

The Comparison of the Czechoslovak and Hungarian Electoral Law in the Light of the Hungarian Interwar Literature

Gábor HOLLÓSI

Abstract

Based on Hungarian period literature, the study presents the main features of 1920s Czechoslovak electoral law, while comparing it to the Hungarian electoral law of the same period. Those elements of Czechoslovak electoral law are highlighted that the interwar Hungarian literature covers. Likewise, the study outlines the two differing directions which – already apparent in the first decades following the world war – the development of Czechoslovak and Hungarian electoral law had taken, despite starting out on a similar footing in the wake of independent statehood. Before drawing conclusions – with a consideration of their impact on political life – the study touches upon, in both states, the structure of the legislature, the electoral system and the distribution of seats, the conditions of active and passive suffrage law and the questions surrounding the nomination process. While in Czechoslovakia “the most mathematically precise form of proportional voting was implemented”, in Hungary the admittedly manipulated electoral law ensured governability.

Keywords

Czechoslovak electoral law, Hungarian electoral law, Hungarian electoral law period literature, 1920s.

“Czechoslovakia has implemented the most mathematically precise form of proportional voting.” (Sándor Berecz, 1932)¹

Introduction

In 1918 new states came into existence on the ruins of the Austro–Hungarian Empire. On 14 November, the national assembly in Prague proclaimed the Republic of Czechoslovakia, which the countries on the winning side of WWI quickly recognized.² After the war, two different revolutions took place in Hungary – one “civilian-democratic” in 1918, the other

¹ BERE CZ, Sándor: *A tökéletes választójog [The Perfect Suffrage Law]*, Budapest 1932, 232.

² For more information, please see ROTH SCHILD, Joseph: *Csehszlovákia története a két világháború között [The History of Czechoslovakia between the two World Wars]*, Szeged 1995.

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“communist” in 1919. These were then followed by the signing of the Treaty of Trianon (4 June 1920) – the result of which was the loss of two-thirds of her territory. Both the Republic of Czechoslovakia and the Kingdom of Hungary now faced the task of organizing an independent state, which included the creation of an electoral system.

We shall see, however, that there were significant differences between the two states’ electoral laws, which could be traced to the differences in their social structure. In Czechoslovakia during the interwar period, an entrepreneurial class and a largely fragmented proletariat, which were more characteristic of modern capitalism, made up the main elements of the social structure, which by then had more in common with the more developed regions of Western Europe. The social structure was completed by a rather broad civil middle class, a modern intellectual class and a landed peasantry whose position had strengthened as a result of the land reform. The roles of the aristocracy and large landowners had ceased after the war, replaced by the economic and political hegemony of the upper middle class. As the numerically largest class, industry-based proletariat comprised more than one-third of the population. Compared to their Eastern European counterparts, these laborers were not only numerically larger, but also more highly skilled and better organized. The legal Czechoslovak Communist Party did well in the elections, and operated legally during the duration of the republic, which in itself was unique for the region.³ In contrast, Hungary – in the words of the renowned interwar period Hungarian historiographer Gyula Szekfű – was characteristic of a “neo-baroque society”⁴, the essence of which was a “baroque” rigidity, with a fawning respect for authority, hierarchy and superficiality. This manifested itself in the form of government operating during the interwar period in Hungary: a kingdom.

At the same time, however, we must recognize that during the period the Czech political elite’s conduct was typified by a particular duality. The desire to form a modern and democratic state in which each citizen enjoyed equality before the law counterbalanced the pursuit of forming a Czechoslovak nation-state. National and ethnic minorities – while unquestionably having minority rights like almost else in Eastern and Central Europe – suffered discrimination at the hands of the state. The advantage of Czechoslovakia was its consistent democratic regime during the interwar period, which moderated impact on the tendencies of nation-state building. The ethnic minority question was not the sole reason why relations between Hungary and Czechoslovakia were strained during the interwar period; Hungary’s most important foreign policy objective was to achieve territorial revision. This partially came to fruition on 2 November 1938, in the wake of the First Vienna Award. From then until 1945, southern Slovakia once again belonged to the Hungarian state. In our study, however, we focus on the 1920s exclusively; thus the consequences (such as “summonses” to join the Hungarian parliament)⁵ of the territorial revision on electoral law are not analyzed.

3 PALOTÁS, Emil – GERGELY, Jenő: Közép- és Délkelet-Európa [Central and Southeastern Europe, Hungarian language], in: *20. századi egyetemes történet [20th-Century General History]*, DIÓSZEGI, István – HARSÁNYI, Iván – KRAUSZ, Tamás – NÉMETH, István (eds.), Budapest 1999, Vol. 1. (1890–1945), 324.

