

SUB LEGE LIBERTAS

The History of Law Enforcement in Hungary



JÁNOS SALLAI

dialóg Campus

János Sallai

THE HISTORY OF LAW ENFORCEMENT IN HUNGARY

This page intentionally left blank

János Sallai

THE HISTORY
OF LAW ENFORCEMENT
IN HUNGARY

DIALÓG CAMPUS KIADÓ ❖ BUDAPEST

The work was created in commission of the National University of Public Service under the priority project PACSDOP-2.1.2-CCHOP-15-2016-00001 entitled “Public Service Development Establishing Good Governance.”

Peer-reviewed by
József Boda

© Dialóg Campus Kiadó, 2018
© The Author, 2018

Reproduction is authorized, provided the source is acknowledged.

Contents

Contents	5
Introduction	7
1. The Emergence of Policing/Law Enforcement, its History in Ancient Times and in the Middle Ages	9
2. The Establishment of Modern Law Enforcement in Some Countries of Europe	21
3. The Establishment and History of Modern Law Enforcement in Hungary	29
3.1. The Establishment of Modern Law Enforcement in Hungary	29
3.2. The Development of Policing during the Period of the Dual (Austro–Hungarian) Monarchy (1867–1918)	47
3.2.1. Fire Safety and Border Policing	72
3.2.2. Győző Concha’s Work in the Field of Police Science	74
3.2.3. Emigration, Immigration, Passport Policing and the Regulation of the Border Police	82
3.2.4. Policing during World War I	100
4. Policing/Law Enforcement in the 20th Century, after World War I	107
4.1. Policing/Law Enforcement during World War II	133
4.2. Policing/Law Enforcement after World War II	138
Conclusion	159
Bibliography	161

This page intentionally left blank

Introduction

In the socialist era, due to the continuous denial of the past, no research was conducted on the history of Hungarian law enforcement or the police force. In the years following the change of the system, several attempts were made by former law enforcement officials, who were interested in the history of the profession and by the civil organisations founded by them to fill this gap. The result of this process was the publishing of a significant number of studies and books. However, in secondary and higher law enforcement education, the topic was taught only sporadically and at times. The introduction of the 4-year Bachelor of Arts (BA) programme made a significant change, which included the history of law enforcement, and the history of police science to be involved in the MA training.

The development of modern policing in Hungary in the second half of the 19th century was strongly influenced by similar German phenomena. It was then that the first works of Ágoston Karvasy, Emil Récsi and Ignác Zsoldos were published, which already included the first concepts of policing/ law enforcement and of *Polizeywissenschaft* (the science of public policy), the organisational structure and tasks of the police, etc. Nevertheless, the first heralds of 19th century modern European policing are undoubtedly related to the French and German areas. Policing is rooted in the ancient Roman Empire and the origin of the word *policing* comes from ancient Greece. More precisely, it comes from the Greek word *politeia*, although its old meaning cannot be identified with the police and policing of our time. In the 14th century the French *la police* meant ‘state goal’, ‘well-ordered public life’ (public order, public morals) in a narrower sense and ‘state administration’ in a wider sense. It was at the same time that *Polizey* and later, in the 15th century *Polizie* spread from France to the German Law as ‘*ius politiae*’. Later, the concept of policing was formulated for the first time in the Allgemeines Landrecht (General State Laws), published in 1794.

In Hungary, the word *rendőr* (police officer, the guardian of order) occurred for the first time in József Márton’s German–Hungarian student’s encyclopaedia in 1823, as a translation of the German *Polizei–Landreiter*. In the same dictionary, *polizei* meant ‘közbatóság’ (hereinafter: public

bravery, i.e. the inalienable right, wish and acts of the public to have public order), an expression frequently used in the books of Ágoston Karvasy, too. In 1833 János Fogarasi uses the Hungarian word *rendőr* in its today's sense in his book *Student/Latin–Hungarian Terminology*. The Hungarian word '(köz) rendészet' ([public] policing) becomes widely known in Ágoston Karvasy's book published in 1862; first it appeared as an entry in the 1870 edition of Czuczor's and Fogarasi's Hungarian dictionary as follows: “**rend-ész • noun •** a newly created word. In the sense of the foreign “Polizei” – as science, that is, as police knowledge.” At the same time, on the cover of the first professional policing periodical entitled *Közbiztonság* (Public Order), first published in 1869, we can already see the expression *rendészetelméleti* (of the theory of policing). On the pages of the same periodical, chief editor József Forster affirmed his commitment to police science, when writing: “*whatever system should the reorganisation of the police force be based upon, it will only perform its mission if police officials also receive theoretical training in ‘rendészeti tudomány’ (policing science).*” Thus, in all probability, this was the first time that the Hungarian term *rendészettudomány* (police science) had been used.

The aim of this book is to review and present the important milestones of the history of policing/law enforcement,¹ from the ancient Greeks and Romans to our time.

¹ In this book, this expression will refer to activities of both the police and all law enforcement organisations.

1. The Emergence of Policing/Law Enforcement, its History in Ancient Times and in the Middle Ages

To discuss policing/law enforcement, first we need to clarify the meaning of the expression. According to Hungarian and European experts alike, the civil code of Prussia, the earlier mentioned *Allgemeine Landrecht für die Preußischen Staaten* (General State Laws for the Prussian States, often abbreviated as AL), promulgated in 1794, was the first document to formulate the concept of policing/law enforcement in a way that is acceptable even today. The AL says: *“The task of policing/law enforcement is to ensure public peace, public safety and public order as well as to take the necessary measures in order to avert the threats posed to the public or its individual members.”* Thus, we can conclude that policing/law enforcement is the averting of dangers and the maintenance of public order and safety. Judging from the concept, it is obvious that policing/law enforcement has always been present in the life of mankind, as prehistoric men already made sure that their cabin would not be swept away by the flood or that they would not fall victim to fires. Although we do not have written sources from prehistoric times, only paintings and material remains, we can state that policing/law enforcement probably came into being in the age of primitive communism, while its written codification must be related to the dissolution of primitive communities and the emergence of the first states. This was the period of history when smaller communities, villages were formed, certain groups of people were separated from each other, property based stratification began, and there was a serious need for the local organisation of everyday life, which later spread to larger and larger areas. This was how the first states were established, which gathered the groups of people located next to each other and tried to organise their life and meet the daily challenges. These challenges were mainly related to the need for providing the conditions of life and to guaranteeing the security of the state.

Considering the content of policing/law enforcement in the age of the ancient states, from the early times it was fire that posed a threat to the citizens, their houses and the cities. Probably this is the reason why the elements

of fire safety regulations can be found in almost all of these states. In Egypt, for example, the citizens were obliged to have buckets² and water ready at hand in case of fire. In ancient Greek city-states³ churches were given special protection; it was prohibited to light fires even in their neighbourhood.

The management of this problem was even more interesting in China, a country that displayed isolationist behaviour for several thousand years, still they already had ‘fire police officers’ and institutionalised⁴ fire fighter organisations. In another state of the Far East, in Japan there were organised, military firefighter squads.⁵ The form of fire alerts was fairly strange: along the firefighters’ beds, under their pillows ran a wooden pole, and in case of a fire alert, they hit this pole with a hammer. Watchtowers were erected to detect fires. In the Roman Empire,⁶ already in 21 B.C. 600 slaves were selected as firefighters and later a battalion of 700 free people acting as vigils was established. At the same time in Alexandria⁷ the Night Watch was organised to detect fire and other threats. Emperor Nero’s decree,⁸ according to which new houses had to be built at a certain distance from each other, reveals the origins of fire protection and safety rules in architecture.

Apart from fire, another threat has also been present since the appearance of human communities: epidemics and pandemics of diseases like plague, cholera, typhoid, Spanish grippé, Ebola etc. Attention was paid to their prevention already in the ancient states, mainly in cities, by organising the storage and disposal of garbage, by setting up quarantines and human stations, by vaccination and the creation and observation of various rules of hygiene. These threats occurred more frequently as a consequence of natural disasters e.g. floods, famine because of droughts and wars and battles ending with large death tolls.

Among ancient states Egypt was the first to have written laws, carved in stone tablets. The Egyptians “*with great care and vigilance, established the police and public order in their government.*”⁹ In their penal code, apart

² SZILÁGYI, János (1960): *A tűzrendészet fejlődése az őskortól a modern időkig*. [The Development of Fire Protection from Prehistoric Age to Modern Times.] Bm. 9.

³ Ibid. 11.

⁴ Ibid.

⁵ Ibid. 12.

⁶ Ibid. 15.

⁷ Ibid.

⁸ Ibid. 34.

⁹ BUISSON, Henri (1958): *La police – Son Histoire*. Paris, Nouvelles Editions Latines. 18.

from general punishments, offences like counterfeiting, breach of secrets and libel were also mentioned.

We know that the ancient Jewish state, Jerusalem was divided into four quarters, where “*two officials were appointed to police public goods.*”¹⁰ These representatives provided strict supervision of public morals and the behaviour of the Jewish people.

The origin of the expression ‘police officer’ is not the only legacy that the ancient Greek city-states left us in the history of policing/law enforcement. The first magistrate of a city monitored the moral state of the people and everything happening in the given city. The tasks and responsibilities were divided into five departments, in which the following elements of policing/law enforcement can be discovered:

- religious and morals policing
- luxury policing (checking the observation of rules concerning luxury clothing and furniture)
- public peace, public safety
- policing of markets
- supervision of weights and measurements¹¹

The work of law enforcement officials was highly valued. This is shown by the fact that this position was the first one in the hierarchy of officials.

Among the ancient states we have the largest amount of information about the Romans. In the territory of the Roman Empire, the significant cities, headed by Rome with several hundreds of thousands (or a million) of inhabitants might have faced various threats on a daily basis. Specially trained people called *aediles*, highly respected by the citizens, were employed to avert these threats and to maintain public order.

The tasks of the aediles¹² involved:

- policing of markets as a general activity
- maintenance of public order at festivals
- prevention of profiteering
- guarding of temples and documents

¹⁰ Ibid. 22–23.

¹¹ Ibid. 25–26.

¹² JAKAB, Éva (1991): Aediles curules Róma rendészeti igazgatása és ennek hatása a magánjog fejlődésére. [Aediles Curules – Law Enforcement Administration in Rome and its Influence on the Development of Private Law.] In *In memoriam Dr. Kovács István akadémikus egyetemi tanár*. Szeged. JATE. 131–135.

- securing road traffic¹³
- ensuring water supply to the capital
- distribution of grain
- checking weight measures
- tackling usurers
- fining and punishing those violating the rules

As a result of the well-known Roman military campaigns, slaves and aliens were also living in the territory of the Empire. Consequently, the Roman Empire was the first to introduce alien policing, too.

After the foundation of Rome, in 388 the office of the praetor was established, who had to perform mainly the functions of magistracy. The praetors' work was assisted by detectives and aediles. *"Detectives investigate crimes and find evidence. Aediles, however, take care of everything concerning the external discipline of religion; they check harmful books, enforce the ban on luxurious clothing and check excessive expenditure on festivities."*¹⁴

Later, Roman emperor Augustus introduced reforms to the police. He reduced the number of praetors and aediles. He also removed the police force from under their authority and created a new office, that of the city prefect, who had the commissioners of the 14 city *regiones* at his disposal. He also established the following police offices:

- prefect of supplies
- prefect of the Watch
- prefect of water commissioners
- prefect of large-scale construction projects
- prefect of community service
- prefect of statues
- prefect of keeping the city clean¹⁵

In order that the commissioners would be informed about and could respond to everything, three new offices were created.

¹³ This might seem strange from our modern perspective, but according to a source, a Roman citizen left a bed he had been transporting on a public road and the aedilis ordered it to be crashed because it was hindering the traffic. Ibid. 138.

¹⁴ BUISSON, Henri (1958): *op. cit.* 28.

¹⁵ Ibid. 29.

1. *“Informers of every ‘regionem’ keep a watch over everything happening, they uncover those infringing the laws and regulations and the crimes...”*
2. *4 captains are elected from among the citizens to keep watch over disorder in the streets...*
3. *Armed units of the stationed police officers; they are to handle riots.”*¹⁶

From the point when the ancient states emerged, the simple elements of border policing – as the marking of borders, for example – were of utmost importance. In Egypt the positioning of border markers was one of the tasks of the cartographers’ predecessors, the land surveyors. Pharaoh Senusret III (19th century B.C.) had fortresses built near the cities Semneh and Kumme on the bank of the Nile. Near the fortifications there was a border stone to mark the border of Egypt with the following inscription: *“This is the southern border. No negro shall dare to cross this border, heading for the north, either on foot or by boat, not even their cattle. If they want to carry on trade, they shall go to Anketh, they can do there whatever they want and no harm will come to them. But none of them shall ever dare to proceed upwards, beyond Heh.”*¹⁷ A wall painting from the period of Ramses II (1298–1232 B.C.) shows the practice of land measuring. Records about pharaoh Amenhotep (1200 B.C.) say: *“He restored the borders and erected the border stones.”*¹⁸ The ancient Romans marked their borders with live trees at first, later on with numbered pegs having letters on them. In the time of Trajan, they used border stones with inscriptions, marked with letters and the date of the year, which, after a ceremony, they pitched in the ground.¹⁹

The first appearance of fire safety regulations and criminal policing can be found in the Code of Hammurabi, inscribed on a stele. For example: *“If a fire break out in a man’s house and a man who goes to extinguish it casts his eye on the furniture of the owner of the house, and take the furniture*

¹⁶ Ibid. 30.

¹⁷ KONDÉR, István (1938): *Térképek és rokontudományok az ókorban*. [Maps and Kindred Disciplines in the Ancient World.] *Térképészeti Közöny*, Budapest, Vol. 5, No. 1–2. 60.

¹⁸ Ibid.

¹⁹ SALLAI, János (2008): *Az államhatár, határőrizet és etnikai határ története*. [The History of State Borders, Border Guarding and of Ethnic Boundaries. Habilitation Dissertation.] Habilitációs disszertáció. Debrecen.

of the owner of the house, that man shall be thrown into that fire.”²⁰ At the same time in Babylon they already knew the institution of asylum provided for foreigners and the extradition of fugitives.²¹

In Hungarian history we can detect elements referring to religious policing and fire safety regulations already after the founding of the state, among the laws of King Stephen I.²² Among these laws we also find regulations related to morals policing and prostitution. According to it: *“If any warrior debased by lewdness abducts a girl to be his wife without the consent of her parents, we decreed that the girl should be returned to her parents, even if he did anything by force to her, and the abductor shall pay ten steers for the abduction, although he may afterwards have made peace with the girl’s parents.”*²³

The constraints on the length of this book exclude quoting all the laws of King Stephen I related to criminal procedure and law enforcement. The following relevant example concerning criminal policing, however, seems to illustrate the need for the maintenance of public order after the foundation of the Hungarian state very well: *“If someone driven by arrogance, wilfully commits a homicide, he should know that according to the decrees of our [royal] council he is obliged to pay one hundred ten gold pensae...”*²⁴ The importance of the role of religion is indicated by the fact²⁵

²⁰ *The Code of Hammurabi*, § 25. Translated by Robert Francis Harper. Available: [https://en.wikisource.org/wiki/The_Code_of_Hammurabi_\(Harper_translation\)](https://en.wikisource.org/wiki/The_Code_of_Hammurabi_(Harper_translation)) (Downloaded: 24.06.2017.)

²¹ KINCSES, László (2005): *Diplomáciatörténet*. [The History of Diplomacy.] Budapest, ELTE ÁJK Egyetemes Állam-, és Jogtörténeti Tanszéke. 34.

²² “Priests and counts shall enjoin village reeves to command everyone both great and small, men and women, with the exception of those who guard the fire, to gather on Sunday in the church.” (Chapter 8, the Second Book of King Saint Stephen I’s Decrees.) In ROSENWEIN, Barbara H. (2013): *Reading the Middle Ages, Volume 2: Sources from Europe, Byzantium, and the Islamic World, c.900 to c.1500*. University of Toronto Press. 206.

²³ Chapter 25, the Second Book of King Saint Stephen I’s Decrees. In BAK, János M. – BÓNIS, György – SWEENEY, James Ross trans. and eds. (1999): *The Laws of the Medieval Kingdom of Hungary, 1000–1301*. Second revised edition. In collaboration with Leslie S. Domonkos. Charles Schlacks, Jr. Publishers. 6.

²⁴ Chapter 16, the Second Book of King Saint Stephen I’s Decrees. In ROSENWEIN, Barbara H. (2013): *op. cit.* 207.

²⁵ “If someone does not go to the church of the village, on Sundays or saints’ days, he shall be flogged.”

Szent László Király Dekrétumainak Első Könyve. 11. Fejezet azokról, a kik vasárnap és ünnepeken templomba nem mennek. [The First Book of the Decrees of King Saint Ladislaus, Chapter 11 on Those who Do not Go to Church on Sundays or Saints’ Days.]

that King Ladislaus protects Christianity with a strong hand, with the tools of religious policing, which is also expressed in his decrees. One of them on the recovery of stolen animals refers to contemporary criminal policing:

“If someone is tracking his stolen stock, he shall send messengers to the village where the tracks lead, lest the villagers should destroy the tracks when driving out their own cattle. Should they do so impenitently, they shall pay for the lost stock.

Article 1: If the villagers had driven out their cattle before the messenger arrived, the investigators shall do searches from house to house as they please.

Article 2: If someone has lost something, he shall take the appropriate witnesses to investigate the stolen goods where he thinks they are; and if others should ban him from investigation, they should be tried and if they are found culpable, they shall be punished as thieves; and if they are cleaned, they shall pay fifty-five moneys for the ban.

Article 3: If soldiers should inhibit the investigation on the incentives of their ispán,²⁶ the ispán shall pay fifty-five moneys and then be tried.”²⁷

King Ladislaus also named those who should carry out guarding and policing activities in his Third Book of Decrees, where he provides: “They have accepted such a law that the king’s emissary shall go to every county and, convening all those commonly called guards and their captains and corporals together with their subordinates, he shall order them to confess if they know of someone who is guilty of thieving; and if those having been thus accused wish to prove their innocence by trial, they shall be given this trial.”²⁸

²⁶ Equivalent of ‘comes’; in Hungary the leader of a castle district/county, hereinafter: count.

²⁷ Szent László Király Dekrétumainak Második Könyve. 5. Fejezet a lopott jószág nyomon kereséséről. [The Second Book of the Decrees of King Saint Ladislaus, Chapter 5 on the Tracking of Stolen Goods.]

²⁸ Szent László Király Dekrétumainak Harmadik Könyve. 1. Fejezet a századosokról és tizedesekről. [The Third Book of the Decrees of King Saint Ladislaus, Chapter 1 on Captains and Corporals.]

Apart from guarding, King Coloman's Decree is about the fact that borders and customs duties cannot be evaded and about the first border policing²⁹ provision.

We have at our disposal sources from the 13th century in Medieval Europe proving that sovereigns considered policing and law enforcement an important issue. For example, Edward I introduced a law on organised police authority³⁰ in England in 1285, after murders became too frequent and ruffians and murderers hid in dark inns. Somewhat later legislation on public safety and road policing appeared in Hungary, too, according to which: *"the captain-generals and free counts of the country and the counts and viscounts of the counties shall, pursuant to the decree of the country, seize and punish the thieves and robbers everywhere. And they shall see to it by all possible means that the roads are safe everywhere."*³¹

Public safety in Hungary was disturbed for a long time after the 1514 peasants' revolt led by György Dózsa. Many people exploited the chaotic conditions; they pillaged settlements and killed people. In response to the situation, a law³² was introduced with the aim of getting hold of and punishing the perpetrators, mainly those, noble and not noble, accused of the following crimes: robbery, theft, murder, adultery, counterfeiting coins, arson etc. The perpetrators had to be detected, arrested, their names had to be listed and they had to be punished.

Because the border was not precisely marked, incidents along the borders of the Hungarian Kingdom occurred already in this period. Therefore the estates of the Hungarian National Assembly asked the king of the time to *"please kindly readjust"*³³ the state borders with Poland, Moravia, *Stiria* and *Carniolia*. This was the beginning of the indication of the state border, an example of border policing activities and an activity carried out even today.

²⁹ Kálmán Király Dekrétumainak Első Könyve. 82. Fejezet hogy senki a vámszedők pecsétje nélkül Magyarországból kimenni ne merjen. [The First Book of the Decrees of King Coloman, Chapter 82 so that Nobody Shall Dare to Leave Hungary without the Stamp of Custom-house Officers.]

³⁰ ZSOLDOS, Benő (1934): A rendészeti törvények angol ősei. [The English Predecessors of Laws on Policing.] *Jogállam: jog- és államtudományi szemle*, Vol. 33, No. 4. 135–138.

³¹ Act XLVIII of 1548. A kapitányok vagy ispánok büntessék meg a tolvajokat és rablókat. [The Captains or Counts Shall Punish the Thieves and Robbers.]

³² Act XXXIII of 1514. A gonosztevőknek megyénként való összeírásáról és azok büntetéséről. [On the Conscription and Punishment of Rogues in Every County.]

³³ Act LVII of 1546. Az ország határai minden oldalról kiigazítandók. [The Borders of the Country Are to Be Readjusted from all Sides.]

Later, the sovereign appointed commissioners to mark the state borders, whose tasks and authorisation were laid down in the law.³⁴

The law of 1550 can be considered one of the first examples of alien policing, in which the said estates ask the ruling king to define the ways of naturalising foreigners. The king declares in the law that he will naturalise foreigners only with the consent of the estates and compels them to take an oath during the procedure of naturalisation.³⁵

Feudalist society was organised on the basis of the ownership of land, which made it impossible to introduce centralised public administration. Its development was different in royal free towns and in the estates, manors or villages of the landlords. Sources of threat, too, were different in densely built-up towns and in manors and smaller settlements closer to nature. In relation to town dwellers, merchants, servants working in towns and craftsmen living a freer life, passport (*passe port*, 'safe conduct' document) policing regulations were relevant, whereas for villeins, who were tied to the land, they were something unheard of. Markets and fairs in towns attracted large crowds, therefore the need for maintaining public order was considerably greater here than in the manors in the provinces.

The elements of market policing are clearly palpable in the regulations issued by town senates concerning medieval markets and fairs. A good illustration to medieval law enforcement is the 1586 order of the Hungarian town, Lőcse to its captain, which authorises him to "*seize and imprison those fighting in the pub or elsewhere, even without the magistrate's knowledge.*"³⁶ At the same time in Lőcse it was prohibited to carry swords, sabres, heavy broadswords and other weapons, to be in the streets or squares after a certain time at night, to walk or ride without a lantern after dark, to ramble, for young men to be at a maiden's place after the evening bell or to sell wine during masses and church services.³⁷

³⁴ Act XL of 1550. Az ország határainak és széleinek a megvizsgálására biztosok küldendők ki. [Commissioners Are to Be Sent to Inspect the Borders and Edges of the Country.]

³⁵ "Article 3: The content of said oath must be entered in the royal book stored in the chancellery word by word, together with the date and place of taking the oath and the oath-taker's name (as it was customary before)."

Act LXXVII of 1550. Miképen honfusítsa a király a külföldieket? [How Shall the King Make the Foreigners Denizens?]

³⁶ KÁLLAY, István (1986): Városi rendészet a XVIII. XIX. században. [Town Policing in the 18th and 19th Centuries.] *Jogtörténeti értekezések*, No. 15. Budapest ELTE. 69–91.

³⁷ Ibid. 69.

We know from the police regulations³⁸ of the end of the 17th century, also coming from Lőcse about the types of ‘*luxury policing*’ rules in force in royal free towns at the end of the Middle Ages. According to them, only a maximum of six people were supposed to be invited to an engagement from the families of the fiancé and the fiancée. “*So as not to forget about order, the husband-to-be has to buy the police regulations.*”³⁹ The same regulations forbade the presence of guards and freelance soldiers employed by the town at the wedding.

In the Middle Ages, they paid attention to the presence and activities of vagrants and beggars, too. In Kolozsvár they had a register of aliens from 1595, while in Marosvásárhely the aliens were registered⁴⁰ in the town’s book from 1604. Beggars “*must be forced to work, if they are ill, they must be taken to hospital,*”⁴¹ declared the town council in Kassa in 1563.

Illegal gambling and games of chance spread at medieval markets and fairs. The leadership of towns protested against them and they forced the policing lieutenants and guards to ban gamblers from the towns.

A morals and alien policing regulation from Szombathely goes back to 1636,⁴² according to which a serf was allowed to stay in the town without being reported for three days. After three days his host had to report the name of the person and the fact of his stay to the magistrate. The host had to be liable up to 40 Forints in respect of his guest. Those failing to report such guests had to pay a fine. There is also a morals policing rule in the background; the master of a servant was supposed to make sure that his servant would keep the holidays. Young lads caused problems, too, because they stayed in the pub for too late and then wandered around in the town at night without a lantern.

The first Hungarian traffic rule is connected to the town of Huszt,⁴³ where in 1719 riding was banned during church services. Later in Fehérvár, fast riding coaches in the centre of the town were prohibited by a regulation.

³⁸ DEMKÓ, Kálmán (1880): Egy rendőri szabályzat a XVII. század végéről. [Police Regulations from the End of the 17th Century.] Századok, Vol. 14, No. 10. 829–834.

³⁹ Ibid. 830.

⁴⁰ KÁLLAY, István (1986): *op. cit.* 73.

⁴¹ Ibid. 75.

⁴² VÖLGYESI, Levente (2008): *Városi alkotmányosság az újkori Magyarországon*. [Constitutionality in Towns in Modern Hungary.] PhD dissertation, ELTE. 147.

⁴³ KÁLLAY, István (1986): *op. cit.* 78.

Miksa Tisza's writing leads us to the beginnings of criminal policing. *"The king's messenger shall go round all the settlements and shall assemble all their captains and corporals, commonly called guards, together with the men entrusted to them and shall order them to point out those who are known to be thieves. And if they do not want to be deemed guilty and want to submit themselves to the ordeal by red-hot iron, the fire ordeal shall be held. And those named by the guards shall be divided by the tens and one of each ten shall put themselves through the fire ordeal instead of these ten. And if the one stays unharmed, the other nine shall also be exempted. And if not, each of them shall bear the red-hot iron, including the one who bore it for the others."*⁴⁴

In medieval Hungary castles and fortresses had a decisive role in the life of the country both from a defence and from a public administration aspect. During the struggle against the Turks the maintenance of military order in border castles was inevitable. In times of peace, far from the battles, in everyday life the maintenance of public order was brought to the forefront. This is illustrated by the 32-item instruction⁴⁵ of palatine Miklós Eszterházy issued to the commander of the castle Septe in 1640, among which the following orders contain policing regulations:

- Check those admitted into the castle and their documents.
- Supervise the locking of the gates and keep the keys on you at night. Letters arriving at night must be pulled up on a string. If someone must be let in at night, the external and internal gates must be opened and closed in a sluice system.
- Pay attention to the guardsmen and the other mercenaries and check the sentinels. Make sure that the vigil-keepers and the patrols do their jobs properly.
- Prevent the theft of grain, vine and instruments brought into the castle.
- You and the vice commander shall watch the gardens around the castle and make sure that nobody will do them any harm by theft. If somebody is caught red-handed, he shall be taken to the castle and put in irons.

⁴⁴ TISZA, Miksa (1925): *Magyarország rendőrségének története*. [The History of the Police Force in Hungary.] Pécs, Haladás nyomda. 15.

⁴⁵ ERNYES, Mihály: *A rendvédelmi szakkifejezések múltja*. [The Past of Law Enforcement Terminology.] Available: http://epa.oszk.hu/02100/02176/00002/pdf/RTF_16_056-064.pdf (Downloaded: 19.03.2017.)

- Serve faithfully and humbly, and you shall receive a monthly amount of 12 Forints in cash and the costs of keeping a manservant.⁴⁶

The two periods of history presented in the above part of the chapter illustrate very well that policing/law enforcement goes back to ancient times, when rulers and leaders of towns paid special attention to averting the major sources of threats. Policing/law enforcement went through an asymmetric development in the Middle Ages. As a consequence, in towns persons and bodies were established to conduct independent law enforcement activities in an organised framework, whereas in villages and manors the landlords' influence prevailed.

Following the prehistoric period, the development of society entailed the protection of persons and their properties, mainly in villages and towns, carried out by soldiers at first. Later, in medieval Hungary a number of words referred to policing/law enforcement activities, e.g. guard, ranger, gatekeeper, gendarme (also called *perzekutor*), freelance soldier called *hajdú*, foot soldier called *darabont*, catchpole, corporal,⁴⁷ street captain, lieutenant,⁴⁸ quartermaster etc.

⁴⁶ Ibid. 56.

⁴⁷ Towns were divided into tenths, where order was supervised by corporals, who were controlled by quartermasters, for example in Kőszeg.

⁴⁸ "In Szombathely the citizens of the town were obliged to go to the field, according to the orders of the lieutenant, to keep night watch." VÖLGYESI, Levente (2008): *op. cit.* 147.

2. The Establishment of Modern Law Enforcement in Some Countries of Europe

The industrial and bourgeois revolutions at the turn of the 18th and 19th century had their impact on all fields of life. The spreading of mass-produced goods, the acceleration of the changes in travel, the sudden growth in the numbers of large houses in towns, the emergence of industrial plants, the attraction of jobs resulted in changes in everyday life. New threats came into being and the speed of travelling grew, which also meant new types of law enforcement activities, e.g. railway policing, traffic policing, industrial policing, water policing etc.

Among the countries of Europe, **modern law enforcement first emerged in France.**⁴⁹ An important date and place to remember is 1667, Paris, where the first state police force was founded. Nicolas Delamare's (1639–1723) book entitled **Traité de la Police** (Treatise on the Police) is the first milestone in the history of policing/law enforcement. The two-volume work published between 1705 and 1707 discusses the following law enforcement topics: *“religion, public morals, health, food, public peace, public safety, traffic, sciences and liberal arts, commerce, handicraft, mechanic arts, servitude, day-labour and poverty.”*⁵⁰ According to Delamare *“the police must be involved in everything that is connected to the happiness of people.”*⁵¹ Further, in his main work he writes: *“Of course, the police are concerned with religion not from the aspect of dogmatic orthodoxy but in terms of the moral quality of life. If we consider healthcare and supply,*

⁴⁹ In France they tried to preserve order as the ancient Romans had established it. In the Middle Ages the sovereigns tried to maintain order in the spirit of the ‘police state’.

⁵⁰ Kot, Gyula (2015): A francia közigazgatási jogtudomány jellegzetességei (1705–1945). [The Typical Features of the French Administrative Law.] *Polgári Szemle*, Vol. 11, No. 4–6. Available: <http://polgariszemle.hu/archivum/100-2015-december-11-evfolyam-4-6-szam/politikatudomany-allamtudomany/705-a-francia-koezigazgatasi-jogtudomany-jellegzetessegei-1705-1945> (Downloaded: 12.04.2017.)

⁵¹ JASCHKE, Hans-Gerd – BJØRGO, Tore – del BARRIO ROMERO, Francisco – KWANTEN, Cees – MAWBY, Robin – PAGON, Milan (2007). [Project Group on a European Approach to Police Science, PGEAPS.] *Final Report*. Münster, CEPOL, Vol. 1. 33.

the task of the police is to sustain life. With respect to trade, factories, workers, the poor and public order it is the duty of the police to make life comfortable. If we think of theatres, literature and entertainment, the police serve the enjoyment of life. In one word, the objective of the police is life itself, with all its elements: the indispensable, the useful ones and those beyond our needs, as these three categories cover all the things that we need in life or that we can make use of in our life. People should live and they should fare better than just survive every day. And that is exactly what the police have to ensure."

Delamare's main principles according to the ideas formulated in his work are as follows:

- what goes beyond the needs of an individual may be indispensable for the state and vice versa;
- the happiness of people is a political issue;
- the state should not only be concerned with the individual or a lot of people living together, but also with society.⁵²

All this illustrates and supports the above, namely that Delamare sees and defines the police as an institution looking after the individuals that constitute society.

Later the Police of Paris served as a model for the German and Austrian areas. Nicolas Delamare's book: **Traité de la Police** was used as a source by all the German scientists who conducted research and published studies on policing/law enforcement. The French influence can be felt in the main work of Lorenz von Stein, considered a pioneer in the field of public administration and policing/law enforcement, which has references to the works of French authors such as Nicolas Delamare, Alexandre-François Vivien and Philippe Buchez.

In Prussia the first provisions concerning the tasks of the police were published in 1794 in the Allgemeines Landrecht (The Basic Law of Public Administration). According to this document "*The task of the police force is to take measures needed to maintain public peace, public safety and public order and to avert the threats posed to the public or its individual members.*"⁵³ In 18th and 19th century Prussia activities like railway and mining

⁵² Ibid.

⁵³ Allgemeines Landrecht. Part II. Title 17, Article 10.

policing, river navigation and port policing, as well as the policing of dams and forests were conducted by independent police forces.

Lorenz von Stein was preceded in time by Robert von Mohl, among whose works the one entitled *Polizeiwissenschaft nach den Grundsätzen des Rechtsstaates* (Police Science According to the Principles of the Constitutional State) deserves special attention. The first of its three volumes was published in 1832 in Tübingen. In this work Mohl says: “*Policing, that is police law comprises all the state institutions and regulations whose purpose is to safeguard society from the obstacles and troubles that would prevent the versatile development of human forces in places where the strength of individuals cannot facilitate them or can promote them only in an imperfect way.*”⁵⁴ Mohl also defined the tasks of the police: “*and the task of the police is to accomplish all the institutions and take all the measures by which felonies and misdemeanours may be warded off.*”⁵⁵ Mohl’s other work, also known in Hungary, is entitled *Encyklopaedie der Staatswissenschaften* (Encyclopedia of Political Sciences and Political Economics), published in 1859 and translated into Hungarian by Tóbiás Löw.

The statement that Robert von Mohl’s work was value creating is best illustrated by the fact that his essay entitled *Rechtsstaat* (Rule of Law),⁵⁶ for example, was considered important enough to be translated into Hungarian and be published, even in the 21st century. Mohl thinks that the state has two tasks; one is to maintain law and order in the territory of the state and the other is “*to facilitate reasonable human purposes where and if the strength of the participants united in smaller groups is not enough.*”⁵⁷ Mohl also writes about his views on order in his other work, *Polizeywissenschaft nach den Grundsätzen des Rechtsstaates* (Police Science According to the Principles of the Constitutional State), saying “*order is an indispensable human need; law enforcement came into being because people*

⁵⁴ Koi, Gyula (2013): Külföldi hatások a magyar közigazgatás-tudományban – Hazai és nemzetközi tudománytörténeti visszapillantás a kameralisztika időszakától a Magyar-iskola koráig. [Foreign Influence in the Hungarian Public Administration Science – The History of Hungarian and International Science: A Retrospect from the Period of Cameralism to Magyar’s School.] PhD dissertation. Győr, SZE-ÁJDI. 73.

⁵⁵ Ibid.

⁵⁶ von MOHL, Robert (1995): Jogállam. [Rule of Law.] In TAKÁCS, Péter ed.: *Joguralom és jogállam*. Budapest. 32–37.

⁵⁷ Ibid. 33.

need order.”⁵⁸ “He made the rule of law (*Rechtsstaat*) and the standards of individual freedom guaranteed by the rule of law his starting point. He thought the activities of the *Polizei* served to remove all the obstacles hindering the free unfolding of the individual. In his opinion everything that individuals and their groups cannot do for themselves belongs to the range of lawful activities of the *Polizei*, whereas everything that individuals and their groups can do independently is beyond the limits of this range. Mohl insisted that safety functions should be excluded from the concept of *Polizei* and it should be reserved for these welfare activities.”⁵⁹ Robert von Mohl, a German jurist and political scientist,⁶⁰ one of the first praiseworthy cultivators of public administration and policing was quoted by his German colleagues, e.g. Lorenz von Stein and has been cited by his later Hungarian adherents up to this day.

Chronologically, Robert von Mohl was followed by Lorenz von Stein, who states in his main work that law enforcement is no longer a legal institution for its own sake but has become an element of public administration. Lorenz von Stein established the justification of German policing by his work. He was the basic source for the cultivators of Hungarian policing for a long time. Almost every outstanding scientist conducting research on policing/law enforcement or public administration in the 19th–20th centuries quoted his work and relied to the highest extent on the foundations laid by Lorenz von Stein. At the beginning of the second half of the 19th century he wrote **Verwaltungslehre** (Studies in Public Administration) a pioneering but at the same time lasting work on public administration and policing. It was translated into Hungarian by Gusztáv Kautz,⁶¹ who also supplemented it with informations of Hungarian relevance. Stein’s “main work, the seven-volume **Verwaltungslehre**, in which he summarised his theses on public

⁵⁸ MOHL, Robert (1866): *Polizeiwissenschaft nach den Grundsätzen des Rechtsstaates*. Tübingen. 11.

⁵⁹ MOHL, Robert (1832–33): *Die Polizeiwissenschaft nach den Grundsätzen des Rechtsstaates*. Vol. 1/10, Tübingen.

⁶⁰ Koi, Gyula (2013): *op. cit.* 74.

⁶¹ Az államigazgatás és igazgatási jog alapvonalai. Folytonos tekintettel angol-, francia-, és Németország törvényhozása- és irodalmára. Stein Lőrincz bécsi egyetemi tanár után, a hazai viszonyainkra és törvényhozásukra való utalásokkal. [The Main Lines of Public Administration and Administrative Law. With Continuous Regard to the Legislation and Literature of England, France and Germany. After Professor Lőrincz Stein from Vienna, with references to the Conditions and Legislation of Hungary.] Gusztáv Kautz jogtudor hites ügyvéd, a Győri Jogakadémia rendes tanára által. Budapest, Ráth Mór. 1871.

administration, is an honoured standard book of public administration sciences even today. In fact, it lays the foundations of public administration science after the Polizeywissenschaft era. Its importance lies both in the defined basic principles and in presenting the whole system of public administration. The first volume is about the executive force (*vollziehende Gewalt*). The second volume discusses the question of studying **internal affairs administration** (*Die Lehre von der innern Verwaltung*), with regard to introduction, concept, taxonomy and administrative law. The third volume presents the topic of public health care (*öffentliche Gesundheitswesen*), the fourth that of **police law** (*Polizeyrecht*), the fifth that of cultural affairs (*Bildungswesen*), the sixth that of the press and the seventh that of economic administration (*wirtschaftliche Verwaltung*).⁶² The third chapter of Stein's book is about public policing. He considered it important to underline already in its foreword that there was no other branch of public administration where creating clear concepts was as vital as in the case of public policing. Experts in policing/law enforcement have cited Stein's definition of the concept since the 19th century, saying **"by policing they meant all the forms in which the government usually interferes in administration."**⁶³

In this work Stein did not only give a comprehensive picture about governance and public administration but also clearly distinguished the main period of the development of policing/law enforcement, and, with wise foresight, he outlined the framework of public administration and policing/law enforcement for a long time to come. Gusztáv Kautz, the translator of the book indicated the pioneering quality of the book in the introduction, saying he had not found a similar work in Europe.

Another German public administration scientist of the 19th century was Otto Mayer, who defined public order as follows: *"public order is the state of the community in which social values, within the limits defined by the opportunities, may stay free from all harm."*⁶⁴

Hungary and Austria have been neighbours for more than a thousand years. During this time we have fought several times, been good neighbours and constituted a confederation. Thus, the Hungarians gained direct experience concerning policing/law enforcement from the Austrian model.

⁶² Koi, Gyula (2013): *op. cit.* 82.

⁶³ *Ibid.* 105.

⁶⁴ TÓTH, József (1938): *A rendészetfogalom a nemzeti szocialista államban.* [The Concept of Policing in the National Socialist State.] Eger, Szent István nyomda. 54.

In Austria Maria Theresa's reform was a decisive step in the history of policing and the police, by which the first police commission was established, for which the French, or more exactly the Paris Police served as an example. After this the police agencies were founded one after the other. The safety organisations in the country duchies were reorganised in 1751, the police office in Vienna in 1773 and the Vienna Guard in 1775.⁶⁵ Later, the *Police Organisational Rules*, issued by Maria Theresa's decree defined policing/law enforcement rules for a long time to come.

