ISTVÁN BIBÓ*

(1911–1979)

I. Biography

When examining István Bibó's relationship with Szeged, different periods can be considered. In 1925, the appointment of his father as director of the Szeged University Library made the then 14-year-old son a resident of Szeged. This period came to an end a decade later, after his doctorate, his various study trips to Europe and the death of his father in 1935. If we take into account his affiliation to the University of Szeged, this marks a new era of his 'Szegedness'. 2 Accordingly, his student status began in 1929 and lasted until 1934, but in June 1940 he was habilitated as a tutor at the University of Szeged, and then followed the university back to Kolozsvár, although he had been working at the Ministry of Justice since December 1938. After the Second World War, he was moved back to Szeged, where the Minister of Religion and Public Education appointed him the head of the Department of Politics as an ordinary public lecturer in August 1946. He held this status until September 1950, when the Ministry relieved him of his duties and transferred him to the reserve staff. But his connection to Szeged in the broadest sense can be said to be, above all, of an intellectual nature. The "Szeged School of Legal Philosophy" created by Gyula Moór and Barna Horváth had an inspiring influence on the formation of his academic thought from the time he was a student. He always considered his membership to this neglected moral and intellectual community - as is clear from his correspondence with his fellow academic and fateful friend József Szabó⁴ -genuine. As István Szentpéteri said: "In addition to Szeged's increasingly renowned university, some of the youth movements and organizations that

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Main literature used for István Bibó's biography: KENEDI JÁNOS: Bibó István életrajzi adatai [Biographical Data of István Bibó]. In: Bibó István összegyűjtött munkái. 4. köt. [Collected works of István Bibó. Vol 4] Press release by: Kemény István és Sárközi Mátyás. Bern: Európai Protestáns Magyar Szabadegyetem. 1981. furthermore: Bibó-emlékkönyv II. [Bibó Memorial Book II] Budapest, Századvég, 1991. HUSZÁR 1986. HUSZÁR 1989. LITVÁN – S. VARGA 1995. H. SZILÁGYI 1992.

Major literature dealing specifically with the relationship between Bibó and Szeged: RUSZOLY 2014. RUSZOLY 2012. SZABADFALVI 2013, 1–2. SZABADFALVI 2011 SZENTPÉTERI 1989. SZENTPÉTERI 1989, 3.

³ RÉVÉSZ 2017.

⁴ RÉVÉSZ 2016.

embodied civic progress were nationally known and recognized. István *Bibó* lived and was formed in this environment during the years when the characteristic traits of his personality began to emerge."⁵

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"István *Bibó* did not write an autobiography." At least this is how Tibor *Huszár* explained in the introduction to his 1989 volume why it was necessary to bring to public attention all the documents, fragments, biographical conversations that could fill this gap.⁶ An autobiography for the public can indeed be seen as an imperfection from the Bibó oeuvre. But since he spent almost the entire period of his employment as a public servant, he was obliged by bureaucratic requirements to write his biography permanently, and his application for a wide variety of grants and scholarships required him to compile his life story. It is another matter to ask what has been preserved in the various archives.

The archival discipline is probably the strictest in the records of any secret service. Thus, since István *Bibó* was a "target" of the state security agencies from the time of the proceedings initiated against him on 23 May 1957 for its role during the revolution until his death⁷, his biography, written at the beginning of the proceedings, was kept in the most secure place. At his first interrogation on 24 May 1957 – his occupation was described as "bookkeeper (former Minister of State)" – the Major of the Political Investigation Department of the Ministry of the Interior⁸ asked him to present his curriculum vitae. What was said at this time is safely preserved for posterity in the minutes and the archives of the Ministry of the Interior.⁹

"I was born in Budapest in 1911. My father was a librarian and museologist. In 1925 my father was appointed library director in Szeged. I graduated in Szeged in 1929, and in 1933 I received a doctorate in law and political science. With the Magyary scholarship, I spent a year studying in Vienna and then in Geneva. In August 1934 I was appointed as a clerk at the Budapest Court. In 1938, I was assigned to the Ministry of Justice, where I worked in the Legal Opinions Department. From 1935 I was connected to the youth circle of the March Front. At the meeting held in 1937 or 1938, I was a founding and supervisory committee member of the people's front-covered organization "Mix" [sic! - MIKSZ:

⁵ SZENTPÉTERI 1989, 42.

