

The Influence on the Structure of the Legislature: Examining Hungary's Electoral Rights Throughout the 19th and 20th Centuries

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ABSTRACT

This article explores the evolution of electoral rights in Hungary in the 19th and 20th centuries, uncovering the pivotal historical moments, legislative reforms, and social transformations that have shaped the country's electoral system as it stands today. Placing particular emphasis on the central role of members of parliament, the study seeks to trace the arduous journey towards the establishment of universal suffrage for all eligible citizens. From 1848, when parliament enacted the first modern civilian electoral law, to the absolute control of the Party under the Soviet-type dictatorship, electoral law in Hungary has undergone a dynamic metamorphosis, shaped by shifting social norms and the volatile political and military climate of each era. The entire process encapsulates the ongoing struggle between democratic aspirations and the evolving legal framework.

KEYWORDS

Electoral system, electoral rights, parliaments, national assembly, right to vote, right to be elected, requirements to be a representative, Hungarian electoral history.

Influența asupra structurii legislativului: examinarea drepturilor electorale ale Ungariei de-a lungul secolelor al 19-lea și al 20-lea

REZUMAT

Acest articol explorează evoluția drepturilor electorale în Ungaria în secolele al 19-lea și al 20-lea, evidențiind momentele istorice cheie, reformele legislative și schimbările sociale care au modelat sistemul electoral al țării așa cum există astăzi. Punând accent pe rolul esențial al membrilor parlamentului, studiul își propune să analizeze procesul de obținere a sufragiului universal pentru fiecare cetățean eligibil. Începând cu anul 1848, când parlamentul a aprobat prima lege electorală civilă modernă, și până la dominația absolută a Partidului sub dictatura de tip sovietic, legislația electorală din Ungaria a trecut printr-o transformare dinamică, influențată atât de schimbările sociale, cât și de situația politică >>

1 ORCID: 0009-0001-9586-421X.

>> și militară agitată a vremii. Întregul proces reflectă lupta continuă dintre aspirațiile democratice și cadrul juridic în schimbare.

CUVINTE CHEIE

Sistem electoral, drepturi electorale, parlamente, adunare națională, drept de vot, drept de a fi ales, cerințe pentru a fi deputat, istoria electorală a Ungariei.

I. INTRODUCTION

The fundamental human right to vote empowers individuals to influence government decisions and safeguard their other human rights. Transparent and equitable elections are vital in averting conflict and violence, fostering peaceful transitions of power. Conversely, the infringement upon voting rights can provoke unrest and social turmoil.

Modern states in Central Europe, grounded in constitutional principles, operate on the tenets of the rule of law,² democratic governance, and, by extension, universal suffrage. The history of Hungary offers a compelling narrative—one marked by the evolution of electoral rights and the preconditions for parliamentary representation. The nation underwent profound political transformations in the 19th and 20th centuries, with each era leaving an indelible imprint on Hungary's electoral framework. From 1848, which sparked ambitions for a broader political enfranchisement, to the seismic changes after the Second World War and the eventual collapse of the Iron Curtain in 1989, Hungary's political trajectory is a testament to the enduring resilience of democratic principles.

This article seeks to address questions such as: *what qualifies an individual to determine national representation? Should every citizen, regardless of wealth and education, possess this right?* The approaches of various states to these issues have evolved dramatically over the past two centuries, as have the criteria for individuals seeking to become active members of parliament or to participate in the electoral process. Though the answer to this question may seem self-evident today, what is now considered a standard and fundamental civil right had to be fought for through decades of legal reform, against the backdrop of the dynamic history of the 19th and 20th centuries.

The purpose of this article is to analyse the evolution of voting rights in Hungary in the 19th and 20th centuries. Central to this exploration is an in-depth examination of the requirements and qualifications that individuals needed to meet in order to become deputies—those entrusted with representing the diverse voices of Hungarian society. In addition, the article looks at the process by which universal suffrage was eventually granted to all eligible citizens.

2 There is a doctrinal dispute about the concept known as the *rule of law*, concerning the extensive interpretation of the term and its use to legitimise all sorts of political and legal actions in various states. As regards this see for example: Timothy A. O. Endicott: The Impossibility of the Rule of Law, *Oxford Journal of Legal Studies*, 1/1999, pp. 1–18.; Judith N. Shklar (1987): Political theory and the rule of law, in Allan Hutchinson, Patrick J. Monahan (ed.): *The rule of law: Ideal or ideology*, Carswell, Toronto, pp. 1–16.

II. THE ELECTORAL SYSTEM IN HUNGARY BEFORE THE FIRST WORLD WAR

1. General overview

Hungary's institutional framework operated without a formal written constitution, with the authority, prestige, and influence of various bodies moulded predominantly by historical precedents and the shifting political landscape during the Reform Age (1825–1848), amidst the protracted struggle for autonomy from Austria. This struggle unfolded both on the battlefield and within the realm of political discourse between 1848 and 1867.³ For a comprehensive analysis of the contemporary electoral system, it is crucial to recognise that Hungary's parliamentary structure prior to the First World War, unlike its current form, adhered to a bicameral model. This system comprised two chambers: the Upper House, known as the House of Magnates (or House of the High Estates), and the Lower House, referred to as the House of Representatives.⁴ Significantly, membership in the Upper House was not contingent upon direct electoral processes but instead arose from hereditary nobility, prominent official positions, or royal appointment.⁵ As a result, the restricted electorate of the time wielded minimal influence over the composition of the House of Magnates, a composition intricately linked to socio-economic status and aristocratic lineage.

