

# THE EFFECT OF THE 1885 REFORM OF THE UPPER HOUSE OF THE HUNGARIAN PARLIAMENT ON THE COMPOSITION OF THE MEMBERS (WITH A SPECIAL FOCUS ON HEREDITARY PEERS)<sup>1</sup>

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The law on the reform of the Upper House (Act VII of 1885) caused significant changes in the number and composition of the members of the second chamber. Of the members to that point, lord-lieutenants and Roman Catholic titular bishops lost their membership. The new conditions for hereditary members to practice the right of membership, and for new high noble families to attain this right, were Hungarian citizenship and the payment of a 3.000 Forint land census tax. Further, high nobles with the right to be members in foreign legislative institutions had to make a statement on opting. Calvinist denomination leaders and those appointed by the King on the recommendation of the government for personal merit became new membership groups. Further, in a one-time move in the spring of 1885, before executing the reform, the Upper House elected fifty members - from among peers who were to lose their membership – as lifelong members. The connection of hereditary membership rights to land ownership and the rewarding of personal activity with lifelong membership were unique aspects of the bourgeois age. Despite this, feudal-based elements maintained their majority in the composition of the Upper House. The number of hereditary peers declined from more than 700 to 200, but even so, they comprised 60% of the total members. The change in the circle of hereditary peers taking place in 1885 proved to be long-term: the numbers of such members succeeding in returning, and the numbers dropping out later, were low. Despite the fact the government had limited means to affect the composition of the membership, it still had a high degree of influence in the matter of granting membership before and after 1885. While the number of appointments was limited, practical reasons and considerations of principle meant that mass donations of hereditary membership were avoided.

Key terms: Hungary. Upper House. Act VII of 1885. Hereditary peer. Land census tax. Opting. Member appointed for life.

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In this paper I study the changes caused by the 1885 reform of the Upper House of the Hungarian Parliament (Act VII of the year 1885) in terms of the number of members in the chamber and the rights and social composition thereof. I further examine the degree to which these changes were long-lasting throughout the ensuing history of the institution, which lasted until November of 1918.

### **The members of the Upper House before 1885**

Two legislative chambers emerged from the customary law of the Hungarian Feudal Diet, and had functioned within the framework of upper and lower houses since the 16th century.<sup>2</sup> Starting in the 17th century this division of the chambers was set in law. Act I of 1608 (following the coronation of Matthias II) regulated the composition of the chambers. As such, the Upper House was composed of church and secular lords. In the 18th century the church members were Catholic Archbishops, diocesan bishops, elected but unordained and titular bishops, and further the Archabbot of Mount of St. Martin (Pannonhalma), the Hungarian deputy of the Premonstratensian order (the provost of Jászó from the beginning of the 19th century), as well as the Archprovost of Zagreb or Prior of Vrna (based on Act LXI of 1625). Act X of 1792 secured Upper Chamber membership for the Metropolitan and the Bishops of the Eastern Greek Church. Act X of 1687 listed those secular nobles with the right to participate, along with the assembly schedule. Based on their rank or position barons holding high (royal) offices (*barones regni*), including the Palatine, the Lord Chief Justice (*judex curiae*), the Ban of Croatia, the Master of the Treasury (*magister tavernicorum*), the Master of the Doorkeepers (*magister janitorum*), the Master of the Stewards (*magister dapiferorum*), the Master of the Cupbearers (*magister pincernarum*), the Master of the Horse (*magister agazonum*) as well as, based on Act VI of 1764/1765, the Captain of the Royal Hungarian Noble Guards. Further members were the Count of Pozsony County, the two Keepers of the Crown (*conservator coronae*), the lord-lieutenants and the Governor of Fiume (the latter based on Act IV of 1807). In monarchies of the second half of the 19th century the adult male members of royal families generally had membership rights upper chambers.<sup>3</sup> Before 1885 those Habsburg Archdukes with estates in Hungary were invited to the Upper House. The adult male members of families<sup>4</sup> granted hereditary aristocratic status by the Hungarian kings, or naturalized in Hungary through the legislature, were granted invitations to the Upper House by birthright (as hereditary peers).

2 FERDINANDY. *Magyarország közjoga. Alkotmányjog*. Budapest 1902, p. 436.

3 KISS. *A demokratikus magyar felsőházzól*. Budapest 1926, p. 55-56.

4 By family I mean the entirety of male descendants of common ancestry with the same surname.

Act LXI of 1625 stated that one of the Ambassadors from the Croatian Diet sent to the Hungarian Diet in the Upper House would have voting rights.<sup>5</sup>

Act V of 1848 transformed the feudal lower chamber of the Diet into an popular representative assembly. However, the composition of the upper chamber after 1848–49, and then following the Austro-Hungarian Compromise of 1867, changed to a very small extent. In June of 1867, based on Act XXVIII of 1848, the Upper House announced that the Captain-General of Jászkun District, who had been elevated to the rank of lord-lieutenant, would be granted membership in the Upper House.<sup>6</sup> Act VII of 1848, which concerned the unification of Hungary and Transylvania, granted membership in the Upper House to Regalists (trusted men of the Emperor) who had been invited to the former Transylvanian Diet, with the exception of the members of the Transylvanian *Gubernium* and the Royal Judgment Board, as well as military personnel. Act LXIII of 1868, which reaffirmed the union, confirmed this (and as such the number of persons invited was between one of ten). The same Act also announced Upper House membership for the leaders of the public administration units of Transylvania. Act IX of 1868 recognized the independence of the Serbian and the Romanian Eastern Greek churches and extended Upper House membership to the Metropolitan and bishops of the latter. Act XXX of 1868 raised the number of delegates in the Upper House from the Croatian Diet to two, while Act XV of 1881 raised their number to three.