⁶ Huszár 1989, 5.

⁷ Gyarmati 2013, 1.

József Bodrogi, the first investigating officer in the case against István Bibó, had worked in the police since 1945, and from 1948 at the State Protection Authority. From 1957 he was Deputy Head of the Political Investigation Department of the Ministry of the Interior, but he conducted the interrogation of István Bibó as a major in the Investigation Department. In 1962 he was removed from the Ministry of the Interior on disciplinary grounds, and two years later he was appointed head of the Administrative Department of the Hungarian Cable Works. Állambiztonsági Szolgálatok Történeti Levéltára Állambiztonsági archontológia [Historical Archives of the State Security Services State Security Archaeology] [https://www.abtl.hu/ords/archontologia/f?p=108:1- Downloaded on 03.12.2019.]; HORVÁTH 2013, 1–2.

⁹ Jegyzőkönyv Bibó István 1. kihallgatásáról [Minutes of the first hearing of István Bibó]. Budapest, 1957. május 24.-én. BM II: Főosztály VIII. Osztály. Bibó István és társai. ÁBTL 3.1.9. V-150003/34. The part of the testimony published here is taken from pages 28-29 of the minutes, since the text first published in the volume A fogoly Bibó István vallomásai az 1956-os forradalomról [The Testimonies of the Prisoner István Bibó on the 1956 Revolution] (edited by Katalin S. Varga, Budapest, 1996) differs from the original minutes in some points.

Művészek, Írók, Kutatók Szövetkezete {Artists, Writers, Researchers Cooperative} – R. B.]. On 16 October 1944, I was arrested by the Arrow Cross in the Ministry of Justice for left-wing conspiracy and issuing anti-Jewish identity cards, then I was handed over to the Gestapo, which sent me back to the Ministry of Justice, where I was set free by the Arrow Cross minister. During my arrest, I was interrogated by an Arrow Cross leader of the Justice Department named Szatmári. My interrogation concerned the exemption certificates, why I had issued them. I spent the siege in Pest, at 28 Ráday Street. Liberation caught me in Budapest on 15 January 1945. At the end of February 1945, I was called to public administrative work in the Ministry of the Interior established in Debrecen. I took part in the democratic reorganization of the public administration, in the work of the preparation of the internal law, especially in the preparation of the electoral law of 1945 and its technical implementation. From December 1945 to the summer of 1947, I was engaged in political journalism in several articles, mostly published in the newspapers Valóság and Válasz, in which I argued in favor of a people's front, coalition democracy and against the one-party system. In the summer of 1946, I was appointed by the government as an ordinary public lecturer of constitutional and public administration studies at the Faculty of Law of the University of Szeged. In 1947, in addition to the university teaching position, I was appointed Vice President of the Institute of East European Studies. This post was abolished in the autumn of 1949 with the reorganization of the Institute. In the autumn of 1950, I was appointed to the reserve staff as a university lecturer. In January 1951, I was appointed librarian at the University of Budapest and subsequently promoted to the post of library researcher.

After 1948 I did not engage in political journalism. I have been a member of the National Peasant Party since 1945, and my last political activity was to make speeches for the National Peasant Party in rural towns, Szekszárd, Kaposvár, Nagykanizsa, Zalaegerszeg, at intellectual meetings during the 1947 elections. During the period following the elections until 30 October 1956, I did not engage in political activity. On 30 October 1956, I was elected a member of the NPP [Nemzeti Parasztpárt {National Peasant Party} – R. B.] Steering Committee in my absence. On the afternoon of 2 November 1956, at a joint meeting of the NPP leadership, I was nominated as a minister on a conditional basis in case the Peasants' Party should be given a second ministerial portfolio. I was appointed Minister at noon on 3 November 1956, but I did not enter the Parliament until the next day at dawn, on-call, and left at noon on 6 November."