The Austrian politician, university professor, publicist, theatre critic and mainly political scientist Joseph von Sonnenfels, who lived at the end of the 18th and the beginning of the 19th century, excelled in the field of public administration and policing and thus had a considerable impact on Hungarian public administration, too. He especially highly valued the role of science, which he formulated as follows: "*sciences are the sun, by whose light a nation can examine its own position more clearly.*"⁶⁶ His outstanding work, also important from Hungary's point of view is the three-volume *Grundsätze der Polizey, Handlung und Finanz*⁶⁷ (Principles of the Police, Activity and Finance), published between 1769 and 1776. It is obvious from the titles of the three volumes that Joseph von Sonnenfels placed political science on three major pillars, such as finances, commerce and policing.

"He defined their four main purposes as follows:

1. *establishing and maintaining the external security of the state, which is the task of politics and the army;*
2. *guaranteeing internal security, which is the responsibility of policing;*
3. *provision and development of food supply, which is the competence of commerce;*
4. *increasing the income to cover state expenditure, which is the field of financial sciences.*"⁶⁸

⁶⁵ Ibid.

⁶⁶ von SONNENFELS (1771): *Ueber die Liebe des Vaterlandes*. Wien, Kurzböck. 201.

⁶⁷ von SONNENFELS, Joseph (1769–1776): *Grundsätze der Polizey, Handlung und Finanz*. Wien. 446.

⁶⁸ KÖKÉNYESI, Zsolt: *Kiváltságosok az állam és a közjó szolgálatában. Joseph von Sonnenfels nemesség koncepciójáról.* [The Privileged in Service of the State and of the Public Good. About Joseph von Sonnenfels' Concept of Nobility.] Available: www.academia.edu/8434171/Kiv%C3%A1lt%C3%A1sgosok_az_%C3%A1llam_%C3%A9s_a_k%C3%B6zj%C3%B3szolg%C3%A1lat%C3%A1ban._Joseph_von_Sonnenfels_nemess%C3%A9g_koncepci%C3%B3ja_2017 (Downloaded: 26.04.2017)

It is obvious from the above ideas that Sonnenfels was especially interested in policing. In his opinion “*the police must precisely be informed about the strength of all the (social) estates and communities (townships), so that, having this information, if any of these should obtain a suspicious magnitude, it will be capable of forcing it back to the limits corresponding to the given circumstances.*”⁶⁹ In Sonnenfels’ consideration, the basis of political sciences is constituted by policing/law enforcement, which must secure internal order and peace within the state. Therefore, the task of the state is to guarantee safety for its citizens and to protect their property and public order. With regard to the police, he considered important that the people should obey it. At the same time, he opposed luxury, disapproved of extravagance at family banquets and believed it was important to take action against it. Also, in the field of medical policing he was the first to propose the establishment of quarantines and to initiate expert checks of medicines before their first use.

As a consequence of riots and the revolution in Vienna in 1848, the *gendarmérie* was founded, which was also employed in the territory of Hungary in 1849. In 1869, following the order of Emperor Franz Joseph, the body of the federal safety guard was organised.⁷⁰ The 1862 imperial law on townships made it possible for the townships to issue their own regulations, which enabled them to establish their own township police organisations. Later, at the beginning of the 20th century the township police organisations were invested with policing powers as follows:

- safekeeping of persons and property
- road and field policing
- food policing and monitoring markets’ turnover, namely checks on weights and measurements
- healthcare policing
- servants’ policing
- morals policing
- construction and fire policing⁷¹

It is clear from the above facts that in Austria modern policing/law enforcement had been established by the end of the 19th, the beginning

⁶⁹ KOI, Gyula (2013): *op. cit.* 49.

⁷⁰ HANDLER, Karl (2009): Az osztrák rendőrség. [The Austrian Police.] In *Európai tagországok rendőrsége I.* MRTT – RTF Társadalomtudományi Tanszéke. 7.

⁷¹ DEHMAL, Henrik (1922): Az osztrák rendőrség. [The Austrian Police.] *A Rend*, II/46. 1.

of the 20th century. All of its activities can be found among the tasks of the executive township and state police organisations.

Police science, formed in France but strengthened, spread and implanted in German areas and then in Austria served as a model in Hungary. One way of this was that Hungarian students also attended the lectures of Lorenz von Stein at Vienna University, and thus Stein's spirit is reflected and can be traced in Hungarian works written in the field of law enforcement and police science at the end of the 19th and in the 20th century.

3. The Establishment and History of Modern Law Enforcement in Hungary

3.1. The Establishment of Modern Law Enforcement in Hungary

It is well known about Hungarian history that the Hungarian people settled down after the conquest of the Carpathian Basin (896) and, after King Stephen I founded the state, the medieval Hungarian kingdom developed. Because of the formation of the counties (castle districts) and the characteristic features of feudalism there was no centralised public administration until the Austro–Hungarian Compromise of 1867. At the same time, the organisation of border defence, the development of the “gyepű” (early Hungarian border defence) system could refer to initial forms of border policing, while the laws of Stephen and later kings contained elements of luxury policing, alien policing, religion policing and criminal policing. Unlike in European countries, the ‘*police state*’⁷² – as the subject matter of police science – so typical of the era of feudal absolutism did not develop in Hungary, because here public administration with a policing character significantly lacked the content covered by ‘*welfare policing*’. Consequently, in Hungary the development of policing/law enforcement took place mainly in the second

⁷² “A state that originally for the purpose of the welfare and safety of the state and the subjects goes so far in its preventive measures that these measures, left to the discretion of the authorities, expose the subjects’ private life and, under the pretext of some higher aim even their individual freedom to harassment from time to time, is usually called a police state. This kind of state is the product of the system of the so-called feudal absolutism, but may appear in relation to other forms of government, even to democratic republican states. In a police state everyone and everything is suspicious, the authorities always see spectres and plots, monitor the steps of the subject, they will have him under supervision after suspecting the most insignificant signs and will surround him with spies. On the other hand, the belief in the omnipotence of the authority trains the subjects to ask for the contribution, advice and intercession of the authority in the smallest matters, even with family problems, which in another case will empower the authority to take measures concerning the most intimate details of an individual’s life.” FERENCZY, Árpád (1905): *A politika rendszere*. [The System of Politics.] Budapest, Politzer. 118.

half of the 19th century. The first sign of this in the field of legislation dates back to 1840, when the law on field police came into being.

Academic and jurist⁷³ **Ignác Zsoldos**⁷⁴ was the first scientist to do detailed research on public administration and policing/law enforcement.⁷⁵ His first work, closely related to the subject of seeking policing, entitled **A few words on public bravery in our country**⁷⁶ was published in Hungarian, which indicates both the courage of the author and the achievements of the reform period in Hungary. In its first part he writes about “the impediment of transgression in advance”, that is about the prevention of crimes. To this end he sees it necessary that the criminals must not have a “nest”, a den, there should be a police force to prevent crimes from taking place and receivers of stolen goods must receive severe punishment. He raises a new idea here, namely that those who suffer damage while maintaining public bravery should be compensated from a public bravery fund. Ignác Zsoldos also thought the establishment of a “*society of temperance*”⁷⁷ was necessary, because immoderation could also lead to a lot of crimes. He was the first to state that in a country there was no order without the police.⁷⁸ In his opinion the major task of the police is to maintain order and not to pry into family secrets. Zsoldos thinks that public bravery can be divided into external and internal police. This latter is the authority that supervises the internal public bravery of towns and other settlements, which can be entrusted to the local residents. He also thought it was necessary to establish the field police. It was in this spirit that Statute IX of 1840 on the field police was created, on the rules of which Ignác Zsoldos also published a book⁷⁹ in

⁷³ On 7 September 1837 he was elected corresponding member of the Hungarian Academy of Sciences (HAS).

⁷⁴ Koi, Gyula (2013): *Évszázadok mezsgyéjén. Négy magyar közigazgatás-tudós útkeresése és életpéldája*. [In the Borderland between Centuries. The Lives of Four Public Administration Scholars as Models and their Quest of Ways.] **Ignác Zsoldos** (1803–1885) Emil Récsi (1822–1864) Győző Concha (1846–1933) Zoltán Magyary (1888–1945). NKE. 11–42.

⁷⁵ E.g.: ZSOLDOS, Ignác (1842): *A mezei rendőrség főbb szabályai. Az 1840: IX. törvénycikkely nyomán*. [The Main Rules of Field Police. According to Statute IX of 1840.] Pépa, Pápai Református Kollégium.

⁷⁶ ZSOLDOS, Ignác (1838): *Néhány szó a honi közbátorságról*. [A Few Words on Public Bravery in our Country.] Pesten, Tratter-Károlyi. 100.

⁷⁷ Ibid. 1–3.

⁷⁸ Ibid. 10.

⁷⁹ ZSOLDOS, Ignác (1843): *A mezei rendőrség főbb szabályai. Az 1840: IX. törvénycikkely nyomán*. [The Main Rules of Field Police. According to Statute IX of 1840.] Pépa. 48.

1843. This statute is interesting and important because this is the first law in Hungary related to the “police”. In this period the economy of Hungary was almost entirely dominated by agriculture. That is why Ignác Zsoldos and the creators of the law considered important that there should be order in the area of agricultural management, whose main scene is the field. The main point is that the owner of the land should take their produce home and should not touch someone else’s crop. According to the law, the persons who maintain the order in the field or supervise it are the police officers. The use of the Hungarian word for police officer, ‘rendőr’ also spread after this law came into effect. His work entitled *The office of the szolgabíró* (Judge of a county/castle district), a major book for public administration and policing/law enforcement was published in Pápa. He wrote it as an ordinary member of the Hungarian Academy, and also won the prize issued by the scholarly society with it in 1843. He dedicated the ‘minute collection of ideas’ to his friend, Ferenc Deák, later called by the Hungarians ‘The Wise Man of the Nation’. Apart from his theoretical knowledge of law he also made use of his seven years’ experience in the office of *alszolgabíró* (Sub-Judge) and *főszolgabíró* (Chief Judge). In 1844, in this book about the *office of the szolgabíró* (Judge of a county/castle district)⁸⁰ Ignác Zsoldos established the following about order and the police: “*Order is not maintained by itself, it must be maintained. Those supervising the maintenance of order and reporting the disturbers of the peace – in order that the perpetrators will serve their punishment imposed by law – are called police officers. Thus, the police force is one of the chief requisites of all orderly commonwealths and they are present in all cultured countries.*”⁸¹ The title of the second volume of Ignác Zsoldos’ work is *Rules of Public Order*, by which the author meant public administration, expressed by the contemporary German word *Polizeiwissenschaft*. The state of affairs of those times is reflected by the fact that in his work Zsoldos listed 115 tasks sorted into 53 subject matters which was the responsibility of the office of the *szolgabíró* as a unit of public administration.

Before 1848, because of the feudalistic social structure at that time, nationwide public administration or policing/law enforcement activities could not be conducted in Hungary. The first such experiment took place during the 1848 and 1849 Revolution and War of Independence, when Article

⁸⁰ ZSOLDOS, Ignác (1844): *A szolgabírói hivatal*. [The Office of the *Szolgabíró*.] Pápa.

⁸¹ ZSOLDOS, Ignác (1844): *op. cit.* 187.

14 of **Act III of 1848** (on the establishment of the Independent Hungarian Responsible Ministry) provided that the independent Ministry of the Interior should be established in Buda–Pest. Article 32 of the same Act established that the ministries were responsible for “*defaults committed concerning the enforcement of laws or the maintenance of public peace and public bravery, provided that they could be averted with the help of the instruments placed at their disposal by the law.*”⁸² The newly established Hungarian Ministry of the Interior took over the functions of the former Royal Hungarian Council of the Governor-General (Council of the Governor-General, 1723–1848) as follows:⁸³

- tasks related to the administration of the National Assembly
- public administration tasks
- public safety tasks
- border defence tasks
- tasks emanating from healthcare administration

The Ministry of the Interior carried out its tasks in four departments, dividing the work as follows:

1. **Department of Government (constitutional law)** – parliamentary affairs, organisation of the “representative” elections, tasks related to the union with Transylvania, border issues and enlisting.
2. **Department of Public Administration** – controlling local authorities and municipalities, translators’ sub-department and Croatian affairs.
3. **Department of the Police** – public peace, public safety affairs, control of printing shops, newspapers, passport affairs, workhouses, foundlings’ homes, hospitals, checks of units of measurements, issuing licences to carry on trades.
4. **Home Guard** – Act XXII of 1848 on the Home Guard.⁸⁴

⁸² Act III of 1848 on the establishment of the Independent Hungarian Responsible Ministry.

⁸³ BODA, József – SALLAI, János (2016): A belügyminisztérium feladatrendszerének változásai 1848–1959 között. [The Changes of the Mission System of the Home Office between 1848–1959.] *Nemzetbiztonsági Szemle*, Vol. 4, No. 1. 4–17. A Nemzeti Közszerzői Egyetem Nemzetbiztonsági Intézetének elektronikus (online) megjelenésű tudományos folyóirata.

⁸⁴ The mission of the Home Guard: “Ensuring personal safety and that of property, of public peace and internal peace shall be entrusted to the guarding provided by the citizens of the country; hence, until the next parliament exhaustively provides, with due regard to the formation of the national guard, the following shall be decided.”

Apart from the above departments, the Ministry of the Interior had other organisational units, such as the Minister's Office, the subordinate offices, the auditing office of the Ministry of the Interior, the National Archives, the Statistical Office and the Gazette. During its short existence (1848–49), the main activities of the first independent Ministry of the Interior included the preparation and implementation of the public administration reform and the defence of the country in the light of the well-known events at the battlefields.⁸⁵

The idea of the establishment of the first national police force dates back to the same period. As of 6 September 1848, *“the minister's councillor, Pál Hajnik, was entrusted with the management of the national police department, established by the minister of the interior in Budapest.”*⁸⁶ This short, albeit, due to the war, strenuous period did not make it possible for him to fulfil the task of establishing the national police force, which he got only later, in March 1849, but it started a process.

During the 1848 and 1849 Revolution and War of Independence (as it usually happens in wartime), due to the influx of aliens and in order to prevent espionage and mutinies, alien policing obtained special attention. That is why Minister of the Interior Szemere issued his ‘aliens control’ decree on 12 June 1848, whose territorial scope covered only Buda–Pest. The first article of the decree stipulated that foreign nationals were not allowed to reside in Buda–Pest without permission. The decree also ordered the landlords to report foreigners staying in their houses within 24 hours. Anyone failing to do so was punished with a fine. Those who did not receive a residence permit were *“liable to leave under pain of detention and coerced removal.”*⁸⁷

The actual establishment of the national police force did not happen, as the war of independence was suppressed, but the idea of creating a central state police remained and, like a subterranean river, re-emerged from time to time.

After the Revolution and War of Independence, law enforcement activities in Transylvania continued as before. The area was under direct imperial control. From 19 July 1849 lieutenant general Ludwig von Wohlgemuth was appointed Governor, who chose Nagyszében, the centre of the Saxon

⁸⁵ BODA, József – SALLAI, János (2016): *op. cit.*

⁸⁶ DEÁK, Ágnes (2013): *Államrendőrség Magyarországon*. [The State Police in Hungary.] Budapest, HAS-dissertation. 27.

⁸⁷ Idegenellenőrzés 1848-ban. [Alien Control in 1848.] *A Rend*, Nov. 27, 1921. 3.

inhabitants as his seat and issued his decree on alien policing (in German, Hungarian and French) here.⁸⁸ According to it, suspicious aliens without a passport and internal tramps constituted the main threat to the security of Transylvania at the time. Consequently, the order forbade citizens to give accommodation to distrustful roaming aliens, therefore secluded pubs were kept under surveillance. Undocumented rovers, “the sweepings of society” had to be intercepted and interrogated about their data, for example, what their name was, how old they were, where they had entered the country, where they had been begging, if they had a job or a profession. The decree also made provision for the supply and employment of the detainees.

Although the first work of Ágoston Karvasy on police science was published before the events of 1848–49 related to policing, as his life-work is mainly connected to the period after the 1848–49 revolution, it is discussed here as a whole, following the overview of the War of Independence.

The book of **Ágoston Karvasy** entitled *Political Sciences Presented as a System*⁸⁹ can be considered the first decisive milestone in the history of policing/law enforcement and police science, published in Győr in 1843 as well as his work entitled *The Science of Public Policy*, issued in Pest in 1862.

Karvasy was born in Győr, 1 May 1809. His father was Antal Karpf. (His family name was changed to Karvasy in 1842.) He studied in his native town and then in Pest, where he got his degree in law and began working as a lawyer. After this he started his career as a teacher. From 1835 he taught at the Royal Academy in Nagyvárad, then from 1838 at the Academy of Law in Győr, until 1848. The following was written about his work: “*Karvasy, too, as one of the most talented, progressive and eager specialists, striving to create a more perfect instrument as a basis for his efforts as a teacher, entered upon the elaboration of his work mentioned above, and was met with such recognition in a short time that the work began to be appreciated outside the classroom and yielded academic membership for the young scientist.*”⁹⁰ The highest appreciation of his job was that the Hungarian Academy of Sciences elected him correspondent member 18 December 1846, which, unfortunately was not followed by an ordinary membership.

⁸⁸ Utasítás az országban idegenek feletti rendőrség fenntartása iránt. [Order Regarding the Maintenance of the Police above Aliens in the Country.] Nagyszében, 30 December 1849. OSZK kisnyomtatványok tár, cím szerint.

⁸⁹ The work had several editions.

⁹⁰ SZIGETI, Endre: Karvasy Ágoston. In MIHALIK, István ed. (1991): *Magyar közgazdászok arcképvázlatai*. [Portrait Sketches of Hungarian Economists.] Budapest, Neumann Kht. 1.

He had his inaugural lecture entitled *On National Representation* on 28 June 1847. Following this, he continued his career in Pest, where he was appointed teacher of Pest University in 1849. Between 1864 and 1868 he also had the position of Dean of the Faculty of Law. He worked here until his retirement, when he moved to Vienna.

His first successful work was *Political Sciences Presented as a System*. Its first volume included “constitutional policy, general administrative policy, jurisdictional policy and the science of policzia”⁹¹ (see later), the second was on political economy, and the subject matter of the third volume was “financial sciences”. As it is demonstrated in his first work, he drew upon a wide range of sciences. He excelled mainly in the field of law and economics. The fourth part of the first volume published in 1843 in Győr is of great significance for experts in police science. It is entitled *Policzia or the Police Science*. In the introduction to the fourth part the author presents the concept of the ‘policzia science’, saying “*Policzia is the science that presents the principles according to which internal bravery and public order within the state shall be safeguarded against all possible harm and accidents, if this cannot be accomplished by way of the institutions of administering justice, and according to which all types of erudition of the citizens, too, shall be assisted. Incidentally, the personnel assigned to accomplish the aim of this science shall also be called policzia or rendőrség (police)*.”⁹² The ideas formulated here serve as a basis when defining the concept of policing/law enforcement later on in his works. Thus, the division of the concept of ‘policzia’ and the definition of internal bravery can already be found in Article 2.

This scholarly work of Karvasy was written in the spirit of the welfare police state and also discusses the questions of demography, culture and poverty. The book is divided into four chapters. In the first one the author elaborates on the topic of “population policzia”, on the obstacles and tools of population growth, the problems concerning population and the measures taken to prevent overpopulation.

In the second chapter, entitled *The concerns of the state regarding the intellectual and moral education of the citizens* he presents the concept of schools and intellectual erudition. According to Karvasy, scholarly schools

⁹¹ KARVASY, Ágoston (1843–44): *A politikai tudományok, rendszeresen előadva*. [Political Sciences Presented as a System.] Győr. 2.

⁹² Ibid. 26.

(grammar school, lyceum, academy, university), higher scientific schools (universities conducting education in all branches of science) and learned societies were present in education at that time.

The third chapter discusses the policing of poverty, the reasons for and the concept of poverty, the ways of averting it, institutions for savings and food provision, as well as pawnshops, poorhouses and orphanages.

Chapters IV to VII deal with topics related to policing/law enforcement. In chapter IV, which is about public bravery, he states: *"Public safety and order will be endangered by the gathering of the people, disturbance, riot and revolution."*⁹³ Further on, he formulates the obligations of the police in the event of breach of peace and press abuse, outlining the tools of prevention and he also mentions censorship.

In Chapter V he writes about personal bravery. But what did Karvasy actually mean by 'personal bravery'? *"Personal bravery consists of the bravery of life and of body. It will be endangered by the maleficence or heedlessness of others or by accidents."*⁹⁴ He also lists the obligations of the police regarding averting murder and bodily harm. He thinks personal freedom may be endangered by the abuse of power by public officials, or parents, families and legal guardians.

In Chapter VI he discusses medical policing, protective and medical institutions and the prevention of epidemics. As plague, cholera, smallpox and pestilence still posed considerable threat at the time, he pays special attention to the prevention of their spreading.

Chapter VII is dedicated to 'property bravery', where he analyses the violent occupation and seizing of real assets and valuables and also writes about the aversion of fire, about flood, hail, the invasions of locusts and pests. According to Karvasy the bravery of property, i.e. the safety of property is threatened by the following: malevolence or negligence of fellow-citizens, accidents, violent occupation of real estates, theft of movables, fraudulence and trespassing.⁹⁵

Karvasy also added an appendix to the chapter, in which he presents the system of the police and the requirements for police officials, according to which the police official should have a thorough knowledge of the rules, a sound judgement and quick resourcefulness. He should be diligent

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Ibid. 151.

and a man of integrity, serious, gentle, humane and moderate. The author thinks that the powers of the police as an authority must be extended to everyone, “indiscriminately”.

This book served as a basis for other specialists and scientists conducting research in policing/law enforcement and public administration. It is to the great credit of Karvasy’s book that it was written in Hungarian and it interpreted the topic of policing/law enforcement in a complex way. Apart from the police, it also presented knowledge related to corrections and financial sciences. Thus, I think he was the first to formulate the concept of financial sciences, saying: “*Therefore, financial sciences comprise all the principles, according to which the fiscal instruments needed for the state to achieve its goals are accumulated in the most expedient way, are managed and applied for their intended purpose.*”⁹⁶

This quoted work of Karvasy had several editions and has been preserved to our day. His experience as a teacher made him realise that, apart from the above work, a Hungarian textbook was needed on policing to be used as a manual by both teachers and students. This book was published in 1862 with the title **The Science of Public Policy** and served as a source for researchers and as a textbook for students and teachers in Hungarian public administration and in the branch of policing for a long time.

The book elaborates on the following topics:

1. *the main principles of the science of public policy*,⁹⁷
2. *cultural policy, education, learned societies, religious culture*,
3. *policing the poor*,
4. *public bravery of the state*,⁹⁸

⁹⁶ Ibid. Vol. 3. 1.

⁹⁷ Karvasy lists the following public policy principles: The police must intervene only where the citizens’ own activities do not succeed. Public policy measures should be in harmony with morality. The instruments applied by the police must not conflict with the citizens’ rights. Police measures should not only be justified but also practical. From several instruments they should choose the one which, within the limits of law, will most certainly lead to achieve the intended purpose. Police power should not become the autocracy of police officials. (Ibid. 19.)

⁹⁸ “And the existence of public bravery is constituted by the maintenance of public peace and order, the reputation of the authorities and by ensuring state rules and administration. The existence of public bravery may be disturbed by gathering of the people, disturbance, riot and revolution.” (Ibid. 59.)

5. *the bravery of persons*,⁹⁹
6. *medical police, i.e. public healthcare* and
7. *property bravery*.¹⁰⁰

Expressions like ‘*public bravery*’ or ‘*property bravery*’ may provoke a smile today, but I think they can be easily identified with public safety and the safety of private property. Karvasy was also the first to give a detailed record of the concept of the *science of public policy* in Hungarian, as follows: “*The science of public policy (Polizewissenschaft) comprises the principles by the application of which the dangers and disturbances within the state are directly averted, their harmful consequences are terminated or mitigated and the people’s refined needs, required by higher culture, are met. The dangers and disturbances, whose direct aversion constitutes the subject of the science of public policy, may originate in the malevolence of people or their carelessness, or in nature, that is, events beyond human control.*”¹⁰¹ I think this is the first definition of policing formulated in Hungarian, whose main ideas are valid even today, especially the ones about the aversion and termination of the threats to the state. Later Karvasy highlighted the threats related to fire, water, streets, excessive prices of construction and poverty and the dangers coming from bathing, walking on ice and animals.

In his work the author writes the following about the activities of the police: “*In order to ensure the maintenance of order and of bravery, which is the aim of the policing institution, the police must conduct various activities, and these activities are as follows: the activities of perceptual preclusion, forcing back and discovery.*”¹⁰²

By ‘*activities of preclusion*’ Karvasy meant that the police should take suitable measures to prevent insults, molestation etc. emanating from the malevolence of people. By ‘*activities of forcing back*’ he meant that if insults or molestation have happened, they should be suppressed even by physical force if needed. The modern interpretation of ‘*activities*

⁹⁹ “Provision for the personal bravery of the individual citizens by the police includes the warding off of dangers which threaten the citizens’ life and limb, freedom and honour.” (Ibid. 63.)

¹⁰⁰ “Warding off all the dangers threatening the bravery of the citizens’ property.” (Ibid. 60–63.)

¹⁰¹ Ibid. 1.

¹⁰² Ibid. 10–15.

of discovery' is investigation. Karvasy thought the following requirements for police officials – which, I think should be considered even today – were very important:

- *"They should be in the possession of the knowledge of the general principles of the science of public policy and of the particular rules of their national police."*
- *"They should possess a sound judgement, presence of mind and quick resourcefulness."*
- *"They should be diligent in their office, preserve their integrity and be enthusiastic about the public good."*¹⁰³
- *"They should show earnestness, determination and staunchness in their deeds, which they should restrain with gentleness and humaneness."*¹⁰⁴

In the same spirit as was shown in his previous work, Karvasy is very firm about the jurisdiction of the police: *"everybody, without any differences regarding birth or rank, should be subject to the same police authorities, because it is impossible to maintain good order anywhere where exceptions of this kind have a place."*¹⁰⁵

For the sake of interest, it is worth mentioning that in the section about cultural policy and education Karvasy says that universities are at the highest level of scholarly schools, where the positions of the various departments must be filled with outstanding teachers, who, representing scientific standards, should not only abound in scientific knowledge but also have a talent to perform.¹⁰⁶ Karvasy undoubtedly takes a clear stand for academic and teachers' freedom, while in a footnote¹⁰⁷ he mentions that they are worth nothing if the students do not attend the lectures, take notes and are not hard working. He also mentions the learned societies, their mission and responsibility as well as religious culture as an important issue.

In his book Karvasy makes a distinction between the street police and the road police. The former supervised the streets and squares of bigger towns, whereas the latter was responsible for order on public roads. He explicitly mentions the aversion of dangers at construction sites, which, in his

¹⁰³ Ibid. 15.

¹⁰⁴ Ibid. 15.

¹⁰⁵ Ibid. 9–15.

¹⁰⁶ Ibid. 33–35.

¹⁰⁷ Ibid. 35.

opinion, is the jurisdiction of the construction police. He thought that the lack or expensiveness of food, and its quality and the regime at the markets were also potential sources of dangers for policing.

In the 19th century slavery and slave labour were still present in the world. The possibility of enticing people to do such work and fraudulent recruitment were potential threats to personal freedom. Karvasy thought their prevention was an important public safety mission of the authorities. He classified servants' policing in this scope of tasks, which codified the legal relations of master and servant. In his work, Karvasy devoted a separate section to medical policing and public healthcare. In his opinion the medical police had a twofold task, curing the citizens' illnesses on the one hand and keeping diseases away from them on the other. The police authorities must provide for keeping beverages and the air clean, and for the prevention and stopping of epidemics.

In Chapter VII of his book Karvasy elaborates on 'property bravery', which is called the safety of property today. He thinks that among the threats to property special attention should be paid to prevent theft and fraudulence and to eliminate dangers caused by negligence, such as fire hazards. He also discusses the risk of floods threatening the citizens, potentially caused by large rainstorms or the thawing of snow. Regarding the aversion of these, he writes about the tasks of the police including prevention and saving people and valuables, provision of food and the maintenance of life-saving station in situations of emergency.

The time and location of the publishing of this book are both important. It appeared in Pest in 1862, in Hungarian, during the period of the Austrian oppression after the 1848–49 revolution, and it preceded the first Act on the Police by 19 years.

Stimulated by the success of his previous works, Karvasy published another book with similar content but a different title in 1870. *The Science of Public Policy and Cultural Policy* had several revised editions. In this work Karvasy considered important to present all the threats against which the police must act. He also categorised the various police units within policing according to the various types of dangers, such as fire, water, street, construction, expensiveness, poverty, medical etc.¹⁰⁸ In the practical part the author established the mission of the science of public policy,

¹⁰⁸ KARVASY, Ágoston (1870): *A közrendészeti tudomány és culturpolitika*. [The Science of Public Policy and Cultural Policy.] Pest, Athenaeum. 232.

according to which one of the tasks is to find ways of “plugging” hazard sources and of maintaining the public bravery of the state and bravery of the individuals. All that formed a basis for the scientific classification of the branches of public policy.

His works served as a model for the succeeding generations and also as a point of attack at times. Still, this in no way diminishes Ágoston Karvasy playing a pioneering role in the field of police science. **László Petrovics**, among others, criticized him for connecting the concepts of public policy and cultural policy. It might not be an accident, either, that **Győző Concha**, who later, in the first years of the 20th century had his inaugural address at the Academy on the topic of policing, used to be Karvasy’s student at the university.

It should also be mentioned as one of Ágoston Karvasy’s merits that he wrote his works in Hungarian, in harmony with the spirit of the reform period, by which he did a great contribution to cultivating and preserving of the Hungarian language. The fact that in the title of his book on policing (*The Science of Public Policy*) *policing* appears as a scientific discipline also has an important message. I think there is also a connection with the first professional periodical related to police science, which was named *Public Policy Paper* and was first published in 1872. Also, although the age of polymaths ended after the first industrial revolution, Karvasy made his mark as a scholar in several fields of science, and had outstanding achievements regarding policing/law enforcement. In recognition for his merits he was raised to noble rank and in 1863 he was given the title of king’s councillor. He spent his retirement in Vienna and died there in 1896.

Jurist¹⁰⁹ **Emil Récsi**¹¹⁰ was Karvasy’s contemporary. His four-volume work, *The Manual of the Science of Public Administration Law According to the Present State of the Austrian Imperial Legislation, Particularly with Regard to Hungary* published in 1854–55 includes the following:

Volume I: *The systematic presentation of all of the public administration organisations and the circumstances of the state service*

In Chapter 3 the author discusses the organisations of political administration. An interesting fact regarding policing/law enforcement is that at that time the guarding of borders belonged to military defence, conducted by

¹⁰⁹ Emil Récsi was the first to lecture public administration law in Hungary at Pest University.

¹¹⁰ Koi, Gyula (2013): *op. cit.* 47–70.

military frontier regions in the south. Emil Récsi also described these special administrative organisations, and so we know that the main leader of the administration of these military frontier regions is the army headquarters, but also includes political, police and financial administration.

Chapter 4 elaborates on the organisations of police administration. It presents the organisational structure of the police, the police directorate and the police constabulary. This period of the Hungarian history, named ‘the Bach era’ after the minister of the interior was special in that police staff was reinforced by the military police and civil guards¹¹¹ were also deployed. The police authority was responsible for three main fields:

1. maintenance of public bravery and internal peace
2. provision for personal and property bravery
3. maintenance of public order¹¹²

Volume II: *The issue of political administration and public administration managed by the police*

In this volume Récsi defined the mission of the public administration police similarly to the ideas in the first volume. “*The official operation of the public administration police is concerned with watching, preventing and guarding as opposed to the police of the court, which, when violations of the law and impairments occur, is directed at the detection of those breaking the law, and, if not authorised to punish them itself, to deliver them to the hand of the competent punitive authority.*”¹¹³ In this chapter Emil Récsi mainly discusses the maintenance of public bravery and internal peace and the legal measures taken to ensure them. He mentions that these measures are aimed at the prevention and aversion of the dangers that would disturb the internal order, peace and quiet of the state, that is, as they used to say at the time, would bother the general bravery in the country. In Article 83 he presents the gendarmerie, which was organised in a military way and which he calls the special body for the guarding of the country’s bravery. He presents in detail the military and civil guards who can help the work of the police constabularies. In Article 88 he gives a detailed description

¹¹¹ Récsi, Emil (1854–55): *Közigazgatási törvénytudomány kézikönyve az ausztriai birodalmi törvényhozás jelen állása szerint, különös tekintettel Magyarországra.* [The Manual of the Science of Public Administration Law According to the Present State of the Austrian Imperial Legislation, Particularly with Regard to Hungary.] Pest, Heckenast, Volume 1. 104.

¹¹² Ibid. 108.

¹¹³ Ibid. Volume II. 190.

of passport policing, which regulates alien policing and the passport affairs of the Hungarian citizens. In Article 90 he gives a separate list of those endangering the general bravery in the country. These are the outlaws, the beggars and other suspicious persons. He also writes about expulsion, seeing unwanted persons out of the country and about forced workhouses in detail. He also considered important to have regulations for the press, association issues, a regime for the production, storage and possession of weapons and ammunition in order to maintain general public bravery. In the chapter on public administration he presents the knowledge related to the maintenance of personal bravery, highlighting the protection and maintenance of personal freedom and integrity, ensuring the bravery of health and life and limbs, the protection of children and railroad policing.

Volume III: *Public administration managed by the police (end). Issues of public education*

This volume discusses food and health safety, the market police, the healthcare and poverty police, the morals police and elaborates on fire safety. Then the author goes on to people's and public education. An interesting feature of the volume is that it is the first source to mention the organised basic and staff training of border guard officers saying that 150 border guards received basic training in 3 'basic education houses' and 5 border guard schools trained 80 students to provide the new generations of commissioned border guard officers for the military frontier regions.¹¹⁴

Volume IV: *Affairs of agriculture, industry, trade and transport*

In the fourth volume it is only the appendix that contains information related to policing, as this was the place for pointing out changes that took place during the publishing and printing of the volumes.

Récsi lived and wrote his works in approximately the same period as Karvasy. The language of his book, too, reflects the peculiar style of the age (public bravery, personal and property bravery) very well.

The influence of the Bach era is indicated in the ideas of Récsi about the uniforms: "*It has been provided with regard to Hungary that the established state officials are to appear on duty wearing their standard uniform, whereas wearing all other kinds of national attire is forbidden, both on and off duty.* **Police officials and finance guard inspectors and constables**

¹¹⁴ Ibid. Volume III. 340.

must wear the common imperial officials' uniform. (Emphasis added) *The officials appointed temporarily are not obliged to wear a uniform for the present, but if they have one made, they must abide with the regulations. Mining officials who have a miner's uniform are allowed to wear it until further orders. (Wearing a service hat with civilian clothing or a civilian overcoat with the uniform is generally forbidden.)*"¹¹⁵

Gyula Kautz became the correspondent member of the HAS in 1862, and one of his works, *Politics or Political Science* (*Politika, vagy Országásztan*) was published in the same year. The Hungarian word 'országászat' (the study of countries) is an old word that may seem very strange, but we know from the author that according to Aristotle it is the art of arts, one of the noblest and most difficult trades.

Kautz discusses policing/law enforcement politics in two chapters of Volume III of the second part. He says that one of the aims of the state is the public bravery of the social order and of the citizens.

In his opinion the aversion of disturbances, breaches of the peace and of threats, the prevention of the reappearance of dangers and guarding against the consequences are the activities of the state. He considers the entirety of these activities 'policzia' or policing/law enforcement.¹¹⁶ After this he notes that this concept has not been defined and everybody has interpreted it in their own way, therefore it is very important to investigate it thoroughly. After this examination the author comes to the conclusion that "*the only appropriate interpretation and understanding of policing, in our view, is that it is the scope of public administration activities aimed at the direct ensuring and protection of the external order of society.*"¹¹⁷ Later in his work he uses the expressions 'policzia' and 'the study of policing', which he defines (almost identically with the classical concept of policing/law enforcement) as follows: "*it systematically comprises the principles and wise regulations, according to which all kinds of disturbances and threats posed to internal bravery and the external order of society are to be directly averted or measures are to be taken to mitigate and eliminate their harmful consequences.*"¹¹⁸ Hence, policing/law enforcement is about the main measures as follows:

- general state bravery order and security,

¹¹⁵ Ibid. 351–352.

¹¹⁶ KAUTZ, Gyula (1862): *Politika, vagy Országásztan*. [Politics or Political Science.] Pest, Heckenast Gusztáv. 430.

¹¹⁷ Ibid. 439.

¹¹⁸ Ibid. 441.

- personal bravery and security,
- property safety and health policing.

Kautz quotes Delamare's *Traité de la Police* when he mentions '**policzia**' also **as a science** (emphasis added). He thinks that the study of policing is mainly cultivated by Germans. With regard to the division of the police, similarly to Karvasy, he would support the territorial principle. In order to ensure public order and state security, he assumes the control of secret societies and of foreigners, the supervision of assemblies and keeping the passport system as correct. He puts special emphasis on the policing/law enforcement measures taken to maintain personal bravery and security. Among the medical policing/law enforcement measures he highlights the following:

- upkeep of a permanent healthcare committee
- sufficient number of doctors
- sufficient number of pharmacies
- sufficient number of hospitals and lunatic asylums
- counterfeit foodstuffs should not be marketed
- provision of healthy life conditions for children (child labour)
- draining of marshes, flood-prevention, funeral policing/law enforcement
- prevention of epidemics (diseases, smallpox etc.)

Karvasy's influence can also be felt in the description of the safety of the individuals' property and a lot of similarities can be detected between the two works.

Tivadar Pauler's monumental work, entitled *The Encyclopaedia of Jurisprudence and Political Science* was published in 1865. Pauler's main aim was to present jurisprudence as one of the disciplines formed as a result of the development of sciences. Among other places, in the second volume of this work he also discusses *policing/law enforcement policy* within *internal affairs (governmental) policy*, which belongs to *political sciences*. He quotes the works of German authors and of Karvasy when he formulates his opinion of the concept of policing/law enforcement: "*It is necessary to fulfil the final goals of the state; the prevention of the violations of the law if possible, the aversion of threats posed to the social order and the elimination of their harmful consequences; the institutions established for the direct achievement of these goals belong to the field of policing/law enforcement; therefore, policing/law enforcement policy or the study of policing systemati-*

cally comprises the principles according to which the dangers threatening internal bravery and civilian rule are to be directly averted and their harmful consequences are to be eradicated."¹¹⁹ Pauler no longer speaks about the elimination of general dangers but about the prevention of the violations of the law in particular and about the aversion of the dangers threatening social order. In his opinion the main mission of policing/law enforcement is the maintenance and protection of civilian rule and safety, which involves the elimination of the elements endangering civilian rule and their consequences.¹²⁰ The concept clearly refers to the protection of public (state) and personal safety. The author devotes a separate passage to the expression '*policzia*', which he identifies with policing/law enforcement. Following from the concept, he divided policing into welfare and safety policing. He elaborated in greater detail only on knowledge related to public and private policing.

By the study of public safety policing he meant secret (state) policing and considered important the knowledge of the following main areas: population, associations and societies, assemblies, passengers, the press, carrying of arms, dangerous gatherings and crowds. In the study of private policing he included the subject matters related to the life and limbs, freedom, integrity and health of the citizens. Because of its detailed bibliography, Pauler's Encyclopaedia also provides great help to those doing research in the field of policing/law enforcement at the end of the 19th century.

The fact that their studies were published before Lorenz von Stein's book does credit to the life work of Ignác Zsoldos, Ágoston Karvasy, Emil Récsi, Gusztáv Kautz and Tivadar Pauler and confirms their pioneering role. Among the chief sources of and quoted ideas in their works we can find the papers of Robert von Mohl and other significant German representatives of law, public administration and police science; their influence is evident. The above mentioned authors were the first to make an attempt to establish the concept and mission of policing and the police. Their success is demonstrated by the fact that those doing research on or cultivating policing/law enforcement quote them (albeit not always word by word) up to this day. Their time was the period when the features of the earlier 'police state' were still present but the forming of a new, purely policing-based police profile was obvious,

¹¹⁹ PAULER, Tivadar (1865): *Jog és államtudományok encyclopaediája*. [The Encyclopaedia of Jurisprudence and Political Science.] Pest, Emich Gusztáv. 231.

