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## GOVERNMENT ACTING ON ITSELF: HUNGARIAN CABINET IN THE INTERWAR PERIOD<sup>1</sup>

Móric Esterházy became Prime Minister among very complicated circumstances: it was the fourth year of the World War I and the question of voting rights needed an immediate solution to avoid the crisis in internal affairs. He led a minority government, and his main supporters were rather outside the Parliament than the parties inside<sup>2</sup>. As it was the general expectation from the government to solve the question of voting rights, the press called it the “government of voting rights”<sup>3</sup>.

On 9 June 1917 the newspapers reported that the new Prime Minister, Móric Esterházy, was appointed. According to the daily newspaper “Pesti Hírlap”, the new Prime Minister was a promising person. At the same time, the newspaper reported that the Prime Minister was not prepared for the appointment<sup>4</sup>. The opposition party newspaper, “Népszava”, highlighted that the appointment of Esterházy was a surprise for the Hungarian politics<sup>5</sup>. The newspapers reported about the planned composition of the Esterházy government, which was not meant to be final<sup>6</sup>. There were rumours about the new ministries as well: ministry for economy of transition, social (public welfare) ministry, ministry for traffic affairs<sup>7</sup>. The “Népszava” itself admitted that all the news about the new ministry for voting rights were nothing more than guesses. Together with the ministry

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<sup>2</sup> L. Varga, *Háború, forradalom, szociáldemokrácia Magyarországon*, Budapest 2010, pp. 122-123.

<sup>3</sup> For example “Pesti Hírlap” 22 June 1917, XXXIX, issue 157, p. 1 and “Népszava” 22 August 1917, XXV, issue 210, p. 1.

<sup>4</sup> “Pesti Hírlap” 9 June 1917, XXXIX, issue 146, p. 1.

<sup>5</sup> “Népszava” 9 June 1917, XXV, issue 145, p. 1.

<sup>6</sup> “Vásárhelyi Reggeli Újság” 15 June 1917, XIII, issue 135, p. 2.

<sup>7</sup> “Pesti Hírlap” 14 June 1917, XXXIX, issue 150, p. 5.

for voting rights, the creation of four more ministerial positions was forecasted: ministry for public welfare, ministry for the transition to peace, ministry for Transylvania, and ministry for public labour and traffic<sup>8</sup>. The local newspaper, “Zalai Hírlap”, reported the names of the possible new ministers<sup>9</sup>. After the new government came into being, according to the press rumours, the possible new ministries were: ministry for public welfare, traffic ministry, ministry for the transition from war to peace, ministry for public healthcare, and ministry for the codification of voting rights<sup>10</sup>. Some newspapers reported four or five new ministries, but there were some which reported even more, six new ministries<sup>11</sup>. The Prime Minister announced that he intended to increase the number of ministries<sup>12</sup> – reported “Zalai Hírlap” on 19 June 1917. But this intention turned out to be not so popular. Albert Berzeviczy, the then president of the Hungarian Science Academy, wrote in his diary: “what we heard about his program is a pile of inconsequential absurdity”<sup>13</sup>.

Count Móric Esterházy in his capacity as Prime Minister introduced his program to the House of Representatives on 21 June 1917<sup>14</sup>. The king’s letter on the appointment of the Prime Minister and the ministers was delivered on the same sitting<sup>15</sup>. At this time, not a word was spoken about the new ministries.

The bill stipulating the temporary appointment of ministers without portfolio was first put on the agenda at the cabinet meeting held on 25 June 1917<sup>16</sup>. Later, this provided the government with a great degree of freedom for filling these positions, not filling them, or adding content to them. This was the first item on the agenda at the cabinet meeting and was presented by Prime Minister Móric Esterházy, which reflected its significance. According to the Prime Minister, Act III of 1848 determined that the number of ministers in addition to the Prime Minister should be eight<sup>17</sup>. Act III of 1848 also determined each minister, together with their tasks and competencies<sup>18</sup>. Act XXX of 1868 added the Croatian-Slavonian-Dalmatian minister without portfolio to the government, stipulated in Act

<sup>8</sup> “Népszava” 14 June 1917, XXV, issue 151, p. 4.

