

Hungary's Long Nineteenth Century. Constitutional and Democratic Traditions in a European Perspective. Collected Studies. By László Péter. Ed. Miklós Lojkó. (Central and Eastern Europe. Regional Perspectives in Global Context, vol. 1) Leiden–Boston: Brill, 2012. xxi + 477 pp.

Historian László Péter, who from the defeat of the 1956 Revolution until his death in 2008 lived and taught in London, was an active participant in British and Hungarian professional life. He organized numerous conferences, the papers of which also appeared in volumes (e.g., in connection with the 200th anniversary of Lajos Kossuth's birth and the 50th anniversary of the 1956 Revolution),¹ collaborated on the definitive publication in English of the medieval laws of Hungary and through his book reviews helped to make the results of Hungarian research better known abroad. In addition to all this he taught the history of Hungary and the Habsburg Monarchy in the nineteenth century to generations of students at the School of Slavonic and East European Studies, University College London.²

This posthumous volume of studies contains the essays written during the last decade and a half of his life. The essays for the volume were chosen by László Péter himself, but the task of editing was carried out by Miklós Lojkó. Unfortunately the volume does not include a bibliography of the late author's scholarly oeuvre, and thus it is not always clear when certain chapters in the book were written.

László Péter calls into question several elements in the myths of Hungarian public law or—to put it more loosely—constitutional consciousness which had taken root by the nineteenth century. He initiates a debate with the practitioners of political and constitutional history in Hungary when he scrutinizes legal and political conceptual clichés used in scholarly life in minute detail. The author's intention can be unmistakably demonstrated, for instance, by the title of one of

1 László Péter, Martyn Rady, and Peter Sherwood, eds., *Lajos Kossuth Sent Word... Papers Delivered on the Occasion of the Bicentenary of Kossuth's Birth* (London: Hungarian Cultural Centre–School of Slavonic and East European Studies, 2003); László Péter and Martyn Rady, eds., *Resistance, Rebellion and Revolution in Hungary and Central Europe: Commemorating 1956* (London: Hungarian Cultural Centre–School of Slavonic and East European Studies, 2008). The latter book and Péter's life are reviewed by Gábor Gyáni, "The Hungarian Tradition of Resistance – and 1956," *The Hungarian Quarterly* 50, no. 193 (2009): 126–36.

2 He published a selection of his studies appearing up to the mid-1990s for the Hungarian public: László Péter, *Az Elbától keletre. Tanulmányok a magyar és kelet-európai történelemből* [East of the Elbe. Studies of Hungarian and East European History] (Budapest: Osiris, 1998).

his essays that appeared in Hungarian: “Why Is Hungarian Constitutional History in Need of Radical Revision?”³ At the same time in this article he stated from the outset that he did not expect significant change because researchers belonging to the mainstream had up until then received his views rather dismissively, if they devoted any attention to them at all. Here Péter was thinking first and foremost of those researching the 1848–49 Revolution and constitutional transformation, whom in another one of his essays he divided into two camps: “old hats” and “closet revisionists.”⁴ Nor does it appear that Hungarian researchers of this period have been really receptive to Péter’s conclusions and methodological proposals since then. It is a welcome development, however, that more and more historians dealing with the seventeenth and eighteenth centuries are relying on his results.⁵

The purpose of László Péter’s book is to demonstrate the imprecise and obscure usage of older and modern legal and historical works, as well as to trace the deliberate reinterpretation of certain basic concepts (constitution, sovereignty, revolution, country, crown, etc.). He hastens to declare that these concepts must be cleansed of the interpretations later accreted to them and must be examined in their original context. Through analysis of the contemporary political and scholarly discourses László Péter reconstructs the meaning of the aforementioned concepts, as well as the original political conceptions forming the country’s fundamental laws.

Nineteenth-century legal texts and constitutional works form the book’s basic sources, which the author occasionally supplements with quotations from contemporary parliamentary papers and newspaper articles.

The work encompasses a significantly longer time period than its title indicates. László Péter discusses historical problems from the Middle Ages right up to the recent past: his studies equally address the revival of the cult of the Holy Crown as well as the country’s evolution as a society and a *Rechtsstaat* following

3 László Péter, “Miért szorul gyökeres revízióra a magyar alkotmánytörténet?” [Why Is Hungarian Constitutional History in Need of Radical Revision?], in *Emlékkönyv L. Nagy Zsuzsa 70. születésnapjára* [Festschrift for Zsuzsa L. Nagy’s 70th Birthday], ed. János Angi and János Barta (Debrecen: Multiplex Media–DUP, 2000), 183–89.

