

NATIONAL UNIVERSITY OF PUBLIC SERVICE

Doctoral School of Public Administration Sciences

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Hungarian Museums and Legislation

(1777–2010)

Doctoral (PhD) Thesis

THESIS BOOKLET



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The thesis is methodologically based on the provisions having the status of law which present the material considered as the primary source material in an analytical and evaluative way: with regard to the legislator's intentions and the impact of the legislation; thus it is different (partly more partly less) than traditional museological-museum history summaries, but largely built on their achievements. Therefore, my thesis cannot be regarded as the history of Hungarian museums, but rather the history of museum legislation in Hungary. In my work, I relied on Hungarian and major foreign language literature of the subject: in the thesis, besides the classical museological summaries, I used chapters from the cultural management manuals for museums. The results of my research could be summarized as follows:

1.) The legislation regarding Hungarian museums belongs to the particular part of administrative law, the law of human public services and, in particular, to the field of cultural administration. Sector and task-specific laws and regulations that often change cover most of the legal norms of museums: sectoral legislation defines the material, procedural and organizational norms applicable. Apart from the period between 1949 and 1990, the situation of Hungarian museums has been classified into a European group of museum management, and since 1929 it has been one of the countries with a higher degree of centralized and uniformly regulated museum network.

2.) Museum affairs have traditionally been a subject area for the management of public collections — ie the libraries and archives. Nevertheless, apparently in these three sectors only one single sectoral and common law was adopted (in 1929), and each party sought to pursue an autonomous code of conduct (sectoral law), with different success in terms of sector and age, according to their perceived or real lobbying power. Museum affairs have gained more common rules with heritage protection, and it has changed in the course of time with

which elements of the triad of classical heritage protection (protection of monuments, archaeology, cultural goods).

3.) The types of European museums can be distinguished by their collection subject and / or collecting area. The author, József Korek, has defined four museum types: Art Museums (A), Historical Museums (B), Ethnography Museums (C) and Natural Science and Technical Museums (D) in his museology summary still used up to now as a university textbook as the only comprehensive work. This categorization essentially based on disciplines and subjects can look quite schematic, but it can be used well on the basis of the main characteristics of each basic type. If we take into account the collection area instead of the collection subject, we can distinguish between universal (with worldwide collecting activities), national or nationwide (actually collecting within the borders of a country), and regional (provincial, county, district) and municipal museums.

4.) In the first half of the 19th century, a new museum ideal emerged in the Habsburg Empire: the national / provincial museums serve the nation's needs and education, promote its glory, and their collections are owned by the nation. They cooperate with educational institutions and generally provide the promotion of homeland, language, literature and history, as well as the dissemination of literary heritage. In the empire, for the first time, a museum of that kind was established in Hungary.

5.) Maria Theresa's educational regulation, **Ratio Educationis** (1777), took advantage of the legal loophole that says regulating and managing the issue of public education and culture is a royal sovereignty, and thus does not fall within the scope of ordinary law-making. In fact, of course, all that happened was that the royal authority took over a duty that was not yet known in legislation in the Middle Ages, and therefore the orders with a rigid legal approach (or rather the

nobility in the lower house) hardly could have claimed. Of course, this also had an impact on science policy and culture in close contact with education.

6.) On the other hand, not to be overlooked that the Ratio — unlike the Austrian sample — attributed much greater importance to the teaching of history, especially to the history of Hungary. This was novel compared to previous Hungarian education! In Vienna this approach was mostly disapproved, although the usefulness of civic knowledge was clearly beyond doubt. It is no coincidence that the Department of History of the University of Nagyszombat (now Trnava, Slovakia) was established only after the university was assigned to state administration in 1770. After a few years, Ratio foresaw additional departments with a historical ancillary profile. One of them was the Department of Numismatics and Antiquity. To supervise this department and the collection of coins for collecting numismatic relics of Hungary, one of the tutors of the university library, István Schönwisner, was appointed. The collection rebuilt by Schönwisner remained until the second half of the 19th century the most significant collection of coins in the country, but due to its nature for educational and educational purposes, it could not become a museum accessible to the general public.