One of the more regrettable alterations to the electoral system came in 1874, culminating in its full implementation through Act XV of 1899, which excluded individuals with tax arrears from the right to vote. This restriction led to a sharp decline in parliamentary representation, reducing the electorate to less than 6%. In the following decades, the percentage of Hungarian citizens eligible to vote fluctuated only slightly, reaching 6.2% in 1906.⁶ This figure was strikingly low by European standards, especially when considering that the electoral law in 1848 had once been considered progressive. By contrast, in more advanced European countries, the proportion of enfranchised citizens had already risen to between 20 and 30%, with Austria itself reaching this range following electoral reforms in 1896. Meanwhile, many Western European countries, though still lagging in democratic development, had extended suffrage to 15–30% of the population, typically accompanied by the introduction of secret voting procedures. The Electoral Reform Act of 1874 shaped the parliamentary

3 András Joó (2014): Governments-Parliaments and Parties (Hungary), in Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer, Bill Nasson (ed.): *International Encyclopedia of the First World War*, Freie Universität Berlin. Available at: <https://encyclopedia.1914-1918-online.net/article/governments-parliaments-and-parties-hungary/> (accessed on 11.02.2025).

4 György Képes: The question of universal suffrage in Hungary after the First World War, 1918–19, *Parliaments, Estates and Representation*, 2/2020, pp. 201–217, p. 202.

5 Róbert Hermann, Sándor M. Kiss (2011): Hungary's Parliament, in Róbert Hermann et al. (ed.): *The Hungarian National Assembly*, Office of the National Assembly, Budapest, pp. 21–31, p. 27.

6 Ignác Romsics: Huszadik századi magyar politikai rendszerek, *Korunk*, 4/2010, pp. 5–17.

elections in Hungary from 1875 to 1910. The newly formed ruling party, a merger of Deák's Party and Kálmán Tisza's political faction, secured over 80% of parliamentary seats in the 1875 elections and maintained its dominance until 1905. Kálmán Tisza himself held the office of prime minister for an extended period, resigning only in 1890. The first amendment to the 1874 law occurred 25 years later in 1899, when the exclusion of tax debtors was repealed, resulting in a modest increase in parliamentary representation—from 5.6% in 1896 to 6.1% in 1901. However, the pre-1848 representation level of 7% was not restored until the final years of peace before the outbreak of the First World War.⁷

In the early 20th century, efforts were made to expand the electorate and enfranchise a greater portion of the citizenry. On 16 December 1905, József Kristóffy, serving as Minister of the Interior in Fejérváry's "extra-parliamentary" government, proposed a bill seeking to extend suffrage to male citizens who had attained the age of 24 and possessed the ability to read and write. This measure would have effectively doubled the proportion of eligible voters, raising it from a mere 6.2%. In 1908, Interior Minister Gyula Andrássy Jr. advanced a proposal advocating a universal yet pluralistic electoral system, wherein the right to vote would be tied to wealth and education criteria. Under this scheme, voters would be allotted double or triple votes based on these criteria. Nonetheless, the proposal also sought to extend the right to vote more broadly granting a single vote to all literate men aged 24 and above. Strikingly, it made provision for illiterate citizens as well, permitting them to participate as "primary voters" by collectively electing a single electoral delegate, or elector, whose vote would carry a fractional weight of 1/10th. Although the proposal would have expanded the electorate to 2.6 million, it faced considerable criticism from various quarters, chiefly due to its pluralistic design. In the face of such criticism, Andrássy ultimately chose to withdraw the proposal.⁸

The Electoral Act of 1907, widely known as the István Tisza Act, stands as a defining moment in Hungary's electoral history in the years preceding the outbreak of the First World War. Though formally enacted under László Lukács, there is little doubt that István Tisza played a crucial role in its drafting. Aware of his unpopularity, Tisza took deliberate steps to ensure his name remained absent from official records. Nonetheless, his substantial involvement becomes evident upon examining his correspondence with Károly Némethy, the government official responsible for drafting the bill. As Prime Minister, Tisza introduced the legislation to remedy shortcomings in the existing electoral framework and to promote fairer representation within the Hungarian parliament. Although the reform sought to implement a more proportional electoral system, providing a more equitable representation for various political factions, it notably fell short of introducing universal suffrage, affecting only a modest expansion of the electorate.

The eligibility criteria, primarily based on wealth and educational qualifications, remained intact, yet efforts were made to increase the number of eligible voters. Despite these efforts, the electoral system retained its intricate and layered structure,

⁷ Képes (2020): p. 204.

⁸ Képes (2020), pp. 206–207.

requiring multiple rounds of voting. Local delegates were first elected and subsequently participated in further rounds to elect members of the Hungarian parliament. In addition, the reform sought to bridge the gap between rural and urban eligible voters by affording greater electoral weight to urban constituencies. While the 1907 electoral law represented a step towards broader inclusivity and proportionality, it failed to meet growing demands for universal suffrage and faced criticism for its complexities and limitations. In the years that followed, Hungary underwent profound political changes, leading to further electoral reforms, particularly in the aftermath of the First World War and the disintegration of the Austro-Hungarian Empire. Tisza's opposition to universal suffrage was well-documented. In a lecture published in September 1912, he unequivocally asserted that universal suffrage presupposed a high intellectual and material standard—one he believed Hungary had yet to attain.

The Hungarian parliamentary system of this era bore the hallmarks of a highly centralised governance structure, its restrictive framework curtailing genuine political competition. A striking testament to this rigidity is the fact that the ruling party was displaced only once, in 1906—and even then, only on the condition that opposition parties pledged allegiance to the fundamental tenets of the existing political order. Yet, despite this anti-democratic backdrop, the liberal and pluralistic ideals of the 19th century persisted, both within parliamentary discourse and in intellectual realms. Additionally, the judiciary remained steadfastly independent, upholding the rule of law without yielding to external pressures or political interference.