4 László Péter, “Old Hats and Closet Revisionists: Reflections on Domokos Kosary’s Latest Work on the 1848 Hungarian Revolution,” *The Slavonic and East European Review* 80 (2002): 296–319.

5 István M. Szijártó, *A diéta. A magyar rendek és az országgyűlés, 1708–1792* [The Diet. The Hungarian Estates and Parliament, 1708–1792], (Budapest: Osiris, 2005); Kees Teszelszky, *Az ismeretlen korona. Jelentések, szimbólumok és nemzeti identitás* [The Unknown Crown. Meanings, Symbols and National Identity] (Pannonhalma: Bencés Kiadó, 2009). Both authors were stimulated to write their own monographs by László Péter’s approach.

the change of regime in 1990, including, for example, the reconsideration of the relationship between church and state in the first half of the 1990s. Despite the book's subtitle and the declared aims of the series the European outlook, the aim to provide a more in-depth comparison, is for the most part missing from the volume (this occurs to the author more as an idea for research only).

The fourteen studies of Péter's volume touch upon essentially three major themes. In my review I shall attempt to present the central ideas of each of these topics.

The first essay, running to more than one hundred pages, deals with the cult of the visible and invisible crown and is accompanied by two shorter analyses: one on the role of the right of resistance in Hungarian political life (from the Middle Ages to the 1956 Revolution), and another on the significance of István Werbóczy and his *Tripartitum* in native legal and political thought.⁶

The basic idea of Péter's opening study, one which he seeks to prove with perceptible vehemence across many pages, is that the doctrine of the Holy Crown is nothing more than an artificially created, so-called "invented tradition,"⁷ its history can be traced back only to the late nineteenth century. The elaboration of this tradition is linked to several figures of the era's scholarly and political life, who shaped it partly independently of one another and not always consciously. The professed organizers of its rites are substantially easier to identify: they were the ones who used the relic and the doctrine connected to it for the sake of quite palpable, current governmental goals (e.g., at the 1000th anniversary of the Magyar conquest of Hungary in 1896, as well as the celebration of the millennium of the founding of the state in 2000).

The author is quite perceptibly fascinated much more by the modern tradition of the invisible crown, that is, the development of conceptions tied not to the physical object but rather to its spirit. For this reason he discusses the cult and sacral veneration of the visible crown, which has existed since the eleventh century, only briefly. Avowedly following in Ferenc Eckhart's footsteps,⁸ he presents in chronological order those political situations when the concept of the Holy Crown was enriched with further and further layers of meaning: how

6 Already his doctoral dissertation treats this topic: László Péter, *The Antecedents of the 19th Century Hungarian State Concept: An Historical Analysis. The Background and the Creation of the Doctrine of the Holy Crown* (PhD diss., Oxford, 1965).

7 Eric Hobsbawm, "Introduction: Inventing Traditions," in *The Invention of Tradition*, ed. Eric Hobsbawm and Terence Ranger (Cambridge: Cambridge Univ. Press, 1984), 1–14.

8 Ferenc Eckhart, *A Szentkorona-eszme története* [The History of the Concept of the Holy Crown] (Budapest: Magyar Tudományos Akadémia, 1941).

the concepts of king and crown became separated from one another; the way in which the expression “members of the Holy Crown” began, under the influence of Werbőczy’s work, to mean not just the landed gentry but also the landless nobility. Finally, the concept of the political community symbolized by the Holy Crown was extended, under the nineteenth-century Liberal program of legal emancipation, to the country’s entire population. Nevertheless, the traditional interpretation, according to which the crown is the synonym for royal power, remained in use throughout.

Allusion to the country’s territorial unity also appears among the meanings from the eighteenth century on, when the expression “Lands of the Hungarian Crown” begin to be used in legal and political texts, obviously in the interests of integrating the hitherto separately governed territories. After the Treaty of Trianon (1920) this semantic content was particularly strengthened in political discourse because of the detached areas of the country. During the period of the kingdom without a king in the 1930s the courts even announced their judgments in the name of the Hungarian Holy Crown.