7.) The statutes of the National Museum of Hungary (**Act XXIV of 1807, Act VIII of 1808**) were irregular and incomplete: the status of the institution failed to be settled because *expressis verbis* it did not state that it was not a royal but a cultural institute under protection and control of the orders. On the other hand, Archduke Joseph did not feel the need to request another royal confirmation. Thus, the relationship between the National Museum and the National Széchényi Library was somewhat obscured, and more specifically, the latter became the member institution of the former (and not merely its organizational unit), the status of which was different from that of the other archives. Nevertheless, the rights of the founder Count Széchényi on

appointments were not taken into consideration in 1810 either. After the founder's objection, Jakab Ferdinánd Miller director in 1812, directly outlined the legal position that the Count's founder rights acquired in 1802 were eliminated by the establishment of the new institution by the parliamentary recognition and thus the only practitioner of the appointment right was the President of the Museum, Archduke Joseph. Later on, at least for the library, the founders' rights were in force until the end of the 19th century.

8.) The museum laws issued in the era are largely concerned with the preservation of the names of those who gave donations to the National Museum (the already mention 1807 and **Act No. XXXV of 1827**, furthermore **Act XXXVIII of 1836**). The court was only willing to finance institutions of their interest from the royal treasury, so the National Museum lacked a state-guaranteed annual institutional budget. The foundation and maintenance of national cultural institutions (Hungarian Academy of Sciences, National Theatre) was mostly financed from donations; donations were therefore necessary to be recorded. The two forms of individual, voluntary offers are known (*oblatio*): in the first case, a person has donated his own collection to the country or set up a foundation for the establishment, maintenance and development of a national institution. In the second case, a national collection was initiated by a resolution of the Parliament or individual (possibly county) initiative, in which case the contribution could be money or capital (in the latter case with an annual interest), or real estate (land, building). The system of financing is shown in **Act XXXVII 1836**: in this case, once again, cash was offered to the parliament for the purpose of building museums and establishing collections. It is no coincidence that the subsequent law already recalled individual donors. By the end of the era, this *subsidiaris* financing system, which contemporaries regarded as unpredictable and obsolete, considered to be wasteful and unprofitable, had become overwhelming.

9.) The report of the Chairman of the museum to be presented to the Parliament was an important legal institution: the deputy at every parliamentary meeting reported on their events, financial situation, organizational order, and growth of collections, donations and offerings to the institution. The reporting obligation derives from the fact that the financial fund and income of the National Museum were managed by the National Fund under the direction and direct supervision of the Archduke. The report was generally able to lay the foundations for further favourable legislative decisions by the Parliament.

10.) The organizational order and collection practice of the National Museum later served as a kind of standard for newer museums. These issues were intended to be settled in organizational and operational codes, but despite all the intentions of the institution, we have not succeeded in issuing final regulations in our time. The principles set out in the drafts were nevertheless applied in practice, and in 1859 Archduke Albrecht issued the much-anticipated regulation (which was applied for decades). The idea of a large national collection, a comprehensive collecting museum, has long been influential along with the institution's applied collection principles.

11.) For us Hungarians, it might be somewhat difficult to understand why the imperial collections and museums in Vienna are more different and important than the local ones. The difference lies within universalism (today: universal subject) that has existed since the foundation: while these Hungarian collections were of a provincial significance, subjects and areas, the central collections of Vienna aspired to achieve completion. After the foundation of the National Museum, however, provincial museums were established all over the empire, first in the German-speaking areas and later in the Slavic areas.

