

Jurisprudential Elite and Politics in Hungary (1945–1946)

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Abstract. This paper sheds light on the attitudes of political parties towards the jurisprudential elite, higher educational and academic reforms during the establishment of democracy, and reveals how the legal community reacted to the political changes combined with the challenges concerning academic reform and restructuring of the Hungarian Academy of Sciences. This topic is of interest because the jurisprudential elite, like other scientific elites, was affected by the change of regime and the restructuring of the scientific community and whether there was a difference between the effect on the jurisprudential elite and other elites. This research uncovers the role played by the jurisprudential elite, a highly prestigious group retaining the oldest traditions in Hungarian scientific history, in scientific polemics following the 2nd World War and in the reform of academic institutions.

Keywords: jurisprudential elite, Hungarian Academy of Sciences, academic reforms, change of regime

1. THE LEGACY OF THE PAST AND THE CHALLENGES OF DEMOCRACY

The standard of the Hungarian legal community, like most other academic disciplines, was mediocre in international comparison despite producing some exceptional individuals. Most researchers shared a conservative viewpoint. Some of them adapted to the “Zeitgeist” and supported the aspirations of the radical right-wing. However, the majority distanced themselves from fascism and the legal theory of historical materialism. Most of the conservative professors refrained from political activity and some became members of the Upper House, based upon their professional qualities. Only a few actively participated as members in any political or non-governmental organisation that can be categorised as right-wing, according to the contemporary political spectrum. At the time, the Hungarian higher education system had virtually no left-wing educators.

During the early days of the democratization, most of the Hungarian higher education, including legal education, faced considerable challenges. One of these challenges was that the Horthy-era education system only partially guaranteed higher educational opportunities for students from a wider social environment, particularly from the worker or peasant classes. During the 1930–1931 academic year, only 256 peasant students, 1.5% of the total student population, attended either college or university in Hungary. Only 473 students from 11.932 students, 2.8% of the total number of students, were from working class families¹.

Another characteristic of the higher educational politics between the 1st World War and the 2nd World War was that women could only be admitted to certain higher educational institutions and in limited numbers. Female students could not be admitted to legal education. Act XXV of 1920 was discriminative towards the Jewish population and consequently Judaist students were only admitted to colleges and universities in highly restricted numbers. “Numerus clausus” was followed by “numerus nullus”, which in practice, completely excluded Jewish students from higher education.²

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¹ Földes (1967) 40–45.

² Ladányi (1981) 29–134; Heksch (1962) 613–619.

In 1945, the higher education system, including legal education, required *reforms* which the system would correspond with the necessary requirements of democratization and would be able to reach a modern, international standard of education. After the war, several members of the jurisprudential elite, decided to contribute to the running of the democratic, political system of institutions. Gyula Molnár, professor and rector of the University of Budapest and Barna Horváth, teacher of the University of Szeged became members of parliament. Kálmán Molnár, a professor from Pécs and Sándor Juhász Nagy, a teacher at the University of Debrecen became representatives of the Provisional National Assembly and Béla Zsedényi, teacher at the Jurisprudential Academy in Miskolc was elected vice president of the national assembly.

Democratization made the partial reconstruction of teaching staff necessary as well as the elimination of discrimination and the educational monopoly of the ruling classes. The coalition parties which took responsibility for the modernization of the country considered the reform of higher education a crucial step in the democratization process and it was evident for the need for deep-rooted changes. The modernization of the higher education system was attempted on the basis of ideological values and political aspects. The first drafts of the academic reform were presented in April 1945 during the two-day conference of the Educators' Union of Debrecen at the initiative of the Hungarian Communist Party, the Social Democratic Party and the National Peasant Party.³

In the spring of 1945, the main aim of the cultural politics was the democratization of education. The higher educational reform proposals were primarily focused upon teacher education as it was the greatest challenge and thus the coalition parties likewise focused their efforts to this field. It is no coincidence that the most vital concepts of the Hungarian college-university system reform were articulated here by the political leaders.

The analysis of certain fields of the Hungarian higher education shows that legal education had the lowest priority and received the least attention on the political parties' reform agenda. Reform proposals were only submitted by the Ministry of Religion and Public Education (VKM). The proposals of the ministry included democratic requirements and modernization goals which, in accordance with the concepts of every democratic party, would have initiated a new, modern legal education in 1945. It would have made acquiring a legal doctorate more difficult, and furthermore, it would have made it compulsory for economic majors to study legal subjects at lectures held by the Faculty of Law.⁴

One of the first steps in democratizing legal education was a decree published on 18th August 1945 that stated that women can be admitted to the faculties of law and political sciences from the 1945 – 1946 academic year.⁵ Another decree issued in the second half of October made it mandatory to establish a *worker's lecture* and a worker's seminar within the faculties of law and political sciences. The cultural government's goal, by establishing the evening worker's lectures, was to provide qualifications for certain public administration positions to organised workers, not possess necessary previous qualifications for higher education but proven competent to continue their studies at a university. The lectures aimed not to be an educational "dead-end" and whoever graduated after a two-year worker's course could then take the basic examination at the faculty of law and political sciences, six months later optionally followed by the law or political sciences final

³ Party History Institution Archive, 274–21/72. For a detailed look on the modernization of the higher education system refer to Szabó (1988) 3.

