

# **Márk Milán MAGYAROVICS: The district administration of the Hungarian capital – its history and evolution from 1873 to the formation of Greater Budapest**

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## **1. Introduction: On the way to the unified Budapest and the formation of administrative districts**

Paragraph (1) of Article F of the Fundamental Law states that the capital of Hungary shall be Budapest. As the only metropolis in our country, Budapest can proudly bear its title of capital, which it has undoubtedly earned: with a population of approximately one million seven hundred thousand and an area of 525 km<sup>2</sup>, it is the largest and most populous city of the country. Consequently, it is the centre of the social, cultural, economic and political life in Hungary. Therefore, it is no coincidence that according to Paragraph (2) of Article F of the Fundamental Law "*The territory of Hungary shall consist of the capital, counties, towns and villages. The capital and towns may be divided into districts.*"

By contemplating these provisions of the Fundamental Law, it appears evident that Budapest has a peculiar legal status, provided by the Act 189 of 2011 on Local Governments in Hungary.<sup>1</sup> Under Paragraph (1) of Section 22 of the Local Government Act, Budapest has a dual self-government system, consisting of the Budapest municipality (the local government of Budapest) and the district governments. Among

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<sup>1</sup> The Fundamental Law of Hungary, Article F).

the administrative units, the situation of districts is special, since at settlement level we consider Budapest one territorial unit, while at district (of the country) level the districts (of Budapest) are considered territorial units.<sup>2</sup> As we can see, our capital city has its own particular place in the Hungarian public administration system. Yet, lest we forget that it reached this particular position, its special legal status through a long historical evolution. As a basis for studying the developmental history of the division, administration and operation of Budapest's districts, let us review the events preceding the birth, namely Act 36 of 1872 on the Establishment and Organisation of the Budapest Municipality, of the united capital.

The beginning of the metropolitan development can be dated back to the first half of the 19<sup>th</sup> century, which was marked by the unfolding of the reform era. Among the great visionaries of the reform era, Count István Széchenyi was the first, who formulated the need to create a modern and unified capital – the idea of uniting Buda and Pest. He already envisioned this idea as a concrete program in his writing the Világ (*World/Light*), published in 1831: "*The name of your capital should be changed to Budapest, [...] and thus the two cities would merge, [...] What would be the benefits of this merger, what a prosperous capital Hungary would have in a short time! [...] Because unification is power; and this power is the greatest treasure of the nations, which would lift the whole country out of the slough and dust, while introducing it to the higher ranks of culture and civilization.*" It had henceforth become clear that the prospering Pest and the obsolete Buda (which still shined in its ancient glory), were interdependent and could only form the capital of Hungary by "combining their forces".<sup>3</sup>

From the 1840s onwards, the twin towns jointly exercised the functions of the capital. The culmination of this tendency was the Chain Bridge, which was built at the

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<sup>2</sup> KSH: *Területi atlasz- Közigazgatási egységek*, 2019. január 1. [Regional Atlas – Administrative units, 1 January 2019] [https://www.ksh.hu/regionalatlas\\_administrative\\_units](https://www.ksh.hu/regionalatlas_administrative_units) [Access on July 10, 2021].

<sup>3</sup> CZAGA, Viktória: Testvérvárosokból főváros [A capital from twin towns]. In: *Tanulmányok Budapest Múltjából* 27. [Studies on the Past of Budapest], 1998, pp. 27., 32.

time and became the symbol of the cohesion between the two cities.<sup>4</sup> At the last parliamentary session of 1848, Ferenc Házmán, the town clerk and delegate of Buda, raised the idea of the “official” unification of Buda and Pest, i.e. the need to create the legal regulatory framework on the unification. This demand seemed to be temporarily met, as Minister of Interior Bertalan Szemere issued a decree on 24 June 1849 on the unification of the “two twin capitals” and Óbuda under the name of Budapest: “*The unification of the authorities of Buda and Pest as well as Ó-Buda is, as of now, decreed, and the two twin capitals are hereby being united as Budapest. [...] At the same time, since the frontier region of Buda bordering Ó-Buda had been built up to such an extent that the latter city became Buda's suburb, Ó-Buda is being herewith incorporated into the authority of Budapest.*”<sup>5</sup> Unfortunately, due to the war of independence, there was not enough time to implement this law. In the 1850s, during the years of absolutistic governance, the unification of Buda and Pest could not be realized.<sup>6</sup>

Thanks to the Compromise of 1867, the “ancient chaos” of Hungarian internal affairs, which characterized the first half of the 1860s, seemed to be consolidated. The restored constitutional order created suitable conditions for civic transformation, the circumstances were thus given for a dynamic development. The government put the issue of the unification on its agenda once again, since only a united capital could be the worthy representative of the statehood of Hungary.<sup>7</sup> Nevertheless, these efforts were not in the least characterized by a political consensus: the different development tendencies of Pest, Buda and Óbuda challenged the need of unification, and the leaders of the cities were not in an agreement either. Still, under the direction of Prime Minister Gyula Andrássy, the government made it clear to them that only a unified city could

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<sup>4</sup> NOVOTNÝNÉ, Plešcher Hedvig: Budapest városfejlődése az egyesüléstől a napjainkig [The urban development of Budapest from the unification to date]. *Statisztikai szemle* [Statistical Review]. 1998, no. 12., p. 756.

