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MÁTÉ PÉTERVÁRI

## ISTVÁN EREKY\*

(1876–1943)

### *I. Biography*

*“But in addition, I must draw your kind attention to the following: my area of expertise is not constitutional law, but administrative and financial law.”<sup>1</sup>*

*Extensive research in legal science with administrative law at the focal point*

István *Ereky* is an acknowledged administrative jurist and a full member of the Hungarian Academy of Sciences in the first half of the 20th century. His interests extended to numerous fields of law, he dealt with private law at the beginning of his career, taught the legal aspects of criminal litigation, published in the field of constitutional law, as well as commenting on the reform of higher education. His work in legal history is bigger than some contemporary legal historians. The quote above refers to this versatility, as in his surviving letter in connection with a request he reminded Gyula Szekfű, that he considers the discipline of public administration his main area. However, the eminent historian of the Horthy era cannot be blamed for asking the author on a topic of constitutional law, as looking at *Ereky's* life and publications he seems to be more “omnivorous”.

When we study the trajectory of his life, we are familiarised with a person who is fully committed to their university career, who was able to be admitted to the University of Szeged due to his extraordinary determination. The imprint of the turbulent decades of Hungarian history can also be traced in the development of his career, as it was a result of the Trianon peace treaty, that the law professor moved to the Southern Great Plain and became a defining figure of the first Szeged era of the university.

Of the four sons of István Ereki (nee Wittmann) and Veronika Takáts Dukai István *Ereky*, was the oldest, born on December 26, 1876, in Esztergom. Until 1893, his father

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\* Translated by Jarmo Gombos, PhD candidate at the University of Szeged, Faculty of Law and Political Sciences.

<sup>1</sup> OSZK Kézirattár [National Széchenyi Library manuscript archive] Fond 7/469.

bore the surname Wittmann, which was then changed to Ereki.<sup>2</sup> The family breadwinner was a state employee from 1873 after his military service, first as a prison supervisor of the Royal Regional Court of Esztergom,<sup>3</sup> then he was a postmaster from 1874 also in Esztergom,<sup>4</sup> and from 1882 in Sümeg.<sup>5</sup> The career of the two oldest siblings blossomed as university lecturers. In addition to István Ereky, his younger brother, Károly, was also attracted by academic research, thus becoming one of the founders of the field of biotechnology in Hungary.<sup>6</sup> Later his brother also tried himself at politics as the Minister of Food in the Friedrich cabinet and later as an MP.

István Ereky spent his high school years in Sümeg and Székesfehérvár, during which time he gained extraordinary language skills, which is proved by his translations of poems from French which were published during his high school years.<sup>7</sup> Later, from 1894 he read law at the Royal Hungarian University of Budapest,<sup>8</sup> where he graduated in Law and Political Sciences in 1898. During his university years, he spent the academic year 1896–1897 at the University of Vienna.<sup>9</sup> After completing his studies, he did his pupillage for a short time, then he was employed as a legal trainee at the Budapest Criminal District Court from November 1898.<sup>10</sup> In May 1900, Ereky was appointed as a clerk to the Royal District Court of Rétság,<sup>11</sup> then he was transferred to the Royal Regional Court of Kalocsa in November 1901, retaining his position as a clerk.<sup>12</sup> He was appointed to the Royal District Court of Sümeg as a clerk in September 1902,<sup>13</sup> where he was promoted to recorder in August 1903.<sup>14</sup> Later he held the position of council registrar of the Royal Court of Appeal of Győr.<sup>15</sup>

<sup>2</sup> Budepesti Közlöny Vol. XXVII. No. 279. 1. SZENTIVÁNYI 1895, 67. In the description of the name change, the surname is mentioned as Ereki, but in 1893 István Ereky seems to have used it with y. Szerkesztői üzenetek. Ország-Világ Vol XIV. No. 44. 716. The change of name also was a subject of ridicule in connection with the brother who entered a political career. "Károly Ereki addresses Gyula Berki:

- Gyula, how is it that you write your name with i, even though I know you are noble.

- You're right, Károly! Even my great-grandfather was noble and he also wrote his name with an i. But how is it that you write it with y, even though your father still wrote with double n."

(A t. nemzetgyűlés folyosójáról. Borsszem Jankó Vol. LIV. No. 2762. 6.)

<sup>3</sup> Budepesti Közlöny Vol. VII. No. 85. 707. Magyarország tisztii czim- és névtára 1874, 212.

<sup>4</sup> Postai Rendeleték Tára Vol. VIII. No. 17. 72. Magyarország tisztii czim- és névtára 1875, 277. Magyarország tisztii czim- és névtára 1879, 253.

<sup>5</sup> Postai Rendeleték Tára Vol. XVI. No. 3. 15. Magyarország tisztii czim- és névtára 1884, 197. Magyarország tisztii czim- és névtára 1887, 241.

<sup>6</sup> FÁRI – KRALOVÁNSZKY 2004, 240–268. Koi 2018, 1.