12.) The evolution of academic disciplines required the establishment of scientific background museums. This demand brought to life the national

specialized museums which are a substantial home base for archaeology, art history and ethnography. Museums with the scope of collection only were replaced by the concept of specialized museums. The foundation was in some cases initiated by individuals, but the institutionalization was regulated within the scope of the Finance Act (Museum of Applied Arts, Technology Museum, the foundation of the Museum of Fine Arts was also regulated by a Finance Act, „the Millennium Act”, **Act VIII of 1896**). In other cases, the state bought private collections and created a new institution with a separate act (National Gallery: **Act XI of 1871**, National Ráth György Museum: **Act XIII of 1907**). Occasionally legacies were purchased with the intention to establish a separate museum, but finally it did not materialize (Lotz-collection: **Act XII of 1907**). In one case, a new museum was established by reassigning a collection that then became a fiscal institution (Hungarian Historical Gallery).

13.) The growing desire to establish museums in the country helped to build a networked museum system. County or city councils maintained museums firstly founded by associations due to social demand, and even later, the lawmakers themselves established museological institutes.

14.) Regional museums, in their own collecting area, reflected the idea of a single collecting museum, reflecting the earlier concept of the National Museum, as a kind of small-size national museum, as their collecting area extended to as many disciplines as possible.

15.) The reason for the national disorder of collecting subjects and collecting areas is to be found in the lack of an integrated cultural policy. The work of the committees and councils established during the dualism was primarily representative, they clearly separated the National Museum and the rural museums in their work, and the operation of the other national museums was not

taken into account at all. The issue was legally settled only after the First World War.

16.) In the era, a central administration office, the National Inspectorate of Museums and Libraries (hereinafter referred to as the MKOF), was established for the supervision and support of museums, which had an autonomous budget ensured by law. The National Council of Museums and Libraries ensured the local governmental nature of the system. However, joining the monitoring system was not mandatory, so many museums opted to stay out as their management considered the MKOF to be over-intrusive. The allocated annual state aid (with accountability and report obligations) and the continuous professional supervision had a positive impact on Hungarian museums; proving that such a central management body is necessary. With the appearance of the MKOF, the Hungarian museums were divided into three parts: museums maintained by the state budget (1), („registered”) museums supervised by MKOF (2) and non-governmental museums operating under the auspices of the MKOF (3).

17.) The first truly comprehensive museum laws were enacted between the two world wars. **Act IX of 1922** and **Act VIII of 1934** adjusted the issue of („large-size national”) public collections with a nation collecting area, while **Act XI of 1929** no longer aimed to regulate a specific institution (type) but can be regarded as a real sectoral law, in that capacity the first such museum law in Hungary’s history.

18.) With the establishment of the Collections Center (‘University of Collections’), on the one hand, large Hungarian public collections could be preserved, the institutional network dating from the dualism could be passed over. On the other hand, the Parliament based the work of the institution on professionalism and self-government and joined then in one enormous national

academic autonomy: establishing — as said nowadays — the middle management body of the collection section. The autonomous functional unit was the result of a transfer of authority: the Ministry of Culture gave the direct management to the more competent the council of the Collections Center. However, the financing of the prestigious organization lacked financial resources, so it was „degraded” (partially downgraded) in 1934: the autonomy of the organization renamed the Hungarian National Museum was reduced. Subsequent evaluations of the Collections Center were different, their role was controversial, before the change of regime was explicitly negative.

19.) The 1929 Sector Law defined a number of procedural rules with a definite, clear concept of use, but it lacked museum typology (it could actually be found it in the preliminary studies for law enforcement). At the same time, by ordering the entire rural museum affairs under the authority of academic autonomy, the law made a significant step forward towards the actual realization of academic autonomy defined by Zoltán Magyary. According to Magyary’s system, museums were classified as public bodies, subordinated to the ministers of religion and public education, whether or not the state, a denomination, municipal (city) or other groups maintained them.

20.) The important result of the new system outlined by the legislation is that it clearly defined the preconditions for occupying museum positions and defined the first qualification and performance appraisal system in the Hungarian museum system.

21.) After 1945, the regulation of the museums was not governed by the decree law adopted by the Parliament, but by the statute of the collective presidential body, the Presidential Council of the People’s Republic: **Decree Law No. 13 of 1949** (hereinafter MMtvr.). This had broken the tradition of Hungarian public law, which had been in existence since 1807, that museum

affairs required a parliamentary hearing. The change was apparently the result of the new mechanism: the Cabinet discussed the proposal negotiated by the Central Management Board of the Hungarian Working People's Party (MDP), which then was rarely passed to the Parliament or more often to the Presidential Council. As the Parliament barely had meetings, the Presidential Council practically took over its legislative power; it is obvious that the museum could not be an exception: they did not deserve to submit their sectoral regulation to parliament.