### **Act VII of 1885 – removed and new membership groups**

The Act on modifying the organization of the Upper House brought important changes to the number of members of the chamber and their composition. The hereditary aristocracy maintained its numerical majority. However, Hungarian citizenship and a 3.000 Forint land census tax became conditions of their right to membership.<sup>7</sup>

The membership rights of titular bishops, lord-lieutenants and Transylvanian regalists were rescinded. Membership was granted to the leaders of Protestant denominations: three clerical and secular church leaders each from the Calvinists

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5 SZIJÁRTÓ. *A diéta. A magyar rendek és az országgyűlés 1708–1792*. Budapest 2005, p. 46–49, 417–418; DOBSZAY. The Influence of the Estate System and Power Relations in the Late Feudal Parliament Seating Plan. In *The Hungarian Historical Review*, 2021, vol. 10, no. 1, p. 137–138.

6 *Az 1865. évi december hó 10-dikére hirdetett országgyűlés főrendi házának naplója*. Pest 1869, p. 261 (19. 6. 1867).

7 The level of land tax could be reduced by payment of a house tax on buildings on estates. The land and house tax payments of the living wife and minor-age children of the taxpayer were also a basis for reduction.

and Lutherans were granted membership, while one church leader from the Unitarians was also invited. Three leaders of the supreme judicial forums were also summoned (this was expanded by a further two in 1896).

In 1885 the King, based on the recommendations of the government, granted thirty persons life terms for personal merits. From the next year on he could appoint a maximum of five persons per year (unless the number of members reached fifty, in which case not one could be appointed unless a lifelong term seat had emptied due to death or resignation). Several members of the governing party, the Liberal Party (*Szabadelvű Párt*), hoped that the system of appointed members would lead to the Upper House being freed of its oligarchic character.<sup>8</sup> Of the appointees, the proportion of Upper House members lacking noble backgrounds (of whom most were bourgeois), i.e., lacking feudal titles, along with the new nobles (those gaining titles after 1867) was one-third in 1885, while by 1918 it was nearly 50%. Of those lacking a noble title more than half were university professors or independent (i.e., freelance) intellectuals. The second-largest group within the category was that of previous members of the Lower House. Initially the new nobles made up one-fifteenth, but by 1918 one-fifth of the appointed members were of this type. Of these, half were entrepreneurs/industrialists. They were followed by the intellectuals (who were largely doctors and journalists). The Israelite denomination was not granted *ex officio* representation in the Upper House through the reform of the chamber, nor after its registration as a recognized religion (1895).<sup>9</sup> The governments, to compensate, sought to ensure that the groups of members invited for personal merits always included some from the Israelite denomination.<sup>10</sup>

In a one-time act, before the launch of the reform, the Upper House elected fifty members from among those set to lose their membership and granted them lifelong terms. Among these chosen “saved” members, we found members of almost all groups that were to be removed from the House through its transformation. Most were hereditary members who were unable to pay the land census tax (of the fifty selected members forty-six were fully or partially members by birthright), while seven were lord-lieutenants and two were titular bishops. The government managed the selection to serve its own interests, and as such the vast majority of the elected members were those who supported government policy, often connected to the government as earlier members of

8 ZICHY. A felsőházi törvényjavaslat. Budapest 1885, p. 31; BEKSICS. Az új felsőház. In *Székely Nemzet*, 1884, vol. 2, no. 168, p. 1.

9 Religio recepta, which granted full freedom of religion, rights to self-governance and the right to apply for state support.

10 TÓTH-BARBALICS. A „korona védpajzsa” vagy „észarisztokrácia”? A magyar főrendiház élethossziglan kinevezett tagjai. In *Századok*, 2011, vol. 166, no. 3, p. 742-746.

the House of Representatives or as lord-lieutenants. The selection was also an opportunity for those who were significant in the operation of the Upper House, or whose activity (whether their family's or their) was recognized, to keep their membership.<sup>11</sup>

### **The number of peers and the composition of the Upper House after 1885**

The number of peers of the Upper House after the period of reform, i.e., in the examined period from 1885 to 1918 (measured on October 30 of every year) fluctuated between 346 (1893) and 391 (1897). At both the beginning and end of the period twenty Habsburg Archdukes were members of the Upper House, reaching a high of 22 (1889) and a low of 13 (1917). After 1885 the condition of owning a land estate in Hungary was dropped, but at the same time the limitations placed on hereditary noble members (land census tax, opting) did not apply to them. In the Dualist age they did not participate in Upper House sessions, their membership was of a symbolic significance. The number of high noble hereditary peers moved between 195 (1892) and 250 (1907). The proportion of hereditary members before the Upper House reform, when the number of members sometimes surpassed 800, exceeded 80%. Following the reform of the Upper House it approached (and at one point exceeded) 60%.<sup>12</sup>

