

THE SYMBOLIC SIGNIFICANCE OF THE POSITION OF THE HUNGARIAN PRESIDENT IN A CENTRAL EUROPEAN CONTEXT

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Abstract: *Since the birth of modern republics, the post of the president of the republic has had important symbolic content. It is a powerful symbol of republicanism. The presidents of most republics have inherited many characteristics of previous dynastic rulers, as their partly similar functions – representing the state in and outside the country, symbolising the unity of the nation and in periods of crisis, guaranteeing the continuity of state power. The paper is concerning on the Hungarian constitutional development in the 20th century and especially after 2011. Symbolism of the new Fundamental Law of Hungary is very strong and the position of president is central in this process.*

Keywords: *head of state, nation, republic, symbols, traditions*

The monarchy was a dominant form of state in Europe before the end of the 18th century. But the situation was similar in the long 19th century as well, despite of the Great French Revolution. The republican tradition of post-revolutionary France, Spain and Portugal was not continuous. The history of modern republics in Central Europe has started only after the First World War, when the Austrian, Czechoslovak and Polish Republics were declared. Only Hungary preserved the kingdom in the interwar period. Maybe it is a reason for the less expressive tradition of republicanism in modern Hungary.

Since the birth of modern republics, the post of the president of the republic has had important symbolic content. It is a powerful symbol of republicanism, as the very existence of the presidency indicates that the country is not a monarchy but a republic. This is attested by the fact that states that for some reason lack a legitimate sovereign yet do not wish to become republics never call the post of the person actually heading the state the presidency. Instead, they elect to use other terms that are more amenable to monarchy (e.g. ‘governor’, ‘regent’ or the ‘regency council’), or they establish or revitalise some other traditional post. Examples include the Hungarian post of ‘Governor-President’, introduced in 1849,¹ whose first occupier was Lajos Kossuth himself.² The position of the Regent was (more or less) similar in Hungary between the two world wars as well.

On the other hand, the presidents of most republics have inherited many characteristics of previous dynastic rulers, as their partly similar functions – representing the state in and outside the country, symbolising the unity of the nation and in periods of crisis,

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¹ The Hungarian Parliament declared the Declaration of Independence on 14th April 1849. This Declaration detronised the Habsburg dynasty, but did not declare the republic! This question was open. See MEZEY, B. (ed.). *Magyar alkotmánytörténet*. Budapest: Osiris, 2003. p. 252.

² Lajos Kossuth (1802–1894) was the leader of the Hungarian liberal movement before and during the revolution 1848/1849. He became the member of government in the spring 1848.

guaranteeing the continuity of state power. Naturally, the significance of that heritage is also expressed in the form of a number of material entitlements, such as the right to disband Parliament, and the appointment rights associated with ministerial countersignatures and election by parliament,³ or the president's powers of clemency.

But the symbolic significance of the presidency is not equally clear in all countries, and the intensity of the cult of that symbol also varies. A great deal depends on specific historical traditions, the entrenchment of the position in the system of public law or simply the specific political circumstances of its establishment. Actually, the countries of Central Europe are a particularly suitable domain for investigating that issue, as practically all the countries in the region have developed their individual, slightly different relationships to the institution of the presidency at the level of symbolism.

In the Central European region, the office of the president of the republic was first introduced after World War I. In most of the new states founded in the region in 1918 and 1919, their establishment luckily coincided with a general wave of democratization, generated, willingly or unwillingly, by World War I itself and the revolutions in its wake.⁴ This also brought a sort of new republicanism, which had a strong impact in the region. The republican cause had been present in the region prior to 1918, but previously it could not be said to have been politically influential.

The 1920 constitution of the first Czechoslovak Republic, which was considered one of the most democratic and most stable documents of that sort in the region, devoted rather a great deal of attention to the head of state, but didn't say much about the symbolic significance of the post. Right in Article 2, the legislators stated that Czechoslovakia was a democratic republic, a state headed by an elected president. That provision did not mention the method of electing the president. That constitution only regulated the head of state in greater detail in Chapter 3, and even there, it had few words to offer about the symbolism involved. Paragraph 1 of Article 64, for instance, stated that the president of the republic represented the state towards the outside, towards foreign nations.⁵ Actually, the later Czechoslovakian constitutions of 1948 and 1960 also contained similar formulations.