The interrogation report accurately reflects the understandably defensive nature of Bibó's testimony. The emphasis on his involvement in the Ministry of Justice's actions to save Jews¹⁰, the details of his persecution by the Arrow Cross, and the evasion of the repeatedly voiced theme of the danger of dictatorship during the coalition period, were all intended to counter the probable accusations that would have been presented to him in the Imre *Nagy* trial verdict: "a determined, extremist representative of the bourgeois restoration."¹¹

For the activities of the Ministry of Justice led by Gábor *Vladár* during the *Lakatos* government (29 August 1944 – 16 October 1944) – including the role of István Bibó – see RÉVÉSZ 2019, 137–152. DÉNES 2013, 4.

¹¹ Ítélet Nagy Imre és társai bűnperében. Az Igazságügyminisztérium közleménye a Nagy Imre és társai ellen lefolytatott büntető eljárásról [Judgment in the Trial of Imre Nagy and Others. Ministry of Justice Statement on the Criminal Proceedings against Imre Nagy and his Associates]. Az MTI jelenti. Népszabadság, Issue on 17 June 1958, 3.

If, however, we look not at his testimony, which was written for "official use", but as the details of his (auto)biographies, ¹² written many times and in many different ways, we clearly see a picture of a committed intellectual, who intended to put himself at the service of scientific research.

Although István Bibó did not become a member of the Szeged Young Art College during his university years, 13 nor did Ferenc Erdei, they maintained good relations through their good friend, Béla Reitzer, who worked diligently in the enthusiastic and proactive society led by György Buday, in "the enhancing community", as Miklós Radnóti called them.¹⁴ His academic interest developed during his university years in Szeged, especially when he had lectures on legal theory by Barna Horváth and international law by László Búza and he had the possibility to work in their seminars for several years. In 1933 he obtained a doctorate in law and in 1934 a sub auspiciis doctorate in political science. He spent the academic year 1933/34 in Vienna. He attended lectures on legal theory and international law given by Alfred Verdross and had the opportunity to read his works at Verdross' seminars. In 1935, with special paid leave and a state scholarship of 2,280 pence, he attended lectures on political history by Guglielmo Ferrero and on international law by Paul Guggenheim and Hans Kelsen at the Institut Universitaire des Hautes Études Internationales in Geneva. His first major work on international law, the Szankciók kérdése a nemzetközi jogban [Question of Sanctions in International Law], was published in 1934,15 followed in 1935 by his important study on legal theory, A kényszer, jog, szabadság [Coercion, Law, Freedom]. 16 In October of that year, he participated in the second congress of the Institut International de Philosophie du Droit et Sociologie Juridique, commissioned and supported by the University of Szeged, and in Budapest, he was elected a member of the Hungarian Society for the Study of Law and Social Sciences, of which he later became a clerk.

In 1934, he was removed as a law clerk at the Budapest Court of Justice, then as a court clerk, he was transferred to the Ministry of Justice, where he was mainly engaged in drafting legal opinions until 16 October 1944.¹⁷ Little is known of his official work, and few records of his service have survived. "While the external life history suggests the figure of a middle-class young man embedded in the existing power structures, the letters he wrote in these years reveal the figure of a radical social reformer deeply dissatisfied with the status quo and seeking an active political role."¹⁸

In June 1936, he was again granted special leave, because of having been awarded a Carnegie Fellowship by the Académie de Droit International in The Hague. At the summer open university on international peace, he attended, among others, the lecture by Dag *Hammarskjöld*, who later became the second Secretary-General of the United Nations.

