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Ferenc Eckhart: Pioneer of Social and Constitutional History Writing in Hungary

ABSTRACT

An influential historian of constitutional and economic history, Ferenc Eckhart, contributed greatly to the Hungarian historical writing in the first half of the 20th century. He paved the way for a much more historical and analytical view of constitutional history while fiercely debating narrow-minded, nationalist interpretations of Hungarian constitutional history. This paper attempts to give a short overview of this oeuvre and to highlight the progressive elements in his historical writing.

Keywords: historiography; social history; historicism; nationalism; professionalism; constitutional history

One of the most widely debated Hungarian historians of the 20th century, Ferenc Eckhart (1885–1957), dealt with many aspects of historical scholarship: social history, history of ideas, constitutional history, political history, and economic history. His main field of interest was, however, legal and constitutional history. From 1929 on, Eckhart was a professor of Hungarian Legal and Constitutional History in Budapest.¹ He ignited bitter public discussions with a programmatic study published in 1931, in which he argued for the re-interpretation of Hungarian legal and constitutional history relying on the methods of social history. One of his aims was to question the myth of the thousand years old, ‘democratic’ Hungarian constitution, a belief which was widely shared by contemporary politicians and scholars of public law.

- 1 The evaluation of Ferenc Eckhart’s contribution to the the field of legal history is still a relevant question for legal and constitutional historians. See for example: Lajos Rác: Eckhart Ferenc (1885–1957), in: Gábor Hamza (ed.): Magyar jogtudósok, Budapest 1999, pp. 105–136; Barna Mezey: Utószó [Afterword], in: Barna Mezey (ed.): Eckhart Ferenc: Magyar alkotmány- és jogtörténet [Hungarian Constitutional and Legal History], Budapest 2000, pp. 407–437; István Stipta: Jogtörténet-tudomány [The Historical Science of Law], in: Zsombor Bódy/József Ö. Kovács (eds.): Bevezetés a társadalomtörténetbe, Budapest 2006, pp. 630–645.

My intention is to give a short overview of Ferenc Eckhart's contribution to Hungarian historical writing.² I approach this topic from a historiographical point of view. Thus, I do not try to write a biography, nor do I want to achieve completeness. It means that I discuss Eckhart's main works and the literature on him, but I also try to present an overview of his career. I will stress the importance of social history as one of the most progressive elements in Eckhart's works. As a Hungarian legal and economic historian starting his career in Vienna, his life could be interpreted as a good example of transnational connections between Austrian, German and Hungarian historical writings.

To elaborate the abovementioned problems, the author of this study relies on Ferenc Eckhart's manuscript collection in the Department of Manuscripts and Rare Books of the Library of the Hungarian Academy of Sciences (correspondence, notes, autobiographies, preserved manuscripts of his books). This collection provides not only detailed information about his connections with other scholars, but also explains a lot about the development of his ideas and concepts. In some cases, this information significantly modifies previous interpretations of his works. Studying his various theoretical and bibliographical notes, and the fragments of his unfinished studies, we can gain an insider's view of a historian's way of thinking and infrastructure.³

The investigation of Ferenc Eckhart's career provides a good opportunity to examine the different forms of historicism⁴ and social history present in Hungarian historical writing and it also enables us to further discuss the 'national' characteristic of historical writing in a more general sense.

- 2 Instead of a text-oriented analysis ('close reading'), I will rather introduce/sketch the general features of Eckhart's historical writing. For a comprehensive, deeper analysis see my book: László Dávid Törő: *Eckhart Ferenc történelmi munkásságának főbb problémái* [The Most Important Aspects of Ferenc Eckhart's Historical Writing], Budapest 2020.
- 3 Leon J. Goldstein clearly differentiates between superstructure and infrastructure when it comes to historical writing. Superstructure is the historian's product, which is accessible to the public—for example, the text of his book. Infrastructure, however, covers all of the historian's intellectual activity that is essential for creating the superstructure but is hidden from the readers. Leon J. Goldstein: *Historical Knowing*. Austin 1976, pp. 140f.
- 4 On historicism see: Wolfgang Kämmerer: *Friedrich Meinecke und das Problem des Historismus*, Frankfurt am Main 2014.

Ferenc Eckhart's Position in the Historical Discourses of the Dualist Period

Ferenc Eckhart's first two major works were *A magyar királyi adózás története 1323-ig* [History of the royal taxation in Hungary until 1323] and *Die glaubwürdigen Orte Ungarns im Mittelalter*. The latter was published in German for the Austrian journal *Mitteilungen des Instituts für österreichische Geschichtsforschung* (MIÖG), although parts of it appeared in Hungarian, too. Eckhart wrote several smaller studies about the history of administration in Hungary and on auxiliary sciences like genealogy. He published charters and other types of narrative sources with critical commentaries. He openly participated in academic and political debates of his time. He defended his friend, Gyula Szekfű,⁵ when his book about Francis II Rákóczi (the prince of Transylvania and the leader of the Hungarian war for independence at the beginning of the 18th century) was attacked by Hungarian nationalists.⁶ Eckhart also commented on the Austro-Hungarian debates about constitutional history.

Eckhart was born in Arad (present day Romania) in a bourgeois family. Thanks to his excellent results at school and financial aid from the state in 1904, he was admitted to the Baron József Eötvös College, an elite teacher training institute in Budapest. His two majors were history and Latin. According to his registration course book, he attended the seminars and lectures of historians Henrik Marczali (Hungarian history), László Fejérfpataký (source-criticism) and Remig Békefi (history of civilisation) at the University of Budapest. He was also interested in auxiliary sciences, as they were necessary for the study of the middle ages. Since he later became a specialist in legal history, it is worth mentioning that Eckhart also visited lectures at the Faculty of Law.⁷

Eckhart's first publication was his dissertation about the royal taxation in the middle ages. It is important to note that this text contains many of the core elements of his views on constitutional history. The theoretical framework of the book was based on Max Weber's concept of patrimonial kingdom. According to it, the monarch relied on his private domain as the source of unrestricted authority. It means that there was no difference between public and private law in the middle ages. In Eckhart's