⁴ Köznevelés [Public Education] (1945) 1–2.

⁵ Magyar Közlöny [Hungarian Gazette] (1945) 105.

examination. A doctoral degree would be conferred upon the successful passing of a doctoral exam.⁶ It is visible that the lectures were set up primarily out of political motivations because the new democracy needed new cadres in its public administration. This decrees aimed to guarantee that the regulations did not result in a decrease in the quality of education.

There were no important changes concerning legal education in the 1945 – 1946 academic year as legal education was not a subject of significant interest for the political parties, nor in the electoral struggle. A decree was issued on 27th November 1945 which temporarily modified the educational and examination regulations and schedules of legal academies and had support from the catholic, reformed and evangelist churches. This decree resulted in the legal academies' third and fourth semesters' educational and examination schedules becoming identical to those of law faculties. The new regulation also made possible the taking of the third examination in legal academies, given that the person previously passed his second examination at the academy.⁷

The modernization of the educational system moved a step forward in spring 1946, when the temporarily draft of legal educational reform was finalized and then accepted by the National Committee of Public Education. On 1st April, the VKM presented the bill to the government and it was further submitted to the President for ratification.

Certain partial changes were necessary in order to correct the faults of the educational system because the university reform could not be realized in a few days. The proposal aimed to provide a more detailed and precise education for justice and public administration positions through special colleges. Amongst the practice-oriented colleges were private and industrial economic studies, accountancy and accounting. Civil and criminal law administration, editing of court and out of court documents and ministry administration also were covered in this category. By regulating doctoral examinations and by unifying law and political sciences doctorates, the aim was to restore the prestige and value of the title.⁸

2. VERIFICATIONS IN HIGHER EDUCATION AND ITS INFLUENCE ON LEGAL EDUCATION

At the end of the war, the political parties were aware that the democratization and modernization of Hungary would not be possible without the cooperation of the intellectuals, particularly the creative ones. The coalition parties could not be indifferent towards people who were compromised during the historical fascist era in Hungary. Therefore, one of the parties' main interests, besides gaining the support of the intellectual elite, was creating the possibility of impeachment for said individuals. The Temporary National Government passed several decrees including ones regarding the accountability of public servants and private employees.⁹ The decrees, correctly required accounting for political actions between 1939 and 1945 and not for the whole Horthy era.

The coalition parties and also the academics in support of change agreed on the basic aims of the verifications. On 1st April 1954, Albert Szent-Györgyi clearly stated in the Free People (Szabad Nép) that the representatives of fascism must be removed from the culture's "guard posts" and that the "free spirit must be liberated of its chains, so it can fly freely".

⁶ Magyar Közlöny (1945) 141.

⁷ Magyar Közlöny (1945) 186.

⁸ R.P.A. Jogi oktatás reformja [Legal Educational Reform] Köznevelés (1946) 10.

⁹ Magyar Közlöny (1945) 1.

The practical execution of the verifications, however, sparked a debate, which was unusual as Hungary was recovering from a fallen system that had violated the independence of universities. Many educators considered these verifications a violation of their autonomy.

The universities and the VKM, led by Géza Teleki, hoped to influence the verifications through the local councils.¹⁰ None of the parties directly questioned their autonomy due to the matter's delicate nature and to the influence they hoped to establish within the universities. The issue was discussed by the parties of the Hungarian National Independence Front (MNFF) on the third meeting of the National Committee of Budapest (BNB) on 18th April 1945. According to the social-democratic chairman, Árpád Szakasits, university autonomy must remain unchanged, however, he proposed the establishment of a sub-committee that would enforce the national committee's interests. However, the social-democratic István Ries proposed the one-year suspension of autonomy for the duration of the verification processes. Ferenc Farkas, the Peasant Party, suggested that the autonomy should not be limited but the verification committee should be sent there. Furthermore the committee should not make its decision based on political aspects, but on scientific ones. Széll Jenő, representing the communists, argued that only a few of the professors would be removed by the committee. Eventually the BNB decided on the establishment of a sub-committee consisting of Géza Supka, István Ries, Jenő Széll, Jenő Némethy, Imre Kovács and chief prosecutor János Beér. This sub-committee formulated methods which respected and enforced both the autonomy of universities and the interests of the BNB during the academic verifications.¹¹

This was not discussed again because the parties of the MNFF agreed on this form of verifications. However, the Hungarian Communist Party paper published opinions raising concerns about the autonomy. The 17th May edition of *The Free People* published Lajos Ádám surgeon's statement. Autonomy "is, said he, to guarantee the independence and the freedom of the scientific viewpoint. This profession corresponds with the general aims of democracy but autonomy cannot be interpreted in a way which serves the defence of fascists and reactionary elements."

Gábor Kemény's proposal on the educational reform articulated several concerns about the justification of autonomy. The communist educational politician stated that in the past universities required autonomy for free research. However, if under the moral pressure of the democratic progress, the issue of academic autonomy remains an open question if the ideology and gist of a quarter of a century's education and not only professors are examined.¹² Kemény did not explicitly state the necessity to abolish autonomy but questioned its justification in its contemporary form. The communists' different approach to autonomy did not lead to a conflict among the parties because the MKP was not considered more radical than the other parties in the practical execution the verifications.