The Szeged Youth Art College was a youth grouping formed in the 1930s, mainly of students of the Faculty of Arts, with a scientific and artistic objective. They are also credited with setting up the first organized college village study group. CSAPLÁR 1967.

¹² Supra note 1.

¹⁴ PÉTER op. cit.

¹⁵ BiBó 1990, 5–52.

¹⁶ BiBÓ 1935.

¹⁷ RÉVÉSZ 2018.

¹⁸ Kovács 2004, 299.

In June 1940, the Faculty of Law and Political Sciences of the University of Szeged habilitated him as a private tutor in legal philosophy, but his habilitation was transferred to the University of Kolozsvár, where he gave private lectures on legal philosophy of the 20th century in the second half of the academic year 1941/42. He applied for the chair of Social Theory at the Faculty of Humanities of Pázmány Péter University in Budapest and prepared a syllabus and timetable for four semesters. In addition to general sociology, the draft, which was divided into major and specialized colleges of social theory, included topics such as: "The history of the national idea and the social theory of the national community"; "The social function of the elite"; "The social theory of Marxism"; "The development of European society and the Christianity", and sociological issues of Hungarian society: "The Hungarian peasant-society"; "The social ideal of the gentleman and the position of the gentry in society"; "The social theory of the minority question"; "The social role of public administration in the Modern Era", etc. However, his draft was not accepted by the Faculty of Humanities, and the chair was filled by someone else. At the University of Kolozsvár, he gave private lectures on the theory of legal sources and the majority of social power (plurality) and the separation of state powers in the second half of the academic year 1943/44.¹⁹ He also gave lectures regularly at the Györffy College: in February on the crisis of the birth order, in March on the gap between democratic and fascist Europe, etc. He drafted a petition for a pardon for Ferenc Erdei, who was sentenced to two months' imprisonment, and through his intervention Erdei had his sentence reduced.²⁰ Co-editor of the Magyar Jogi Szemle [Hungarian Law Review], which he resigned from for reasons of principle after the German occupation of Hungary. He prepares a "Draft Peace Offer" to remove obstacles to resistance to the Nazis. 21 This document, containing a description of the situation and a program of action, sees the principal obstacle to the broadening of resistance is the mutual fear of the working and middle classes, but because of the difficulties of reproduction the distribution of this document is prevented. On 16 October 1944, he was arrested at the Ministry of Justice for left-wing behavior and for issuing exemption certificates, then he was handed over to the Germans, who returned him to the Hungarian authorities a few days later, and he was soon released.

His friend Ferenc *Erdei*, as Minister of the Interior of the Provisional National Government in Debrecen, wrote a letter to the Prime Minister at the end of February 1945, requesting that István *Bibó* be transferred from the Ministry of Justice's reserve staff to the Ministry of the Interior as a Ministerial Advisor. After the government moved to Budapest, he took over the Department for the Preparation of Legislation. Together with Ferenc *Erdei*, they worked on the reform of the county system,²² and he was the National Peasant Party's delegate to the Legal Reform Committee.²³ He was a key participant in the preparation of the electoral law and the November 1945 elections. Opposed to the

¹⁹ The latter lecture series already indicates his growing interest in public law, political science, including democracy, the separation of powers and current affairs.

²⁰ То́тн 1986.

²¹ Hungarian Academy of Sciences Library manuscript catalogue, Ms 5109/225–226. First communication: SZILÁGYI 1983, 12.

²² GYARMATI 1989, 34. Written version of a lecture given at the Móra College in Szeged in the spring of 1989.

²³ The so-called Legal Reform Commission, a coalition-based advisory body to the Council of Ministers, was primarily intended to prepare the organizational reform of the public administration. GYARMATI 1991, 139.

official opinion he was against the expulsion of Germans in Hungary.²⁴ For the next three years, he gave lectures on political theory, the political situation, state life and public administration in various cities of the country, at the invitation of various social organizations, almost every two weeks²⁵.