- 5 During the dualist period, both Szekfű and Eckhart served as Hungarian archivists in Vienna. The two Catholic historians became lifelong friends and it is worth mentioning that they had similar views on political and historical questions, too.
- 6 On the Rákóczi-polemics see: Zoltán Dénes Iván: *A történelmi Magyarország eszménye: Szekfű Gyula, a történétíró és ideológus* [The Idea of Historical Hungary. Gyula Szekfű, historian and ideologue], Budapest 2015, pp. 94–140.
- 7 The registration course books and diplomas of Ferenc Eckhart. Department of Manuscripts and Rare Books of the Library of the Hungarian Academy of Sciences (I will use the following abbreviation: MTA KK). Ms 5614/1–8.

opinion, the king had absolute power thanks to his extensive private domain, thus he could introduce taxes in the whole country.⁸ According to him, parallel developments were observable in constitutional and social history in Hungary on the one hand, and Bohemia and Poland on the other. This is the reason why he argued for a comparative approach in his book. The volume was well received by the historical profession. Economic and social historian Sándor Domanovszky praised the book and mentioned source-criticism as one of Eckhart's greatest merits.⁹ Economic historian Bálint Hóman described the relationship between taxation and society in the Middle Ages the same way as Eckhart did.¹⁰ However, social historian and Benedictine monk László Erdélyi disagreed with Eckhart. In Erdélyi's opinion, the king was just one feudal landlord among other landholders. Hence, the ruler did not have absolute power and many segments of society (for instance, the domains of the Church) enjoyed exemption from taxes.¹¹ This clash of opinions over the middle ages was the starting point of one of the greatest debates in Hungarian historical writing in the dualist period. Ferenc Eckhart, Bálint Hóman and Károly Tagányi¹² argued against László Erdélyi and stressed the importance of comparative history. They also focused much more on charters as sources rather than the text of laws issued by the kings. In Eckhart's opinion, legal documents reflect only the intent of the rulers, but with the help of charters, we can get a much more complex picture of society as a whole. As a result of this debate Erdélyi became isolated in the profession and contemporary historians found Eckhart's, Tagányi's and Hóman's arguments more convincing.¹³

- 8 "The king [...] regarded the whole country as his domain (*dominium naturale*), that owes him, as domain holder, services." Ferenc Eckhart: *A magyar királyi adózás története 1323-ig* [History of the Royal Taxation until 1323], Arad 1908, pp. 44f.
- 9 Sándor Domanovszky: *A királyi adózás története Magyarországon 1323-ig*. Írta Eckhart Ferenc [History of the Royal Taxation until 1323 written by Ferenc Eckhart (review)], in: *Századok* 43:5 (1909), 435–437.
- 10 Bálint Hóman: *Az első állami egyenes adó. Adalék az európai adótörténehez* [The First Direct State Tax. Contribution to the European History of Taxation], in: *Történeti Szemle* 1 (1912), pp. 161–184.
- 11 László Erdélyi: *Az első állami egyenes adó elmélete* [The Theory of the First State Tax], Kolozsvar 1912.
- 12 Károly Tagányi was a famous social historian, and editor of the first journal of economic history in Hungary, the *Gazdaságtörténelmi Szemle* (*Economic Historical Review*). He became so deeply involved in this polemics with László Erdélyi that historiography refers to this discussion as the "Erdélyi-Tagányi debate".
- 13 Eckhart did not participate in the debate directly, although he wrote a short review of one of Erdélyi's book in 1913. On this debate see: Bálint Hóman: *Adó vagy földbér?* [Tax or Land Tenure?], in: *Századok* (1913), pp. 189–202; Ferenc Eckhart: *Erdélyi László: Az első állami egyenes adó elmélete* [The Theory of the First State Tax written by László Erdélyi (review)], in: *Történeti Szemle* 2 (1913), pp. 439–442; Károly Tagányi: *Válasz dr. Erdélyi László meg-*

Although the abovementioned dispute lasted at least until 1916, Eckhart barely participated in it directly. After 1911, Eckhart was in a completely new position. He became an archivist in Vienna, the capital city of the Austro-Hungarian Monarchy. After finishing his studies in Budapest, he spent one semester in Berlin and three semesters as an external member of the *Institut für Österreichische Geschichtsforschung* (Austrian Institute of Historical Research) in Vienna, between 1910 and 1911).¹⁴ In one of his autobiographies, he identified Alfons Dopsch (social and constitutional history) and Oswald Redlich (source-criticism, auxiliary sciences) as his most influential professors.¹⁵ On 19 July 1911, he was promoted to the *Hofkammerarchiv* in Vienna as an apprentice. Between 1911 and 1929, Eckhart worked and lived in Vienna. This new intellectual environment and its new research opportunities had a great impact on his professional career.

Besides Eckhart's book on royal taxation, one should also mention his study on places of authentication (1914).¹⁶ The function of these unique institutions in medieval Hungary was to publish or copy charters. There was a great need for such places because of almost ubiquitous illiteracy in Hungarian society at that time. Apart from the scientific value of this subject, contemporary Hungarian historians deemed the places of authentication sources of Hungarian national pride as they were not present in the region elsewhere at that time. When Hungarian historians Bálint Hóman and Antal Áldásy reviewed Eckhart's book, they interpreted it as a rebuttal of arguments made by Austrian centralist authors like Friedrich Tezner, Gustav Turba or Harold Steinacker.¹⁷ In the opinion of Hóman the uniqueness of these institutions gave Hun-

jegyzéseire [Reply to the Comments of Dr. László Erdélyi], in: *Történeti Szemle* 3 (1914), pp. 435–451.