<sup>5</sup> *Pesti Hírlap* [Pest News], No. 326., 28 June 1849, p. 1.

<sup>6</sup> CZAGA, *op.cit.*, p. 32.; NOVOTNÝNÉ, *op.cit.*, p. 756.; KÉPESSY, Imre: A monarchikus diktatúra (az önkényuralom és provizórium kora) [The monarchical dictatorship (the age of authoritarianism and the provisory)]. In: MEZEY, Barna – GOSZTONYI, Gergely (eds.): *Magyar alkotmánytörténet* [Hungarian constitutional history]. Budapest, 2020, Osiris Kiadó, pp. 302–309.

<sup>7</sup> CZAGA, *op.cit.*, p. 34.

serve as the worthy capital of Hungary, because "*Pest is nominated by its fortunate position and commercial importance for the post of the capital, while Buda represents the historical glory of Hungary.*"<sup>8</sup>

To this end, at the parliamentary session of 1869–1872, the government had taken steps to unify the capital, of which the most significant was the bill on the establishment of municipalities. On 16 July 1870, during the debate on the bill in the House of Representatives, Member of Parliament Mór Wahrmann submitted a proposal, in which, after a longish explanation, he proposed to include the next section in the bill: "*However, a separate act provides for the administrative organisation of Buda and Pest.*" Wahrmann's motion was passed by the House of Representatives, then the Minister of the Interior was instructed to develop a separate bill on the administrative organisation of Buda and Pest.<sup>9</sup> On behalf of the National Assembly, Minister of the Interior Vilmos Tóth convened a special council in March 1871, the so-called "enquête-commission", whose duty was to elaborate the bill on the administrative organisation of Buda and Pest. The enquête-commission considered the establishment of district prefectures as one of the key elements of the administrative organisation of the united capital: "*In order to better manage the affairs of the city, the capital should be divided into multiple administrative districts determined by the General Assembly.*" Therefore, the commission specifically declared the need of organising district prefectures, which would function subordinate to the central city council, with mainly executive roles. Sections 66, 67, 68, 69, 70 and 71 of the act on the administrative organisation of Buda and Pest sought to regulate the formation and operation of district prefectures. The act was aimed at the administrative unity of the evolving capital, the district prefectures were considered as executive units dealing mainly with administrative matters. The act also emphasized their strict subordination to the central city council, which was mainly manifested in the restrictions of independent powers of decision (they only had right

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<sup>8</sup> *Fővárosi Lapok [Capital City Papers]*, No. 47., 26 February 1867. In: CZAGA, *op.cit.*, pp. 35–36.

<sup>9</sup> FLAXMAYER, József – MEDRICZKY, Andor: A kerületi elöljáróságok szerepe Budapest székesfőváros közigazgatásában [The role of district prefectures in the administration of Budapest]. In: *Budapesti Statisztikai Közlemények [Budapest Statistical Bulletins]*. 1931, volt. 64., no. 3., p. 20.

to make proposals on “matters of interest to the district”). The councils of the three cities discussed the bill separately, none of the parts relating to the prefectures were objected to. Subsequently, on 2 April 1872, the House of Representatives passed the provisions of the bill pertaining to district prefectures and then the bill itself nearly unchanged.<sup>10</sup> The bill was then submitted to the Upper House, which also passed it at its session of 17 December 1872. The ruler, King Francis Joseph I sanctioned the act on 22 December, which was promulgated the following day, on 23 December. By the promulgation, the Act 36 of 1872 providing the unification of the free royal cities of Pest and Buda, the market town of Óbuda and the Margaret Island came into force, and thus the unified capital city of Budapest was “born”.<sup>11</sup>

## **2. The evolution of the administrative and territorial division of Budapest**

The Act 36 of 1872 provided the unified municipality of the capital, which occupied a special place among the municipalities of Hungary. Budapest became the centre of the nation’s life, the official seat of the parliament, the government and the central authorities, and as the unified capital of the country, with its expanded territorial extent, it turned into the largest administrative unit after the state.<sup>12</sup> The Unification Act of 1872 provided the “establishment and organisation of the municipality of the capital”, that is to say, the formation and rules of operation of Budapest’s public administration system. It had already been declared during the development of the bill that the municipality of the united capital should be divided into additional administrative units, so-called district prefectures, which would mainly act as executives, creating the link between the population and the authorities, thereby ensuring the efficiency of

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<sup>10</sup> *Ibid.*, pp. 22–23.

<sup>11</sup> NOVOTNÝNÉ, *op.cit.*, p. 757.