¹²⁰ Ibid. 232.

too. The commitment of the Hungarian scholars of public administration and policing/law enforcement is clearly reflected by the fact that they published their works in Hungarian, which, considering the Habsburg rule and the nature of the Bach era, for example, deserves special recognition.

3.2. The Development of Policing during the Period of the Dual (Austro–Hungarian) Monarchy (1867–1918)

In the second half of the 19th century in Budapest, after the defeat of the Revolution and War of Independence the political public sphere had the uniting of Pest, Buda and Óbuda, the state of public safety on the agenda and the demand for the safety of persons and property intensified. According to the instruction issued for the police force of Pest town in 1863 “*The constables are to consider themselves on duty all the time. Their task is not to harass the public but to guard it in accordance with the law. Maintenance of the order at construction sites and in the street, of safety and public morals in public places and around industrial and marketing facilities also belongs to the tasks of the constables.*”¹²¹

Shortly after the Austro–Hungarian Compromise, in 1869 the first professional bulletin entitled *Public Safety*, containing knowledge related to the theory and practice of policing/law enforcement was published, with the aim of introducing reforms in the organisation of the police force. Approximately at the same time the first conference of commissioned police officers took place, at which the problem of ‘*zsandár vs. pandúr*’ (two old names for community policemen/guards) was discussed, after which both names became obsolete and the word ‘*csendőr*’ (gendarme) spread.

The publishing of the *Dictionary of the Hungarian Language*¹²² in 1870, written by linguists was also part of this process. Its entry ‘*rendész*’ (police officer) says: “**rend-ész • noun •** a newly created word. In the sense of the foreign “*Polizei*” – as science, that is, as police knowledge.” (Emphasis added.) In the 1860s Hungarian words meaning ‘police officer’, ‘policing’

¹²¹ KOLLÁR, Nóra ed. (1995): *A fővárosi rendőrség története 1914-ig*. [The History of the Police Force of the Capital until 1914.] Budapest, Budapest Police Headquarters. 157–170.

¹²² CZUCZOR, Gergely – FOGARASI, János (1870): *Magyar nyelv szótára*. [Dictionary of the Hungarian Language.] Commissioned by the HAS. Pest, Atheneum. 1507.

and ‘public policing’ spread relatively quickly, which is also proved by the fact that books and a periodical were also published under such titles.

In 1871 the law on the dam police was passed, which is interesting and significant from the aspect of policing in that “*the dam keeper shall be put into service and shall have the same proving capability and right for execution as it is established in Paragraph 9 of Act IX of 1840 on the field rangers.*”¹²³

With regard to policing/law enforcement, we have known since the ancient times that the security of the state, the maintenance of public order is one of the most important tasks. This is the issue that Gyula Erdélyi discussed in his article entitled *Superior Security Policing* in the periodical *Public Policy Paper*¹²⁴ in 1872. He thinks the mission of superior security policing is to avert disturbances of the constitutional rule, because the development of the state can only be ensured by order. He also establishes that the constitution does not have security policing and it is only order that needs security. From our modern perspective it is difficult to explain why the author thinks that superior security is inconsistent with the constitution. In his view a constitutional state does not have superiority policing, whereas autocracies cannot exist without it. I think this opinion of Erdélyi has also been refuted by the development of policing/law enforcement in the last 150 years. In the second part the author says that constitutional rule has two major enemies: one is state rule appearing in personal independence and the other is the social struggle of the people. Both of these reasons make reforms necessary. In Erdélyi’s opinion the Government must be vested with the authority to prevent those acting violently against the rule from doing so. Yet, so that the Government will not be able to abuse the power vested in it, certain restrictions and checks are needed. According to Erdélyi there are three ways in which superior security policing can curb civil society as follows: “*The first one is the declaration of the principle of free expression consistent with the individual’s free will. The second one is rooted in criminal law. The third one includes security police law in particular.*”¹²⁵ The author thinks that criminal law should include the disturbance of the constitution as an offence. An interesting feature of this work is that Erdélyi considered

¹²³ Act XL of 1871 on the dam police.

¹²⁴ ERDÉLYI, Gyula (1872): Felsőbb biztonsági rendészet. [Superior Security Policing.] *Közrendészeti lap* [Public Policing Paper], Vol. 3, No. 5. 1–2.

¹²⁵ ERDÉLYI, Gyula (1872): Felsőbb biztonsági rendészet. [Superior Security Policing.] *Közrendészeti lap* [Public Policing Paper], Vol. 3, No. 6. 1–2.

important to mention at the beginning of every chapter that his paper was based on Lorenz von Stein's ideas, which clearly confirms the earlier mentioned German influence. However, he immediately quotes the *Declaration of the Rights of Man and the Citizen* of 1789, which is the first document of security policing on the Continent. According to the *Déclaration des droits*¹²⁶ policing must not do what law must not do,¹²⁷ which means that the police force is only allowed to persecute those persecuted by the law. The *Déclaration des droits* also proclaims that the police does not have the right to harass citizens because of their religious activities. According to Article XI of the Declaration, "*The security police may interfere with spiritual life only in specified cases.*"¹²⁸ Finally, Erdélyi closes the quotation with the following: "*The security of constitutional law requires constitutional rule and this rule exists for everyone and not merely for the sake of its consigners.*"¹²⁹ I think no one could summarise better the essence of superior policing and its relationship with power. Sadly, as in the case of a lot of other things, these ideas took too long to arrive in Hungary, whereas in professional policing periodicals experts constantly published papers about them. In my opinion the basis for superior policing or (as it was called later) secret policing is regulation and openness.

In the late 19th century discussions were taking place in the professional and civil sphere about what the police and policing should be like. They were related to the law on the police, as the Act on the capital city passed in 1873, providing for the establishment of the State Police in the Capital, and this had ignited lively debates on what our police should be like in particular. **Nándor Pichler** elaborated on the topic in his paper in 1876.¹³⁰ Pichler considered the police an active player in the second half of the 19th century, both in sciences and in practice. In his work he accepts Robert von Mohl's concept of policing and of the police and states that the law on the police to be passed should fit the contemporary standards and should meet existing intellectual requirements. He thinks that the maintenance of public bravery is

¹²⁶ Declaration of the Rights of Man and the Citizen, accepted by the National Assembly on 26 August 1789.

¹²⁷ ERDÉLYI, Gyula (1872): *op. cit.* 1–2.

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ PICHLER, Nándor (1876): *Nézetek a rendőrségről általában és különösen a Fővárosi rendőrségről.* [Views on the Police in General and on the Police of the Capital in Particular.] Budapest, Fanda és Frohna. 1–16.

the responsibility of the police and that the main mission of the secret police is to protect the power of the state from being violently overthrown by public will. He also considers important that:

- *the police should be held liable when necessary (in order to prevent the abuse of authority),*
- *there should be a separate regulation for complaints against police officials,*
- *the police authority should provide information about all such cases,*
- *the term of detention should be recorded,*
- *the organisation of the national police force would be expedient.*

Pichler's views on the mental preparedness of police officials are also significant. I think they also prove the importance of police sciences: *"In my view, the managing officials of the police should be more scientific in every respect than the court judges, because, while the judge has the law and the facts of the case as a basis for his decision, which is often taken after the sitting of a council, a police officer has to act in practice, without having any material, in a number of cases."*¹³¹ In 1876 the law on the uniting of Pest, Buda and Óbuda was already in effect and thus the police force of the capital was subordinated to the Minister of the Interior, but there was no legislation on the organisation of the police. Pichler's paper is also interesting for this reason, as he divides the police force into *financial, legal and public administration police*¹³² and discusses the latter in detail. He mentions the police as the guard of public bravery. He considers important its subordination to the state or the Government, as he thinks this is the best way to ensure that public safety is managed according to the same procedure and activities everywhere in the country. The meetings and conferences of captains following the publication of this work testify to its importance, as well as other articles published in policing periodicals, advocating the nationalisation of the police forces of villages and towns, which, however, did not happen until 1919.

From the 1870s papers on the theory of policing/law enforcement were published one after the other in special policing/law enforcement literature and periodicals. In 1873 in the *Public Policing Paper* a series was started

¹³¹ PICHLER, Nándor (1876): *op. cit.* 3–16.

¹³² *Ibid.*

about policing/law enforcement, in the first part¹³³ of which the author wrote about good public administration, while in the second part he referred to Johann Heinrich Gottlob Justi's work entitled *The Basic Principles of Police Science*, which was published at the time.

Pichler already alludes to the state of *secret policing*¹³⁴ in Hungary in his paper, at how harmful the activities of the informants' network of the Habsburg secret police were to the authority of the police. Gyula Erdélyi also set forth his ideas in *On Superior Policing*. As I have referred to it earlier, experts showed keen interest in this topic, too. This is also indicated by the fact that Law Professor **Gyula Fekete**¹³⁵ published an article entitled *About the Significance and Organisation of Secret Policing* in the *Law Gazette* (Jogtudományi Közlöny) five years later, in 1877. Public opinion was very negative about secret policing at the time. It was generally hated and considered threatening and had not been mentioned by professionals in detail in works of scholarly character. Based on their scope of authority and organisation, Gyula Fekete defined two forms of secret policing, such as:

- *civil secret policing* or simply *civil policing* (undisclosed control of criminals) and
- *political policing*¹³⁶ (its task is the secret control and detection of felonies, misdemeanours and political movements directed against state security).

Fekete thinks that secret policing, while we should not forget about its wrongdoings and risks and we should separate civil and political secret policing, may only be applied as an exceptional instrument of the police, "*while prescribing the strictest constraints and cautiousness and not everywhere.*"¹³⁷ He also separates *political policing*, (which is secret by nature!), from *state security policing*. In his opinion the state must not be

¹³³ *Közrendészeti lap* [Public Policing Paper], 1873, Vol. 4, No. 3. 1–2.

¹³⁴ Secret policing was already used by the ancient Romans and Chinese. In more details see CHRISTIÁN, László (2010): *Alternatív rendészet*. [Alternative Law Enforcement.] PhD dissertation, Budapest, PPKE–JÁK.

¹³⁵ Later: dr. Gyula Nagyiványi Fekete, Presiding Judge of the Criminal Court of Budapest.

¹³⁶ Allegedly it was organised first by Louis XIV. It was at its height during and after the Napoleonic times. The violation of the secrecy of correspondence, i.e. the opening of posted letters is also related to Louis XIV.

¹³⁷ FEKETE, Gyula (1877): A titkos rendészet jelentőségéről és szervezetről. [About the Significance and Organisation of Secret Policing.] *Jogtudományi Közlöny* [Law Gazette]. 325–326.

denied the chance for self-defence and it must be provided with exceptional rights when extraordinary conditions, e.g. a war require so. At the same time, in case of free peoples, this jurisdiction may be very narrow in the field of secret policing, but *“if the practical value of secret policing is proven and there are doubtless grounds for its existence, the conditions for its acceptance must be established.”*¹³⁸ Its first condition is the foundation of a moral, expedient and legal institution. The second one is the codification of legislation to prevent threats and abuses coming from this institution. In an absolute monarchy secret policing is a loyal pillar of the sovereign, but, according to Fekete, it also has its *raison d’être* in a constitutional monarchy. In summary, he states that *“political policing is the normal means of administration only of absolutism; for free peoples it should be maintained as a permanent institution, unfortunately, when riots have escalated into a chronic trouble. However, it will remain an illegal and unnecessary policing means until secret alliances are formed and dangerous efforts are made against the existing political rule. As soon as these are defeated, political policing must be abolished.”*¹³⁹ Gyula Fekete was attracted to this scientific and professional interest in secret policing throughout his career, which is signified by the fact that he also had publications on the topic later, in police periodicals. In his article published in 1898¹⁴⁰ he, again, mentions the two types of secret police units, civil secret and political policing. In his opinion political policing should not have preventive¹⁴¹ or repressive¹⁴² powers. While the author agrees that the state is obliged to monitor and “guard” the ambitions of the parties and the people and must take action where it perceives hostile activities (throng, rebellion etc.), secret policing as an active power must not take action anywhere, because it lacks the necessary jurisdiction as a public authority. According to Fekete’s ideas, applying secret policing always implies dangers; for example, due to political secrets family secrets are disclosed. In his opinion secret policing should only be used to prevent certain crimes and not to realise individual interests or to square accounts with political opponents. He also thinks that it was harmful to secret

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ FEKETE, Gyula (1898): A titkos rendőrség. [The Secret Police.] *Rendőri lapok* [Police Officer’s Papers]. 127.

¹⁴¹ Preventive policing: Prevention of the disturbance of public order and safety.

¹⁴² Repressive policing: Stopping and suppressing the already ongoing disturbance of public order and safety.

policing that earlier “*its leaders committed the riskiest abuse when they also resorted to this general reporting system (which actually has little practical value) as a secret means of administration*”. Fekete establishes that reporting and secret policing are different. He rejects the system of reporting and calls it repulsive. He says that the Government should not give a reward for reporting someone to the police as the denunciator might turn to staining someone in the eyes of those in power because of envy, selfishness, the desire to possess something or because of some other mean impulses. “*The servants will report their masters, the children their parents, the clergymen their flock, whose confessions they hear, the doctors their patients, the judges their fellow judges for decorations or money.*”¹⁴³ The quoted idea needs no explanation and is timeless. Life has provided an ample number of illustrations for each mentioned example in the last 130 years. Actually, the range of reasons urging people to report is much wider. Gyula Fekete also rejects the violation of the secrecy of correspondence because he thinks state secrets are not told in letters, they rather contain family and individual ideas. Sovereigns in Europe were not correct in earlier history, either, when they ordered the citizens’ letter to be opened without restrictions. To the question as to who the staff of the secret police should be, Fekete’s answer is a conclusion to which he comes after bringing examples from history. He says that the best agents are the ones who can check secret gatherings, but among them the most useful are the ones who have been involved in plots themselves. Talking about employed agents, he notes that a regular salary should be paid to only those who carry out this activity as a livelihood, but as these agents take on this work in their whole life, they must receive regular remuneration. Their work must be organised and managed, their reports must be received by a commander. Fekete concludes his article by saying that if the secret police are organised according to his instructions, they will not be an organisation to be afraid of. Secret policing is a means that provides remedy for social troubles. A nation that needs secret policing and a secret police should keep it until they serve its interests, but if it has no such interest it should get rid of them. Fekete’s vision of the future includes secret and criminal police forces spreading in Europe’s cities in the same way as public lighting, because they are the criminals’ greatest enemies.

During the period after the Austro–Hungarian Compromise not only new policing organisations and institutions were established but also works

¹⁴³ FEKETE, Gyula (1877): *op. cit.* 325–326.

and periodicals discussing the theory of policing were published. Developing policing/law enforcement and the state police force of the capital, Budapest, which was being organised at the same time made György Kedvessy define the concept and mission of the police in the collection of statutes already in 1872. In his opinion, “*by the police we should mean the office of the local authorities that belongs to them and whose task is to execute the national and local regulations established with the aim of facilitating the welfare state, maintaining safety and order as well as averting threats – originating either from human acting or negligence or from natural elements – and to watch over their observance and to detect and catch those who have committed felonies and misdemeanours and bring them to the court of justice.*” Although the expression “*with the aim of facilitating the welfare state*” refers to the features of the earlier Prussian police state, I think Kedvessy recorded clear ideas, which may have been guidelines at the time, especially because in those days the chief of police of the country’s largest city, Pest, was Elek Thaisz, who, making use of the lack of regulations, transgressed his competence at times.

A year later, in 1873 the *Universal Hungarian Encyclopaedia* was published, which says the following about policing: “*The police comprises all the measures that are destined to maintain and protect order and public safety in the state and whose execution is carried out by organs under the supervision of the state government. [...] The distinction between the public safety and the welfare police lost much of its former importance, after a large part of the welfare police was integrated into the other branches of public administration as non-policing activities.*”

Following the traditions of the earlier professional policing journal, in 1878 a professional periodical was launched entitled *Policing Bulletin*, with the aim of extending the special literature of policing and sharing ideas about it. It played an important role in the history of Hungarian policing and police science in a number of respects. For example, in issue No. 2 a paper entitled *An Opinion about Holding Nationwide Meetings and Establishing a National Public Policing Association* formulated the wish to launch a movement and association involved in policing. According to the article the time has come to annually organise a national “police officers’ meeting”, similarly to that of jurists. Its main mission could be to show the insufficiencies and to make proposals concerning the field of policing and all the questions serving the facilitation of public policing issues could be discussed. “*The prospective members of such a meeting, apart from those acting in*

the practice of policing, could be theoreticians, for example professors of law, and by this we could thoroughly elucidate every question raised from the aspect of both practice and theory built up by science."¹⁴⁴ In this spirit, the police officials' meeting would organise a national association and, to address the insufficiencies in the field of policing education and science *"the public policing association would be competent to put these troubles right, in such a way that it would establish a police training school in Budapest."*¹⁴⁵

These ideas were formulated as a possibility; there are no documents in the archives available about the foundation or the activities of the above association. However, the publishing of these ideas in the *Policing Bulletin* proves that the establishment of a scholarly association and policing/law enforcement training¹⁴⁶ had been considered important even before the Act on the police was passed in 1881. It is regrettable that all these proposals were implemented only several decades later and for some reason the archives did not preserve the documentation of the civil policing organisations. Still, the ideas published in the periodical did have some consequences, as they started a process to be followed by several important papers on theory and practice in the professional policing periodicals later.

The law on the institution of the registration of residence by the police was passed in Budapest in 1879. The main policing and administrative reasons for its introduction were as follows:

- *"those residing in or outside the capital and liable to military service, who are to be conscripted once a year, because of the numerous changes of their residence, as well as the persons liable to military service who arrive in the capital in large numbers will assuredly be reachable only if their registration is taken care of, which – as we already mentioned – is only feasible by way of establishing a registration office;*
- *due to the lack of such an office, according to the writ of the former Mr. Minister of Finances, significant amounts of tax and other duty payable to the treasury and the city are being lost, as the taxpayers are constantly changing their residence and thus they cannot be found. It is partly due to this circumstance that on the date of the writ*

¹⁴⁴ An Opinion about Holding Nationwide Meetings and Establishing a National Public Policing Association. *Rendészeti Közlöny* [Policing Bulletin], 1878/2. 3.

¹⁴⁵ Ibid.

¹⁴⁶ In the proposal on the establishment of the association they defined the following topics: general, medical, military and policing/law enforcement knowledge.

(19 September 1877) arrears of an amount larger than one million by right of income tax were awaiting collection;

- *also outside the criminal investigation branch of justice, in countless cases of summonses and deliveries, as well as postal and telegraph administration and a number of other branches of public administration, with inestimable damage to public and individual interests, are in want of a registration institution in the capital also missed by the public and thus, indirectly by business and credit turnover, expecting satisfactory answers to hundreds of thousands of questions concerning certain persons' residence;*
- *finally, the solution of this issue is required by our reputation in front of the foreign countries, which can only suffer if the police of the capital, despite its best intentions, not having a register of residential conditions, is incapable of giving effect to such requests from foreign authorities."*

As a result of the bourgeois development and due to the status of Hungary (a member state of the Austro–Hungarian Monarchy), after the Austro–Hungarian Compromise, Act L of 1879¹⁴⁷ provided for “*obtaining and losing the Hungarian citizenship*”. The Act did not define the concept of ‘alien’, but, as its Article 1 stipulated that citizenship was one and the same in all the countries of the Hungarian Crown and it laid down the regulations of losing and obtaining the citizenship and also presented the content of Hungarian citizenship,¹⁴⁸ it made clearly distinguishable who was not a Hungarian national, i.e. who was an alien. Apart from the concept of citizenship, Article 5 of Act XXII of 1886¹⁴⁹ laid down later that every citizen

¹⁴⁷ This was the first Hungarian law on citizenship.

¹⁴⁸ “Those who will have been constantly living in the territory of the Hungarian Crown (even if in various places) for at least five years by the date when this act comes into effect and are on the taxpayers’ list in an inland township should also be considered Hungarian citizens, unless they prove within a year from the entry into force of this act in front of the local authorities or in the Croatian–Slavonian border region in front of the district or town council on whose territory they have been residing that they have preserved their foreign citizenship.”

¹⁴⁹ According to an earlier law, Act XVIII of 1871 on the arrangement of townships:
Article 4: The authority of the township covers all the persons living or residing in the township and its territory and all the property in the township and its territory.
Article 19: Aliens who have been living in the country for two years, continuously have been paying taxes and are not subjects of some other state may be accepted by

must belong somewhere, i.e. must be registered in a township. The same Act regulated the residence of foreign nationals as follows: “*The foreigner may live and settle in the township and may be accepted as its inhabitant.*” The relevant rules¹⁵⁰ were laid down in detail in Article 15. The Minister of the Interior’s decree No. 54.091/88 provides for the implementation of this Act, which bequeathed the listing of foreigners and the codification of the procedure and regulations concerning their registration to the authorities of the counties and towns.

An interesting phenomenon of the period was the appearance of Russian (Serbian) bear-leaders in the eastern part of the country. The Hungarian authorities, however, considered them undesirable and therefore the Minister of the Interior’s decree No. 40.847/72 provided for returning them immediately from the border. In cases when this did not succeed or when they were able to reach the central parts of the country, a minor offence procedure had to be initiated against them on the grounds of “begging from house to house in a public place”, based on articles 66 and 121 of Act XL of 1879, and after they served their term they were expelled from the country. The bears suffered an even worse fate: they had to be confiscated and killed and their skin had to be sold.

Contrary to public knowledge, the police force of the capital, Budapest was not established in 1881 but after the year in which the law on the uniting of Pest, Buda and Óbuda came into force. **Article 20 of Act XXXVI of 1872** on the establishment and regulation of the local authority of Buda-Pest Capital City stipulates that in the jurisdiction of the local authority of the capital city the police force is managed by the state, as a unified organisation called *The Police of the Capital* and by its own functionaries. It also laid down that the rule-making power of the local authority in local police matters would remain untouched and, if the act on police were not passed until the uniting of the capital was accomplished, the organisation

the township as its inhabitants, provided that they fulfil the conditions stipulated in Articles 12, 14 and 15.

¹⁵⁰ If a foreigner wants to live in the township permanently, he is under obligation to register.
 – He may apply for a permanent residence permit under the conditions valid for Hungarian citizens if he has proved that he has been living permanently in Hungary for two years and during that time has given proof of good moral conduct.
 – Acceptance to the community of the township can be only obtained under the condition that he agrees to apply for naturalization. The township may hold out the prospect of acceptance for him if he has been living in the country for five years and can accept him when the naturalisation has been completed.”

would be directly placed under the authority of the Minister of the Interior. Thus, from 15 December 1873 the police force of the capital was directly subordinated to him. This was followed by a transition period, during which the capital retained the competence to present the basic regulations for associations and to manage press and passport matters. The police of the capital had to control political workers' associations and showmen (at fairs etc.), manage announced assemblies and deploy special armed forces, as well as exercise employer's rights, put forward proposals for the police officers' salaries and manage the budget of the police. Eventually,¹⁵¹ the law on the organisation of the police was passed and came into force in 1881.¹⁵² According to it, the jurisdiction of the organisation covered all the external and internal areas of the capital formed on the basis of Act XXXVI of 1872.

According to Act XXI of 1881, the task of the Police of the Capital is to protect safety of persons and property, maintain peace and public order, prevent if possible the violations of the penal laws and regulations and also risks and damage due to accidents or omissions of any nature and restore disturbed order and peace in its jurisdiction, detect those breaking them and report or hand them to the competent court or authority to be punished. Also, to fulfil the general tasks of the watching, preventing and discovering police within the framework of the present Act. The following are listed in particular among the tasks of the Police of the Capital:

- *to ensure free traffic on streets, roads, squares and along the Danube and immediately remove traffic obstructions of any origin;*
- *take steps concerning all matters related to all the participants and means of transportation of persons and goods in the traffic that require measures to ensure order, safety of persons and property, comfort and the justified needs of the public in general or to protect them immediately and with success against blackmailing and harm;*

¹⁵¹ Kálmán Tisza, Prime Minister: "Otherwise, I have always admitted and I admit it today that the police of the capital needs to be reorganised. I can reassure the honourable members that the related bill has been ready in the Ministry of the Interior since 1876. It has not been submitted, partly because of financial reasons and partly because I thought it desirable to make the arrangements simultaneously with the procedure concerning the offences committed by police officers. Honourable members of the House! I have always admitted that there is a lot to be desired about the police of the capital, so I will not discuss that."

¹⁵² When preparing the Act, they took the police forces in Vienna (organised following the example of the Paris police, which was the cradle of the modern police organisation and became an outstanding model) and in London (very frequently referred to in the Hungarian Parliament) as models.

- *to give permission to public theatrical performances in the territory of the capital – except for the National Theatre. The provision of purely police supervision – including the National Theatre – is the competence of the police of the capital;*
- *to give orders to protect public morals and the interests of decency;*
- *in this department, the right of the authority of the capital will be retained in the future, stipulating that the police can give permission concerning premises for women of pleasure only with its consent and in the case of difference of opinions the Minister of the Interior will decide;*
- *all kinds of public performances, spectacles, dancing feasts, torchlight and other processions must be announced to the police of the capital, and if permits are needed for them according to the existing laws or legal practice, the police will issue them. The maximum and minimum amount of the fees to be paid for business-like performances of this kind, apart from those stipulated by Article 7 of Act XXV of 1875 will be defined – with the consent of the Minister of the Interior – by the General Assembly of the Capital, whereas the fees for police assistance, also with the consent of the Minister of the Interior, by the police of the capital.*
- *In certain particular cases, within the framework of the above regulations, the police of the capital will apply the charges and will pay the fees for the performance to the funds of the capital and the fees for issuing the permit and for police assistance to the police fund;*
- *In its legal competence, in certain cases the police will put into force measures necessary to maintain peace and public order and in the case of their disturbance, to restore them.”*

These tasks demonstrate that the Act defined mainly policing/law enforcement tasks, chiefly of public safety character for the Police of the Capital. They can be divided into three types. Thus, there are **state policing** tasks, regarding the aversion of dangers emanating from the assembly of people, **public policing** ones, aimed at the elimination of dangers occurring due to people's ill intentions and will and, as it was called at the time, those belonging to **policing against the elements**.

The Police of the Capital, directly subordinated to the Ministry of the Interior, was the first state police in Hungary, and the tasks formulated in

the Act also served as models for the police forces of the big towns in the provinces.

The **law on the gendarmerie** was also created in 1881, according to which the gendarmerie *“shall be placed under the Ministry of the Interior and the public administration authorities regarding public safety duties, while with regard to personal matters it is placed under the Ministry of Defence and as such, is under military discipline”*. The mission of the gendarmerie is: *“to protect the safety of persons and property in its jurisdiction, to maintain peace and public order, to prevent if possible the violation of penal laws, rules and regulations as well as dangers and harm originating from accidents or from omissions of any nature, to restore disturbed peace and order, to uncover those breaking them and to report and hand them to the competent court or authority to be punished.”* We can find among the tasks (both the general and the particular ones) of the Police of the Capital and the gendarmerie the main trends in the concept of policing formulated by Karvasy. This also symbolises the fact that the subject of policing/law enforcement taking shape when the first state police force was formed at the end of the 19th century was the *police force* itself.

During this time, similarly to other countries of the world, the citizens and the politicians in Hungary were concerned about the great issue of emigration and immigration. Its management was also included in the regulation of 1881, created to control the activities of recruiting agents. Because of its size and significance, this process will be discussed in a separate section of this book.

With full knowledge of the above works and events, several experts, scholars in policing/law enforcement and public administration discussed the topic of the police and of policing/law enforcement and described and interpreted their concepts.

László Petrovics, a lawyer took a position with the Police of the Capital in 1878, where he gained policing experience as the official of the presidential affairs of the police headquarters. He inscribed his name upon the pages of the history of police science by two works on policing (*The Service Regulation of the Police of the Capital* and *Public Policing Science and the Practice of the Hungarian Police*) and by editing the periodical *Policing Bulletin*. In the introduction of *Public Policing Science and the Practice of the Hungarian Police* (1884) he establishes that all civilised states make efforts to raise their police force to a most perfect standard, except Hungary, where such measures have not been taken. He thinks that good

police officers are not born but are prepared within the framework of good theoretical and practical training. He also disproves of the fact that no Hungarian university has a department of police science, which necessitates special training courses. In the following three chapters of this work he discusses public policing science: public policing in general (in theory), public administration policing and criminal policing as required by practical needs. In the first chapter, while elaborating on the knowledge of public policing and the police, he formulates the concept of public policing, according to which: *"The regulations defining police power, its subjects and practice as a whole are called public policing and the systematic presentation of public policing is called the science of public policing."* In his view, the entirety of any principles will only constitute a science if it is also presented. In the same chapter he defines that by 'police' *"we shall mean the public authorities that conduct watching, preventive, forcing back and detecting activities to maintain public order and safety."* In a footnote he refers to the Greek origin of the word 'police' and to the fact that by the word *Polizei* they meant 'political sciences' for a long time. Petrovics thinks that the organisation of the police should use the French example as a model. He seriously criticizes Karvasy's work *The Science of Public Policy and Cultural Policy*, saying that Karvasy set the police aims that no one else did. He also challenges Karvasy's concept of public policing, as he thinks the subject of public policing science is not only constituted by principles but also by statutory regulations. Similarly, he disagrees with the concept of the police defined by György Kedvessy in his work published in 1873. In Petrovics' interpretation the aim of the police is to maintain public order, which is a broader concept than safety. In order to maintain public order, the police must operate with *"special facts and ways"*, and they are the watching, preventive, forcing back and detecting activities. In his opinion, Gusztáv Zimmermann was the first to write a work in the field of public policing that solely discussed policing. Zimmermann, too, considered the French model the basis for defining the concept, character, jurisdiction, types of activities and organisational structure of the police.

The *Hungarian Encyclopaedia*, published in 1884 establishes the following: *"The police (Lat. politia, Gr. politeia, Hung. public administration) is an institution of public authority in a state, entrusted with provision for public safety, welfare and the free development of society and the state, which, however, is separated from justice. The police are invested with extraordinary power in order to be able to provide emergency aid and are*

entitled to issue commands and orders, even accompanied by imposing penalties and to apply punishment in the case of offences committed by police officers. Their duties also involve making all the efforts possible to discover secretly committed crimes."¹⁵³

The relationship between *policing/law enforcement* and *public administration* has been a bone of contention ever since. This is proved by the ideas laid down in the work of public administration by legal expert **Béla Grünwald**, entitled *The Manual of Public Administration Conducted by Local Authorities* (1884): "*The third large function of public administration is policing. Policing is the activity of the state by which it provides its citizens the safety of external existence, which is one of the conditions of human development. Thus, the subject of policing is some factor of public danger and its task is to protect against the impact of this factor. [...] It cannot have its own system, but it adapts itself to the system of internal administration, and policing has the same system that internal administration has. [...] The activity of policing is (negative) maintaining and protective.*" Grünwald classed the subject matters of associations, assemblies, people's movements, gatherings, riots, rebellions, weapons and gunpowder, deportation, railway and shipping affairs, passport and other police matters under public safety policing. Another large subject matter related to policing was *court policing*, whose task was not to avert danger but to punish crimes already committed. Grünwald thought that the officials of court policing were the members of townships appointed to conduct police activities, the chief constables of towns, the *szolgabíró*s or *alispán*s (Judges or Sub-Prefects) of the counties and the Minister of the Interior at national level. He also elaborated on the mission and jurisdiction of the gendarmerie according to its organisational instructions.

The diversity of this period is signified by the fact that several authors, mainly those working in public administration, took pen in hand to write about policing/law enforcement and express their opinion. An article by **Pál Kovács** on policing was published in the periodical *Law* in 1887. He considered necessary to circulate it, based on his experience as a Professor of Law, as, similarly to Lorenz Stein, he had not come across two identical concepts of policing, either, and complained that his students were unable to mention examples related to policing during exams. Based on

¹⁵³ Magyar Lexikon [Hungarian Encyclopaedia], 1884, Budapest, Wilckens és Waidl Kiadóhivatala.

the actual state of affairs, Pál Kovács presented an approach to the theory of policing he deemed correct, which he wished to raise for discussion. In his opinion the intellectual and material welfare of the “*state’s inhabitants*” must be protected against all the dangers, which can only be provided by the state, and the activity conducted to this end is called *policing* in public administration law. “*By policing I mean the public administration activity of the executive power to avert the dangers threatening the external development of the lives of the state’s inhabitants.*”¹⁵⁴ He also notes that policing also includes the legislation defining and governing the activity of the executive power and the entirety of the state institutions. On this basis, he divided policing into the following main branches:

- *state policing* or more precisely *state security policing* (the prevention and averting of dangers threatening the security of the state);¹⁵⁵
- *public order policing* or more precisely *the policing of the safety of society* (maintenance of public order and peace of society);¹⁵⁶
- *public safety policing* or more precisely *the policing of the safety of persons and property* (activity of the executive power to protect the individuals’ “property bravery”)¹⁵⁷ and
- *jurisdictional policing* (by which we mean the activity of the police officials of the executive power to penalise already committed acts posing public danger). The author failed to elaborate on this latter type of policing and did not present the contradictions and the possibilities of abuse in detail.

Pál Kovács mentions activities to prevent, protect and to maintain order as common features of the first three types of policing, as opposed to the penalising activity, which belongs to justice. In his opinion, the mission of policing is never penalising but it is aimed at preventing dangers or averting them when they have taken place.

Kálmán Csíky also defined policing as an element of public administration in 1889. His view is that the focal point of police administration as a public administration activity is the provision of the living conditions

¹⁵⁴ Kovács, Pál (1887): Rendészet. [Policing.] *Jog* [Law]. 3–4.

¹⁵⁵ State policing includes the following areas: association, assembly, riot, possession of arms and press.

¹⁵⁶ The areas of servants, poverty, public morals, factories and thinking.

¹⁵⁷ The areas of safety of persons and property, summary jurisdiction, special armed forces. The last two can also be classified as state policing.

of the individual, i.e. “*the safety of the person, threatened by the uncontrollable force of either nature or of people, should be guarded and protected. The entirety of the activities, measures and institutions of the state to this end constitute policing and the relevant public administration legislation constitutes policing law.*”¹⁵⁸ Kálmán Csíky thought that the maintenance of order required armed forces, where he included the gendarmerie and the Police of the Capital, and he also mentioned that the Hungarian towns with the right to act as local authorities have their own police forces.

Miklós Rédey emerged as the cultivator of the theory and practice of policing at the end of the 19th century. He had already attracted attention by publishing papers about the history of his birthplace, Tata as a law student¹⁵⁹ (and later, too). After graduating from law school he decided to become a police officer. The writer of hundreds of essays on the theory and practice of policing, numerous articles in police periodicals and monographs on policing and the police, Rédey made an indelible mark in police science. He was born on 7 December 1868 and registered as Miklós Rohrbacher. He changed his surname to Rédei in 1892 and modified it to Rédey in 1927. He finished elementary school in the Roman Catholic boys’ school in Tata (in Piac square) and from 1878 to 1882 he studied at the four-year grammar school of the Piarists. He finished the next four years at the secondary grammar school of the Benedictine order in Győr in 1887. He worked as a private teacher for Sándor Kisfaludy, a royal notary public in Tata for a while and after the school leaving exam he studied at Pázmány Péter University in Budapest, where he got his degree in law in 1891. After this he became a public administration junior clerk and later a police officer in Győr. Soon after he settled down in Győr he wrote his first work on the police, which also raised the attention of those in the profession. His book entitled *Hungary’s Town Police Forces and their Reorganisation, with Regard to the Nationalisation of Public Administration* was also published in Győr in 1892. The author was convinced that the nationalisation of public administration will bring about the nationalisation of the police, which took

¹⁵⁸ CSÍKY, Kálmán (1889): *A magyar állam közigazgatási joga*. [Public Administration Law of the Hungarian State.] Budapest, Pallas. 63.

¹⁵⁹ Rédey was very young (hardly twenty) when he prepared for press and published his work entitled *The History of Tata* in 1888. Although he left the town soon after the book came out, he always tried to be loyal to it and in 1913, based on his later research, he published a dozen papers in the *Tata-Tővárosi Híradó* [Tata-Tőváros Courier] under the serial title *Additional Material to the History of Tata*.

place somewhat later,¹⁶⁰ in 1920. By writing the book, presenting the state of affairs and disclosing the insufficiencies and relying on foreign special literature he wanted to facilitate the nationalisation of the police. The author was very modest about his work: “*in my humble work I do not engage in scientism, which promises a lot but gives little.*” Thanks to this book, invited by Sándor Sélley, the then chief constable¹⁶¹ of the Budapest police, Rédey became a police ‘*fogalmazó*’¹⁶² in 1893 in Budapest. There was a significant change in his private life when on 27 August 1894 he married Katica Wölft from Győr. He continued his career as a police officer, working for the Police of the Capital, then, after the nationalisation, for the Royal Hungarian Police until 1926, when he retired.¹⁶³ He conducted scholarly activities already at the beginning of his career when he and police inspector Ede Bockelberg edited the police pocket book entitled *Budapest Guide*. In 1913 the periodical *The Police Officer* was succeeded by the *Police Papers* the following year, which was first issued every week and later every month.¹⁶⁴ Rédey was a principal contributor to this periodical and published more than one hundred articles there. Of course, due to the large number of his papers, I can only highlight the most significant ones, with which, I think he did a lot for the development and advancement of the theory and practice of policing. In his theoretical writings he mainly discussed training, the concept of policing, the tasks and function of the police force, its discretionary powers, etc. For example, in the 4/1894 issue of the periodical *Police Officers’ Papers* Károly Zlinszky expressed his concerns about the professional training of police officials, upon which Rédey commented immediately. He also considered important the preparation and further training of police officials. He thought

¹⁶⁰ The nationalisation of the police and the establishment of the unified Hungarian police had been on the agenda since the 1840s.

¹⁶¹ Available: <http://mek.oszk.hu/03600/03630/html/> (Downloaded: 27.02.2017.)

¹⁶² This former position at the police could be translated as ‘administrative policing officer’. To be accepted to it, one needed to have passed a state examination or have had a university degree in law or political science.

¹⁶³ “At the end of 1926, with a full service term of 35 years and a 100% pension I left the police and after a year of absolute rest I am rewriting the history of Tata.” PERGER, Gyula (2014): Rédey Miklós levelei Mohl Adolfhoz. [Miklós Rédey’s Letters to Adolf Mohl.] In *Kuny Domokos Múzeum Közleményei* 19. Tata, Kuny Domokos Múzeum. 153–162.

¹⁶⁴ DEÁK, József (2015): A polgári magyar állam rendvédelmi sajtója 1867–1944. [The Press of the Bourgeois Hungarian State on Law Enforcement 1867–1944.] In PARÁDI, Ákos ed.: Ünnepi tanulmányok Parádi József 65. születésnapja tiszteletére. [Studies in Honour of József Parádi’s 65th Birthday.] Budapest, Szemere Bertalan Magyar Rendvédelem-történeti Tudományos Társaság. 75.

the reason for their unpreparedness was that at the time at the Faculty of Law policing was only taught in 10 to 20 hours, which proved to be insufficient and the policing of minor offences was only lectured in a few colleges. Also, only certain colleges offered courses in criminal law and criminal procedure, which, too, were limited to a few remarks, due to lack of time. Rédey also deemed **the establishment of a police library** necessary (emphasis added), for Hungarian and international textbooks on policing/law enforcement and criminal investigation and for holding readings of papers. However, he saw the real solution in public administration courses to be launched at universities, after public administration and the police were nationalised. He thought that in these courses policing could have a significant place and he did not exclude the establishment of a **policing department** within a university, either. (Emphasis added.)

In the 1896 January issue of the periodical *Rendőri lapok* (Police Officer's Papers) Miklós Rédey published a paper on the theory of policing, entitled *The Impact of the Functions of Policing in Centralisation*, in the introduction of which he raises the following questions:

- Which are the functions of policing and how far do they reach?
- Which functions of policing require a special policing authority?
- Which functions may be left to be managed by the autonomies?
- Which functions may remain in the other administrative branch?