- 14 Established in 1854, the Austrian Institute of Historical Research was (and today still is) a research and educational facility for methodological training and the practice of auxiliary historical disciplines (palaeography, diplomatics). About the courses that Eckhart visited see: Alphons Lhotsky: *Geschichte des Instituts für österreichische Geschichtsforschung 1854–1954: Festgabe für Hundert-Jahr-Feier des Instituts*, Graz-Köln 1954, pp. 289–378.
- 15 See his autobiography: MTA KK Ms 5614/60.
- 16 Franz Eckhart: *Die glaubwürdigen Orte Ungarns im Mittelalter*, in: *Mitteilungen des Instituts für Österreichische Geschichtsforschung* (Ergänzungsband 9, 2. Heft, Sonderabdruck), Innsbruck 1914.
- 17 This group of Austrian historians and scholars of public law argued that the development of Hungarian legal and constitutional institutions can be traced back solely to German or Habsburg influences. This statement bore a political message in the discourse about the future of the Austro-Hungarian Monarchy. See: László Dávid Törő: *Der Streit zwischen Harold Steinacker und Ákos Timon*, in: Alois Kernbauer (ed.): *Wissenschafts- und Universitätsforschung am Archiv: Beiträge anlässlich des Österreichischen Universitätsarchivkolloquiums*, 14. und 15. April 2015, zu den Fragen: *Historische Wissenschaftsforschung, Universitäten im gesellschaftlichen Kontext, Internalistische Wissenschaftsgeschichte, Disziplinen- und Institutionengeschichte*, Graz 2016, pp. 111–121.

garian legal history a special national character.¹⁸ There were, however, other instances at which Eckhart's name became involved in politics. As I mentioned before, he wrote an article for the German-speaking community of the profession to defend his colleague and friend Gyula Szekfű.¹⁹ In this paper he called for the 'purification' of Hungarian historical thinking of nationalist myths and advocated an European approach to historical writing. One can observe the protagonism of a professional historian here. Eckhart regarded Szekfű's opponents as "subjective amateurs" and matched them against the 'objective' and 'rational' historians, i. e. his friend's supporters.

Eckhart's first major works bore the mark of professionalism and historicism. From a methodological perspective, the professional historian's main task was archival research and source-criticism. Historians attending the seminars of the Austrian Institute of Historical Research also had a great opportunity to master auxiliary disciplines required for decrypting the charters stemming from the Middle Ages. The topics of Eckhart's historical writing were history of administration, constitutional, social and economic history. He studied all these professional fields from a comparative perspective, which was quite new at that time in contrast to simple national and political history. Although—as historicism everywhere—the inquiry of the past often went hand in hand with a national perspective. Despite his European standard as a professional historian, Ferenc Eckhart was also keen to elaborate on the problems of the Hungarian nation-state, as I will present in the next section.

Eckhart's Views on Economic History

In this chapter, I will discuss one of Eckhart's most influential books. It was published a few years after the First World War and investigated the causes of the collapse of the historical Kingdom of Hungary in 1918. Treating the economic policy of the Habsburgs²⁰, the book made Maria Theresa's mercantilist, protectionist customs duties and tariff policy responsible for the backwardness of Hungarian industry. In his

18 Bálint Hóman: Eckhart, Franz: Die glaubwürdigen Orte Ungarns im Mittelalter, in: *Történeti Szemle* 4 (1915), pp. 586–590; Antal Áldásy: Franz Eckhart: Die glaubwürdigen Orte Ungarns im Mittelalter, in: *Századok* 51:1 (1917), pp. 68–74.

19 Franz Eckhart: Julius Szekfű, A száműzött Rákóczi (Der verbannte Rákóczi), in: *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 36:2 (1915, Sonderabdruck). The book of Szekfű (*Rákóczi in exile*, published in 1913) chronicled the emigrant years of Francis II Rákóczi. He portrayed the prince as an illusionary politician, whose fight against the Habsburgs only harmed Hungarian national interests. Representatives of the Hungarian Independence Party (for example Albert Apponyi) orchestrated a press campaign against Szekfű. The polemics amounted to one of the biggest Hungarian public debates in history.

20 Ferenc Eckhart: A bécsi udvar gazdasági politikája Magyarországon Mária Terézia korában [The Economic Policy of Vienna under the Reign of Maria Theresa], Budapest 1922.

eyes, the Habsburg rulers and the Austrian bureaucracy colonised Hungary. This topos of course had a long history in Hungarian historical consciousness. It was accepted by such well-known historians of the dualist period as Henrik Marczali, and it was also shared by the leading figures of the Marxist master narrative. Besides the similarities it is also important to note the differences between the different narratives of 'colonisation'. This is the reason why I stress the discrepancy between Eckhart's narrative and the viewpoint of the Hungarian Marxist tradition.

The history of economic policy as a topic was anything but new to Eckhart, who followed the results of Hungarian economic history with great interest and often reviewed important studies or books written by his contemporaries.²¹ He studied the economic policy of the Habsburgs first in 1915, when he criticised the book of Viennese banker Rudolf Sieghart. According to Sieghart, Maria Theresa's tariff policy was harmful to the Hungarian industrial development indeed²², but from the perspective of imperial finances this was a necessity in order to outweigh the negative impact of the tax exemption privilege that had been granted to the Hungarian nobility and Catholic Church. He concluded that Hungarian territories also benefited from this policy in the long run, as they gained a stable market in Austria.²³ This argument was common among Austrian historians at that time.²⁴ In his critique Eckhart admitted that, adhering to their feudal privileges, the privileged Hungarian estates also bore responsibility for the negative effects of this economic policy, but he argued that their overall share of the blame was smaller.²⁵ Later, he emphasised that both Austria and Hungary suffered greatly from the consequences of the Habsburgs' financial policy, as it made Austrian territories excessively dependent on the importation of Hungarian grain. This became clear after 1918, when the citizens of Vienna began to starve.²⁶