The 1921 democratic Polish constitution displayed a similar attitude to the issue, and laid the main emphasis on the outward representative role of the head of state. The 1935 Polish constitution adopted a different approach, elevating the head of state to the very centre of the constitutional law. According to the second article of that document, the state is headed by the head of state, who is responsible for its fate before God and before history. His prime obligation is to maintain the nation's welfare, defences, and its position in the community of nations. The figure of the head of state personifies the unified and indivisible power of the state. According to the next paragraph, the other organs of power

³ In each of the Visegrad states, the titles of ambassador, general and professor are awarded by the head of state. This tradition has its roots in the Austro-Hungarian Monarchy.

⁴ About the characteristics of the process of constitution-making after the first world war see TRÓCSÁNYI, L. Alkotmányozás és rendszerváltás Közép- és Kelet-Európában. *Jogtudományi Közlöny*. 1995, No. 8, pp. 384–385.

⁵ See GRONSKÝ, J. *Komentované dokumenty k ústavním dějinám Československa*. I. (1914–1945). Praha: Karolinum, 2005, pp. 71–107. (Text of Constitution from 1920).

all operate under the command, under the leadership of the president. As a superior factor, he coordinates the activities of the other executive bodies of the state.⁶

Hungary was in a very peculiar position between the two world wars: officially, from 1920 it was once again a monarchy, though without a monarch. The country was led by Regent Miklós Horthy, elected by the National Assembly in early 1920, who remained in position until 1944.⁷ Although in 1919, the idea raised that Horthy, who had defeated the red revolution, and who embodied the Hungarian counter-revolution, could be a freely elected king, it was not realised in the end. This was due to a number of factors – partly Horthy's protestant-reformed denomination and his gentry rather than aristocratic family background, and partly perhaps also the fact that previously Horthy had been an adjutant to the Emperor and King Franz Joseph. The 1920 national assembly, which concluded the troubled period of revolutions and counter-revolutions, finally reintroduced the earlier office of the Regent, which had been in use in the 15th century⁸ and briefly resurrected in 1848.⁹

One of the reasons for the reinstatement of the Kingdom of Hungary (apart from the strict conservatism of the counter-revolutionary regime) was that the Hungarian elite definitely wanted to express its continuity with the much larger Hungary of before 1918. Naturally, this could only be partially successful. During that period, the historical Hungarian constitution was restored, which was considered an organic development, and whose provisions were not collected in a single charter, but, similarly to the British constitution, in a number of legal norms, created in various historical periods. Act I of 1920 on the Powers of the Temporary Head of State, which established the position of the Regent mentioned above, was one of the most important statutes of the new regime.

The office of the regent represented an interesting transition between a monarch and the president of a republic. For example the Hungarian royal courts of the period issued their verdicts neither in the name of the king nor the regent, but in the name of the Holy Crown. Regent Horthy was originally an elected leader, but later on, the rules were successfully changed so as to ensure that after his resignation or death, his son István would have followed him in the post. István Horthy (1904–1942) was deputy regent from the 1942.¹⁰

Although he was not in a position to bestow noble titles, he had the entitlement to award the 'vitész' title to people who were close to him, or who had proved their merit in World War I or the counter-revolution. And this title could be inherited. The Regent had a very strong influence on the Hungarian Army, but his daily work of governance was only

⁶ Text of Constitution from 1935. See KONIECZNY, A., KRUSZEWSKI, T. *Historia administracji na ziemiach polskich. Wybór źródeł*. Budapest 2002, pp. 466–478.

⁷ Admiral Miklós Horthy (1868–1957) was originally the leader of the Hungarian antibolshevik counter-revolution in 1919. His National Army was the most relevant Hungarian military force during the chaotic Autumn 1919.

⁸ János Hunyadi (1407?–1456), the winner from the battle around Beograd in 1456 was between 1446 and 1453 the first regent-governor in the Hungarian history in 15th century.