Péter examines at length the role that specialist literature on public law played in the modern evolution and rapid dissemination of the doctrine of the Holy Crown. It is particularly interesting to observe how the professors of the Law Faculty of the University in Budapest—the main scene for the training of the political elite—(e.g., Győző Concha, Ákos Timon) in their textbooks canonized the “correct” reading of the concept, which condensed the competing interpretations bearing these numerous meanings. According to the public-law explanation that crystalized by the turn of the century the Holy Crown expressed the sovereignty of the Hungarian state, which was jointly held by the king and the nation, or the parliament representing it, as the head and body of the Holy Crown (organic state concept).

The myth of the Holy Crown in constitutional law was associated in Hungarian public thought with several “supplementary” myths. Among these Péter separately discusses the unshakable faith in Hungarian exceptionalism: the “thousand-year-old Hungarian constitutionalism” with respect to its rank and age may be compared at best to British legal development. The myth of the glorious kinship appeared in political and subsequently public thought in the early eighteenth century. Paradoxically the theory of the British-Hungarian parallel flourished most precisely at the time when in the early twentieth century the opinion of the English press about Hungary had begun to change in a negative direction.

The second major theme of László Péter's book deals with the country's evolution as a *Rechtsstaat* and the state of civil society. According to his opening assertion, which he details in some five studies, the reason the Communist takeover of power after the Second World War could be carried out relatively rapidly in the country and the region as a whole was that civil society was weak vis-à-vis the central will. This weakness is not a twentieth-century development, however, but rather in a peculiar way stems from centuries-old native political culture and constitutional traditions. The persistent political dialogue with the (foreign) ruler, the parliamentary negotiations between the king and the estates (*dietaelis tractatus*) on the one hand resulted in a limited autonomy in domestic politics, which at the same time formed an obstacle to the incorporating aspirations of Habsburg absolutism as well, while on the other hand it shaped a strong attitude to public law and constitutional self-consciousness. Thanks to the enduring defense of the country's rights, "Hungary's constitution may have been the most effective in Central and Eastern Europe after the partition of Poland" (p.159). However, constitutional freedom of the country did not also mean the freedom of the citizen. Péter in one of his studies calls this "Montesquieu's Paradox," referring to the French thinker's work *The Spirit of the Laws*. Hungarian constitutionalism was in fact quite limited in scope; successive parliaments could make their voices heard in only a couple of issues, and most matters affecting the lives of the state and the citizenry came under the exclusive authority of the ruler. This changed in 1848 and 1867 only in that, under the pressure of negotiation and later external compulsion, the king entrusted the exercise of some of his rights to responsible governments.

Only a handful of laws extended the liberty of the citizen with general validity and in a declarative manner. The later laws granted additional rights to certain groups of citizens only on an ad hoc basis and to a limited degree: see, for example, the cause of religious freedom or nationality rights. The Hungarian (and—according to Péter—the region's) legal order was not on the side of the citizen but instead ensured greater freedom to the state. In the event of a legal dispute the burden was on the subject to prove his case against the state, by citing laws. According to Péter, in Western Europe the state could do only what the law permitted, while to the east of the Elbe only a few laws set boundaries to the state's unrestricted action. But nor did the state's scope for action have an identical extent everywhere in this region: in the Austrian half of the Habsburg Empire liberal forces attempted to entrench the citizen's freedom through the passage of several laws after 1867. By contrast, the Hungarian political elite

believed that the state had to be strengthened in the interests of maintaining the leading role of the Hungarians, and precisely to replace the weak civil society. The Hungarian governments regulated questions affecting fundamental rights at best in decrees that could be amended at any time, and thus it was the logic of virtually unlimited power that was able to mold the country's legal system. Péter calls this the assertion of the autocratic principle of the law.

Several elements of this sweeping historical conception have received justifiable criticism earlier as well, and it is also true that Péter produces only scant evidence to support his claims.⁹ Yet his raising of the problem and his characterization of Hungarian legal development and constitutional conditions still strike one as novel and are an inducement for further thought.