2. The right to vote and be elected on the basis of an analysis of the provisions of selected legislation

Just a month after the outbreak of the revolution of 1848, the Hungarian parliament passed the first modern civil electoral law (Act V of 1848).⁹ Despite conferring voting rights on just 7.2% of the population, it was regarded as progressive for its time. The legislation introduced an individual, single-tier, relative majority electoral system, granting the right to vote to Hungarian men aged twenty and above, provided they adhered to a specific religious faith and met certain property or intellectual property requirements. As such, eligibility for voting was determined by factors such as age, gender, and religion. Moreover, the law explicitly emphasizes the significance of the property status and the leased profession of those eligible to vote, considering these criteria on an equal footing with age, gender, and religion. As indicated in § 2(b), eligibility to vote requires employment in specified professions outlined in the law, such as artisans, merchants, or industrialists, but also those listed in subsection (d) such as surgeons, lawyers, engineers, academic artists or teachers. Nevertheless, should an individual meet all other conditions but not be employed in one of the listed professions, they were not automatically excluded from the voting process. Provided they could demonstrate a certain income, thus maintaining a defined property status, they were still granted the right to vote. Following the enactment of this law in 1848, the initial deputy election was held in

⁹ 1848. évi V. törvénycikk az országgyűlési követeknek népképviselőt alapján választásáról (Act V of 1848 on the election of the emissaries to the Diet on the basis of popular representation).

the summer of that year. After the war of independence was lost, the April Laws (among which Act V of 1848 as well) were repealed, with subsequent elections taking place in 1861 and 1865, in accordance with an imperial decree.

Article V, Paragraph 3 of Act V of 1848 explicitly delineates the provisions regarding passive voting rights, adjusting the age threshold for active voting from twenty to twenty-four years. Beyond this amendment, all other conditions remain unchanged. However, the legislation emphasises the imperative of adhering to the law, specifying that compliance must be exclusively conducted in the Hungarian language. This requirement, though ostensibly a matter of legal formalities, implicitly presupposes not only proficiency in the language but also an intrinsic connection to Hungarian culture. In a deeper sense, it signifies an obligation to be nurtured within, and intellectually anchored to, this specific cultural milieu.

As mentioned earlier, Act XXXIII of 1874,¹⁰ adopted after the Austro-Hungarian Compromise of 1867, amended and supplemented Act V of 1848 as well as Act II of 1848 of Transylvania, represents yet another piece of legislation that modified Hungary's electoral law preceding the First World War—albeit in a manner that regrettably curtailed the number of eligible voters. This new law introduced three key provisions: the imposition of a tax qualification, the disqualification of tax debtors from electoral participation, and the mandate for obligatory open voting across all constituencies.¹¹

The amendments to Hungary's electoral law at the turn of the 20th century can, without doubt, be considered restrictive. Indeed, by the dawn of that century, the number of eligible voters had dwindled compared to 1869. In stark contrast to the evolving parliamentary systems elsewhere in Europe, the Hungarian electoral framework did not seek to enshrine a universal right to vote but rather to curtail it as stringently as possible. This deliberate restriction served to concentrate political influence within a narrow elite, ensuring that only a select group of individuals could exert meaningful sway over the country's legal and political affairs. At the time, Hungarian liberals maintained that property, education, and even gender-based qualifications were the sole legitimate determinants of the right to vote and its proper exercise.¹² In light of this, one cannot help but form the unmistakable impression that the contemporary approach to electoral rights is a world apart from that of the past. Then, suffrage was perceived not as an inherent civic entitlement, but as a privilege to be earned—a reward rather than a fundamental democratic right, enabling individuals to exert genuine influence over the course of events, irrespective of education, wealth, or ability. The Hungarian electoral system of the time unquestionably curtailed opportunities for competition among different social groups and interests, thereby maintaining the supremacy of the landed aristocracy and nobility.¹³

10 1874. évi XXXIII. Törvénycikk az 1848: V. törvénycikk és az erdélyi II. törvénycikk módosításáról és kiegészítéséről (Act XXXIII of 1874 amending and supplementing of Act V of 1848 and Act II of Transylvania).

11 Képes (2020): p. 204.

12 Zoltán Szente (2010): *Kormányforma és parlamentáris kormányzás a XIX. századi európai és a dualizmus kori magyar közjogban*, p. 219. Available at: https://real-d.mtak.hu/403/4/dc_42_10_doktori_mu.pdf (accessed on 11.02.2025).

13 Szente (2010): p. 220.

III. THE ELECTORAL SYSTEM IN HUNGARY IN THE INTERWAR PERIOD

1. General overview

A more democratic House of Representatives, in which ethnic minorities (as well as Hungarian workers) would enjoy significantly stronger representation, played a pivotal role in shaping the stance of Hungary's pre-war conservative political elite. It is hardly a revelation to state that the principal factor underpinning this position, not only in Hungary but also across other nations of the time, was the deep-seated fear of an emerging social order that might arise from altering the composition of one of the legislative chambers.

A milestone in the history of suffrage in Hungary was undoubtedly 21 December 1917. The significance of this date lies in the introduction of a bill that marked an early step towards extending voting rights to women. By its very premise, the enactment of this proposed legislation would have had a profound effect on the number of eligible voters in Hungary. The proposal to enfranchise women in Hungary formed part of a broader international suffrage movement that had gained considerable momentum in the late 19th and early 20th centuries.¹⁴ Across various nations, women were demanding equal political rights, including the right to vote. The Hungarian suffrage movement was strongly influenced by similar movements elsewhere in Europe and in the United States, with Hungarian women, like their counterparts abroad, advocating for political equality and recognition of their status as full citizens.

The inaugural proposal for granting Hungarian women the right to vote was put forward by Vilmos Vázsonyi, a government official. However, the criteria for women's suffrage diverged from those applied to men. While male voters were required to be at least 24 years old and possess a minimum of four years of elementary—or alternatively, fulfil specific tax or military service requirements—women faced a more stringent standard. They, too, had to be at least twenty-four, yet they were expected to have completed four years of secondary education. An exception to this educational prerequisite was granted to war widows, acknowledging their unique social circumstances.¹⁵

In January 1918, the House of Representatives convened a special committee to scrutinise the electoral law. Departing from Vázsonyi's initial proposal, the committee specifically opposed the provisions related to women's suffrage. In its report of 25 June 1918, the Special Commission report argued that women's engagement in politics might distract them from familial responsibilities. Consequently, the majority of the Special Commission recommended the removal of all clauses concerning women from the Act. When the House voted on the women's suffrage law on 17 July 1918, all proposed titles, including those regarding educational qualifications were rejected by a

14 Törvényjavaslat az országgyűlési képviselők választásáról, in *Képviselőházi Irományok*, vol. LVIII from 1910, Document No. 1413.