<sup>7</sup> HUGO VIKTOR: *Elise*. (translated by István EREKY) Ország-Világ Vol. XV. No. 7. 114. HUGO VIKTOR: Dal. (translated by István EREKY) Ország-Világ Vol. XV. No. 22. 373.

<sup>8</sup> *A Budepesti Királyi Magyar Tudomány-Egyetem almanachja MDCCCXCIV-XCV. tanévre [Almanac of the Royal Hungarian University of Budapest for the school year MDCCCXCIV-XCV]*. 1895, 84. *A Budepesti Királyi Magyar Tudomány-Egyetem almanachja MDCCCXCV-XCVI. tanévre [Almanac of the Royal Hungarian University of Budapest for the school year MDCCCXCV-XCVI]*. 1896, 87.

<sup>9</sup> *A Budepesti Királyi Magyar Tudomány-Egyetem almanachja MDCCCXCVII-XCVIII. tanévre [Almanac of the Royal Hungarian University of Budapest for the school year MDCCCXCVII-XCVIII]*. 1898, 94. Koi 2018, 2.

<sup>10</sup> Budepesti Közlöny Vol. XXXII. No. 266. 1. Magyarország tisztii czim- és névtára 1889, 657.

<sup>11</sup> Budepesti Közlöny Vol. XXXIV. No. 112. 1.

<sup>12</sup> Budepesti Közlöny Vol. XXXV. No. 256. 1.

<sup>13</sup> Budepesti Közlöny Vol. XXXVI. No. 209. 1.

<sup>14</sup> Budepesti Közlöny Vol. XXXVII. No. 177. 1.

<sup>15</sup> *Uj jogakadémiai tanár [New teacher at the law academy]*. Budepesti Napló Vol. IX. No. 244. 4.

His first scholarly work on private law was published in 1903, so his name may have appeared in several places in connection with vacant teaching positions. Finally, after the unanimous nomination of the Faculty of Law he was elected out of 27 candidates the extraordinary teacher of governance law and statistics on a temporary basis in September 1904 by the governing council of the Prešov Evangelical Academy of Evangelical Law.<sup>16</sup> A year later he was awarded tenure,<sup>17</sup> then in 1906 he was made full professor.<sup>18</sup> In 1908 he made his habilitation at his alma mater, the Royal Hungarian University of Budapest, which was approved by the Minister of Religion and Education in the beginning of 1909.<sup>19</sup> He taught *Jurisprudence, Hungarian Administrative Law and Statistics of the Hungarian State with regards to Austria*,<sup>20</sup> in addition to which he held seminars in administrative law for a few semesters,<sup>21</sup> and lectured on military administration, the new Defense Forces Act and on emigration as an elective course.<sup>22</sup> He also taught the law of Hungarian criminal litigation in the academic year of 1912–1913.<sup>23</sup> The aim of the law academies was to provide a lower level of legal education than the universities, with an emphasis on practice.<sup>24</sup> The academy in Prešov stood out in terms of the number of students from the academies.<sup>25</sup>

The upward curve of *Ereky's* career is shown by the fact that, thanks to the intervention of Győző Concha, he was able to go on a one-year study trip to London, England, from January 1910 delegated by Ministry of Religion and Public Education.<sup>26</sup> He studied the local administration and the competition system.<sup>27</sup> Returning from his study trip, he married Erzsébet Petracsek on December 18, 1910, with whom they later had a child together.<sup>28</sup>

In March 1914, *Ereky* learned that a call has been issued for a total of 22 law departments in Debrecen and Bratislava, with a deadline of 31 March. It was possible to apply for more than one department at a time, so he planned to apply for an appointment to a “department of legal history or administrative law”.<sup>29</sup> The value of university tenures in the era is shown by the fact that, according to the correspondence between *Concha* and *Ereky*, they engaged in serious lobbying so that *Ereky* could obtain the necessary support.<sup>30</sup> Prior to the decision on the appointment, it was a matter of great tension that, according to leaked news, his religion could place him at a disadvantage in the evaluation of the applications.<sup>31</sup> In addition, in a letter to *Concha*, who supported

<sup>16</sup> *Uj jogakadémiai tanár [New teacher at the law academy]*. Budapesti Napló Vol. IX. No. 244. 4. RAFFAY 1905, 3.

<sup>17</sup> CSENGEY 1906, 2.

<sup>18</sup> LUDMANN 1907, 2.

<sup>19</sup> *Beszédek* 1910, 41. KÉPESSY 2014, 115.

<sup>20</sup> SZUTÓRISZ 1910, 60–62.

<sup>21</sup> RAFFAY 1905, 40–42. GAMAUF 1911, 75–76. OBETKÓ 1912, 92–94.

<sup>22</sup> CSENGEY 1906, 42–45. LUDMANN 1907, 45–48. DRASKÓCZY 1913, 100–103.

<sup>23</sup> DRASKÓCZY 1913, 102. LUDMANN 1914, 94.

<sup>24</sup> ÁMÁN 2018, 18–20.