- 21 Ferenc Eckhart: Domanovszky Sándor: A harminczadvám eredete [The Origin of the Thirtieth Customs written by Sándor Domanovszky (review)], in: *Történeti Szemle* 5 (1916), pp. 121–122.
- 22 This policy imposed very high tariffs on Hungarian products exported outside the Empire. Imposing low tariffs on the exportation of Hungarian agricultural products to the rest of the Empire, this policy stimulated the development of Hungarian agriculture. But on the other hand, this mercantilist policy did not stimulate the development of the industrial sector of Hungary, already underdeveloped as compared to that of Austria and the Czech lands.
- 23 Rudolf Sieghart: *Zolltrennung und Zolleinheit: Die Geschichte der österreichisch-ungarischen Zwischenzoll-Linie*, Wien 1915.
- 24 See the interpretation of Heinrich von Srbik: Heinrich Ritter von Srbik: Rudolf Sieghart: *Zolltrennung und Zolleinheit. Die Geschichte der österreichisch-ungarischen Zwischenzoll-Linie*, in: *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 37 (1916–1917), p. 141.
- 25 Ferenc Eckhart: A közös vámterület történetéről [About the History of the Common Tariff Zone], in: *Századok* 49:9 (1915), pp. 465–478.
- 26 Ferenc Eckhart: A szociáldemokrácia az új Ausztriában [Social Democracy in the New Austria], in: *Társadalomtudomány* (1923), pp. 329–354; Ferenc Eckhart: A pénzügyi tal-

Although the ‘Habsburg colonisation’ was a favourite topos of Hungarian nationalists too, one has to highlight the differences between Eckhart’s narrative and other similar discourses. Eckhart did not accuse the Habsburgs of anti-Hungarian bias, as nationalists did and still do. He rather interpreted their economic policy in a historical context.²⁷ In his opinion, the tariff policy was partly the result of serious internal conflicts between Austrian politicians, bureaucrats and monarchs. As a consequence of these debates, the adherents of a free trade policy, inspired by the physiocrats’ ideas, had been defeated and mercantilist, protectionist views became dominant. But in Eckhart’s narrative the retrograd views of the Hungarian estates, according to which they regretted the social and economic reforms of the Habsburgs, were also responsible for this outcome. Eckhart thought that it would have been beneficial to abolish the Hungarian nobility’s privileges, because this would have paved the way to capitalistic development. This was a brand new idea as compared to previous Hungarian historical narratives. Eckhart’s professor, Henrik Marczali, argued for example that the privileges of the estates were necessary to preserve national independence against the Habsburgs. Nevertheless, the book became a success, since it partly blamed the ‘coloniser’ Maria Theresa for the backwardness of Hungarian economy and society. Gyula Szekfű²⁸ and a young economic historian named Oszkár Paulinyi wrote positive reviews of it.²⁹ Both authors evaluated Eckhart’s work as a remarkable achievement of modern scholarship, which relied on extensive archival research.

In connection with Eckhart’s book, it is important to stress the impact of the ideas of Gustav Schmoller, Otto Hintze and Werner Sombart on him. Schmoller dealt mainly with the history of economic policy and Hintze analysed the institutions’ role in the economy. Sombart wrote books about the historical evolution of the capitalist way of thinking. The latter was especially important as Eckhart defined the Hungarian “national character” as conservative and contrasted it to the “capitalist spirit”.³⁰ He blamed the Habsburgs for not supporting the evolution of this spirit in Hungarian society.³¹ It is also important to note that, in contrast to the deeply pessimistic Sombart, Eckhart viewed capitalism in a positive light. Free trade policy represented the ideas

praállás társadalmi nehézségei Ausztriában [The Hardships of Financial Rehabilitation in Austria from a Social Perspective], in: *Társadalomtudomány* (1924), pp. 1–14.

27 Ferenc Eckhart: A bécsi udvar gazdasági politikája, pp. 270–276.

28 Gyula Szekfű: A magyar állam életrajza, 2. kiadás [The Biography of the Hungarian State (second edition)], Budapest 1923, p. 236.

29 Oszkár Paulinyi: Eckhart Ferenc: A bécsi udvar gazdasági politikája Magyarországon Mária Terézia korában [The Economic Policy of Vienna under the Reign of Maria Theresa written by Ferenc Eckhart (review)], in: *Századok* (1925), pp. 289–296.

30 Ferenc Eckhart: A bécsi udvar gazdasági politikája, p. 273.

31 Sombart argued that in many cases it was the state that played an important role in spreading the capitalist way of thinking. Werner Sombart: *Der Bourgeois: Zur Geistesgeschichte des modernen Wirtschaftsmenschen*, Berlin 1913.

of the well-developed 'West' for Eckhart, and he blamed Maria Theresa for refusing to introduce it into the Empire and Hungary.

Although the Marxist historical canon adopted the theory of Habsburg 'colonisation', it did not accept Eckhart's narrative in its entirety. According to Marxist historians, a socialist revolution is possible only after a successful bourgeois revolution. Eckhart argued in his book that Hungary remained characteristically feudal until at least the revolution of 1848. This is the reason why he did not write about Hungarian capitalism or bourgeois development when he was discussing the period before 1848. From the Marxist perspective, this was one of Eckhart's main shortcomings.³²

The social historian Jenő Berlász argued that Eckhart's works about economic history are as outstanding as his works about legal history.³³ This evaluation should be reconsidered since constitutional and legal history were the fields where Eckhart's scholarship was really path breaking. In the field of economic history, Eckhart's impact was not as significant as it was in legal history. He positioned his 1922 book about the mercantilist economic policy of the Habsburgs in opposition to political history. But he did not exclude the impact of economic policy from it, since he deemed the economic policy of the state a decisive factor in the modernisation of the economy. He based his ideas on Werner Sombart's theory of capitalism, although he did not accept it completely, since he did not mention any of the negative impacts of capitalism at all. Eckhart viewed modernisation as something beneficial to the allegedly backward Hungarian society. The institutional history school of Otto Hintze also had a great impact on Eckhart's historical thought, since he also argued that political institutions have a huge impact on shaping economic development. Representatives of the Marxist school of historiography (Sándor Pál, József Révai) had similar views on the Habsburgs' economic policy. They also evaluated it as 'colonisation', but they differed from Eckhart's concept significantly too, since they used the term 'colonisation' in a much wider sense.

In the following section, I explain the importance of the 'school of Eckhart', and his contemporaries' reflections upon and attitudes towards it.