During the process of the nationalisation of the police, Rédey tried to answer questions significant from the point of view of the theory of policing/law enforcement, so that they would be able to avoid the confusion of functions after the nationalisation. Because of the large volume of the functions of policing, he failed to answer these questions. He thought that, due to the function of policing concerning internal (state) protection, the functions of the police were also of double nature. On the one hand, they create preconditions and have indirect effects; on the other, they are independent, active and significant.

He also discussed a topic of the theory of policing in his paper published in the *Police Officers' Papers*, entitled *Policing Power and States of Emergency*.¹⁶⁵ He establishes that in Hungary in 1896 the person who exercises policing power is the minister, (upon whom political responsibility rests), and there are two departments, which do not have any political

¹⁶⁵ *Rendőri lapok* 1867. [Police Officer's Papers], Vol. 10. No. 4. 3.

responsibility. Also, “*the ideal way of practising police power is to be above all types of party politics and to be led and controlled only by the notion of the state.*”¹⁶⁶ According to Rédey, excessive expansion of police power is only possible in exceptional periods and situations, when the existence of the state is in danger. Depending on the jeopardy and on the exceptional situation, in such cases he suggests that a police ministry should be established or a royal commission should be introduced to manage policing/law enforcement affairs, i.e. to exercise policing power. He thinks that exceptional order can only be introduced and policing measures taken after it in the framework of a legality procedure. In Hungary – most certainly also due to Rédey’s work in this field – they wanted to follow the British model concerning the periods of exceptional order. This increased the competence of the civil government, as opposed to the German model, followed by the Austrian party, which, in the event of war, placed power into the hands of the chiefs of staff of the army.¹⁶⁷

Act I of 1883 played a decisive role in the development of policing training, as it defined the same training standards for police and public administration officials. And, although consideration was given to the possibility of a public administration examination when this Act was passed, it was not introduced for several decades, and this way special policing knowledge was not taught to police officials and they were not tested in it, either. Rédey highlighted this inconsistency and deficiency in the leading article of the Volume IX, No. 16 issue of the periodical *Police Officers’ Papers* in 1902. He criticised the universities for not having a department of policing or even specialisation course in it, whereas policing was more important than several subjects delivered at the Faculties of Law. University textbooks included 6 to 8 pages, some outdated material from the 1870s¹⁶⁸ on policing. Rédey thought the solution would be to make the state examination in law compulsory for police officials instead of the state examination in political science and to introduce **policing/law enforcement** as an **independent branch of jurisprudence**. (Emphasis added.) Thus police officials would have been able to study policing/law enforcement in an independent college.

¹⁶⁶ Ibid.

¹⁶⁷ DEÁK, József (2015): A Magyar Királyi Belügyminisztérium a háterszág közbiztonságáért a Nagy Háború idején. [The Royal Hungarian Ministry of the Interior for the Public Safety of the Home Front during the Great War.] *Társadalom és honvédelem*, No. 4. 81.

¹⁶⁸ RÉDEY, Miklós (1902): Rendőri szakoktatásunk. [Special Training for our Police Officers.] *Rendőri Lapok* [Police Officer’s Papers], Vol. 9, No. 16. 1.

Rédey also analysed and presented the most important issues that involved the greatest challenges. For example, apart from the problem of exceptional power he also discussed the discretionary powers of the police, which may still be in dispute. He launched a series of articles on the topic, titled *The Discretionary Powers of the Budapest State Police in the Police Officers' Papers*.¹⁶⁹ (*Hungarian Gendarme*.)¹⁷⁰ Rédey was motivated to write and publish papers on the topic, because, as a practising specialist in policing, he saw attacks on the police force due to its discretionary powers on a daily basis. According to those criticizing it, the police failed to give the necessary guarantees when applying discretionary powers. Rédey says if they knew the Act on the police and the guarantees related to the discretionary powers well enough, they would not be afraid of their application by the police. He sought and found these powers of the police in the concept of policing. In his opinion, it follows from this concept that policing should act against imminent dangers and not the facts that have already taken place, which are the competence of justice (in cooperation with the police). As the imminent events cannot be outlined beforehand, the police cannot precisely define the management of dangers, either. Policing must be given the opportunity to recognise the danger and weigh it, depending on its size and quality and to act and take measures against it according to its discretion. Similarly to Gyula Erdélyi's work on superior political policing, Rédey follows the French example when he says that policing/law enforcement, too, should be able to operate only within the limits of the law. Therefore, where the police force would restrict the human rights of the citizens, it is clear, also having the knowledge of the discretionary powers that it cannot do it without limitation. According to Rédey, in everyday life this means that if there are reasonable grounds to suspect that a citizen wants to behave in an illegal way, the police must be provided the opportunity to recognise it according to its discretion and also to terminate this illegal behaviour according to its discretion, even by restricting the human rights of the citizen. Similarly, it is very difficult to manage mass demonstrations in the same way. Every gathering and demonstration needs a different type of management, also from the aspect of policing, for which the police must be given the discretionary powers. The guarantee for its application is provided by the legal and political

¹⁶⁹ Starting from 1900, Volume 7, No. 30.

¹⁷⁰ There was no independent periodical for the gendarmerie before 1906.

responsibility of the Government and the criminal liability of those applying them.

Apart from the above mentioned works, Rédey also wrote significant books on policing or was involved in publishing them as a co-author, e.g. in compiling police encyclopaedias. Among his books, I consider it important to highlight the following:

He published the **Police Encyclopaedia** with Imre Laky as co-author in 1903, with which they made their mark in the history of police science. The keywords listed on page 552 were of great help both in policing training and in the daily police service. The book was small and comfortable to carry around in a pocket or patrol bag. The authors already knew at the time of the first edition that they could only aim at making the book flawless; it would never be perfect. Therefore, they asked the readers to share the mistakes or insufficiencies they should find with them, and they meant it, as the 1909 edition proves it, also published by the two authors, having the subtitle *The Alphabetical Handbook of Information about Public Policing and Criminal Law*. The authors gathered all the headwords of new public policing information and those with a changed content, collected after 1903 and published a more comprehensive, 1240-page new edition of a larger format. And, although they expressed their doubts already at the time of publishing the book, it has stood the test of time and is still useful for those cultivating policing/law enforcement. Their wish that after a while the *Police Encyclopaedia* should become an encyclopaedia of public administration or criminal law never came true; however, even today it is very useful for the specialists of both public administration and criminal law.

Rédey's book entitled **The Manual of Police Service**¹⁷¹ was published in 1916, during World War I. He had been an experienced commissioned police officer, police scholar and author by that time. In fact, he formulated his creed in this book. He explained who he thought could be a police officer and what requirements should be set for a police officer. In his opinion, a good police officer¹⁷² should first of all be an impeccable man, who had to become worthy of this honourable title. As it was formulated later: "*Your sense of vocation comes from within. It can be developed but it is almost impossible to build it from nothing. With vocation and professional knowledge you will*

¹⁷¹ RÉDEY, Miklós (1916): *A rendőri szolgálat vezérfonala*. [The Manual of Police Service.] Budapest, n.p. 15.

¹⁷² **Nobody is born a police officer; he must be educated!** RÉDEY, Miklós (1916): *op. cit.* 7.

be effective and successful all your lives."¹⁷³ In Rédey's opinion, those who take to drinking or gambling will sooner or later rush headlong into disaster, and therefore will not make good police officers. *"A police officer must be a whole person. Apart from the time for rest, he must live only for his profession. He must not take up another office or be in any business."*¹⁷⁴ Also, *"A police officer should not engage in politics!"*¹⁷⁵ Rédey finishes his book with the ten commandments of a good police officer, which he adapted from Ferenc Laufer, a public prosecutor in Hanau and then updated. The ten commandments¹⁷⁶ are as follows:

1. You shall be faithful and dutiful.
2. You shall be strong.
3. You shall be sober and abstemious.
4. You shall be hardworking.
5. You shall be tactful.
6. You shall be conscientious.
7. You shall not be partial.
8. You shall be humane.
9. You shall not be too sensitive.
10. You shall be a human being through and through.

I think the above instructions are still valid and topical, regarding every member of the police force. The Service Regulation of the Police of 1948 considered these ideas as a basis when it laid down the following: *"A police officer serves his purpose well only if he rises above giving up a lot of pleasures, is able to overcome exhaustion incidental to the service and does not mind small problems. The precondition for this is that he should not regard his work as an office he holds but as a vocation. Sense of vocation is a resource every police officer needs all the time while carrying out his duties."*¹⁷⁷

¹⁷³ TÓTH, Nikolett Ágnes (2016): *45 éves a rendészeti felsőoktatás*. [Law Enforcement Higher Education is 45 Years Old.] Budapest, Dialóg Campus Kiadó. 67.

¹⁷⁴ RÉDEY, Miklós (1916): *op. cit.* 19.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid. 107.

¹⁷⁷ TÓTH, Nikolett Ágnes (2017): *Negyvenöt éve a Belügyminisztérium szolgálatában*. Tanulmánykötet Janza Frigyes 70. születésnapja alkalmából. [45 Years in the Service of the Ministry of the Interior. Volume of Essays on the Occasion of Frigyes Janza's 70th Birthday.] Budapest, Manuscript.

I consider Rédey's book entitled **Introduction to the Fundamental Doctrines of Hungarian Police Law** another standard work. It was published in 1923, three years after the nationalisation of the police. According to him, the road to understanding police law leads through the clarification of the basic concepts. For that reason, at the beginning of the book he presents the concepts of order,¹⁷⁸ state and social order, law and order, natural order, public order and policing/law enforcement¹⁷⁹ and their content. He also throws light upon the public duties of policing and its place and role in public administration. After this he goes on to present the police and elaborates on what he means by the concept of the police and their tasks. To define the police, he applied a shorter scholarly concept, saying that this authority is the guardian of order and a longer one, saying: "*The police force is the organisation (a separate institution) of home administration, competent to establish, maintain and ensure the preconditions of public order, even by force if necessary.*"¹⁸⁰ Further, he presents his ideas about the character, directions and boundaries of the operation of the police. He thinks that the following comprise¹⁸¹ the operation of the police:

1. It constantly keeps watch to avert illegal attacks.
2. It prevents already started attacks from being carried out.
3. It terminates attacks that have happened by immediate response, with the use of force, when needed and according to its subjective discretion.
4. The court assists with restoring the disturbed law and order.
5. The police also prevents the free activity of certain persons even if this activity does not cause damage to others but may lead to it and may cause discomfort, scandal or fear for others or it may disturb their free activity and the pleasure from their property.¹⁸²

¹⁷⁸ "By order we mean the interconnection of several different persons, things or other power factors for a certain purpose or their balanced state brought about by regularities." RÉDEY, Miklós (1923): *Bevezetés a magyar rendőri jog alaptanaiba*. [Introduction to the Fundamental Doctrines of Hungarian Police Law.] Budapest, n.p. 4.

¹⁷⁹ "By policing, at present, we mean the entirety of measures and institutions introduced with the aim to establish, maintain and ensure the preconditions of public order." RÉDEY, Miklós (1923): *op. cit.* 7.

¹⁸⁰ RÉDEY, Miklós (1923): *op. cit.* 9.

¹⁸¹ *Ibid.* 10.

¹⁸² It will similarly guard against, protect the people from, and, if possible, act to restrain dangers threatening the order of nature. RÉDEY, Miklós (1923): *op. cit.* 10.

In the same chapter, he presented the most important informations about the state and local government police forces and the organisational structure of the police. Later he discusses the concept, character and literature of police law and its classification. In the other chapters he presents the most important knowledge about the criminal police, the criminal jurisdiction of the police, the public administration regulations, the discretionary rights and exceptional power and the organisation of the police. His book covers all the laws related to the police or to its activities. Although Rédey worked longer than the period of dualism, I felt the need to present it as a whole, so that his expertise and proficiency in the theory and practice of policing would be perceptible. Several of his studies and books contain ideas that can be used even today.

3.2.1. Fire Safety and Border Policing

Since prehistoric times and especially after the spread of towns, fire has been one of the greatest threats to human life. In the Middle Ages every town¹⁸³ developed its system of fire safety and protection. It is not by chance that Emperor Joseph II defined fire safety regulation tasks and their classification in his letter-patent¹⁸⁴ on fire safety regulations. In 1838 the Regulation on Fire Safety Measures was issued. In 1870 the Firefighters' Association was established, which considered the codification of fire protection one of its major tasks, which, however, did not happen until the 1930s. In 1888 it was only regulated by a decree of the Minister of the Interior.

¹⁸³ The magistracy of the town Debrecen (1664–74) ordered that “at the earliest opportunity 50 leather buckets shall be obtained at the town’s costs and the number of water guns shall be multiplied to reach one hundred.” The fire safety regulations of the town Győr (1698) summarised the most important preventive fire safety and fire alarm rules. Fire safety guards – the vigilants – were ordered to “patrol the streets day and night, [...] so that if they experience any irregularities, they will [apart from giving a warning] impose a fine of 12 forints.” HADNAGY, Imre József: *A tűzjelzés fejlődése a XX. század közepéig*. [The Development of Fire Alerts until the mid-20th Century.] Available: www.vedelem.hu/letoltes/historia/hist11.pdf, (Downloaded: 03.11.2015.)

¹⁸⁴ The first part of the letter patent presents “the prevention of combustions and the ways to set obstacles in the way of the fire beforehand”. The second part discusses “the speedy discovery of the emerged fire and the regulated order of its announcement”, while the fourth part elaborates on “the prevention of the harmful consequences of the extinguished fire and the detection of the cause of the fire”.

1888 also saw a significant event in border policing, when the law was passed on the border agreement between Hungary and Romania. In his work titled *Political Geography*, Friedrich Ratzel attaches great importance to this agreement. In his opinion “*The nature of the scientifically established border is expressed in the agreement ratified 16 April, 1888 by Austria–Hungary and Romania.*”¹⁸⁵ The finance guard was not able to ensure sufficient guarding of the newly marked borders any more, therefore Article 1 of Chapter 1 of the common ministerial order No. 50341 of 15 July, 1891 provided for the establishment of the *Border Regions’ Gendarmerie*. “*The tasks of the Border Regions’ Gendarmerie included the supervision of the border line and its equipment, the prevention of unauthorised intervention and the arrest of those who committed this misdemeanour. They also had to prevent border violations and apprehend the border violators.*”¹⁸⁶ As a result of this situation, Act XLI of 1891 on the protection of the border and land measuring markers by criminal law was passed. The first border service order, the Minister of the Interior’s decree No. 50431 of 1891 was also issued with the purpose of the enforcement of the provisions of the Romanian–Hungarian border agreement, entitled *Border Guarding Order Based on the Romanian–Hungarian Border Agreement*.

If we go on to the discussion of the development of the concept of policing, we can establish that in the community of policing/law enforcement, there are obvious similarities between the concept of policing created by those cultivating police science and the tasks of the police, which is one of the most important institutions embodying policing, in practice, too. Thus, it is not surprising that the *Police Encyclopaedia* published in 1909 states the following: “*By policing we mean the activities of the interior administration of the state directed at the maintenance of public order and public safety that have enforcing powers. Thus, policing is the task of the state, which is independent of the other branches of administration and is self-sufficient. The range of the tasks of the police, according to the well-known trichotomy includes aversion, prevention and detection. Apart from positive police law, this range of tasks should also include the discretionary right, which, too, should never go beyond these limits.*”¹⁸⁷ The ideas summarised in the en-

¹⁸⁵ SALLAI, János (2004): *Az államhatárok*. [State Borders.] Budapest, Press publica. 8.

¹⁸⁶ Ibid. 97.

¹⁸⁷ RÉDEY, Miklós – LAKY, Imre eds. (1909): *Rendőri lexikon – közrendészeti és büntetőjogi tudnivalók betűrendes kézikönyve*. [Police Encyclopaedia – The Alphabetical Handbook of Information about Public Policing and Criminal Law.] Budapest, Stephaneum. 4.

cyclopaedia were also manifested in the regulations of this period. Its new feature was that it was the first document to record the discretionary rights of the police, whose definition is still valid. Putting down the discretionary right in writing is probably related to Miklós Rédey, who published a series of articles on the issue in the professional periodical of the police.

At the same time, the *Hungarian Encyclopaedia of Law*, published in 1907, expressly defines policing as a public administration function, although it admits that policing also has its own function, as for example “*the prevention of offences from being committed, and, related to it, the maintenance of the safety of persons and property*”.¹⁸⁸

3.2.2. Győző Concha's Work in the Field of Police Science

The scholarly activity of jurist and public administration scholar **Győző Concha**¹⁸⁹ was at its height in the last few decades of the 19th and the first few decades of the 20th century. By the works written in this period he made his mark in both public administration and police science. He conducted his studies in Pépa, Győr and Budapest and also attended Stein's lectures in Vienna. In 1872 he was appointed Extraordinary Professor at the newly founded Franz Joseph University, Kolozsvár and Ordinary Professor of constitutional and public administration policy in 1874. He worked here for 20 years. From 1873 he was a Private Professor of politics and from 1892 to 1928 an Ordinary Professor at the department of constitutional and public administration policy and at the Budapest University. The Hungarian Academy of Sciences (hereinafter: HAS) elected him a Correspondent Member on 6 May 1886. All these years, his research was focused on the character of the state. He was interested in its nature and function, and through this topic he elaborated on his views on constitutional theory, constitutional law, public administration law and the police. His inaugural lecture at the HAS in 1901 was entitled *The Nature and Position of the Police in a Free State*. The ideas laid down there are still present in police science. Its opening sentence formulated an opinion that is still valid. It says that there are no other questions in society so

¹⁸⁸ MÁRKUS, Dezső ed. (1907): *Magyar Jogi Lexikon*. [Hungarian Encyclopaedia of Law.] Budapest, Pallas Irodalmi és Nyomdai Részvénytársaság. 256.

¹⁸⁹ Győző Concha is of Italian origin, therefore his surname should be pronounced [kɒŋʃɒ].

intensively debated, no issue about which opinions differ so much in science and in everyday life as the operation of the police in practice.¹⁹⁰

According to Concha, "*State and social rule together constitute public order.*"¹⁹¹ In a more detailed version, public order "*is constituted by the cooperation of the factors of the national community and the social existence of the individuals and the distribution of the various goods among these factors and how they enjoy these*".¹⁹² In a wider sense the author includes the order of nature, too. After this he presents state rule, by which he means the operation of the branches of power, the rule of law and the elements of social rule, which is based on voluntary cooperation, the suitable distribution of goods, fraternal feelings and the individuals' faith and belief. At the same time, the elements of nature also have their impact on the lives of people. Winds, fire and water are always present and may disturb social rule at times.

In his inaugural lecture Concha elaborated on the main task of the police, which is "*apart from these basic factors,*¹⁹³ *to create and provide the preconditions of state and social rule and to enable the efficiency of social order, not order itself*". By *state rule*, he meant the calm cooperation between the branches of power, the provision of which is the task of the police and which the riots of evil masses, disasters or floods must not be able to prevent. The police can carry out its duties properly "*if it protects the activities and goods of the individuals, allowed by the law from the possible or real attacks of other individuals by constant vigilance, if it really prevents such attacks and restores order disturbed by the attacks by efficiently terminating the illegal state and assisting with restoring the rule of law.*"¹⁹⁴ All this clearly shows that the formulation of the tasks of the police is based on the concept of policing. In Concha's opinion, it is not the police that maintains state rule and social rule, it only indirectly contributes, by its activities, to carrying out the great tasks of the state, and so it is difficult and complicated to understand the need for it. He thinks state rule and social rule end where order can be maintained only by the police, its strength, vigilance, spying and discretionary right. As the police constantly conducts

¹⁹⁰ CONCHA, Győző (1901): *A rendőrség természete és állása szabad államban.* [The Nature and Position of the Police in a Free State.] Budapest, MTA. 3.

¹⁹¹ Ibid.

¹⁹² Ibid. 5.

¹⁹³ State, social rule and the order of nature.

¹⁹⁴ Ibid. 11.

watching and guarding activities and always adapts to the changes in the state rule, the social rule and the order of nature, it rather belongs to the public administration activities of the state.

The author sees the limits for police activities first of all in the rule of law and says that the police must not step over the boundary and framework provided by law, they can carry out their activities only within these limits. The police force can, by no means position itself above the law; it cannot be a legislative power, an authority that changes the law! Its operation demands that *“its legislative and regulatory power should be restricted to the narrowest scope, and especially it should not have the power to regulate its competence. It can only be a supplement to public order, it cannot substitute it or its components, it cannot overtake their operation, it can only ad interim replace them as an extraordinary solution. Police operation should be preceded or followed by primary state or social operation. No type of state or social need can be satisfied by the operation of the police force, because of its accessory, precondition-like nature”*.¹⁹⁵

Concha thinks that both public order and the rule of law may become unstable if these limits of operation are not observed. The elements of the operation of the police are continuous monitoring of people's lives (except for having respect for the individual, the family, the house and the letters), the subjective consideration when applying discretionary rights and constant vigilance. The application of the discretionary powers is the most specific instrument of the police, which is supplemented by the use of force.

In his inaugural lecture the author pays special attention to *‘high/superior’¹⁹⁶ or political police*, by which he means the unit whose primary task is to ensure the principal security of the state and of society against mass phenomena. This is the case when the police force has the greatest discretionary power and may become the maintainer of state and social

¹⁹⁵ Ibid. 24–29.

¹⁹⁶ “I.e. by superior police (haute police) they mean and consider justified the type of state operation which, for the welfare and benefit of the state, places itself above common law i.e. the constitution and applies means not acknowledged by law at all. Thus, if the law of a certain state does not acknowledge proscriptio by way of the legislative power or banishment based on judicial proceedings or if it does not acknowledge torture or confiscation of property or imprisonment or even capital punishment without judicial proceedings, if it acknowledges the privacy of letters as unconditional with regard to public administration or the seal of confession with regard to the court etc., nevertheless on the given occasion either the legislator or the executive power resorts to such means.” (Ibid. 37.)

rule – and not only that of their preconditions. Seeing the dangers precisely, the author considers important the following safeguards from the aspect of the legislative power:

- *“if it refrains from taking superior police measures concerning certain cases and certain times,*
- *if it makes rules only to the extent needed to generally define the circumstances that give cause to the establishment of states of emergency or other superior police measures and describes the means of the police, its ways of proceeding and the limits of its interference in general,*
- *if its rules are general, applicable to everyone and not directed against individuals or classes,*
- *if the strongest discretionary means of the police, the establishment of the state of emergency is clearly demarcated from the normal state by the special indication and announcement of its commencement and termination.”*¹⁹⁷

According to Concha the political police – just like public policing – cannot exist without intense discretionary powers (e.g. when assessing the stages of a public event) even in the freest state. However, the police force should preserve its basic, discretionary nature even in its highest department, in political policing and it cannot be deprived of it. It also preserves its conditional-like character, i.e. it does not ensure public order, only its preconditions.

The above inaugural address at the Academy is considered an outstanding work even today, still Győző Concha's main work is the one entitled *Politics*. He earned the grand reward of the HAS in 1894 with Volume I, on the principles of constitution, of this book.

Volume 2 on public administration was published in 1905. Its 5th chapter discusses police administration, elaborating in its 1st part, following the train of thought of the inaugural address, the topics as follows:

- the concepts of public order and the police
- the types of the police
- the operation of the police
- the special means of the operation of the police and
- superior or political police

¹⁹⁷ Ibid. 41–42.

As the content of the definition of these concepts coincides with that of the inaugural address, I will not present it here. The 2nd chapter of Part 5 is about political policing and its tasks. Political policing is directed at the following:

- unplanned gatherings,
- planned gatherings,
- permanent associations and
- the press.

This chapter mentions the most specific area of policing, the use of weapons. In Concha's opinion, *"The same general rules apply to the use of weapons as the ones concerning the enforcement of public administration, namely, that stronger instruments may only be applied if the mild ones do not succeed. The use of weapons that should bear down resistance fast and spare the life and physical integrity of the people in the crowd is related to the art of armed fight and not to the study of public administration."*¹⁹⁸

A separate section is devoted to associations, the policing of the press and private policing.¹⁹⁹ Today it may seem interesting that the author thinks the task of private policing is *"to make administration of justice possible or unnecessary. For this latter purpose it keeps constant watch and with the help of it, it can prevent offences from being committed."*²⁰⁰ Therefore, *"in order to make administration of justice possible, it should 1) detect offences and those who have committed them, 2) secure the pieces of evidence of the offences, 3) prevent the offenders from evading justice."*²⁰¹ The same section presents the organisation of the police, which is *"the summary and ordered entirety of persons and tangible assets applied for carrying out the tasks of the police."*²⁰² In the next section he elaborates on the issues significant from the aspect of police administration, namely the means used by police administration, by the police taking measures and by the secret police. Finally, he makes a statement valid even today: *"Police administration*

¹⁹⁸ CONCHA, Győző (1905): *Politika*. [Politics.] Budapest, Grill Károly Könyvkiadó Vállalata. 340.

¹⁹⁹ "If the policing operation is directed at the individual and does not concern mass phenomena, its tasks are changed and will be called private or inferior policing, as opposed to political policing." CONCHA, Győző (1901): *op. cit.* 41–42.

²⁰⁰ CONCHA, Győző (1905): *op. cit.* 371.

²⁰¹ Ibid.

²⁰² Ibid. 375.

can only fulfil its mission if it is supplied with the sufficient number of staff and appropriate tangible assets."²⁰³

In the same section of his work he discusses the state of police emergency, which must have been made topical by the revolutions of the 19th century and the precursors of World War I: *"The essence of the state of emergency in every state is that the regulations of the rule of law, which define the jurisdiction and the ways of proceeding of the public authorities and the guarantees for the individual's freedom, are temporarily ignored so that the attacks against public order will be suppressed more efficiently [...] Finally, the state of emergency may involve the power of civilian authorities being partially or wholly transferred to military authorities. If the military authority takes over only the policing tasks of the civilian authority, it becomes a state of martial law but if judiciary powers are also transferred to military authorities, then a state of war arises."*²⁰⁴

According to Concha the major depositary of carrying out secret policing is the secret police. He thinks that criminals should also be fought with instruments other than the traditional ones. The police that take measures or execute tasks *"can carry out their duties regarding the detection of imminent or accomplished crimes only in secret."*²⁰⁵ It is important that the secret police work according to the same, overt regulations as the other police forces. The secret police are needed because the criminals also prepare the offences covertly, and so information, too, can be gained about them only clandestinely. Concha thought it was important to know that secret ways cannot justify immorality. *"The secret informants, spies, who work out of necessity, to earn a living or for profit, the 'confidants' hired by the police, depraved elements without social positions who are not in public service or the police officials with regular employment who, provided with impunity by the authority, hiding their real profession invite and abet their fellow citizens to commit crimes and get them into trouble, those who pry into the secrets of others' private lives and their opinion concerning public matters, so that they will be able to use these for blackmailing them and to make the courts punish them for these, these elements have justly been held up to public obloquy and the police have rightly been criticized for such incidents*

²⁰³ Ibid.

²⁰⁴ Ibid. 386–390.

²⁰⁵ Ibid. 378.

of abuse of power."²⁰⁶ In his book, *Politics*, Concha states that it is important to mention it several times that "sneaking in", peeping into the sanctuary and secrets of private life in a secret way is an illegal act. But, "*provided that it is subject to regulations relevant for the police in general, there is place for the secret police, even in a free state*".²⁰⁷ According to Concha, in a free state the citizens are free to express their opinion, for which they are not supposed to be punished. He also thinks that the police need tattlers, informants for secret police activities. These ideas of jurist Győző Concha may have contributed to the codification of laws on the state of emergency that were being drawn up at that time.

In summary, it can be stated that the author laid down ideas that set a course for a long time in the theoretical issues of policing. In his work he defined the mission of the police in a way that can be interpreted even today. He also gave directions necessary for the supreme regulation of secret policing and the policing powers during a state of emergency. During the Hungarian Soviet Republic (1919) Concha was discharged with a pension, arrested and then put under house arrest. After the defeat of the Soviet Republic he regained his earlier social and professional authority and was involved in laying the foundations of the political system of the consolidation period. After having taught for 56 years at the university, he applied for retirement in 1928 and died in Budapest, on 10 April 1933, at the age of 87.

Károly Kmetty's *Manual of the Hungarian Public Administration Law* was published in 1905, in which the author clarifies the concept and proper place of policing already in the introduction: "*Today by law enforcement we mean the preventive, police-like operation of public administration, competent to secure law and all types of order that serve public interest by preventive institutions and measures and safeguard them from disturbances, dangers and harms arising from anywhere.*"²⁰⁸ Kmetty thinks it is important to mention that law enforcement should not be completely identified with the operation of the police forces, because it is also conducted by other public administration organisations. However, there are special police units organised to carry out specific tasks. He specifically touches upon the meaning of the word '*polizia*', and remarks that even in the middle of the 19th century

²⁰⁶ Ibid.

²⁰⁷ Ibid.

²⁰⁸ KMETTY, Károly (1905): *A magyar közigazgatási jog kézikönyve.* [Manual of the Hungarian Public Administration Law.] Budapest, Politzer-féle Könyvkiadó Vállalat. 6.

by this concept they meant the whole welfare policing or the interior public administration; but at the time when this work is published this interpretation has become outdated.

The content structure of Kmety's work is unusual. For example, the topics connected to law enforcement are not treated individually or sorted into the section of the chapter on law enforcement but into the various chapters on Hungarian public administration issues and law. This way, for example, he included law enforcement legislation and its interpretation related to free movement, residence, settlement, citizenship, naturalisation and the reporting obligations of foreigners, as well as the necessary knowledge concerning the border police, passport policing and emigration in the issues of statutes concerning the population. He presented association issues and police law in a separate chapter. Kmety defined the police force, its mission, jurisdiction and influence as public administration activities of universal character and interest and the police force itself, too, as a public administration organisation. According to him, a good police force is able to ensure safety better than even repressive justice is. He paid special attention to the discretionary right of the police force to take measures, which, he thought, the police would always have. Kmetty classified *law enforcement* by taking the diversity of hazards into consideration: his categories are safety policing (by which he meant the police operating to prevent general threats emanating from illegal human will) and administrative policing (the prevention of hazards threatening certain objects, life conditions or interests in a certain way, therefore these threats can be considered particular). He divided *safety policing* into political and public policing. *Political policing* (also called *state and superior security police*) is capable of averting hazards emanating from gatherings and associations, i.e. higher threats, which may be directed at destabilising state order. *Public policing* (or *private policing*) focuses on terminating the opportunities of the individual persons to behave illegally or commit crimes (e.g. arrest, seizure, house search etc.). Apart from these, Kmety also describes the detecting and uncovering police and jurisdictional policing. He also elaborates on offences committed by police officers and their punishment, police authorities (taking measures), armed police forces, the application of coercive measures and weapons, and, in accordance with the period of history he was living in, he presented the military as an armed police force.

The constant changes in public life related to policing/law enforcement are signified by the fact that earlier laws and the Minister of the Interior's

decrees needed amendment and new challenges demanded new solutions. For example, the law on field police was modified and the name ‘*mezeti rendőr*’ (field police officer) was changed into ‘*mezőőr*’ (field watchman). In political public life an issue occurred from time to time, namely, that in order to ensure public order and peace and the peaceful operation of the Parliament, the Speaker of the House of Commons was able to use the police, the gendarmerie and the armed force only through the actors of the executive power authorised to take measures. Therefore, it seemed necessary to establish a new law enforcement organisation, which would also express the sovereignty of the Speaker of the Parliament. At that time (with World War I approaching) they also had justified reasons to fear that certain ethnic groups might even threaten the Parliament with gatherings and riots. As a result of all that, Act LXVII of 1912 on the organisation of the Parliamentary Guard, which was applied to “*maintain order and peace by sergeants-at-arms, or, if needed, by the national guard*”.²⁰⁹

A great contradiction of the era is that excellent jurists and police officers published their works on policing/law enforcement and there was a great demand for well-trained commissioned officers, yet, the framework for policing education was very narrow. A reader’s letter in a 1895 issue of the *Police Officers’ Papers*²¹⁰ says the following about this period: “*In the present educational system a course on policing is only delivered in law schools in public administration, hardly in 10 lessons in each of them, while criminal law and criminal procedure are taught among legal subjects.*”

All that is even more inexplicable if we consider that within public administration, the branch of national (military) defence already had its own system of training, whereas the training in policing was conducted in an unreasonably small number of lessons.

3.2.3. Emigration, Immigration, Passport Policing and the Regulation of the Border Police

Apart from acting as a catalyst and prime mover of the Hungarian economic and bourgeois development, the Austro–Hungarian Compromise also generated new challenges and problems in the area of policing/law enforcement

²⁰⁹ Act LXVII of 1912 on the organisation of the Parliamentary Guard.

²¹⁰ *Rendőri Lapok* [Police Officers’ Papers], No. I/5. 3.

from time to time. The first signs of this were already manifested in the 1880s and 1890s, making the leadership attempt to respond to them. From the aspect of internal migration, the fact that the Hungarian citizens were free to move within the country, i.e. the Monarchy appeared as a facilitator. For a long time this meant the movement of workforce in the direction of Austria, mainly Vienna, but, with the development of the railway system the ports of Western Europe, and through them America became more and more accessible. This was the time when the first agents appeared who “escorted” – sometimes even providing loans for train or boat tickets – the Hungarians who wanted to emigrate.²¹¹ When the political leaders perceived this problem (mainly the emigration of persons liable to military service and of the cheap workforce from agriculture), they mainly saw the threat represented by these agents, therefore legislation focused on their²¹² activities. During the implementation of the law, the political leaders also understood the problem of controlling emigration by state and legal instruments. Act XXXVIII of 1881 prohibited mediation, therefore the people kept in touch with the foreign companies by post. This was prevented by stopping postal deliveries from Hamburg and Bremen from 1885.

At the same time, internal migration had its impact not only on the economy but other drawbacks of it were also revealed. Dániel Irányi²¹³ pointed this out, saying: *“Hungary’s borders are open without any restrictions to every foreigner. Nobody will ask them who they are, where they are from, why they have arrived or what they live on. They may be honest people – and most of them are – but they might as well be villains.”*²¹⁴ And, although the bill presented in the Parliament mainly dealt with immigration issues, the making of the emigration law began. The bill presented in 1885 was not passed. At the same time, together with internal migration within

²¹¹ “In Topolya district, Sáros county, the serf executio carried out by military force in the years 1862–65 resulted in financial support arriving from families that had been ruined and then emigrated, which gave the first stimulus to emigration. From the 1870s emigration has been developing in Sáros county, the main reasons for which are impoverishment, labour shortage and the hope for making a fortune. People emigrated mainly from Zemplén and Sáros counties, also assisted by agents.”

²¹² Act XXXVIII of 1881 on emigration agencies.

²¹³ Dániel Irányi (born as Dániel Halbschuh, Toporc, February 24, 1822 – Nyíregyháza, November 2, 1892) was a politician and publicist. *Pécs Lexikon* [Pécs Encyclopaedia], 2010. 333.

²¹⁴ 1885–1888. *Országgyűlési Irományok* [Papers from the Parliament], Volume 5, No. 146. 122.

the country the number of population wishing to leave the country also grew. This process was strengthened by the fact that, operating as a catalyst, the bills on emigration and immigration, on the passport related to them and on the border police (supplemented by the proposals on establishing three district headquarters for the gendarmerie and on the settlement of the border dispute about the area of the lakes called today Czarny Staw pod Rysami and Morskie Oko) were presented in one package.²¹⁵ However, they were only passed in 1903. Incidentally, so many laws on policing had never been presented or passed at the same time in Hungarian legislation before.

The diversity of the situation is also represented by the Romanian–Hungarian relations. In that time in Romania thousands of people migrated every year, mainly to Bucharest to gain employment. Also, thousands of people travelled to the west, to the USA from Romania, across Hungary. The Minister of the Interior's decree No. 1900/4960 provided for the steps to be taken concerning Romanian migrants transiting Hungary. These migrants, apart from having the necessary travel documents, needed to prove that they had the travel expenses or the ticket for the journey on land and by sea and the sufficient means of subsistence for the whole trip. If they failed to do so, the Romanian migrants were not allowed to enter Hungary. However, the traditional regulations applied²¹⁶ to Romanian nationals entering for the purpose of business, health treatment, pleasure, etc.

According to the report of the Ministry of the Interior on the drawbacks of emigration and the movement of labour, young Hungarian women mainly applied for passports to Germany to become waitresses but also became involved in prostitution. According to the report, white slavery has gained

²¹⁵ The laws were the following: Act IV of 1903 on emigration, Act V of 1903 on the residence of foreigners in the countries of the Hungarian Crown, Act VI of 1903 on passport affairs, Act VII of 1903 on the establishment of three new gendarmerie districts, Act VIII of 1903 on the border police and Act IX of 1903 on the indication of the line of the state border in the area of the so-called Halastó, between Austria and Hungary, on the edge of Szepes county and Galicia, concerning the enactment of the decision of the elected court, established pursuant to Act II of 1897.

²¹⁶ SALLAI, János (2015): Idegenrendészet (bevándorlás) szabályozása a 19. század utolsó, és a 20. század első évtizedeiben. [The Regulation of Alien Policing (Immigration) in the Last Decades of the 19th and in the First Decades of the 20th Centuries.] In *Migráció és Rendészet*. [Migration and Policing.] Budapest, Magyar Rendészettudományi Társaság Migrációs Tagozat. 145–161.

a large area in Hungary, also influenced by the fact that Hungarian girls²¹⁷ are very much liked in Europe. The Minister of the Interior thinks that they should be protected because many of them may and do become victims at the Western European market. Unfortunately, in many places in Europe, and in Hungary, too, combating white slavery and prostitution is the task of the local policing organisations, therefore there is no united action against them.

Mass emigration from Hungary, mainly from the Northern region (called Felvidék) started in 1880–81. Because of its consequences, Zemplén county presented a petition to the Parliament, suggesting that those liable to military service should not be issued a passport for at least a year, the agents luring people abroad should be punished, the tax on land should be reduced, usury should be criminalised, credits on movables should be introduced and that at least half of the agricultural labourers doing their military service should be granted leave of absence once a year in the summer months. In August 1882 the National Hungarian Economic Association submitted a memorandum to the Parliament, in which they described the reasons for emigration from the Northern region in detail and made proposals as to how to remedy the problem. Growing emigration²¹⁸ was first handled at local (county) level. At the end of the 1880s the counties made their own regulations to prevent it. In order to prevent the emigration of people without passports, from 1887 train tickets in the direction of America were only issued to people with valid passports. The recruitment of emigrants, however, increased in the 1890s, therefore valuables sent by post were also checked. In 1890 a large number of local authorities asked the Minister of the Interior to prevent emigration and to give orders concerning the related legal procedures. To manage the situation, Kálmán Széll, the then Minister of the Interior made provisions in his circular as follows: *“Emigration cannot be prevented by coercive measures, because it would contradict the generally acknowledged basic rights of the citizens, and [the Minister] also thinks that radical remedy*

²¹⁷ Trafficking women from Hungary was fairly simple. Agents were touring the country, mainly the Hungarian territories. They offered pretty girls the opportunity to work as cooks, waitresses or artists and then took them away. Many of them were never seen again in their homes.

²¹⁸ While in 1891 33,000 people emigrated, this number increased to 35,125 in 1892, and in 1893 it decreased to 22,996. The reason for it was the cholera epidemic and the banning of the route to Hamburg. There was a sharp drop between 1893 and 1894 to 8,044. Meanwhile the interest in emigrating to Brazil and Argentina via Italy grew. In 1898 the number increased again to 22,082 and in 1899 to 43,394.

*of the problem could only be provided by the right economic and public administration measures. Until such measures are taken, he gives orders to detect the agents and to seize printed matter and advertisements; he orders the issued cautions to be renewed and gives an exhaustive guide on the prevention of abuse in passport matters.”*²¹⁹

In the last few years of the 19th century emigration to America²²⁰ was a constant talking point both in the press and in public life in Hungary. Low wages, unbalanced development programmes resulting in certain regions ending up without any industry (jobs) and news from America, especially the amounts of money transferred home made those living in Hungary leave their home country in the hope of a better life and job opportunities. Also, a constant debate was going on about the grounds on which the police²²¹ prevented emigration, returning Hungarian citizens by taking them off trains and checking identities at railway stations. The situation was made even more complex by the fact that at that time having a passport was not a condition for leaving the country. This was the reason why, together with the acts on emigration and immigration, the law on passports also had to be made. Because, when the police prevented emigration without any other reason, in fact it illegally restricted the right of the citizens to free movement.