<sup>12</sup> STIPTA, István – VÖLGYESI, Levente: A területi önkormányzatok [The local authorities]. In: MEZEY, Barna – GOSZTONYI, Gergely (eds.): *Magyar alkotmánytörténet* [Hungarian constitutional history]. Budapest, 2020, Osiris Kiadó, pp. 443–444.

administrative affairs and the proper operation of public administration. This idea was expressed in Section 82 of the act, which stated that "*the capital shall be divided into multiple administrative districts, which are to be formed with regard to the constituencies, and their number, along with their expanse, are determined by the General Assembly.*" The general regulation of district prefectures had been provided by the act. Still, the task of organising constituencies and administrative districts was assigned to a commission of thirty-four members elected by the three cities on the basis of Section 134. This commission was set up in February, and by the end of the month, it had been elaborated the basic organisational regulations summarising the structure, the powers and rules of procedure of the city administration in one hundred and ten sections, thereby establishing the division of the capital into administrative districts.<sup>13</sup>

According to the division of 1873, Budapest was divided into nine administrative units (and constituencies) in conformity with the historical neighbourhoods of the city. Three districts were organised in Buda: the first district consisted of Krisztinaváros (*Krisztina town*), Vár (*Buda Castle*), Tabán and Kelenföld, the second district was Viziváros (*Watertown*) and the third was Óbuda (*Old Buda*). On the other side of the Danube, Pest was divided into six districts: the fourth district was Belváros (*Inner-City*), the fifth Lipótváros (*Leopold Town*), the sixth Terézváros (*Theresa Town*), the seventh Erzsébetváros (*Elizabeth Town*), the eighth Józsefváros (*Joseph Town*) and the ninth Ferencváros (*Francis Town*). Kőbánya had been attached to the latter but was later organized into an independent district at the special request of the locals. Consequently, Kőbánya (*Quarry*) became the tenth administrative district (yet, it did not form an independent constituency). The unified capital had an area of 194 km<sup>2</sup> and a population of approximately three hundred thousand people.<sup>14</sup>

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<sup>13</sup> NOVOTNÝNÉ, op.cit., p. 757.

<sup>14</sup> Egykor.hu: *Budapest kerületei 1873-ban* [Districts of Budapest in 1873], <https://egykor.hu/budapest/budapest-keruletei-1873-ban/2592> [Access on July 10, 2021]; NOVOTNÝNÉ, op.cit., pp. 757–758.; GERGELY, Gábor: Budapest kerületeinek közigazgatási változásai [Administrative

In the following half a century, the development of the capital accelerated: the population almost quadrupled, the economic and cultural life concentrated more and more in the city. As a result of the urban development, Budapest slowly "outgrew" the framework of the Act of 1872, which led to the revision of administrative boundaries in 1930.<sup>15</sup> Section 3 of the Act 18 of 1930 on the Public Administration of the Capital City of Budapest provided that the administrative area of the capital "*shall be divided into fourteen districts*". The details were left to a decree of the Minister of the Interior along with setting the date of entry into force. Later that year, the Minister of Interior decree No. 2130/1930 established the new district boundaries, thus two new administrative districts were formed on both sides of the city. In Buda, the eleventh district (back then: *Saint Emeric Town*, now: *New Buda*) and the twelfth district (*Highlands*) seceded from the former first district, and in Pest, the scaling-down of the fifth, sixth and seventh districts made it possible to create the thirteenth and fourteenth districts. However, the process of organising the newly established districts had taken years, therefore the eleventh district started its actual operation only in March 1935, the twelfth district in July 1940, the thirteenth district, Magdalene Town, in July 1938 and the fourteenth district, Zugló (back then: *Rákos Town*) in October 1935. The Act of 1930 annexed the territory of the Csepel state port and the forest of Budakeszi to Budapest, thus enlarged its area to 207 km<sup>2</sup>. According to the census of 1930, it counted approximately one million residents.<sup>16</sup>

The idea of Greater Budapest had been hanging in the air for decades. However, the administrative unification of the suburbs and peripheral villages with the capital, i.e. the incorporation of the suburban ring, was still to come. The first milestone in the execution of the Greater Budapest concept was the enactment of Act 6 of 1937 on Urban Planning and Construction, which extended the competence of the Budapest

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changes of the districts of Budapest]. In: *Tanulmányok Budapest Múltjából* 30. [Studies on the Past of Budapest], 2002, pp. 337–344.

<sup>15</sup> EGYED, István: Budapest önkormányzata [The Municipality of Budapest]. In: *Budapesti Statisztikai Közlemények* [Budapest Statistical Bulletins], 1935, vol. 78., no. 3. p. 8.

<sup>16</sup> STIPTA – VÖLGYESI, *op. cit.*, p. 443.