- 32 See the following critiques: József Révai: Marx és a magyar forradalom [Marx and the Hungarian Revolution], in: József Révai: Marxizmus, népiesség, magyarság. Second edition, Budapest 1948, pp. 73–126; Pál Sándor: Eckhart Ferenc: A bécsi udvar gazdaságpolitikája Magyarországon 1780–1815 [The Economic Policy of Vienna in Hungary 1780–1815 written by Ferenc Eckhart (review)], in: *Közgazdasági Szemle* 6:11 (1959), pp. 1261–1262.
- 33 Jenő Berlász: Eckhart Ferenc: A bécsi udvar gazdaságpolitikája Magyarországon 1780–1815 [The Economic Policy of Vienna in Hungary 1780–1815 written by Ferenc Eckhart (review)], in: *Századok* 93:2–4 (1959), pp. 563–567. About the history of Hungarian economic historical writing see: György Kövér: Crossroads and turns in Hungarian economic history, in: Francesco Boldizzoni/Pat Hudson (eds.): *Routledge Handbook of Global Economic History*, London/New York 2016, pp. 242–257.

Founding of a New School of Constitutional and Legal History—From the ‘Eckhart-debate’ to a Modern Synthesis of Constitutional History (1931–1946)

If one wants to understand the significance and merits of the school of constitutional history as according to Eckhart, one should contrast it with Ákos Timon’s views and those of his followers. Teaching Hungarian constitutional and legal history in Budapest until his death in 1925, Timon developed an influential version of the ‘Doctrine of the Hungarian Holy Crown’, according to which the king and the nobility, representing the head and the body of the nation, were sharing executive power. This harmonious division of labour between the two had been symbolised by the Holy Crown of Saint Stephen, the first Christian king of Hungary. The result of this development had been the democratic spirit of the political system of Hungary, unique in the world. According to Timon’s narrative, the democratic restriction of the king’s power by the nation was observable in all periods of Hungarian constitutional history, even before the founding of the Medieval Kingdom of Hungary. This means that the Hungarian people’s way of thinking has always been public law-oriented, and its focus was on the relationship of the individual and the state. In contrast to this, the feudal Western type of constitutional law emphasised private law, the relationship between individuals. Although the main representatives of Hungarian historical writing did not accept this nationalistic view of history, it was Eckhart who expounded a polemical programme, the aim of which was the rewriting of Hungarian constitutional history. As we have already seen, even in his first publication (1908), Eckhart offered an alternative and much more historical approach to constitutional history. He argued that regarding the age of the patrimonial kingdom it is anachronistic to speak about a public law-oriented Hungarian way of thinking, as there was no difference between private and public law at that time.

In the 1920s, Eckhart continued to write studies about constitutional history and indirectly polemised against Timon and his uncritical nationalist followers (Móric Tomcsányi in Budapest and Kálmán Molnár in Pécs, both professors of public law). As he grew increasingly dissatisfied with his work in Vienna, Eckhart was looking for new opportunities in Budapest. As a result of the intervention of Hungarian minister of religious, educational, and cultural affairs, Kuno Klebelsberg, he was appointed as professor of Hungarian legal and constitutional history at the University of Budapest in 1929. He composed a critical study of legal and constitutional law in this new environment in 1931, which soon became a target of harsh public attacks.³⁴ The main

34 Ferenc Eckhart: *Jog- és alkotmánytörténet* [Legal and Constitutional History], in: Bálint Hóman (ed.): *A magyar történetírás új útjai*, Budapest 1931, pp. 269–320.

goal of this programmatic paper was to give an outline of a new synthesis of legal and constitutional history, challenging the adherents of Timon's narrative. In Eckhart's opinion, it is not enough to study the history of legal customs of the privileged estates. Rather in order to explore the authentic national values, the investigation of the legal history of serfdom is also necessary. He also argued that the historical constitution has always been influenced by foreign ideas. This was a great shift from a constitution-centered approach to a focus on social history, since the old view interpreted the constitution as an ever-lasting representation of unique national virtues. Eckhart employed a comparative approach, and emphasised the fact that, similarly to Hungary, the powerful estates of Poland and the Czech lands have repeatedly attempted to restrict the kings' power, as well. He came to the conclusion that there were similarities in the constitutional and social development of these countries and as a result, similar theories regarding power and constitution had been developed. The constitution was changing over time according to the power relations between king and nobles. This means that the constitution has always been subject to historical change and was never set in stone. During the first two centuries of the history of the medieval Kingdom of Hungary, a patrimonial constitution had been developed, but from the 13th century onwards, a dualist view prevailed.³⁵ According to Eckhart's new constitutional history, the so-called 'Doctrine of the Holy Crown' (which represented a modern state) did not exist until the 19th century.

Eckhart's study generated nationwide polemics. Far-right ideologue István Milotay, politician Bedő Sándor Kálnoki, journalist-historian Antal Balla, and politician Gábor Ugron attacked him through articles published in daily newspapers, while the minister of justice, Tibor Zsitvay criticised Eckhart's approach in parliament. Scholars of public law, Kálmán Molnár, Zoltán Kérészy, Móric Tomcsányi and István Egyed among them, challenged Eckhart's views in books and articles. They condemned Eckhart for mentioning Czech and Polish parallels. According to them, the Hungarian historical development was unique. They disregarded source-criticism as 'hyper-criticism'³⁶ and argued that the 1,000 years old Hungarian democratic national genius really existed, and had manifested itself in the 'Doctrine of the Holy Crown' in all periods of history. However, two historians, Dávid Angyal and Árpád Károlyi, who were living and

35 In the patrimonial kingdom, the constitution consists solely of the king, while in estate dualism there are two opposing legal bodies (king and nobles). These two concepts were constantly used in political and constitutional battles until the 19th century.