The verifications began at the *Pázmány Péter Science University*. On 7th March 1945 the university council dismissed 7 professors based upon the BNB initiative.¹³ However, there was no dismissal of a professor of law. In May, the verification began at the universities of Szeged and Debrecen.¹⁴ The verification committee did not make fire any professors of law in the universities of Budapest, Debrecen and Szeged.

¹⁰ Ladányi (1965) 460–461.

¹¹ The National Committee of Budapest's Protocols 1945-46 (1975) 103–104.

¹² Kemény (1945) 14.

¹³ The history of the Eötvös Lóránd Science University 1945–1970. undated 20.

¹⁴ Magyar Közlöny (1945) 31–32.

The political parties expressed their opinions and tried to influence the verifications through the press on several occasions. Certain members of the intellectual elite did not see a great difference between the parties of different world views and different political ideologies, as all the coalition parties agreed on the basic principles of the democratization of the higher educational system. Their press contributed to the democratization on many occasions and far reaching opinions were also expressed. Statements or negative opinions towards the professors of law were not articulated.

The verifications began at the Department of Law and Political Science (JAK) on 12th July 1945. The committee verified Members of the Academy Károly Szladits, Ákos Navratil and Gyula Moór and did not pass sentence in the case of Pál Angyal, because the aged professor had previously retired a long time ago. The verification required László Gajzágó, professor of international law and Ödön Kuncz, professor of trade law, to present further evidence. Móríc Tomcsányi, Professor of public administration, was forced into retirement by the committee.¹⁵

The vague definition of “being the people’s enemy” resulted in certain professors, Gajzágó, Kuncz and Tomcsányi at JAK, committee receiving reservations or a negative decision from the verification committee. The prosecuted received political acclaim as representatives of the scientific elite.

3. ACADEMIC BLACKLISTS (ABBREVIATED AS B-LISTS)

After the parliamentary elections the parties’ attitude towards the academic verifications changed. The two peasant parties did not initiate further legal proceedings but the worker’s parties urged for further severities, because they held the opinion that the universities’ reconstruction and subsequent improvement of positions during the verifications did not correspond with the requirements of the democratic reforms. The Social-democratic Party’s paper initiated a negative press campaign towards several professors considered to be right-wing supporters but there were no professors of law among their victims.

The Hungarian Communist Party (abbreviated as MKP), following the less successful verifications, expected the strengthening of left-wing particularly communist positions at the universities from B-listing. The Intellectual Committee’s meeting on 11th July 1946 included discussions the issue of B-listing and decided to urge all intellectual unions to prepare personal proposals for all positions that remained empty after B-listing.¹⁶

B-listings in the higher education, which served political interests as well as those of power, began in July, the issue became the focus of public attention. The Communist Party’s public opinion was first publically aired on 24th July during the plenary session of the national assembly in the speech of Antal Gyenes.¹⁷ The representatives of legal education however, were not affected.

Consequently of the verification committee’s activity on the Department of Law and Political Science Ödön Kuncz remained on the B-list.¹⁸ It must be noted that professor Ödön Kuncz was an exceptional professional who never took part in any political activity.

¹⁵ Népszava [People’s Voice] 14 July 1945.

¹⁶ PI. Arch. Titk. Fi. 636.

¹⁷ Journal of the National Assembly (Athanaeum 1948) 429–430.

¹⁸ Szabadság [Freedom] 20 August 1946. The proceedings concerning the B-listed academic professors were not concluded in the time frame discussed in this paper.

The only “compromising” past episode was that he prepared and presented several codification proposals as a specialist on behalf of the Ministry of Justice.

The Hungarian Communist Party’s Scientific Committee was not satisfied with the results of B-listing and prepared a proposal about a B-list concerning the university in early August.¹⁹ The final proposal is not available; however it can be partially inferred from the MKP’s public statement in an article titled “Real cleansing of the universities” in “Free People (Szabad Nép)” dated 15th August. Here the communist paper articulated its opinion that following the unsuccessful verifications it is up to the clarifying committees to remove the “out of place” professors. Once more, there are no legal professors mentioned who should be removed from their positions.²⁰

The social-democrats did not directly attack the legal elite but they did think that the academic B-listing was ineffective. It was considered too liberal and argued that a radical B-list could have solved the problems. The People’s Voice (Népszava) particularly condemned the B-listings at the faculty of humanities. Due to the unsuccessfulness of B-listing the social-democratic paper stated that they would not be tolerant anymore and demanded that “out of place” individuals willingly leave the universities and give their positions to more suitable individuals.²¹

The Independent Smallholders’ Party initially only reported on the “purges”, and published the opposing opinions of academic leaders. The party’s paper, the “Small Newspaper (Kis Újság)” published an article titled “The Hungarian architect education is in danger” firmly *opposing* B-listing on 1st September 1946.²²

4. APPOINTING PROFESSORS – DEPARTMENT AND UNIVERSITY LEADERS

The reconstruction of the academic teaching bodies was a major step in the higher educational reform. Politically motivated attacks were carried out against individuals, who could have played an important role in a perspective, professionally focused modernization during the time of the B-listing.