Public Works Council (*Fővárosi Közmunkák Tanácsa*; hereinafter: FKT) to the vicinity of the capital, thus creating the unity of the periphery with the capital in terms of building regulations and urban planning. Paragraph (7) of Section 2 of the Act entrusted the Minister of Interior with the exact determination of the "surroundings of the capital of Budapest" and the settlements belonging to this circle. Issued pursuant to this statutory authority, the "environs" determined by the Minister of Interior decree No. 33/1938 was broadly the same as the territory of Greater Budapest, organized in 1950, with the exception that it also included Vecsés here.<sup>17</sup> The next milestone in the formation of Greater Budapest was the study of Mayor Károly Szendy entitled "*Tanulmány Nagy-Budapestről*" (*A study of Greater Budapest*), published in 1942. It was drafted specifically for official purposes and took a stand in favour of merging the areas covered by the FKT. Based on Szendy's proposals, the government approved a bill in February 1944, however, it was not submitted to the parliament due to the German occupation.<sup>18</sup>

After 1945, the Communist Party, which became a considerable factor in the decision-making, sought to implement the concept of Greater Budapest. Their purpose had been achieved by the Act 26 of 1949 on the New Territorial Organisation of Budapest, which was passed by the National Assembly on 20 December 1949. The act annexed seven independent towns and sixteen large villages from the territory of Pest-Pilis-Solt-Kiskun county to Budapest with effect from 1 January 1950. Pursuant to Paragraph (2) of Section 2, the number, the name and the boundaries of the districts shall be provided by a decree of the Council of Ministers. Thus, the Council of Ministers Decree No. 4349/1949 (XII. 20.) on the Establishment of the Districts of the Capital City was "born", which divided the new, significantly expanded area of the capital into

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<sup>17</sup> SIPOS, András: Nagy-Budapest létrehozásától Nagy-Budapest révíziójáig (1949–1956) [From the formation of Greater Budapest to the revision of Greater Budapest (1949–1956)]. *Múltunk*. 2009, no. 3., p. 4.; SIPOS, András: Nagy-Budapest kialakulása, 1950. január. 1. [The formation of Greater Budapest, 1 January 1950] <https://web.archive.org/web/20061218004802/http://www.historia.hu/archivum/2000/000506siposa.htm> [Access on July 10, 2021].

<sup>18</sup> BENE, Lajos: Nagy-Budapest tervének kialakulása [The development of the Greater Budapest Plan]. *Városi Szemle [Urban Review]*. 1945, volt. 31., p. 97.; SIPOS 2000, *op.cit.*

twenty-two districts instead of fourteen. The Council of Ministers decree and its annex specified the exact boundaries and the official names of each district (e. g. the official name of the fourteenth district has been Zugló since 1950), which have not changed considerably in the last seventy years. The area of Budapest enlarged to 525 km<sup>2</sup> and its population consisted of one and a half million people at the time.<sup>19</sup>

The latest change in the administrative division of Budapest dates back after the change of the regime.<sup>20</sup> In 1994, Soroksár became an independent district because of a local referendum. According to the concept of Greater Budapest, Soroksár was part of the twentieth district, from which they seceded by the conclusive local referendum of 27 September 1992 at the initiative of Civic Association for Soroksár, constituted by enthusiastic localist. By the general elections of local government representatives and mayors of 1994, the representative body of Soroksár was formed. Thereby, Soroksár officially became the capital's newest, twenty-third district.<sup>21</sup> Since then, Budapest has been organized into twenty-three districts.

### **3. The changing organisation and catalogue of powers of the districts**

The Unification Act of 1872 created the conditions and the framework for the public administration system of Budapest. The establishment of administrative districts wanted to ensure the efficient operation of the public administration in the capital. Pursuant to Section 73 of the Act, "*the organs of the municipality of Budapest are the mayor, the deputy mayors, the council and the administrative district prefectures*".

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<sup>19</sup> SIPOS 2000, *op.cit.*; PERÉNYI, Imre: Budapest városépítésének fejlődése 1873-1973 [The evolution of Budapest's urban planning 1873-1973]. In: *Tanulmányok Budapest Múltjából* 20. [Studies on the Past of Budapest], 1974, p. 33.

<sup>20</sup> GOSZTONYI, Gergely: A parlamentarizmus helyreállítása [Restoring parliamentarianism]. In: MEZÉY, Barna – GOSZTONYI, Gergely (eds.): *Magyar alkotmánytörténet* [Hungarian constitutional history]. Budapest, 2020, Osiris Kiadó, pp. 507–511.

<sup>21</sup> GERGELY, *op.cit.*, p. 344.; Soroksar.hu: *Történelmi áttekintés* [Historical overview], <https://www.soroksar.hu/keruletunk/tortenelmi-attekintes> [Access on July 1, 2021].