The number of members based on dignitary status or holding official positions and the number of Croatian representatives was in essence fixed, and only vacated seats would temporarily upset this number. Although the titular bishops lost their membership rights in 1885, which in and of itself decreased the proportion of high-ranking Catholic clerics in the Upper House, drops in numbers in the ranks of the other membership groups (hereditary peers who did not pay the census tax and the lord-lieutenants) surpassed decline in Catholic numbers. The explanation for this is that the proportion of Catholic and Eastern Greek church leaders actually grew somewhat with the reform: they constituted 7% in the fall of 1884, 10% in the fall of 1885, and 9% in the fall of 1918. The leaders of the Protestant denominations, who had membership rights based on their offices, made for a proportion of around 3% in this era. Other groups in the Upper House who made up for less than 5% of the entire membership were *barones regni*, the Count of Pozsony County, the Keepers of the Crown, and

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11 TÓTH-BARBALICS. Az élethossziglan választott tagok. In PAP and BALLABÁS, ed. *Képviselők és főrendek a dualizmus kori Magyarországon I. Parlamentarizmustörténeti tanulmányok*. Eger 2020, p. 327.

12 For more details see BALLABÁS. A főrendiház 1885. évi reformja és a magyar főnemesség létszáma. In PAP and BALLABÁS, ed. *Képviselők és főrendek a dualizmus kori Magyarországon I. Parlamentarizmus történeti tanulmányok*. Eger 2020, p. 201-219.

further the delegates of the Croatian Diet and the leaders of the supreme judicial forums and their deputies.

Prime Minister Kálmán Tisza wished to limit the proportion of those who could be granted life terms to one-third of the members of the House.<sup>13</sup> In the interest of passing the bill in the Upper House he had to settle for a more moderate proportion. In the old Upper House the proportion of lord-lieutenants who were dependent on the government was 8% in 1884. More or less the same proportion applied to members appointed for life directly after the Upper House reform. However, from the 1890s to the end of this period their proportion was 13%. This does not appear to be high when compared with other European countries. The limitation on the number of lifetime appointments in the Austrian Upper House (*Herrenhaus*) was only introduced in 1907. Between 1867 and 1918 the group of members appointed for life by the Emperor (*auf Lebensdauer ernannten Mitgliedern*) constituted the biggest group of members.<sup>14</sup> The number of members appointed for life in the Hungarian Upper House first reached its maximum of fifty in 1894. As a result of deaths, limitations on the number of new appointees annually, and the omission of appointments in certain years, their number dropped below fifty on many occasions.

Peers chosen for life in 1885 were not to be replaced. Their numbers continuously declined through their death rate, and while they initially constituted 13% of the members, by the last years they made for only 3%.

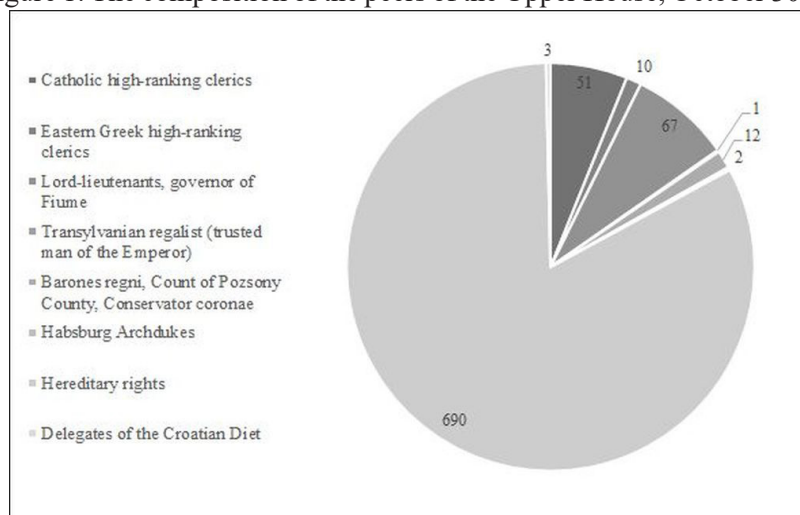
Some members of the Upper House had seats based on various rights they held simultaneously. The *barones regni* were fundamentally from the among those peers with hereditary rights. Among the Protestant denominations' members we could find a *conservator coronae* (Baron Miklós Vay), hereditary peers (Baron Dezső Prónay, Baron Béla Vay) and an elected member (Baron Kálmán Kemény). Members of the Catholic episcopal group included some hereditary members (Count Gusztáv Mailáth, Count Gyula Zichy). Count Lajos Batthyány was an elected member who, from 1892 to 1896, also served as the Governor of Fiume. In certain cases the rights to membership "accumulated": between 1899 and 1904 former Prime Minister Count Dezső Bánffy was not only an elected

13 PÜSKI. A liberális alkotmányosság és az 1885. évi főrendiházi reform. In L. NAGY and VERESS, ed. *Történeti tanulmányok. A KLTE Történelmi Intézetének kiadványa*. Debrecen 1992, p. 72.

14 SCHVARCZ. *Államintézményeink és a kor igényei*. Budapest 1879, p. 207-273; SPENKUCH. *Herrenhaus und Rittergut. Die Erste Kammer des Landtags und der preußische Adel von 1854 bis 1918 aus sozialgeschichtlicher Sicht*. In *Geschichte und Gesellschaft*, 1999, vol. 25, no. 3, p. 380; STOURZH. *Die Mitgliedschaft auf Lebensdauer im österreichischen Herrenhause, 1862–1918*. In *Mitteilungen des Instituts für österreichische Geschichtsforschung*, 1965, vol. 73, no. 1-2, p. 72, 98.