This was also the time in Hungary when the number of agents sharply rose. Having arrived (or having been commissioned) from America, they lured the cheap Hungarian workforce to emigrate and, judging from the statistics, were very efficient at it. According to US data 774 thousand emigrants arrived in the United States from Hungary between the 1880s and 1901. The total number, broken down into nationalities is as follows:

- Hungarians: 180 thousand
- Slovaks: 441 thousand
- Croats: 92 thousand
- Serbs: 49 thousand

²¹⁹ 1900. július 5. 59207 sz. BM körrendelet. [Circular of the Minister of the Interior No. 59207 of 5 July 1900.]

²²⁰ In 1875 the counties were informed by a circular about the immigration law of the USA, according to which persons accused of serious crimes (except if for political reasons) and comfort women would not be admitted to the USA.

²²¹ The Hungarian Minister of the Interior did not support the excessively radical means but increased police control and asked his Austrian counterpart, too, to take strict measures against those crossing the border on the railways in Kosice, Oderberg and Galicia.

It is clear that the dominant nationality among the emigrants from Hungary to the USA is that of the Slovaks, which is obviously due to the backwardness of the Northern region and the lack of industry, a topic that kept returning later in the parliamentary debates on the laws.

To be fair, apart from the statistics on emigration the number of those returning should also be mentioned. Their ratio was annually about 8 to 12%. They were the ones who were either disappointed or made a fortune or were simply longing for their family and homeland and returned to Hungary. However, there were many people who made a career or actually met with bad luck or simply did not have enough money to buy a boat ticket and never returned.

Apart from the significant number of people (several thousand persons annually) emigrating²²² to the USA, there was a constantly growing number of those emigrating to Romania, because of the geographical conditions, mostly the Székelys (or Szeklers, a subset of Hungarians who were assigned to the border regions of the Hungary in the 9th to the 11th centuries and later settled in certain regions of Transylvania). The issues and problems that accumulated in the field of emigration made the parties and various civil associations regulate, and, if possible, diminish this emigration process, which left deeper and deeper marks in public life. The formulated bill on emigration was justified – among other things – by the deficiencies of the earlier legislation, which were unable to prevent emigration: *“Still, excellent as our economic and industrial, i.e. subsistence conditions might ever be, while there is such a large difference between the wages paid in our country and those paid in the overseas states and until travelling involves so little difficulty as now, due to the growing perfection of the means of transport and the transport costs becoming more and more favourable, emigration will not cease to exist. Because there always will be men in this country who will not be satisfied with their earnings in Hungary but will, in the hope of better wages, migrate into faraway countries.”*²²³ *“Thus, when solving the issue of emigration, we must make an effort to restrict emigration in certain cases, to safeguard both public and private interests;*

²²² “Emigration has mainly been flowing in two directions: to overseas states, mainly to Northern America and on land mainly to Romania.” (*Magyar Közigazgatás* [Hungarian Public Administration], XXIII/24, 1905.)

²²³ Excerpt from the explanatory memorandum of the Act.

- so that it shall have the character of seeking employment and that heedless emigration and all kinds of incentive and enticement for people to emigrate shall be impeded;
- so that emigration shall be directed to places seeming the most favourable for the interests of both the emigrants and the state and so that emigration shall be diverted from countries where the wealth or health of emigrants is endangered;
- so that it shall be possible to have the entrepreneurs involved in transporting emigrants and their agents under the control of the Hungarian authorities;
- so that reliable information shall be obtained about the economic, wages, climatic and other conditions of the destination states;
- so that those wishing to emigrate to these states shall be able to be informed about these conditions well in advance;
- so that the emigrants shall be granted assistance, protection and patronage from the Hungarian state from the first step they make in this direction, during their whole journey and even in their new place of settlement;
- so that the sentiment of belonging to the Hungarian state and of patriotism shall be constantly maintained, so that finally their return shall be facilitated.”

The debate over the presented bill took place at the session of 16 December 1902, presided by count Albert Apponyi. MP József Kristóffy was the first to present the position of the Public Administration Committee. He did not elaborate on the reasons for emigration in detail and the factors making the law necessary, because it was well known by everyone: *“The loss of national forces we have suffered because of the emigration will suffice”*²²⁴ to discuss the issue substantially. According to Kristóffy the basic reason for emigration *“is that the emigrating population wants to help themselves first of all, so that, having higher demands they will provide welfare for themselves far away. It cannot be the mission of the modern state to impede or prevent this striving for a better life with coercive measures, because such practice would conflict*

²²⁴ No. 338: A közigazgatási bizottság jelentése, „a kivándorlás szabályozásáról” szóló 195. számú törvényjavaslathoz. [The Report of the Public Administration Committee for Bill No. 195 on the Regulation of Emigration.] Budapest, 1902.

with the elementary conditions of public freedom".²²⁵ He thought that the bill on emigration was based on the following two fundamental principles:

- The state does not want to hinder or prevent emigration; it will not bind the population to the native soil by force.
- The state wants to restrict, reduce and control emigration without prejudice to public freedom to ensure the interest and safety of the state and the undisturbed flow of the life of the state.

Later the President put the amendments to vote and then the Act on emigration was passed with the following content:

- The Act defined the concept of emigrant.²²⁶
- It listed the restrictions, which did not allow Hungarian nationals to emigrate.²²⁷
- It is forbidden to emigrate without a passport.²²⁸
- The Government is obliged to give the necessary information for those emigrating and has the right to restrict emigration to certain countries.
- The activities of entrepreneurs and agents are subject to ministerial permission and a 10 to 100,000 crown security. Their operation may be checked and their permit²²⁹ may be revoked by the Minister.

²²⁵ Ibid.

²²⁶ For the purposes of this Act, an emigrant is the person who goes abroad for an indefinite length of time for the purpose of earning permanent income.

²²⁷ In respect of emigration, the following restrictions are in place: those under the obligation to provide military service may only emigrate with the permission of the competent authorities. Those against whom criminal proceedings are being brought because of a criminal act cannot emigrate and neither those having been sentenced before the punishment has been enforced. Minors may emigrate only having their father's or guardian's written consent attested by the authority. In addition to this, men under 15 and minor women may only emigrate if they travel accompanied by a reliable adult person and their accommodation at their destination is taken care of. Emigrating is forbidden for the following: parents who wish to leave their child under 15 behind without providing sufficient care for them; those not having the necessary financial means for the journey to their destination or not coming up to the immigration requirements of their destination state; finally, those who have been promised full or partially free transportation or credit to cover transportation costs by the government of another state, a colonising or similar association or a private person for the purposes of a planned settlement.

²²⁸ This was the reason for making the Act on passports.

²²⁹ The first permission was issued to Cunard Line Steamship Co., Liverpool, called 'Gúnár Lina' [Gander Lina] by the Hungarians, who could not pronounce it properly. The first service from Fiume to the United States was launched on 14 November 1903.

- The carrier must conclude a contract with the emigrant, which must include the direction and itinerary of the transportation, the class of the railway car, the area to be occupied on the ship and the fare. The carrier carries full responsibility (e.g. in the event of illness or death). The carrier's ship must be in perfect condition.
- The Act set up an emigration fund.²³⁰
- It established the Emigration Council. It also provided for the competence of the emigration officer.²³¹
- It codified the terms of punishment.²³²
- According to Article 34 of the Act, 80,000 crowns were earmarked for the purposes of the emigration fund for the year 1903.
- With the entrance into force of this Act, Act XXXVIII of 1881 and all the regulations on emigration were repealed and the Minister of the Interior was commissioned to establish the date of the entry into force of the Act and to implement it.

Meanwhile, life moved around turbulently. The opportunities and interest of foreign and Hungarian citizens in travelling grew, because, as a result of the first and second industrial revolution, mobilisation and telecommunication accelerated. *"But foreigners often do not arrive in a foreign state with honest intentions but either they are fleeing from their own country's criminal justice to continue their illegal activities more easily in a different state where they are not known or they are coming with the firm intention to operate against the interests and security of this state."*²³³ That is why it was important to make the law on the conditions of the residence of foreigners,²³⁴ which took place in 1903. Act V of 1903 was the first comprehensive law on alien policing to regulate the position of foreigners. According to Article 1 of this Act, *"Foreigners may reside in any township of the countries of the Hungarian Crown."* Article 2 of this Act stipulates an obligation for the foreign citizen to report to the notary public

²³⁰ A separate fund shall be established, primarily to fully or partially cover the travel costs of those without means who wish to return to their homeland, as well as to give directions, provide with work and to establish shelters for the emigrants abroad and also for charity and to attend to their religious and spiritual needs.

²³¹ The first emigration officer was Lajos Lévy.

²³² Any entrepreneur or his deputy who violates the provisions of this Act commits a transgression and shall be punishable by detention up to two months and a fine up to 600 crowns.

²³³ The explanatory memorandum of the Act.

²³⁴ The political leadership of the time did not consider it advisable to call it the Act on immigration.

in villages or the police headquarters in towns within 24 hours. If the foreigner wants to live in the territory of the given township, it should be reported and registered within 15 days of his arrival. When reporting, he must verify his identity, nationality, domicile, past morals record and also present the resources he has to permanently support himself and his family. (The members of the reigning family and of the diplomatic corps are exempt from this obligation.)

Article 8 of the Act authorised the police to check the fulfilment of the obligation to report in case of both the private houses and hotels.

It is very strict about the foreigners who fail to fulfil these obligations. According to Article 10: *“Any foreigner who does not properly verify himself and his family, does not show up the means for his and his family’s support or whose residence in the territory of the state is perilous to the interests of the state or to public safety or public order, shall be liable to expulsion from the territory of the state any time by the police authority, even by force.”*

Because of the well-known political fights and changes of governments in Hungary, Act V of 1903 came into force only later, on 1 March 1906 by the Prime Minister’s decree No. 660. In accordance with it, the Minister of the Interior issued his circular No 90.000/1905, which applied to all the local authorities, except Budapest and Fiume. The circular on the implementation of the Act provided for the following:

- Reporting for foreigners having stayed here for a short time
- Reporting for foreigners having stayed here for a longer time
- Foreigners exempt from the obligation to report
- Border police offices are not authorised to expel foreigners
- Data to be entered into the register of foreigners afterwards
- Forms for keeping records of foreigners

To handle large-scale emigration²³⁵ and immigration from the neighbouring countries,²³⁶ the Government decided to establish a new, modern border policing organisation meeting European standards, the Border Police.

²³⁵ See the explanatory memorandum of the Act on the border police: “The Border Police can also provide a successful service by checking the emigrants and preventing those unauthorised, namely those liable to military service from leaving and in general by arresting those on the run before they leave the country.”

²³⁶ See the explanatory memorandum of the Act on the Border Police: “The control of emigrants and the elements without means that are especially detrimental to the state both in economic and policing respect and from the aspect of putting the right limits on immigration the border police service is of special importance.”

Discussing checks on foreigners, Act V of 1903 already mentioned the Border Police. Although the organisation was established by Act VIII of 1903, in practice (similarly to the Act on Immigration) this took place only in January 1906. The Hungarian political leadership had to pay special attention to managing emigration and immigration already in the area along the state border. Based on historical experience *“keeping the border area of the country under constant surveillance, constant checking of the traffic across it and monitoring the states and the events near the border, more significant from the aspect of state policing – for the purpose of ensuring state security and internal peace”*, they decided to set up a new border policing organisation, the Border Police. Its mission was coded in Act VIII of 1903. Among its tasks I will only mention the ones directly concerning the policing duties related to foreigners as follows:

- a) watching border crossers, obtaining information about episodes and events along the border that are important from a state policing aspect and communicating the findings to the competent authority;
- b) enforcement of regulations on the reporting and residence of foreigners;
- c) prevention of espionage, perhaps arresting spies;
- d) prevention of the population of the neighbouring countries from carrying out violent attacks against persons or objects and especially the prevention of damaging or changing of military defensive works, border markers and signals intended to indicate the border of the country, land measuring markers erected by military or civilian authorities and reporting such events;
- e) prevention of suspicious individuals banned, challenged by the police and unable to identify themselves from entering the territory of the state;
- f) arresting persons under investigation, suspected of an offence and subject to preliminary detention according to current legislation in the border area;
- g) deportation of persons arrested in the border area and subject to the provisions of deportation regulations and reception of deported persons from abroad and sending them off;
- h) control of incoming and outgoing traffic of weapons, ammunition and military equipment and, in the event of bans, the prevention of the import and export of these and of other objects;
- i) the prevention of the escape of persons liable to military service;

- j) prevention of the smuggling of women;
- k) carrying out state police and public safety duties at railway stations and ports of calls of steamships and checking on the observation of public health regulations;
- l) checking on hotels, restaurants, pubs, cafés and other public places in the border area;
- m) passport control and issue of border crossing documents at the border sections where there is a passport obligation;
- n) first instance police criminal jurisdiction²³⁷ in the cases of transgressions committed by the violation of passport regulations, illegal return, women smuggling,²³⁸ violation of regulations concerning the reporting and residence of foreigners.

Apart from this, it is clear from the explanatory memorandum of the Act that *“border policing will provide useful service in preventing smuggling, especially animal smuggling, which, unfortunately has largely grown in the border area and which causes considerable damage to the state”*.²³⁹

In accordance with its special function, the tasks of the Border Police were clearly of a preventive character. They had to be carried out on the spot, as fast as possible, so that it could immediately sanction the committed offence.

It is also obvious from the above tasks that from the aspect of immigration and alien policing the border policing service was of special importance. According to contemporary statistics, the Border Police had the following amount of caseload related to the policing of foreigners between 1907 and 1912:

- The number of persons prevented from entering, banned, suspicious for the police etc.: 7,236
- The number of persons arrested in the border area, wanted or charged with an offence: 1,910
- The number of deportation decisions cases/persons: 24,618/26,959

²³⁷ Article 2 of Act VIII of 1903 on the Border Police.

²³⁸ “It is a sad fact that brothels in Serbia, Romania but also in the whole Balkan Peninsula are mainly populated by girls of Hungarian origin. These young girls are seduced by unscrupulous agents under the pretext of getting employment in some service or other job and then they are plunged into a life of immorality.” Explanatory memorandum for the Act on the Border Police.

²³⁹ Explanatory memorandum for the Act on the Border Police.

- The number of deportees received and arriving from abroad: 1,943
- The number of deportees handed over and directed abroad: 3,889²⁴⁰

It is clear from these data that although having a small number of staff (approx. 4,500 persons), the Border Police registered a constantly growing number (tens and later hundreds of thousands annually) of checks on foreigners. I did not include the number of confiscated weapons, pieces of ammunition and prevented escapes of those liable to military service, which is 66,374,094 bullets, 11,700 kilograms of gunpowder, 2,300 cartridge fuses, 2 packets of cartridge cases in the statistical data of the period in question, because they might have been only partly related to foreigners. At the same time, the data indicate the political situation of those times, a foreshadowing of the war.²⁴¹

The law on passports was also badly needed to regulate emigration, which was also for the first time codified at this level. Its basic principle is that everyone is free to travel inside Hungary but passports are not issued for certain categories²⁴² of people. According to its explanatory memorandum, the Act considered the regulations on passports important from the following aspects: *“for the sake of the security of the state, Article 2 of the bill [on passports] authorises the ministry to put extraordinary provisions in place at times by applying passport obligation, because external wars and internal disturbances or other movements endangering the state may necessitate the vigilant observation of travellers, especially of persons crossing the borders, the stringent checks on the traffic in border areas and, in well-founded cases, even the prevention of entries or exits. Also, regulations introduced with such intention by any external state could induce us to apply the principle of reciprocity and enact similar regulations concerning the state in question”*.²⁴³

²⁴⁰ SALLAI, JÁNOS (2005): A határrendőrség feladatai a statisztika tükrében. [The Tasks of the Border Police in the Light of Statistics.] *Magyar Rendészet*, Vol. 5, No. 3. 157–168.

²⁴¹ Ibid.

²⁴² Explanatory memorandum: “for the purposes of impeding unauthorised emigration, it is justified to prevent free leave.” The issuance of passports is restricted in the case of those who are limited by their service obligations, who have been sentenced or are suspects in a criminal case and those banned by the Act on emigration as well as minors or those under somebody’s wardship.

²⁴³ Explanatory memorandum for Act VI of 1903 on passport affairs.

Among the laws made in 1903 the Act on emigration attracted the largest interest. However, despite the anticipations, when it entered into force it did not discourage people from emigrating, so it did not live up to the expectations. At the beginning of the 20th century, the number of emigrants to the USA alone was:

54,767	persons in 1900,
71,474	persons in 1901,
91,762	persons in 1902,
119,944	persons in 1903,
97,340	persons in 1904,
170,430	persons in 1905,
185,337	persons in 1906,
203,332	persons in 1907.

As we can see from the data, after the first Act on emigration, instead of diminishing, emigration from Hungary significantly increased. Knowing the statistical data of the last few decades of the 19th century we can establish that emigration at that time can be considered moderate as compared to the 1900s. Large-scale emigration assumed alarming proportions from national, defence and economic (e.g. paying taxes) aspects. Thus, it is understandable that in 1908 the Government placed the issue of emigration on the agenda again. Although both the starting point and the aim of Act IV of 1903 were principally right, the experience of the period after it came into force, mainly the increase of interest in emigrating showed that it was not sufficient to issue new decrees but a new legislation was needed. The explanatory memorandum of the new bill put it on record that the increase in emigration was not the result of Act IV of 1903; it chiefly had moral and material reasons.

The presented new bill on emigration did not discuss the material or social situation, only the regulation of emigration, naming the following main reasons for it:

- The Act on emigration of 1903 did not define the concept of *emigrant* sufficiently, saying an emigrant was the person who goes abroad “*for an indefinite length of time for the purpose of earning permanent income*”. This way those who left the country for a definite length of time and those doing seasonal work (e.g. those in Transylvania having a contract for seasonal employment in Romania) usually avoided all the checks conducted by the authorities.

- According to the experience gained, restrictions laid down in Article 2 of the Act were insufficient concerning emigration. *"We must, if possible, defend ourselves from the remarkably large-scale emigration of minors of both sexes. The restriction of the emigration of men under age needs to be more stringent than up till now, especially in order to ensure the fulfilment of military service obligations. Restrictions on the emigration of breadwinners are demanded by moral reasons, by the subsistence interests of the members of the family left behind and being without support."*
- Provisions applying to carriers, their representatives, branch offices and the emigration itineraries also proved to be insufficient. The main reason for that was that Hungary had only one seaport, Fiume, and directing emigration into this single port did not prove to be a good practice. No matter how many agents were fined, it did not decrease emigration. Therefore, the new Act wanted to make sure: *"On the one hand that – by removing all the unnecessary obstacles – the entrepreneurs who are involved in transporting the migrants will really be able to obtain the permission for it. On the other hand, it aims to limit the scope of operation of the entrepreneurs and their employees and increase the bans in order to prevent abuse and to make the control carried out by the authorities more efficient throughout."* Also, according to the new legislation, *"the entrepreneurs would be able to establish emigration offices only in Budapest, at the Hungarian seaport or in town(ship)s with a railway station, in the border areas with the permission from the Minister of the Interior, who would allow foreign entrepreneurs to conclude contracts in their offices abroad, provided that they positively submit to Hungarian legislation with respect to emigration from Hungary."*
- Act IV of 1903 did not impose sufficient penalty on those violating it.²⁴⁴ The new Act considered its primary aim *"providing for the strict punishment of all possible forms of abuse and making it possible that the grievous types of it, especially the most danger-*

²⁴⁴ The law in effect at the time classified all the acts breaking the emigration law as transgressions, and this way, even serious cases of abuse were punished by a maximum of two months detention and a fine of 600 crowns.

ous ones, i.e. enticing someone to emigrate and illegal transporting shall be classified as a misdemeanour, or, in certain cases, even as a felony”.

- One of the important deficiencies of Act IV of 1903 was that the organisation and jurisdiction of the Emigration Council were not sufficiently defined. Also, the demand occurred that Parliament should be allowed to examine the issue of emigration more thoroughly. Apart from these, as the political leadership considered the basic principles of Act IV of 1903 had been right, it thought it was of state interest to protect the Hungarian nationals from the agents and the vultures of foreign shipping companies. From the beginnings, it was not possible to ensure the privilege of the main direction of the New York–Fiume line laid down in the former Act, mainly because there were too few services for the large numbers of emigrants. Also, relatives in America sent tickets to their family members for other foreign lines, which were confiscated by the Hungarian authorities. This was followed by hundreds of complaints submitted to the Minister of the Interior, as a result of which he gave permission to use other foreign shipping companies, too. However, by emigrating via Western Europe instead of Fiume, the Hungarian authorities had no jurisdiction on the Hungarian emigrants and became the agents’ targets of temptation.

The new bill on emigration was presented by Prime Minister Gyula Andrássy in Parliament, on 9 May 1908, a Saturday. The Emigration Committee attached the following opinion to it: *“The new bill, as opposed to the former [Act IV of 1903] defines the concept of emigrant more precisely. It increases the limitations concerning emigration. In particular, it protects against the emigration of minors, those liable to military service and the breadwinners. As opposed to the effective law in many respects, it regulates the legal relations of the carrier entrepreneurs and their representative agents, it organises the emigration council on new foundations, which was a completely dead institution of the former Act. Using the unfortunately fairly many sad lessons of the past, carefully and prudentially gathered, it elaborates on the punishable acts and raises the punishments to be imposed up to an acceptable limit. It allows the parliament to interfere with or at least examine in many respects*

of the implementation of the Act, when it obliges the government to report, for example, the permits to be issued to carrier companies or their withdrawal to the parliament, and, what is more, it wishes the emigration council to be composed mainly of the deputies of the parliament."²⁴⁵

Apart from the above, the Emigration Committee also proposed the limits of bails to be raised, that no permits should be issued for townships in the border areas in whose direction emigration is banned and that licenced entrepreneurs should not be allowed to enter into any kind of contractual relationship with non-licenced entrepreneurs concerning the transportation of emigrants. Several other smaller proposals and suggestions were submitted by the Government to be considered, but eventually it recommended the bill to be passed.

The summary of contents of the Act on Emigration, effective as of 1 September 1909 is as follows: Article 1 starts with the concept of emigrant, saying that anyone who goes abroad with the purpose of earning permanent income shall be considered an emigrant. Thus, those who go abroad for the purposes of studying, pleasure (tourism) or business were not considered emigrants.

Unlike the former (1903) law, Act II of 1909 included more stringent limitations concerning emigration and introduced bans in the following cases: *"Minors under their father's care may emigrate without their father only if having an officially certified, written consent from the father, those under wardship having a written consent from their guardian, approved by the court of guardians and both may emigrate only if they can verify that they will be provided accommodation at their destination.*"²⁴⁶

- *Starting from January 1 of the year when they turn 17, while they are under obligation to do military service, male persons may only emigrate if they have a written permit issued by the Minister of the Interior in agreement with the Minister of Defence. The permit may only be issued if the applicant deposits a bail of 10 to 1000*

²⁴⁵ A kivándorlási bizottság jelentése a 818. sz. törvényjavaslatához, 914. sz. iromány. [The Report of the Emigration Committee for Bill No. 818, Writing No. 914.]

²⁴⁶ According to the Act, "under-age women" and "male persons under 16" without one of their parents were allowed to emigrate only if, apart from the conditions listed in the previous paragraph, it was verified that they would be travelling to their destination accompanied by absolutely reliable adult persons.

*crowns (established by the Minister of the Interior) in Hungarian crowns in advance.*²⁴⁷

The following were banned from emigrating:

- *those against whom criminal proceedings are pending because of an offence punishable by imprisonment and those sentenced to a fine, during the time of the enforceability of the penalty;*
- *parents who intend to leave their child under the age of 16 behind, without duly providing for their constant care;*
- *those who fail to provide due care for their relative staying at home and incapable to earn a living and thus left to their assistance;*
- *those not having the necessary financial means for the journey to their destination or not coming up to the immigration requirements established by the state where they wish to emigrate;*
- *those who have been promised fully or partially free transportation or credit to cover transportation costs by the government of another state, a colonising or similar association or a private person for the purposes of a planned settlement;*
- *those who have been transported home from abroad at the costs of the Hungarian state and have not reimbursed these costs;*
- *those with limited rights to emigration provided by other laws.”*

Guidance to the above restrictions was given in the implementing provisions. It is clear that the Act wanted to impede the unwanted phenomenon by administrative means, by narrowing the circle of emigrants, taking utmost account of defence and national interests. The law demanded a passport from every emigrant to the destination country, which is a further restriction, as the issue of passports is also a means to filter the applicants. The Act also gave the Minister of the Interior the opportunity to define the emigration routes and it applied stringent regulations concerning passenger transport to secure travelling abroad: “*Anyone who wishes to undertake the transportation of emigrants must have a licence to do so.*” The Act authorised the Minister of the Interior to issue

²⁴⁷ The bail will be called in if the person, due to his own fault, fails to return home before his passport expires. The ministry, in the case of large-scale emigration of those liable to military service, can prohibit the emigration of male persons indicated in the first paragraph of this Article for a year in general or concerning particular local authorities. Such bans must be reported to Parliament.

the licence, but he had to notify Parliament about such issuance, so that it would be able to control the activity of the Government and also get a clear picture of emigration. Act II of 1909 also confirmed the emigration fund established by Act IV of 1903, which was meant to fully or partially cover the travel costs of those without means who wished to return to their homeland, as well as to give directions, provide with work and to establish shelters for the emigrants abroad and also for charity and to attend to their religious and spiritual needs and to cover extraordinary costs that occurred due to the control of emigration.

To manage the emigration process, the Minister of the Interior was entitled to employ emigration officers and the necessary staff as state officials, whose tasks and the conditions for their employment was also defined by him.

Acts IV of 1903 and II of 1909 may be considered modern for their time, due, in my opinion, to their preparation and the high-standard professional discussions that preceded them. It was fairly obvious already during their preparatory process that they would not be able to prevent emigration, because a socio-economic problem cannot be remedied by administrative means.

In this period of time, in 1907 chief inspector Ferenc Pavlik and inspector Imre Laký – both members of the State Police of the Capital – compiled the *Manual of Border Policing*, which contained the laws and regulations on or related to immigration, emigration and passport affairs. In 1911 Gyula Vásárhelyi published his comprehensive book on policing, entitled *The Involvement of Police Authorities and Staff in Criminal Investigation – Police Administration, Police Organisation, State Policing, Public Policing*. After the above Acts were passed in 1903, alien and passport affairs and border policing had the most modern policing regulation in Europe. Still, these regulations usually were not in effect for long because World War I overruled them. The only exception was the first Hungarian law on alien policing, Act V of 1903 on the residence of foreigners in the countries of the Hungarian Crown, which stayed in force until 1954.

3.2.4. Policing during World War I

The geopolitical situation at the beginning of the 20th century and the “smouldering” Balkan already forecast the possibility of war. Signs of preparing for

the war that concerned policing can also be detected in the Acts of 1903 on emigration, immigration, passports and on the Border Police. For example, in the mission system of the Border Police there are specific tasks related to it. Threats to the state first appearing at the border, border crossing points and in the border zone became clearly discernible. The preventive response to them can be explicitly seen within the mission system of the Border Police, in the formulation of the following tasks:

- watching border crossers, obtaining information about incidents and events along the border that are important from a state policing aspect and communicating the findings to the competent authority;
- enforcement of regulations on the reporting and residence of foreigners;
- prevention of espionage, possibly arresting spies;
- prevention of the population of the neighbouring countries from carrying out violent attacks against persons or objects and especially the prevention of damaging or changing of military defensive works, border markers and signals intended to indicate the border of the country, land measuring markers erected by military or civilian authorities and reporting such events;
- prevention of suspicious individuals banned from Hungary, challenged by the police and unable to identify themselves from entering the territory of the state;
- control of incoming and outgoing traffic of weapons, ammunition and military equipment and, in the event of bans, the prevention of the import and export of these and of other objects;
- the prevention of persons liable to military service from escaping.

Apart from the above, during the preparation period, the border policing organisations were also prepared for wartime, their weapons were made suitable for carrying out combat tasks and reserve supplies were developed. The staff were also trained to be involved in combat and communication systems were set up. In 1912 the law on extraordinary measures to come to force in the event of war was passed. Its explanatory memorandum truly reflects the need for this law and the current state of affairs: *“it is a significant condition for modern warfare so that the military manoeuvres and the whole operation of the armed force will be efficiently supported by the civilian authorities and the entire population of the state. Thus, in*

this respect, these extraordinary measures must be applied primarily in order that this necessary support will be fully given by the state and by putting every citizen under the obligation to provide it. But extraordinary measures put into force in the event of war are necessary not only from the aspect of military operations. They are also of major importance from the aspect of the civilians, the whole country, economic life, the rule of law, personal and property safety, threatened by the most serious dangers and damage during war. These extraordinary measures must be applied to mitigate, if possible, these dangers and the damage with the help of protecting the rule of law and public safety with increased efficiency. In order that these extraordinary measures will be applied with the greatest success, they must be prepared in peace time, among normal conditions, because we can ensure only this way that they are taken with perfect equanimity and in an inconspicuous way when needed."

The explanatory memorandum of the law clearly refers to the protection of property and public security and to the fact that the army, the civilians and the policing/law enforcement organisations must be prepared for war already in peacetime. For the time of the state of emergency commissaries could be appointed, subordinated to the Government, whose responsibility also involved ensuring the maintenance of public order and safety. It is typical during war that there may be shortage of labour because of the military movements and those joining the army and that certain products may become scarce or their prices may soar because of certain events during the war, which policing authorities must prevent by all possible means. Telecommunication is a similarly highlighted area; exercising stricter control than usual over the post and telegraphic and telephone equipment was listed among the most important warfare interests by the law. For the sake of the maintenance of public peace and order the Government was given full discretion to intervene where it deemed necessary, as the improper operation of associations, societies and unions, for example, or public gatherings, demonstrations or processions provide an opportunity for evoking a negative popular feeling. Therefore, the Government was authorised to take precautionary measures in cooperation with the policing/law enforcement organisations where such threat was present. The law paid special attention to the policing of the press, propaganda against the state and its consequences. So that public order and safety are maintained, it allowed the introduction of extraordinary measures in the area of criminal justice. We can say that

the Act was passed in the last moment in 1912, as the war that broke out in 1914 later spread into a world war.

The situation that developed in 1914, at the beginning of World War I set challenges for the policing/law enforcement organisations they had never seen before. The mobilisation order, the reduction of the law enforcement staff, the sudden growth of the amount of tasks, continuous preparedness and securing military movements all meant increased duties for the police, the gendarmerie and the Border Police. There were new tasks, such as guarding tunnels, industrial plants, escorting demonstrations, stricter control over markets and premises where food was sold. From the beginning of the war, passports were not issued for military staff. Law enforcement officers fought factors posing a threat to state security and military interests on a daily basis. The large-scale influx of refugees and their checking imposed a large burden on policing/law enforcement organisations. In order to ensure public peace and order, pursuant to Act XXXIII of 1912, certain crimes were transferred to military justice. It might seem strange but during this time the number of offences was reduced, probably due to the fact that the “toughs” were also called up for service in the field. The Minister of the Interior ordered a temporary policing measure to be taken, creating a no-fly zone along the southern borders. Border crossings were limited already several days before the war broke out and people were allowed to cross the border between Orsova and Zimony only with the permission of the military headquarters. From the same time, it was possible to keep and trade carrier pigeons only with permission from the authorities. Live pigeons could be transported by rail, steamboat or post only by the army. Offences typical of wartime and military transport became more frequent. For example, (bogus) rescuers of soldiers, fraudulent army contractors, petty swindlers, felt fraudsters, shippers of paper boots, the misuse of consignment notes issued by a hospital or the army and of charity activities emerged. The phenomenon of profiteering or unauthorised collecting of war allowance etc. was also frequent. During the war the Minister of the Interior took over the authority to issue passports and the list of countries with visa obligation changed. Also, a large number of certificates were issued. Because the war lasted longer than expected, rationing was introduced, which entailed the spreading of the forgery of documents. Due to the state of affairs in the initial period of the war, its special geographical position and its major role in emigration, the police force in Fiume was reorganised

in 1916, which became directly subordinated to the central power and now its main task was the protection of the interests of the state.

In the first phase of World War I, which broke out in 1914, the Minister of the Interior regulated the procedures concerning foreigners and the management of other policing emergencies by decrees. It is clear from these decrees that during wars the largest threat to the state and its inhabitants was posed by foreign nationals, against whom measures were taken through decrees of preventive character. The outbreak of epidemics (cholera, typhoid, lice) was similarly significant. Its prevention, based on medical policing aspects was also the responsibility of the Ministry of the Interior. A typical feature of the war is that as food stocks diminish, the prices of products are constantly rising, as well as their misuse and the lack of war supplies.

Nearly all wars raise the problem of benefits for orphans and social assistance provided for public servants and pensioners. Examples for this can also be found in these decrees of the Minister of the Interior.

During the war the situation was further complicated and aggravated by the fact that the law on the state of emergency conferred the power of issuance of passports to the Ministry of the Interior, whereas the management of passport applications and the distribution of passports were carried out by the police headquarters. Also, the issuance of special travel permits (e.g. allowing visits to soldiers and prisoners of war in the theatre of military operations), the surveillance of aliens and probable spies required a lot of work. The importance of this issue is shown by the fact that the internment of foreigners was even on the agenda of a cabinet meeting.²⁴⁸ Supplying the internees and the refugees, whose number was constantly changing according to the events of the war but was always large, meant serious difficulty for the Government. For the sake of the success of military operations, the army often evacuated people from certain areas and villages before they started, for example in Galicia. These people crossed the border and entered Hungary and could only supply themselves to the extent they could afford it.

On the whole, I have established that war produces a range of new threats and emergencies, which require new and special measures to be

²⁴⁸ At its meeting on the 29th of September 1914. Find more information in: *Magyar minisztertanácsi jegyzőkönyvek az első világháború korából*. [Minutes of the Meetings of the Hungarian Cabinets from the Time of WWI.] 1960, Budapest, Akadémia. 92.

taken and decrees to be issued. In the Hungarian literature on policing/law enforcement we can find ideas concerning the management of emergency situations only in the works of Győző Concha, which were not manifested in the laws made by the Hungarian political leadership. However, in the acts on extraordinary power and on the Border Police, there are references to the averting of threats concerning policing/law enforcement.

This page intentionally left blank

4. Policing/Law Enforcement in the 20th Century, after World War I

The first decades of the 20th century saw the publishing of a significant number of papers and books on police science, also due to the fact that many jurists, public administration and law enforcement experts representing European standards were employed as public servants in higher education, at courts, in public administration, at the gendarmerie and at the police force, and they wanted to publish knowledge concerning not only the practice but also the theory of law enforcement. A non-exhaustive list of the well-known names of these authors would include Valér Nagy, Ferenc Pavlik, Imre Laky, Henrik Dorning, Móric Tomcsányi, József Tóth, Zoltán Magyary, Emil Bulbuk, Gyula Vásárhelyi, Miklós Rédey etc. Policing/law enforcement and criminal investigation periodicals were also continuously published, such as the *Gendarmerie Papers*, *Detectives' Chronicle*, *Detective*, *Public Safety*, *Hungarian Detective*, *Hungarian Police Officer*, *The Order*, *Police Officer*, *The Police Dog*, *Police Papers*, *Police Review* etc.

Soon after WWI, in 1930 a debate started about the establishment of a Police Academy²⁴⁹ or Boarding School.

From the 1910s, **Henrik Dorning** contributed to the literature of policing/law enforcement by publishing knowledgeable papers, mainly on foreign and Hungarian police forces. He paid special attention to the development of the institutions of the Police of the Capital already at the beginning of his career and in 1914 he wrote his first significant publication²⁵⁰ on

²⁴⁹ From our reporter in London: The British Home Office is going to establish a police training college, in fact a police university for the purpose of teaching and developing all the theoretical and practical knowledge related to modern criminal investigation and policing. Among other facilities, enormous scientific laboratories and experimental stations will be built and the students will also receive practical training in flying. The expenses solely of the building of the university has been estimated at half a million pounds (MTI archives, 16 July).

²⁵⁰ DORNING, Henrik (1914): *A székesfővárosi m. kir. rendőrség ismertetése*. [The Presentation of the Royal Hungarian Police of the Capital City.] Budapest.

the topic, which is the written version of a lecture²⁵¹ he had delivered earlier. In his lecture he established the following, concerning the police: “*Our attitude to the police is the same as to most common, everyday concepts. When we hear about it, we will not ask what the name stands for but we are not able to give a precise, valid definition to it.*”²⁵² Thanks to his proficiency in German, he made several study tours abroad and he used the experience gained from them in scholarly papers. Also, he wrote a study about the Hungarian police force²⁵³ in German. In 1911 he went on an instructional tour to Germany, France and Austria with Rezső Temple. This is how his pioneering activities aiming at developing international relations for the Hungarian police started. In 1916 he published his book entitled *The Organisation of the German, Austrian and French Police*, which has served (up to this day) as a source for those cultivating police science, and it also presented foreign models for the organisation of the centralised Hungarian police force, which was going to be established. At that time he also wrote about the organisation of the Hungarian police at the request of his German colleagues, which was published in the periodical *Deutsche Strafrechts-Zeitung*.²⁵⁴ 22 November 1922, while attending a celebration of a special police course, he delivered a lecture on the institutional framework of the police and about special training courses at the police as the national educational inspector of the Royal Hungarian State Police. This lecture was later published as a separate offprint in the periodical *The Order*,²⁵⁵ in the introduction to which he mentions the development of the concepts of *police* and *policing* in general. Concerning their relationship, he establishes: police force is the organisation and policing is the function. He gives an overview of the main stages of medieval policing in Hungary, then, by presenting the French model in 1795 he states that the task of the police is the maintenance of public order and of the safety of persons and property. According to him, the most suitable definition of the police is: “*The police is the organisation of public authority which must protect the existing rule of law against the dangers*

²⁵¹ The lecture was delivered at the further training course on law and political science, held between 1 and 15 October, 1913.

²⁵² DORNING, Henrik (1914): *op. cit.* 1.

²⁵³ Die Staatspolizei Ungarns Budapest Pester Lloyd 1926.

²⁵⁴ BORBÉLY, Z. – KAPY, R. eds. (1942): *A 60 éves magyar rendőrség 1881–1941*. [60 Years of the Hungarian Police 1881–1941.] Budapest, Halász Irodalmi és Könyvkiadó Vállalat. 168.

²⁵⁵ Year 2, No. 177/178.

directly threatening it even by using coercive means."²⁵⁶ He thought it was important to formulate it this way because it is clear from the definition that the police force is a guarding body and at the same time an authority, too. Similarly to other law enforcement experts of the time, Henrik Dorning mentions that each branch of public administration has its own policing. He thinks that the use of force can only be the last resort for the police. About the maintenance of order he has the following creed: "*with you and by you, if it seems necessary without you and even against you if needed.*"²⁵⁷ He thinks a good police officer should be like sisters of mercy: polite and having easy manners. The requirement for efficiency also applies to the police: to achieve the best possible result while investing the least possible effort, not as a means that is an end in itself but that is used to achieve a higher purpose. The greatest strength of the police force in all of its jobs is the unity of its organisation. Regarding special training, he supports unified, specialised intensive courses. He considers study trips abroad and specialised literature the two tools of further training. Nobody should stop acquiring knowledge in this profession and even a short period of rest results in regression. Finally, he approves of the discretionary power of the police but he thinks it is also a great challenge because, to use it properly, the police officer needs the "ability to see the future". He also classifies the police as a part of public administration but he thinks it needs an independent position in it. Apart from training, the other important field he discussed was international law enforcement cooperation. In the book published for the 60th anniversary of the police he states the following: "*International relations are important for the police of every country. This is the area where the roots are lying, gathering common threads from everywhere. This is what made it possible and necessary to build international relations. The police force protects public order and guards the safety of the persons and of property everywhere. Although the individual states organise their police force in different ways, there are many common features in this organisation and some of the tasks are identical. Frequent international communication makes it impossible for the states to limit the measures taken by their police forces to their own territory. Penetrations often happen; in the modern world of technology offenders travel at full speed and become international in the shortest*

²⁵⁶ DORNING, Henrik (1922): *A rendőrség intézményének fejlődése*. [The Development of the Institution of the Police.] Budapest. 3.