⁹ In the 15th century, János Hunyadi, who stopped the Ottoman invasion, was the regent, while in 1849, after the dethroning of the Habsburgs, Lajos Kossuth, the leader of the liberal Hungarian Revolution and War of Independence, wore the title for a few months.

¹⁰ This position was born according to the Law No. 2. from 1942. It was new element in the Hungarian legal system. See MEZEY, B. (ed.). *Magyar alkotmánytörténet*. Budapest: Osiris, 2003, p. 369.

partially involved with the military. A great deal also depended on the person of the prime minister. We could say that the Regent became more active during the 1930's¹¹ – partly as a result of the increasingly authoritarian political climate of the region and the increasing influence of Nazi Germany, and partly because of the characters of the prime ministers who served during that period. In view of all that, the – not completely correct, although quite witty – comment made by an Austrian constitutional jurist Adolf Merkl of the time to the effect that Horthy's Hungary during the 1920's was in actual fact a royalist republic was not a complete accident.¹²

During the period of the socialist state, the single-person heads of state lost much of their weight in the constitutional systems of the people's democratic republics, i.e. the socialist countries. In actual fact, Czechoslovakia was the only country that maintained the office of the president of the republic throughout that period, which is partly related to the Czechoslovakian tradition of constitutional law and the political circumstances of the birth of the first (i.e. the 1948) constitution, and later partly to the endeavour of some communist general secretaries to maintain a representative figurehead of the state.¹³ In Poland, on the other hand, the collective State Council was considered to be a collective head of state, while the same function was served in Hungary by the Presidential Council of the People's Republic of Hungary. In both of those countries, the restoration of the single-person head of state was one of the constitutional events of the Fall of Communism in 1989.¹⁴

Only a few references are made to the symbolic significance of the heads of state in the new, democratic constitutions created after the Fall of Communism. Originally, perhaps the most important reference was codified in the text of the Hungarian Constitution adopted in 1989. Article 29, paragraph 1 of the amended Act no. XX of 1949 contained the following declaration: *"Hungary's head of state is the president of the republic, who represents the unity of the nation and who stands guard over the democratic operation of the organised state."* This formulation was also adopted, word for word, by the Fundamental Law adopted in 2011.¹⁵ Only the number has changed: this provision is now in Article 9, paragraph 1 of the main chapter entitled State.

The claim that the president of the republic is Hungary's head of state and also expresses the unity of the nation only seems not to require further explanation on the surface. The first part of the claim is certainly very clear. The second claim, however, is not that simple or unambiguous in the light of the not entirely coherent conception of the nation contained in the National Avowal of the Fundamental Law. This is because the

¹¹ *Ibid.*, p. 364.

¹² MERKL, A. A mai Magyarország államformájáról. *Jogtudományi Közlöny*. Vol. 5, pp. 33–34.

¹³ During the period between 1948 and 1989, only two of the Czechoslovakian party leaders were also heads of state: the 1968 reform communist Alexander Dubček and the last one, Milouš Jakeš. One head of state (General Ludvík Svoboda) was not a party leader.

¹⁴ About this issue see KOUDELKA, Z. *Prezident republiky*. Praha: Leges, 2011.

¹⁵ For an interpretation of this, see Virág Kovács: 29. §. A köztársasági elnök általános funkciója (*Article 29: the general function of the president of the republic*). In: JAKAB, A. (ed.). *Az Alkotmány kommentárja I. (Commentary on the Constitution)*. Budapest: Századvég, 2009, pp. 950–951.

Constitution that was in effect until 31 December 2011¹⁶ was fundamentally based on a political concept of the nation, while the ‘cultural and language community’ approach only played a supplementary role in it, and was only really used decisively not towards the country’s population but Hungarians living across its borders. The domination of the nation state, or in other words the political conception of the nation in the Constitution was consistent with the Hungarian constitutional tradition, even if were not always in sync with the population’s own concept of the nation – as, after Trianon, that became both objectively and subjectively ethnicised. In that context, therefore, when the constitution states that the head of state expresses the unity of the nation, this could be logical interpreted as a reference to the nation as the totality of citizens.