<sup>9</sup> “Zalai Hírlap” 9 June 1917, V, issue 130, p. 1 and “Zalai Hírlap” 11 June 1917, V, issue 131, p. 1.

<sup>10</sup> “Zalai Hírlap” 14 June 1917, V, issue 134, p. 1.

<sup>11</sup> “Csíki Lapok” 13 June 1917, XXIX, issue 16, p. 1.

<sup>12</sup> “Zalai Hírlap” 9 June 1917, V, issue 130, 1.

<sup>13</sup> M. Gali (ed.), *Búcsú a Monarchiától. Berzeviczy Albert naplója (1914-1920)*, Budapest 2015, p. 203.

<sup>14</sup> Protocols of the House of Representatives 1910-1918, XXXVI, Vol. 8-14.

<sup>15</sup> Protocols of the House of Representatives 1910-1918, XXXVI, Vol. 7-8.

<sup>16</sup> MNL W12 Protocols of the Council of Ministers (K27) 1867-1944, 30 June 1917 (16<sup>th</sup> meeting).

<sup>17</sup> Act III of 1848, § 10.

<sup>18</sup> Act III of 1848, § 13-14.

III of 1848<sup>19</sup>. Act XVIII of 1889 amended Section 14 of Act III of 1848 on the list of ministries. However, the position of the Prime Minister was that the World War and the consequent transition to peace will present tasks of significantly larger magnitude to the government, “and shall have the government of the state face incomparably more comprehensive tasks”. According to the opinion of the Prime Minister, the government was able to be more successful in meeting this increased burden of tasks if it was to increase the number of government members by appointing ministers without portfolio. The bill submitted to the cabinet represented a solution of this problem. According to Section 1 of the bill, the number of ministers without portfolio that could be appointed was four. The bill underscored that it was only possible to appoint these ministers without portfolio for the time of war and transition to peace, emphasizing the temporary nature of the appointment of ministers without portfolio. The increased scope of the governmental tasks called for the ministers without portfolio, who would be able to perform tasks related to the war and the transition to peace. The Prime Minister also believed it desirable for them to undertake tasks outside of the scope of the usual public administration competences, which represented a higher workload as a result of their special nature or high significance than e.g. the preparation of legislation. This is reflected in the second paragraph of Section 1 of the bill. Section 2 of the bill disposes over the temporary settlement of the extra costs related to organizing the ministerial positions and contains two restrictions. On the one hand, the amount of the extra costs related to the jobs created based on the Act cannot exceed 400,000 crowns per year. On the other hand, the bill also included a limitation as to the jobs that could be organized based on the Act. Based on this future Act, it was only possible to create and fill four positions for ministers without portfolio and two positions for state secretaries. The Prime Minister requested that the cabinet approve the bill to be proposed for submission to the king for approval and then to the Parliament together with a proposal for drafting the Act. The cabinet gave its approval<sup>20</sup>. The proposal later became Act XI of 1917.

Let me add a few words by way of interpretation of the text of the act. The tasks to be fulfilled by the new ministers without portfolio are related to the war and the transition to peace. As this is the text of an act, a legal instrument, this text must be understandable, unambiguous, and executable.

The construction of Act XI of 1917, the opportunity for increasing the number of ministers was meant to be a temporary solution for a problem of that time. The temporariness, in this case, means that the opportunity given in the act is available for a period, for the time of war, and for the time of the transition to peace.

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<sup>19</sup> Act XXX of 1868, § 44.

<sup>20</sup> MNL W12 Protocols of the Council of Ministers (K27) 1867-1944, 25 June 1917 (16<sup>th</sup> meeting).