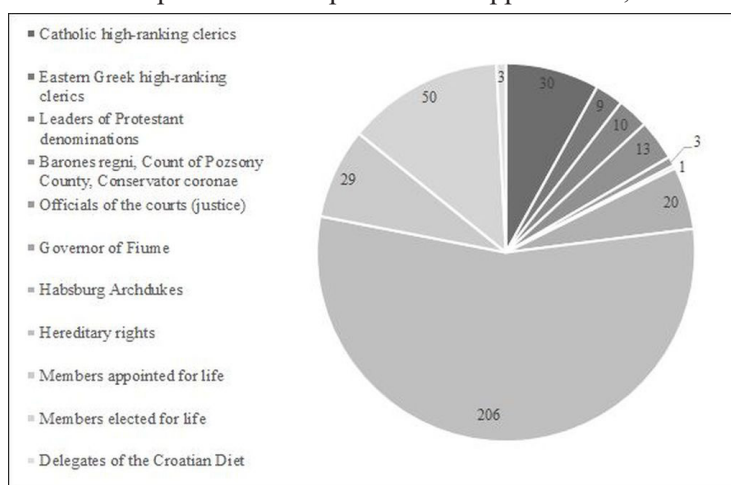
member, but also Chief elder of the District of the Reformed Church in Hungary and a *barones regni*, giving him three grounds for membership.<sup>15</sup>

Figure 1: The composition of the peers of the Upper House, October 30, 1884.



(Source: BALLABÁS, A főrendiház 1885. évi reformja, p. 202-203.)

Figure 2: The composition of the peers of the Upper House, October 30, 1885.

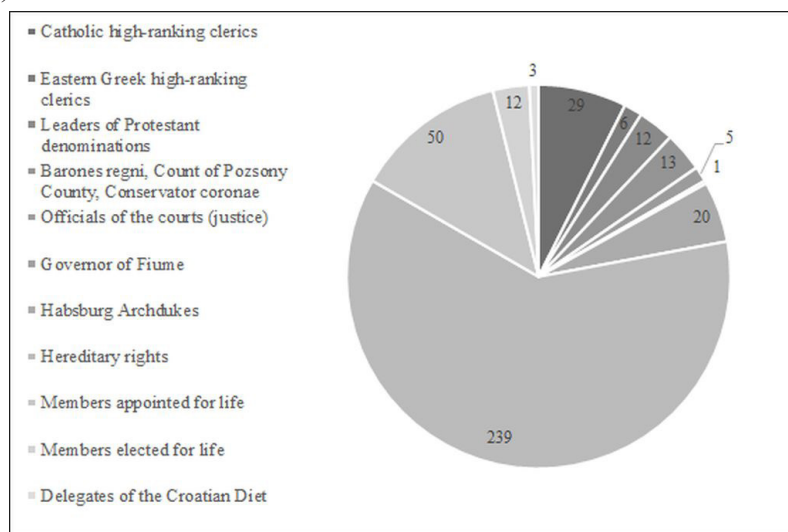


(Source: BALLABÁS; PAP and PÁL, *Az országgyűlés tagjainak archontológiája*, p. 23-66.)

15 BALLABÁS; PAP and PÁL. *Képviselők és főrendek a dualizmus kori Magyarországon II. Az országgyűlés tagjainak archontológiája*. Eger 2020, p. 23-66.



Figure 3: The composition of the peers of the Upper House, October 30, 1918.)



(Source: BALLABÁS; PAP and PÁL, *Az országgyűlés tagjainak archontológiája*, p. 23-66.

(Figures 1, 2, 3: Members with multiple grounds (rights) for membership are listed in multiple categories.)

### Hereditary peers and the reform of the Upper House

While in previous centuries the donations of the titles of upper nobility (entailing membership in the Upper House) was the exclusive prerogative of the King, Act III of 1848 stated that the legal granting of a noble title would from thereon in be the result of the will of the King along with the countersignature of a minister responsible for the Parliament. After the restoration of constitutional rule in 1867 the ranks of upper nobility granted between 1849 and 1867 – given the lack of a responsible minister and corresponding countersignature – were viewed as invalid by the Hungarians. Between 1867 and the spring of 1885 ten persons were granted first-time Hungarian upper noble rank (the first – which was the rank of count – was granted in 1871 to Menyhért Lónyay, joint Minister of Finance of Austria-Hungary). Beyond this, the King granted 33 foreigners upper nobility titles in Hungary, or confirmed such (among them 25 petitioners had initially been granted upper nobility rank in the period of neo-Absolutism (1849–1867)).