4 SZEKFŰ, Gyula: *Három nemzedék és ami utána következik [Three Generations and What Follows]*, Budapest 1934.

5 1938. évi XXXIV. törvénycikk a Magyar Szent Koronához visszacsatolt felvidéki területeknek az országgal egyesítéséről [Act XXXIV of 1938 on the annexed Slovak Highlands’ reunification with the Holy Crown of Hungary, Hungarian language], online: <http://1000ev.hu/index.php?a=3¶m=8089> (Downloaded 13 September 2016).

References to Czechoslovak electoral law in the Hungarian literature ensued after the consolidation, by which time the criticism of the era's definitive Hungarian law of 1925⁶ had been brought to the fore. Sándor Berecz's⁷ book was published in 1932, and was unique in that it foremost analyzed foreign electoral laws – Czechoslovakia's, among others – in order to hasten suffrage reform in Hungary. Tihamér Acsay's 1934-published book also made reference to foreign suffrage, with somewhat less emphasis. We therefore shall present Czechoslovak electoral law of the period as the Hungarian sources from the period considered it.

We must emphasize, however, that the mentioned works should not be considered as comparative studies in the modern sense since they only describe the foreign examples (Berecz), or simply reference them (Acsay). Nor did the authors need this perspective, since the experts and politicians – for whom the books had been produced – were all well-versed and familiar with the Hungarian electoral law (and its peculiarities) that was in effect. From a distance of ninety years, however, even 1920s Hungarian electoral law is shrouded in the fog of time; therefore, with the historian's perspective, we have completed the comparison post factum – with Czechoslovak considerations, in the present work. The basis of the comparison from the Hungarian side is formed by the Electoral Act of 1925, whose most important aspects had become law via decree in 1922,⁸ and would define the Hungarian electoral system until 1938.

The Legislature's Structure

On 29 February 1920, the revolutionary National Assembly, established a bicameral legislative body that copied the 1875 French Constitution's model. There was little difference between the two houses of the new National Assembly, the Senate worked as the second

6 1925. évi XXVI. törvénycikk az országgyűlési képviselők választásáról [Act XXVI of 1925, Concerning the Election of the Representatives of the Parliament, Hungarian language], online: <http://www.1000ev.hu/index.php?a=3¶m=7637> (Downloaded 25 March 2016).

7 Sándor Berecz (Szentes, 17 November 1891 – Budapest, 8 May 1959) studied to become a teacher and lawyer. During the interwar period he was one of the most influential Hungarian experts on electoral law. With exemplary language skills, he studied in Budapest, Leipzig, Berlin, Strasbourg and Paris, where he attended the Sorbonne. He worked as a journalist, becoming a Paris correspondent. After WWI he returned to Budapest, where he continued to work as a journalist, and later as a newspaper editor. In the meantime he finished law school. In 1932 Berecz, who was politically conservative (see *Memorial Album on the Occasion of the Tenth Anniversary of Count István Bethlen's Prime Ministership*), published his life's master work *The Perfect Electoral Law*, which was the culmination of twenty years of research. The tome is an exceptional work among the Hungarian professional literature of the time because of its detailed analysis of various states' electoral laws. Berecz not only used the available source materials (among many others, Karl Braunias' *Das Parlamentarische Wahlrecht*), he also corresponded with various foreign parliamentary bureaus and ministries. His goal was to provide a foundation for his own electoral law proposals by using foreign electoral laws. With its many comprehensive comparisons, his book became the electoral law bible for Hungarian members of parliament during the 1930s. Time and again Sándor Berecz's name came up during parliamentary debates on electoral law. *Keresztény Magyar Közéleti Almanach* [*Christian Hungarian Public Life Almanac*], HORTOBÁGYI, Jenő (ed.), Budapest 1940, Vol. 1, 92–93.; GULYÁS, Pál: *Magyar írók élete és munkái* [*Lives and Works of Hungarian Writers*], Budapest 1940, Vol. 2, 1233.

8 A m. kir. minisztérium 1922. évi 2.200. M. E. számú rendelete, az 1922. évben összeülő nemzetgyűlés tagjainak választásáról [Decree 2.200 of 1922 of the Royal Hungarian Ministry, Concerning the Election of the Members of the National Assembly], in: *Magyarországi Rendeletek Tára 56* [*Compilation of Hungarian Decrees 56*], 1923, 14–70.

edition of the House of Representatives. Thus from a political party perspective, both houses of parliament were a near mirror image of the other, since they were both the result of the same electoral law. The three hundred members of the House of Representatives were elected to six-year terms, which qualified as the longest term for a representative in Europe at the time.⁹

In Hungary, a temporary legislative body, the unicameral “National Assembly” functioned from the time of the 1918–1919 revolutions until 1926, from which time a “Parliament” was elected, and whose upper house was thusly reorganized.¹⁰ The number of representatives was finalized in act only from 1938,¹¹ because of a delay in electoral district reform, from which time 260 representatives were seated in the Hungarian parliament. The members of the Hungarian Upper House were not elected via universal suffrage. Rather it was based on either their rank (honor), office, election by county or municipal general assembly, business or cultural institutions, or via appointment. In Hungary a term ran for only five years.¹² When compared to the shorter European terms of the time, which ran for four or sometimes three years, even that was too long.