Accordingly, at district level, the management of administrative matters was delegated to the competence of district prefectures. Concerning the organisation of district prefectures, section 82 stipulates that the prefecture consisted of a prefect elected by the municipal committee and the jurors elected by the voters of the administrative district. The official duties of the jurors were assigned by the prefect, moreover, they were obliged to act in accordance with the prefect's instructions, but responsibility for their operation was the prefect's. The positions of prefect and juror were not tied to any qualifications, and their holders received an honorarium determined by the general assembly for the duration of their term of office. The number, salary and circumstances of employment of the auxiliary staff required for each district prefecture were also determined by the general assembly. The Act of 1872 intended to provide the administrative unity and centralization of the capital. Therefore, it limited the catalogue of powers of the prefectures and considered them primarily executive bodies. Section 83 listed the tasks of the district prefectures in detail. It delegated to their competence the promulgation of municipal decrees, the protection of national property in the district and the management of other essential administrative matters. Section 84 stated that district prefectures constitute industrial authority in the first instance but did not further elaborate on this.<sup>22</sup>

The general economic and industrial boom of the 1880s resulted a rapid development that evoked the need for a radical reform of district prefectures, as the main executive authorities of the administration. Because of the increasing urgency to reorganize the district prefectures, the Minister of the Interior Károly Hieronymi submitted a separate bill on district prefectures, which was sanctioned on 25 December 1893 by the king. This is how the Act 33 of 1893 on the District Prefectures of the Capital City of Budapest came into being.<sup>23</sup>

Pursuant to Section 2 of the Act, the bodies of public administration in each district were the district prefecture and the district committee. The prefecture consisted

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<sup>22</sup> Act 36 of 1872; EGYED, *op.cit.*, pp. 74–76.; FLAXMAYER – MEDRICZKY, *op.cit.*, pp. 21–25.

<sup>23</sup> FLAXMAYER – MEDRICZKY, *op.cit.*, pp. 28–30.

of the prefect and other officials. The head of prefecture remained the prefect, who was the manager of affairs falling within the competence of the prefecture. He was also the chief of the prefecture's staff, constituted by clerks, doctors, engineers, auxiliary and operating officials assigned by the Mayor. The prefects were elected by the municipal committee for life, the conditions of electability were provided by the Act 1 of 1883 on the Qualification of Public Servants (e. g. the prefects, as the officials of the capital, had to have legal qualification). The elected district prefects were assigned by the Mayor to head each district prefecture, and their salaries and rents were equal to those of the councillors (they were equal in rank to councillors). The Act of 1893 represented a significant step forward regarding the powers of district prefectures, with Section 18 and 20 detailing at length the administrative duties assigned to the prefectures. Based on the authorisation received in Section 19, the General Assembly Decree No. 472/1894 on the District Prefectures of the Capital City of Budapest laid down the detailed rules of the management of administrative matters listed in Section 18, which, compared to the 1872 regulation, testified to a more extensive catalogue of powers.<sup>24</sup>

The other body of district administration, the district committee, was institutionalised by the Act 33 of 1893, the aim of which was to introduce local government on a trial basis in district administration. According to Section 29 of the Act, the chairman of the district committee shall be the head of the district (the prefect), and it had a maximum of twenty-four members elected by the voters of the district from among themselves by secret ballot. Half of the members had to leave at the end of every three years: at the end of the first three years, a draw decided who left, and from then on, those who had completed six years always left. Members, who resigned, were eligible for re-election. The grounds for exclusion of electability were enumerated in Section 29 of the Act (e. g. those who were under guardianship could not be a member of the district committee). Under Section 30, the powers of the district

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<sup>24</sup> Act 36 of 1872; EGYED, *op.cit.*, p. 76.; FLAXMAYER – MEDRICZKY, *op.cit.*, p. 36.

committee were mainly preparatory and advisory: it discusses and gives an opinion on the estimates on the needs of the district prefecture and the district, supervises the municipal property in the district and the public charitable institutions of the municipality, makes proposals and recommendations to the municipal committee, the central city council and the mayor on matters concerning the district, etc. However, the district committee also exercised autonomous powers, such as deciding on the use of the road maintenance and repair budget.<sup>25</sup>

The comprehensive overhaul of the administrative organisation of the capital was intended to be achieved by the Act 18 of 1930 on the Public Administration of the Capital City of Budapest. It gave the office of district prefects even greater importance than before, placing everything under the authority and responsibility of him. According to Section 53, the head of the administration in the districts of the capital was the district prefect, appointed by the mayor from among the officials of the district. The mayor also appointed the staff and the deputy prefect needed to carry out the administrative tasks of each district and could transfer the prefects and their auxiliary staff at any time. Section 53 did not change the catalogue of district powers established by the Act 33 of 1893 and other laws but instructed the Minister of the Interior to propose a bill within three years on the regulation of the competences of the district prefect.<sup>26</sup>

The organisation of the district committee underwent significant changes with the Act 18 of 1930. Pursuant to Paragraph (6) of Section 55, the district committee was composed of permanent and elected members. The permanent members were the leading pastors of the legally established religious denominations residing and working in the district and the headmasters of local schools, up to a maximum of ten people, who were nominated by name by the central city council. The elected members were elected by the district's voters for a term of six years. Their number could not exceed a maximum of sixteen. The chairman of the district committee was chosen by the

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<sup>25</sup> Act 33 of 1893; EGYED, *op.cit.*, p. 79.