Given that before the reform of the Upper House all the adult-age male descendants of the high noble families had the right to be invited, some national assemblies saw 30-40 members of one given family receive invitations. However, a significant portion of the invitees did not attend. There were few families which had at least five invitees present at the beginning of the Diet sessions (only seven of the 250 families with the right to be invited in 1865, and only two in 1875 and 1881). Before the reform of the Upper House, at the closure of the first meetings of the 1884–1887 sessions (May 20, 1885), the Upper House had 836 members, including 31 dukes, 452 counts and 245 barons, i.e., 728 hereditary members (which accounted for 87% of the members).<sup>16</sup> Of the hereditary members, 198 (27%) maintained their membership rights after the reforms.<sup>17</sup> At the beginning of the next parliamentary session (which was the first to be restructured), in the fall of 1885 – keeping in mind the complaints lodged in the summer, the deaths in the previous period, and in the case of dual membership rights the option of serving in the other country's legislature – the Minister of the Interior obtained from the King letters of invitation for 9 dukes, 163 counts and 38 barons, i.e., for 210 hereditary rights-based high nobles (the total membership of the House at this time was 369).<sup>18</sup>

Of those using their hereditary peerage rights in the spring of 1885, almost 73% were not among the members by September of that year, which was the first session after the reform of the Upper House. This meant that almost half the families with participation rights were absent from the Upper House either temporarily or permanently.<sup>19</sup> The decrease in the number of descendants with membership rights is significant: before the reform of the Upper House the number of families with at least five hereditary members invited to the Upper House was 44 (in 1865), then 38 (1875) and then 33 (1881). These numbers dropped to 7 (at the end of 1885, then 1896), then nine families holding the title of count (1906, 1910).<sup>20</sup> Throughout, there was a high number of members of the

16 Some individuals had multiple grounds for membership. BALLABÁS, A főrendiház 1885. évi reformja, p. 202-203.

17 BALLABÁS. A főrendiházi census a gyakorlatban: A Széchényiek példáján keresztül megvilágítva. In *Az Eszterházy Károly Főiskola tudományos közleményei. Tanulmányok a történelmtudomány köréből*, 2013, vol. 12, no. 61, p. 258-259; BALLABÁS, A főrendiház 1885. évi reformja, p. 202-203.

18 *Az 1884. évi szeptember hó 25-ére [! 27-ére] hirdetett országgyűlés főrendi házának irományai*. 3. Budapest 1886, p. 400, number 170, annex, p. 5-13.

19 Among the families with hereditary membership rights listed in Act VIII of 1886 I compared those still having male descendants in 1885 with the list of attending members for September, 1885.

20 The number of verified hereditary members is based on the list of names in the *Főrendiházi napló*, minus the Diet members who suspended their membership in the Upper House.

Eszterházy, Széchényi and Zichy families who had Upper House membership. After 1885 the number of hereditary peers from these families at the beginning of all sessions approached or exceeded ten per family. Among the families with the title of duke or baron there were none which, after the Upper House reform, had at least five invited descendants in the examined years.

### The effects of the introduction of the tax census

In order to practice their hereditary peerage rights, following the Upper House reform it was necessary to pay 3.000 Forints in land tax – calculated under the 25,5% rate introduced in 1884 (land tax and land relief contribution<sup>21</sup>) – meaning it was necessary to hold a land estate that generated at least 11.765 Forints (later 23.530 Crowns) of cadastral net income.<sup>22</sup> When certifying the right to peerage in the Upper House the regulations of the year 1885 held for the entire period.<sup>23</sup> The cadastral net income necessary to comply with the Upper House tax census was considered high. In the early 1910-s, among the Hungarian land owners (limited to natural persons) less than 1% had cadastral income of at least 23.530 crowns. The estates used to certify the Upper House census were often burdened with enormous debts (which is why the level of land tax is not sufficient to give us a broad picture of the financial situation of the members).<sup>24</sup>

The Upper House census was particularly difficult for the Transylvanian aristocracy, given their estates generally generated less income. Of the 23 Transylvanian families I examined, between 1885 and 1918 they either had no certified hereditary members, or had them for only very short periods of time. Despite this, the circle of Transylvanian families that in fact attended the national assembly and voted in roll calls changed slightly in 1885 compared to previous terms.

Károly Vörös uncovered the significant decline of the *indigena* (foreign origin, high nobles descending from families that had been naturalized in Hungary by the Hungarian legislature in previous centuries) compared with the rate of decline of high nobles originating from Hungary (in 1884 25% of the

21 Land relief contribution: a surcharge for those paying direct tax serving as collateral on compensation marked for previous noble owners for urban sessions that were transferred to peasant ownership through the reforms of 1848 and 1853.

22 BALLABÁS. „De kérdem ... vajjon oly könnyű-e akkora vagyont szerezni, a mely után – a földbirtokot értve – háromezer forint adót kell fizetni?” A főrendiházi cenzushoz szükséges földingatlan nagysága. In H. NÉMETH et al., ed. *Rendi országgyűlés, polgári parlament. Érdekképviselet és törvényhozás Magyarországon a 15. századtól 1918-ig*. Budapest; Eger 2020, p. 474.

23 TÓTH-BARBALICS. A főrendiház 1885. évi átalakítása és a földadócenzenus. In *Agrártörténeti Szemle*, 2018, vol. 59, no. 1-4, p. 17-18.

