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Institutes and Institutions Influencing the Content of Jurisprudence: The System of Law Courts, the Legal Profession and the Conditions of Legal Education

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A jogi kultúra tartalmára hatással lévő intézmények és intézményesültségek: A bírósági szervezet, a jogász hivatás, a jogászképzés és feltételrendszere.
Absztrakt: Ez a tanulmány a jogi kultúra és annak alapintézményei közötti bonyolult kapcsolatot igyekszik feltárni Magyarországon a középkortól az 1867-es osztrák–magyar kiegyezésig. A tanulmány kiemeli a magyarországi jogi intézmények, a jogi szakma és a jogi oktatás közötti dinamikus kölcsönhatást. A történeti áttekintés betekintést nyújt abba, ezek hogyan hatottak egymásra, hogyan befolyásolták egymást, hogyan járultak hozzá a modern magyarországi jogi kultúra alapjaihoz, és hogyan vezettek ahhoz, hogy Magyarországot a jogászok nemzeteként fogják fel. A történelmi részletek és a jogi intézmények elemzésének összeszövésével a tanulmány kritikus forrásként pozícionálja magát a magyar jogtudomány összetett fejlődésének megértéséhez, illetve perspektívákat kínál ezeknek az alapvető változásoknak a mai jogrendszerre gyakorolt maradandó örökségéről.

Absztrakt
This paper seeks to explore the intricate relationship between legal culture and its foundational institutions in Hungary from the medieval period to the Austro-Hungarian Compromise of 1867. The study underlines the dynamic interplay between Hungary's legal institutions, the legal profession and the evolving landscape of legal education. The historical review offers insights into how these components interacted, influenced each other, contributed to the foundations of modern legal culture in Hungary and led to the perception of Hungary as a nation of lawyers. By weaving historical detail with an analysis of legal institutions, the paper positions itself as a critical resource for understanding the complex development of Hungarian jurisprudence and offers perspectives on the lasting legacy of these foundational shifts in today's legal system.

1. Introduction

In this paper, the focus is on an important element of legal culture. It seems easy to give a concise historical overview of the legislative system since the study of the relevant literature has revealed only a few new features.

In the past 30 years, there has been considerable research concerning the legal profession. PhD dissertations have been written, and the dissertations and study papers, based mostly on sociology, have made significant contributions to the theory of law and jurisprudence, especially to this internal element of legal culture.

Legal education and its institutional background, including syllabuses, the preparation of teachers and social and familiar attachments of legal students, may have had a lifelong effect. In the reform period, during the 1848–49 Revolution and War of Independence as well as the period of the Dual Monarchy and the Horthy regime, the percentage of legal graduates among parliamentary representatives was significantly high in the statistics on qualifications.

2. The System of Jurisdiction until 1867 (Review)

We can mainly rely on five works discussing the history of the Hungarian state and law[1] from the vast "sea" of comprehensive secondary literature as well as on our own research.

2.1. Jurisdiction until 1526

Jurisdiction is maintained both by Bruckner and by Eckhart as a royal prerogative. The latter also mentions that in the time of (Saint) Stephen I, tribal jurisdiction must still have been prevalent "as an organized form of self-defence […] [b]lood feud is a duty of the family, and the blood money was preserved in this custom" (Eckhart, 1946, 167). At the time of patrimonial kingdoms, justice was administered in the following official ways: at the court (which, in the beginning, was really personal) and through royal judges. From the 12th century on, the king's judicial prerogative was handed over to the Palatine when the king was absent from the court. At the time of the Golden Bull, a new central officer appeared, the Chief Justice, who was entitled to issue summons and to administer justice personally. The jurisdictions of the king and the above-mentioned persons acting on his behalf were limited by the provisions of the church and the Christian religion (Canon Law, papal bulls, etc.) and the customs of the country, as was noted by Bruckner.

It must be noted that according to Bruckner, in the territory of the duchy (*ducatus*), judicial authority is interpreted by the laws of Coloman in a way that the officers of the duke (*dux*) are below the royal law court or the laws of the country in rank, and only the king can have the right of patronage. However, we have not managed to find this in the texts of the decrees. The situation is different in the case of the Golden Bull, as Bruckner pays special attention to Article 18 of it (saying that the old king is the first and the

[1] 1. Bruckner, 1953. Note: the work was written in 1944 but was not published due to the German occupation and the progress of the war. Because of its mentality — although written with an objective and scientific approach —, it was not published and was later, unfortunately, forgotten.
2. Csizmadia, Kovács, & Asztalos, 1986;
3. Eckhart, 1946;
4. Eckhart & Degré, 1953;
5. Mezey, 2007.

younger king — *rex iuvenis* — has only the right to give concessions; this latter one is a concept in private law and not in public law!), and the main authority is acknowledged by the inscription of the seal of the younger king Béla IV, saying "King by the grace of God and by the will of his father".[2]

By the end of the 13th century, the independent legal authority of the Palatine was recognized, which involved judicial functions too (he had already been bestowed with judicial authority over all the noblemen in Article 8 of the Golden Bull), but only the king was authorized to mete out capital punishment or confiscation.

The court judge, who acted as a deputy of the Palatine, as has been mentioned above, and the Master of Treasury became independent around that time in consequence of Article 9 of 1290. The latter was bestowed with judicial authority over the mining towns (in fact, it served as a court of appeal).

Hardly any mention is made of the partner countries of the Holy Crown, namely Croatia, Slavonia and Dalmatia (and later of Fiume as a "separate body").