The Electoral Systems

In 1920 Czechoslovakia implemented a proportional (list) electoral system for both houses of the National Assembly.¹³ The Hungarian Electoral Act of 1925 applied the list electoral system only to Budapest and its surrounding areas, and those cities having more than one seat (seven larger cities in total). Everywhere else – where only one representative would be elected – individual candidates ran.¹⁴

In Czechoslovakia voting took place in twenty-two electoral districts (actually in twenty-three, as Prague was divided into an “A” and “B” half), with each district having from six to forty-eight representatives.¹⁵ In Hungary the simple majority system was used in 199 electoral districts (only one representative was elected from these districts), while in eleven list districts a total of forty-six representatives were elected via the proportional electoral system.¹⁶ The Electoral Act of 1925 meant to implement the countrywide list for a temporary

9 BEREZ, 91, 239, 321. Berecz also does not note that the 150 members of the Czechoslovak senate are elected to nine-year terms.

10 1926. évi XXII. törvénycikk az országgyűlés felsőházáról [Act XXII of 1926, Concerning the Upper House of the Parliament, Hungarian language], online: <http://www.1000ev.hu/index.php?a=3¶m=7682> (Downloaded 26 March 2016).

11 1938. évi XIX. törvénycikk az országgyűlési képviselők választásáról [Act XIX of 1938, Concerning the Election of the Representatives of Parliament, Hungarian language], online: <http://www.1000ev.hu/index.php?a=3¶m=8074> (Downloaded 25 March 2016).

12 1925. évi XXVI. törvénycikk [Act XXVI of 1925], par. 177.

13 BEREZ, 91, 146, 262. ACSAY, Tihamér: *Lajstromos szavazás egyéni választással. A választójog kérdései [List Voting with Individual Elections. Questions about Electoral Law]*, Budapest 1934, 37.

14 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 13. (1). We note that in 1919 the electoral law of the People's Republic of Hungary (People's Act XXV) implemented a list system exclusively. The National Assembly that had convened the constitutional convention did not get elected.

15 BEREZ, 91, 262.

16 BEREZ, 25. We note that according to the electoral law of 1938, 135 representatives were to be elected as

time only; thus, it was not considered as an integral part of the system. For the law allowed the Ministry of the Interior to reduce the number of electoral districts by ten percent until a special act would finalize the number of districts; until then, however, no change to the number of representatives was forthcoming. The remaining “surplus” representative seats were to be filled by the parties’ countrywide lists.¹⁷ In Czechoslovakia voting was secret and mandatory. Exceptions were made, however, if the voter was more than seventy years old; could not make his way to his polling place due to illness or disability; or was at least one hundred kilometers away from his polling place on the day of the election.¹⁸ In Hungary list voting was secret and mandatory. On the other hand, the voting for individual candidates was public and optional.¹⁹ In Czechoslovakia, since each list had its own ballot, the voters – in an effort to curtail election fraud – had to show their ballots before they could vote for a party.²⁰ In Hungary every list had to be shown on the ballots of the list voting districts. In individual voting districts, only hearing-impaired and aphonic voters used ballots, which the delegation chairman read aloud.²¹ Lists were closed in both Czechoslovakia and Hungary; the voters could not make any changes to the order in which the candidates were listed.

The Conditions of Active and Passive Suffrage Law

In Czechoslovakia the members of the House of Representatives were elected on the tenets of universality, equality, directness and secrecy by men and women at least twenty-one years of age who had lived in their municipality for at least three months.²²

In Hungary, the first condition for active suffrage was Hungarian citizenship, but the fact of citizenship was not strictly sufficient for the fulfillment of this condition. The Law of 1925 limited the franchise to only those individuals who had been citizens for at least ten years before the election.

The second condition for suffrage was that the citizen had been living in the same settlement for at least two years before the election. It is interesting to note, however, how many exceptions there were to this rule. The 1925 law did allow for everyone a one-time change of residence during the period of exclusive residence. When such a situation arose, the calculation of the duration of time for the required exclusive residence was done such that the time before the change of residency was taken into account. Moreover, any length of

individual candidates and 125 from list districts. From that point, every jurisdiction (county) became a list district, and the law required that within each list district there be an individual electoral districts. The number of the latter was established by the minister of the interior via decree.

17 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 12. (2), (3).

18 BERE CZ, 91.

19 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 13. (2), 14.

20 BERE CZ, 242.

21 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 74. (3), 75. (5).