<sup>25</sup> BRUCKNER 1996, 49. STIPTA 2009, 65–66. MEZEY 1998, 14–15.

<sup>26</sup> SZUTÓRISZ 1910, 19. GAMAUF 1911, 25. MTA Kézirattár [Manuscript Archives of the Hungarian Academy of Sciences] Ms 4811/141. 143.

<sup>27</sup> GULYÁS 1990, 686.

<sup>28</sup> MTA Kézirattára [Manuscript Archives of the Hungarian Academy of Sciences] Ms. 4811/147.

<sup>29</sup> MTA Kézirattára [Manuscript Archives of the Hungarian Academy of Sciences] Ms. 4811/158.

<sup>30</sup> MTA Kézirattára [Manuscript Archives of the Hungarian Academy of Sciences] Ms. 4811/158–164.

<sup>31</sup> MTA Kézirattára [Manuscript Archives of the Hungarian Academy of Sciences] Ms. 4811/163.

him, he justified his moderate public activity with his work invested in his academic work.<sup>32</sup> In connection with this, he explained that he had never carried out any political activity other than joining the National Labor Party<sup>33</sup> at the encouragement of Mihály Réz. Among his public roles, he highlighted his position as honorary chief notary of Sáros county.<sup>34</sup> Finally, the concerns proved to be unfounded, and on August 26, 1914, the Sovereign appointed *Ereky* professor of the Department of Public Administration and Financial Law of the newly established Royal Hungarian Elizabeth University in Bratislava.<sup>35</sup> As a qualified teacher of statistics and jurisprudence, he also gave lectures on these subjects to students at the university in Bratislava.

*The connection between István Ereky and the city of Szeged*

As a result of the Trianon peace treaty, the fate of the universities of Kolozsvár and Bratislava were called into question with the fragmentation of the country's territory, as they were separated from the motherland by the change of national borders. Together with *Ereky*, the professors at the Elizabeth University of Bratislava were expelled from the territory of the newly founded Czechoslovakia, but the faculty of law of the university, unlike the other faculties, maintained its operation until August 20, 1921 in the city.<sup>36</sup> Due to the refusal to swear allegiance to the Romanian king and the governing council, the teachers of the Royal Hungarian Franz Joseph University in Kolozsvár were also forced to leave the city. The exiled teachers first received refuge in the capital during the occupation of the country, where they resumed education in March 1920.<sup>37</sup> The National Assembly of Hungary adopted the Act no XXV. of 1921 which once again provided a “home” for both universities, as the Royal Hungarian Elizabeth University of Bratislava moved to Pécs, while the University of Kolozsvár moved to Szeged.<sup>38</sup>

Among the university professors from Kolozsvár, the Transylvanians also repatriated after taking over the university by Romania, except three of them remained in Kolozsvár. Among them was Mihály *Bochkor*, who taught of Hungarian constitutional and legal history at the university in Transylvania. For this reason, István *Ereky* taught the subject in 1920/21. academic year at the Franz Joseph University, which held the legal education in Budapest.<sup>39</sup> *Bochkor* was eventually unable to follow the moving university as he passed away on November 3, 1920, in the then Kolozsvár. On June 17, 1920, the faculty council unanimously elected István *Ereky* to fill the vacant tenure in Budapest.<sup>40</sup> Confirming the

<sup>32</sup> “I am not saying it in vanity that I have published nearly 2,000 pages, including my most recent work. It made it impossible for me to perform any public activities.” MTA Kézirattára [Manuscript Archives of the Hungarian Academy of Sciences] Ms. 4811/164.

<sup>33</sup> Munkapárt [Labour Party]

<sup>34</sup> MTA Kézirattára [Manuscript Archives of the Hungarian Academy of Sciences] Ms. 4811/164.

<sup>35</sup> Budepesti Közlöny [Budapest Gazette] Vol. XLVIII. No. 201. 14. DRASKÓCZY 1915, 61–62.

<sup>36</sup> KARDOS – KELEMEN – SZÖGI 2000, 119.

<sup>37</sup> *A Magyar Királyi Ferenc József-Tudományegyetem almanachja [Almanac of the Hungarian Royal Franz Joseph University].* 1932, 34.

<sup>38</sup> ÁMÁN 2017, 22.

<sup>39</sup> KOKOLY 2018, 536.