<sup>26</sup> Act 18 of 1930; EGYED, *op.cit.*, p. 76.

committee itself. Other rules concerning the organisation of the district administration could be further laid down by the municipality using by-law. Under Paragraph (6) of Section 55, the catalogue of powers of the district committee shall be also established by the municipality within one year of the enactment of the Act: based on this authorisation, the by-law of 1933 only conferred on the district committee powers of collaboration, observation and proposition, and did not grant it any powers to be exercised independently.<sup>27</sup>

The concept of Greater Budapest, according to the provisions of Act 26 of 1949, could already be executed within the framework of the new constitutional system. The public administration of the People's Republic of Hungary was characterised by the council system, a framework created by Act 1 of 1950, the first so-called Council Act. The nature of the Council Act was basically determined by the principle of democratic centralism based on strict organisational subordination and superiority, which reflected the hierarchical local-corporative structure of the socialist system and tried to integrate Greater Budapest into this.<sup>28</sup> Paragraph (1) of Section 8 stipulates that there shall be a council in each district in Budapest. These bodies were considered local councils under the Paragraph (3) of Section 3. The district council had a minimum of fifty-one and a maximum of one hundred and one members elected by the constituents of the district for a four-year term, according to the rules of general elections of Members of the National Assembly. Members could be recalled by the voters of the district as provided by law. At their first meeting, the district councillors elected a minimum of seven and a maximum of fifteen members from themselves as the executive and managing body of the district – the executive committee. The executive committee continued to function after the expiry of the mandate of the district council until the reconstituted district council elected the new executive committee. The executive committees were directly responsible to the district councils and to the executive committees of the

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<sup>27</sup> EGYED, *op.cit.*, p. 79.

<sup>28</sup> WALTER, Tibor: A fővárosi önkormányzat új szervezetének kialakulása (1989-1994) [The new organisation of the municipality of the capital]. *Debreceni Jogi Műhely*. 2007, vol. 4., no. 2., p. 2.

superior councils (e. g. central city council). The specification and operation of the authorities of district councils were governed by the general rules regulating the functions of city councils.<sup>29</sup>

The Act 10 of 1954, the second Council Act, was enacted to develop the council system. Based on the act, the organisational, operational and jurisdictional regulations of the councils of cities with district (of the country) rights, did not change significantly compared to the principles of state organisation of the first Council Act. The changes were to be applied to the district councils of Budapest (for example, the number of councillors in the district councils was at least eighty and at most two hundred). Yet, the district council (like a city with district rights) was subordinate to the central city council (like a county council), which was directly subordinate to the National Assembly and the Presidential Council of the People's Republic.<sup>30</sup>

The Act 1 of 1971, the third Council Act, brought several changes with it, thus opening a new stage in the development of the council system. *"Emphasizing the representative, municipal and state administrative character rather than the state power character of the councils reflected the intention of decentralization which, together with economic decentralization, indicated a certain loosening of state centralization in other areas as well. The subordination of councils at different levels was also abolished, in the spirit of strengthening autonomy."*<sup>31</sup> The third Council Act expanded the boundaries of district autonomy, which tendency could be seen as a precursor to local government in the modern sense. Pursuant to Paragraph (2) of Section 17 of the Act, the responsibilities and powers of the district council were generally the same as those of the local council, i.e. the general rules applicable to councils operating in municipalities, towns, cities and county towns applied similarly to the district councils. On the other hand, Section 18 recognised the special legal status of Budapest (and its districts) by stating: *"The regulation of the powers and organisation of the central city council, district*

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<sup>29</sup> Act 1 of 1950.

<sup>30</sup> Act 10 of 1954.

<sup>31</sup> WALTER, *op.cit.*, p. 3.

*councils and their organs shall take into account their specific situation.*<sup>32</sup> The Council Act of 1971 was in force until the political regime change in 1990, when the Act 65 of 1990 on Local Governments was enacted.

#### **4. The system of relations between the central administration of the capital and the district governments**

The Act 36 of 1872 established Budapest, the unified capital, as an independent municipality. Section 1 of the Act 42 of 1870 on the Organisation of Public Municipalities testified to the special status of the forming capital, because it already formulated the demand for a separate statute on the internal administrative organisation of the cities of Buda and Pest. This demand was enforced by the Act on the Establishment and Organisation of the Budapest Municipality, which created a third type of municipality in addition to the counties and the larger rural cities: the municipality of the capital city. Section 2 of the Unification Act provided the triple competence of Budapest, corresponding to that of the other municipalities: display public administration, exercising local government and political rights, i.e. they could discuss matters of national public interest, then they could submit proposals to the House of Representatives. Pursuant to Section 22, the municipal committee of the capital represented the entity of Budapest's municipality and exercised the rights of authority on its behalf. Another important body of the capital's municipality was the central city council. While the municipal committee was the representative, governing and directing body, the central city council, according to Section 77, functioned as the executive body of the capital's municipality.<sup>33</sup> For the purposes of this study, it was necessary to record the outlines of the municipality of Budapest and the key central

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<sup>32</sup> Act 1 of 1970.