A ban (military captain) is mentioned in the Golden Bull, who was second in rank to the Palatine. The ban also had the right to administer justice, and he was entrusted with the task of observing law and order and, in time, as he had more and more tasks, two vice-bans or vice-captains (one in Zagreb and one in Kőrös) were employed, mainly for handling finances.

According to Eckhart, from the time of the Angevin dynasty, which followed the Árpád dynasty, until 1526, the so-called "great judges" of the country (the Palatine, the Master of Treasury, the Chancellor and the Representative of the Person of the King or Chief Justice) played an outstanding role in judicial offices as "they represented the king, and any trial could be carried out" (Eckhart, 1946, 169) by them. The king's personal jurisdiction, which consisted of cases of betrayal and chivalric honour, and the jurisdiction of the Master of Treasury and its organization, were retained.

A judicial court was held by the Voivode of Transylvania, and law courts by the counties. The latter "had the right to judge in the cases of persons who were not noblemen except for those who were freed from the legal authority of the county by the king" (Eckhart, 1946, 173). The great judges employed protonotaries (*protonotarii*) so they could fulfil their tasks. Among, them the most notable was István Werbőczy. The history of jurisdiction, as outlined above, was about administering justice for the nobility with two exceptions, namely the jurisdiction of the Master of Treasury concerning special cities and the county law courts judging the "appeals" of commoners. The disputes of serfs were decided at the court of the lord or by the mechanisms generated by the customary laws of the people.

[2] "The institution of 'younger king' did not take root in our constitutional system as the development of the kingdom in the direction of private law was prevented by the extinction of the Árpád dynasty, and the concept of the Holy Crown was interpreted according to public law, which brought about the abolition of the position of the younger king" (Bruckner, 1953, 275).

> "A different category is constituted by canon law adjudications and the court of the Holy See, whose jurisdiction extended over temporal matters too: all the trials of secular persons that were related to religion or morals belonged to their jurisdiction. Mostly ecclesiastics fell under its jurisdiction, but their trials concerning real estate were decided by the Curia. The temporal cases adjudicated by it included marriage trials and property trials related to this holiness, namely bride price, dower, engagement presents, tithe, wills, usury, perjury, breach of oath, transactions of widows, widowers and orphans and in cases such as the issue of the filial quarter. The latter and the marriage property cases could also be decided by the Curia; therefore, they were called cases of mixed forums (*causae mixtri fori*). From the 16th century on, a number of conflicts arose because of the unclear limitations of their scopes. The jurisdiction of the Holy See was continuously reduced by royal decrees and laws. At last, apart from strictly ecclesiastical matters, the only cases that remained with them were personal abuse of clergymen and testaments for pious purposes as well as marriage trials." (Eckhart, 1946, 175)

> "The judicial administration of the Pope and, through him, that of the Hungarian Church were curbed by the so-called *placetum regium* ['royal right of approval'] introduced by Sigismund, according to which any summons or writs coming from the papal court could be accepted or executed, only if they were approved by the king, which aimed to extend the control of the king at least partially over the jurisdiction of the church, whose highest forum was not in the country but in Rome." (Csizmadia et al.,1986, 138)

In legal education, jurisprudence and the legal profession, Western influence must have played a significant role, as even literacy itself was adopted from the West through Bavarian intermediaries at the time of the foundation of the Hungarian state and the conversion to Christianity, under the aegis of the Respublica Christiana, which still existed (until 1054).

Until 1367, when a university was established by King Louis I (the Great) in Pécs, there had been no legal education in the country, but numerous "hungari" studied abroad. Legal knowledge could be acquired by judicial practice, by working in the official system.

Today, it seems that

> "legal experts split from the group of literate men, the so-called *litterati*, before the 15th century, and later, various legal professions were created. The laws of King Matthias refer to the fact that judges, notaries and lawyers or procuratores causarum were differentiated at that time. At the trials at the holy courts, even the profession of attorneys split in two, as the procurators represented the parties and the advocates were the legal experts, [...] these categories of lawyers have been preserved up to this day." (Mezey,2007, 49)

2.2. Our Jurisdiction between 1526 and 1848

When the country was divided into two and then into three parts, the judicial system underwent major modifications. Law court trials and any aims to enforce legal rights at a law court that required the personal appearance of the king became time consuming and expensive as the Habsburgs established their central government in Vienna (Wien), then in Bratislava (Hung.: Pozsony, Ger.: Pressburg) and then again in Vienna.

The earlier system of the "great judges of the country" was functioning, although with some deficiencies, mainly temporal ones, which were in short called judicial breaks: "Ordinary judges administered justice at the *Excelsa Tabula Septemviralis* and at the Royal Court of Justice (*Excelsa Curia Regia*)" (Eckhart, 1946, 312).

Old and new features appeared at the same time:

> "At times of war and turmoil, the system of protonotaries developed. In the beginning, they administered justice on behalf of their supreme judges and confirmed their judgements with the seals of those judges. These were itinerant law courts: the protonotary made a round on horseback in a region, accompanied by his scribes, and where there was a case to be decided, he administered justice. The administration of justice by the five protonotaries (those of the Palatine, the Master of Treasury respectively, two of the Court of Special Presence, and one of the captains (or bans) of Croatia) gave rise to numerous abuses. Their judiciary council was made up of people who understood law and were at hand." (Eckhart, 1953, 313)

As the continuous work of the central law courts was not maintained, "the courts of justice of the counties were on the rise" at the same time (Eckhart, 1953, 314).