15 Képes (2020): p. 210.

vote of 161 to 96, revealing a lack of support from the political majority. Ultimately, the new suffrage law, Act XVII of 1918, was approved by both Houses of Parliament—the House of Representatives on 19 July 1918, and the Upper House on 31 July 1918. In its final form, the Act excluded women's suffrage entirely, while male suffrage was slightly curtailed, requiring six years of primary education instead of the four years stipulated in Vázsonyi's original draft. Tisza's party also removed provisions for a secret ballot, not only in Budapest and cities with municipal government but also in several other urban centres. Under the final version of the Act, a separate law would be required to determine which constituencies would conduct elections by secret ballot and which would resort to open voting.

The post-First World War electoral landscape in Hungary was marked by significant upheaval and attempts at democratic reform. Following the dissolution of the Austro-Hungarian monarchy in October 1918, the Hungarian National Council was established in Budapest, mirroring similar bodies formed by other nationalities of the former empire. Comprising Károlyi's Party, the Social Democrats, and Radicals led by Oszkár Jászi, the council sought to redress longstanding grievances, including the demand for universal suffrage. On 25 October 1918, with Károlyi elected as its Chairman, the Hungarian National Council announced a program centred on democratic electoral reform. Subsequently, on 23 November 1918, Károlyi's government issued the ground-breaking "People's Act", an electoral decree that abolished nearly all voting qualifications, retaining only literacy requirements and a slightly higher age threshold for female voters. This decree signalled a decisive break from prior traditional electoral norms, most notably by introducing secret balloting across all constituencies, extending it beyond urban centres to rural regions as well. The overarching aim of the People's Act was to confer legitimacy upon the emerging regime through the election of a Constituent Assembly, which would be tasked with adopting a democratic and republican constitution. The anticipated expansion of the electorate under this Act was vast, potentially encompassing up to nine million voters—a striking contrast to the narrow male suffrage granted under Act XVII of 1918.¹⁶

However, despite the democratic aspirations embedded within the People's Act, the actualization of the envisioned electoral process was fraught with delays. The government, led by Károlyi, hesitated to hold elections promptly, fearing that the volatile social climate, exacerbated by post-war economic crises and widespread unrest, might lead to the radicalisation of the masses.

In 1919, as the Paris Peace Conference exerted mounting pressure on the Hungarian government, Archduke Joseph August was compelled to resign. His departure paved the way for Ödön Beniczky, the newly appointed Minister of the Interior, to propose an electoral decree (No. 4245/1919 M.E.), which largely mirrored the provisions of the People's Act 1 of 1918. This proposal was approved by the cabinet on 29 August 1919, yet its publication was initially hindered by paper shortages. It was only officially released on 17 November 1919 as Decree No. 5895/1919 M.E. While maintaining the fundamental principles of the People's Act, the decree introduced several minor changes. Among these was the establishment of a uniform voting age of 24 for both

16 Képes (2020): p. 215.

men and women, along with an exemption for soldiers who had served for at least 12 weeks.¹⁷

Other modifications included a six-month domicile requirement, an increase in the eligibility age to 30, and a transition from proportional representation to a majority voting system in single-member constituencies. Despite these changes, the decree upheld important features of the People's Act, such as women's suffrage without property or tax qualifications, the guarantee of secret balloting across all constituencies, and the principle of broad democratic representation. As a result, approximately 87% of Hungarian citizens of voting age were enfranchised, representing 39.7% of the total population.¹⁸

The parliamentary elections, initially scheduled for 21 December 1919, were postponed by the newly formed government of Károly Huszár to January 1920. Eventually held on 25–26 January 1920, the elections were marred by the withdrawal of Social Democratic candidates in protest against widespread campaign atrocities. Nevertheless, Hungary witnessed an unprecedented level of democratic representation, with 39.7% of the population enfranchised—a proportion comparable to contemporary Denmark and Norway, and surpassed only by post-war Austria and Germany.¹⁹

During the Hungarian Soviet Republic, two constitutional laws were enacted, the latter being adopted on the 19th of June 1919, so a little bit more than one month before the fall of the short-lived communist state. Therefore, these acts did not have the time to alter society in the socialist manner envisaged by its drafters, as they were repealed together with the end of the Hungarian Soviet Republic. Despite this fact, the examination of the latter constitutional act from the point of view of electoral law is a worthy endeavour. The Constitution of the Hungarian Socialist Federative Republic of Councils²⁰ embedded class-based principles within its electoral framework, explicitly defining active and passive voting rights. Articles 66 and 67 granted suffrage exclusively to those engaged in economic life, such as labourers, civil servants, Red Army soldiers, and individuals performing domestic work for the collective. Conversely, Article 68 excluded from the franchise all those who did not conform to the socialist ideal of the working class, including entrepreneurs employing wage labourers, people reliant on non-labour income, the clergy, and merchants. This form of legal norms led to a far-reaching selectivity of the electoral system, eliminating from participation in the political process those considered classist, which was in line with revolutionary communist ideology. Notably, voting rights under the 1919 Constitution were not bound by the criterion of citizenship. Article 67 extended voting rights to foreigners, provided they met specific economic criteria, reflecting the internationalist character of revolutionary politics, wherein allegiance to the state was determined by social status rather

17 István Szabó (2013): A választási rendszer az 1920-as nemzetgyűlési választásokon, in Gábor Máthé, Mihály T. Révész, Gergely Gosztonyi (ed.): *Jogtörténeti Parerga*, ELTE Eötvös Kiadó, Budapest, pp. 348–355, p. 348.