24 BALLABÁS, „De kérdem ...”, p. 478-480, 482.

families with members in the Upper House were *indigena*, while 40% of the families that fell out of the House in 1885 were *indigena*). He showed that the 1885 reform of the Upper House brought to an end the process of decline of *indigena* members that had begun in the early 18th century.<sup>25</sup> Of the Hungarian-origin families invited to the Upper House between 1865 and 1885, 14% did not have even a single descendant appear in the House; the corresponding number for *indigena* families was 28%. Immediately following the reform of the Upper House, in the fall of 1885, of the 206 hereditary members there were 25 *indigena* high noble members from 18 families.<sup>26</sup>

Of the high nobles whose obligation to pay the census was certified after the execution of the reform of the Upper House in 1885, 46 were later forced to abandon their hereditary-based peerage for having lost their ability to pay the required tax from their properties. In the case of exclusion for not meeting property qualifications, there were instances when the hereditary peer was unable to pay the census tax, but still practiced his right to membership. The rules of the Upper House made it the responsibility of the affected high nobles to immediately report the cessation of their membership rights,<sup>27</sup> but this did not guarantee that the reports were actually submitted. On the other hand, not all those who were entitled made efforts to certify their Upper House hereditary-based peerage rights.<sup>28</sup>

Of the hereditary members who dropped out in the fall of 1885 slightly more than 10% managed to re-reach the property qualifications and later were able to practice their peerage rights (i.e., 56 of the 530 high noble members who fell out).<sup>29</sup> In a further 10 cases the high noble was qualified to be invited before 1885 (being of majority age), but only petitioned for an invitation years or decades later, when the payment of the land census tax had become a condition for practicing the right to membership. The return of families who had dropped out in 1885 was incremental: they numbered less than 17% of the families that had dropped out, with only four *indigena* families among them. Multiple instances of exclusion then returning were rare. A unique case was that of Baron (from 1916

25 VÖRÖS. A főrendiház 1885. évi reformja. Egy kutatás tervei és első eredményei. In Á. VARGA, ed. *Rendi társadalom, polgári társadalom 1. Társadalomtörténeti módszerek és forrástípusok*. Salgótarján 1987, p. 400.

26 *Az 1884. évi országgyűlés főrendi házának irományai*. 3. Budapest 1886, n. 170, annex, p. 5-13.

27 SZERENCSE, ed. *A főrendiház szervezete megvilágítva a fennálló törvények, szabályok és rendeletek által*. Budapest 1893, p. 164-165 (A főrendiház házszabályai, 1886).

28 BALLABÁS, „De kérdem ...”, p. 477-478.

29 BALLABÁS. A főrendiházi reform és a főrendek generációi. In PAPP and PÜSKI, ed. *A magyar arisztokrácia társadalmi sokszínűsége, változó értékek és életviszonyok*. Debrecen 2013, p. 282.

Count) Simon Révay (1865–1928) who between 1894 and 1918 twice reported his inability to meet the property conditions (1894, 1910) and twice reclaimed his rights (1896, 1918).

### Opting

Act VII of 1885 demanded that those descendants of families meeting the property criteria and with hereditary rights to peerage in the Upper House who “*concurrently sit and vote in the legislature of another state of the monarchy or of any other state*” only be able to execute their membership if they beforehand stated that they practice their rights exclusively in the Hungarian Upper House (i.e., opting). The introduction of the opting condition (along with the condition for knowledge of the Hungarian language) was a concession to nationalist sentiments. It avoided a situation like that which took place in 1883–84, when a bill prescribing mandatory civil marriages in the case of Israelite-Christian mixed marriages was upended.<sup>30</sup> At that time more than twenty *indigena* high nobles, who largely lived in Vienna and did not attend the Upper House sessions to that point, petitioned for an invitation. Many of them turned up at the session and voted against the bill. A number of liberal politicians in Hungary suspected the will of the King or the operations of the conservative Vienna court circles being behind the initiative.

Opting concerned mainly the relationship between the Austrian legislature and the Hungarian Upper House. The regulation was not symmetric, as in Austria the law did not ban anyone from being a member concurrently in another country’s legislature. In spring of 1885 there were 21 persons who were members of both the Upper House and the Austrian *Herrenhaus* or the *Reichsrat* at the same time. Among them only Duke Alfred Windischgraetz (Alfred [III] August Karl Fürst zu Windisch-Grätz) made a statement, in the summer of 1885, in which he resigned his membership in the Hungarian Upper House.<sup>31</sup> The Upper House declared six aristocrats as having their memberships revoked for not having opted (two hereditary and four appointed-for-life members of the *Herrenhaus*).<sup>32</sup> None of the descendants of this group took a seat in the Hungarian Upper House (to its demise in 1918). A further 13 dual legislature members were left out of the Upper House in the fall of 1885 without them having made statements, or by the Upper House registering their failure to make a statement on opting. The reason for the latter

30 TÓTH-BARBALICS. Indigenák a főrendiházban a dualizmus időszakában. In SZIJÁRTÓ, ed. *Az indigenák*. Budapest 2017, p. 195–205.

31 Magyar Nemzeti Levéltár Országos Levéltára (MNL OL), Polgári kori kormányhatósági levéltárak – K szekció, Országgyűlési Levéltár, Főrendiház, Elnöki iratok, K 3, bundle 14, 1885–236, Prime Minister Kálmán Tisza’s notes to the Presidency of the Upper House, 25. 9. 1885.