When the Turks were driven out of Hungary, the Habsburgs immediately expressed their demand for a reform of jurisdiction (King Joseph I in 1708). It was achieved by Charles III in 1723 by ratifying Articles 24–26. That was the time when the Royal Curia split into two separate branches, forming the *Excelsa Tabula Septemviralis* and the Royal Court of Justice (*Excelsa Curia Regia*). The protonotaries stopped making their round tours in the countryside; they were replaced by four regional courts (Tabulae: Kőszeg, Nagyszombat, Eperjes, Debrecen) and the court of the Croatian captain or ban (Tabula in Zagreb).

In Transylvania, a Royal Court of Justice was established in 1737 based in Marosvásárhely. After the Council of Trent, the Holy See tried to stop the gaps in the intermittent work of the temporal law courts. Until 1786, they conducted private legal actions (marriage, family, making wills) regardless of the religion of those concerned.

At this point, it must be noted that it is in congruence with our paper to make mention of the profession of lawyers, higher legal education and the question of whether we are a nation of lawyers or not because the practical and theoretical achievement of these goals started by the establishment of the faculty of law at the Nagyszombat University and by the transformation of the system of state and public administration (of the estates of the realm). The dissolution of the peasant counties and

the changes in the legal customs of the people brought about by social changes (e.g. the settlements of communities of foreign nations and other internal and external migrations) and the fact that the "Hungarus concept", as it was interpreted by Werbőczi, became stronger, all led to the transformation of the legal culture; the conditions of transformation were created. The Diet of 1825–27 can justly be considered the starting point of the reform period, of the abolition of conservation. Representatives of the legal profession can be seen at each stage of this transformation, who wanted to reform both public and private law, and only commoners and their legal activities escaped the scope of their interest, remaining beyond their intellectual horizon.

2.3. Changes in the System of Jurisdiction between 1848 and 1867 and the State of Higher Legal Education

The first responsible Hungarian ministry was formed on 7 April 1848. The Minister of Justice was Ferenc Deák, who was later aptly called „the sage of the country". On 11 April, the so-called "April Acts" were ratified. During the Revolution, the long-term goals were only mentioned, but there was no time to solve them.[3]

2.3.1. Modifications made in the Judicial System of the State of the Revolution and War of Independence

The transition from the reform period to the constitutional revolution was symbolized by the "April Acts". As was concluded from the concept of "deliberate progress", Paragraph 27 of Act 3 of 1848 prescribed that "the legal independence of law courts and tribunals and, until further legal regulations, their former structure shall be preserved". Article 29 (on civil servants) prescribed that judges could not be removed from their positions "in any way other than legal".

Together with the abolition of the urbarial system (Article 9), the judicial rights of the lord's tribunal were also abolished (Article 11 "on matters disposed of by the authorities of landlords up to now"). Article 18 on the press prescribed that press offences should be judged by a jury, and the trial should be held in public and orally.

Article 19 of 1848 on the Hungarian University will be discussed in the section on higher education.

So, this "set of laws" did not bring many novelties; however, the aforementioned changes are important within the scope of the particular regulations.

The transition from revolution into a war of independence and its constitutional interpretation is beyond the scope of the present paper.

The diet, under Kossuth's influence, set up provisional tribunals in February 1849, and in legal trials, summary proceedings were introduced. On 14 April, the diet

[3] It is a frequently quoted, well-known phrase among historians that a victorious counter-revolution is condemned to implement the issues broached by a crushed revolution, thereby fulfilling its historical task.

proclaimed itself to be a national assembly and started the radical reformation of the judicial system (the Curia was terminated; the *Excelsa Tabula Septemviralis* and the Royal Court of Justice were replaced with a supreme tribunal of seven members and a national court respectively). For accusations in public, "the office of the attorney general is to be set up". It was in the jurisdiction of the Governor President that, on request, a court of appeal led by him could suspend the execution of a judgment passed after a regular legal procedure.

The first of the eleven articles passed by the Transylvanian Diet announced the *de iure* union with Hungary, declared by Article 7 of the 31 passed there in 1848. It mainly concentrated on the abolition of feudal urbarial prerogatives and often referred to some of the "April laws" on the same subjects, declaring that "hereby (or temporarily) its binding force shall be extended to Transylvania". The *de facto* union with Transylvania was thwarted by the military-political events.

2.3.2. Jurisdiction at the Time of Neoabsolutism (1849–1861)

The absolutist system introduced by Haynau after the suppression of the revolution started to change the judicial system from the highest level downward as early as November 1849.

The Hungarian system of justice or jurisdiction became dependent of the Vienna Ministry of Justice. The Supreme Law Court (Oberster Gerichtshof), which was called by various names in the forced constitutions of the royal court, was the highest judicial body in the countries of the Habsburg crown. According to this, a main court was set up in each of the five districts of subdued Hungary (and in Transylvania, Croatia and the Serbian Voivodship).

In 1854, a national high court was established over the courts of the five districts (and it existed until 1861).