<sup>40</sup> PÉTERVÁRI 2014, 30.

decision of the faculty council, Governor Miklós Horthy, appointed István *Ereky* together with Albert *Kiss* and Ferenc *Finkey*, from the Royal Hungarian Elizabeth University to the university moving to Szeged on September 22.<sup>41</sup>

*Ereky* has been deputising Elek *Boér* (the older) since 1921 in the teaching of administrative and financial law at Franz Joseph University until 31 December 1924, when the governor finally entrusted him with the management of this department permanently.<sup>42</sup> However, he was also able to continue teaching Hungarian constitutional and legal history, till the first semester of 1927–1928 as a deputy, which was then entrusted to Béla *Iványi*.<sup>43</sup>

István *Ereky* took an active role in the management of the university in Szeged, being elected dean of the Faculty of Law three times, a position held in the academic years 1923–1924, 1931–1932 and 1939/40.<sup>44</sup> On one occasion, he was entrusted to lead the whole university, in the academic year of 1938–1939 he benefitted the university by performing the duties of the Rector.<sup>45</sup>

Belonging to the new university, István *Ereky* became a corresponding member of the Hungarian Academy of Sciences in 1921,<sup>46</sup> and his inaugural speech was given on April 10, 1922, entitled *The Development of Administrative Law and Administrative Science*. The Academy also awarded the Sztrókay Prize in 1921 for his two-volume work entitled *Studies in Legal History and Public Administration*, which was found to be the worthiest of the law and political science works published in 1918 and 1919.<sup>47</sup>

In 1930 he was again awarded an academic prize for his monograph on legal persons and was awarded the Marczibányi Prize,<sup>48</sup> and also this year, he received the Corvin Wreath in recognition from the governor when the award was established.<sup>49</sup> In 1934, István *Ereky* was deemed to be worthy to be elected a full member of the Hungarian Academy of Sciences.<sup>50</sup> His inaugural speech in 1935 was based on his later published monography *Public Administration and Self-Government*, which examined concepts in the light of current international dogmatic trends.<sup>51</sup> In 1939, the Hungarian Academy of Sciences rewarded his work again, this time with the Academy's Grand Prize for his two-volume work entitled *Public Administration Reform and the Self-Government of Large Cities*.<sup>52</sup>

<sup>41</sup> Hivatalos Közlöny Vol. XXIX. No. 24. 291.

<sup>42</sup> Hivatalos Közlöny Vol. XXXIII. No. 3. 24.

<sup>43</sup> *A magyar királyi Ferenc József-Tudományegyetem tanrendje. Az MCMXXVII-XXVIII. tanév első felére felére [The curriculum of the Hungarian Royal Franz Joseph University for the first half of schoolyear MCMXXVII-XXVIII]*. 1927, 20.

<sup>44</sup> *Ibid.* 26–28.

<sup>45</sup> *A Magyar Királyi Ferenc József-Tudományegyetem tanrendje 1938/39. tanév első felére [The curriculum of the Hungarian Royal Franz Joseph University for the first half of schoolyear 1938-39]*. 1938, 7.

<sup>46</sup> Akadémiai Értesítő [Academic Bulletin] 1943, 367.

<sup>47</sup> Akadémiai Értesítő [Academic Bulletin] 1921, 109–114.

<sup>48</sup> KORNIS 1942, 42.

<sup>49</sup> ÁMÁN 2019, 81.

<sup>50</sup> Akadémiai Értesítő [Academic Bulletin] 1934, 235.

<sup>51</sup> EREKY 1939.

<sup>52</sup> Akadémiai Értesítő [Academic Bulletin] 1939, 40. See his relationship with the Hungarian Academy of Sciences: PÉTERVÁRI 2014, 30–32.



In addition to his successful academic work, he headed the Department of Administrative and Financial Law of the University of Szeged until its return to Kolozsvár in 1940.<sup>53</sup> However, the fate of the university greatly influenced *Ereky's* life towards the end of his career, as he did not follow the institution when he returned to Kolozsvár. On October 19, 1940 he was appointed professor of administrative and financial law at the Elizabeth University of Pécs.<sup>54</sup> However, he could not spend much time in Pécs, as István *Ereky* died in Budapest on May 21, 1943.<sup>55</sup> His funeral was held on the estate in Lipótfá, where József *Holub* placed the wreath on behalf of the Hungarian Academy of Sciences.<sup>56</sup>

## II. Academic work

Due to the extensive nature of the academic work of István *Ereky*, it is not possible to represent and evaluate within the framework of this study. Instead I would like to present his works from the beginning of his career, which primarily provides an opportunity to summarize his works on the history of public administration and provides additions to the stage of his life that includes his path to the university tenure. This also justifies how the professor in Bratislava was able to become a full professor of the Department of Hungarian Constitutional and Legal History of the Royal Hungarian Franz Joseph University in Szeged due to his work on constitutional and legal history at the suggestion of Pál *Szandtner*, as the Faculty recognized his suitability for the position by highlighting his monographies on this topic.<sup>57</sup> Several well-written academic works have already presented his scholarly work in the field of public administration.<sup>58</sup>

István *Ereky* published his first work in connection with the codification of the Hungarian Civil Code,<sup>59</sup> when he expressed his views on the regulation of legal persons in response to drafts published in 1900.<sup>60</sup> He wanted to contribute in the most detail to the systematization of the rules for associations. He called on both comparative and historical methodology to help with this question. He went back to Roman legal and Germanic historical foundations and, by analysing these rules, highlighted the most important principles that could be considered during codification. He also examined the French association regulations in his historicity, with which he could supplement the Hungarian codification works, which are mainly based on German foundations. He followed the same method in his study of foundations.