32 *Az 1884. évi szeptember hó 25-ére [! 27-ére] hirdetett országgyűlés főrendi házának naplója*. 2. Budapest 1886, p. 16 (8. 9. 1885).

may have been that not one of them was present on the May 1885 list of those having paid the census tax, even though in the cases of Count Zsigmond Berchtold (Sigismund Graf von Berchtold), Count János Harrach (Johann Nepomuk Graf von Harrach, Jan Nepomuk z Harrachu) and Duke Alajos Liechtenstein (Aloys Prinz von und zu Liechtenstein) there would have been cause for such.<sup>33</sup> In 1885 Duke Livius László Odescalchi (Livio Ladislao Odescalchi), who was also a member of the Italian Senate, and Duke Rezső Lobkowitz (Rudolf Prinz von Lobkowitz) both opted for Hungarian Upper House peerage. Lobkowitz' family had hereditary rights to peerage in the Austrian Upper House, but he himself was not a member of the Austrian legislature.<sup>34</sup> Through the process of opting, from the circle of *indigena* families with estates in Hungary, it was mainly the descendants who had poor chances of attaining membership in the Austrian *Herrenhaus* who chose the Hungarian Upper House. Beyond holding estates in Hungary, upbringing, studies and family relations also played a role in making this decision. Further, in some cases (e.g., Duke Rezső Lobkowitz) there was an emotional connection to Hungary.<sup>35</sup> The orientations of indigena aristocrats in 1885 were not always followed by their descendants. Éva Somogyi brings up the example of the Berchtold family, which was of Moravian descent and owned estates in Austria, Hungary, Czechia and Moravia. The family's choice between memberships in the Austrian or Hungarian legislature shifted from generation to generation.<sup>36</sup> At the same time, in the period from 1885 to 1918, I discovered only one case of opting. Count Ferenc Kinsky (František Josef Kinský), resident of Chlumeck (Czechia), sent a statement to Minister of the Interior Kálmán Széll in 1902 tendering his resignation from practicing his peerage rights in the Upper House.<sup>37</sup> The sections regulating opting in Act VII of 1885 thus did not become a part of regular practice. The Act demanded a statement within six months of having turned 24 years old, which was not practicable, given that the reaching of majority age in both Austria and Hungary did not provide an automatic opportunity to practice upper chamber membership. Opting also demanded

33 LŐRINTEI, ed. *Magyarország nagybirtokosai*. Szatmár 1893, p. 11, 14; *A Magyar Korona országainak mezőgazdasági statisztikája. 2. Gazdaczimtár*. Budapest 1897, p. 56, 96, 112, 420. Harrach was a member of the Czech and Austrian legislatures. Liechtenstein was active in Austrian politics. *Österreichisches biographisches Lexikon 1815–1950*. 1–16. Bd. Wien 1957–2019, 2. Bd., p. 190–191, 5. Bd., p. 203–204.

34 ERBA-ODESCALCHI. *Testamentum. Életem regénye*. 2. Budapest 1991, p. 275; MNL OL, K 3, bundle 72, 1885–312.

35 TÓTH-BARBALICS, Indigenák a főrendiházban, 208. p.

36 SOMOGYI. A magyar honos diplomaták nemzeti háttére. In SOMOGYI. *Hagyomány és átalakulás. Állam és bürokrácia a dualista Habsburg Monarchiában*. Budapest 2006, p. 189–190.

37 MNL OL, K 3, 42. bundle, 1902–902.

too high a sacrifice: it demanded that high nobles at the outset of their careers not only give up (for life) membership in other upper chambers, but in other representative assemblies as well.<sup>38</sup>

### **Families with no male heirs and new families with hereditary rights**

Of the 230 families<sup>39</sup> comprising the Hungarian high nobility in 1885, by 1918 32 families had reached the end of their male lines.<sup>40</sup> Following the reform of the Upper House the practice of having hereditary peerage rights an automatic part of being granted high nobility rank came to an end. After this peerage was granted through the recommendation of the Council of Ministers, with special Royal donation, for persons deemed worthy, who met the property census condition and had Hungarian citizenship. From the fall of 1885 to the end of 1918, 45 descendants of 32 families were granted hereditary Upper House peerage rights. A further four persons, who were relatives of those with high nobility rank, had the rank transferred or widened to attain hereditary peerage rights. In the case of 14 high nobles who already had hereditary peerage rights, a rise in rank was accompanied by once again attaining hereditary peer status rights (Elemér Lónyay rose in rank twice: he was granted the title of Count in 1896, and of Duke in 1917). In this same time period 158 persons were granted upper noble rank without hereditary peer rank (including five who, years after being named Barons, received hereditary peer status, while the son of one other received the same).

The highest number of hereditary peer titles was granted in 1895–96, when ten families were involved. The donations served to celebrate the one-thousandth anniversary of the existence of Hungary (the Millennium).<sup>41</sup> In the background of this decision, however, lay the government's failure to complete negotiations on bills on church policy, given the resistance of the conservative Catholic high nobles and the Catholic Episcopacy.<sup>42</sup> At the end of the period, at the coronation

38 TÓTH-BARBALICS, Indigenák a főrendiházban, p. 204.

39 Based on Act VIII of 1886 and the list of those invited to the Upper House in the period 1861–84.

40 1885–1915: MNL OL, 1526 utáni gyűjtemény, Hazai címereslevelek, R 64, item 9, Register of high nobles with hereditary rights, 1916–1918, Reports of the Upper House accreditation committee.