36 See the example of Kálmán Molnár, who argued that a Hungarian scholar should "feel" the Hungarian genius in the sources. Kálmán Molnár: *Alkotmánytörténeti illúzió-e a magyar alkotmány jellegzetes közjogi iránya? Reflexiók Eckhart Ferenc: "Jog és alkotmánytörténet" című dolgozatára* [Is it a constitutional historical illusion to claim that the Hungarian constitution has a unique public law nature? Reflections on the essay entitled Legal and constitutional history written by Ferenc Eckhart], Pécs 1931.

working in Vienna at that time, defended Eckhart and praised his merits as a professional historian. Historians well-trained in social history, like Sándor Domanovszky and Elemér Mályusz, also made a stand for him. Both Mályusz and Domanovszky published articles in the leading historical journal of Hungary (*Századok*), in which they stressed the importance of social history and a European horizon in legal and constitutional history.³⁷

Eckhart replied to his opponents using the arguments of a professional historian. He relied on source-criticism, and supported a historicist viewpoint in legal history. He advocated national historical writing, and he never denied that the focus of his approach was on the history of the nation. Nevertheless, Eckhart distanced himself from the “chauvinist” interpretations of constitutional history.³⁸ According to the main epistemological position of historicism, historians have to understand the past on its own terms, because legal theories were constantly changing and reshaping. Besides his social-historical approach, this interpretation clearly distinguished him from his opponents. In his writings published during the first half of the 1930s, Eckhart also argued for *Geistesgeschichte* (history of ideas in a much broader sense), which he understood as a method focusing on the history of changing legal theories and the synthesizing of different historical factors, since legal theories manifested themselves in the institutions of the economy and society.³⁹ It should be noted, however, that the debate did not touch upon any questions of social history, as scholars of public law concentrated mainly on the history of the constitution.

Despite his controversial paper, Eckhart retained his position as a professor of legal and constitutional history. During the years following this debate, he was working continuously on a new synthesis of Hungarian constitutional and legal history, and

- 37 For a detailed overview of the debate, see: József Kardos: Az Eckhart-vita és a szentkorona-tan [The Eckhart-debate and the Doctrine of the Holy Crown], in: *Századok* 103:5–6 (1969), pp. 1104–1117; László Dávid Törő: Az “Eckhart-vita”: Eckhart Ferenc 1931-es programtanulmányának kortárs visszhangja [The “Eckhart-debate”: The Contemporary Reception of Ferenc Eckhart’s Programmatic Article in 1931], in: *Aetas* 31:4 (2016), pp. 57–77.
- 38 See his interview in the newspaper: *Pesti Napló*: Eckhart Ferenc: A tudós a válságban. A történész: Eckhart Ferenc: Az interjú készítette: Siklós Ferenc [Scholars in Crisis. The Historian Ferenc Eckhart interviewed by Ferenc Siklós], in: *Pesti Napló*, 13 May 1934, p. 14.
- 39 There are several interpretations of *Geistesgeschichte* and its relation to social history or historicism. Hungarian historians at that time understood it as a cultural synthesis of political, social, economic and intellectual history remaining in the tradition of historicism but also broadening its horizon compared to narrow political historical writings of the 19th century. This is the reason why Eckhart advocated both *Geistesgeschichte* and social history. It is important to note, however, that by social history I do not mean the French *Annales* school, as Eckhart’s historical writing was centered around the questions of the nation. About the concept of *Geistesgeschichte* in Germany, see: D. Timothy Goering: Einleitung: Ideen- und Geistesgeschichte in Deutschland—eine Standortbestimmung, in: D. Timothy Goering (ed.): *Ideengeschichte heute: Traditionen und Perspektiven*, Bielefeld 2017, pp. 7–54.

he was also training young historians of law and became their mentor. Among his students, Antal Murarik and György Bónis were the most notable. Both of them were awarded scholarships and studied abroad. Between 1936 and 1937, Murarik visited Jan Kapras's and Theodor Saturnik's seminars in Prague, but conducted research in the Institut für Österreichische Geschichtsforschung (Vienna), too.⁴⁰ Following his master's footsteps, Antal Murarik pursued the comparative history of legal institutions with a great emphasis on Slavic customary law.⁴¹ As a fellow in the London School of Economics, György Bónis was a student of Theodore Frank Thomas Plucknett in 1936 and 1937. Bónis became an adherent of *Geistesgeschichte* (especially of Max Weber) and social history, which can be exemplified with his *magnum opus* about feudal and estate law in the Middle Ages.⁴²

Eckhart published one of his most important books in 1941 about the intellectual and institutional history of the theory of the Holy Crown.⁴³ This volume was a reaction against the previous attacks against him. In accordance with Eckhart's intentions, one must distinguish the terms 'Doctrine of the Holy Crown' and the 'Theory of the Holy Crown'. It is really difficult to interpret his views on the topic without taking into account this distinction. Eckhart used the 'Theory of the Holy Crown' as an umbrella term for all the political theories using the crown as a symbol. According to him, this is a real historical phenomenon shaped by time and place. In contrast to it, the term 'Doctrine of the Holy Crown' refers to the shared executive power of the king and the nation, and is just one among the many historical ideas regarding the crown. Moreover, this doctrine was not the product of the 1,000 years old Hungarian national genius, but rather a 19th-century invention, serving political ends and interests. The 'Doctrine of the Holy Crown', the myth of the Hungarian democratic spirit, was a useful tool in the hands of the Independence Party, which was the main opposition party in the Hungarian Parliament during the dualist period. Although he was an advocate of national history writing, Eckhart formulated the most radical criticism of this approach in the Hungarian historical profession at that time. He did not only debate the views of Ákos Timon's nationalist followers, but he also differed from his

40 See Ferenc Eckhart's letter on Hans Hirsch, director of the IÖG at that time. Ferenc Eckhart's letter to Hans Hirsch dated 27 February 1937, IÖG, Nachlass Hans Hirsch.

41 Antal Murarik: *Az ősiség alapintézményeinek eredete* [The Origin of the Institutions of Entail], Budapest 1938.

42 György Bónis: *Hűbériség és rendiség a középkori magyar jogban* [Feudal and Estate Elements in the Hungarian Law in the Middle Ages], Kolozsvár 1947.