Firstly, let us try to define the war and the period of the war. Of course, *the* war (with the definite article) in Austria-Hungary in 1917 means the World War I. When seeing the later practice of Act XI of 1917 this is going to be an important principle. The question arises: What is the time of war? The beginning of the war is not important in this sense, as the act was adopted during the war. In my opinion, there are two options for the possible end of the war (not from legal, but practical perspective); it is either the armistice or the peace treaty. In case of Austria-Hungary, there are three important dates from this point of view.

The armistice that ended warfare between Austria-Hungary, Italy, and the Entente was the Armistice of Villa Giusti. It was signed on 3 November 1918 in the Villa Giusti, outside Padua in Italy, and took effect 24 hours later, on 4 November. The other two important dates are the peace treaties with either Austria or Hungary. The Treaty of Saint-Germain-en-Laye was signed on 10 September 1919 by the Republic of German-Austria. Later, the Treaty of Trianon, which was signed on 4 June 1920, formally ended the war between the Allies of the World War I and the Kingdom of Hungary. The date of the armistice and the date of the peace treaties are the dates that define or may define the end of the war.

The secondary question is the definition of the time of the transition to peace. The formal answer to this question is the peace treaty. From the point of view of our examination, the end of the time of transition to peace is the peace treaty of Trianon, which formally ends the war. In my opinion, there may be a practical answer to the question as well. This answer is an act, Act III of 1921 on the more effective protection of the national and social order. This act – the so-called order-act – gave the opportunity to the government to take steps against the extreme left and right wings. The order-act mirrored the values of the new interwar Horthy regime. This act was said to be a natural reaction of the new state and the new government to the previous revolutions, and this was a tool of the solidification of the new regime<sup>21</sup>. Thus, it was an instrument of maintaining peace in the country after the war-period. It is important to emphasize, that the order-act was used even in the 1930s against the growing extreme right movement<sup>22</sup>. Taking the usage of this act into consideration, the time of the transition to peace is the period in which the order-act was applied (as a tool for keeping the peaceful conditions in the country). This interpretation of the act – at least in my research – was not expressed contemporaneously.

After collecting the possible interpretations of the text of the act, let us examine the later practical use of the act. The first proposal for ministerial positions without portfolio based on Act XI of 1917 was submitted to the cabinet at its meeting held on 24 August 1917. The title of the agenda: “Specification of the competences

<sup>21</sup> A. Horváth (ed.), *Magyar állam- és jogtörténet*, Budapest 2014, pp. 555-556.

<sup>22</sup> *Ibidem*, p. 205.

and locations of ministers without portfolio based on Act XI of 1917 – appointment of dr. Vilmos Vázsonyi for the preparation of electoral rights, located in the palace of the minister of justice, subordinates: state secretary Károly Némethy from the ministry of the interior together with his staff, ministerial departmental consultant dr. Aurél Lengyel from the ministry of justice, ministerial deputy secretary dr. Gyula Rassay, court notaries dr. Endre Spur and Péter Sziller, secretary Gyula Rác separately employed as a statistical consultant being given the title of deputy office director; – count János Hadik appointed with matters of mass catering; – count Tivadar Batthyány appointed with duties of a social nature; – as well as dr. Béla Földes appointed with duties of the economic transition; their competences and staff are to be defined at a later point<sup>23</sup>. The cabinet accepted the proposal of the Prime Minister and passed the resolution according to the title of the item on the agenda, without making any amendments<sup>23</sup>.