At the lower levels of the courts are the county courts and district courts. The system and number of district courts changed in 1854: they were turned from two-instance to single-instance courts, and in districts with smaller territories and populations, they were abolished:

> "District courts had always been first-instance courts, county courts were first-instance courts in significant cases, and in cases of appeals from district courts, they functioned as courts of appeal. Main courts and the Supreme Court in Vienna were always apellate courts." (Csizmadia et al.,1986, 325)

Besides the ordinary judicial system mentioned above, there were the so-called special judicial organizations:

> "Special courts. Courts martial were the most general special courts at the time of Neoabsolutism. Courts martial (Kriegsgericht) judged not only strictly military cases but also administered justice in cases of civilians accused of lese-majesty or rebellion, and they convicted not only the participants of the War of Independence

who were tried but also the organizers of later national movements. The cruellest courts martial were the ones in Buda and Arad [...] Urbarial courts were among the special courts, and their task was to decide the legal disputes concerning the elimination of feudalism in agriculture and the urbarial trials, some of which had started earlier. Urbarial tribunals (Urbarial Gericht) were the urbarial courts of first instance, which were organized in 1856–1858 and first were based in the central town of each county, but in 1860, several urbarial courts merged. The main task of urbarial courts was to decide in cases of forest and pasture separation and land consolidation, and the land consolidation in connection with the abolition of serfdom could only be executed in each village based upon the decision made by the urbarial court, even if the parties came to an agreement. Appeals could be sent to the urbarial high courts of the districts (Urbarial Obergericht) and from them to the Supreme Urbarial Court (Oberstes Urbarial Gericht) set up in Vienna. In 1861, when the Austrian judicial system was abolished, the urbarial courts were terminated too. The Trade Court (Handelsgericht) also operated as a special court in Pest. The system of church courts making decisions, especially in marriage cases, did not change during the time of Neoabsolutism. System of attorneys. Neoabsolutism replaced the older system of county and city solicitors as well as the director of royal legal affairs, who had been the prosecuting authority before the Royal High Court, with a permanent system of state attorneys. Attorneys were no longer also members of the courts but became independent prosecuting authorities, separate from the judicial system. The system of attorneys was controlled directly by the Ministry of Justice in Vienna. Besides the main courts, it was the Supreme Prosecutor (General-Prokurator, later Oberstaatsanwalt) who conducted the prosecution; next to the law courts, there were attorneys (Staatsanwalt). Where there was an independent district court, a deputy attorney (Staatsanwalt-Substitut) was responsible for the prosecution. This system was also abolished in 1861." (Csizmadia et al., 1986, 325–326)

2.3.3. Rules of Provisional Jurisdiction and the Elements of Legal Culture

When the "April Acts" abolished the principle of aviticity, along with the urbarial system and its constituents, it could be seen and was seen that the legislative regulation of private laws was also necessary to make any further progress. During the Bach regime, in 1852, the Patent of Aviticity and in 1853, the Urbarial Patent was introduced; both had predecessors among the acts of 1848. In 1854, the Mine Patent, in 1855, the very important cadastre, and in 1856, the code of servants were introduced.

Due to its significant impact, the Civil Code and the provisional code of civil procedure, introduced in 1853, should be emphasized.

After all these and following some preliminary agreements, Chief Justice György Apponyi announced a convention of the Chief Justice for 23 January 1861, which lasted

until 4 March. The provisional rules of jurisdiction were codified there and then, which were discussed and ratified by the two houses of the convening parliament.

The Curia, which has been reinstated in its rights, also declared that the provisional rules of jurisdiction "shall be immediately and permanently followed in all its legal proceedings until the constitutional legislature provides otherwise" (CJH, 1886, 284).

The provisional rules of jurisdiction became the norm of the common law, incorporating the rules of private, criminal and procedural law.

Concerning the components of legal culture, the provisional rules of jurisdiction were written laws and practices of common law at the same time, complemented by the fact that these could be regarded as "competitors" of customary law, originating from aviticity and the urbarial system, which reached its peak in the Tripartitum (Hungarian Customary Law), in the systems of relations of the social-economic entities brought to life by the development of modern jurisprudence, which became legal. After 1867, the system of law courts and the codices of legal procedures made a dubious impact on the inclination of people to initiate lawsuits and on the internal constituents of the awareness of laws (exclusions, co-existences, structures relying on one another), which was due to the dubious nature of the system of legislation.

2.3.4. Higher Legal Education from 1667 to 1867

In a note made of the lectures of Sámuel Holik, a lecturer at the Archiepiscopal Academy of Law at Eger (Holik, s.a., 13), the following list can be found: "From the 14th century until today, the places of legal education were a) universities, b) archiepiscopal law colleges, c) the royal and, later, the state law academies, d) and the Protestant law academies."

The establishment of the University of Pécs in 1367 has already been mentioned, and the university founded by Sigismund at Óbuda and the university of Bratislava established by King Matthias and János Vitéz, the archbishop of Esztergom, must also be noted. However, the breakthrough came with the university established by Pázmány in 1635 in Trnava (Hung.: Nagyszombat), where legal education had been provided since 1667, and it was possible to obtain a doctoral degree after 3 years (4 years in theology). The institution was supervised by the Jesuits.

A "university" (academy) was established even earlier by the Catholic Prince of Transylvania, Stephen Báthori, in 1581 in Cluj (Hung.: Kolozsvár). In fact, it was at the time of Maria Theresa that a faculty of law was founded in 1775, which her son "Joseph II transformed into a royal academy of law. It became the Faculty of Law of the four-faculty Franz Joseph University, established in 1872" (Holik, s.a., 15). Besides the Faculty of Law at the university, law academies run by the church or the state appeared as colleges. The various operating organizations were reflected by the names of the institutions:

> "In consequence of the regulation of the Ratio Educationis, the number of law academies doubled. From then on, the law academies were divided into two categories, the so-called state law academies and the denominational law academies (noting that Catholic law academies were recognized as state academies by the government). In the first third of the 19th century, the law academies at Debrecen, Sárospatak, Kecskemét and Pápa were operated by the Reformed church, and the law colleges at Sopron, Prešov [Hung.: Eperjes] and Bratislava by the Evangelical church. The Catholic Church opened an academy in Pécs too, in addition to Eger. The law academies in Trnava, Győr, Košice [Hung.: Kassa] and Oradea [Hung.: Nagyvárad] were recognized as state schools by the Ratio. (This was not considered particularly important at the time, since until the emergence of civic-minded regulation and the assignment of major legal careers to academic knowledge, the path to a legal career was not determined by the categorisation of the school and the diploma, but primarily by professional proficiency.)" (Mezey, 1998)

As mentioned above in chapter 2.3.1., Article 19 of 1848 provided for the Hungarian university, allowing freedom of study by permitting the students to decide whose lectures to attend, and on the other hand, also allowing "remarkable persons" worthy of the chair to lecture. Unfortunately, their cause could not make any further progress and remained a declaration.

At the time of Neoabsolutism, there were changes of two kinds: law academies and law colleges were closed for shorter or, in most cases, longer periods (e.g. Győr 1850–1867; Pécs 1849–1865; Sárospatak 1849–1863; Debrecen 1856–1861; Kecskemét 1849–1860; Pápa 1853–1861; Sighetu Marmației [Hung.: Máramarossziget] 1849–1869) (Ámán, 2019, 267). On the other hand, following Holik's train of thoughts:

> "a./ The university of Pest carried on operating, but as Hungarian law did not prevail in the country, at the university, foreign law was taught in foreign languages, although the language of education was supposed to be Hungarian since 1848. Law academies were transformed into imperial and royal law academies, or induced by national sentiments, they did not follow this way and were closed temporarily. So did the one in Eger between 1850 and 1861. b./ Mandatory end of term exams in single subjects and the mid-term oral tests were cancelled and a system of voluntary oral exams (*colloquia*) was introduced instead. However, debates were held until 1873. c./ A new examination system was introduced (in 1855): by the end of the second year, the so-called 'state exam in the history of law', including the subjects Roman Law, Canon Law, the History of Law and the History of Hungary, and by the end of the fourth year, those who wanted to work in government service ahould either take two separate exams, the state exam for jurisdiction and political science or, instead of these, a doctorate at the university of Pest. d./ To obtain the doctorate, 3 comprehensive university exams

[*rigorosum*] were required, which were standardized since they included both legal and political science subjects. The doctorate alone was enough to qualify someone for state service." (Holik, s.a., 22)[4]

[4] According to Mezey, "[a]fter the war of independence, absolutism could not decide on the issue of law academies. The period was characterized by political uncertainty, which sometimes made the education at law academies independent of that of universities and designated it as a separate educational path, and other times, set it as a propadeutic [sic] function prior to university education. The government only counted state academies of law. The Decree of 29 September 1850 defined that the period of education should last two years, and attributed propadeutic functions to the education at law academies, placing it before (below) university education. The first (legal academic) grade provided the qualification to enter the civil service, and the second (university) grade provided the knowledge required to become an advocate or notary. The Decree of 25 September 1855 represented another concept: the education at law academies, which was made independent of the structure of university education, consisted of a three-year course: training future civil servants (judges, specialists in public administration). Having completed one's studies at the academy of law, students had the opportunity to go on to university to obtain the expert certificate, but it did not grant any reduction of the length of the time of education." (Mezey, 1998, 15).

Ildikó Ámán has a remarkable point of view: "A few days after the October Diploma was issued, the meeting of the Faculty of Law in Pest allowed non-Hungarian-speaking teachers to give courses in German or Latin, but Hungarian Public Law was again included in the curriculum. However, a year later, courses could be held only in Hungarian. Apart from these, the educational system did not change significantly; many issues were ignored by the Hungarian Chancellery, saying that they would be discussed together with the reforms. Thus, the Faculty of Law, acting on its own authority, did not announce courses in administrative law and finances but taught Hungarian public law and Hungarian private law in greater detail. General subjects (Roman Law, Jurisprudence, Canon Law) were taught in proportion to their importance, concerning that the Austrian Civil Code remained valid in Transylvania; therefore, it could not be ignored; they could not restore the previous system completely.

Since several law professors only spoke German, they were transferred to other universities in the empire, leaving a shortage of Hungarian-speaking law teachers, and a reorganization was needed, with the result that new teachers came from the law academies." (Ámán, 2019, 33).

Ámán also analyzed the reform of the academy of law: "The reform of law academies was parallel to the reform of universities; the Decree of 4 October 1850 abolished the teaching of humanities at law academies, and the seventh and eighth grades of local secondary schools were organized from them. Academies also ceased to have a degree-granting function, i.e. they could no longer award law degrees and became two-year academies. Thus, if a student wanted to obtain a law degree, they had to switch to the faculty of law at a university. There was also a change in their administration as they became independent after the abolition of the position of Chief Director of the educational districts, and one of the teachers became the principal. Accordingly, students were to attend 15 or 10 elective lectures every week. If they attended only ten lectures, the time of their education was longer, lasting for three years.

The Austrians made it compulsory to establish four departments with a special lecturer and an assistant lecturer. The Hungarian language had to be changed to German; in Pozsony and Kassa, there also had to be education in Slovakian, and in Zagreb, Croatian was introduced. Several institutes were closed, including the ones in Győr and Kolozsvár. Therefore, the number of students at law academies declined significantly as they could not obtain a degree, and German was also introduced by necessity.