On the other hand, the ‘nation’ concept of the National Avowal in the Fundamental Law can be read to present a different, rather opposing tendency. When the legislators speak of the Hungarian nation, they do not mean the totality of Hungarian citizens, but rather a community defined by culture and language, and a sort of organic Hungarian community. This is evidenced by the fact that the preamble speaks of “*the intellectual and spiritual unity of our nation torn apart in the storms of the last century*”, and also features the claim that “*Our Fundamental Law shall be the basis of our legal order; it shall be an alliance among Hungarians of the past, present and future*”. The most important evidence for the absence of the political concept of ‘nation’ is that the National Avowal of the Fundamental Law has introduced a new expression, “*the Hungarian political community*”, which includes “*the nationalities living with us*”, who are actually constituents of the state. So the Hungarian political community could have been a synonym for the Hungarian political nation, but in the end it did not become one, as that would have had to be declared somewhere. The 1997 Polish Constitution, for instance, did so right at the beginning of its preamble.

So what follows from all this as regards the Hungarian president of the republic? The president, as the head of state of Hungary is a clear-cut category of constitutional law. He acts on behalf of the state of Hungary, he signs on behalf of the state and makes statements on behalf of the state. Even the name of his office expresses this link with the state: he is not the president of the nation, but the president of the republic. At the same time, in view of the above, the foundation of the Hungarian state can hardly be constituted by the cultural-linguistic Hungarian nation: that is a role much more consistent with the Hungarian political community. The nation in a spiritual and intellectual sense is a concept that is difficult to comprehend legally. So when the head of state expresses the unity of the nation, it is much easier for him to do so with respect to the Hungarian political community than the rather malleable Hungarian cultural nation.

The situation is rendered even more complicated by the fact that according to the preamble of the Fundamental Law, the unity of the nation is expressed not only by the president of the republic but also by the Holy Crown. Yet the Holy Crown has another

¹⁶ About the process of constitution-making in 2011 see HALÁSZ, I. Creation and Characteristics of the New Fundamental Law of Hungary. *The Lawyer Quarterly*. 2011, Vol. 1., No. 2, pp. 85–105. Available at: <<http://tlq.ilaw.cas.cz/index.php/tlq/article/view/9>>.

important symbolic task: it is also the embodiment of Hungary's continuity as a constitutional state.¹⁷ That is at least as important as, and perhaps even more important than expressing the unity of the nation. Relative to the rather verbose and excessively ideological formulations of the National Avowal, the legislators managed to express themselves rather precisely there: indeed, it is not a case of continuity of state in general, only continuity as a constitutional state. That is an important distinction.

So in today's Hungary, while according to the effective Fundamental Law, the unity of the nation is symbolised by two entities – the above-mentioned Holy Crown and also the president of the republic – continuity as a constitutional state is only represented by the Holy Crown. Yet the president of the republic would also be able to symbolise the continuity of the state, if not, on account of his/her mortality, for a thousand years.

The representation of the continuity of the state by the head of state only appears in the region in the 1997 Polish constitution, which, as a matter of fact, was often referenced by Hungarian politicians when the most recent constitution was elaborated.¹⁸ According to Article 126, paragraph 1 of the effective Polish constitution: "*The president of the Republic of Poland is the paramount representative of the Republic of Poland, the embodiment of the continuity of the state.*" In actual fact, under normal conditions that provision should not come into play at all, but in case of war or foreign invasion it may become all the more significant. In Poland, that formulation is not only an elegant declaration, but a provision supported by real, historical experience. Its roots are to be found in the tribulations of Polish history. During World War II (1939–1945), the entire Polish state was occupied by the Germans, and the Polish state fighting against fascism was represented by the government-in-exile in London. The president of the republic was indeed the most important representative of the Polish government-in-exile.¹⁹ The situation was similar in the Czechoslovakia occupied by Nazi Germany, whose representation was also attempted by the Czechoslovakian émigré community in London, headed by the previous president, Edvard Beneš. 20th century Hungary has had no experience of that kind with a government-in-exile,²⁰ and it is probably due to that fact that none of its constitutional documents have dealt with this problem.