²⁵⁷ Ibid. 5.

time. Very often they plan the theft, fraud or an even more serious crime in a remote country to commit it in another one but the loot is taken to a third country so that the perpetrators and their accessories will flee to a fourth or fifth country. That is why modern police, especially the criminal police force tries to set up, if possible, direct relations with the police forces of other states and prevent the spreading of international crime and pursue the fugitives with a joint effort.”²⁵⁸

The shocks of WWI concerned law enforcement, too (e.g. shortage of experts and paper, etc.). Soon after it a new type of periodical was published, entitled *The Order*, very much influenced by the situation after the Trianon peace dictate: “*The title of The Order includes the most perfect social harmony, the unity of the Hungarian people, soldierly spirit, self-discipline, state and social security – that tragic lack of which dragged our unfortunate country into its destruction, and without the reconstruction of which we cannot imagine the reconstruction of an intact Hungary in the territorial and the spiritual sense.*”²⁵⁹

Later, from 1926 twice a month the *Hungarian Detective* was published until 1934 by the Pension Subsidy and Help Society of the Detectives’ Body of the Royal Hungarian State Police, and at around the same time, between 1927 and 1931 the *Police Officer*. In the March 1, 1934 issue of the *Hungarian Detective* we can find an article by Lord J. W. Trenchard, the Metropolitan Police Commissioner, saying: “*A criminal police officer not only needs to give all his energy, knowledge, ability and persistence to serve a life-and-death struggle but he also needs the aptitude, sometimes the creative genius, as if he were the detective character of a fashionable crime novel or moving picture coming to life.*”²⁶⁰ The author also mentions the *Metropolitan Police College*, a school of criminology and police science (in 1934!), which prepared cadets in the same spirit.

From a law enforcement point of view, the most significant periodical proved to be the *Hungarian Police Officer*, launched in 1934, which presented the latest issues of the theory and practice of the police profession. In this period, gendarmerie and police almanacs were also published, which have served as reliable sources for the researchers of the history of policing/law enforcement, the police and the gendarmerie up to this day.

²⁵⁸ BORBÉLY, Z. – KAPY, R. eds. (1942): *op. cit.* 167–168.

²⁵⁹ *A Rend* [The Order], 1921/1. 1.

²⁶⁰ *Magyar Detektív* [Hungarian Detective], 1934, Vol. 9, No. 5./180. 1.

After WWI, as a result of the Trianon peace dictate, unlike the old ones, a significant part of the new borders was artificial and on the other side of the border, running parallel with it, a stretch of land with Hungarian population was formed, which raised a number of problems in public administration and maintaining relations. In this situation family, public administration, economic, infrastructural and many other relations were torn. At this time a large number of state employees, when they learnt that the settlement where they had been conducting public service could be detached, left their place of residence and fled to Hungary. In order to avoid ensuing troubles and tragedies, in the spirit of solidarity with the Hungarians beyond the borders, rules reflecting positive discrimination were present in the contemporary border guarding orders. For example, *“Border violations from a Hungarian aspect can only be committed by foreign nationals.”*²⁶¹ Also, border police officers were instructed that: *“In cases of border violations from the detached areas the use of weapons is forbidden, except in the case of explicit self-defence.”*²⁶²

The new Hungarian state formed in the framework of the Trianon borders, called in public life only “Truncated Hungary”, paid attention to the policing and control of foreigners even in this difficult situation. It was still Act V of 1903 that was applied in alien policing, which authorised the Minister of the Interior to issue a decree. The following decrees were issued in this spirit:

The circular decree of the Royal Hungarian Minister of the Interior No. 187 800 BM of 1923 on the travel and Hungarian residence of refugees with Russian citizenship: This decree exempted reliable Russian nationals from passport obligation and, in the spirit of the Geneva Conventions gave them identity cards, but they were still subject to legislation on foreign nationals. Changes and improvement in the general conditions made it reasonable to review the decree of the Minister of the Interior on the implementation of Act V of 1903 and issue a new decree on the policing of foreigners. This happened in 1925.

The decree of the Royal Hungarian Minister of the Interior No. 200 000 BM of 1923 on the implementation of Act V of 1903 on the residence of foreigners in the territory of Hungary contains the following:

²⁶¹ Határszolgálati Utasítás [Border Service Order], M. kir. Pénzügyminisztérium. Budapest, 1925. 3.

²⁶² Ibid.

Article 1 stipulates that for the purposes of the decree, a foreigner is a person who is not a Hungarian citizen. This simple definition of the concept might seem formal in general but starting from the 1920s in the Carpathian basin, because of the Trianon borders, the situation was not at all simple. This is what the decree refers to, which, in matters of dispute, gave the right of decision to the Minister of the Interior. This especially applied to people living in the detached areas and to the citizens living formerly in the Austro–Hungarian Monarchy who had not opted for moving to Hungary. Those who had not opted yet, were entitled to Hungarian protection until the Minister of the Interior denied their application to move to Hungary. Also, citizens who had come from a detached area but had been living in the territory of Truncated Hungary for 4 years before the Trianon Treaty came into force, had been leading an impeccable life and paying taxes were not considered foreigners, either.

Article 2 elaborates on the foreigners' entry to Hungary, including the general rule that they must have a passport and they are not subject to a travel ban.

According to Article 3 foreigners legally entering Hungary can stay anywhere in the territory of Hungary. The decree stipulates that foreigners must register at the district-notary in small and larger villages and at the police headquarters in towns within 24 hours. After registering they are able to stay for 2 months but after that they need a permit to stay on in the country.

Article 5 lays down the rules on filling in the registration slip and Article 6 the related obligations of hotels.

Articles 8 to 11 present the rules concerning the declaration of the application for residence and its administration.

The decree specifically provides for accepting foreigners to a settlement, saying that they can only be entered in the register of the settlement or village if they meet the requirements laid down in Article 16 of Act V of 1903. Foreigners are allowed to work only if they are legally residing in Hungary and are registered.

The next section of the decree contains the regulations concerning the expulsion of foreigners. According to Article 15 a foreigner can be expelled or even deported by force if:

- they cannot identify themselves or verify their nationality
- they cannot produce means of subsistence to support themselves and their family

- their residence in the territory of the state is perilous for the interests of the state
- their residence in the territory of the state is perilous for public order and safety

The behaviour of the foreigner is especially perilous for the interests of the state if:

1. They crossed the border without permission, illegally or if they have violated the rules on residence.
2. They have been convicted in the past 10 years because of acts against the state and the social rule or public safety and engage in behaviour implying subversive activity against the state.
3. They make announcements orally or in writing denouncing the Hungarian state, the person of the Head of State or public institutions etc.
4. They can be suspected of espionage or smuggling against the interests of the Hungarian state.
5. They have been convicted of committing a serious crime in the past 10 years.
6. They have evaded paying taxes and charges or have been pursuing a licenced activity without a licence.
7. They came into Hungary after 1914 in the framework of a large immigration movement and their presence is not wanted because of Hungarian interests.

The decree considers especially perilous for public order and safety the residence of foreigners in Hungary who:

- have been convicted of begging, prostitution, vagrancy, publicly dangerous work avoidance or an offence contrary to the accepted principles of morality
- do not have permanent employment and lead an immoral life
- gave misleading data about themselves to the authorities

Effectuated expulsion based on the above covered the spouse and minor children of the foreigner, too. The decree also regulated the expulsion procedure, the appeal, the penal provisions, the transitional measures, the exceptions and the forms for the implementation of the decree in the annexes. It presented the regulations concerning foreigners thoroughly and in detail, so it was not necessary to make a new law on immigration.

Móric Tomcsányi, one of the most successful and most consistent cultivators of the doctrinal law of public administration and *one of the most outstanding figures of policing/law enforcement* at the beginning of the 20th century followed the scholars of law and policing/law enforcement Ágoston Karvasy (who lived in the 19th century) and Győző Concha (lived at the turn of the 19th and 20th centuries). He paid special attention to policing/law enforcement in his inaugural address²⁶³ at the Academy and, among his works on public administration, in the book entitled *Hungarian Public Administration and Financial Law, Specific Part: Special Administration*. While the former work of his has been cited by the cultivators of policing/law enforcement up to this day, the latter was rarely mentioned in the related special literature. As, in my opinion, he has largely contributed to the scholarly and pioneering presentation of policing/law enforcement, I consider it very important to outline his biography and works.

Móric Tomcsányi was born on 21 March 1878 in Temesvár (today: Timișoara) as the son of a noble family.²⁶⁴ His father, Mór Tomcsányi was a Lieutenant of the Hussar Regiment in the 1848 War of Independence, later the Sub-Prefect of Turóc county and the President of the Royal Court of Appeal, Budapest. Several of his brothers held high offices in justice. (For example, Kálmán Tomcsányi was Under-Secretary of State and in his lecture²⁶⁵ delivered at the Conference on Higher Education in 1936 he spoke about general internal affairs, administration and the reform of higher education.) He attended his secondary schools in his hometown and then graduated from universities in Budapest and Paris, obtaining degrees in law and political science²⁶⁶ and passing the bar examination. The title of his habilitation dissertation (1906) was *The Principle of Financial Liability in Public Administration*. From 1922 he was Public and Ordinary Professor at the University of Budapest, then from 1928 a correspondent and from 1943

²⁶³ TOMCSÁNYI, Móric (1929): *Rendészet – közigazgatás – bírói jogvédelem*. [Policing – Public Administration – Judges' Legal Protection.] Budapest, Akadémia.

²⁶⁴ LŐRINCZ, Lajos ed. (1988): *A magyar közigazgatás-tudomány klasszikusai*. [The Classics of Hungarian Public Administration Science.] Budapest, Közgazdasági és Jogi Könyvkiadó. 149.

²⁶⁵ Magyar felsőoktatás. [Hungarian Higher Education.] Budapest, n.p., Vol. 2, 1937. 239–248.

²⁶⁶ After graduation he went on a one and a half years' study trip to Austria, Germany, France and Great Britain.

an Ordinary Member²⁶⁷ of the HAS. He held his inaugural address entitled *Policing – Public Administration – Judges' Legal Protection*²⁶⁸ at the session of Department II of the HAS on 15 October 1928.

The premiss of his inaugural address is order, which, according to the author, is comprised of nature, society and the state.²⁶⁹ As the order of nature may constantly be in transformation, order can be both static and dynamic. He does not identify public order with the rule of law, because by the latter he meant state and social rule together. The rule of law only controls and in several cases creates public order. Examining the relationship between public order and policing/law enforcement, he establishes that the police do not create order, they only provide the external conditions²⁷⁰ necessary for the existing order to prevail. Consequently, policing is only of supplementary nature. Tomcsányi thinks that the function of the police can be achieved either by prevention (averting threats), or – when order is disturbed – by eliminating the interfering factors. Hence police activities can be preventive, negative averting²⁷¹ or positive, having subsequent effects.

Tomcsányi usually agrees with Győző Concha, but he thinks that the police can achieve their aims not only in a discretionary way²⁷² or by such means. In his view, the activities of the police are usually of discretionary nature but the police character of the fact can be also established when no discretionary element is present if the aversion of a greater danger posing a direct threat to public order and the safety of persons and property is involved. He thinks it is obvious that the activities of the police are a part and one type of public administration.²⁷³ He classifies the police authority as something that belongs to the executive power, because the main task of its operation is to ensure that public order prevails according to the rule of law, which should be done by the preventive aversion of the imminent threat and by restoring disturbed order. In his opinion, to achieve this, the discretionary power can only be exercised in a legal way. It is also important that the police can only operate

²⁶⁷ Available: <http://dti.ogyk.hu/hu/gyujtemenyismertetok/konyvek/szerzoi-eletrajzok/item/323-tomcsanyi-moric>

²⁶⁸ TOMCSÁNYI, Móric (1929): *op. cit.* 31.

²⁶⁹ *Ibid.* 1.

²⁷⁰ *Ibid.* 4.

²⁷¹ *Ibid.* 4–5.

²⁷² *Ibid.* 6–7.

²⁷³ *Ibid.* 8.

within a legal framework, i.e. the power of the police can only be used for policing/law enforcement purposes!

The whole text of the inaugural address²⁷⁴ was also published as a book, followed by the work *Hungarian Public Administration and Financial Law, Specific part: Special Administration* in 1933, including police law and policing/law enforcement as a significant topic. The author warns us already in the introduction to the book²⁷⁵ that, besides the general part of public administration, the specific part includes a “patchwork” of various public administration issues, also involving police administration as a type of public administration activity. For us, the cultivators of police science, the significance of this book lies in the fact that Tomcsányi, starting from the fundamentals, i.e. order, goes as far as describing the system of policing, whereas the previous scholars of public administration law only managed to present its elements. Also, he treated policing/law enforcement itself as a part of public administration.

In order to define the place and role of public administration managed by the police, he starts from order. “*Order is the relationship and connection of the elements (persons and objects) of natural, social and state life, arranged because of some kind of innate necessity and rationale and its realisation, life process, appropriate for the purpose of this relationship.*”²⁷⁶ The author thinks that the police force is not an element of order but it stands outside it and provides the external conditions for it by averting the threats posed to order or by subsequently eliminating the disturbing circumstances in the event of the disturbance of the order.²⁷⁷ According to the ideas laid down in the inaugural address (in accordance with the views of Győző Concha) the discretionary element is a characteristic feature of the role of the police.

Tomcsányi establishes that there are many ways to classify public administration managed by policing/law enforcement. The easiest way is to divide it into two, by defining safety and (public) administration policing. He thinks that *safety policing* supports justice and exercising jurisdiction, therefore its main task is to capture offenders and take them to court.²⁷⁸

²⁷⁴ Ibid. 31.

²⁷⁵ TOMCSÁNYI, MÓRIC (1933): *Magyar közigazgatási és pénzügyi jog: különös (szakigazgatási) rész.* [Hungarian Public Administration and Financial Law, Specific Part: Special Administration.] Budapest. Published by the author.

²⁷⁶ Ibid. 9.

²⁷⁷ Ibid. 10–12.

²⁷⁸ Ibid. 14.

(*Public*) *administration policing* includes public administration managed by policing/law enforcement concerning the order of public administration and society. Its main task is to ensure the legitimate operation of public administration and social rule.²⁷⁹ Safety policing can be broken down into the subcategories of *judicial policing* and *public safety policing*, which can be further divided. (Tomcsányi considered it important to present the element of public safety²⁸⁰ separately, because according to him it means that the existence, intact character of the state and of the individual or their properties are directly endangered.) Similarly, the other large category, public administration policing (or by its traditional name, administrative policing) can also be further divided into the subgroups of public administration protection and public administration licensing.

Public safety policing can be further divided into two large parts, which involve the largest elements of the police function: the groups of state policing (or political, superior policing) and that of public policing. The main task of *state policing* is the protection of the state and of the property of the individuals and of society against mass riots. Tomcsányi lists crowd policing here, by which he means the freedom of assembly and association, emigration, immigration and the registration of foreigners.²⁸¹ He thinks the group of *public policing* includes the protection of personal property and of society, therefore it includes the two main elements of the policing of the safety of persons and property.

Similarly to safety policing, Tomcsányi divided *administrative policing* (*public administration policing*), too, into two large groups, one including the protection of the operation of public administration, that is of public offices, roads, waterworks and public utilities, where the activities of the police are not that intensive, only in the case of mass demonstrations. The other group comprises the administrative policing activities related to the regulation of the activities of the individuals (e.g. issuance and checking of driving and other licences issued by the police as a public authority, etc.). Tomcsányi thinks that administrative policing is close to public administration. The only difference is that the former is conducted for the purposes of the police.²⁸²

²⁷⁹ Ibid.

²⁸⁰ Ibid. 15.

²⁸¹ Ibid. 14.

²⁸² Ibid. 17.

He does not include the activities involving the use of armed force,²⁸³ which, according to the author's classification are not involved in policing but in the area of coercive measures taken by the police and may serve as self-defence or fighting resistance involving physical assault.

Investigating the works of the prominent cultivators of policing, I have formed the opinion that Móric Tomcsányi put an end to the long debate of public administration versus policing/law enforcement by clearly classifying policing/law enforcement as a type of public administration and by clearly demarcating the types of policing activities in his work that describes and illustrates the classification of policing/law enforcement. Tomcsányi named the Royal Hungarian Minister of the Interior as the national, central and chief commander of the Royal Hungarian Police and of the whole policing/law enforcement in general and hinted at the allocation of police tasks according to jurisdictions. According to this work, in smaller and larger provincial villages with no police office the 'főszolgabíró' (Chief Judge of a county) was supposed to fulfil all the policing tasks, while in the towns in the counties with local authorities the jurisdiction of the police authority was divided as follows: among the safety and administrative policing matters the police were competent in the field of state policing and in the more significant cases of the safety of persons and property. The rest of the administrative policing cases stayed in the jurisdiction of the local governments. Tomcsányi considered the Royal Hungarian Police a civil institution of public administration,²⁸⁴ within the framework of which he differentiated the managing and the enforcing (executive) police. In his work, he also placed the gendarmerie and the river guard²⁸⁵ in the system and presented criminal policing²⁸⁶ and the jurisdiction concerning police officers' transgressions in detail.²⁸⁷

We may know the definition well from 19th and 20th century books on law and public administration, according to which the state is an organisation of public authority established to attain universal objectives in a certain area, which is capable of asserting its will against its own members under any circumstances, while being independent of other states. While exercising its powers, it always takes public interest into account, therefore the executive

²⁸³ Ibid. 32.

²⁸⁴ Ibid. 24.

²⁸⁵ Ibid. 38.

²⁸⁶ Ibid. 39.

²⁸⁷ Ibid. 46.

power must ensure the maintenance of public order and safety, for which it is entitled to have the monopoly of violence. The most spectacular phenomenon to illustrate this is the right to apply coercive means and weapons, which is regulated in various ways for the staff of the police, the gendarmerie, the customs guard, the border guard and the staff of the forest offices. These regulations allowed the police to move within a very narrow compass. A decisive change took place in 1932, when the right of the police to use weapons was first encoded in law.²⁸⁸ The use of weapons can, without doubt, be considered the specificity of policing. Therefore 1932, the year when this law was made is a milestone in the history of police science.

Lajos Török wrote his book entitled *The Right of the Royal Hungarian Police to Use Weapons* in 1938, in which he recorded the detailed regulations on the use of weapons. The merits of the book were largely increased by the fact that the author based his ideas related to the theory of policing on the works of Concha, Tomcsányi, Kmety and Ede Márffy. In its first chapter, Török presents the Act on the use of weapons and the decree of the Minister of the Interior on the detailed regulations. The second chapter elaborates on the explanation of the general and the specific aspects of the use of weapons and the other parts on its ways, extent, the ensuing procedure and important information related to the illegal use of weapons. The law on the use of weapons is closely related to the purposes of policing/law enforcement, because “*by the right to use weapons we mean the right of the police authorities, on the one hand, and on the other the right (authorisation given by the law) of the members and functionaries of the Royal Hungarian Police entitled to carry a weapon, based on which, for the purposes of maintaining or restoring public peace, order and safety, when dangers posed to public order or safety, due to the offensive behaviour of individuals or crowds of people occur, we are able to avert them with weapons in cases specified by the law*”.²⁸⁹ Tomcsányi in his book entitled *Hungarian Public Administration and Financial Law* formulates very well that the main characteristic feature of the police service is “*general perception, observation and vigilance over all the manifestations of order*”. Thus, it arises from his profession that a police officer must, at all times, whether he is on or off duty, take action

²⁸⁸ Act XIII of 1932 on the right of the Royal Hungarian Police to use weapons.

²⁸⁹ Act XIII of 1932 on the right of the Royal Hungarian Police to use weapons, explanatory memorandum.

against threats and avert them, using legal means. Consequently, he also has the right to use a weapon if one of the following legal justifications is present:

- an attack or attempted attack upon a member or functionary of the Royal Hungarian Police;
- an attack or attempted attack upon a protected person;
- endangerment of the physical integrity or personal freedom of a person protected by the members or functionaries of the Royal Hungarian Police;
- an attack, attempted attack upon or endangering behaviour against an object guarded by the members or functionaries of the Royal Hungarian Police;
- endangerment of the life and limb or personal freedom of a member or functionary of the Royal Hungarian Police;
- stimulation, incitement, provocation to attack or assistance in an attack against a member or functionary of the Royal Hungarian Police or against an object guarded by them;
- resistance by using physical force;
- resistance by a dangerous threat;
- resistance to being captured or taken to the police station;
- resistance by using a weapon to prevent being captured;
- commitment of or attempt to commit a serious crime;
- resistance of a crowd manifested by staying together when ordered to disperse;
- behaviour of crowds of people endangering public order and safety;
- if the crowd of people destroys objects or uses violence.

In his book, Lajos Török gives a detailed description of the most critical part of the use of weapons, the ways and order of using weapons against individuals and crowds and its limitations, listed in five points, saying that if the police officer has attained his aim by the legal use of his weapon, he must not use it any more. These cases are as follows:

- he has managed to avert the attack;
- he has managed to fight off resistance;
- he has captured a person suspected of a serious crime;
- he has managed to prevent a serious crime;
- the crowd of people has dispersed during the use of a weapon.

The above ideas are valid even today. The regulations were encoded and entered into force as laid down in Act XIII of 1932 on the right of the Royal Hungarian Police to use weapons:

“Article 1 (1) The member or functionary of the Royal Hungarian Police, licenced to carry a weapon has the right to use a weapon while legally carrying out his duties:

- 1. to avert an attack or in the case of behaviour threatening someone's life and limb or personal freedom;*
- 2. to overcome resistance manifested in threat against someone's life and limb or personal freedom or in a physical assault;*
- 3. to disarm an armed person who must be captured, if his disarming does not seem to be feasible without the use of a weapon;*
- 4. to capture a person suspected or convicted of a serious crime who must be captured, if his capture does not seem to be feasible without the use of a weapon;*
- 5. to prevent a serious crime, if it is not feasible in any other way but by the use of a weapon;*
- 6. to disperse a crowd of people, whose dispersal has been ordered by the authority or whose dispersal is a public safety interest.*

(2) In the case of point 6 of paragraph (1), the use of a weapon must be preceded by a call to the crowd to disperse. This can be omitted only if the behaviour of the crowd is threatening to such an extent that delay may cause serious danger.

Article 2: Within the limits of law, the Royal Hungarian Minister of the Interior shall lay down the detailed regulations on the use of weapons by a decree, especially the definition of when the manner and extent of the use of weapons meets the requirements concerning the maintenance of public safety, as well as the specification of the members and functionaries of the police, the type of weapon they must carry while on duty and the circumstances in which they must do so.

Article 3: If the use of a weapon is not subject to the provisions of Article 1 or it does not correspond to the detailed regulations issued on the basis of Article 2 but is not objectionable from the aspect of the rules of legitimate self-defence, then the rules of legitimate self-defence shall be applicable to the member or functionary of the Royal Hungarian Police, licenced to carry a weapon.”

The above regulation did not last for long, because soon after it entered into force WW2 broke out, in the last phase of which the formerly civil police obtained a military character.

Fires have been threatening life and living environments since prehistoric times. This type of hazard may be especially threatening in summers without rain, near an active volcano or in the vicinity of dangerous industrial facilities, as well as at wartime. It may be considered as the prelude to WW2 that in 1936 the Act on fire safety regulations, so much wanted by the firefighters, was made. Therefore, the day when it was passed, 28 January 1936 was marked as a very important date in the history of Hungarian firefighting. The submitted bill was evaluated by the Minister of the Interior as follows: *“The ideal concept of the fire safety regulations in Hungary includes a professional, highly qualified, well-paid and well-equipped fire service in a united organisation, connected to anti-aircraft defence, which is absolutely necessary.”* The passed Act contained the following main issues:

- the maintenance and organisation of professional fire services;
- replenishment of firefighters’ units and equipment;
- the establishment of firefighters’ units and equipment shall be done keeping in view the requirements of anti-aircraft defence;
- in danger of air-raids the fire service of the endangered town or village – during the danger of the raid – shall be under the command of the military commander responsible for the control of warding off the air-raid;
- authorities proceeding in fire safety affairs;
- supervision of fire safety;
- the membership of the fire safety inspector in local authorities’ committees, and in Parliament;
- the fire safety inspector’s right to appeal;
- the National Firefighters’ Association;
- the obligation of insurance institutions to pay contributions to fire safety;
- night-watchman services of larger and smaller villages and
- obtaining real estates needed for the common barns of agricultural products.

It is clear from the passed Act that the risk of a possible war or air-raid in the near future was already anticipated.

Ironically, **József Tóth**'s book on the concept of policing/law enforcement, entitled *The Concept of Policing in the National Socialist State*²⁹⁰ was written in the most disastrous times, when policing without legal limits became the basic means of "managing society". The title of the book reveals that it focuses on the fascist era. However, its content is about the concept of policing/law enforcement, relying on foreign, mainly German sources. The author establishes already in the introduction that policing is the most sensitive and delicate part of public administration and adds that every element of public administration has its own policing.

He discovers a rather specific relationship between state power and policing power and between the conception of the state and the concept of policing. He says that the concept of policing always changes together with the conception of the state, because policing is similar to a large mirror, reflecting the image of the state, or to a seismograph, indicating every little movement of the conception of the state. I think this statement was especially correct at the end of the 1930s, on the eve of the 2nd World War, at the time of the Nazi ideology. By his book, the author did not intend to criticise national socialism, only to objectively examine the concept of policing. According to academician László Korinek,²⁹¹ by classifying the activities of policing József Tóth contributed to the development of science and practice. He emphasizes that general requirements concerning public administration must be present in policing, too: *"Just like [...] the concept of the old police state, saying that policing, with certain exceptions, means the whole public administration, was based on a serious mistake, it would be the same mistake to proclaim in a state based on the rule of law that policing is not public administration."*²⁹²

In the first part of his work, József Tóth gives a historical overview of the development of the concept of policing, in which, similarly to his fellow scholars, he considers its beginnings to be connected to the Greek word *"politia"*. Presenting the historical development, he outlines the French and German trends and the traits of the police state. He thinks the two outstanding periods were that of Frederic the Great, when, within policing,

²⁹⁰ *Bibliotheca Academica, Az Egri Érsekség jogakadémiai értekezéseinek Tára.* [Collection of Dissertations on Law of the Archdiocese of Eger.] No. 1, Eger, 1938.

²⁹¹ KORINEK, László (2014): Rendszerváltás a belügyben. [Systemic Change in Internal Affairs.] In GAÁL, Gyula – HAUZINGER, Zoltán eds.: *Rendészettudományi gondolatok.* [Ideas on Police Science.] Budapest, MRTT. 36.

²⁹² Ibid.

secret policing started to live a life of its own and the era after the Reformation, when several areas of administration were detached from policing. József Tóth, too, thinks that what Lorenz von Stein established about public administration was epoch-making. It made policing gain its 20th century form, i.e. it became a concept within the field of public administration. Later he writes about the transformation of the concept of policing and represents several views on it, e.g. its interpretation by the liberals. Making a conclusion from the discussions on policing, he establishes that the mission of policing is to safeguard public order and avert threats. In a national socialist state this is supplemented by “ranges of positive, political and welfare duties”.²⁹³ According to the author, public safety developed from the concept of safety and he uses the definition of safety in German “**police science**” to prove it. According to it, by safety we should mean “freedom from danger and disturbance”. (The source of the concept comes from 1917, but it could be said even today, as there are experts in security policy who use this interpretation.) Tóth thinks that the basis for public order is public interest. When presenting the concept of public order, he goes back to the ancient Greek sages. For example, according to Pythagoras, “*the order of things must be traced back to the spirit*”, while Cicero says: “*by order we should mean a definite assembly and coexistence of things in the place appropriate for them.*”²⁹⁴ In summary, Tóth considers the following view acceptable: “*order is the coexistence and relationship of different elements, defined in space, time and causality.*”²⁹⁵ He also mentions that the concept of order is widely discussed in humanities, which is not true of either political science or police science. I should note here that the author is consistent in using the term “rendészettudomány” (the science of policing/law enforcement, police science) throughout his work. Referring to Robert von Mohl, he says that order is an essential human demand and in his opinion this is what created policing. Among the Hungarian scholars he underlines the ideas of Győző Concha, which I have already mentioned in the section on Concha. Public order was developed from the concept of order, but it is not simply the application/adaptation of order to the public. The author relies on German sources again, for example on jurist Otto Mayer, according to whom “public

²⁹³ TÓTH, József (1938): *Rendészettudomány a nemzeti szocialista államban*. [The Concept of Policing in the National Socialist State.] Eger, Szent János Nyomda. 41.

²⁹⁴ TÓTH, József (1938): *op. cit.* 48.

²⁹⁵ *Ibid.* 50.

order is a position or state of the community in which social values, within the limits arising from the opportunities, remain free from all harm.”²⁹⁶ Later in his work Tóth discusses the concept of danger, elaborating in detail on dangers appearing in the field of policing. Lorenz von Stein’s concept is referred to again, who thinks not all types of danger concern policing/law enforcement. According to Stein, dangers concerning policing endanger the whole, due to individual persons’ will, to which Tóth adds the endangering of public safety and public order.²⁹⁷ In summary, “*danger is the state that involves the possibility of harmful consequences*”.²⁹⁸ The author classifies dangers as follows:

- a) abstract or potential danger (danger that might happen in theory)
- b) particular or evident danger (danger that may actually happen in reality)
- c) putative danger (danger that does not exist in reality; it is based on the assumption of the policing organisations)

The author mentions a very good example²⁹⁹ for the classification of dangers, namely the prohibition of smoking in theatres, which is a danger based on the assumption of the policing/law enforcement organisations. If someone smokes, it is not dangerous but it might mean an abstract danger and becomes a real source of danger if the curtain or some other flammable material in the theatre catches fire because of it.

In the fourth part of his work, Tóth presents the formal and material concepts of policing, which, he says, do not exist in themselves, they must be in close connection with each other. He agrees with Fülster³⁰⁰ that the concept of policing is defined by its two criteria, namely its purpose and means. Thus, its essence is the protection of public safety and order and its means is the policing organisation, the public authorities and sometimes coercion. Also, in Chapter III he presents the range of national power, in Chapter IV preventive, repressive and restitutive policing, in Chapter V the legitimacy of policing and in Chapter VI the horizontal and vertical distribution of policing, mainly concerning the German state of affairs. He also illustrates the horizontal and vertical division of German policing in a diagram.

²⁹⁶ Ibid. 54.

²⁹⁷ Ibid. 60–61.

²⁹⁸ Ibid. 63.

²⁹⁹ Ibid. 65.

³⁰⁰ FÜLSTER (1929): *Grundriss des verwaltungsrechts*. Giessen. n.p.. Vol. 2. 19.

In the subsequent year, 1939 he published his work *The Forms of Policing Activities*³⁰¹ for which he gives the following reason: Although policing concerns or affects the life of every citizen directly or indirectly, the number of scholarly works on the topic is still very low. Among them he highlights those of Concha and Tomcsányi. In the first part of his book, Tóth discusses public administration and policing public administration (administrative policing) within it. In this latter part of the chapter he takes a clear stand saying that policing is a part and a special type of public administration. I will not discuss the historical overview and its formal and material interpretation again as I have done so when presenting his work, *The Concept of Policing in the National Socialist State*. A subchapter of this chapter is about the discretionary element present in public administration policing. It is a general opinion that the size and form of dangers disturbing public order, public safety and public peace cannot be foreseen. Therefore, responses to them cannot be the same, either. There seem to be differences between Concha's and Tomcsányi's interpretation of the discretionary element. The former thinks that the discretionary element is the most specific and crucial element of the operation of policing, whereas the latter does not consider it indispensable, only accessory in policing. According to Tóth, the most acceptable view is that in theory the discretionary element can be found in all of the branches of policing, but in practice the discretionary element is only present in policing as a possibility.³⁰² Chapter 3 of this work is the first in policing literature to give a comprehensive picture about policing activities. According to the author their main types are as follows:

- a) policing order (command)
- b) policing licence
- c) policing coercion
- d) policing penalty

Presenting the policing order,³⁰³ agreeing with Otto Mayer, he defined order as follows: “*manifestation of the will of a public authority, built on some kind of a relationship of subordination, defining the positive or negative behaviour*

³⁰¹ TÓTH, József (1939): *A rendészeti ténykedés alakjai*. [The Forms of Policing Activities.] Eger, Szent János Nyomda. 204.

³⁰² TÓTH, József (1939): *op. cit.* 549–52.

³⁰³ In a state based on the rule of law this means an order norm based on the law, which has a direct or indirect impact.

of the subordinated person (persons)."³⁰⁴ Policing order is related to the exercising of policing power, it is "*an act of policing power, by which the policing organ uses the cooperation of persons liable to policing to achieve policing purposes in the form of order in the strict sense and of prohibition*".³⁰⁵ The author mentions two types of policing order: policing decree and policing measure. By policing decree he means the provisions issued by policing authorities, by which they order or prohibit something. Policing decrees may be substitutions for laws or may be based on legal authorisation. Policing measures are the direct outward forms of policing orders, which usually occur because of a particular event, pursuant to policing interests, against or imposing demands upon a particular person. A police measure is not a legal regulation but a public administration act.³⁰⁶ Police measures are classified by the author into two groups, such as:

- a) general policing measures and those applying to particular persons
- b) executive measures and those containing obligation

According to the author, the state is highly interested in putting the necessary limits on the activities of certain persons.

The second main type of policing activities is the policing licence, "*which is a manifestation of the will of the police authorities that allows an otherwise forbidden activity*".³⁰⁷ A policing licence may only be issued by the police authority upon application. The author groups the policing licences as follows:

- a) the policing licence as a public administration act,
- b) commissioning and conditional policing licence,
- c) bound and free policing licence.

The third main type of policing activities is policing coercion. To clarify it, he defines the concept of coercion, the content of active and passive coercion, the meaning of psychological and physical coercion, public administration coercion and policing coercion. He defines two types of policing coercive measures, indirect and direct coercive measures. He divides indirect coercive measures into further two groups.³⁰⁸

³⁰⁴ TÓTH, József (1939): *op. cit.* 112.

³⁰⁵ Ibid. 112–113.

³⁰⁶ A public administration act, administering the tasks of the state public administration.

³⁰⁷ TÓTH, József (1939): *op. cit.* 136.

³⁰⁸ Ibid. 167.

1. coercive penalty (fine) and
2. coercive execution of the measure by the authority (this means that the obligation of the individual is either fulfilled by the authority or the authority has it done by someone else, e.g. demolishing a house that has become uninhabitable and dangerous).

Direct policing coercion is the most important and perhaps most frequently used means of applying policing (police) coercive measures. It may be manifested in the forms as follows:

- a) simple physical coercion,
- b) physical coercion with the help of instruments (handcuffs, water canon etc.),
- c) use of a weapon (firearm, sword or truncheon).

Concerning the application of instruments, it is important to know that the police authorities were not allowed to use any means at any time as they wished, only those permitted and necessary. According to the contemporary effective legislation the use of the following means was permitted:

- **taking someone to the police station:** the restriction of someone's personal freedom, when the member of the policing organisation takes the person to the police against the will of the person;
- **bringing someone in:** by the written ruling of the police or other authority, bringing the persons to the police or court who, despite being summoned, did not turn up without any reason;
- **arrest:** immediate taking of the person to the authority;
- **expulsion, banishment:** banishment by the police is for the purpose of prevention, whereas a banishment by a judge is a punishment;
- **placing someone under police supervision:** the person must not leave the area or settlement designated by the police;
- **taking someone into custody:** stricter than police supervision, by which the person is restricted in his movements or in communicating with others;
- **detention/internment:** a stricter way of taking someone into custody because of posing a threat to society;
- **the use of (armed) police force:** the strictest coercive measure, may involve even impact;
- **the use of a weapon:** the most delicate means of coercion, with the purpose of protection or of breaking resistance.

The application of the above means was classified as activities representing policing techniques. They were described in detail in the contemporary police regulation and the Act of 1932, presented earlier in this book, concerning the use of weapons.

As the legislators gave public administration the authority of criminal jurisdiction, public administration criminal law was developed, including policing criminal law, which is in fact all the regulations of criminal law to be applied by the police authority and the application of which is criminal jurisdiction. Therefore, policing penalty is the most specific form of policing activities. The author quotes Otto Mayer again, concerning policing penalty when he writes that policing penalty is “*a penalty applied to some kind of phenomenon occurring against policing that serves the purpose of accomplishing the aims of policing*”.³⁰⁹

In 1838–39, József Tóth gave an overview of the development of the concept of policing, constantly providing (mainly German) examples. He also described the features of the concept of danger and illustrated them with examples. His work, entitled *The Forms of Policing Activities* was the first to present and classify the main types of policing activities in the given form and to explain their content in a language clear to everybody. Both of his works must have been a good basis for the regulations related to policing, the encoding of legislation and the compilation of police staff regulations. The well-known historical circumstances, World War II and the following political change resulted in both books being forgotten for a long time. Today, however, they are of great help when we try to clarify issues of policing theory and uncover the history of policing/law enforcement. It is to József Tóth's credit that he uses the expression ‘police science’ consciously, in both of his books.

Zoltán Magyary, the outstanding expert, scholar and “servant” of Hungarian public administration, writes the following about policing in his main work³¹⁰ entitled *Hungarian Public Administration* (1942): “*By policing we mean the defence against the disturbance of public order by certain persons. Policing is a branch of public administration, whose jurisdiction stretches to all the other branches of public administration; that is why it*

³⁰⁹ TÓTH, József (1939): *op. cit.* 181.

³¹⁰ This work was written in the critical era of public administration science, when the old patterns had already been outdated but the new ones were not present yet. (Note of the author.)

belongs to general administration (Art. 72), but its purpose is clearly defined: to ensure general peace, safety and order. Policing is not a positive but a protecting, averting activity. It is different from specific public administration in this respect, too, which has positive tasks." He sorted the tasks of policing into the following main groups:

- *The maintenance of public order* and, if needed, *its restoration* in the areas of public use: streets, squares, railway stations etc., and on the occasion of the appearance of larger crowds at markets, festivals, demonstrations, accidents, fires etc. It includes the following: the issuance of licences to use (intensive utilization) the public area, for example to set up cab-ranks, terraces in front of cafés, to store building material, river policing and field policing, the various tasks of traffic policing: regulating the traffic of pedestrians, bicycles and motor vehicles and the control of their observation, checks on the condition, tidiness and lighting of streets and bridges, checks on the condition of street signs, street numbers and traffic lights, checks on the traffic on highways (policemen on motorcycles), unblocking roads (snow and other obstacles). Support of those in need of an allowance (the blind, the sick, children), calling the ambulance, prevention of torturing animals, custody, registration and handing over of lost and found objects and valuables, etc. also belongs to the maintenance of public order.
- *The maintenance of public safety*: The jurisdiction of public safety policing includes the protection of life and property safety, the protection of physical integrity, health, honesty and public morals, taking precautions related to fire safety and air-raid protection, the acknowledgement of registered public assemblies. Also, giving permission for open-air public assemblies and demonstrations, checking on their proceedings, monitoring the foundation and operation of associations, the banning of associations without an officially approved constitution or operating contrary to their constitution. Related to the registration office, the registry of persons with a criminal record behaving suspiciously and of convicts released on parole, checking of the residence and settlement of foreigners, issuance of passports, travel and border crossing documents, checks on the observance of the regulations on emigration, white slavery and smuggling. Applying coercive regulations against certain persons, in cases defined by legislation and decrees and on

the conditions and by the ways provided by law, such as taking someone to the police station, bringing someone in, arrest, expulsion, deportation, ban, placing someone under police supervision or in custody, (detention), bodily search, house search, application of confiscation and the execution of tasks related to the policing of the press within the competence of policing.