<sup>53</sup> BALOGH 2003, 186.

<sup>54</sup> *A Magyar Királyi Ferenc József- Tudományegyetem tanrendje 1940/41. tanév [The curriculum of the Hungarian Royal Franz Joseph University schoolyear 1940-41]*. 1942, 32.

<sup>55</sup> *Akadémiai Értesítő [Academic Bulletin]* 1943, 366.

<sup>56</sup> ÁMÁN 2019, 81.

<sup>57</sup> PÉTERVÁRI 2014, 30.

<sup>58</sup> SZAMEL 1977, 147–159. POLNER 1944, 69–110.

<sup>59</sup> EREKY 1903.

<sup>60</sup> HOMOKI-NAGY 2017, 493. HOMOKI-NAGY 2018, 199.

For his career and academic advancement, the young lawyer made great sacrifices. Under his contract with the publisher, he financed the publication of his work himself.<sup>61</sup> The Franklin Company only provided the opportunity to sell the books under a commission agreement,<sup>62</sup> what solution proved to be worthwhile, as thanks to this publication he was appointed to the Eperjes Evangelical Academy Law.

As an extraordinary and then ordinary professor of administrative law, his interest also turned to this topic. He planned a four-volume monography discussing the two levels of the Hungarian local government, the county, and the community.<sup>63</sup> The method of his work is the historical examination of the legal institutions.<sup>64</sup> It seems that when writing the volumes, he aspired to the incoming vacancy at the Department of Administrative Law<sup>65</sup> of the Royal Hungarian Franz Joseph University Hungarian which was filled on August 24, 1908 by Elek Boér (the older).<sup>66</sup> The first two volumes were published in 1908 under the title *The Hungarian Local Government*.<sup>67</sup> The revised first volume was published by Ereký in 1910. At the beginning of the first volume, he presented the unsettled division of territory of the time of the Compromise based on the data of the 1873 Szapáry Bill.<sup>68</sup> The Act XLII of 1870 left its county structure unchanged,<sup>69</sup> as the Act on Municipalities only unified the organization of public administration bodies, but maintained the names and territories.<sup>70</sup> He pointed out that this municipal structure was not sustainable from the point of view of taxation either, because the provisions of the law related to home tax were not enforceable.<sup>71</sup> The purpose of this introduction was to present the historical antecedents leading to the territorial divisions of his own era. The administrative development processes of this period were excellently illustrated in the introduction to the chapter: “*Two great statesmen of modern Hungary worked hard on the great work of the transformation. One, as on many other occasions, brought the material together, pointed out the flaws, and with bold hands with attention to the smallest details, he drafted a huge and organic whole; and the other, like many afterwards, backed down from the subversive*

<sup>61</sup> “The cost of printing the work in 500 copies with 20 sheets is 1180 crowns, each additional sheet costs 56 crowns, including envelope and stapling.” OSZK Kézirattár [National Széchenyi Library manuscript archive] Fond 2/395.

<sup>62</sup> “We take the finished work into a bookstore commission by settling it on June 30 of each year and paying you 60% of the price of the copies sold, or if there is a counter-invoice, to settle it with you.” OSZK Kézirattár [National Széchenyi Library manuscript archive] Fond 2/395.

<sup>63</sup> MTA Kézirattár [Manuscript Archives of the Hungarian Academy of Sciences] Ms. 4811/132.

<sup>64</sup> Ibid.

<sup>65</sup> “And as I learned that the filling of the Kolozsvár department will take a long time, - since then, that is, for the fourth month in a row, I have done nothing but revise the existing manuscript. and in addition, I am gathering material for the purpose which Your Dignity deems it necessary, - for the purpose of the future description of the old Hungarian county organization and the competence of the individual bodies on a theoretical basis.” MTA Kézirattár [Manuscript Archives of the Hungarian Academy of Sciences] Ms. 4811/132.

<sup>66</sup> *A Kolozsvári M. Kir. Ferencz József Tudományegyetem almanachja és tanrendje az MCMVIII-IX.-dik tanév II. felére [The almanac and curriculum of the Hungarian Royal Franz Joseph University in Kolozsvár for the 2nd term in the schoolyear MCMVIII-IX].* 1909, 10.

<sup>67</sup> EREKY 1908/a.

<sup>68</sup> KI 1872, X. k. 36–408. KI 1872, XI. k. 3–67.

<sup>69</sup> EREKY 1910, 73–76. VARGA 2007.

<sup>70</sup> VARGA 2002, 59. VARGA 2010, 119.

<sup>71</sup> EREKY 1910, 81–93. SZIVESSY 1933, 10–11. STIPTA 1995/a, 156–159.