18 Miklós Ruzskai: Az 1945 előtti magyar választások statisztikája, *Történeti statisztikai közlemények*, 1–2/1959, p. 13.

19 Romsics (2010): p. 8.

20 1919. évi alkotmány a Magyarországi Szocialista Szövetséges Tanácsköztársaságról (1919 Constitution of the Socialist Federative Soviet Republic of Hungary).

than nationality. Another defining feature of this electoral system was its centralised administration. Article 69 placed the electoral process under the direct supervision of election commissions appointed by the Central Executive Committee of the Federation, thereby ensuring stringent state control over both the conduct and outcomes of elections. In addition, Article 75 empowered the Central Committee to review and annul elections, creating an additional safeguard to align electoral results with the regime's interests. Although theoretically designed to foster social mobilisation, this electoral system, which prescribed six-month terms for councils and allowed for the recall of elected representatives (Article 77), in practice, warned of a profound political instability.

2. Parliamentary elections of 1920, abolition of the bicameral system

By January 1920, István Friedrich's short-lived government initiated the "National Assembly elections", coinciding with the elimination of the Lower House. The National Assembly was temporarily renamed until the Upper House was reinstated in 1926. Over three million voters participated, marking the first time Hungarian women took part in parliamentary elections. In 1922, Kunó Klebelsberg introduced a bill to reregulate voting rights, but its implementation was delayed. Instead, Count István Bethlen enacted Decree No. 2200/1922 M.E., which heightened property and education qualifications for voting. This measure reduced the percentage of eligible voters to 29% of the total population, and the voting age for women was increased to 30. A noteworthy change was the reintroduction of open voting, except in Greater Budapest and, later, a reduced list of seven cities. Consequently, 245 out of 199 deputies were elected through open voting. About 20% of the entire population could only cast their votes using ballot papers. Bethlen's electoral decree was endorsed by the National Assembly in 1925, with minimal alterations, becoming Act XXVI of 1925, which governed the election of parliamentary members.²¹

In 1938, parliament approved a new electoral ordinance (Act XIX of 1938), which officially recognised secret balloting. Concurrently, the voting age was raised to 26 and 30 years, and modifications were made to other voting eligibility conditions. In metropolitan areas, only named elections were conducted, while both named and individual elections took place in rural regions, creating disparities in the value of votes. The 1938 parliamentary elections were conducted under the electoral law of 1939, reflecting broader legislative and political transformations in Hungary's electoral system.

The National Assembly, elected in early 1920, had a two-year mandate, the conclusion of which led to its dissolution by Governor Miklós Horthy in February 1922. In the wake of this dissolution, fresh elections were convened in Budapest, spanning the days of 1 and 2 June 1922. As the preceding parliament had failed to approve the electoral law proposed by Prime Minister István Bethlen, the electoral system was subsequently revised after the government's dissolution through decrees issued by the Prime Minister and the Minister of the Interior. These revisions, which entailed a tightening of

21 Romsics (2010): p. 10.

both census and age qualifications, brought about a marked reduction in the number of eligible voters, leaving only 38% of the capital's population with the right to participate in the electoral process. Moreover, the brevity of the census period resulted in an even greater number of citizens being disenfranchised, a circumstance that fell with particular severity upon the Social Democrats in Budapest. Distinct from the majority of the country, Budapest retained the practice of secret balloting. However, in 1920, the city's 22 individual electoral districts—Buda, North Pest, and South Pest—wherein the electoral system underwent a transformation, shifting from a majority-based framework to one of proportional representation.

IV. THE LEGAL-PARLIAMENTARY CONTEXT DURING THE SOVIET-TYPE DICTATORSHIP IN HUNGARY

The outcomes of the nine parliamentary elections in Hungary between 1949 and 1985 marked a notable departure from previous practices in the country. As was the case across the socialist bloc, this era bore witness to unprecedented voter turnout and an overwhelming prevalence of “yes” votes. As István Feitl observed, these election results not only failed to reflect the political diversity inherent in society but, paradoxically, functioned as a mechanism to obscure the absence of genuine political pluralism. Rather than serving as an expression of democratic will, they became an instrument through which those in power could legitimise themselves under the guise of national unity. The pre-election period was invariably characterised by an emphatic appeal to national solidarity and the necessity of collective purpose in the construction of Socialist Hungary. This ideal found its embodiment in the Popular Front, a vast mass organization whose apparent influence extended beyond the electoral process to the very composition and operation of the Hungarian parliament itself.²²

1. General overview

The aftermath of the Second World War did not usher in a period of enduring democratic growth in Hungary or continuous modernisation for the country. Instead, a distinctly different trajectory unfolded. In the final stages of the war, the east-central and eastern regions of Europe, including Hungary, came under the occupation of Soviet forces. Following a transitional phase and with the consensus of the major powers, these nations embarked on constructing a “socialist” system, rooted in the Eurasian geopolitical relationships characterising the worldview of the Soviet Union. In Hungary, the introduction of this unique Eastern European structure and its corresponding legal framework unfolded over a remarkably brief period. New laws—often not quite formal legislation—began to evolve with the purpose of reshaping social relations. Naturally, this period also saw the repeal of earlier disenfranchisement

22 István Feitl (2010): Pártvezetés és országgyűlési választások 1949–1988, in György Földes, László Hubai (ed.): *Parlamenti választások Magyarországon 1920–2010. Harmadik, bővített, átdolgozott kiadás*, Napvilág Kiadó, Budapest, pp. 283–304.

laws, marking the commencement of the dismantling of the pre-existing state apparatus.²³