43 Ferenc Eckhart: *A szentkorona-eszme története* [The History of the Idea of the Holy Crown], Budapest 1941. It is important to note that it was László Péter who wrote one of the most critical and detached studies on the history of ideas and concepts related to the Hungarian Holy Crown. He regarded Eckhart's book as a major source of inspiration. László Péter: *The Holy Crown of Hungary: The visible and invisible*, in: *The Slavonic and East European Review* 81:3 (2003), pp. 421–510.

fellow historians like Emma Bartoniek.⁴⁴ One can interpret Eckhart's book on the 'Theory of the Holy Crown', as intellectual history, as a form of *Geistesgeschichte*. It did not simply historicise a theory of state, but it dedicated a great deal of attention to society and economy, since the concept of the crown was changing according to constitutional and social changes. For example, it was one of Eckhart's central arguments that it was impossible to imagine a crown (state) independent from the person of the king in the age of the partimonial kingdom. The concept of a depersonalised state came into being only with the gradual emergence and development of the nobility. Consequently, the approach and methodology of social history could be very important to clarify this problem. Besides the merits of this book, we must also take into consideration that it carried an ideological message. Eckhart marginalised the importance of the 'Doctrine of the Holy Crown', but he accepted the relevance of the territorial tradition incorporated into the symbol of the crown. According to it, the Crown also symbolises the 'body' of the kingdom, and in this way, the territorial integrity of 'Greater Hungary', the historical Kingdom of Hungary. It is not accidental that initially he supported the revisionist-expansionist Hungarian foreign policy of his time.

His synthesis published in 1946 was the realisation of his 1931 programme. It was the first book on Hungarian legal and constitutional history which paid attention to social, institutional and economic history. Eckhart devoted only a few pages to the 'Theory of the Holy Crown', which was the central element of all previous narratives of constitutional history.⁴⁵ The relevance of this book can be assessed more accurately when we compare it to István Eged's synthesis of constitutional history. He was a rather moderate opponent of Eckhart, and he published his book in 1943. The 'Doctrine of the Holy Crown' played a crucial role in Eged's interpretation, the main focus of which was still on the history of the state.⁴⁶

44 Emma Bartoniek interpreted the 'Theory of the Holy Crown' as an unchanging concept, which represents the state as the collection of independent individuals. As a result, her approach was far less historical. Emma Bartoniek: *A magyar királykoronázások története* [The History of the Hungarian Coronations], Budapest 1938.

45 Ferenc Eckhart: *Magyar alkotmány-és jogtörténet* [Hungarian Constitutional and Legal History], Budapest 1946.

46 István Eged: *A mi alkotmányunk* [Our Constitution], Budapest 1943.

The History of Serfdom

The least researched aspect of Eckhart's historical writing is his attempt to write a social and economic history of serfdom in Hungary. This is partly because many traces of his work were preserved only in the form of manuscripts and correspondence. Eckhart was asked by the economist Jenő Gaál to compose a synthesis of the legal and economic history of Hungarian serfdom during the 18th and 19th centuries in 1928. This was a project of the Hungarian Academy of Sciences.⁴⁷ Although Eckhart accepted, he could not finish his book, because a year later he was appointed professor of Hungarian legal and constitutional history. In 1943, the historian composed a short plan of research on this topic. His aim was to use ethnographical methods and to collect the customary laws of the Hungarian peasantry. According to him, historians should focus on the testaments of serfs and should visit family archives to collect these sources. According to Eckhart, Hungarian social development was somewhere in-between the Western and the Eastern variants.⁴⁸ He argued for example⁴⁹ that the freedom of serfs was much more restricted in Eastern Europe than in Hungary.⁵⁰ The heated debates about constitutional history diverted Eckhart's attention from this topic but he often advised his students to study the legal history of serfdom. His programme could be only partially realised in the 1950s, a time during which the communist regime favoured the investigation of the problem of class struggle between landlords and serfs. Besides a long article about the Habsburg's policy regarding serfdom, Eckhart wrote a book on the criminal courts of the landowners and their impact on the peasantry.⁵¹

47 Letter from Jenő Gaál to Ferenc Eckhart, dated 2 April 1928. MTA KK Ms 5616/6.

48 By "Western" social development Eckhart understood those territories (for example, France) where the serfdom had much more freedom (i. e. freedom of movement or trade) than in Eastern countries (Russia, where it was forbidden for serfs to change location).

49 Letter from Ferenc Eckhart to Elemér Mályusz, dated 12 February 1927. MTA KK Ms 6399/275.

50 This is the reason why the Marxist reception of his publications about serfdom was mixed. The Marxist master narrative situated Hungarian social development within the development of Eastern Europe. See for example: István Sinkovics: Eckhart Ferenc: A földesúri büntetőbíráskodás a XVII. Században [The Criminal Courts of the Landlords in the XVI and XVII Centuries written by Ferenc Eckhart (review)], in: Századok 91:1–4 (1957), pp. 428–431.

51 Ferenc Eckhart: A földesúri büntetőbíráskodás a XVI-XVII. Században [The Criminal Courts of the Landlords in the XVI and XVII Centuries], Budapest 1954; Ferenc Eckhart: A bécsi udvar jobbágypolitikája 1761–1790-ig [The Habsburg's Policy on Serfdom between 1761–1790], in: Századok 90:1–2 (1956), pp. 69–125.

Growing Isolation (1948–1957)

After the change of regime in Hungary, Ferenc Eckhart once again became the target of politically motivated attacks.⁵² His book on the 1848 revolution in Hungary⁵³ was not acceptable to Marxist critic Pál Sándor. Eckhart did not praise the importance of guerilla warfare during the war for independence, but his biggest ‘sin’ was that he sided with the moderate politician István Széchenyi rather than Lajos Kossuth, who was the leader of the war for independence, and who was favoured by the official Marxist-Leninist historians of the period.⁵⁴ Eckhart was soon removed from the office of the president of the Hungarian Historical Association, which he had held between 1946 and 1949. His position in the Academy of Sciences had also been changed. Formerly, he was a full member of the academy, but now his position had been degraded to the rank of a ‘sitting member’, which meant that he did not have the right to take part in the decision making procedures of the academy. Rather, he had the right to be present, but not the right to vote. Despite these acts of reprisal against the ‘bourgeois’ Eckhart, he could retain his position as professor of Hungarian legal and constitutional history. But in 1954, Márton Sarlós condemned Eckhart as fascist because he identified himself with the position of *Geistesgeschichte* at the beginning of the 1930s.⁵⁵ Sarlós was a self-made legal historian representing the official ideology of the regime. This antagonism between the two scholars grew into a public hearing at the University of Budapest in 1955, with a huge audience consisting of the professors of the institution. In the debate, Eckhart openly defended⁵⁶ his previous works and made derogatory remarks on Sarlós’s competence as legal historian. However, under pressure, and according to the ritual of the period, Eckhart had to ‘admit’ that relying on *Geistesgeschichte* was a ‘mistake’ and he emphasised source-criticism as the core of his historical method. Although the public hearing did not cost Eckhart his position as professor, as a consequence of the stress, his health started to deteriorate. He died shortly after the unsuccessful revolution against the dictatorship (1956) in 1957.