22 BERE CZ, 46, 91. On the basis of the 1919 Hungarian suffrage decree, the members of the National Assembly were elected by men and women at least twenty-four years of age, in a universal, equal, direct and secret-balloted vote. A magyar kormány 1919. évi 5.985. M. E. számú rendelete, a nemzetgyűlési, törvényhatósági és községi választójogról [Decree 5.985 of 1919 of the Hungarian Government, Concerning National Assembly, Municipal and Local Suffrage Law], in: *Magyarországi Rendeletek Tára 53 [Compilation of Hungarian Decrees 53]*, 1919, 879–881. However in 1922, the below interpreted regulations came into force via decree.

time of residence was sufficient for public officials, teachers and clergy; for those who had graduated from middle school and were permanently employed; as well as the members of the National Association of Actors and for the wives of the above listed categories.

Men had to be at least twenty-four years of age, while for women the minimum age requirement was thirty years, for active suffrage. This was the 1925 Law's third age-related requirement. At the same time, irrespective of age, all individuals who had finished university or college qualified for suffrage.

Education assessment was the right of suffrage's fourth element. Accordingly only those men who had finished fourth grade in elementary school were eligible to vote. For women the requirement was having finished sixth grade. An exception to this rule was the woman who either had at least three legitimate children; which also included those children who had laid down their lives in WWI, or could support herself financially. For her, the education requirement also was having finished fourth grade.

In Czechoslovak elections, active-duty soldiers could not participate; however, they were not precluded from being elected as a member of the House of Representatives.²³ By contrast, in Hungarian elections, serving members of the armed forces and Gendarmerie, police, coast guard and customs officials had neither active nor passive electoral rights.²⁴ Both in Czechoslovakia and Hungary, in order to be elected as a representative, a candidate had to be at least thirty years of age. In Hungary all of the prerequisites listed above also had to be met, in addition to the age requirement.²⁵ Nevertheless, only those individuals had passive electoral rights in Czechoslovakia who had had citizenship for at least three years. It was also specified that any individual who had occupied the old position of either Landespräsident (provincial executive) or Bezirkshauptmann (district head) was barred from being elected.²⁶ There was a similar regulation in effect in Hungary, where the officials in the leadership capacity (lord lieutenants and chair judges) were impacted. However in Hungary judges, prosecutors and the election committee heads were also excluded.²⁷ It was a unique Hungarian element that the ex-commissars of the Republic of Councils,²⁸ the ex-members and ex-prosecution commissioners of the revolutionary court of justice could not be elected.²⁹ Otherwise, civil service in Hungary was no barrier to being elected to the Parliament; upon his election, however, the representative-elect was required to leave his civil service occupation.³⁰

23 BEREZ, 91.

24 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 6.

25 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 9. (1). According to Act XIX of 1938 par. 55. (1), additionally an occupation was required, after which the individual had to pay a direct tax, except if he had been a representative earlier.

26 BEREZ, 46, 91.

27 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 11.

28 Period name: Hungarian Soviet Republic, 21 March 1919 – 1 August 1919.

29 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 10. (1) 6.

30 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 182.

The Nomination System

In the Czechoslovak system, a given nomination list needed the support of one hundred voters. The signature of the candidate concerned was not counted (included) on the recommendation slip. The candidate had to declare an acknowledgement of his nomination, his ethnic background and that he would neither run as a member of another party nor in another district.³¹ In Hungary, in those individual districts numbering at most ten thousand voters, the signature of at least 10 % of the voters was necessary, while in those districts with a voter population above ten thousand, a minimum of one thousand voter signatures was needed to run the candidate. However, if the candidate had been a member of the National Assembly already, that is, if the candidate was running for reelection, then all he needed was 5 % (individual district number maximum ten thousand voters) or the signature of five hundred voters (districts with a voter population above ten thousand). 10 % of the voters could nominate a local list, but at most five thousand voters who had the right to vote in the respective list electoral district. Only those individuals could be nominated who had their nomination declaration authenticated by a public notary or municipal magistrate.³²

In Czechoslovakia the maximum number of candidates that could be on a nomination list was the number of representatives to be voted for in that given voting district. It was also required to name a trustee. The nominations had to be submitted to the electoral district committee no later than sixteen days before the day of the election.³³ In Hungary in the case of a list election, the number of candidates on a list had to match the number of representatives and alternate representatives that could be elected from the given district. The nomination had to be submitted to the election commissioner eight days before the election.³⁴

In Czechoslovakia the election committee head, appointed by the minister of the interior, oversaw the nominations, but the electoral district committee was responsible for the decisions. This committee was made up of ten–twelve members (backed up by an identical number of alternate members) who were likewise appointed by the minister of the interior. The pool of potential committee member candidates consisted of the participating parties' trustees. The makeup of the central electoral committee was similar to the individual voting district electoral committees: Its head was an official commissioned by the minister of the interior, while committee members were made up of the participating parties' delegated trustees, who were then appointed by the minister of the interior. Other trustees could also participate in the committee conferences, although they did not enjoy any voting privileges. Fourteen days before the election, the central electoral committee would meet to finalize the nomination lists. During this process, the committee head would summon the trustees of any parties whose names were deemed too similar (and therefore easily confused) to come to a naming agreement. The trustees would have twenty-four hours to iron out their differences; otherwise the committee would decide. In this same manner he summoned

31 BEREZ, 127, 262.

32 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 62. (2), (4), (5), 93. (2).