Establishing the competences of two ministers without portfolio was on the agenda at the next cabinet meeting held on 30 August 1917: establishing the competence of minister of welfare Tivadar Batthyány and establishing the competence of minister without portfolio Béla Földes, responsible for economic transition. The minister made a proposal to discuss the competence of the minister of welfare as the first item on the agenda. He told that there were several laws which have an impact on the planned competence of the minister without portfolio responsible for welfare. As a result, it was not possible to conclusively determine the competence of the minister without the necessary legislative amendments. Taking this into account, the Prime Minister requested that minister without portfolio Tivadar Batthyány responsible for welfare prepare the required legislative amendments related to his competence, which were to be proposed to the Parliament following approval by the cabinet and the sovereign. The Prime Minister also requested minister without portfolio Tivadar Batthyány, responsible for welfare, to prepare detailed organizational rules. The cabinet decided in favour of the Prime Minister's proposal and ordered a state secretary from the Ministry Attending to the Person of the King to aid the minister without portfolio in establishing the organizational issues. At the same time, the Prime Minister also made a proposal as to the competence and organization of the minister responsible for economic transition. In agreement with the minister without portfolio Béla Földes, the Prime Minister determined that this competence is yet to be specified. The minister without portfolio responsible for economic transition had the idea of organizing the ministry in a non-traditional manner. He was to set up a professional commission of sixty members, which was to perform its work based on the sub-commissions. These sub-commissions, organized on a professional basis, were to

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<sup>23</sup> MNL W12 Protocols of the Council of Ministers (K27) 1867-1944, 24 August 1917 (24<sup>th</sup> meeting).

cooperate with particular ministers in performing tasks related to the transitional economy. Clerks were only to perform tasks of processing and administration. The ministry would have had the task of managing the transitional economy, keeping track of materials and specific supplements to be procured, determining and fulfilling needs, taking measures for importing finished goods and products, while intermediary tasks were to be performed by the stakeholders of the Hungarian commerce. Another objective was the protection of the war profits in order to benefit the branch of the economy in which the profits arose. With regard to issues of export and import, the ministry was to have the task of cooperating with specific ministers, cooperating in the area of personnel issues related to disarmament, as well as managing the employment of the mobilized. In addition to the Prime Minister, minister Béla Földes said he believed that the ministry would also undertake the task of establishing a comprehensive program related to public works, cooperation in restoring the currency and buybacks, disposal over war centres, and finally all issues aimed at restoration of the economic life and placing it on realistic foundation while providing it with a new direction. The minister requested that the cabinet provide him with a mandate for the utilization of three types of the workforce: firstly, clerks selected together with the specific ministers, secondly, voluntary professional consultants providing excellent skills in their own areas, and thirdly, the overall commission comprised of sixty members. Furthermore, the minister requested that the cabinet provide him with a mandate to establish the commission at the earliest time possible. The cabinet acknowledged the proposal, approved, and provided the minister with the mandate<sup>24</sup>.

As a result of the above, the 3<sup>rd</sup> government of Sándor Wekerle had altogether four ministers without portfolio: for public supplies (between 23 August 1917 and 25 October 1918), for the economy of transition (between 23 August 1917 and 8 May 1918), for public welfare and labour (between 23 August 1917 and 25 January 1918), and for the voting rights (between 23 August 1917 and 25 January 1918)<sup>25</sup>. The functions of three of these ministers were surely connected to the war or to the transition to peace. Later, the ministry for public welfare and labour became a permanent part of the government until 1932<sup>26</sup>. For me, the only questionable scope of duties is the task of (re)regulating the voting rights. The regulation of suffrage is not directly related to the war or to the transition to peace. At the same time, the regulation of the voting rights was a very important question in order to calm down the inner political pressure, which was an instrument of keeping the peaceful conditions in the society. From this point of view, this scope

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<sup>24</sup> MNL W12 Protocols of the Council of Ministers (K27) 1867-1944, 30 August 1917 (25<sup>th</sup> meeting).

<sup>25</sup> J. Bölöny, *Magyarország kormányai*, Budapest 1987, pp. 91-92.

<sup>26</sup> *Ibidem*, pp. 92-93.

of duties is similar to the others and is connected to the war and to the transition to peace. Later, the government of Mihály Károlyi had altogether five ministers without portfolio: for nationalities (between 31 October 1918 and 19 January 1919), for public welfare and labour (between 31 October 1918 and 19 January 1919), for public supplies (between 31 October 1918 and 19 January 1919), for negotiations with the Entente (between 9 November 1918 and 12 December 1918), and for the Ruthenians (between 29 December 1918 and 19 January 1919). In accordance with Act XI of 1917, there were only four ministers without portfolio in the government at the same time. In my opinion, all these five scopes of duties were closely related to the war and the transition to peace.