- *Political or state policing*: It means the prevention, detection and fighting off of acts and attempts to endanger the state, the constitution, the law and social rule. It has several points of contact with public safety policing. It includes (high) treason, insulting the nation, espionage, assault on officers of the law, subversion, money counterfeiting and the infringement of regulations concerning the provision of public supply and circulation of commodities and money (foreign exchange) etc. Even an ordinary crime like murder or theft may be political because of its motive (e.g. the theft of a diplomatic code, *chiffre*). The tasks of political or secret policing at the time of radical changes in politics also cover the consolidation of the new state rule.
- *Public administration policing*: The protection of the works of public administration and of their operation, the issuance of police licences and certificates. The tasks that belong to this branch of the police are diverse and their number is growing: maintenance of the police registry office, giving permission for public theatre performances, concerts, shows, “motion picture shows”, “dance parties”, defining closing time, management of domestic servants’ affairs, issuance of servants’ licences, certificates of good character, licences for the possession and carrying of arms, the policing of markets, of the industry, price control, control of peddling and gathering charitable gifts, of hotels, restaurants, cafés, public baths and other public premises, etc. An important branch of public administration policing is the policing of construction works. Each branch of public administration has its own policing. For the purposes of financial public administration policing there is a separate armed organisation, the finance guard.
- *Justice policing*: It involves assistance with detecting and combating crimes. According to the Code of Criminal Procedure (Articles 33 to 101 of Act XXXIII of 1896) the gendarmerie and the police take part in the investigation. The aim of the investigation is to find out and establish data needed for the information of the accuser to decide

on laying or not laying an accusation against someone. The Royal Public Prosecutor's Office may request or instruct the police authorities to fulfil investigation activities. It manages the flow of the investigation and controls the investigation activities and the investigating authorities. The police authorities and functionaries must fulfil its requests and instructions under any circumstances. The police authority conducting the investigation may subpoena and, without putting them under oath, question anybody from whom they expect information regarding the actual circumstances to be detected. The police and the gendarmerie are also obliged to report the crimes.

- *Police criminal jurisdiction:* Administration of justice in transgression cases brought before public administration authorities, including administration of justice in excise cases.

Magyary summarises the limits of police power as follows:³¹¹

- The task of policing is to safeguard public peace, safety and order, therefore its task does not involve the protection of private interests. The rule of law, which developed from the fight against the omnipotent police state, put legal limits on the jurisdiction of policing. If interference becomes necessary, the police must take appropriate measures. The regulations often do not provide for this aspect, because they want to leave it to the discretion of the police to select the measure most appropriate for the actual situation. But the content of the aversion must be proportionate to the disturbance or danger in terms of direction, force and size.
- The means of policing in order to avert dangers: the provision of means and procedures.
- It obliges people to behave in accordance with public interest by issuing orders and prohibitions, even by restricting individual freedom and private property.
- If the police are unable to maintain public peace by the means at their disposal, they may also use the army. The police are entitled to check identities, bring someone to the police or court, arrest someone, take someone to the police station, enter a private dwelling,

³¹¹ MAGYARY, Zoltán (1942): *Magyar közigazgatás*. [Hungarian Public Administration.] Budapest, Királyi Magyar Egyetemi Nyomda. 566.

carry out a house search, place someone under police supervision, ban someone from a place and act as a judge in transgression cases.

According to Magyary, in a post-industrial state the role of policing also needs new solutions. In the era of 19th century liberalism the state respected the greatest possible freedom of the individual. In the 20th century living conditions and circumstances changed. New challenges (the increase in population, changes in dietary patterns, modification of working conditions) needed new responses in policing, too: *“A state, which, like ours, insists on 19th century constitutional structure, maintains the parliamentary system with all its consequences and gives up corporative organisation, has no other means to control people than policing.”*³¹² However, Magyary did not provide substantial answers concerning these issues.

4.1. Policing/Law Enforcement during World War II

The peace treaty that ended the 1st World War already sowed the seeds of another war in the foreseeable future when it was signed. It intended an especially difficult future for Germany and for Hungary, which lost two thirds of its former territory. All political forces in Hungary agreed that the detached areas could not be given up. The political leadership focused on this issue from the 1920s in the field of both foreign and internal policy. That was how the “Győr programme” started, which aimed to increase Hungary’s military potential, while the country joined the network of Germany’s allies in the hope of retrieving the lost territories. The earlier period of covert development was followed by open rearmament and the preparation of the armed forces for the war from the beginning of the 1930s. Now the Royal Hungarian Border Guard was free to use its name instead of being called the customs guard. Then, by the Act of 1939 on defence it was subordinated to the army and was militarised. As a result of the efforts in foreign policy and the contemporary geopolitical situation, the First Vienna Award of 1938 awarded Hungary the upper-northern, largely Hungarian-populated territory

³¹² Ibid. 573.

of the former Hungarian Kingdom³¹³ and then in March 1939 Sub-Carpathia³¹⁴ was occupied, followed by the reassignment of Northern Transylvania³¹⁵ to Hungary by the Second Vienna Award in 1940 and of the southern counties and south-western region (called today Međimurje and Prekmurje) of the former Hungarian Kingdom in 1941. These events entailed a lot of new tasks for the Hungarian policing/law enforcement organisations: The indication of the new borders, the organisation and building up of border guarding and border defence along them, the enlargement of the areas of operation of the gendarmerie and the police, management of the affairs of the citizens in the reannexed territories etc. All that went on while in a neighbouring country the war was already going on and several tens of thousands of Polish soldiers and more than 100,000 Polish civilians fled to Hungary.

The passing of the act of 1939 on national defence was an unambiguous sign of preparation for the war, which, together with the extraordinary act passed before World War I codified a lot of policing administration activities. It set up stricter conditions for leaving the country (concerning persons liable to military service) and for emigrating. It provided the Government Commissioner³¹⁶ to be appointed with a wide scope of authorisation for the purpose

³¹³ Pursuant to the Vienna Award Hungary got back the strip of land along its state border, mainly inhabited by Hungarians, except for the town of Nyitra. The borders of villages and ethnographic borders were indicated in the maps for the marking of the borders. The committee appointed to demarcate the borders was guided by the following ideas: "Based on the map-sheets in Vienna, the principles of nationalities and of leaving the borders of villages intact, it will be possible to avoid the need for visiting the scene of the border in most cases." This was absolutely different from the practice of indicating the borders after Tiranon. This way the line of the new state borders followed the lines of ethnographic borders, i.e. the ethnographic borders were raised to the rank of state borders.

³¹⁴ By the occupation of Sub-Carpathia an area of 12,171 km² and a population of 496,000 "returned" to Hungary and the line of the Carpathians became the state border. In a short section the thousand-year-old Polish–Hungarian border was restored, which later served as the escape route for a lot of Polish soldiers and civilians. Regarding neighbouring Poland, after the raiding of Poland the triple border between Hungary, Germany and the Soviet Union was marked.

³¹⁵ Pursuant to the Second Vienna Award, Northern Transylvania and the Székely land "returned" to Hungary. This meant 591 km² of territory and a population of 2,185,546.

³¹⁶ "Under the mandate given by the Minister or the Ministry of the Interior, the Government Commissioner (Art. 142) can nullify all the decisions of county, town or village authorities that are detrimental to the interests of warfare or endanger the maintenance of public order and public safety and can, if necessary, take measures regarding the content of the decision within his jurisdiction." (Act II of 1939 on national defence, Article 142.)

of maintaining public order and safety. An interesting feature of the act is that it gave the Minister of the Interior the powers to refer the right to issue passports to the Government Commissioner. It gave the powers to military headquarters to evacuate territories, considering the interests of warfare (anti-aircraft situation). Concerning the right of association, the act on national defence contained the following:

- *[the military headquarters] can prohibit the foundation of a new association, branch of an association or any other organisation having an association character (Act I of XVII, Art. 1)*
- *it can restrict or suspend the operation of any existing association, branch of an association or any other organisation having an association character, regardless to the existing legislation;*
- *it can order commercial companies or associations, funds and similar organisations (institutions) founded according to other laws not controlled by public administration authorities to be submitted to police authorities' control and if they are suspected of conducting an operation that is against the law or their constitution or is directed against the state, it can restrict or suspend their operation, regardless of the existing legislation."*

The following provision was governing with regard to the right of association: The Ministry *"can ban public assemblies, demonstrations of political nature and other political gatherings in the territory of the country or in its particular parts and – except for the assemblies of public administration authorities and of collegiate bodies of established and legally acknowledged denominations – it can make the organisation of other events dependent on the permission of an authority, regardless of whether their report is obligatory or not among normal circumstances."*³¹⁷

The control of the press and of communication via the post, telegraph and telephone was rendered more stringent, too. To ensure public order and safety, the law provided that *"the Ministry can restrict or fully ban the delivery of alcoholic beverages in the territory of the country or in its particular parts."*³¹⁸ The act on national defence aggravated the punishment of all those offences that could be related to national defence. It also provided for the indicating of the border zone, *"because of state security interest, it is*

³¹⁷ Ibid. Art. 149.

³¹⁸ Ibid. Art. 154.

of utmost importance that in the territories along the border of the country catering trade (hotels, pensions) and retailing of wine and spirits can be practised only by persons against whom no reliability objections have been raised, because, according to experience, hotels and public houses are the most suitable places for conducting operations of the members of intelligence services operating against the state and for maintaining contacts between them."³¹⁹ Also, they declared certain territories important for state interest, where access and stay had to be restricted, as forbidden territories and zones.³²⁰ Only persons possessing permission from the authority were allowed to enter and stay in the forbidden areas. With regard to forbidden zones, the Minister of the Interior, in agreement with the Minister of Defence had the power to order that:

1. residents of these zones should carry appropriate identity cards all the time;
2. persons not having permanent residence in these zones are allowed access and temporary or permanent residence only with permission from the authorities;
3. taking photos in the area, also of the terrain, any building or other object in any way should be subject to permission from the authorities.³²¹

In the spirit of this act, still in 1939 the Prime Minister's decree on the restriction of the right of association³²² and of assembly³²³ was issued. As a new feature, the Prime Minister's decree of 1941³²⁴ also prohibited the use of wireless receiving sets suitable for the reception of broadcast from foreign radio stations for those who could be suspected of making the received news public (e.g. news about the events of the war or about the success of enemy armies) in a way that would endanger the security of the state.

As a result of the well-known military events and to manage the evolved public safety situation and to enhance its protection the Prime Minister's

³¹⁹ Ibid. Art. 229.

³²⁰ Decree Nr. 4.730/1943. ME on forbidden areas and zones.

³²¹ Ibid.

³²² The foundation of a new association, branch of an association or any other organisation having an association character (Article 1, Act XVII of 1938) was prohibited until further provisions.

³²³ Public assemblies, demonstrations of political nature and other political gatherings were prohibited until further provisions and they had to be prevented by the use of police force if needed.

³²⁴ Decree No. 8820/1941 ME on surrendering wireless receiving sets.

decree No. 3810/1944 ME³²⁵ gave the Minister of the Interior the opportunity to supplement the staff of the Royal Hungarian Police and organise auxiliary armed units³²⁶ from volunteers. These were followed by the Prime Minister's decree No. 4190/1944 ME,³²⁷ which, with reference to the act on national defence, made it possible to organise the armed National Service, whose task was *"to carry out security duties for the close protection of the Leader of the Nation, to ensure the realisation of hungarism, the Hungarian embodiment of national socialism and to support public safety armed forces"*.³²⁸ At the same time the Prime Minister's decree No. 3430/1944 ME on the establishment of the National Guard³²⁹ was declared.

The Second World War brought about significant changes also in the history of policing/law enforcement. During it a range of regulations were issued, which annulled its previous civil character. An outstanding example is the *Prime Minister's decree No. 2300/1944 ME*, which militarised the police, starting a process that had its impact on policing after the Second World War, too. With reference to Article 141, paragraph (2) of Act II of 1939 the Prime Minister's decree instructed the Ministers of the Interior and of Defence to reorganise the police, as a result of which the Royal Hungarian Police was changed into a body organised in an almost military way. The Royal Hungarian Gendarmerie and the Royal Hungarian Police were subordinated to an integrated leadership. The Commander became a Superintendent of the Gendarmerie and of the Police who was recommended by the Minister of Defence in agreement with the Minister of the Interior and appointed by the Regent. The unified body of commissioned police officers was formed and its members had to be sorted into various ranks. To be appointed a commissioned officer of the Royal Hungarian Police, one needed to have a doctor's degree in law or political science or from the Public Administration

³²⁵ Decree No. 3.810/1943. ME on the enhanced protection of public safety.

³²⁶ Only Hungarian citizens with a clear life, fit for armed service both physically and intellectually, impeccable from the aspect of morality and national loyalty could be employed as members of the auxiliary armed units.

³²⁷ Decree No. 4.190/1944. ME on the organisation of the armed National Service.

³²⁸ Ibid. Article 1.

³²⁹ The mission of the National Guard was to support the organisations (Royal Hungarian Gendarmerie and the Royal Hungarian Police) of public safety in maintaining the public order and safety of the country; to defeat smaller enemy partisan and paratrooper groups, to prevent and avert acts of sabotage; to guard property important from a military aspect; to secure the hinterland areas of military operations, according to the orders of the commanders of operating military corps when needed.

Department of the Faculty of Economics of the Royal Hungarian Palatine Joseph University of Technology and Economics or to have graduated from the Military Academy. Those not having a degree from the latter also had to certify that they had passed the commissioned army officers' examination. From then on the service regulations of the Royal Hungarian Army and the regulations concerning integrity, marriage and personal matters applicable to the commissioned officers and officials of the Royal Hungarian Army applied to the commissioned police officers, too, and they were liable to military criminal jurisdiction.

During World War II the former Royal Hungarian Border Guard belonged to the army and took part in the defence³³⁰ of the borders. At the end of World War II, due to the well-known historical events the border defence system of Hungary collapsed.

4.2. Policing/Law Enforcement after World War II

The war was still going on in the territory of Hungary when political life started in the areas under Soviet control and the temporary government was set up. One of its first measures was the disbanding of the gendarmerie³³¹ and the organisation of the state police. A significant part of the staff of the gendarmerie was dismissed immediately. The staff of the police was discharged later and gradually. The established state police had the following tasks:

- guaranteeing public safety,
- carrying out duties in all of the branches of state (political) policing,

³³⁰ In 1944–45 the border guard units took part in the fights as an organic part of the army. On 23 August 1944 the border defence ordered with the aim of closing the saddles of the Carpathians collapsed, because of the successful military activities of the Soviet and Romanian troops. After this, the mobile border guard units were continuously retreating and some smaller groups of them switched sides at times.

³³¹ The following reasons were given as the basis of the changes: "The Royal Hungarian Gendarmerie served the antidemocratic governments of the past with unconditional obedience, tried to eliminate the Hungarian democratic movements by ruthless means and committed countless violent acts against the Hungarian peasantry and the Hungarian workers, therefore, executing the unanimous decision of the Hungarian people, the Interim National Government establishes the responsibility of the gendarmerie as a body, terminates its institution and disbands its organisation." (Decree No. 1.690/1945. ME on the disbanding of the gendarmerie and the organisation of the state police.)

- conducting administrative policing in the public administration matters within its competence,
- criminal jurisdiction regarding transgressions referred to its competence by the law,
- activities of the former gendarmerie and the enforcement duties in all public administration, public safety and state security (political) matters,
- managing matters referred to the jurisdiction of the police by a separate act or decree issued after decree No. 1.690/1945. ME).

The tasks assigned for the state police illustrate very well that it had to conduct the whole range of policing from public safety to political policing and later it was also given other responsibilities. This special task was soon on the agenda when in 1946 the State Security Department (ÁVO) was established within the framework of the Hungarian State Police, whose competence covered the following:

- investigation and reporting of crimes violating Act VII of 1946 on the criminal law protection of the democratic state and republic;
- investigation and reporting of crimes violating the act on people's jurisdiction and the decrees No. 81, 1440 and 6750/1945 ME included in Act VII of 1946;
- monitoring the foundation and operation of associations; proposals to the competent police authority to ban the operation of associations not having a constitution or having a document that cannot be considered a constitution according to the legislation in force; reporting about the behaviour of associations operating against the basic rules or the state to the head of the competent police authority;
- investigation of the authors and distributors of leaflets with political content and their reporting to the competent authority;
- surveillance of the events of announced and approved assemblies;
- collection and registering of national and foreign data related to state policing;
- detection of clandestine radio stations;
- proposal to the competent police authority (in Budapest the chief of the police headquarters, in the provinces the chief of the police station operating in the town of the supervisory district of the county, or the chiefs of the police headquarters in Hódmezővásárhely and Szeged) regarding the banishment or placing under police sur-

veillance or in police detention (internment) to be ordered against Hungarian citizens, whose residence in a certain village or parts of the country is perilous from the aspect of the interests of the state. Proposals regarding the banishment or placing under police surveillance or in police detention of persons detrimental from the aspect of public order, public safety or for economic reasons are done in the provinces by the chiefs of the police stations;

- giving an opinion if instructed or requested by the authorities regarding political trustworthiness;
- managing state policing affairs not allocated for the chiefs of the Budapest Police Headquarters and police stations;
- finally, managing affairs referred to the state security departments by separate decrees.

The decree issued on 3 December 1946 illustrated the special role of the State Security Department well, as its staff had to be managed separately from that of the police and its head could issue an order of the day on its own. The tasks of the guards deployed at the Department were specified in a separate decree.

Apart from the measures taken with the purpose of consolidating public order and safety, the interim government also paid attention to the guarding and policing of the borders. In accordance with the traditions, in the 1940s it was the task of the army to organise the guarding of the borders in the areas cleared of the fascist troops and along the borders defined before 1 November 1938. The first instruction of the Ministry of Defence was issued on 22 February 1945 concerning the establishment of border patrol companies. According to the instruction, each county had to set up one border patrol company (or two if the section of border within the county was longer than 50 km). This way in March 1945 five border patrol companies were conducting service at the eastern and south-eastern borders of the country. Based on the decree of the Minister of Defence concerning border guard troops, the number of staff of the border guard must have been about 5000. The related proposal was approved by the Allied Control Commission on 14 May 1945. According to it, in the second half of 1945, 150 posts of 27 border patrol companies (31 persons were allowed to be on duty in each post everywhere) were guarding the borders of Hungary. Border patrol posts conducted patrolling along 14–15 km long border sections on average. Due to the war, their technical equipment and relations did not reach even the lowest level. The situation was further aggravated by the lack of adequate

regulations and service instructions and the commanders could only rely on themselves. Also, a significant number of armed gangs, war criminals and smugglers tried to cross the borders. Apart from the above, the border police also had to check border traffic and had to conduct this border policing activity until 1950, when it was incorporated into the State Security Department.

In the period after World War II, the decrees and instructions on the operation of the policing organisations can be characterized by duality, i.e. adopting the old professional knowledge³³² while taking the new situation into consideration. This changed by the end of the 1940s. As a result of the change in politics that brought about the rule of the communist party, the old experts, professional knowledge and regulations were ignored at the institutions within the Ministry of the Interior.

While in 1946 Aladár Abrudbányai had his briefing and edited the *Border Service Instructions* according to the collection of Emil Bulbuk, published in 1934, by the 1950s this approach was something unheard of. Similarly, the traces of the high-quality works of Pavlik, Laki, Rédey, and Valér Nagy were nowhere to be found in the training material or textbooks for the police; if some traces of them remained, their names were not indicated among the sources.

Perhaps the last police regulations are those of 1948, from the democratic times, when Hungary still had a republican form of government. The regulations must have been compiled in 1947. This assumption is supported by the fact that all dates in the annexes are from 1947. It defined the following policing/law enforcement tasks for the police:

- a) giving permission for public theatre performances and their police supervision if the local public administration authority has permitted the opening of the theatre in its competence; giving permission for public concerts, song, poem and prose recitals, shows, motion picture shows, dance parties and festive demonstrations; the ordering of public order and fire safety precautions to be taken and their supervision; collecting the charges for supervision and accounting for them;

³³² The first professional border service instructions entitled Interim instructions for carrying out duties at the border were issued in June 1945, in which the use of weapons was regulated in detail, as earlier. It was the same provisions of the border service instructions issued in 1925 and in 1934 by the customs guard and the Royal Hungarian Border Guard respectively.

- b) the protection of the interests of public morals and decency; control of the enforcement and observation of regulations on women of pleasure;
- c) issuance of certificates of good character;
- d) control of pawnbrokers, ragmen, persons trading with scrap iron and with other junk in general, rag-and-bone men, errand boys, street vendors and their shops;
- e) control of hotels, pensions, restaurants, cafés, coffee-taverns and saloons, pastry shops, all kinds of premises for the distribution of alcoholic drinks and food, dance-schools and baths from a police aspect and their supervision, giving opinion on, supervision of and checking liquor licences;
- f) the supervision of the means and staff of public and goods transport from the aspect of public order, public hygiene and the justified demand of the public; provision of free movement and public order on streets, squares, roads and waters used for traffic; removing possible obstacles and averting dangers posed to traffic; checking rules of public hygiene in public areas, streets and roads; managing affairs related to motor vehicles, issuing registration certificates for vehicles, driving licences; attending trial runs and trial trips of ships, locomotives and motor vehicles; designating stations for hansom cabs, hackney cabs and omnibuses, checking the observation of the rules concerning them;
- g) giving permission for peddling, checking the gathering of charitable gifts; checking the ban on begging and enforcing the related provisions;
- h) checking businesses manufacturing and selling poisonous, flammable and medical substances and industrial plants using them and checking the observation of rules concerning the storage, use, transportation and selling of these substances;
- i) checking the observation of rules concerning the selling of utensils made of copper, tin and metal, used for cooking and the storage of food and drink to be distributed and the measures in use;
- j) prevention of the torture of animals, checking the implementation of provisions concerning rabies and other dangerous animals' diseases, the removal of the carcasses of dead animals;
- k) checking the implementation of provisions concerning the manufacturing, possession and distribution of weapons and ammunition,

- issuing licences for shooting galleries and taking the related precautions and those concerning ensuring physical integrity during military target-practices and supervising them; issuance of licences for possessing, carrying arms and purchasing ammunition;
- l) checking the observation of provisions and taking measures for their enforcement concerning construction, the reconstruction and demolishing of buildings and in the case of ruinous or otherwise dangerous buildings;
 - m) maintenance of order and protection of public order in the event of fire, flood, earthquake and other dangers and disasters threatening the public;
 - n) protection of printouts pinned up in places for official and legal private advertisements; measures taken to confiscate pinned-up or scattered prohibited announcements;
 - o) management of reporting issues and, related to operation of the registry office, registering persons with a criminal record, of suspicious behaviour and those released on parole residing in the area of the police authority;
 - p) contacting the competent authorities with request for the placement of lunatics posing a danger to themselves and others, inert patients and children found in public places;
 - q) custody, registration and handing over of lost and found objects.³³³

The types of policing tasks in the regulations and its language clearly refer to the policing style of the time between the two world wars. This means that old policing professionals must have been in service in significant numbers at the Police and the Ministry of the Interior.

After World War II, as a result of the political changes, all commissioned personnel of the police and of the gendarmerie were dismissed, thus a new corps of commissioned officers was needed, modelled on the Soviet system. To meet this expectation, among the first institutions in Europe in the field of policing, the Police Academy was established in 1947. Following the decision of the College of the Ministry of the Interior on 28 May 1970,

³³³ *Szolgálati szabályzat, a rendőrség részére. Belügyminisztérium Hivatalos kiadása.* [Staff Regulations for the Police. The Official Edition of the Ministry of the Interior.] Budapest, 1948.

the Police College (Rendőrtisztviselői Főiskola) started its operation on its premises as of 1 September 1971.

One of the symbols of the bipolar world order, the iron curtain went down in 1948, to be reinforced by laying mine barrages and establishing border zones first at the western then at the southern borders. In 1956 the minefields³³⁴ were removed but the large border zones were replaced by 2 km-wide border zones at the end of the 1960s. In 1957 a new minefield was laid along the western border. It was gradually replaced by an electronic signalling system between 1965 and 1971, which was in operation until 1989. The police and the border guard, militarised during World War II, could never regain their civil character. On the contrary, by the establishment of the State Security Office (ÁVH) on 1 January 1950, they moved even further away from it. From the beginning of the 1950s, subordinated to the Ministry of the Interior, the National Police Headquarters was established, also assuming the duties related to corrections, anti-aircraft defence, industrial safety and policing public administration. According to the contemporary assessment, during the 10 years after the “liberation” of the country in 1945, the police fulfilled their tasks and lived up to the expectations. But, for the purpose of maintaining the evolved situation, reinforcing “socialist legality”, protection of social property and enhanced fight against criminals, the then leaders of the communist party and the state considered it important to record the range of tasks and competence of the police in **law-decree No. 22 of 1955**. According to it, *“the mission of the police is to fight against crime and to protect public order and public safety. While carrying out their duties, relying on the working people and the state, economic and social organisations, they ensure the invulnerability of social property, protect the personal safety and the property of the citizens, ensure the maintenance*

³³⁴ The reasons for removing the mines were the following: Thanks to the activities of the Soviet Union and the peace camp, the international tensions eased, the relations with Yugoslavia improved, Austria became neutral and therefore Austrian–Hungarian relations significantly improved. The technical barrier did not help improve and deepen trust with Austria, because it reminded of the cold war. (“We will strike a blow at the imperialist propaganda.”) The elimination of the technical barrier was made possible by the internal situation in Hungary, too, because the resources of Hungary and socialism grew and the population assisted the guarding of the border more and more intensively. Favourable conditions were also created by the strengthening of the border guard; the border was guarded by experienced commissioned and non-commissioned officers.

*of socialist legality, check the order and safety of railway and air traffic*³³⁵ *and provide the citizens of the Hungarian People's Republic with the basic personal documents*". The law-decree also laid down that: "*The police are an armed organisation named the Police of the Hungarian People's Republic.*" Today it may not only seem unprofessional but it also provokes a smile that, according to this formulation, the police ensured the invulnerability of social property by relying on the working masses. According to the law-decree, the police force, apart from its detection and investigative activities carried out, according to the rights and obligations laid down in the code of criminal procedure, with the purpose of preventing, detecting and interrupting crimes, was entitled to use secret means and methods. Law-decree No. 22 of 1955 stipulated that the police had to carry out duties in three areas, namely the protection of public order, of the order of traffic and administrative policing.

Apart from the above, it is also an interesting feature of the decree that it established another range of tasks in administrative policing, in which it defined special tasks for the police. For example, they gave licences and checked the purchase and possession of copy machines and material needed to operate them, issued licences for keeping carrier pigeons, night-lodgers and for itinerant artisans. They also gave an opinion about applications for licences for playing games of cards, submitted proposals for the withdrawal of licences for dancing and singing, playing games of cards and extending closing time. The best feature of this law-decree is that in its annex all the previous laws and decrees were enumerated that ever concerned or defined policing or the police. Although this was the hardest period within socialism, almost all the legislation was used for law-decree No. 22 of 1955 from Act XXVIII of 1879 to the legislation passed in 1955.

In 1953, for the purpose of restoring the so-called "socialist legality", the State Security Office (ÁVH) was taken from under the control of the communist party and was subordinated to the Ministry of the Interior. Its mission at the time was: "*the protection of the socialist rule against the imperialist and capitalist intelligence services and the internal hostile and criminal*

³³⁵ The provision of the public order of railway and of air traffic and railway, water, postal and air transport and combating crime and the protection of social property were carried out by traffic police organisations, separately organised by the Minister of the Interior.

elements.”³³⁶ On 22 August 1956, the top-secret decision of the Cabinet, containing the contemporary characteristic features of formulating texts, defined the following tasks for the state security organisations:

- *to detect and prevent espionage activities conducted by imperialist and capitalist intelligence services against our country. To uncover sabotage, diversion and terrorist acts and other subversive activities controlled by foreign enemy centres,*
- *to detect the plans and intentions of imperialist and capitalist countries and other organisations (the Vatican, etc.) and of their intelligence and counter-intelligence agencies against the Hungarian People's Republic, the methods of their machinations, their penetration channels and contacts with internal reactionary forces and groups,*
- *to protect the armed forces and organisations, military and industrial installations, transport and agricultural facilities, organisations for foreign and domestic trade, scholarly, research and planning institutions and organisations against the penetration of spies, the diversionary, terrorists and other reactionary and adversary elements,*
- *to detect and eliminate illegal counter-revolutionary organisations and plots,*
- *to ensure the protection and safety of the leaders of the party and of the government, the protection of state secrets, the forwarding of secret correspondence and classified material related to the party and the state organisations,*
- *to organise the control of suspicious citizens of imperialist states arriving in Hungary. To manage tasks related to entry and exit and passports,*
- *on the basis of the mandate issued by the party and the government, to manage and control the ciphering work of the competent ministries and offices of the Hungarian People's Republic. To organise and carry out tasks related to ciphered communication within the country. To carry out deciphering work in the appropriate directions,*
- *on the basis of the Code of Criminal Procedure and the Criminal Code, to arrest and put offenders suspected of committing subversive acts into preliminary detention.”*

³³⁶ JOBST, Ágnes (2011): A Belügyminisztérium működésének szabályozása 1956 nyarán. [Regulation of the Operation of the Ministry of the Interior in the Summer of 1956.] *Betekintő*, No. 1. 2.

The same decision of the Cabinet defined the tasks for the police force as follows:

- *“It is authorised to organise networks of agents (agents, informants, residents, owners of flats for meetings, owners of decoy barrooms), in order to detect and uncover persons committing crimes related to the looting of socialist property, trafficking and other crimes posing a threat to public safety,*
- *it is authorised to use the following methods during covert network operations: secret interrogation, house search, taking photos of documents and persons suspected of having committed a crime, clandestine obtaining of fingerprints,*
- *it is authorised to monitor the correspondence of persons suspected of having committed a crime and tap their telephone and other conversations,*
- *it is authorised to employ covert staff to conduct surveillance of offenders,*
- *it is authorised to have secret records of criminal elements, their criminal contacts and agents employed by the police,*
- *district (community) police officers are authorised to employ informants for the purposes of gaining intelligence from among the honest citizens who voluntarily support the police.”*

The decision also defined the following tasks for the border guard, the special armed force, anti-aircraft defence and the fire service. The tasks of the border guard involve:

- *“Guarding and defence of the state border of the Hungarian People’s Republic against imperialist agents, people and goods smugglers and other border violators.*
- *Protection of the border zone and its population against the enemy’s attacks and acts of provocation.*
- *Ensuring the implementation of the international border agreements and of the state border regime as stipulated in national and international legislation. Checking international passenger and goods traffic and the documents authorising persons to cross the border.*
- *To check and adhere to the border regime and to combat adversary elements in the border zone.*

- *The reconnaissance units of the border guard are authorised to conduct covert operative network activities as required by the specific features of border defence.*

The tasks of the internal armed force (Belső Karhatalom):

- *“Providing military support to operative state security measures taken for the purpose of apprehending persons or groups suspected of having committed acts against the state.*
- *Facilitating order and safety during mass events (military parades, demonstrations, assemblies etc.).*
- *Providing assistance to other state organisations with the purpose of maintaining order in the event of measures taken to protect the people’s property and natural disasters (flood, fire, earthquake etc.).*
- *Guarding and protection of installations and facilities of state and military importance.*
- *Involvement in securing major public roads and railways and guarding and escorting important cargo.”*

The tasks of organisations of air-raid defence:

- *“Ensuring the life safety of the population and the continuous production of the industry during states of emergency, mitigation of the consequences of air raids, carrying out technical, rescue and medical assistance duties to ease the damage that the country has suffered.*
- *In order to attain the above objectives, the organisations of air-raid defence should study the means of modern air-raids and their effects.”*

The tasks of fire safety organisations:

- *“They protect public and cooperative property and the life and property of the citizens from fires.*
- *They ensure preventive defence by taking measures as authorities: They oblige those concerned to terminate the contraventions of fire safety regulations by bringing decisions and enforce preventive fire safety regulations during the planning of new facilities.*
- *In the event of fires they carry out duties related to the extinguishing of the fire and rescue operations. They organise and assist with the social protection against fires and the damage caused by them. They take charge of making the citizens aware of the fire safety regulations. They hold liable the violators of fire safety regulations by infringement*

proceedings. They provide for the constant development of preventive fire safety measures. They consistently enhance specific fire-fighting developments and methodology and fire extinguishing technology."

I think the tasks of the policing/law enforcement organisations and of the special armed force have made it clear that in the 1950s the protection of socialist rule was given a high priority and all the concerned organisations were obliged to contribute to it by conducting operative activities.

In 1956 the outward movement at the western section of the border increased and the impact of tensions in internal politics were also felt in the policing/law enforcement organisations. In this period the ideas of József Tóth, written in 1938, according to which policing is similar to a mirror, which reflects the image of the state, or like a seismograph, which shows every single vibration, proved true. The revolution, which broke out on 23 October 1956, swept the State Security Office away and it was not restored later, either, when the revolution was suppressed. A decision was made about laying the minefield again along the western border and about the reorganisation of the Ministry of the Interior.³³⁷ The Workers' Guard was set up, which was subordinated to the Ministry of the Interior and existed until the change of the system in 1989.

1956 had something interesting in store for the history of police science, too. It is astonishing that (in this period when issues of the theory of policing/law enforcement or the classification of police science were not discussed) it was in this year that *The Bibliography of Hungarian Literature on Criminalistics* was published, covering material written by both Hungarian

³³⁷ According to the Minister of the Interior's order No. 8 of 9 April 1957, approving of the organisational structure of the central organisations of the Ministry of the Interior, the Ministry was headed by the Minister. The Secretariat of the Ministry and the Headquarters of the Workers' Militia were directly subordinated to him. The College of the Ministry of the Interior, headed by the Minister, was established as the advisory board of the Ministry, with the head of the Secretariat of the Ministry as its Secretary. The other organisations that also belonged to the Ministry were: the National Police Headquarters (including the Special Force Command, the Criminal, Public Safety and the Railway Divisions and the Administrative Policing, Political Education and Training Departments), the Division of Political Investigation with its 13 departments, the units concerning the staff (Personnel Division, the Departments for Education, Organisation and Discipline) and the economic units and the headquarters belonging to the Ministry (The Headquarters of the Border Guard, the National Headquarters of Air-Raid Defence, the National Prison Service and the National Fire Safety Headquarters).

and foreign authors from 1869 to 1956. Yet, the authors did not aim to systemise the whole directory of names to be found in periodicals on policing; they only listed the papers whose content was important or significant from the aspect of criminalistics and criminal investigation. The fact that apart from the list, they also indicated where the articles were accessible makes this work even more valuable.

As a result of the events in 1956, the politicians of the Workers'–Peasants' Government came to the conclusion that in order to protect public order and safety the Soviet-type state security system must be maintained, albeit not in the form of the former State Security Office, and thus state security stayed within the jurisdiction of the police. By that time the high-level insights of the earlier, “bourgeois” jurists (Concha, Tomcsányi and Magyary) on policing/law enforcement and on the police had already been neglected and the role of the Soviet advisors had become absolutely decisive. From the late 1950s the sentence “*We trust everybody but we also check everybody*”, attributed to Felix Edmundovich Dzerzhinsky, the Polish-born Soviet statesman, the founder of Soviet state security became a definitive principle again.

At the same time, from the early 1950s the Ministry of the Interior paid attention to scholarly research on policing. In 1953 it published its periodical entitled *Police Review*. Its editorial board specified the formulation and publishing of practical experience as its task, while – in accordance with the spirit of the era – also noting that the content was classified, meant for service use and aiming at providing communist education for the staff of the police.

The top-secret order No. 0023 of the Minister of the Interior of the Hungarian People's Republic can be considered a significant turning point. Based on the decision of the College of the Ministry of the Interior of 12 April 1962, in order that the tasks of the Ministry of the Interior would be carried out at a high level, it stipulated that: “*a comprehensive academic periodical should be established that will analyse and explain the political and professional issues emerging in the whole Ministry of the Interior at a scholarly level.*” To meet this requirement, as of 15 January 1963 the former periodicals *Police Review*, *Prison Service Review* and the *Physical Education and Sports Review* were stopped and integrated into the new monthly *Internal Affairs Review*. This journal had a circulation of 8,000 to 12,000 copies. The Minister of the Interior included the following tasks for the *Internal Affairs Review* in his order:

- To relate the policy of the Party to the profession and to put it into practice, to develop the political and professional qualifications of the staff of the Ministry, to facilitate the transfer and application of scientific outcomes.
- To provide a forum for the discussion and clarification of issues emerging from the area of both theory and practice, for the analysis, evaluation and generalisation of practical experience, for the application and presentation of international experience, whose aim is to enhance cooperation and working relations between the organisations within the Ministry.

In accordance with the requirements of the era, its appendices indicated by certain professional areas were classified as *top secret*. This periodical (although it has changed its name several times) still exists as the “flagship” of those cultivating Hungarian police science. One of its specific features was that it published more than 50 supplementary issues entitled *Foreign Review*, in which the full or abridged Hungarian version of foreign papers on the policing profession commanding significant interest in Hungary were published.

Following the “traditions”, in the 1970s, based on earlier experience, the essential tasks related to the protection and maintenance of state security and public safety were regulated again by law-decree No. 17 of 1974. It listed the following major tasks to be carried out for the purpose of the protection and maintenance of state security and public safety:

- *Protection of the internal order of the state:* for this purpose crimes against the state, social and economic order of the Hungarian People’s Republic, against peace and humanity and the person and property of the citizens and other crimes must be detected and must be prevented. The plans and activities of the powers opposing our country aiming to overthrow, undermine or weaken the social or economic order of the Hungarian People’s Republic must be exposed and their subversive work must be prevented.
- *Combating crime:* crimes must be prevented, detected and the crimes in preparation or the ones that have been started must be stopped from completing them, persons convicted of an offence must be checked. The means and methods specified in the regulation can be applied in detecting the crimes. Coercive measures specified in the regulation can be applied against offenders.

- *Protection of public order*: the citizens' personal safety and the safety of property must be protected; their peace must be ensured in public areas and other places. The order of festivals, programmes, processions and sports events must be taken care of. The protection of important institutions and public buildings must be provided for. In the event of natural disasters, the rescue of life and property and the aversion of the consequences must be ensured.
- *Safeguarding the order of transport*: the smooth operation of road, railway, water and air transport must be ensured. Traffic rules must be enforced. Those infringing the rules must be held responsible as specified by the regulations.
- *Managing administrative policing*: the citizens must be provided with the essential personal documents and passports, they must be registered and alien policing duties must be carried out. Those breaking the rules of public order and safety and coexistence in a socialist society must be subjected to infringement proceedings, coercive police measures (placing under police supervision, banishment etc.) and other measures involving the restriction of personal liberty, under conditions specified in the regulations. The manufacturing, distribution, storage and application of objects and substances posing a threat to the public (weapons, ammunition, explosive and radioactive substances, narcotics etc.) must be regulated and controlled.
- *Guarding of the state border*: The inviolability of the state border of the Hungarian People's Republic must be ensured. By guarding the state border, it must be ensured that nobody holding an invalid travel document or without travel documents or permission is able to cross it. The border regime must be maintained, persons, vehicles and cargo involved in border traffic must be checked.
- *National fire protection*: the related tasks are specified in separate regulations.

The above enumeration clearly illustrates that everything from the guarding of the borders to the protection of state security belonged to the one large sphere of competence of the Ministry of the Interior. However, even the order of the listed fields indicates that the most important policing task was the protection of the internal order of the state. Based on the authorisation gained by Article 12 of law-decree 17 of 1974, the Cabinet specified the tasks

for the Police, the Border Guard and for the National Headquarters of Fire Protection.

After World War II, in the socialist era no research was conducted on the theory of policing/law enforcement or the relationship between public administration and policing/law enforcement. It is interesting that in the socialist times the history of policing/law enforcement or of the police was taught at times in a few training institutions but the theory of policing/law enforcement was investigated only by one or two solitary teachers, jurists or persons carrying out armed, police duties. During socialism policing/law enforcement focused on the security and protection of the state, classic policing tasks were only of secondary importance. Therefore, it is mainly regulations on maintaining public order and safety that have remained from that period. Many of them were classified at least as “service documents” but most of them as “secret” and were destroyed during regular reviews and at the time of the change of the system.

From the aspect of cultivating and investigating the theory of policing/law enforcement and police science, there was a turning point in the early 1970s when, following the footsteps of Concha, Tomcsányi and Magyary,³³⁸ knowing their life-works, **Lajos Szamel** published his works on Hungarian public administration science. He was born on 26 November 1919 in Budapest.³³⁹ He finished a secondary school with a specialisation in sciences in Újpest, which was an independent settlement then. He graduated from the Faculty of Law at the Pázmány Péter University, Budapest. After a short detour, he worked at the University of Pécs, where he taught a course entitled *The Organisation and Leadership of State Administration* and later taught constitutional law and public administration. Also at the University of Pécs he taught several generations to respect law and legality until he retired. In the 1950s he was involved in the development of the evolving public administration and council administration. In 1960 he was the co-author of the university textbook entitled *Hungarian Constitutional Law*. It was also published in Russian, thus the book, which already disputed a number of scholarly dogmas,³⁴⁰ was also accessible in other socialist countries. By his countless publications and textbooks on topics related to public administration, administrative organisation

³³⁸ Lajos Szamel not only knew Magyary's work, but he also processed his intellectual legacy.