Church-run academies of law were granted nominal autonomy, but they were faced with such strict conditions that some of them decided to close down. The years spent here counted in legal education only if the students were public students, passed their exams with good grades and attended lectures of at least four teachers. Only one church-run college met these expectations: the legal course of the Reformed

After the Austro-Hungarian Compromise of 1867, it seemed unavoidable to rethink legal education and introduce content requirements that met the standards of the time. The modern state is also a kind of bureaucratic rule of law, and the necessary knowledge — for instance, legal knowledge — can be acquired and mastered in the framework of school education. On the other hand, trust in the old law remained unshaken, and the result of these two mutually reinforcing processes is the appreciation of the legal profession and the popularity of higher legal education. The gap between the university and the academic level could be spanned, and legal careers were made attractive by the qualification requirements. These factors also contributed to the phenomenon that Hungary seemed to be a country of lawyers from several points of view.

2.3.5. Legal Education and its Institutions at the Time of the Dualist Monarchy

After the Austro-Hungarian Compromise of 1867, the rules of the (imperial) Thun's decree of 2 October 1855 were in effect with regard to the code of education and exams until the 1874/75 reform of higher education.

The directors of law academies were called together by the Ministry of Religion and Public Education, which was led by Eötvös again. The concept than taking shape was that law school departments would be governed by the rules regulating the leadership of university departments (the requirement of the habilitation of the private university lecturer).

Following this path, the law academies could have been incorporated into the so-called law faculties, thus terminating their previous form. This did not happen.

The increase in the number of students was "grist for the mill" of the Ministry of Culture, which intended to modernize the system of jurisdiction and that of public administration. Due to the various concepts proposed by the frequently changing minsters after Eötvös, the harmonization of law academies and (from 1872 on) universities was delayed as the Ministry of Justice (and the Ministry of Interior Affairs)

College of Debrecen. By 1855/56, however, none of the church-run institutions carried on their work, only the state-run ones." (Ámán, 2019, 33–34).

Finally, she refers to the consequences of the changes: "On 27 September 1855, not only the system of universities but also that of law academies was reorganized, and as a result, the duration of education at law academies became three years long. The number of departments was increased to six, and Roman law was included in the teaching materials; moreover, state exam committees were set up for judicial exams in private law (Austrian civil and procedural law) and criminal law — enabling law academies to issue degrees again.

The October Diploma affected law academies as well as universities: the education, the language and the syllabus became Hungarian again; however, their organization remained within the framework of Thun.

The subjects to be taught were approved by the Chancellery on 12 October 1861. […] A greater emphasis was laid on Hungarian Private Law and History, but subjects considered less important — like Criminal Law, in case of which the convention of the Chief Justice decided to restore the old Hungarian laws — were paid less attention to. Moreover, law academies could again give doctorates, and in consequence, the law doctorate lost its scholarly value and became a mere title." (Ámán, 2019, 35).

promoted the education of professional officials as the proposed direction of the reforms and not the approaching of these two types of higher education.

The possibility of merging law academies was also mentioned, but those operated by churches unanimously rejected even the idea, regardless of their denominations.

The conflicts between the ministries were reflected in legislation and at the legislative level. Article IV of 1869 on the exercise of judicial power, then Act VIII of 1871 on the responsibility of judges and law court officials and, finally, Act XXXIV of 1874 on the procedures of lawyers show that the professions of judges and lawyers were considered to be more prestigious than the political apparatuses of public administration, and they were treated as so.

2.3.5.1. The Reforms of 1874/75

Significant reforms were introduced in 1874/75. Decree 3055/1874 of the Ministry of Religion and Public Education was issued on 5 February 1874, regulating basic and state exams in political sciences.

The two basic exams were to be passed at the end of the first and the second academic year. The two state examinations (in law and political sciences) — either of them or both (bifurcation) were optional — could be taken as follows: after the end of the third academic year, one of the exams could be taken at any time, but those who wanted to take both could have the second one only in the last six weeks of the fourth academic year.

Attending a subject (*collegium*) in philosophy and one in history, which had to be completed at the Faculty of Humanities, was a compulsory requirement.

The obtainable doctoral title was called either a degree in politics or law or a combination of the two.

Two complementary decrees, 65/1874 and 66/1874, of the Ministry of Religion and Public Education regulated the exam committees and the crediting of university studies abroad respectively.

At the same time, on 8 March 1874, Decree 6017/1874 of the Ministry of Religion and Public Education on the abolition of private studies was issued, which was expected to increase the attendance of lectures. Private studies were replaced by law exams without attending courses, which was a euphemistic expression for the earlier one.

Decree 12. 917/1874 was issued also around this time (on 19 May), changing law academies (schools) into four-year faculties of law and political sciences, independent of universities. It transposed the regulations applicable to law faculties of universities to law schools as faculties of law and political sciences other than universities (six Royal and Royal Catholic and two Catholic legal colleges, five Reformed and one Evangelical law academies).

The absolutorii (pre-degree certificates stating that all course-units have been completed) of the two types of institutions fell into the same category of professional qualifications.

Due to the principle of non-university status, law schools were not enabled to issue degrees equivalent to university degrees qualifying for legal experts, neither did they have the right of habilitation (educating private tutors). The law academies were led by the principal (head of the teaching staff), appointed by the king after a ministerial proposal. In the case of church-operated law colleges, they were appointed by the relevant leader of the church (e.g. the archbishop of Eger) and approved by the minister.

The changes also affected the qualification requirements. The aforementioned Article IV of 1869 prescribed for the position of judge a state examination and a three-year-long professional practice, followed by a judicial examination (or an examination in public or exchange law).