22.) The MMtvr. separated the library and archives affairs from the museums, but added the monument protection as a new element; therefore the law can be considered a museum and heritage law. However, it must be borne in mind that this strange solution to the contemporaries was justified by not professional arguments, and in turn, it triggered the opposition of a significant part of the monumental profession.

23.) The indisputable merit of the MMtvr. is the establishment of the National Centre of Museums and Monuments since, despite the liquidation of a local government, the medial management body remained at the head of the museums, so the area could in principle preserve its professional autonomy. The abolition was therefore disastrous for the Hungarian museums.

24.) The duties of the medial management were taken over by the Department of Museums of the Ministry, but obviously it could not meet the requirements. The system was fragmented, lacked unified *professional* management.

25.) The new Museum „Act”, **Decree Law No. 9 of 1963** (hereinafter referred to as „the Mtvr.”), was considered to be a great advantage of having a coherent framework for the various — basic and ancillary — disciplines and conciliating it with the cultural area, and the socialist legal theories and practices

of different fields of legislation. However, its mistake to be noted is that often the fundamental questions of the museum were not clarified, so these were settled in a lower level of legislation (e.g. museum typology, definition of exploration entitlement, etc.).

26.) The Mtvr. broke with the earlier tradition of Hungarian public law, which required a parliamentary — that is, statutory — approval for the establishment of a national museum, this power was granted to the government.

27.) The Mtvr. did not handle the hierarchical situation that emerged after 1929: there were countless types of museums that would have required statutory and detailed regulation (definition and administrative rules) by type. However, the Mtvr. did not or only partially corresponded with the expectations.

28.) The lower level of legislation based on the Mtvr. created the regulation of museums which the Ministry intended to guide the operation of museums with. The book, which contains a lot of practical knowledge, is referred to in the museum public discussion as the „green book of museums”.

29.) The positive achievement of the Mtvr. was to establish an artwork monitoring system practiced by the national museums, besides the fate of the individual works of art, the development of the database of the national museums.

30.) The county councils were unprepared to embrace the establishment of county museum organizations, however, with the establishment of the network, rural museums were in a better position, with a new level of governance in the new management system: the sector — with the help of the maintenance — took advantage of the decision. The county museum organizations provided half of the museum visitors, expanded in the coming decades and became the actual cultural and scientific centres of the rural Hungary. It is no coincidence that the Central Committee of the Hungarian Socialist Workers' Party (MSZMP)

regularly discussed the situation of county museum organizations, as their significance increased with their budget, and after the halt of the late 1960s, the development of rural museums regained momentum. In the background, party policy decisions were usually made (mainly with educational objectives, such as workers' education), and while county museums could become involved in national scientific research projects (many important workshops were established), the sectoral ministry only started late in the 1970s the coordination of professional duties on a national level — noting that: with little success.

31.) The transformation associated with the change of regime — the establishment of the local government system, the redefinition of the goals of science policy and the change of the role of museums — justified the creation of a new sectoral law, but only after a long preparation, during the second freely elected parliament.

32.) The Culture Act (**Act CXL of 1997**), which was adopted in an exceptional procedure, actually covered a much larger area and several sectors. In fact, it included four sectoral laws: it regulated the issues of cultural goods and archaeological heritage (1), museum (2) and library (3) as well as public education (4) and can therefore be justified directly as a „cultural policy codex” to call. The Culture Act regulates two of the conservation trios (classical and archaeological heritage) with the museum affairs. Its advantage was that it contained a clear museum typology and restored the tradition of public law namely that the establishment of national museums belongs to parliamentary competence.