In contrast with the Polish and the Hungarian constitutions, the currently effective Czech and Slovak constitutions do not contain any direct references to the symbolic significance or the functions of the head of state, which is surprising because in effect, those two Central European states have the strongest cults of the president. The strong symbolic charge

¹⁷ About the concept of Holy Crown, see SZENTE, Z. The Doctrine of the Holy Crown in the Hungarian Historical Constitution. *Journal on European History of Law*. 2013, No. 1., pp. 109–115.

¹⁸ See Article 126, paragraph 1 of the effective Polish constitution: "The President of the Republic of Poland is the supreme representative of the Republic of Poland, the embodiment of the continuity of the state." TRÓCSÁNYI, L. Alkotmányozás és rendszerváltás Közép- és Kelet-Európában. *Jogtudományi Közlöny*. 1995, No. 8, p. 541.

¹⁹ About the Polish government-in-exile, see KALLAS, M. *Historia ustroju Polski X–XX. w*. Warszawa: PWN, 1999, pp. 365–368. About the similar Czechoslovakian government-in-exile, see KUKLÍK, J. *Vznik prozatímního Československého národního výboru a prozatímního státního zřízení ČSR v emigraci v letech 1939–1940*. Praha: Karolinum, 1996.

²⁰ For a summary, see BÁBA, I., BALLER, B., HALÁSZ, I., TÓTH, N. *A magyar külügyi igazgatás alapjai (The Foundations of Hungarian Foreign Policy Administration)*. Budapest: Dialóg Campus, 2016, pp. 48–50.

carried by the Czech head of state is expressed, for instance, by the fact that under Article 14, paragraph 1 of the Czech constitution, the Czech president has his/her own presidential flag. In effect, the head of state is actually the single constitutional entity that uses a flag of his/her own, none of the others have this option. The Slovak constitution doesn't specifically stipulate this symbol, but in actual fact, the Slovak president also has his own flag, as stipulated in Act no. 51 of 1993. That law is only about that single issue, so it could be said to be a special law. This is not surprising, as Slovakia is also a successor of Czechoslovakia. And Czechoslovakian constitutional law introduced the notion of a presidential flag in 1920. Traditionally, the presidential flag had a large seal of the state in the middle of it, and it remained there until 1960, which was interesting because the large state seal of pre-war Czechoslovakia had featured the seal of autonomous Carpathian Ruthenia, but after 1945, that region was annexed to the Soviet Union.²¹

The Polish and the Hungarian presidents do not use their own presidential flags, and there are no significant traditions attaching to such flags. It is a fact, though, that the Polish constitutional tradition does include a category of symbols of presidential power: the presidential insignia. This is partially related to the fact that the Polish Crown Jewels have been lost or destroyed, therefore, despite the fact they had a state during the Middle Ages, the Polish are unable to reference traditions such as Saint Stephen's or Saint Wenceslaus's Crown. However, when the Polish government left the country in September 1939, they took with them the symbols of presidential power as they were then. They consisted of the text of the Constitution of 1935, the state flag, the state seal and the Order of the White Eagle. They were only returned to Poland in 1990, when the leader of the London Polish community returned them for the investiture ceremony of Lech Walesa, the first freely and directly elected president of the Polish republic.²²

The situation is somewhat different with the offices of the presidents. Once more, the most historically venerable offices are occupied by the Czech head of state: they are in the imposing Royal Castle in Prague, the place that was once the seat of Czech kings and later governors. The "Castle" has in fact become a symbol of the presidency in Czech political journalism. In addition, the presidents of the interwar period had three residences around the country: in Láňy in Bohemia, in Židlochovice in Moravia and in Topolčianky, Slovakia. In view of the complex character of the country, this geographical distribution also had major symbolic significance.²³

At present, the Czech president of the republic only has a single castle in the country – in Láňy, near Prague, officially a gift to President Masaryk from the "grateful nation".²⁴ That

²¹ KOUDELKA, Z. *Prezident republiky*. Praha: Leges, 2011, p. 196.

²² HALÁSZ, I., SCHWEITZER, G. *Szimbolika és közjog (Symbolism and Constitutional Law)*. Pozsony: Kalligram, 2010, p. 24.