In 1945, most academic faculties became empty due to political and professional reasons and the appointment of professors were only carried out in few places.²³ Before beginning the new academic year, most of the universities and colleges, including faculties of law, appointed new leaders. In the Hungarian universities the professors of law’s primary leader was professor Gyula Moór, who became the rector of the University of Budapest. Nándor Óriás became the dean of the Science University of Debrecen’s Department of Law and Political Science, and Pál Szandtner became the dean of the Pázmány Péter Science University’s JAK.²⁴ From the academic and faculty of law leaders appointed post-war, Gyula Moór represented a high academic standard and he held high prestige among the intellectual elite. His Neo-Kantian legal philosophy greatly inspired contemporary legal science and his civil democratic views placed him in opposition to Hungarian and German Nazi-fascist aspirations as well as communism. Ernő Flachbarth, who did not take part in

¹⁹ PI. Arch. 274-24/2.

²⁰ Szabad Nép [Free People] 15 August 1946.

²¹ Népszava, 27 August 1946.

²² Kis Újság [Small Newspaper] 1 September 1946.

²³ Szabó (1989) 3–4.

²⁴ Magyar Közlöny (1945) 119.

any political activity, also left behind a highly regarded body of work in international law. Nándor Óriás and Pál Szandtner, who, at the time of their appointment, could have been considered average in their fields, were politically inactive, like to Flachbarth.

The coalition parties considered changes within the universities' leadership and institutions' autonomous issue and did not intervene. Only the Social-democratic Party (SZDP) made a statement in favour of one appointment, supporting the appointment of Gyula Moór as rector of the Pázmány Péter Science University on 3rd July 1945 in SZDP's official newspaper the People's Voice (Népszava). The legal philosopher was not only considered by Népszava to be an internationally acclaimed researcher of legal science but also a remarkable value in respect of the democratic Hungary.²⁵

The Hungarian Communist Party's Party Committee of Great Szeged had its "own" political ideas concerning higher education. In August 1945, the party committee addressed the state of the university and the filling of the empty faculties. No ideas were presented concerning law professors.²⁶

In the summer of 1945, in accordance with the published tenders, academic professors were appointed. On 11th November 1945, Kálmán Molnár became a professor at the Pázmány Péter Science University's Faculty of Hungarian Public Law of the Department of Law and Political Sciences; Károly Mártonffy at the Department of Hungarian Public Administration and Economic Law; István Szászy at the Department of Comparative Hungarian and International Law and István Varga at the Department of Economics and Finances.²⁷ On 18th December 1945, in the University of Szeged's Department of Law and Political Sciences, Sándor Kornél Tury was appointed to the Department of Trade and Exchange Law; István Csekey to the Department of Hungarian Public Law; Barna Horváth to the Department of Legal Theory; Elemér Balázs P. to the Department of Civic Procedural Law; Kálmán Személyi to the Department of Roman Law; Károly Schneller to the Department of Statistics; Elek Boér Jr. to the Faculty of Economics and János Martonyi Sr. to the Department of Public Administration and Economic Law.²⁸

From all the law professors appointed in November and December 1945, the conservative legitimist Kálmán Molnár was a remarkable researcher working on the issues of the history of Hungarian constitutional changes and on the doctrine of the Holy Crown. The social-liberal Barna Horváth was an internationally acclaimed researcher of legal philosophy. István Varga had great achievements in the fields of economic theory, conjectural research and statistics. Károly Mártonffy was highly educated in Hungarian and international public administration, and formulated the public administration law's regulations and theory.

István Csekey had great achievements in the fields of Hungarian public law, royal succession law and constitutional law. Kálmán Személyi published several books on Roman and private law. Károly Schneller re-established legal education at the University of Szeged following the war and also further developed the method of standard calculations. He invented new popularity and production level measurement ratios and conducted studies on correlation calculation as well.

Some members of the political parties which accepted autonomy tried to indirectly influence the academic appointments of professors. This method was used by the Hungarian

²⁵ Népszava, 3 July 1945.

²⁶ Pl. Arch. 274-24/2.

²⁷ Magyar Közlöny (1945) 173.

²⁸ Magyar Közlöny (1945) 203.

Communist Party and the Social-democratic Party, when trying to influence the appointments at the faculty of humanities in Budapest. The two worker's parties did not try to modify the outcome of the appointments of professors of law. The composition of professors of law did not change significantly between 1945 and 1946. In the Spring of 1946 a small change did take place with the appointment of István Székely as a professor at the Faculty of Law and Political Sciences of the University of Szeged on 8th May after resettling from Kolozsvár.²⁹

The academic appointments of professors did not receive significant press coverage with some papers only reporting on the facts of the appointments. Béla Fogarasi expressed the Hungarian Communist Party's opinion on professor appointments in the 20th June edition of the "Free People (Szabad Nép)". Béla Fogarasi, highlighting the professional-scientific requirements, also stressed the importance of political aspects. His views were that if a faculty represents high scientific standard, it must not be dissolved, even if currently empty. He argued that the preservation of the faculties do not mean the preservation of professors who do not correspond with the requirements of age. He declared that professors who pose a danger to the interests of science and democracy must be removed from their posts and they must be substituted with progressive scientists.³⁰

The MKP's position differs from that of the universities' and the party's former opinion in that the party considered the commitment to left-wing political views equally important to professional and scientific aspects.