<sup>33</sup> Act 36 of 1872; EGYED, *op.cit.*, pp. 15–27.

bodies in order to facilitate the comparison of the district administrative function and its development with the prevailing central administration system.

The Act 36 of 1872 explicitly emphasised the administrative unity and centralization of the capital, and the role of the district prefectures was seen primarily in execution and in facilitating the fulfilment of administrative affairs: [the main purpose of establishing the district prefectures was] "*on the one hand, to ensure efficiency, regularity and rapidity of every task falling within the scope of execution on all parts of the city, and, on the other hand, to facilitate the contact between the population of the different parts of the capital and the public authorities in all administrative matters.*"<sup>34</sup> The enforcement of the executive character was reflected in the limited catalogue of powers and the restriction of district autonomy. According to Section 83, the district prefectures were directly subordinate to the central city council, they could not deal directly with any other authority. They received instructions only from the council, addressed their reports to it and were obliged to precisely execute the decrees addressed to them. Pursuant to Section 85, the district prefectures submitted independent proposals to the general assembly through the council concerning district matters. The same section empowered the general assembly to give certain district prefectures extended powers. Section 86 besides stipulated that appeals against the decisions and measures of the district prefectures could be lodged with the council.<sup>35</sup>

The Act 33 of 1893 did not bring any significant changes in the relationship between the district and the central administration. The district prefectures continued to operate under the authority of the central city council and the mayor (who was the chairman of the council), but they could now interact directly with other authorities as well, for example, under Section 17, the prefecture could also implement the orders of the municipal committee and the administrative committee. Section 18 listed numerous powers exercised by the district prefectures in place of the council: a gradual expanding of district autonomy could be noted. Section 23 further provided that a

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<sup>34</sup> FLAXMAYER – MEDRICZKY, *op.cit.*, p. 21.

<sup>35</sup> *Ibid.*, pp. 21–25.; Act 36 of 1872; EGYED, *op.cit.*, p. 75.

department of the city tax office and that of the city treasury would operate alongside the district prefectures.<sup>36</sup>

Pursuant to Act 18 of 1930, which sought to reform the administration of Budapest, most of the powers of the central city council were exercised by the mayor alone, for which he was individually responsible. However, in terms of district administration, this resulted only in a formal change because in practice, the mayor (as a “quasi-successor” to the council) played the role of the council in the relationship of the central and district levels. According to Paragraph (1) of Section 54 and Paragraph (1) of Section 55, the officials and the deputy prefect were assigned by the mayor. Paragraph (2) of Section 54 provided that the mayor may transfer the prefects and their auxiliary staff at any time. Under Paragraph (3) of Section 55, the mayor, to the exclusion of other district prefects, could delegate certain matters (if justified) to district prefect(s) designated by him, and, based on Paragraph (4) of Section 55, he could make proposals to the municipal committee about forming district quarters. Lastly, Paragraph (4) of Section 56 delegated the power to the mayor to appoint the judge of the district and his deputy.<sup>37</sup>

The concept of Greater Budapest was already implemented within the framework of the Soviet-style constitutional system: the public administration was characterised by the council system. The Act 20 of 1949 on the Constitution of the People's Republic of Hungary, had already formally established the councils, but their actual operation began after the entry into force of the Act 1 of 1950 on the Local Councils. The council system established by the first Council Act, gave the central city council the administrative status of a county council. Accordingly, Paragraph (3) of Section 10 stated that the central city council and the county councils were directly subordinate to the Council of Ministers. The organs of district administration were the district councils, which were directly subordinate to the central city council under Paragraph (4) of Section 10. In conformity with its status as the central city council, it

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<sup>36</sup> Act 33 of 1893; EGYED, *op.cit.*, p. 76.

<sup>37</sup> Act 18 of 1930; EGYED, *op.cit.*, p. 28.

exercised the powers granted to county councils, managed the development of the capital and the performance of public functions, furthermore, dealt with matters simultaneously affecting multiple districts. The catalogue of duties of the district councils generally corresponded to that of the city councils.<sup>38</sup>

The second Council Act (Act 10 of 1954) did not bring any changes in the relationship between the central administration of the capital and the district administration. Consequently, until the Council Act of 1971, the system of relations between the central city council and the district councils was governed by the democratic centralism, a principle based on strict subordination and superiority. In accordance with this principle, Section 1 of the first Council Act stated that "*local councils are bodies elected from among the working people in compliance with the principle of broad democracy, and, by the principle of democratic centralism, they are subordinate and superior to each other [...]*", and the preamble to the second Council Act ran as follows: "*The state-administrative organs of the councils fulfil their tasks on the basis of the principle of dual subordination: on the one hand, they ensure the execution of the provisions of superior organs and, on the other hand, they carry out, in accordance with them, the instructions of the local bodies of state power*"<sup>39</sup>