²³ Czechoslovakia had four land official big territorial units with representative assembly and land president: Czechia, Moravia-Silesia, Slovakia and Subcarpathia.

²⁴ The Czech constitution and any constitutional laws do not define the problem of the seat and residence of president. Only the article 3. of the constitutional law No. 114 from 1993 declares the obligations of the Office of Czech President to take care of Prague Castle, Láňy and other buildings, which are the seat (residence or residences) of president. See PAVLÍČEK, V. a kol. *Ústavní právo a státověda. II. díl. Ústavní právo České republiky*. Praha: Leges, 2011, p. 858.

truly beautiful place is indeed very suitable for recreation and for more informal functions organised for foreign guests.

In Slovakia, this slightly monarchistic tradition was not reawakened after 1993, and Slovakian heads of state had to make do with the downtown palace built in 18th century style by Count Anton Grassalkovich. The Grassalkovich Palace had been the seat of the Slovakian president once before, as during World War II, President Jozef Tiso also worked there. However, during the years before the Fall of Communism, the beautiful building functioned as the Palace of Pioneers.²⁵

The Polish president of the republic is in a somewhat luckier position in that respect, as he has two beautiful palaces in Warsaw alone. One of them, known as the Presidential Palace, is the office of the president, while the Belveder Palace is the president's residence. In addition, the Polish president of the republic can use three other locations for recreation, conferences and for receiving his/her guests: three castles in the towns of Hel, Wisla and Ciechocinek.

It is a well-known fact that after 1989, the Hungarian presidents of the republic didn't have their own palace for a long time, having their offices in the huge Parliament Building instead. It was only later, in the first years after the millennium (2003) that the president moved his offices to the very beautifully restored Sándor Palace,²⁶ which had previously been renovated by the first Orbán government with the intention of placing the prime minister's offices there, in line with traditions. Previously, prime ministers also worked in the Parliament. This plan was consistent with the previous function of the Sándor Palace, as from the Age of Dualism to the end of the liberal republic of Hungary, prime ministers had their offices there. Regent Miklós Horthy worked nearby, in Buda²⁷ Castle, which today houses the National Széchenyi Library and the Hungarian National Gallery. Actually, during the interwar period, most ministries were also not located around Kossuth Lajos Square in Pest, but in the old city of Buda, which functioned at the time as a sort of government district.

However, the Sándor Palace would probably have been too small for the Prime Minister's Office, which had grown to very large proportions between 1998 and 2002. This move would have been a good idea from the perspective of maintaining the independence of the Presidency. From the perspective of reinforcing the cult of the president, it was also important to establish a separate Guard of the Presidential Palace. The other presidents of the Visegrad countries also have their own ceremonial guards.

We may conclude that the Hungarian institution of the presidency, whose history is rather shorter than those of its Czechoslovakian and Polish counterparts, is attempting to "catch up", and it is increasingly endeavouring to create its own "external" symbolism. The situation is better as regards the constitutional provisions referring to the symbolic significance of the president, as there it is the effective Hungarian Fundamental Law that devotes the most attention to this issue.

²⁵ The Office of Slovak President uses the building in the Bratislava Castle too, but only occasionally.

²⁶ However, the Hungarian head of state only works at the Sándor Palace, but he doesn't live there. The presidential residence is in a beautiful villa in the Buda Mountains.

²⁷ In Czech and Slovak language: Budín.

All of that is very important, because as in constitutional monarchies, the sovereign plays an important symbolic role, in the same way, the respect for, and the appropriate representation of the office of the president of the republic is important for the cultivation of the republican tradition. Heads of state should not go down in history as “simple” politicians or public servants: it would be better if they also contributed to the dignity of their nations in the field of ideas, gestures and symbols.

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The new regulation of the president inside the Hungarian constitutional order, which was born in the process of the constitution-making after the elections in 2010, together with the post-transitional tendencies of republicanism, are good starting points for more intensive cultivation of the presidential tradition in the Hungarian political culture. How the current Hungarian political elite will operate with this possibility is naturally an open question.