According to Acts XXXIV and XXXV of 1874, to become a lawyer, one needed a legal doctorate[5], and to become a notary, an examination for lawyers or judges.

The requirements for judges were applied to royal prosecutors.

2.3.5.2. „Little Reforms" in Legal Education in the '80s

As early as 1879, Ágoston Trefort already indicated to the two universities (in Budapest and Cluj) that he was preparing for large-scale reforms in the entire educational system and its institutional structure.

The former would aim at tightening regulations, the latter at reducing the number of ecclesiastical law schools, but would have sacrificed two of the state-run institutions. It did not reject the possibility that they could be incorporated into the royal academies of law, which continued to work. That was the situation when, in 1883, the rules of studies and examinations were changed in state-run higher legal education by Decree 18.981/1883 of the Ministry of Religion and Public Education. Mainly, the subjects of comprehensive exams were changed. As a new subject, Hungarian Administrative Law and Politics were introduced, and there were some changes within the three comprehensive examinations in legal science.

Some subjects were added to the scope of comprehensive examinations in political sciences. Extrajudicial procedures were made part of financial administrative law, and the penal code was extended to include misdemeanours.

[5] Ildikó Ámán was right when she drew attention to the fact that the qualification requirements were not equal. The committee certifying the successful passing of the judicial examination "issued a certificate stating only that the candidate had been found qualified" (Ámán, 2019, 47). However, to become an advocate, one needed a certificate of legal expertise, which qualified them for the position of a judge too. A judge, if they wanted to change their careers, could become an advocate by qualifying as a legal expert. In our opinion, there was a duality (a double standard) among law graduates.

As an important formal change, the second and third expert exams became exchangeable.

Due to bifurcation, if a legal expert wanted to obtain a doctoral degree in political sciences, they had to pass only one comprehensive exam on the national economy, finances and the statistics of the Hungarian and Austrian states. The latter was the *only* difference between the two expert examinations!

The experts in political sciences were not so lucky, as they were supposed to take two comprehensive examinations to obtain an expert degree in law.

Act I of 1883 on the qualification of civil servants brought a kind of breakthrough, recognizing as a qualification the degree of lawyers and experts in political or legal sciences after "the completion of at least four years of study according to the existing rules and successful passing of the state examination in political sciences. […] Those who finished their studies before the present system must certify that they completed their legal studies and passed the required exams according to the rules that were in effect at that time" (CJH, 1896, 188).

Paragraph 5 of the Act ordered the application of these qualification requirements, classified into eight categories, from ministries, through police, county officials (like the vice-count [*alispán*], the notary, the nobles' judge and his servants) to mayors and officer attorneys.

The demand for a reform of the content of legal education, its orientation towards practice and its application in the form of seminars remained on the agenda, as did the issue of the educational period.

Within this "short historical period", Act XXVI of 1899 changed the latter one, introducing the option of seven-semester education for male students (women could not qualify as students of law at that time) if they completed at least one year of military service. In short, they were allowed to apply for absolutorium after the seventh semester. This was not beneficial for the quality of legal education.

The educational code, subjects and timetables of law academies were also modified.

2.3.5.3. Higher Legal Education in the Second Half of the Dual Monarchy: Plans and Results

The still water that had been slowly stirring in the 80s began to bubble up in the early 90s with Albin Csáki's draft statute (bill) of 1890. After protracted negotiations, at the end of 1893, he submitted a new code for state examinations, but due to the long-lasting debates on church policy (civil marriage, birth registration, etc.), it was not discussed, and his successor Loránd Eötvös silently revoked the bill. He was not in this position for long either; he was followed by Gyula Wlassics, who requested the opinions of the two universities for the bill to be thought over, which was ready by the end of 1898. The renewed consultations lasted until early 1901, and another year went by until the bill was finalized (January 1902). The process took a comic rather than dramatic turn

with another phase of consultation, and we are now in 1903. The bill, which deserved a better fate, was further hindered by the obstruction in the Parliament at the end of 1903 and another change in the ministerial seat. Cultural Minister Albert Berzeviczy

> "published the bill in print in early 1905. However, due to the defeat of the Liberal Party at the elections and the resignation of István Tisza's government, this bill was not presented to the Parliament, and this meant the end of the first phase of governmental attempts to reform the education of law, which lasted for one and a half decades. (And the bill on the standardized practical examination for lawyers and judicial students planned by the Minister of Justice also remained a draft.) It is also worth mentioning that at a conference on establishing new universities, held at the Higher Educational Association in May 1911, Wlassics said that when Csáky, Eötvös, Berzeviczy and he were preparing a bill or a proposal 'our goal was to help mend the conspicuous deficiencies of legal education as soon as possible, but both Berzeviczy and I thought [...] that our proposals are, in fact, only an "etappe", through which we must gradually move up to the system of the other universities.'" (Ladányi, 2007, 29)

No significant progress was made until 1918.

In 1912, the universities of Bratislava and Debrecen were established, which also had law faculties. The future of law academies as college-level places of education was not clarified.