The Act 1 of 1971, the third Council Act, intended to redefine the administrative nature of the council system: Paragraph (1) of Section 2 stated that the councils are the "*bodies of the socialist state realising the power of the people by providing representation, local government and state administration based on democratic centralism.*" The principle of democratic centralism was still present, but the emphasis on the representative, local governmental and state-administrative character of the councils reflected a clear intention of decentralizing. This intention was further emphasized by the fact that the principle of subordination of the councils at different levels, as expressed in previous council acts, had been abolished. Therefore, the autonomy of the districts expanded. The "dominance" of the central city council was limited by

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<sup>38</sup> WALTER, *op.cit.*, p. 3.; Act 1 of 1950.

<sup>39</sup> WALTER, *op.cit.*, p. 2.; Act 1 of 1950; Act 10 of 1954.

Paragraph (2) of Section 17, which required the central city council to consult the district councils on its plans for development and supply, and by Paragraph (3) of Section 17, which stipulated that the central city council must consult the district councils in advance on any major resolutions concerning development and supply of the district.<sup>40</sup>

The regime change in 1990 led to the establishment of a new administrative and local governmental system, which has been founded on the principle of democratic decentralization.<sup>41</sup> Since the amendment of 1994 to the Local Governments Act, Budapest has a dual self-government system, consisting of a central municipality (the local government of Budapest) and the district governments. The relationship between the Budapest municipality and the district governments is characterised by the specific features of the system of administrative relations between the counties and the municipalities.<sup>42</sup> The provisions concerning the local government system of Budapest (as the capital) were repealed on 1 January 2013 by the Act 189 of 2011 on Local Governments in Hungary, which has been in force since then.

## 5. Summary

The idea of a unified Hungarian capital was already conceived in the reform era, but the unification of Buda and Pest took almost half a century: the Act 36 of 1872 unified the free royal cities of Pest and Buda, the market town of Óbuda and the Margaret Island, thus creating the independent municipality of the capital, Budapest. The unified capital became the centre of the country in every respect, and its special status and importance required a specific administrative organisation: the growing population and the extensive territory gave rise to the need of organising the administrative units

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<sup>40</sup> WALTER, *op.cit.*, p. 3; Act 1 of 1971.

<sup>41</sup> Gosztonyi, *op. cit.*, pp. 514–515.

<sup>42</sup> WALTER, *op.cit.*, p. 15.

of Budapest, the districts. According to the original concept of 1873, the territory of Budapest was divided into ten, and after the reorganisation in the 1930s, it was organised into fourteen districts. The concept of Greater Budapest, which had been maturing since the early 1900s, was finally implemented in 1950, dividing the capital into twenty-two districts. The last territorial change was in 1994, when Soroksár became an independent district. Since then (and still) the territory of Budapest has been organised into twenty-three districts.

The district bodies are the engine of the operation of districts, so the scope of their catalogue of competences is of great importance. The Act of 1872 limited the functions of the district prefectures, considering them merely executive bodies. The Act of 1893, which separately regulated the district prefectures, already extended the powers of the prefectures, and even established the institution of the district committee, which was an attempt to introduce local governance into the district administration. The Act of 1930, intended as a comprehensive revision of the administration of the capital, gave the office of prefect a more prominent role than ever, and brought structural changes in the organisation of the district committee. The realisation of Greater Budapest took place in 1950 within the framework of the Soviet constitutional milieu, which had a significant impact on the administrative system of the capital: for the next forty years, the district administration was governed by the council system.

The division of the united Budapest into administrative units caused a major dilemma for the legislator: where should the boundaries of district autonomy be drawn, what principles should prevail in the relationship between central and district administration? The Act of 1872 was explicitly intended to emphasise the administrative unity of the capital, and in the centralist organisation, district prefectures were regarded as merely executive bodies. The Act of 1893 did not change this setup: the prefectures continued to function under the authority of the central city council and the mayor, but they could now also interact directly in their own competence with other authorities. The Act of 1930 brought about only a formal change in district

administration, in practice the mayor took over the role of the central city council in the relationship between the central and district levels. The council acts created the regulatory framework for the administration of Greater Budapest under the council system: the central city council had the status of county councils, and the district councils had that of city councils. As regards the regulatory system of the first two council acts, the principle of democratic centralism and strict subordination and superiority dominated in the relationship between the central city council and the district councils. This principle was "loosened" by the third Council Act, which, in a sense, reflected the intention of decentralizing the administration. The new public administration system, established as a result of the regime change in 1990, was founded on the principles of democratic decentralization and local government, the characteristics of which are still carried by the Budapest Municipality and the district governments as reflected in their organisation, functioning and cooperation system.