It is important to emphasize that the Act I of 1920 strengthened the regulations and the role of Act XI of 1917. The § 6. of the Act ordered that the foreign minister and the minister for public welfare and labour were added to the government, as well as the three more ministers without portfolio, according to Act XI of 1917<sup>27</sup>. Act I of 1920 was the main legal instrument that founded the new interwar regime, it served as a constitution-like document. In my opinion, the fact, that this document kept Act XI of 1917 in force means the straight acceptance and strengthening the structure it had created. In other words, mentioning the Act XI of 1917 in the new fundamental act of the new regime means that the new regime intended to use it onwards.

Even later, in the 1930s, the government of Gyula Károlyi had only one minister without portfolio, the minister for smallholders (between 24 August 1931 and 16 December 1931)<sup>28</sup>. Shortly before the World War II, the Imrédy government had two ministers without portfolio: for national education (between 14 May 1938 and 11 July 1938), and for Upper-Hungary (between 15 November 1938 and 16 February 1939).<sup>29</sup> It is important to stress here, that all these ministers without portfolio were appointed pursuant to and by the power of Act XI of 1917.

In case of these three ministers without portfolio, it is harder to connect their scopes of duties to the war (especially to the World War I) or to the transition to peace. With these positions, the background intent of the government clears up and comes to the surface, and it is the government's right to determine its own structure. Of course, this right is not full, it does not affect the whole structure of the government. It is only a partial right, within which the core of the government must remain intact according to the Hungarian public law traditions.

In order to support my opinion I would like to show taking the further advantage of the opportunity given by Act XI of 1917. During the war, the Kállay government had three ministers without portfolio: for public supplies (between

<sup>27</sup> Act I of 1920, § 6.

<sup>28</sup> J. Bölöny, *Magyarország...*, p. 101.

<sup>29</sup> *Ibidem*, pp. 102-103.

9 March 1942 and 22 March 1944), for military care (between 17 April 1942 and 22 March 1944), and for national defence propaganda (between 17 April 1942 and 22 March 1944)<sup>30</sup>. All the three were obviously connected to the war, but of course not to the World War I, but to the World War II. One of the last appointments based on Act XI of 1917 took place on 23 May 1944, when governor Miklós Horthy, upon the proposal of Prime Minister Sztójay, appointed Béla Imrédy as minister without portfolio for the economy<sup>31</sup>.

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<sup>30</sup> *Ibidem*, p. 104.

<sup>31</sup> “Budapesti Közlöny”, 24 May 1944, 78, issue 116.



## **Summary**

Act XI of 1917 gave the opportunity to the Hungarian government to increase the number of the government members with four ministers without portfolio. This was meant to be a temporary opportunity almost at the end of World War I. The act declared that four ministers without portfolio may be appointed “for the time of the war and the transition to peace”. The determination of the temporal effect seems to be inaccurate and loose. Especially this characteristic gave the base of my paper.

In my paper, I am showing the expressed reasons for such a regulation, and the original interpretation of the act and the practice based on it. According to the Hungarian constitutional tradition, an act was the only tool to change the ministerial structure of the government, and changing ministries and competencies could only be done by acts. Later the practice changed, which meant the contemporaneous change in the interpretation of Act XI of 1917 as well. These mutual effects lead to a situation in which it was totally acceptable to appoint a minister without portfolio in 1944 legally based on an act that was meant to solve the extraordinary questions of World War I.

## **KEYWORDS**

ministerial structure, World War I, government, ministry

## **SŁOWA KLUCZOWE**

struktura ministerstw, I wojna światowa, rząd, ministerstwa