33 BEREZ, 127.

34 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 62. (3), 93. (4).

those trustees who represented party lists that, despite their differing monikers, were actually one and the same. These trustees were given twenty-four hours to harmonize their name; otherwise the committee would treat the individual party lists as separate entries. Determining the order of the lists was determined by drawing straws; this information was imparted no later than ten days before the election via the official bulletin.³⁵

In Hungary a law-school-trained judge would review the nominations. He was the election commissioner of an electoral committee which consisted of a committee head, himself, four additional members and alternate members.³⁶ The voters handing in the nomination had the right until the start of the election to name two confidantes in each voting area on behalf of the party to monitor the legitimacy of the election. In list districts, they had the right to name a trustee and an alternate trustee in the nomination for representation of the signatories and candidates against the electoral committee.³⁷

In both countries it was a similar practice to submit a countrywide list only after the elections. In Czechoslovakia the political parties submitted these on the so-called second *skrutinium* (the three *skrutiniums* will be discussed in greater detail later); any number of candidates could appear here, the limiting factors being that the candidate had to have already run in a voting district but not won a seat.³⁸ In Hungary, however, the parties had to submit the lists to the president of the House of Representatives in the six days following the election. For a countrywide list, the same number of representatives and half that number of alternate representatives were nominated on the basis of how many representative seats the countrywide list allowed for.³⁹

It was a unique feature of the Czechoslovak electoral system that every political party had to make a deposit covering half the amount of the copying costs of the voters' lists no later than fourteen days before the election. Those parties that failed to win any seats were obligated to pay the other half of the copying costs. On the other hand, if the party did manage to win some seats, then the state assumed the other half of the costs. The Hungarian electoral system did not make use of this solution, although in 1937 a candidates' election deposit was introduced in Hungary, which referred to a predetermined amount that should be paid before the nomination.⁴⁰

The Distribution of Seats

The proportionality of the Czechoslovak electoral system is considered as a noteworthy feature in the Hungarian literature of the time. That is also the reason why we have chosen to describe it in detail below. In Czechoslovakia seats were distributed in three separate steps called *skrutiniums*.

35 BEREZ, 127.

36 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 53. (4), 62. (20). In locations where a list election was held, the decision to accept the nomination was for the election committee to make. Par. 93. (6).

37 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 64. (1), 93. (5).

38 BEREZ, 243.

39 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 12. (7).

40 1937. évi VIII. törvénycikk az országgyűlési képviselőjelölés újabb szabályozásáról [Act VIII of 1937, Concerning the Further Modification of the Nomination Process for the Representatives of the Parliament, Hungarian language], par. 4., online: <http://www.1000ev.hu/index.php?a=3¶m=8035> (Downloaded 6 April 2016).

The first skrutinium was performed by the voting district committees, which initially calculated a proportional number. Therefore it was very important that the proportional number was initially done on the level of the voting district in Czechoslovakia. These numbers were calculated by dividing the total number of votes cast in a given voting district by the number of seats that voting district had. The number of times the proportional number went into the votes cast for a given party was the number of seats that party received in that voting district. As was often the case, the division produced fractional results, which meant that there were leftover votes that did not lead to seats. These remaining votes were dealt with in another manner.

The remaining votes, however, had value only if certain qualifications were met. If a party failed to receive twenty thousand votes in any of the voting districts or else failed to cross the electoral quotient (proportional number), if that was fewer than twenty thousand, then that party could not participate in the second distribution (skrutinium) of seats. And if that given party failed to cross the national electoral quotient, then its votes were not utilized in the third skrutinium.

The second skrutinium was carried out by the central electoral committee on the eighth day following an election. As part of this process, the committee first established the number of remaining seats. This was done by tallying the total number of remaining votes of all the parties and then dividing that sum by the average of all the districts' proportional numbers. The next step was to determine the second skrutinium's proportional number, by dividing the sum of the remaining votes by the previously determined number of seats plus one. The number of times the proportional number went into a given party's countrywide remaining votes determined the number of seats that party would receive. Any seats remaining unfilled in the second skrutinium were distributed based on the largest fractional (non-whole) residuum by party. However, if the number of seats distributed exceeded the number of actual seats in the parliament by one, then the party with the lowest fractional residuum lost one of its seats. Therefore an election did not always go to a third skrutinium. These occurred only when the number of seats distributed during the second skrutinium did not reach the number of total seats available.