The process of nationalization gradually extended to encompass a broader spectrum and eventually large swathes of private property. Small-scale industries and retail businesses were absorbed into cooperative structures, signalling a shift from the earlier concept of “people’s democracy” to a model of socialism aligned with the Soviet system. Being elected in 1945, the National Assembly proved ineffectual in carrying out the desiderata of the Soviets, despite mounting pressure from leftist political factions employing the aforementioned unconventional methods and the presence of Soviet forces. Consequently, in 1947, the President of the Republic dissolved the National Assembly and scheduled elections for 31 August 1947, governed by a new electoral law, which led to the disenfranchisement of around 400,000 voters. In the 1947 elections, the leftist electoral coalition—comprising the Hungarian Communist Party, the Social Democratic Party, the National Peasant Party, and the later on “purged” Independent Smallholders’ Party—secured over 60% of the vote, with the Hungarian Communist Party emerging as the dominant force within the coalition.²⁴

The passage of Act XX of 1949 on the Constitution of the People’s Republic of Hungary on 20 August 1949²⁵ (largely modelled on the 1936 Constitution of the Soviet Union) explicitly stated in its preamble that the Constitution reflects “*the already achieved results of the struggle and work for state building, the fundamental changes in the economic and social structure of our country, and further indicates the path of development.*” Despite undergoing numerous amendments, the most significant of which occurred in 1972 before the complete overhaul of the constitution in 1989 under Act XXXI of 1989, its provisions and essence played a substantial role in shaping Hungarian law during specific periods of its history.²⁶

The content and essence of the 1949 Constitution significantly influenced the evolution of Hungarian law, primarily in the realms of public law and administrative law. In the section on the social order, the Constitution delineated the fundamental characteristics of the newly established society, placing particular emphasis on state and public or cooperative ownership, while also acknowledging the potential for private ownership of the means of production. It also underscored the commitment of the Hungarian People’s Republic to the implementation of socialist principles. As previously discussed, although the constitution designated the National Assembly as the foremost organ of state organization, theoretically endowed with wide-reaching powers, in practice it typically convened only twice a year for brief sittings. This limited frequency of meetings resulted in a significantly reduced volume of laws, many of which were more general in nature compared to earlier periods. Chapter IX of the 1949 Constitution laid out the basic electoral rules, in line with Soviet thought. However,

23 Kálmán Kulcsár (1996): Jogalkotás és jogrendszer, in István Bekény et al. (ed.): *Magyarország a XX. században I.: Politika és társadalom, hadtörténet, jogalkotás*, Babits, Szekszárd, p. 473.

24 Kulcsár (1996): p. 474.

25 1949. évi XX. törvény – A Magyar Köztársaság alkotmánya (Act XX of 1949 – The Constitution of the Hungarian Republic).

26 Kulcsár (1996): p. 475.

this topic (which I will address in more detail in the following sections of this article) demands a more thorough analysis than can be captured in a mere mention here. For now, it is important to highlight that this section of the Basic Law directly referenced the communist structuring of the state and, by extension, the formation of the electoral system.

In the intervals between sittings of the National Assembly, the Presidential Council, comprising heads of state in a collective capacity, assumed nearly all of the Assembly's powers. Its primary authority lay in its ability to issue decrees carrying the force of law. This innovative legislative approach shifted control over legislation from the National Assembly to the Presidential Council, with legislative decrees taking precedence over laws, even possessing the power to amend them—until the introduction of Act XI of 1987 on legislation.

2. The National Assembly and its status in Hungary under the Soviet-type dictatorship

Under Soviet dominion, Hungary existed under an oppressive regime where widespread intimidation and social terror served as instruments of control. Any semblance of dissent was systematically eradicated, with the members of parliament serving the purposes of the party-state. Still, during the regime of Mátyás Rákosi, as many as one-third of parliamentarians were imprisoned, a stark testament to the regime's repressive measures.²⁷ A defining feature of this Soviet-type dictatorship was the complete subjugation of social, cultural and political life. To achieve this, in accordance with communist ideology, a meticulously orchestrated series of measures was enacted, all aimed at legitimising Soviet power.

As per S. Kubas,²⁸ the period between the end of the Second World War and 1990 in Hungary can be divided into two notable phases, each marked by the Communist Party's endeavour to consolidate its authority. The first, spanning from 1945 to 1956, was characterised by efforts to establish socialism, while the second followed the suppression of the Hungarian national uprising of 1956. In the former, the process of legitimising power unfolded along both normative and social dimensions; in the latter, the focus shifted primarily towards attempting to regain public support.

Following the 1945 National Assembly elections, Zoltán Tildy ascended to the position of prime minister, strategically allotting four key ministerial posts to members of the Communist Party, both for propagandistic and practical ends. Among them, László Rajk assumed the office of Minister of the Interior, thereby endowing the Party with the authority to take action not only against war criminals but also against those suspected of obstructing the regime's initiatives and resisting its ideological imperatives.²⁹

27 Sebastian Kubas: Węgierski parlamentaryzm od narodzin do stanu obecnego z uwzględnieniem konstytucji z 2011 r., *Przegląd Sejmowy*, 5/2012, 194–214, p. 201.

28 Sebastian Kubas: Legitymizacja i alternacja władzy na Węgrzech, *Studia Politicae Universitatis Silesiensis*, 2017, pp. 43–59, p. 45.

29 Kubas (2017): p. 46.

In its relentless pursuit of absolute power, the totalitarian regime employed the strategy known as “salami slicing.”³⁰ The ultimate goal was to consolidate complete authority, a process that entailed forming temporary coalitions with leftist or centrist parties, gaining control over key state positions. Subsequently, through a potent combination of propaganda and a refined system of terror, the Communist Party accused coalition partners of harbouring fascist and anti-Soviet sympathies, thereby justifying their suppression and paving the way for an undisputed Communist takeover.³¹

Between 1945 and 1949, legal proceedings were initiated against approximately one-third of Hungary’s population—some three million individuals—on charges of engaging in activities deemed inimical to the state.³² This reign of terror paralysed not only the National Assembly and its members, but also the broader populace, silencing all who dissented from the dictates of the ruling authorities. It is a cruel paradox that a state system ostensibly designed to serve the interests of the people instead imposed a machinery of repression on an unprecedented scale.