41 JÄGER-SUSTENAU. Az 1700 és 1918 közötti magyarországi nemesítések társadalomtörténeti statisztikája. In KÖVÉR, ed. *Magyarország társadalomtörténete. 1. A reformkortól az első világháborúig. 2.* Budapest 2002, p. 16; McCAGG. *Jewish nobles and geniuses in modern Hungary.* Boulder 1972, p. 393; HALMOS. Rangemelések a Habsburg Monarchiában. A rendi kontinuitás statisztikai elemzési lehetőségei az újnemesek és a gazdasági elit példáján. In Á. VARGA, ed. *Vera (nem csak) a városban. Tanulmányok a 65 éves Bácskai Vera tiszteletére.* Szombathely 1995, p. 470.

42 MNL OL, Polgári kori kormányhatósági levéltárak – K szekció, Miniszterelnökségi Levéltár,



of Charles IV as King of Hungary, a large number of hereditary peer ranks was once again granted.<sup>43</sup>

Generally, when donating hereditary peer membership, even though there was no numerical restriction for the government, thanks to the expected resistance of the King, short term political aspects were less important when appointing members for life. Even so, of the persons granted hereditary Upper House peerage between 1885 and 1918, more than a third were representatives of the governing party. Through their new granted rank, among hereditary peers, generally only one or two descendants practiced their membership in the Upper House at the same time, and as such the government's base of support had a limited number of members. The relatively low number of such members is also related to the fact that political trustworthiness as a condition for selection was accompanied by other heavily weighted conditions. Given the necessary land census tax condition for gaining membership, appointees could only be large land owners. However, the government recommended – from its own circles – hereditary peerage exclusively for families which were had relations with the old aristocracy and had integrated with its lifestyles, which significantly reduced the pool of potential members of those with Israelite backgrounds, only those persons who followed the defined path of assimilation (simultaneously adopting the Hungarian language, conversion to Christianity, having relations with the old aristocracy and holding estates long-term) could attain hereditary peerage.<sup>44</sup> The above explain why the modest increase in the granting of high noble rank just after the turn of the century, and the more marked increase from the 1910s, were not accompanied by an increase in the donation of hereditary membership. After the turn of the century, beyond merchants and industrialists, it was primarily soldiers, diplomats, lord-lieutenants and national assembly representatives who were promoted to the rank of baron, and none of these groups were likely to hold large estates. During the war ranks unaccompanied by hereditary peerage rights were largely granted to reward military achievements.<sup>45</sup>

From 1840 on there were no donations of *indigenatus*, and this was also banned by law from 1879. Of the families granted hereditary membership rights between 1885 and 1918 only three (Trauttenberg, Wimpffen, Woracziczky) were such that the descendants benefiting from the donation were not citizens born

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Központilag iktatott és irattározott iratok, K 26, bundle 338, 1895-176, Prime Minister Count Dezső Bánffy's submission for the granting of titles, 14. 4. 1895.

43 MNL OL, K 26, bundle 1094, 1917-I-103, Prime Minister Count István Tisza's submission for the granting of titles, 30. 12. 1916.

44 TÓTH-BARBALICS. Vigyázó, Harkányi, Żeleński és társaik. 1885 után örökös főrendiházi tagságot nyert családok. In GERGELY, ed. *Vázlatok két évszázad magyar történelméből*. Budapest 2010, p. 77-78, 81, 83.

45 JÄGER-SUSTENAU, Az 1700 és 1918 közötti, p. 16-17.



in Hungary. In their cases, according to the regulations in Act VII of 1885, the King's decision had to be accompanied by approval by the legislature.<sup>46</sup>

### Summary

Through the 1885 reform of the Hungarian Upper House the connection of hereditary peerage rights to land ownership and the rewarding of individual action in public affairs with lifelong peerage was a unique characteristic related to the bourgeois age. At the same time many groups with roots in feudalism maintained their membership. The land census and to a lesser degree the practice of opting meant that in 1885 more than 70% of hereditary peers and about half the families fell out of the Upper House. The change, in terms of proportions, turned out to be long-term, and in the ensuing period the return of former members and the dropping out of members were at low levels. Despite the decrease in the numbers of high nobles with hereditary rights, the institution maintained its aristocratic character, and hereditary peers continued to form the largest group in the House. At the same time the reform of the Upper House decreased the opportunity for conservative aristocrats to block majority votes for certain of the government's liberal bills. This is shown by the fact that compared to the 1883–84 period, in 1894–96 they were only able to block the introduction of church policy reforms temporarily. After 1885 the membership rights of groups within the Upper House (whether direct or indirect) were almost without exception based on appointment by the King or King's grants. As a result (given the nature of the system of government) the governments had a high degree of influence in the granting of peerage rights. On the other hand the government's tools to influence the composition of the membership were limited. In Austria the appointment of lifelong membership was not limited until 1907 (although mass appointments, "Pairsshub" never occurred), and further, the invitation of hereditary members was a prerogative of the Emperor. In Hungary the number of lifelong appointments was limited, and there were theoretical and practical reasons that mass donations of hereditary rights did not take place. The growing proportion of new elite groups in the circle of those granted membership for life was countered by the observable tendency in granting hereditary peerage whereby, after 1885, old traditional noble families, or families related to them, were granted hereditary rights along with high nobility ranks.

*Translated by Frank Thomas Zsigó*

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46 TÓTH-BARBALICS, Vigyázó, p. 76; TÓTH-BARBALICS. *A magyar országgyűlés a dualizmus korában II. A főrendiház (1865–1918)*. Budapest 2021, p. 214.

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