During the third skrutinium, first the number of unfilled seats had to be determined: the number of seats filled was subtracted from three hundred (the total number of parliamentary seats). Only after this, did the process become truly complicated. The political parties were divided into four groups: (1) minority parties taken into consideration during the second skrutinium, (2) any other parties participating in the second skrutinium, (A) minority parties not participating in the second skrutinium that represented minorities that had also been represented by other parties in the second skrutinium and (B) any other parties not participating in the second skrutinium (therefore a minority party in part!). Let us clarify here at the beginning that only the first two groups could qualify to fill seats; the latter two were included to make the below calculation possible.

The seats were first distributed not among the political parties, but rather among the (1) and (2) groups; however, in order to do that, a proportional group number had to be calculated. This was done by dividing the total number of votes cast in the entire republic for the parties not taken into consideration during the second skrutinium (the parties making up groups /A/ and /B/) by the number of seats still available. After this it was possible to calculate the number of

seat that groups (A) and (B) would receive, by dividing the total number of votes cast for each group by the proportional number. As we have already noted, the seats were not awarded to groups (A) and (B); instead the seats calculated for (A) were awarded to (1), and the seats calculated for (B) were awarded to (2). If any seats remained unfilled, those were distributed according to the largest fractional residuum by party.

Finally the number of seats awarded to each individual party was calculated. In order to do this, first an intragroup proportional number had to be determined. This was calculated by dividing the number of votes cast for (1) by the number of available seats within the group plus one. This was then repeated for (2). The number of seats a given party received was determined by the number of times the intragroup proportional number went into the total number of votes cast for that party. As we can see, the Czechoslovak electoral system functioned with four different proportional numbers.

Sándor Berecz believed that this type of electoral system, because of its use of proportionality, would not have had a detrimental impact on the interests of national minorities if the allocation of the electoral districts had not varied from the Czech-majority areas.⁴¹ In Hungary national minorities as a proportion of the total population became negligible following the Treaty of Trianon. However, the large Monarchy-Era voting districts that had been drawn wherever an independent candidate had been expected to win remained.⁴²

In Hungary seats from list districts were also distributed using the proportional number and largest fractional residuum principle. Only a nationwide proportional number needed to be determined, which was calculated by dividing the number of votes cast by the number of seats. The number of seats won off a list (by a political party) was determined by the number of times the proportional number went into the total number of votes received by list. If any seats remained unfilled, those were distributed according to the largest fractional residuum by political party.⁴³

In the Hungarian system a share of the countrywide list seats meant a premium to the major parties, which is to say, that the countrywide list at that time did not play a compensatory role. In Hungary the seats that could be filled from the countrywide list were also divided up among the parties based on the proportion of the vote received, but countrywide list seats belonged exclusively to those parties which were capable of organizing nationally, and from which at least ten candidates had been validly nominated.⁴⁴

In Czechoslovakia, in all three scrutiniums the seats were awarded to the political parties in the order that their candidates were listed. Moreover, the candidates who followed a successfully elected candidate on the list became alternate representatives.⁴⁵ The concept of the alternate representative – which made by-elections unnecessary – was also recognized by Hungarian

41 BEREZ, 242–248.

42 In one of his parliamentary speeches, future prime minister Gyula Gömbös (1 October 1932 – 6 October 1936) hinted at this: “This district gerrymandering originates from a time when the national resistance had to be broken.” The Hungarian National Assembly’s 415th session, Monday, 25 May 1925, in: *Nemzetgyűlési napló* [The Chronicle of the National Assembly], 1922; 14 May 1925 – 3 June 1925, 32, 153.

43 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 98. The Electoral Act of The People’s Republic of Hungary (People’s Act XXV) used the D’Hondt method in 1919.

44 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 12. (5).

45 BEREZ, 244.

electoral law in list districts. In Hungary among the candidates on any list, there could be only as many alternate representatives as there were seats in a given electoral district.⁴⁶

The Representatives' Honorarium

The Hungarian period literature – since the representatives' honorarium was a sensitive subject even then – only hints that the honorarium of a Czechoslovak representative was a monthly five thousand korunas. The vice presidents were eligible to receive an allowance of one thousand korunas, while the honorarium of the president was equal to a ministerial salary.⁴⁷ It is also worth noting the Hungarian precept that any public service employee who was elected as a member of parliament received that amount in honorarium which he would have been entitled to had he retired from that public service position. At the end of his term as a member of parliament – since he had to be moved back into his former position – he had to be provided with a salary commensurate with his earlier job.⁴⁸

The Electoral Systems' Political Footprint

While Berecz focused mainly on the mathematics of the Czechoslovak's system, going into tremendous detail to explain how the results of the 1925 Czechoslovak election were calculated, Acsay – who wanted to implement the list system in Hungary – used the Czechoslovak system as an example, highlighting its advantages, but also making note of its shortcomings, namely the formation of micro political parties.⁴⁹ We should note that the phenomenon of parliamentary fragmentation can be traced back to the fact that an "electoral threshold" had not yet been implemented in the Czechoslovak (or Hungarian) electoral system.