52 On the history of political attacks on historians see: Antoon de Baets: *Crimes Against History*, New York/London 2019.

53 Ferenc Eckhart: *1848: a szabadság éve* [1848: The Year of Freedom], Budapest 1948.

54 Pál Sándor: *Eckhart Ferenc: 1848 a szabadság éve* [1848: The Year of Freedom written by Ferenc Eckhart (review)], in: *Társadalmi Szemle* 3:8–9 (1948), pp. 623–626.

55 Sarlós’s article was published after the debate: Márton Sarlós: *A szellemtörténeti irány és a magyar jogtörténetírás* [The School of *Geistesgeschichte* and the Hungarian Legal Historical Writing], in: *Jogtudományi közlöny* 2 (1956), pp. 87–103.

56 Eckhart Ferenc *felszólalásvázlata Sarlós Márton vádjai ellen* [The Sketch of Ferenc Eckhart’s Defense Speech Against the Accusations of Márton Sarlós]. MTA KK Ms 5617/21.

European Constitutional and Social History Writing

Eckhart belonged to a generation of Hungarian historians who began their career in the age of dualism and had a great impact during the interwar period. The most important characteristic of this generation was their opposition to political and event history from a position of social history and historicism, but their topics of research and their approaches were also different.⁵⁷ The most continuous element in Eckhart's historical writing is social history. Moreover, we can also observe the methods of a professional historian, such as research, criticism, collection and publication of sources. These activities are often labelled as 'positivism' in the relevant scholarly literature, but he also tried to cooperate with other social sciences and to rely on new types of sources.

What was really new in the approach of the 'school of Eckhart'? In his works, the kings appeared not as idealised persons, but he interpreted kingdom as an institution and a center of administration. He dismissed the ahistorical concept of the Hungarian constitution and law, which was based solely on the texts of statutes. Instead of this, he studied the workings of the institutions of the state and their impact on society and economy, with the help of source-criticism. He relativised the importance of constitutional history and the historical constitution itself to a great extent, and he studied institutions that did not belong to the central apparatus of the state. This ambition manifested itself, for example, in Eckhart's programme of collecting folkways and researching the places of authentication. In contrast to political event history, the examination of social, economic and intellectual factors represented a much more analytical approach to historical writing. Compared to Ákos Timon and his followers, Eckhart's historical writing can be considered a more advanced and professional constitutional and legal history, because of his European horizon and historical approach.⁵⁸

Even though European context was important to him, Eckhart's works were nation-centered, which should also be taken into consideration. He clearly preferred national history over world history. According to the new historiographical research

57 Ignác Romsics: *Clió bűvöletében: Magyar történetírás a 19–20. században—nemzetközi kitekintéssel* [Under the Enchantment of Clio: Hungarian Historical Writing in the Nineteenth and Twentieth Centuries—with an International Outlook], Budapest 2011, pp. 106–166; Vilmos Erős: *Modern historiográfia: Az újkori történetírás egy története* [Modern Historiography: A History of Modern Historical Writing], Budapest 2015, pp. 129–151.

58 For similar debates about legal and constitutional history in Britain, see: P. B. M. Blaas: *Continuity and Anachronism: Parliamentary and Constitutional Development in Whig Historiography and in the Anti-Whig Reaction Between 1890 and 1930*, The Hague 1978.

concerning the relationship between national identity and historical writing, a national narrative was the master narrative in historical writing at least until the second half of the 20th century.⁵⁹ Besides their academia-related activities, historians have played an important role in the construction of national identity. Their academic prestige was further enhanced by these enterprises. Eckhart's work was illustrative in this respect, too. He refuted Timon's ahistorical 'Doctrine of the Holy Crown', but replaced it with a concept, carrying an important message: from the Middle Ages on, the national minorities were loyal to the Hungarian Holy Crown. Eckhart regarded the history of Habsburg economic policy not just as a research topic, but also as a problem, which determined the fate of the nation. In his works, he tried to explain the causes of the economic backwardness of Hungary as compared to the Western capitalist democracies. His concept of class was filled with ethnic 'content', which can be discerned e. g. in his writing about German, Armenian, Greek and Jewish bourgeoisie and merchants. According to him, their ethnic background partly caused and partly mirrored the inadequate level of capitalist development in Hungary.

Finally, I find the insightful book by Peter Burke on exiles and expatriates quite relevant, here. According to Burke, exiles and expatriates played an important role in the deprovincialising process of the historical scholarships of their home countries.⁶⁰ This was partly because the distance from their homelands allowed them to interiorise a more critical and global way of thinking, a sort of (emotional) detachment.⁶¹ As I mentioned earlier, Eckhart lived in Vienna for a long time, as an archivist of the *Hofkammerarchiv* and as director of the Hungarian Historical Institute of Vienna. In contrast to several of his Hungarian colleagues, he established stable connections with Austrian historians and archivists. Although he was not an exile (we can rather use the term expatriate in his case), these circumstances probably also contributed to his critical and analytical approach to historical writing, which attempted to undermine national myths and went against the national-oriented public opinion.

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59 Stefan Berger/Chris Conrad: *The Past as History: National Identity and Historical Consciousness in Modern Europe*, Basingstoke 2014.

60 Exiles were forced out of their home countries, while expatriates changed their homeland voluntarily.

61 Peter Burke: *Exiles and Expatriates in the History of Knowledge, 1500–2000*, Massachusetts 2017.