In the 1946 – 1947 academic year, many universities' leading bodies underwent changes by which the professors of law were also affected. Gyula Moór's administration as rector of the Pázmány Péter Science University was terminated and Ferenc Eckhardt was appointed dean of the JAK.³¹ It can be noted about the national appointments that the new leaders were chosen from the remarkable professors of each institution. Ferenc Eckhardt was an acclaimed professor of legal history and history. His scientific research was characterized by precise source research and the uncovering of vital data in the National Archive. Considering their political views most of them were supporters of a civil democracy, but some of them held left-wing views.

5. AUTONOMY AND INTELLECTUAL FREEDOM

After the parliamentary elections of 1945, the relevant parties' opinions were sharply polarized in the respect of *intellectual freedom* and *autonomy* of education and scientific politics. The worker's parties, who held only weak university and academic positions, were in favour of political intervention. The Independent Smallholders' Party (FKGP) became a guardian of autonomy to hinder the growth of left-wing. The FKGP argued that after the verifications, the universities were democratized and further intervention was unnecessary. This view was shared by most of academic professors shared this view. A few of those educators who agreed with the aims of democratization after the country's "liberation" opposed further "cleansing" and did not support the people's democratic change.

In January 1945 the *Independent Smallholders' Party* articulated a scientific political *conception* which was "free of politics". As the first step of the Smallholders' new education

²⁹ Magyar Közlöny (1946) 102.

³⁰ Szabad Nép, 29 June 1946.

³¹ Magyar Közlöny (1946) 188–202.

politics, the FKGP's medical team was established at the Pázmány Péter Science University's Faculty of Medicine on 13th January 1946. The party made the team's primary goal to supersede all political activity, and under all circumstances guarantee the university's ancient autonomy and total political independence.³² The Smallholders' Party's initiative was novel because at the constitutive meeting, chairman Béla Varga declared that the Faculty of Medicine's example would be followed by all other faculties as the FKGP saw that all fields of science were in desperate need of freedom. He therefore stated that science must remain independent from any party political aspects. The FKGP formulated its scientific political and cadre political principles on the basis that each position must be held based on professional aspects and not on party political interests.³³

However the left-wing's views were that the practical autonomy that had developed in Hungary and this guaranteed total political independence for the universities. This obstructed the reform of higher education and science based on the requirements of people's democratic change. According to them the educator groups, who have maintained the academic system's traditional structure, played a major role in the unsuccessful implementation of the planned reforms. These groups' influence on the everyday life of the institutions was greater than the reform's initiators. The left-wing's attitude towards autonomy was primarily based on political aspects. The Hungarian Communist Party initiated an offensive against autonomy for mainly political reasons. According to the 20th June edition of the "Free People (Szabad Nép)", autonomy made it possible for the political figures and ministers of the last 25 years to keep teaching at universities without issues. A few right-wing politicians and leading lawyers from the 1920s and 1930s were allowed to teach at the faculty of economics: Károly Wolff who took an active part in agrarian politics and József Varga who was teaching at the University of Technology and was the Minister of Industry under the Kállay administration. According to the MKP's paper, most of the education taking place at the faculties was ideologically reactionary. Gyula Kornis, professor of philosophy and Speaker of the House under Gömbös, and professor János Bud who was István Bethlen's former minister were used as examples. The communist paper stated that the academic professors aimed to maintain the present day's bleakness and it concludes that most of the influential positions at the universities are controlled by reactionaries.³⁴

János Bud and József Varga from all of the professors who received criticism from the MKP, were oriented towards the Anglo-Saxon world. Their appointments as ministers were due to their professional merits. The offensive campaign against Bud and Varga did not aim to reduce of fascism but to improve the left-wing's positions at the universities. In the case of József Varga, the attacks were against an internationally acclaimed scientist whose removal would have caused an irreparable loss.

The circumstances for the practical execution of the radical aims were not present at most positions. Highly educated left-wing scientists were not available in many fields. The "Free People (Szabad Nép)" was right in the respect that in 1946 more conservative professors were working at the universities but post-war appointments meant that many highly trained and progressive scientists were also holding positions. However, the party did not consider this change sufficient. In the 29th June edition of the "Free People (Szabad

³² Kis Újság, 13 January 1946.

³³ Kis Újság, 15 January 1946.

³⁴ Szabad Nép, 20 June 1946.

Nép)”, Béla Fogarasi stated that democracy cannot avoid expanding its influence to universities.³⁵ This requires some limitations of autonomy. The June edition of the “Societal Journal” also urged the limitation of autonomy and the expansion of the cultural government’s authority.³⁶

Communist representative Antal Gyenes, in a speech on 24th July 1946, compared autonomy to the “cloaked reactionary”. This is why most faculties did not meet the modern requirements. The social scientific and legal scientific institutions were incapable of fulfilling their tasks.³⁷ This was the first time the MKP openly attacked law faculties.

Limiting autonomy was a vital educational-politic objective for the MKP party, because the Intellectual Committee’s report on 2nd September stated that the party’s academic influence is insufficient.³⁸ It concluded that if autonomy remains unchanged, the party cannot improve its positions at the universities.

The Social-democratic Party also urged the cultural government’s intervention in order to democratize universities. László Bóka, social-democratic literary historian, argued in a statement at the beginning of March that the universities’ teaching staff is not democratic, but an alien body, therefore their removal is a primary task of the leaders of education.³⁹

The SZDP’s academic influence, similarly to that of the MKP’s, was low, which could only be changed if the professors with conservative views would be removed from their posts and would be substituted by young, SZDP-friendly educators.