In Czechoslovakia at the time of the revolutionary National Assembly, coalition governments operated; moreover, the results of the 1920 election necessitated the continued use of this form of government.⁵⁰ Nevertheless, these coalition governments proved to be longer lasting in comparison to other countries'. Berecz gave three reasons why this was so. One of these was the President of the Republic Tomáš. G. Masaryk's personality, whose absolute authority greatly impacted the political parties. Another reason was strong nationalism and the influence that certain organizations (e.g. Sokols) had on the political parties. The third reason was the Czechoslovak Agrarian Party, which was a constant among the myriad other parties. The party's talented leader Antonín Švehla (in the text of Berecz: Srehlár!) was capable of assuming the head of government at any time. Despite all this, the need for a caretaker government sprang up from time to time. At the time of Jan Černý's (Berecz: Czerny) first caretaker government – which came to power on 15 September 1920 – a "Petka" a five-man committee composed of leaders from the government and the majority political

46 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 13. (3).

47 BERE CZ, 328.

48 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 182. (5), (9), (10).

49 ACSAY, 63.

50 The election for the House of Representatives took place on 18 April 1920, while the election for the Senate took place on 27 April.

parties, was organized that ensured a parliamentary majority while also fairly addressing the heterogeneous interests of the various parties involved. In time the “Petka” supplanted the government as the leading political force.

In 1924–1925 party infighting led to a political falling out, reaching the point where the parliament was unable to solve the issue concerning agricultural tariffs. Before new elections could be held, however, an electoral law amendment was passed, the purpose of which was to put up obstacles for the party factions. The amendment established that in the second distribution of seats only those political parties qualified that had received at least one seat in the first distribution. Other steps were also taken to strengthen the larger parties. For according to the amendment, the votes of those political parties that failed to get any seats in the first distribution would be awarded in favor of the large political parties in the third distribution. As a result in the 1925 election thirteen micro political parties failed to qualify for the parliament, with their votes (4.8 % of the total) being shared among the large parties. Having learned from their mistakes, by the time of the 1929 election, the micro parties had either formed an alliance with each other or joined one of the larger parties. In that election only three political parties did not receive any seats in the first distribution, which meant the votes shared among the larger parties were worth but a single seat (accounting for a mere 0.26 % of the total). The decrease in the number of parties receiving seats in the 1929 election was deceiving, however, since those sixteen parties had them filled by the representatives of twenty-four different political parties. According to Berecz, the explanation for the large number of Czechoslovak political parties lay in the diverse rationales for their formation. In addition to the “old world” political parties (consisting of liberal national democrats, catholic popular parties, social-democrats and national socialist parties), economic-interest parties (such as agrarian and industrialist ones) began to arise. Some of these parties also organized based on their national character, be it Czech, German, Slovak, Hungarian or Polish.

In Czechoslovak governmental affairs the political parties played the decisive role. Although the “Petka” had ceased to exist, during the latter half of the 1920s, every major issue was initially debated by a committee which was delegated by the coalition parties. Every party’s delegated minister of the coalition also participated in these gatherings. The constitutional role of the political parties was also recognized by the electoral judge, for if a representative quit his party, on whose political platform he had been elected, he was required to give up his seat. That part of the law applied that stated that a representative was required to give up his seat if his resignation from the party was a result of ignominious or dishonorable behavior. Every representative was required to sign a written statement that it was his responsibility to resign his seat if the party leadership requested it. If a representative failed to comply, then it was determined that he quit the party because of ignominy or dishonor. The judges of the electoral court were appointed by the parliament, which thus determined the judicial body’s sovereignty.⁵¹ We shall note here that in Hungary the administrative court brought judgments in election-related matters, the members of whose acting body could not also be a member of the National Assembly’s upper house.⁵²

51 BEREZ, 239–242.

52 1925. évi XXVI. törvénycikk [Act XXVI of 1925] par. 104. (1). As per the 1922 electoral decree, the Hungarian National Assembly was temporarily made the judicial body of the election of the members of the National Assembly.