33.) In order to evolve the sectoral governance, its implementing decrees had been declared continuously following the adoption of the Culture Act. At the same time, despite the expectations of the sector, the new museum order has not been prepared so far, as there is a lack of a Code of Ethics for Museums.

34.) Since the adoption of the Heritage Protection Act (**Act LXIV of 2001**), heritage protection (monuments, archaeology, cultural goods) has a separate code in Hungary, which means the half-a-century long debate and uncertainty can be considered settled about the separation of public collections and heritage protection. The Heritage Protection Act has established the system of integrated heritage protection: it eliminated the overlapping of various regulatory and licensing procedures by incorporating them into a single framework.

35.) In 2007, a ministerial decree issued for party political reasons severely violated the single system of the Culture and Heritage Protection Act and the Municipality Law based on constitutional principles. This derail overshadowed the last four years of our era and caused a crisis in the Hungarian museum affairs.

Publications in the subject of the thesis

Book:

GYÖNGYÖSSY, Márton: A kincstalálástól az ásatásig. A régészeti feltárási jog története és hatályos szabályozása Magyarországon. Bp.: Martin Opitz, 2016. 223 p., 9 tabl. ISBN 978-963-9987-18-0

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GYÖNGYÖSSY, Márton: A megelőző feltárások jogi és intézményi keretei. Az állami szerepvállalás változásai és dilemmái. *Múzeumi közlemények* 2010/1. p. 6–11. [Preventive excavations — legal and institutional framework. Changes and dilemmas in the role of the state. p. 11.]

KÁLNOKI-GYÖNGYÖSSY, Márton: Felvetések a régészeti akkreditációról: a régészeti gyűjtőkörű múzeumok minősítésének új rendszere. *Múzeumcafé* 55–56. (2016/5–6.) p. 59–62. [Issues of Archaeological Accreditation. New System of Qualifying Museums Involved with Archaeology. p. 306.]

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Review:

GYÖNGYÖSSY, Márton: (Rec. Magyar régészet az ezredfordulón. Főszerkesztő: Visy Zsolt. Budapest, 2003.) Numizmatikai Közlöny 102–103. (2003–2004) p. 163–164.

Discussions, surveys:

LIMBACHERNÉ LENGYEL, Ágnes – SZENTKUTI, Károly – KÁLNOKI-GYÖNGYÖSSY, Márton – HORVÁTH, László: Működőképesek-e a jelenlegi megyei múzeumi szervezetek, vagy inkább érdemes lenne átszervezni azokat, és ha igen, hogyan? Múzeumcafé 25. (2011/5.) p. 26–30.

KÁLNOKI-GYÖNGYÖSSY, Márton: A Múzeumcafé körkérdése: Mit érez hiánynak a maga területén vagy a hazai múzeumi rendszerben, milyen HIÁNY-osságot tart a legégetőbbnek? Múzeumcafé 63–64. (2018/1.) p. 70–71.

Biography of Márton Kálnoki-Gyöngyössy

Márton Kálnoki-Gyöngyössy (1972) Since September 1, 2000 he has been a lecturer at the Faculty of Humanities at Eötvös Loránd University. His main field of research is medieval and early modern monetary history, but he was involved in the museum legislation for eight years due to a long-lasting detour: as a county museum director (Pest County Museums Directorate: 2007–2010, 2011–2012), a museum director (Ferenczy Museum, Szentendre: 2013–2015), Deputy Secretary of State for Cultural Policy (Ministry of National Resources: 2010–2011), Chairman of the Association of the Directions of County Museums, and Association of Hungarian Countryside Museums (2011–2015). He was a member of the Sectoral Policy Council of Culture in the Ministry of Education and Culture (2009–2010) and the Public Collection Collegium of the National Cultural Fund (2012–2015). Márton Kálnoki-Gyöngyössy works as a cultural expert registered in the field of Numismatics, Archeology and Historical Museology in the Ministry of Human Resources, as a cultural expert of heritage protection registered in the field of Archeology in the Prime Minister's Office, furthermore as a judicial expert of Numismatics, archaeological finds, archeological sites and historical monuments.