The Social-democratic Party’s press did not oppose the removal of professors from universities for political reasons⁴⁰ and urged radical intervention. The 27th August edition of the “People’s Voice (Népszava)” very negatively reported on the universities arguing that the Hungarian middle class’s centre is the university and the counter-revolutions most solid and confident servants were educated there. The social-democratic paper saw it as a fault of democracy that it did not tackle the academic issues.⁴¹

The SZDP’s attack against autonomy differed from that of the MKP in that the social-democrats did not criticise the legal educators. The worker’s parties, due to their weak academic positions, were less capable of enforcing their interests and therefore became the advocates of autonomy’s elimination. During the times of centralized higher education, the strong connection between universities and politics was established and the majority of higher educational issues were not decided at the university level.

6. THE RECONSTRUCTION OF THE HUNGARIAN ACADEMY OF SCIENCES AND THE LEGAL PRACTITIONERS

In an international comparison, the Hungarian scientific community operated at average level during the Horthy-era. There were fields which were relatively underdeveloped but some branches of both science and humanities had made remarkable achievements. The scientists who viewed the pre-war state of Hungarian science negatively argued that the social-political changes that were consequences of the country’s “liberation” and created a

³⁵ Szabad Nép, 29 June 1946.

³⁶ Király (1946) 525–526.

³⁷ Nemzetgyűlés Naplója [Journal of the National Assembly] 2, 428–429.

³⁸ Pl. Arch. 274-24/2.

³⁹ Népszava, 3 March 1946.

⁴⁰ Népszava, 21 July 1946.

⁴¹ Népszava, 27 August 1946.

never-before-experienced potential for scientific development. They hoped that science would play a leading role in the democratic Hungary. Albert Szent-Györgyi argued, for example, that the most important and significant factor of the country's reconstruction is the intellectual population, which was only used in small percentages before.⁴²

The scientific community's structural renewal began rapidly. After Budapest's "liberation", on 7th March, János Melich gathered the available members of the Hungarian Academy of Sciences (MTA) to discuss the re-launch of the MTA, but his primary aim was to make the Hungarian Academy of Sciences functional. They agreed that Gyula Kornis should take over the Academy's leadership after Archduke Joseph deserted. The need to adapt to the changed conditions was articulated within the MTA agenda. Kornis, in the 26th April plenary meeting, stated the new goals for the MTA were renewal, integration into democracy and playing an active role in the reconstruction of the country and establishing international scientific cooperation. Gyula Kornis considered the Academy to be a democratic institution and he thought it was possible to modernize it within the confines of its old self, without basic structural changes. He considered the renewal to be complete by the removal the war criminals and introduction approximately fifty new members.⁴³

A central issue of modernization was increasing the importance of natural and technological sciences whilst decreasing the influence of humanities. Albert Szent-Györgyi, who was the first to comment on the issue, urged change in this area. He argued that the exclusion of certain politically compromised members, e.g., Bálint Hóman, Ferenc Orsós, would not solve the problem and that the Academy needed to be renewed in accordance with the requirements of the science facing new challenges. In order to defend the prestige of academics, he aimed to solve the problem using quiet, unnoticeable methods. A proposal was put forward, based upon the initiative of Szent-Györgyi, which stated that all academics should resign; all professional sections should form a committee of seven and these committees should recall those academics that had not been compromised. This proposal was rejected by the MTA.

The MTA's congress held a meeting from 28th to the 30th May 1945, during which the body's leaders and new academics were elected. Philosopher Gyula Kornis was elected president of the "post-liberation" MTA, geologist Aladár Vendl vice-president and literary historian Géza Voinovich chairman. MTA was enriched by 37 new corresponding, 25 full and 7 honorary members. Six of the new members were professors of law.⁴⁴ The new honorary members were Elek Bolgár, Ödön Polner and Rusztem Vámbér. József Holub was elected as a full member. Barna Horváth and István Szászy were amongst the corresponding members. Most of the newly elected law professors were scientifically and professionally acclaimed. Elek Bolgár, returning from Soviet emigration, represented a relatively high level of Marxist science. Ödön Polner, a correspondent member of the Hungarian Academy of Science since 1908 and a full member since 1930 was an internationally renowned researcher of international positivist civic law and also the author of several monographs published in foreign languages. Full member József Holub had published several books on history and legal history both in Hungarian and foreign languages. Elected corresponding member in 1923, legal philosopher and legal sociologist Barna Horváth was a renowned

⁴² The scientific community's reform can be further explored in Szabó (1988); Szabad Nép, 1 April 1945.

⁴³ The issue was discussed by Tilkovszky (1975) 349–350.

⁴⁴ Library of the Hungarian Academy of Sciences (1975) 549.

professor of Neo-Kantian legal philosophy. István Szászy became a well-known researcher of international private law.

It can be concluded from the professional distribution of the new members that the MTA's modernization concept reflected the need to adapt to the international scientific trends. The member elections also prove that the positions of the representatives of natural sciences improved considerably. The natural scientists led by Albert Szent-Györgyi considered the structural changes insufficient and fought for further MTA reforms and, with the help of Zoltán Bay, established the Academy of Natural Sciences on 30th July 1945.⁴⁵

The first modernization attempts, the MTA's planned reforms, shed light on issues for which the political parties had not developed concepts in most cases, but at the same time they did not feel responsible to intervene. Parties in support of pluralism considered the Anglo-Saxon model as an example to follow. The basic principle of this model was that the state can take an active part in financing research and setting goals for it, but the research should be specifically targeted, which means it cannot be fit into any purposely established research plan.