In Czechoslovakia the committees concerned with conflicts of interest were chosen by the two houses, but these never actually met. The Conflict of Interest Act – which was enacted in 1924 at the time of the infamous liquor scandal as a response to public pressure, and outlawed representatives from taking on any type of leadership role at a large company – was, in Berecz's words, "a dead letter". Hungary's Conflict of Interest Act dated back to the Monarchy,⁵³ but likewise did not work as effectively as hoped. As late as the debate on the 1937 electoral law amendment, the opposition demanded that the government present the Conflict of Interest Bill as the fourth constitutional bill, in addition to the pieces of legislation concerning the extension of the regent's power, the extension of the upper house's power and the bill that would make voting secret in every electoral district.⁵⁴

Berecz believed that the Czechoslovak electoral system was the best way to guarantee rule by political parties because it made it impossible for the voters to select the representatives and senators. Thus modifying the electoral system was not in the interests of the large parties. In the meantime only the military's right to vote was abolished, which the German coalition political parties had requested. They feared that large numbers of Czech garrisons, if stationed in the areas where the German (and other) minorities lived, would create Czech majorities.

Electoral law in Post-Trianon Hungary developed from a similar starting point as Czechoslovak suffrage law: the members of the National Assembly were elected in 1920 on the basis of universal, equal, direct and secret-ballot voting, and neither prime minister, Pál Teleki nor István Bethlen, could assemble a stable parliamentary majority for his first government. In 1922 the two-year term of the National Assembly ended such that the intentionally late submitted suffrage bill could not be voted on, allowing Bethlen to pass it via decree upon the dissolution of the National Assembly.⁵⁵ The bill – with some modifications – was then passed by the new National Assembly.

The point of Bethlen's reforms was to bring about a government that could not be toppled, yet maintained the nature of multiparty pluralism.⁵⁶ On several occasions Bethlen said that the mechanical use of the principle of majority rule would lead to "raw" mob rule, which was incapable of governing the country, as a lack of higher education and diminished social conditions worked to the detriment of its long-term decision making in favor of the present. According to his view, if this did happen – taking into consideration the 1918 and 1919 revolutions – anarchic conditions, a dysfunctional state or a dictatorship would develop. Therefore the control of the country had to remain in the hands of "the intelligent leadership class".⁵⁷ Bethlen's conception embodied manipulated suffrage law, which originated from the fact that the ruling party's main voting base was public-balloted – which is to say, the relatively easily manipulable – countryside districts. So the principle of simple majority rule was approved in these places. In the secret-ballot cities, however, a list system was implemented in an effort to save the pro-government votes of the also-rans; moreover the law exclusively mandated

53 1901. évi XXIV. törvények az összeférhetetlenségről [Act XXIV of 1901, concerning conflicts of interests, Hungarian language], online: <http://www.1000ev.hu/index.php?a=3¶m=6838> (Downloaded 25 April 2016).

54 Tibor Rakovszky's remarks in the House of Representatives on 24 February 1937. In: *Képviselőházi Napló [The Chronicle of the House of Representatives]*, 27 April 1935.

55 BÖLÖNY, József: *Alkotmányjogi értekezéslet és oktrojált választójog [Constitutional Law Session and Imposed Electoral Law]*, Budapest 1935.

56 PÜSKI, Levente: *A Horthy-rendszer [The Horthy System]*, Budapest 2006, 102, 112.

57 ROMSICS, Ignác: Bethlen István konzervativizmusa [The Conservatism of István Bethlen], in: *Móra Ferenc Múzeum Évkönyve, 1988 [The Yearbook of the Ferenc Móra Museum, 1988]*, Szeged 1989, Vol. I, 324.

voting participation for all who were eligible there; also through the use of secret balloting, the ruling party's voters would not be negatively influenced, and finally, by its very nature, the list system closed off any possibility for independent (nonparty-affiliated) candidates.⁵⁸ Government statistical polls from the period show that the class of civil servants and the agricultural land owners among those eligible to vote was overrepresented nationally, while the servant and farm labor class was severely underrepresented. This was in accordance with the government's intentions.⁵⁹ Nevertheless, during the Bethlen era the percentage of the total population who was eligible to vote was between 27–30 %, which cannot be considered as a drastically poor indicator: with this percentage Hungary was in the middle of the European field, together with Belgium, France and Switzerland.⁶⁰ Women's suffrage was a progressive element of the Hungarian system (for example, in France women received the right to vote only following WWII), while public-ballot voting – which was considered outmoded even for illiterates – went against the European current. The formation of Hungary's interwar governments seemed admittedly stable – the Bethlen administration's time in office was precisely ten years, four months and ten days.

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58 PÜSKI, 107, 112.

59 PÜSKI, 104.

60 PÜSKI, 103.

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Author

Dr. Gábor Hollósi, PhD.
VERITAS Történetkutató Intézet
VERITAS Research Institute for History
Nádor utca 36. V. emelet, 1051 Budapest, Hungary
gabor.hollosi@veritas.gov.hu