and transitory dictatorships.

These lines were written in 1946 and István Bibó's clear-sightedness was based on his thorough knowledge of Central European history. The “convulsive fear” he talks about is really deeply seated in our collective mind. What has been a potentially effective remedy to that fear, if we put aside wishful thinking and have a look at history, has been the membership of a supranational entity where limited sovereignty is compensated by increased security, increased capacity to act at the international level and access to economic benefits flowing from supra-national forms of interdependence.

The “phony realists” of our history were always able to toy with the people's convulsive fear, but there is a paradox in that game, namely that the result of their “realism” was the tragedy itself from which they promised to deliver the political community.

Will the lesson ever be learnt?

The last thing we can be sure of is that it will.

Otto von Habsburg, *rex hereditarius* of Hungary and later Member of the European Parliament and its rapporteur during 20 years on Eastern enlargement said that “*the only thing you learn from history is that no one learns anything from history.*” My hope is that you nevertheless will be able to draw some useful insights from this brief presentation.