3. Analysis of the chosen legal acts in force at the time governing the electoral law for the National Assembly

Under the Soviet-type dictatorship, elections to the Hungarian National Assembly were held on nine occasions, consecutively in the years 1949, 1953, 1958, 1963, 1967, 1971, 1975, 1980 and the last, in 1985. Over the course of this time period, the principles governing active and passive electoral rights and issues related to the exercise of the mandate were regulated in a number of legal acts. Notable among these were Act I of 1957 extending the term of office of the Parliament elected on 17 May 1953;³³ Act III of 1966 on the Election of Members of Parliament and Council Members;³⁴ Act III of 1970 amending Act III of 1966 on the Election of Members of Parliament and Council Members³⁵ and Act III of 1983 on the Election of Members of Parliament and Council

30 The salami tactics were a strategy employed by the regime to gradually eliminate democratic party representation and establish the Communist Party’s control in nations occupied by the Red Army during the Second World War, falling within the sphere of influence of the USSR. Coined by Mátyás Rákosi, the Stalinist plan aimed at leveraging the Red Army’s presence to bolster the weak communist party organizations in these countries. For more, see Antony Best (2008): *An International History of the Twentieth Century and Beyond*, Routledge, Abingdon, p. 220.

31 Steve Phillips (2001): *The Cold War: Conflict in Europe and Asia*, Heinemann, Harlow, p. 33.

32 István Szent-Miklóssy (1988): *With the Hungarian Independence Movement. 1943–1947: An Eyewitness Account*, Praeger, New York, pp. 88–93.

33 1957. évi I. törvény az 1953. évi május hó 17. napján megválasztott országgyűlés megbízatásának meghosszabbításáról (Act I of 1957 extending the term of office of the Parliament elected on 17 May 1953).

34 1966. évi III. törvény az országgyűlési képviselők és a tanácsstagok választásáról (Act III of 1966 on the Election of Members of Parliament and Council Members).

35 1970. évi III. törvény az országgyűlési képviselők és a tanácsstagok választásáról szóló 1966. évi III. törvény módosításáról (Act III of 1970 amending Act III of 1966 on the Election of Members of Parliament and Council Members).

Members.³⁶ However, all these statutes—as explicitly reaffirmed within their provisions—adhered to the principles set forth in the Basic Law of Hungary Act XX of 1949, more commonly known as the Constitution of the Hungarian People's Republic.³⁷

Parliamentary elections in Hungary were first held under Act VIII of 1945. On 31 January 1946, a provisional constitution was introduced that abolished the monarchy and introduced a republican form of government.³⁸ By 1949, power had been fully seized by the Hungarian Workers' Party, and on August 20 of that year, a new constitution was introduced, marking the inception of a national public holiday. The document was characterized as a "*faithful replica of Soviet constitutions, incorporating adjustments to account for historical and political distinctions between Hungary and the USSR*" (with the Hungarian constitution primarily drawing from the USSR's 1936 constitution). Henceforth, Hungary was redefined as a state ostensibly dedicated to serving workers and the broader working populace.³⁹

The Hungarian Basic Law sets out the rules governing elections in Chapter IX, providing that elections were to be conducted guided by the principles of secrecy, universality, equality, and direct elections—whereby representatives were chosen directly by the citizens of the Hungarian People's Republic. The chapter goes on to state that both the right to vote and the right to stand for election were granted to all adult citizens barring those explicitly excluded from suffrage. At the time, the minimum voting age was set at 18 years.

What strikes me as most remarkable in this chapter is the content of Article 63, paragraph (2) in Chapter IX of the Constitution. In Hungarian, the precise wording of this provision reads "[a] dolgozó nép ellenségeit és az elmebetegeket a törvény a választójogból kirekeszti", which may be rendered into English as: "[t]he enemies of the working people and the mentally ill are excluded by law from the right to vote." No equivalent provision can be found in the constitutions of modern states, whether in Central Europe or elsewhere on the continent. One might be inclined to argue that the mere inclusion of such a regulation in the Basic Law of a state is, in itself, the most unequivocal reflection of the form of government prevailing at the time. The wording of this provision invites multiple interpretations; foremost among them is its function as an explicit and unambiguous articulation of the relationship between the ruling party and the elected deputy. Under such a legal framework, a member of the National Assembly, having been elected on such a basis, is by law bound to adhere to the directives imposed from above by the Communist Party. The very phrase "*enemy of the working people*" carries profound implications, for it suggests that any alleged action not sanctioned by the *de facto* ruling party is, by definition, an attack on the citizenry. Such a conception fosters an atmosphere of absolute submission, wherein a deputy is precluded from allowing personal conviction to guide their decisions and judgments unless those convictions

36 1983. évi III. törvény az országgyűlési képviselők és a tanácsstagok választásáról (Act III of 1983 on the Election of Members of Parliament and Council Members).

37 1949. évi XX. törvény – A Magyar Köztársaság alkotmánya.

38 András Körösi (2000): *Government and Politics in Hungary*, Central European University Press–Osiris, Budapest–New York, p. 169.