*radical transformations and with a sober attachment to the past, realized a few inevitably necessary fragments of grand plans and bold thoughts.*"<sup>72</sup>

With these words, he illustrated the relationship between Szapáry's 1873 bill and Kálmán Tisza's reforms concerning the division of administrative territories. Szapáry's proposal which established the requirements of modern public administration was not accepted by the National Assembly<sup>73</sup> however, he was able to successfully implement some of his measures during his term as Prime Minister.<sup>74</sup> At the time of writing, the acts no XXI of 1886 and XXII of 1886 contained the rules for the municipalities, so he also analysed the rules of these two acts dealing with the division in his work.<sup>75</sup>

Subsequently, he criticized the administrative organization of his own era, the elimination of the already mentioned disproportions had not been carried out by the legislator since the Compromise. Due to this fact it was not possible to implement real self-government, the different potentials of the counties making this still impossible.<sup>76</sup> He stated that the reason for the incorrect structure of the Hungarian administration was that Hungary was essentially a colony of the Habsburg Empire, so the strong powers of the municipalities contributed to the preservation of Hungarian statehood,<sup>77</sup> and even after the compromise they were not intended to be completely deprived of that position as a result of the precarious relationship with Austria, thus, the election of officials remained in the hands of the municipalities, which typically hinders the placement of the administration on the right basis.<sup>78</sup> In addition, the Hungarian National Assembly considered its natural goal to remove nationalities from the local administration,<sup>79</sup> for which it is necessary to leave the regulations unchanged. After a lengthy analysis, he thus came somewhat surprisingly to the conclusion, that due to these two factors, the complete reform of the Hungarian public administration is not possible, as the Hungarian legislator cannot create a situation in which certain counties can be the guarantees of national aspirations. Accordingly, he based his later investigations on the fact that it is only possible to change the Hungarian public administration to an extent that does not endanger the leading role of the Hungarians in Hungary and does not shift the balance of relations with Austria in a negative direction.<sup>80</sup>

In the next chapter, he presented the English and French administrative organization in his historicity, laying the foundation for his later comparative studies. Following *Concha*, however, he noted that the trend of discovering kinship between the Hungarian and English administrations was wrong.<sup>81</sup> Contemporary literature agrees with this statement.<sup>82</sup> He then provided theoretical guidance for the comparative methodology, stating that the study of the kinship of certain legal institutions should also take into

<sup>72</sup> Ereky 1910, 100.

<sup>73</sup> CSIZMADIA 1976, 148–149. STIPTA 1976, 117–118.

<sup>74</sup> STIPTA 1995/b, 6. CSIZMADIA 1976, 149–153.

<sup>75</sup> EREKY 1910, 113–118.

<sup>76</sup> Ibid. 132–135.

<sup>77</sup> VARGA 2009, 230–231.

<sup>78</sup> EREKY 1910, 139–142.

<sup>79</sup> SZÉKELY 2018, 167.

<sup>80</sup> EREKY 1910, 153–154.

<sup>81</sup> Ibid. 205.

<sup>82</sup> SZENTE 2016, 30–31.

account their nature, as in the case of simpler legal institutions, the only reason for the similarity is that two nations can find the same solutions to certain issues under the same social and economic conditions, meaning kinship research is only possible in the case of more complex legal institutions. He thus saw the meaning of the comparative methodology as gaining insights into the obscure patches of the history of our national past, as well as recognizing principles that lead to beneficial or detrimental processes in certain situations or determining trends.<sup>83</sup>

He closed the chapter by breaking down the history of the Hungarian public administration into epochs, from which it can be deduced how he planned to build his grandiose work. The first era belonged to the centralized state organization from the 11th to the 13th century, followed by the era of centralization and moderate county self-government from the last decade of the 13th century to the Mohács disaster. He linked the period from the beginning of the rule of the Habsburg dynasty to the beginning of the 18th century to the classical county self-government. However, the period between 1711 and 1790 was associated with the destruction of the municipality, which was characterized by the rulers were experimenting with the French *préfet* system at that time. The first half of the 1800s led to the disintegration of the noble's county, the continuation of which, in turn, led to Austrian centralization. The seventh era was his own age.<sup>84</sup> The seven eras thus set up would certainly have served as the structure of his monography.

The first two volumes were intended to present the history of public administration in the first period, as it summarizes the history of secular and ecclesiastical public administration since the founding of the state. In the course of his work, he sought a comprehensive analysis, so he also examined the factors leading to the development of regulation; for this reason, he also devoted a great deal to the summary of economic and social relations in the second volume. It is also worth familiarising oneself with the background of the finished work, because *Ereky* himself admitted that he wanted to start the work at the appearance of the local government, however, in the course of studying the sources, he realized that the noble's county was not a legal institution established "independently of everything", but it evolved from the royal county following organic development.<sup>85</sup> In this connection, it is worth noting that today's contemporary literature<sup>86</sup> has reached the same conclusion as *Ereky* thus, it can be stated that he was one of the forerunners of this idea.

He saw the novelty of his work in processing the history of the royal counties based on the *Várad* regestrum, which no one had previously dealt with in this respect. He pointed out that previous research typically looked for traces of the noble's counties in this period, while he in contrast sought to explore the reality. He described this concept vividly in a letter to *Concha*: "*On the contrary, I, assuming that the Hungarian constitution and the Hungarian county self-government did not pop out completely*

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<sup>83</sup> EREKY 1910, 206–207.