³³⁹ FÁBIÁN, Adrián – BENCsik, András (2008): Szamel, a közigazgatási jog pécsi professzora. [Szamel, the Professor of Public Administration Law in Pécs.] In KAJTÁR, István ed.: *Pécsi jogászprofesszorok emlékezete (1923–2008)*. [The Memory of Professors of Law in Pécs (1923–2008).] Pécs, PTE ÁJK. 147–161.

³⁴⁰ Ibid. 149.

and leadership, Szamel showed an example to both teachers and students. From the 1970s more and more brave articles of his were published on policing/law enforcement. From among them the textbook entitled *Hungarian Public Administration Law – Special Part*, published in 1972 should be highlighted. In its second chapter, discussing the topic of administrative policing, Szamel presented the concept and development of policing/law enforcement. Going further than his contemporaries, following the examples of noted scholars of public administration, when formulating the concept of policing, he completely ignored the prevailing socialist views, the priority of state security and started his reasoning in the following way: “*By policing we mean the public administration activity whose task is to safeguard public safety and public order and the personal safety of the citizens and to participate in restoring infringed order.*”³⁴¹ Szamel makes it clear that police and policing/law enforcement are not identical concepts and that policing/law enforcement, which used to include the entire public administration at the time of the police states, has been transformed in modern states and has become one branch of public administration. He mentions the principles of discretionary operation (based on free judgement) and of legality as the basic principles underlying the operation of policing/law enforcement. According to Szamel, the essence of the policing/law enforcement activity is that it is a public administration activity that can be best characterised by its aim and function. Later, when formulating the mission and jurisdiction of the police, he, again, showed great courage when – although knowing law-decree No. 22 of 1955 – did not start the list of the tasks of the police with the protection of state security but with combating crime, for the purpose of which the police are entitled to introduce measures that restrict people’s personal freedom, to keep records of those who have committed crimes and to act as an administrative authority. He defined the protection of public order, the policing of transport, and of administration and passport and alien policing as the tasks of the police. In another part of the chapter he defined the structural organisation and operation of the police, the right to use weapons and the social activities assisting police activities in accordance with law-decree No. 22 of 1955. Concerning policing/law enforcement, he made a statement which shows that in the early 1970s the atmosphere was much freer than in the 1950s: “*Concerning the character of policing and the views on its place*

³⁴¹ SZAMEL, Lajos (1972): *Magyar államigazgatási jog – Különös rész.* [Hungarian Public Administration Law – Special Part.] Budapest, Tankönyvkiadó. 253.

within the organisation of public administration [...] there is no significant difference between the socialist interpretation and that of the supporters of the bourgeois rule of law. The important difference between the policing of a socialist and a bourgeois state lies in the different kinds of social rule they protect."³⁴²

Later in his scholarly work, Szamel often discussed policing/law enforcement and its concept. In an article entitled *The Modern Concept of Policing and its Consequences*, published in a 1985 volume of essays and studies, he analysed the views of German and Hungarian scholars (Stein, O. Mayer, Concha and Magyary) on the theory of policing/law enforcement, whose work had an impact on the development and consolidation of policing. Szamel thought that the key concepts of policing were *public order* and *public safety*. In his opinion, public order is "*all the usually unwritten rules, the following of which, according to the prevailing social and ethical opinion, is a sine qua non for efficient coexistence within the community*". His formulation of the concept of public safety is more explicit: "*it is meant as the integrity of or the absence of barriers from people's lives, health, honesty, freedom and property and the operation of the state and its institutions, and within this especially the safeguarding of these protected legal interests from crimes and breaches of order (infringements).*"³⁴³ In 1985 law-decree No. 22 of 1955 was not in force any more, the effective legislation was law-decree No. 17 of 1974, in accordance with which he classified public order as an element of state security and public safety. Similarly to earlier authors, Szamel, too, thought that the situation related to the concept and definition of policing/law enforcement was rather chaotic. According to him, if we need to omit the elements from the concept of policing (developed in the era of the police state) that were inserted only in that time, we must focus on one key concept, that of public order. Because, wherever it exists, the safety of life and property is not threatened, which, in fact, guarantees public safety. Thus, Szamel's concept of policing is as follows: "*Policing can be defined as an activity of the state that is directed at the prevention of the disturbance of public order, the impeding of direct disturbing behaviour and the restoration of the disturbed order.*"³⁴⁴ However, in this paper he did not only discuss the theory and the history of policing/law enforcement but also its future.

³⁴² Ibid. 255.

³⁴³ Ibid. 253.

³⁴⁴ Ibid. 253–261.

In 1985 he saw the challenges and risks that policing would face in the future in the following:

- organised terrorism,
- the spreading of lobbies and mafia-type organisations in the sphere of interest of the government,
- trafficking in arms and drugs becoming a global branch of business,
- world-wide perception of public life becoming more and more corrupted and
- the infringement of personality rights due to the explosive development of industrial technology (gene technology, the revolution in data transmission etc.).

According to Szamel, all these challenges can be met only if new, specialised police organisations are established. Public order can be breached and endangered by the cooperation of erudite people, therefore these threats, too, can be averted only with the help of highly qualified experts, organisations and institutions. So that they will be able to meet the challenges, the police must have a clear profile; they must focus only on carrying out police duties and fighting crime. Also, the network of policing/law enforcement organisations must be widened and the network of policing/law enforcement institutions must be established, even at the cost of a growing budget expenditure.

Apart from Szamel, Sándor Berényi also created a lasting concept of policing/law enforcement in his textbook *Hungarian Public Administration Law*, where he writes: “*Policing is a public administration activity and, as such, it is qualified in the first place as the activity of a public authority whose purpose is to safeguard and maintain public safety and the statutory discipline of public order and to contribute to the restoration of the infringed rule of law. Policing is the oldest activity of public administration.*”³⁴⁵ The public administration nature of policing/law enforcement is reinforced by the statement of Róbertné Baraczka and István Szikinger, according to whom: “*By policing we mean the public administration activity whose task is to safeguard public safety, public order and the personal safety of the citizens and contribution to the restoration of infringed order.*”³⁴⁶

³⁴⁵ BERÉNYI, Sándor (1993): *Magyar államigazgatási jog – Különös rész.* [Hungarian Public Administration Law – Special Part.] Budapest, ELTE-ÁJK. 213.

³⁴⁶ BARACZKA, Róbertné – SZIKINGER, István (1999): *A rendészeti igazgatás – Magyar közigazgatási jog, különös rész európai kitekintéssel.* [Policing Administration – Hungarian Public

Based on these definitions we can establish that **policing/law enforcement** in a modern state is *the public administration activity whose social function is to avert dangers emanating from illegal human behaviour*.

The change of the system of 1989–90 had a significant impact on policing/law enforcement, too. State security duties were taken out of the jurisdiction of the police, and the organisations of the secret service, now institutionalised under the name of *national security*, were submitted to a minister without portfolio. These newly established services are not allowed to conduct overt investigations, their main task is to detect and prevent serious threats to the security of the nation. What followed after these years was an ordeal induced by legislation, involving the police, the Hungarian Army and the Border Guard, too. The law of 1993 on national defence regulated the subordination of the Border Guard, which had a dual legal status before. It remained an armed force but now it was under the direction of the Minister of the Interior. The act of 1994 on the police broke with the socialist traditions and assigned duties of purely police nature to the organisation. Its mission to protect public safety and internal order remained. Within this framework, the police force:

- *exercises powers as the general criminal investigative authority, it prevents and detects offences,*
- *exercises powers as the administrative authority, contributes to the prevention of minor/administrative offences, carries out duties related to the foreigners' entry, residence in and immigration to Hungary and the alien policing duties related to asylum procedures,*
- *performs authority functions related to the manufacturing, distribution and use of certain means and substances posing a threat to public safety,*
- *performs traffic authority and policing functions,*
- *performs policing functions related to the maintenance of order in public areas,*
- *protects the life and limb of the persons especially important from the aspect of the interests of the Hungarian Republic (hereinafter: protected person) and guards the designated establishments,*
- *approves and supervises private security and private investigating activities, except for those of the law enforcement organisations,*

- carries out corrections duties,
- performs policing duties in its jurisdiction in the state of national crisis, the state of emergency and the state of danger,
- performs the other duties assigned to it.”

After Hungary became a fully-fledged Schengen member state, the Police integrated the Border Guard in its organisation, and by this, the following was added to its duties: “*The task of the Police, apart from those defined in the Fundamental Law, involves carrying out border checks, fighting terrorism, carrying out checks for the purpose of crime prevention and crime investigation and retrieving criminal assets as defined in this act.*”³⁴⁷

In the 1990s, after the change of the system the walls impeding research on policing/law enforcement and the objective investigation of the history of policing fell down one after the other. At the law enforcement research and further training law enforcement institutes (Rendészeti Kutatóintézet, later the Rendészeti Vezetőképző és Továbbképző Intézet), which were subordinated to the Ministry of the Interior, research into policing/law enforcement could now also be conducted in an institutionalised context. Pieces of new scientific evidence were published by the Ministry of the Interior and later by the *Law Enforcement Review*. Textbooks and publications on the theory of law enforcement, workshop reports were also published, conferences were organised. By now the spectrum of research into the theory and history of law enforcement has become wide, involving the Faculty of Law Enforcement of the National University of Public Service, its Doctoral School of Police Sciences and Law Enforcement as well as the Scientific Council of the Ministry of the Interior and of the National Police Headquarters and the Pécs groups of the Hungarian Association of Police Science and the Hungarian Association of Military Science, which play an active role in police science.

³⁴⁷ Article 1, Act XXXIV of 1994 on the Police.

Conclusion

First of all, I would like to thank my colleagues and the archivists and librarians for their help, without whom I would have been unable to explore and write the history of Hungarian policing/law enforcement.

I think that in this work I have managed to prove that policing/law enforcement has been present in history since the establishment of the ancient states. As a part of this story, we have seen that the German expression *Polizeiwissenschaft* meaning police science appeared in the 17th and 18th centuries. It discussed the substantive issues of order and set the theoretical framework for the particular conditions of making and maintaining order. Until the end of the 18th century, basically due to the influence of the *police state* and of feudalism, the concept of *Polizeiwissenschaft* covered the entire public administration. Later, in the French and German areas, due to the influence of jurists and public administration scholars living there and of the French revolution, the profile of policing/law enforcement became clear and it gained its present form.

Policing/law enforcement was first developed in the French territory and can be connected to the name of Nicolas Delamare (1639–1723), who published the first work on police science in two volumes, entitled *Traité de la Police* between 1705 and 1710. Based on it, police science developed in the German area and spread due to the work of Otto Mayer, Robert von Mohl and Lorenz von Stein. The German influence reached Hungary and spread here due to the Austrian supremacy, through the Austrian cultivators of policing/law enforcement. Later, noted Hungarian scholars and its cultivators created works of high, European standard.

Since the 19th century, the concept of policing/law enforcement has continuously been proving the fact that policing/law enforcement is part of public administration and it means the aversion of dangers. Therefore, the representatives of the policing/law enforcement profession and of police science have been in constant debate about the meaning and content of concepts like order, public order, security, public safety and danger. As a result of this, since the middle of the 19th century, by policing/law enforcement they have meant the prevention, aversion, elimination of danger

and the maintenance of public order and public safety. Also, in my opinion, despite the debates, they defined policing/law enforcement as having a place within public administration.

In the 20th century, revolutions and wars either motivated or held back the development of policing/law enforcement. Due to the situation that evolved after World War II, Hungary also followed the Soviet model. Thus, the scholarly cultivation of policing/law enforcement came to a temporary standstill, and, following the Soviet example, expressions like '*államvédelem, határvédelem, tűzvédelem*' (state security, border defence and fire protection) and their content prevailed. The Hungarian world '*rendvédelem*' (defence/protection of order), probably created on the analogy of '*honvédelem*' (national defence), could also be the result of this, but I think today it is incorrectly used as a synonym of '*rendészet*' (policing/law enforcement).

In the history of Hungarian policing/law enforcement, in the years before the 1989 change of the system, research and works of high standard were conducted and published again and a civil organisation was founded for the investigation of police science, which became the front-line fighter of the movement for the recognition of police science. This resulted in a countless number of publications and books and a large number of conferences and workshops. Today one of the Faculties of the National University of Public Service is called the Faculty of Law Enforcement, where, as a result of profound research, the Doctoral School of Police Sciences and Law Enforcement operates.

Bibliography

- 1885–1888 Országgyűlési Irományok [Papers from the Parliament], Volume 5, No. 146. 122.
1900. július 5. 59207 sz. BM körrendelet. [Circular of the Minister of the Interior No. 59207 of 5 July 1900.]
338. szám: A közigazgatási bizottság jelentése, „a kivándorlás szabályozásáról” szóló 195. számú törvényjavaslathoz. [No. 338: The Report of the Public Administration Committee for Bill No. 195 on the Regulation of Emigration.] Budapest, 1902.
- BORBÉLY, Z. – KAPY, R. eds. (1942): *A 60 éves magyar rendőrség 1881–1941*. [60 Years of the Hungarian Police 1881–1941.] Budapest, Budapest Halász Irodalmi és Könyvkiadó Vállalat. 167–168.
- KOLLÁR, Nóra ed. (1995): *A fővárosi rendőrség története 1914-ig*. [The History of the Police Force of the Capital until 1914.] Budapest, Budapest Police Headquarters. 157–170.
- LÓRINCZ, Lajos ed. (1988): *A magyar közigazgatás-tudomány klasszikusai*. [The Classics of Hungarian Public Administration Science.] Budapest, Közgazdasági és Jogi Könyvkiadó. 149.
- A Rend* [The Order], 1921/1.
- FEKETE, Gyula (1898): A titkos rendőrség. [The Secret Police.] *Rendőri lapok* [Police Officer's Papers]. 127.
- Act II of 1939 on national defence, Articles 142, 149, 154, 229.
- Act III of 1848 on the establishment of the Independent Hungarian Responsible Ministry.
- Act LVII of 1546. Az ország határai minden oldalról kiigazítandók. [The Borders of the Country Are to Be Readjusted from all Sides.]
- Act LXVII of 1912 on the organisation of the Parliamentary Guard.
- Act LXXVII of 1550. Miképen honfiusítsa a király a külföldieket? [How Shall the King Make the Foreigners Denizens?]
- Act VIII of 1903 on the Border Police.
- Act XIII of 1932 on the right of the Royal Hungarian Police to use weapons.
- Act XIII of 1932 on the right of the Royal Hungarian Police to use weapons. Explanatory memorandum.
- Act XL of 1550. Az ország határainak és széleinek a megvizsgálására biztosok küldendők ki. [Commissioners Are to Be Sent to Inspect the Borders and Edges of the Country.]
- Act XL of 1871 on the dam police.
- Act XLVIII of 1548. A kapitányok vagy ispánok büntessék meg a tolvajokat és rablókat. [The Captains or Counts Shall Punish the Thieves and Robbers.]
- Act XVIII of 1871 on the arrangement of townships.
- Act XXXIII of 1514. A gonosztevőknek megyénként való összeírásáról és azok büntetéséről. [On the Conscription and Punishment of Rogues in Every County.]
- Act XXXIV of 1994 on the Police, Article 1.

Act XXXVIII of 1881 on emigration agencies.

Allgemeine Landrecht. Part II. Title 17, Article 10.

Az államigazgatás és igazgatási jog alapvonalai. Folytonos tekintettel angol-, francia-, és Németország törvényhozása- és irodalmára. Stein Lőrincz bécsi egyetemi tanár után, a hazai viszonyainkra és törvényhozásukra való utalásokkal. [The Main Lines of Public Administration and Administrative Law. With Continuous Regard to the Legislation and Literature of England, France and Germany. After Professor Lőrincz Stein from Vienna, with References to the Conditions and Legislation of Hungary.] Gusztáv Kautz jogtudor hites ügyvéd, a Győri Jogakadémia rendes tanára által. Budapest, Ráth Mór. 1871.

BARACZKA, Róbertné – SZIKINGER, István (1999): *A rendészeti igazgatás – Magyar közigazgatási jog, különös rész európai kitekintéssel*. [Policing Administration – Hungarian Public Administration Law, Special Part with an International Overview.] Budapest, ELTE-ÁJK. 383.

BERÉNYI, Sándor (1993): *Magyar államigazgatási jog – Különös rész*. [Hungarian Public Administration Law – Special Part.] Budapest, ELTE-ÁJK. 213.

Bibliotheca Academica, Az Egri Érsekség jogakadémiai értekezéseinek Tára. [Collection of Dissertations on Law of the Archdiocese of Eger.] No. 1, Eger, 1938.

BODA, József – SALLAI, János (2016): A belügyminisztérium feladatrendszerének változásai 1848–1959 között. [The Changes of the Mission System of the Home Office between 1848–1959.] *Nemzetbiztonsági Szemle*, Vol. 4, No. 1. 4–17. A Nemzeti Közszolgálati Egyetem Nemzetbiztonsági Intézetének elektronikus (online) megjelenésű tudományos folyóirata.

BUISSON, Henri (1958): *La police – Son Historie*. Paris, Nouvelles Editions Latines. 18; 28–30.

CHRISTÁN, László (2010): *Alternatív rendészet*. [Alternative Law Enforcement.] PhD dissertation, Budapest, PPKE-JÁK.

CONCHA, Győző (1901): *A rendőrség természete és állása szabad államban*. [The Nature and Position of the Police in a Free State.] Budapest, MTA. 3 ; 5 ; 11 ; 24–29 ; 37 ; 41–42.

CONCHA, Győző (1905): *Politika*. [Politics.] Budapest, Grill Károly Könyvkiadó Vállalata. 340 ; 371 ; 375 ; 378 ; 386–390.

CZUCZOR, Gergely – FOGARASI, János (1870): *Magyar nyelv szótára*. [Dictionary of the Hungarian Language.] Commissioned by the HAS. Pest, Atheneum. 1507.

CSIKY, Kálmán (1889): *A magyar állam közigazgatási joga*. [Public Administration Law of the Hungarian State.] Budapest, Pallas. 63.

DEÁK, Ágnes (2013): *Államrendőrség Magyarországon*. [The State Police in Hungary.] Budapest, HAS-dissertation. 27.

DEÁK, József (2015): A Magyar Királyi Belügyminisztérium a háterszág közbiztonságáért a Nagy Háború idején. [The Royal Hungarian Ministry of the Interior for the Public Safety of the Home Front during the Great War.] *Társadalom és honvédelem*, No. 4. 81.

DEÁK, József (2015): A polgári magyar állam rendvédelmi sajtója 1867–1944. [The Press of the Bourgeois Hungarian State on Law Enforcement 1867–1944.] In PARÁDI, Ákos ed.: *Ünnepi tanulmányok Parádi József 65. születésnapja tiszteletére*. [Studies in Honour of József Parádi's 65th Birthday.] Budapest, Szemere Bertalan Magyar Rendvédelem-történeti Tudományos Társaság. 75.

- Declaration of the Rights of Man and the Citizen, accepted by the National Assembly on 26 August 1789.
- Decree No. 1.690/1945. ME on the disbanding of the gendarmerie and the organisation of the state police.
- Decree No. 3.810/1943. ME on the enhanced protection of public safety.
- Decree No. 4.190/1944. ME on the organisation of the armed National Service.
- Decree No. 8820/1941 ME on surrendering wireless receiving sets.
- Decree Nr. 4.730/1943. ME on forbidden areas and zones.
- DEHMAL, Henrik (1922): Az osztrák rendőrség. [The Austrian Police.] *A Rend*, II/46. 1.
- DEMKÓ, Kálmán (1880): Egy rendőri szabályzat a XVII. század végéről. [Police Regulations from the End of the 17th Century.] *Századok*, Vol. 14, No. 10. 829–834.
- Die Staatspolizei Ungarns Budapest Pester Lloyd 1926.
- DORNING, Henrik (1914): *A székesfővárosi m. kir. rendőrség ismertetése*. [The Presentation of the Royal Hungarian Police of the Capital City.] Budapest.
- DORNING, Henrik (1922): *A rendőrség intézményének fejlődése*. [The Development of the Institution of the Police.] Budapest. 3; 5.
- ERDÉLYI, Gyula (1872): Felsőbb biztonsági rendészet. [Superior Security Policing.] *Közrendészeti lap* [Public Policing Paper], Vol. 3, No. 5. 1–2.
- ERNYES, Mihály: *A rendvédelmi szakkifejezések múltja*. [The Past of Law Enforcement Terminology.] Available: http://epa.oszk.hu/02100/02176/00002/pdf/RTF_16_056-064.pdf (Downloaded: 19.03.2017.)
- FEKETE, Gyula (1877): A titkos rendészet jelentőségéről és szervezetéről. [About the Significance and Organisation of Secret Policing.] *Jogtudományi Közlöny* [Law Gazette]. 325–326.
- FEKETE, Gyula (1898): A titkos rendőrség. [The Secret Police.] *Rendőri lapok* [Police Officer's Papers]. 127.
- FERENCZY, Árpád (1905): *A politika rendszere*. [The System of Politics.] Budapest, Politzer. 118.
- FÜLSTER (1929): *Grundriss des verwaltungsrechts*. Giessen. n.p. Vol. 2. 19.
- HADNAGY, Imre József: *A tűzjelzés fejlődése a XX. század közepéig*. [The Development of Fire Alerts until the mid-20th Century.] Available: www.vedelem.hu/letoltes/historia/hist11.pdf, (Downloaded: 03.11.2015.)
- HANDLER, Karl (2009): Az osztrák rendőrség. [The Austrian Police] In *Európai tagországok rendőrsége I.* MRTT – RTF Társadalomtudományi Tanszéke. 7.
- Határszolgálati Utasítás [Border Service Order], M. kir. Pénzügyminisztérium. Budapest, 1925. 3.
- Idegenellenőrzés 1848-ban. [Alien Control in 1848.] *A Rend*, Nov. 27, 1921. 3.
- JAKAB, Éva (1991): Aediles curules Róma rendészeti igazgatása és ennek hatása a magánjog fejlődésére. [Aediles Curules – Law Enforcement Administration in Rome and its Influence on the Development of Private Law.] In *In memoriam Dr. Kovács István akadémikus egyetemi tanár*. Szeged. JATE. 131–135; 138.
- JASCHKE, Hans-Gerd – BJØRGO, Tore – del BARRIO ROMERO, Francisco – KWANTEN, Cees – MAWBY, Robin – PAGON, Milan (2007). [Project Group on a European Approach to Police Science, PGEAPS.] *Final Report*. Münster, CEPOL, Vol. 1. 33.

- JOBST, Ágnes (2011): A Belügyminisztérium működésének szabályozása 1956 nyarán. [Regulation of the Operation of the Ministry of the Interior in the Summer of 1956.] *Betekintő*, No. 1. 2.
- KAJTAR, István ed. (2008): *Pécsi jogászprofesszorok emlékezete (1923–2008)*. [The Memory of Professors of Law in Pécs (1923–2008).] Pécs, PTE ÁJK. 147–161.
- KÁLLAY, István (1986): Városi rendészet a XVIII. XIX. században. [Town Policing in the 18th and 19th Centuries.] *Jogtörténeti értekezések*, No.15. Budapest ELTE. 69–91; 73; 78.
- Kálmán Király Dekrétumainak Első Könyve. 82. Fejezet hogy senki a vámszedők pecsétje nélkül Magyarországból kimenni ne merjen. [The First Book of the Decrees of King Coloman, Chapter 82 so that Nobody Shall Dare to Leave Hungary without the Stamp of Custom-house Officers.]
- KARVASY, Ágoston (1870): *A közrendészeti tudomány és culturpolitika*. [The Science of Public Policy and Cultural Policy.] Pest, Athenaeum. 232.
- KARVASY, Ágoston (1843–44): *A politikai tudományok, rendszeresen előadva*. [Political Sciences Presented as a System.] Győr. 2; 26; 151. Vol. 3. 1; 10–15; 19; 33–35; 59; 60–63.
- KAUTZ, Gyula (1862): *Politika, vagy Országásztan*. [Politics or Political Science.] Pest, Heckenast Gusztáv. 430; 439; 441.
- KINCSES, László (2005): *Diplomáciatörténet*. [The History of Diplomacy.] Budapest, ELTE ÁJK Egyetemes Állam-, és Jogtörténeti Tanszéke. 34.
- KMETTY, Károly (1905): *A magyar közigazgatási jog kézikönyve*. [Manual of the Hungarian Public Administration Law.] Budapest, Politzer-féle Könyvkiadó Vállalat. 6.
- KOI, Gyula (2013): Évszázadok mezsgyéjén. Négy magyar közigazgatás-tudós útkeresése és életpéldája. [In the Borderland between Centuries. The Lives of Four Public Administration Scholars as Models and their Quest of Ways.] Ignác Zsoldos (1803–1885) Emil Récsi (1822–1864) Győző Concha (1846–1933) Zoltán Magyary (1888–1945). NKE. 11–42; 47–70.
- KOI, Gyula (2013): *Külföldi hatások a magyar közigazgatás-tudományban – Hazai és nemzetközi tudománytörténeti visszapillantás a kameralisztika időszakától a Magyar-iskola koráig*. [Foreign Influence in the Hungarian Public Administration Science – The History of Hungarian and International Science: A Retrospect from the Period of Cameralism to Magyar's School.] PhD dissertation. Győr, SZE-ÁJDI. 49; 73–74; 82.
- KOI, Gyula (2015): A francia közigazgatási jogtudomány jellegzetességei (1705–1945). [The Typical Features of the French Administrative Law.] *Polgári Szemle*, Vol. 11, No. 4–6. Available: <http://polgariszemle.hu/archivum/100-2015-december-11-evfolyam-4-6-szam/politikatudomany-allamtudomany/705-a-francia-koezigazgatasi-jogtudomany-jellegzetessegei-1705-1945> (Downloaded: 12.04.2017.)
- KONDÉR, István (1938): Térképek és rokontudományok az ókorban. [Maps and Kindred Disciplines in the Ancient World.] *Térképészeti Közöny*, Budapest, Vol. 5, No. 1–2. 60.
- KORINEK, László (2014): Rendszerváltás a belügyben. [Systemic Change in Internal Affairs.] In GAÁL, Gyula – HAUTZINGER, Zoltán eds.: *Rendészettudományi gondolatok*. [Ideas on Police Science.] Budapest, MRTT. 36.
- KOVÁCS, Pál (1887): Rendészet. [Policing.] *Jog [Law]*. 3–4.
- KÖKÉNYESI, Zsolt: *Kiváltságosok az állam és a közjó szolgálatában. Joseph von Sonnenfels nemesség koncepciójáról*. [The Privileged in Service of the State and of the Public Good.]

- About Joseph von Sonnenfels' Concept of Nobility.] Available: www.academia.edu/8434171/Kiv%C3%A1lts%C3%A1gosok_az_%C3%A1llam_%C3%A9s_a_k%C3%B6zj%C3%B3szolg%C3%A1llat%C3%A1ban._Joseph_von_Sonnenfels_nemess%C3%A9g_koncepci%C3%B3j%C3%A1r%C3%B3l (Downloaded: 26.04.2017)
- Közrendészeti lap* [Public Policing Paper], 1873, Vol. 4, No. 3. 1–2.
- Magyar Detektív* [Hungarian Detective], 1934, Vol. 9. No. 5./180. 1.
- Magyar felsőoktatás*. [Hungarian Higher Education], 1937, Budapest, n.p, Vol. 2. 239–248.
- Magyar Közigazgatás* [Hungarian Public Administration], 1905, Vol. 23, No. 24.
- Magyar Lexikon* [Hungarian Encyclopaedia], 1884, Budapest, Wilckens és Waidl Kiadóhivatala.
- Magyar minisztertanácsi jegyzőkönyvek az első világháború korából*. [Minutes of the Meetings of the Hungarian Cabinets from the Time of WWI.] 1960, Budapest, Akadémia. 92.
- MAGYARY, Zoltán (1942): *Magyar közigazgatás*. [Hungarian Public Administration.] Budapest, Királyi Magyar Egyetemi Nyomda. 566.
- MÁRKUS, Dezső ed. (1907): *Magyar Jogi Lexikon*. [Hungarian Encyclopaedia of Law.] Budapest, Pallas Irodalmi és Nyomdai Részvénytársaság. 256.
- MOHL, Robert (1832–33): *Die Polizeiwissenschaft nach den Grundsätzen des Rechtsstaates*. Vol. 1/10, Tübingen.
- MOHL, Robert (1866): *Polizeiwissenschaft nach den Grundsätzen des Rechtsstaates*. Tübingen. 11.
- MOHL, Robert (1995): Jogállam. [Rule of law.] In TAKÁCS, Péter ed.: *Joguralom és jogállam*. Budapest. 32–37.
- PAULER, Tivadar (1865): *Jog és államtudományok encyclopaediája*. [The Encyclopaedia of Jurisprudence and Political Science.] Pest, Emich Gusztáv. 231–232.
- Pécs Lexikon* [Pécs Encyclopaedia], 2010. 333.
- PERGER, Gyula (2014): Rédey Miklós levelei Mohl Adolfhoz. [Miklós Rédey's Letters to Adolf Mohl.] In *Kuny Domokos Múzeum Közleményei 19*. Tata, Kuny Domokos Múzeum. 153–162.
- PICHLER, Nándor (1876): *Nézetek a rendőrségről általában és különösen a Fővárosi rendőrségről*. [Views on the Police in General and on the Police of the Capital in Particular.] Budapest, Fanda és Frohna. 1–16.
- RÉCSI, Emil (1854–55): *Közigazgatási törvénytudomány kézikönyve az ausztriai birodalmi törvényhozás jelen állása szerint, különös tekintettel Magyarországra*. [The Manual of the Science of Public Administration Law According to the Present State of the Austrian Imperial Legislation, Particularly with Regard to Hungary.] Pest, Heckenast, Volume 1. 104; 108. Volume 2. 190. Volume 3. 340; 351–352.
- RÉDEY, Miklós – LAKY, Imre eds. (1909): *Rendőri lexikon – közrendészeti és büntetőjogi tudnivalók betűrendes kézikönyve*. [Police Encyclopaedia – The Alphabetical Handbook of Information about Public Policing and Criminal Law.] Budapest, Stephaneum. 4.
- RÉDEY, Miklós (1916): *A rendőri szolgálat vezérfonala*. [The Manual of Police Service.] Budapest, n.p. 7; 15; 19; 107.
- RÉDEY, Miklós (1923): *Bevezetés a magyar rendőri jog alaptanaiba*. [Introduction to the Fundamental Doctrines of Hungarian Police Law.] Budapest, n.p. 4; 7; 9–10.
- RÉDEY, Miklós: Rendőri szakoktatásunk. [Special Training for our Police Officers.] *Rendőri Lapok*, Vol. 9, No. 16. 1.

- Rendészeti Közlöny* [Policing Bulletin], 1878/2. 3.
- Rendőri lapok* [Police Officer's Papers], Vol. 10. No. 4. 3.
- Rendőri lapok* [Police Officers' Papers], No. 1/5. 3.
- SALLAI, János (2005): A határrendőrség feladatai a statisztika tükrében. [The Tasks of the Border Police in the Light of Statistics.] *Magyar Rendészet*, Vol. 5, No. 3. 157–168.
- SALLAI, János (2004): *Az államhatárok*. [State Borders.] Budapest, Press publica. 8; 97.
- SALLAI, János (2008): *Az államhatár, határőrizet és etnikai határ története. Habilitációs disszertáció*. [The History of State Borders, Border Guarding and of Ethnic Boundaries. Habilitation Dissertation.] Debrecen.
- SALLAI, János (2015): Idegenrendészet (bevándorlás) szabályozása a 19. század utolsó, és a 20. század első évtizedeiben. [The Regulation of Alien Policing (Immigration) in the Last Decades of the 19th and in the First Decades of the 20th Centuries.] In *Migráció és Rendészet*. [Migration and Policing.] Budapest, Magyar Rendészettudományi Társaság Migrációs Tagozat. 145–161.
- VON SONNENFELS, Joseph (1771): *Ueber die Liebe des Vaterlandes*. Wien, Kurzböck. 201.
- VON SONNENFELS, Joseph (1769–1776): *Grundsätze der Polizey, Handlung und Finanz*. Wien.
- SZAMEL, Lajos (1972): *Magyar államigazgatási jog – Különös rész*. [Hungarian Public Administration Law – Special Part.] Budapest, Tankönyvkiadó. 253.
- Szent László Király Dekrétumainak Első Könyve. 11. Fejezet azokról szól, a kik vasárnap és ünnepeken templomba nem mennek. [The First Book of the Decrees of King Saint Ladislaus, Chapter 11 on Those who Do not Go to Church on Sundays or Saints' Days.]
- Szent László Király Dekrétumainak Harmadik Könyve. 1. Fejezet a századosokról és tizedesekről. [The Third Book of the Decrees of King Saint Ladislaus, Chapter 1 on Captains and Corporals.]
- Szent László Király Dekrétumainak Második Könyve. 5. Fejezet a lopott jószág nyomon kereséséről. [The Second Book of the Decrees of King Saint Ladislaus, Chapter 5 on the Tracking of Stolen Goods.]
- SZIGETI, Endre: Karvasy Ágoston. In MIHALIK, István ed. (1991): *Magyar közgazdászok arcképvázatai*. [Portrait Sketches of Hungarian Economists.] Budapest, Neumann Kht. 1.
- SZILÁGYI, János (1960): *A tűzrendészet fejlődése az őskortól a modern időkig*. [The Development of Fire Protection from the Prehistoric Age to Modern Times.] BM. 9.
- Szolgálati szabályzat, a rendőrség részére*. Belügyminisztérium Hivatalos kiadása. [Staff Regulations for the Police. The Official Edition of the Ministry of the Interior.] Budapest, 1948.
- The Code of Hammurabi*, § 25. Translated by Robert Francis Harper. Available: [https://en.wikisource.org/wiki/The_Code_of_Hammurabi_\(Harper_translation\)](https://en.wikisource.org/wiki/The_Code_of_Hammurabi_(Harper_translation)) (Downloaded: 24.06.2017.)
- The report of the Emigration Committee for Bill No. 818, Writing No. 914.
- The Second Book of King Saint Stephen I's Decrees. In ROSENWEIN, Barbara H. (2013): *Reading the Middle Ages, Volume II: Sources from Europe, Byzantium, and the Islamic World, c.900 to c.1500*. University of Toronto Press. 206.
- The Second Book of King Saint Stephen I's Decrees. In BAK, János M. – BÓNIS, György – SWEENEY, James Ross trans.–eds. (1999): *The Laws of the Medieval Kingdom of Hungary*,

- 1000–1301. Second revised edition. In collaboration with Leslie S. Domonkos. Charles Schlacks, Jr. Publishers. 6.
- TISZA, Miksa (1925): *Magyarország rendőrségének története*. [The History of the Police Force in Hungary.] Pécs, Haladás nyomda. 15.
- TOMCSÁNYI, Móric (1929): *Rendészet, közigazgatás, bírói jogvédelem*. [Policing – Public Administration – Judges' Legal Protection.] Budapest, Akadémia. 1; 4–8; 31.
- TOMCSÁNYI, Móric (1933): *Magyar közigazgatási és pénzügyi jog: különös (szakigazgatási) rész*. [Hungarian Public Administration and Financial Law, Specific part: Special Administration.] Budapest, Published by the author. 9; 10–12; 14–17; 32.
- TÓTH, József (1938): *A rendészetfogalom a nemzeti szocialista államban*. [The Concept of Policing in the National Socialist State.] Eger, Szent István nyomda. 54.
- TÓTH, József (1938): *Rendészetfogalom a nemzeti szocialista államban*. [The Concept of Policing in the National Socialist State.] Eger, Szent János Nyomda. 41; 48; 50; 54; 60–63; 65.
- TÓTH, József (1939): *A rendészeti ténykedés alakjai*. [The Forms of Policing Activities.] Eger, Szent János Nyomda. 112–113; 136; 167; 181; 204; 549–52.
- TÓTH, Nikolett Ágnes (2016): *45 éves a rendészeti felsőoktatás*. [Law Enforcement Higher Education is 45 Years Old.] Budapest, Dialóg Campus Kiadó. 67.
- TÓTH, Nikolett Ágnes (2017): *Negyvenöt éve a Belügyminisztérium szolgálatában. Tanulmánykötet Janza Frigyes 70. születésnapja alkalmából*. [45 Years in the Service of the Ministry of the Interior. Volume of Essays on the Occasion of Frigyes Janza's 70th Birthday.] Budapest, Manuscript.
- Utasítás az országban idegenek feletti rendőrség fenntartása iránt. [Order Regarding the Maintenance of the Police above Aliens in the Country.] Nagyszében, 30 December 1849. OSZK kisnyomtatványok tár, cím szerint.
- VÖLGYESI, Levente (2008): *Városi alkotmányosság az újkori Magyarországon*. [Constitutionality in Towns in Modern Hungary.] PhD dissertation, ELTE. 147.
- ZSOLDOS, Benő (1934): A rendészeti törvények angol ősei. [The English Predecessors of Laws on Policing.] *Jogállam: jog- és államtudományi szemle*, Vol. 33, No. 4. 135–138.
- ZSOLDOS, Ignác (1838): *Néhány szó a honi közbátorságról*. [A Few Words on Public Bravery in our Country.] Pesten, Trattner-Károlyi. 100.
- ZSOLDOS, Ignác (1842): *A mezsei rendőrség főbb szabályai. Az 1840. IX. törvénycikkely nyomán*. [The Main Rules of Field Police. According to Statute IX of 1840.] Pápa, Pápai Református Kollégium.
- ZSOLDOS, Ignác (1844): *A szolgabírói hivatal*. [The Office of the *Szolgabíró*.] Pápa.

Web pages:

- <http://dtg.ogyk.hu/hu/gyujtemenyismertetok/konyvek/szerzoi-eletrajzok/item/323-tomcsanyi-moric> (Downloaded: 12.04.2017.)
- <http://mek.oszk.hu/03600/03630/html/> (Downloaded: 27.02.2017.)
- http://polgariszemle.hu/index.php?option=com_content&view=article&id=705:a-francia-koezigazgatasi-jogtudomany-jellegzetessegei-1705-1945&catid=100&Itemid=110 (Downloaded: 12.04.2017.)

Dialóg Campus is the publisher of the National University of Public Service



Nordex Non-Profit Ltd. – Dialóg Campus Kiadó • www.dialogcampus.hu • www.uni-nke.hu • 1083 Budapest, Ludovika tér 2. • Telephone: +36 30 426 6116 • E-mail: kiado@uni-nke.hu • Responsible for publishing: Ildikó Petró, Managing director • Managing Editor: Zsolt Kilián • Copy Editor: Zsuzsanna Gergely • Typeset and design: Tibor Stubnya

ISBN 978-615-5845-15-4 (print)
ISBN 978-615-5845-16-1 (ebook)

“Law enforcement is like an enormous mirror that projects the portrait of the all-time state embedded in its relevant legal structures. Using another image, we can also say that law enforcement is like a delicate seismograph that receives and pictures even the smallest stir, slue and twist of the idea of the state and its originating ideology.” These thoughts of József Tóth were first published in 1938 but are still relevant today. I wrote my book in this spirit attempting to review the history of the last more than one thousand years of national and international law enforcement.

Such detailed work dealing with this issue has never been published yet.

I recommend this book to the students of the Department of Law Enforcement and the Doctoral School of the Department of Law Enforcement, as well as to the national and international researchers of this field.

The work was created in commission of the National University of Public Service under the priority project PACSDOP-2.1.2-CCHOP-15-2016-00001 entitled “Public Service Development Establishing Good Governance.”

dialóg Campus

SZÉCHENYI 2020



HUNGARIAN
GOVERNMENT

European Union
European Social
Fund



INVESTING IN YOUR FUTURE