39 Rett R. Ludwikowski (1997): *Constitution-making in the Region of Former Soviet Dominance*, Duke University Press, Durham, pp. 31–32.

are fully aligned with the will of the Party. Additionally, the regulations make provisions for the dismissal of a deputy from office. It is particularly striking that the legislator employed a rather peculiar approach in addressing, within the same provision, the exclusion of individuals with mental illness alongside the exclusion of so-called “*enemies of the working people*.” By contemporary standards, these are patently distinct and unrelated matters, yet they were treated as equivalent under the legal framework of the time. Mental illness is defined as a pathological impairment of the mind in a fundamental respect, characterised by a certain abnormality—whether transient, prolonged, or permanent—manifesting as a disorder rather than as a natural reaction of a healthy organism to external stimuli.⁴⁰ Without delving more deeply into what is somewhat tangential to the present discussion, it is nevertheless beyond question that a person’s mental illness or psychological instability can be objectively determined based on medical evidence, clinical records, and an assessment of their actual condition. The same, however, cannot be said of the second criterion contained in Article 63, paragraph (2) of the Constitution. A state of hostility towards working people is, by its very nature, an entirely subjective notion—one that lends itself to manipulation by the ruling party and invites the risk of gross over-interpretation, shaped entirely by the regime’s shifting political objectives. Such a provision is thus inherently flawed, for it fails to establish concrete and verifiable grounds for exclusion, offering instead a legal framework that is vague, arbitrary, and open to abuse. Indeed, one might even put forward the theory that the deliberate juxtaposition of these two distinct categories—mental illness and political opposition—creates a troubling rhetorical effect, subtly encouraging the perception that they are somehow analogous. In doing so, the law implicitly equates dissent against the Communist Party with a form of intellectual deficiency, reducing political opposition to a pathological condition rather than acknowledging it as a legitimate ideological stance.

As previously noted, a number of laws regulating electoral law in Hungary can be identified within the period in question. The first law I wish to discuss concerning this matter is Act VIII of 1945 on Elections to the National Assembly,⁴¹ which directly addresses matters of verifiability and eligibility to stand for election to the Hungarian Parliament. It is crucial to underscore, however, that this law predates Hungary’s Basic Law of 1949. Nevertheless, its provisions are of considerable significance to the present analysis, as they engage with issues that remained central to the evolving political landscape.

The overarching theme of the entire law revolves around the conduct of elections to the National Assembly, encompassing aspects such as the duration of the parliamentary term and the general principles governing electoral procedures. Of particular interest is a provision found in Chapter I, which pertains to the participation of individual parties in the elections. Article 2, paragraph (2) contains a sentence confirming that

40 Filip Bolechała: Mental state and the criminal responsibility – legal regulations and medical criteria in Poland and other countries, *Archiwum Medycyny Sądowej i Kryminologii*, 4/2009, pp. 309–319, p. 316.

41 1945. évi VIII. törvénycikk a nemzetgyűlési választásokról (Act VIII of 1945 on elections to the National Assembly).

only those parties deemed eligible by the National Committee—following what is described as a *democratic examination* of their objectives, leadership, and composition—may stand for election. What emerges from this formulation is a clear indication that the National Committee functioned as the *de facto* gatekeeper of the electoral process, wielding ultimate authority over which political actors were permitted to participate. The law lists vague and unspecified criteria, leaving ample room for interpretation and application to be moulded at the regime’s discretion, in accordance with its shifting political imperatives.

Act III of 1970⁴² marked a significant shift in Hungary’s electoral framework, replacing the electoral system that had previously favoured the nomination of candidates exclusively from the Patriotic People’s Front.⁴³ Under this new legislation, all citizens, including those unaffiliated with the organisation, were granted the right to propose candidates through civic nomination meetings. Subsequently, Act III of 1983⁴⁴ introduced further modifications, including the obligation of multiple nominations, the possibility of recalling deputies, and the establishment of a national list. These reforms allowed larger public bodies and social organisations to gain formal representation within the political system. The only elections held under this law took place in 1985, where 71 out of 387 candidates nominated by civil society organizations successfully secured 41 seats in the parliament, serving as non-affiliated deputies.

V. CONCLUDING REMARKS

The transformation of Hungary’s electoral system between 1848 and 1989 was profoundly shaped by political turmoil, social change, and competing visions of representative government. This turbulent era saw a gradual, and often fraught, progression towards democratic ideals, struggling against authoritarian regimes and external pressures. The revolutionary ambitions of 1848 sought to expand political engagement and lay the foundations for parliamentary representation. However, subsequent historical events, including the Austro-Hungarian Compromise and the aftermath of the First World War, triggered changes in the electoral field, often highlighting tensions between democratic principles and authoritative influence. The fleeting democratic initiatives of the interwar period were soon eclipsed by the Horthy regime, while the post-Second World War period ushered in Soviet dominance, consolidating a permanent dictatorial system that lasted until the defining events of 1989. This pivotal transition stands out as a watershed moment in Hungarian history, particularly in relation to universal suffrage. The move towards a more transparent and democratic electoral

42 1970. évi III. törvény az országgyűlési képviselők és a tanácsstagok választásáról szóló 1966. évi III. törvény módosításáról.

43 The Patriotic People’s Front (*Hazafias Népfront*) was a Communist-dominated political alliance in Hungary that controlled elections by presenting a single list of approved candidates, ensuring the Hungarian Socialist Workers’ Party’s monopoly on power from 1949 until the end of communist rule in 1990.

44 1983. évi III. törvény az országgyűlési képviselők és a tanácsstagok választásáról.

framework was underscored by reforms eliminating one-party rule, clearing the path for multi-party politics and genuinely competitive elections.

The evolution of Hungary's electoral system encapsulates the dynamic interplay between democratic aspirations and the constraints imposed by authoritarian forces. From the revolutionary fervour of 1848 to the struggles experienced under successive regimes, Hungary's journey toward a more open and representative political system in 1989 can attest to the enduring strength of democratic ideals and the nation's ability to adapt under changing global and domestic conditions. The historical period analysed thus far represents the most dynamic and revolutionary in the history of Hungarian electoral law. The entire process of transformation of this law from 1848 to the fall of the Soviet-type dictatorship demonstrates not only the fluid nature of electoral law but also the evolving understanding of electoral rights—who may exercise them and on what grounds. In today's European reality, electoral rights are something citizens take for granted, yet a retrospective analysis of their development over the past two centuries shows how long a road the perception of parliamentary representation as well as electoral rights themselves had to trave the long and arduous path that led to their present form. The concept of parliamentary representation, as well as the very nature of electoral rights, has undergone profound changes—changes that underscore the significance of the struggles that ultimately secured the democratic freedoms enjoyed today.