<sup>84</sup> *Ibid.* 210.

<sup>85</sup> "*The county existed before the 13th century and in fact the royal county of the centralized Hungarian state is the foundation on which the noble county with the local government was built. This centralization lasted for more than a quarter of a millennium; it was impossible to ignore its description.*" MTA Kézirattára [Manuscript Archives of the Hungarian Academy of Sciences] Ms. 4811/134.

<sup>86</sup> TRINGLI 2009, 487–518.

*ready, in attila and spurred boots from Minerva's head, I thought it right to not be looking in the past for what I wanted to find and what flatters national vanity, but what the data left to us prove.*"<sup>87</sup>

However, only a fraction of the grandiose plans outlined earlier was to be realized. In his work *Studies of the County Self-Government*, also published in 1908, he wrote a larger study of the first period of the noble's county, in addition to his itemized legal analysis of the lord-lieutenant's powers of control. The other study in the volume examined the prominent administrative tasks of the lord-lieutenant in the state organizational system of the period, after a brief historical introduction, also considering Italian, French, Prussian, and English regulations. There is no close connection between the two studies, so it is strange that after the large volumes presenting the first period, the author truncated the next detail of the series. The reason for this was that *Ereky* was preparing for the habilitation, which he wanted to carry out in the field of administrative law, and for this, however, he also had to produce an item of legal scientific work, so it became necessary to publish his finished study quickly.<sup>88</sup> In addition, he justified the separate publication of the historical dissertation on the grounds that due to his significant expenses so far, the preparation of newer volumes may be difficult,<sup>89</sup> and from this, again, it can only be inferred that he made serious financial sacrifices for his academic advancement.

In the legal history themed part of this volume he reviewed the period following the centralized administration of the 11-13th centuries' administration. He associated the epoch with efforts to limit the power of the span and to establish a noble's county.<sup>90</sup> He thus linked the beginning of the era to the appearance of the first county officials, the *iudex nobilium*,<sup>91</sup> but noted that this was not an immediate transition, as officials from the royal counties could only be replaced by officials from the noble's county at the end of a longer process.<sup>92</sup> The connection of the establishment of the noble's county to the nobles judges who appeared at the end of the 13th century is also in line with the position of today's contemporary literature.<sup>93</sup> The French and English comparisons were not left out of this work either, he compared the position of lord-lieutenant with the *sheriff* and the *préfet*.<sup>94</sup> He contrasted the English justices of the peace with Hungarian county officials, but concluded that there were few similarities between them.<sup>95</sup> At the end of his work, based on his

<sup>87</sup> MTA Kézirattára [Manuscript Archives of the Hungarian Academy of Sciences] Ms. 4811/134.

<sup>88</sup> *First of all, to be able to publish one of my itemized legal studies and thus allow me to make a habilitation in administrative law. For me, the habilitation is not only a question of qualification, but also a question of bread, because the state raised the salaries of law academy teachers to the state university standard, but only for those who have a habilitation. For me, therefore, the habilitation means a difference of 1,600 crowns a year, its prolongation means lagging behind in pay classes and compensation.*" MTA Kézirattára [Manuscript Archives of the Hungarian Academy of Sciences] Ms. 4811/135.

<sup>89</sup> *"The second was that the material had already been collected for many parts of the continuation of my work, however, I will only be able to continue if something so far recoups my cost of 5,000 crowns, and I would receive funding from the academy to publish additional volumes."* MTA Kézirattára [Manuscript Archives of the Hungarian Academy of Sciences] Ms. 4811/135.

<sup>90</sup> EREKY 1908/b, 7.

<sup>91</sup> *Ibid.* 44–45.

<sup>92</sup> *Ibid.* 50–51.

<sup>93</sup> TRINGLI 2009, 497. ZSOLDOS 1994, 488–489. BÉLI 2008, 80–81.

<sup>94</sup> EREKY 1908/b, 64–65.

<sup>95</sup> *Ibid.* 87–89.

conclusions regarding the English counties, he condemned the state organization based on the nobles' counties for its contribution to the processes leading to the division of the country into three parts.<sup>96</sup> It gives a special value to his study that he supported the conclusions with his personal research in the archives of Sáros County, of which the most important Latin documents were translated into Hungarian as an appendix to the volume. In this connection he made an interesting statement in the preface to the volume: "*Of the monographies of each county, I could not use at all those that barely dealt with the county as a legal institution, or if they did, they used the general legal history rather than the archives of the county concerned. These monographies do not have any legal historical value.*" With this statement, he marked the exploration of archival sources as a clear goal of legal history research already in the first decade of the 20th century.