The initiators of the reconstruction of the Academy and the scientific community were Academy members, excluded researchers from the pre-war official scientific community or returning emigrants. Modernization was generally voiced in the parties' programs hence their representatives and their press supported and agreed with the attempted reforms. The Hungarian Communist Party did not take part in the debates surrounding the Academy in 1945 due to a number of communist scientists had emigrated and did not possess sufficient information about the situation in Hungary. The communist scientific politics only morally supported the left-wing scientist ideas about modernization.⁴⁶ However, other communist reform proposals concerning the education did include ideas about the modernization of the scientific community. The educational reform proposal of Gábor Kemény touched on the issue of the MTA. He argued for a new academy, whose intellectual aims would have, according to his proposal, included openness and freedom, and is not conservative and exclusive, unlike the older establishments. He envisioned an active academy which was the highest intellectual forum that does not occupy itself with the particular details, safeguards and assumes the intellectual responsibility for the highest standard of all sciences. According to his views, the academy can not only attribute its significance to its scientific prestige but also to its moral authority so the MTA members can only assemble for the purposes of pure knowledge.⁴⁷

The other coalition parties had a similar level of activity to the Hungarian Communist Party. The Smallholders' Party's press covered the issues concerning science and the MTA relatively more frequently. Not long after the Academy's congress on 26th April, the Smallholders' paper, the "Small Newspaper (Kis Újság)" argued for the removal of the members unworthy of academic membership and for the modernization of scientific research. It especially considered literary, historical and social sciences to be outdated. For the healthy balance of the intellectual life, it advised that those who were silenced in the past should have opportunities to voice their own opinions.⁴⁸ The Independent Smallholders' Party also supported the MTA's modernization. The 6th May edition of the "Small Newspaper (Kis Újság)" agreed with the reform proposals of Albert Szent-Györgyi and on

⁴⁵ Tilkovszky (1975) 352.

⁴⁶ Szabad Nép, 19 April, 12 June and 26 September 1945.

⁴⁷ Kemény (1945) 19–20.

⁴⁸ Kis Újság, 3 May 1945.

27th July, a leading cultural politician, Gyula Ortutay voiced his support for the reform proposal of Szent-Györgyi.⁴⁹

The National Peasant Party's official paper only once commented on the issue of the MTA. The "Free Speech (Szabad Szó)" did not agree with the re-election of Géza Voinovich as chairman and on 27th April, it launched a press campaign against him and called for his resignation. It accused Voinovich of violating regulations when in November 1944 he assembled the congress and although the congress did not constitute a quorum, it nevertheless awarded the Grand Prize of the Academy to Ferenc Orsós.⁵⁰ The "People's Voice (Népszava)" reacted to the MTA's April congress on 4th May. The social-democratic newspaper supported the modernization attempts of Szent-Györgyi. It saw the role of the Hungarian Academy of Sciences in serving science and protecting quality, which cannot be accomplished by a German-spirited academy and membership.⁵¹

After this the issues for further debated on various forums. The groups representing natural sciences supported the reconstruction based on the autonomy and freedom of science. However, the modernization of the scientific community had political aspects as well because usually the reforms supporters faced opposition from those who gained their positions in the pre-war era.

The debates concerning the MTA's reform did not affect legal sciences or the legal elite. The legal elite only contributed to the debate concerning the reform of the scientific community and the MTA in December 1945 through Gyula Moór who, as the chairman of the academy's reform committee, adopted Albert Szent-Györgyi's ideas.⁵² Szent-Györgyi once again articulated his opinion on the Hungarian scientific community in the 12th December edition of the "Free People (Szabad Nép)". The gist of his opinion was that a society cannot be built or rebuilt without science. A scientist's task is therefore not only to pursue his crafts but also to help politics in identifying and solving problems. According to his views, the MTA is inappropriate for this as the academy's reform can only be guaranteed if the enemies of progress are removed. He did not even oppose the intervention of the authorities or the government in order to see through his plans.⁵³

The reform group, who initially strictly adhered to scientific autonomy, saw the unsuccessful initiatives and seemed willing to use political tools at the field of science. Scientists urging modernization pressured the group of humanities professors and justified their arguments with democratic change and economic progress as the professors of humanities had greater influence within the MTA and the universities than the reforms initiators.

The position of the reform supporters was strengthened because they advocated the establishment of a scientific community which aimed to connect Hungary and Hungarian science to the primary trends of the international scientific development. They were also supported by political powers who were also interested in the reconstruction of the Hungarian Academy of Sciences. Thus the polemics concerning the modernization of the Hungarian scientific community continued.

The Sociological Society organised a scientific political conference on the crisis of the scientific community. On the first assembly of the conference, Gyula Moór, rector of the

⁴⁹ Kis Újság, 6 May, 27 July 1945.

⁵⁰ Szabad Szó, 22 April 1945.

⁵¹ Népszava, 4 May 1945.

⁵² Tilkovszky (1975) 353.

⁵³ Szabad Nép, 12 December 1945.