2.3.5.4. A Contemporary "Distant Student of Law": Endre Ady

Ady graduated from secondary school in 1896 in Zalău (Hung.: Zilah), with the second-best result. In the autumn, he became a student at the Reformist Academy of Law in Debrecen:

> "Our father saw in me the restorer of the family honour — wrote Ady. — He envisaged that I would graduate from one of the academies of law of the Calvinists and I would be elected with enthusiasm to become the nobles' judge in one of the districts of our noble county." (Veres, 1998)

Ady liked neither the city nor the science of law and completed the first academic year only in the autumn, passing the basic examination (Kovalovszky, 1974, 18).[6]

[6] Kovaloszky (1974), also cited by Péter (2012): "Ady Endre's grades in the first semester: Roman Law (lecturer Dr Sándor Kovács): 8 classes; he attended the classes; oral exam, passed. The History of Hungarian Law and Constitution (Dr Zoltán Kérészy): 7 classes; attended; passed. Introduction Into Legal and Political Sciences (Dr István Ozory): very diligent; good. History of Roman Law (Dr Sándor Kerék): 2 classes; attended; passed. History of Modern Age (Gyula Ferenczy): 4 classes; very diligent; –. Public Hygiene (Dr Kálmán Tüdős): 2 classes; very diligent; –. French Language (Dr János Öreg): 2 classes; diligent; passed. Encyclopaedia of Philosophy (Dr János Öreg): 2 classes; diligent; good. 2nd semester: Roman Law (Dr Sándor Kovács); 8 classes; very diligent; good. General History of European Law (Dr Zoltán Kérészy): 5 classes; attended; passed. History of Philosophy (Dr János Öreg): 4 classes; attended; passed.

In the autumn of 1897, he enrolled to the Faculty of Law at the Budapest University, as his younger brother, Lajos Ady put it:

> "The family council made a decision that the lawyer gentleman should enrol for the academic year of 1897/8 in Budapest, but he should immediately go to Timișoara [Hung.: Temesvár] [to the deputy office of the royal tribunal as an office worker for a daily fee] — as Bandi kept saying jokingly — to study law from a distance." (Ady, 1923, 52)

His situation did not improve here, but after completing the third semester, he started the fourth one. In March 1898, he travelled from Timișoara to Zalău to work for a law firm.

For reasons not clearly understood, in September 1898, Ady went to Debrecen again, where he signed up for the first semester of the third academic year (Kovalovszky, 1974, 83). It leads us to conclude that there must have been no reason why he could not have passed his fourth-semester exams.

In the autumn of 1898, Ady made a final decision: "he would choose literature, but he would also complete his legal studies" (Péter, 2012). It turned out differently: on 15 December 1898, he received a stern reprimand for failing to attend classes, and the semester ended with no results (Kovalovszky, 1974, 83–84). He moved from Debrecen to Oradea: "… I made some attempts at legal studies even in Oradea; I renewed my attempts at law, but journalism had already intervened, spoiling my beautiful plans, and I ended up working as a journalist" (Péter, 2012).

It is an interesting fact that Ady's name can be found among the students enrolled for the second semester of the Catholic Academy of Law in Oradea. Perhaps his studies in Pest "have been lost". Here, again, he did not attend the lectures diligently: his name can be found among those who did not take the exam. Instead of law, Ady chose literature for good, for the benefit of us all, because in this, he became one of the greatest.

Bibliography

Ady L. (1923). Ady Endre. Amicus Kiadás.

Ámán I. (2019). A felsőfokú oktatási igazgatás története Magyarországon, különös tekintettel a jogászképzésre. Fejezetek a kolozsvári és a szegedi jogi oktatás köréből [Doctoral dissertation]. Szegedi Tudományegyetem. https://doi.org/10.14232/phd.10293

Bruckner Gy. (1953). A magyar alkotmány és jogtörténet. Magyar alkotmány- és jogtörténet I–II: Ms 154/2: 1; Ms 154/2: 2; Ms 154/2: 3. Érdliget. Unpublished manuscript, at the library of the University of Debrecen.

Csizmadia A., Kovács K., & Asztalos L. (1986). Magyar állam és jogtörténet. Tankönyvkiadó.

Public Health Science (Dr Kálmán Tüdős): attended; –. Cultural History (Gyula Ferenczy): 4 classes; –; –. Diplomacy (Gyula Ferenczy): 4 classes; I could not attend [in Ady"s handwriting].

Eckhart F. (1946). Magyar alkotmány- és jogtörténet. Politzer Zsigmond és Fia kiadása.
Eckhart F., & Degré A. (1953). Magyar állam és jogtörténet II. Felsőoktatási Jegyzetellátó.
Holik S. (s.a.). Jogtörténelmi vezérfonál az Egri Érseki Jogakadémián. Dr. Holik Sámuel előadásai nyomán. S. Varga János sokszorosító irodája.
Kovalovszky M. (1974). Emlékezések Ady Endréről II. Akadémia Kiadó.
Ladányi A. (2007). Törekvések, kísérletek a jogászképzés reformjára 1890–1944. Gondolat Kiadó.
Magyar törvénytár (CJH) (1886). 1836-1868. évi törvényczikkek. Franklin-Társulat.
Magyar törvénytár (CJH) (1896). 1882-1883. évi törvényczikkek. Franklin-Társulat.
Mezey B. (1998). Egyetemek és jogakadémiák: A jogi oktatás kezdetei és fejlődésének tendenciái Magyarországon. Győri Tanulmányok. Tudományos szemle, 17(20), 7–17.
Mezey B. (Ed.) (2007). Magyar jogtörténet. Osiris Kiadó.
Péter I. Z. (2012). Ady füstbe ment jogászkodása. Várad, Kulturális folyóirat és portál, 2012.01.27. www.varad.ro/ady-fustbe-ment-jogaszkodasa/
Veres A. (1998). Ady Endre: Életrajz [Gyermek- és ifjúkora]. Horváth Iván. https://magyar-irodalom.elte.hu/sulinet/igyjo/setup/portrek/ady/aeelet1.htm