Looking at the list of the author's published works, it can be noted that the second edition of his book *The Hungarian Local Government* took place already in 1910. The reason for this was that because of the success of the book and *Concha's* positive criticism, the Ministry of Religion and Public Education ordered 200 copies for the administrative libraries from *Ereky*, however, the author no longer possessed enough copies of the book, which he thus replaced by ordering a new edition.<sup>97</sup> The recommendation for the volume was therefore addressed to *Concha Gyöző*.

It is clear from his career that his close relationship with his "master," *Concha*, greatly helped shape *Ereky's* career. Gyöző *Concha* was an outstanding administrative jurist of the period, who became a full member of the Hungarian Academy of Sciences in 1900.<sup>98</sup> During his university years, the professor taught the young law student, who was invited in 1907 with Géza *Magyary*, a litigation lawyer, to be the first reader of his administrative work to be published.<sup>99</sup> From this correspondence emerged a lively academic connection between them that *Ereky* considered himself a disciple of *Concha* and at the time of his death he also gave one of the memorial speeches at the Academy.<sup>100</sup>

#### *Assessment*

A beautiful parallel can be discovered between István *Ereky* and the city of Szeged, as both the young lawyer and the city mobilized extraordinary energies so that their destiny would be intertwined with the university. Thanks to the special turns of life and the stormy years of the country, the two aspirations were realized with the move of the University of Kolozsvár to Szeged. After decades of struggle, the city could become the home of a higher education institution, while *Ereky*, who had no previous connection with the city, could also complete his university career in Szeged as a culmination of almost two decades of work. The end of his career almost coincides with the relocation of the Faculty of Law to Kolozsvár, made possible by the second Vienna decision.

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<sup>96</sup> Ibid. 115–116.

<sup>97</sup> MTA Kézirattára [Manuscript Archives of the Hungarian Academy of Sciences] Ms. 4811/143.

<sup>98</sup> Koi 2013, 85–87.

<sup>99</sup> MTA Kézirattára [Manuscript Archives of the Hungarian Academy of Sciences] Ms. 4811/131.

<sup>100</sup> MTA Kézirattára [Manuscript Archives of the Hungarian Academy of Sciences] Ms. 4811/135. 149. 185. EREKY 1935, 1–74.

Examining the administrative history parts of his academic work, it can be stated that Elemér Balogh's statement is correct, that the Department of Legal History in Szeged was occupied by a person who did not consider himself to be a legal historian at the university in Szeged is correct, but who deserves recognition also in this field.<sup>101</sup> Works on public administration typically rank him among the greatest administrative jurists of the era dealing with dogmatics,<sup>102</sup> however, on the basis of his work on administrative history, his results “stood the test of time,” in the future, in the history of science of legal history, he can claim a place among the noted lawyers dealing with legal history.<sup>103</sup>

### III. His selected works

*Tanulmányok a magyar általános polgári törvénykönyv tervezete köréből* [Studies from the draft of the Hungarian General Civil Code]. Franklin-Társulat. Budapest, 1903.

*A magyar helyhatósági önkormányzat. Vármegyék és községek I-II. k. A vármegye* [The Hungarian local government. Counties and municipalities I-II volume. The county]. Grill. Budapest, 1908. [EREKY 1908/a]

*Tanulmányok a vármegyei önkormányzat köréből* [Studies from the field of county self-government]. Grill. Budapest, 1908. [EREKY 1908/b]

*A magyar helyhatósági önkormányzat. Vármegyék és községek. I. k. A vármegye.* [The Hungarian local government. Counties and municipalities Volume I. The county] Grill. Budapest, 1910.

*Jogtörténelmi és közigazgatási jogi tanulmányok. I. k. I. és II. rész* [Legal history and administrative law studies. Volume I Part I and II]. Prešov, Sziklai Henrik. 1917.

*Jogtörténelmi és közigazgatási jogi tanulmányok. II. k.* [Legal history and administrative law studies. Volume II]. Sziklai Henrik. Prešov, 1917.

*A tárgyi és alanyi jogok dualizmusa. Az alanyi közjogok rendszere* [The dualism of material and subjective rights. The system of subjective public rights]. Dunántúli Egyetemi Könyvkiadó. Pécs, 1928.

*Közigazgatási reform és a nagyvárosok önkormányzata I. k.* [Administrative reform and city self-government Volume I]. Székesfővárosi Házinyomda. Budapest, 1932.

*Közigazgatási reform és a nagyvárosok önkormányzata II. k.* [Administrative reform and city self-government Volume II]. Székesfővárosi Házinyomda. Budapest, 1936.

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<sup>101</sup> BALOGH 1999, 40.

<sup>102</sup> LÓRINCZ – NAGY – SZAMEL 1976, 401. JAKAB 2015, 196.

<sup>103</sup> STIPTA 2015, 147–148.

- A *Budapesti Királyi Magyar Tudomány-Egyetem almanachja MDCCCXCVII–XCVIII. tanévre* [Almanac of the Royal Hungarian University of Budapest for the school year MDCCCXCVII–XCVIII]. Magyar Királyi Tud.-Egyetemi Könyvnyomda. Budapest, 1898.
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