Budapest University of Technology, expressed his opinion, admitting the existence of serious issues and the necessity of deep-rooting reforms. However, he argued that Szent-Györgyi was wrong when he sees the issue solely from the viewpoint of a natural scientist. According to Gyula Moór scientific politics are social issues and the problems can be solved through compromise. These issues can only function within the given circumstances and with the given people and everything cannot be restarted. He urged the improvement of the existing structure rather than deep-rooted reforms.⁵⁴ The traditional scientific political conceptions and the radical reformist ideas collided once again on the conference organised by the Sociological Society, the problems however, were not solved.

The parties could not directly influence the MTA, which was independent from politics. The modernization attempts within the academy however were influenced by scientific political debates, despite that the solution had to be formulated within the organisation. The Hungarian Communist Party supported those who demanded the modernization of the Hungarian scientific community. Since the MKP opposed science's full autonomy, it considered the external, politically initiated intervention necessary for the reform.⁵⁵ The issue of the MTA was one of the items on the agenda during the meeting of the MKP's Intellectual Committee on 11th July. György Lukács prepared a list of the members of the academy, which was handed to the Committee by Béla Fogarasi in order to discuss it with the SZDP and to formulate a mutual opinion.⁵⁶ During the summer the MKP's Scientific Committee also discussed the issues concerning the Hungarian scientific community.⁵⁷

The scientists aiming to maintain the Academy's traditional function and structure had to consider the challenges set by the natural scientists and politics. Representatives of the humanities were forced to make *concessions*. Since the goal of the Academy of Natural Sciences was not to disestablish the Academy, but to enforce the reforms, the talks between the two academies restarted.

At the congress on the 1st July Gyula Moór reported on an agreement which stated that at the following congress of the academy the members of the Academy of Natural Sciences, who are not yet members of the MTA would be elected into section III; consequently the Academy of Natural Sciences would cease to exist, and section III of the MTA would be split into two. Section III would become the section of mathematics, physics, chemistry and technological sciences while section IV would become the section of biology and medical sciences. They also agreed that the membership of sections III and IV would be equal to the total membership of sections I and II. They mutually agreed that Zoltán Kodály would be nominated for the position of president; Albert Szent-Györgyi for vice-president and Géza Voinovich would remain chairman. They aimed to carry out the structural reform through decreasing the membership to 160, and distributing 20 full members and 20 corresponding members to each section.⁵⁸

⁵⁴ Kis Újság, 6 January 1946.

⁵⁵ Szabad Nép, 2 April 1946.

⁵⁶ Pl. Arch. Titk. Fi. 636. There is no information available about the meeting's protocol or about the fate of the list.

⁵⁷ Pl. Arch. 274-24/2.

⁵⁸ Népszava, 1 July 1946; Szabadság, 4 July 1946.

At the MTA's general assembly for election and re-election of officials Zoltán Kodály was unanimously elected as president, Albert Szent-Györgyi as vice-president and Géza Voinovich remained chairman.⁵⁹

The new corresponding, full and honorary members were elected on 24th July 1946. Out of the 26 corresponding members, only four represented humanities, including professor of law and political scientist István Bibó. Professor of law László Buza was one of the nine new full members.

The newly elected legal academics were excellent scientists. István Bibó had remarkable achievements in the fields of governmental and legal theory, sociology and political sciences. Professor of international law László Buza was internationally acclaimed for his achievements in the fields of minority rights, and research on state and territorial sovereignty and international conventions.

7. CONCLUSIONS

In conclusion, it can be seen that the relationship between the political parties and the jurisprudential elite was the least contentious compared to those with other scientific elite's during the interim period of 1945–1946. It can also be concluded that the political forces did not address the professors of law in a way which could have been expected due to their importance in the society, and their traditionally prestigious positions at universities and at the Hungarian Academy of Sciences. While the other elite groups including doctors, certain representatives of humanities, were harshly fought against during verifications and B-listings, the legal elite had not yet got into the focus of political life. It can also be explained by the legal elite's rather "minor" role and that legal education and legal studies were not considered significant important compared to other scientific fields concerning the reform proposals of the universities and the academy. It can be noted as well that the legal elite also restrained themselves during the science political debates.

It was not only the political figures who did not attribute significant importance to the legal elite but the natural scientists and higher educational leaders who initiated the reconstruction and reform of the Hungarian Academy of Sciences likewise did not treat the legal professors, who acquired high prestige between the two world wars, and the legal science according to their significance. The academic appointments and the Academy's membership nominations of professors of law, compared to other scientific elite groups, did neither spark press debates nor political conflicts. It can be explained with the "less important" attitude towards the professors of law. There was no major difference among the parties concerning the legal elite during the establishment of democracy and only minor disagreements could be seen. However, during the time of debates between the parties on the issues of civil versus people's democratic systems, the conceptual differences emerged more explicitly.

Still, the changes that could be seen in the attitudes of the parties especially in the attitudes of Hungarian Communist Party which supported a hegemonic and later a monopolistic execution of authority in its science politics. Its actions related to the jurisprudential elite, beginning from 1946, the "year of change", are questions for another time. The authors will analyse these questions in detail in an article, in preparation, titled "Jurisprudential Elite During the Democratic Transition – Autumn of 1946–1948".

⁵⁹ Szabad Nép, 27 July 1946.

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