Examination of the constitutional system established by the so-called Compromise of 1867 (“Settlement” in Péter’s terminology) forms the volume’s third major theme. The author above all attempts to cleanse the creation of Ferenc Deák and Gyula Andrássy of the interpretations by politicians and historians that were deposited on it during the past century and a half or more, in order to be able to present the reality of the program, which resulted in the solution of the political crisis and lasting stability, as well as the positive role it played in the process of embourgeoisement. According to Péter, the Compromise cannot be explained as a surrendering of rights or a creative reinterpretation of a previous constitutional situation (e.g., the Pragmatic Sanction, 1723). The creation of the political system in 1848 can be regarded much rather as a deviation from the centuries-old tradition of Hungarian constitutional development and political culture: legislation crystallizing through protracted parliamentary negotiations. The settlement that seemingly came about under duress between the king and the country in the spring of 1848 very likely would have resulted in conflict-prone political functioning even without armed battles. It is precisely for this reason that the author disapproves of the use of the expression “lawful revolution” widespread in native historical works—taken from István Deák’s book—to describe the constitutional turning point of 1848.¹⁰

9 See Gyáni’s criticism and his debate with László Péter: Gábor Gyáni, “A magyar *Sonderweg* története” [The History of the Hungarian *Sonderweg*], *Holmi* 13 (2001): 1547–1553; László Péter, “Levél a szerkesztőhöz” [Letter to the Editor], *Holmi* 14 (2002): 129–31; Gábor Gyáni, “Levél a szerzőhöz” [Letter to the Author], *Holmi* 14 (2002): 259–60; László Péter “Levél a szerkesztőhöz” [Letter to the Editor], *Holmi* 14 (2002): 824–25.

10 István Deák, *The Lawful Revolution. Louis Kossuth and the Hungarians, 1848–1849* (New York: Columbia Univ. Press, 1979).

One by one László Péter takes a number of those moments in Dualist-era domestic politics when Ferenc Deák's work, the text of Law XII of 1867 (Compromise), was deliberately reinterpreted or distorted under the impact of current political aims. Such, for example, was the recurring (and increasingly poisoned) debate that unfolded around the royal prerogative with respect to the army. At the turn of the century the opposition now emphasized that the Compromise was not a bilateral contract but rather a law which could be amended unilaterally by the will of the parliamentary majority. The legally unrestricted legislature shared complete sovereignty with the king, which meant a denial of the ruler's reserved rights. Thus, instead of constitutional monarchy the model of parliamentary governance came to be seen in Law XII of 1867. It was essentially at this time that the text of the Compromise became obscure. In politicians' speeches, and later in legal texts, the word "state," which became the expression of Hungarians' claims to supremacy and sovereignty, cropped up more and more frequently. At the same time, a debate on the interpretation of the constitutional system commenced in Austria as well. Lurking behind the animated theoretical discourse was in reality the permanent cessation of the willingness of the various political forces to cooperate.

And yet, according to Péter, it was not the deepening crisis of public law that proved the greatest failure of the last two decades of Dualism; rather, it was the inability of a new social group, a bourgeoisie independent of state power, to develop as a replacement for the discredited traditional elite and which could have been the engine of modernization. In the twentieth century it was "the *bivatalállam*, the East European authoritarian state," that attempted to fill the void (p.342).

Reviewing László Péter's interwoven ideas it becomes understandable why the historian once declared of his research that "I have always considered the state itself to be the main protagonist, at least in Central and Eastern Europe."¹¹ In his opinion the state was a sort of replacement for elements such as social cohesion, an autonomous citizenry, the legitimacy of the political system(s) and the actual leading role of the Magyars.

By Péter's own admission, as a doctoral student at Oxford he once excoriated "the sins of Hungarian etatism" with such vehemence during a conversation

11 László Péter, "Mindig az államot magát tartottam a főszereplőnek" [I Have Always Considered the State Itself to Be the Main Protagonist] (Interview), in Péter, *Az Elbától keletre*, 385–94.

that he was struck by a car when he carelessly stepped off the sidewalk.¹² It can be clearly seen that he clung to the main pillars of his historical conception in almost unaltered form until his death. The ideas he wrote down in England for a long time did not resonate in Hungary. Twenty years after the fall of the Iron Curtain the time has come for historians of Hungary and the surrounding countries to reflect on the conclusions of this thoughtful life's work in their own research. An edition of the author's collected essays could provide help in this project.

Translated by Matthew W. Caples.

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12 László Péter, "Magyar nyelvű műhelyem és megpróbáltatásai" [My Hungarian-language Workshop and Its Tribulations], in *Számolás. Hollandiai Mikes Kelemen Kör (1951–2001)* [Reckoning. The Kelemen Mikes Circle of Holland], ed. Melinda Kónya, Áron Kibédi Varga and Zoltán Piri (Pozsony: Kalligram, 2001), 124–26.