After the interruption in the legal continuity of the Franz Joseph University in Kolozsvár, the reorganization of the Faculty of Law in Szeged started between June and September 1945. Politics remained one of the sixteen departments authorized by the government. At the Faculty Council meeting on 4 December 1945, the Faculty proposed the appointment of István Bibó to the chair. Bibó was then a ministerial adviser and later head of a department at the Ministry of the Interior. For this reason, and also because of the lengthy appointment procedure, Bibó did not start teaching in the first post-war academic year in Szeged. In the spring of 1946, the University of Debrecen also invited Bibó to take up the vacant head of the Department of Politics at the University of Debrecen. In his response that he does not accept the position, he referred to the importance of his position at the Ministry of the Interior, but he mostly rejected the opportunity because of the invitation from the University of Szeged²⁶. In July, he left the Ministry of Interior to become a professor at the Faculty of Law and Political Sciences at the University of Szeged. His return was welcomed by a warm letter adopted at a meeting of the Faculty of Law: "It is true that it is a good and great task to be active in an important - one might say key - position in the life of the state. But if it is true that the power of love is a more enduring value than the love of power, then there is nothing more beautiful and uplifting than the academic vocation, which is essentially a vocation of devotion and giving."²⁷ As a public ordinary lecturer at the university in the academic year 1946/47, Bibó took over the five-hour-per-week lectures on politics at the main college. His twohour-per-week minor courses: Introduction to Political Science and The Problems of Democracy were closely linked to the Department's teaching profile, but as a substitute, he also taught international law temporarily.

At the beginning of 1947, he gave his inaugural lecture at the Academy of Sciences entitled The Separation of Powers, Then and Now. In September, the Minister of Religion and Public Education entrusts him with the position of Vice President and Director of the Pál *Teleki* Institute of Eastern European Studies, established in 1941, and appoints him Director of the Institute of Social Sciences. During this period, he is permanently released from his teaching duties in Szeged, he is substituted in lecturing and examinations at the main college, but he continues to lecture at the minor colleges and perform other university duties. Thus, *Bibó* continued to give lectures on Freedom, Representation, Self-Government (1947/48, Semester I), Legitimacy (1947/48, Semester II), Modern Theories of the State (1948/49, Semester I), The Development of European Nations and the Nationality Question (1948/49, Semester II), and Administrative Territorial Planning (1949/50, Semester I).

In September 1949, the East European Institute of Science was abolished and his appointment as Director and Vice-Chairman came to an end. In mid-November, he was

²⁴ FÜLÖP 19??, 12. KUPA 2016.

²⁵ According to his own records, he gave a total of 86 lectures between 1945 and 1948. LITVÁN – S. VARGA 1995, 334–338.

²⁶ For correspondence with the University of Debrecen, see HUSZÁR 1898, 331–332.

²⁷ Ruszoly 2014, 458.

downgraded from a corresponding member of the Academy to a "consultative member". During 1949, György *Antalffy* was accepted by the Hungarian Scientific Council²⁸ as a public extraordinary lecturer in the Department of Politics and was appointed as a professor to Szeged from 1 February 1950.²⁹ In September of the same year, György *Antalffy*, now Dean of the Faculty of Law, invited Bibó to submit his application for retirement. A month later, he was transferred to the reserve staff of the University of Szeged, and his post was terminated on 31 December.³⁰ From the beginning of the following year, he was employed as an independent librarian at the University Library in Budapest.³¹His employment officially lasted until the end of 1958. After the publication of his study on the Jewish question in 1949³², he had no publications in Hungary until 1973.

Today, the most interesting part of his biography is not related to his academic activities, but to his reengagement in 1956, and more specifically to his role in the government of Imre Nagy.³³ On 30 October 1956, he took part in the reorganization of the National Peasant Party, and from 1 November under its new name, the Petőfi Party. On 2 November, the party nominated him as a minister in the new, third Imre Nagy government, thus he was appointed Minister of State on 3 November. On 4 November, together with Zoltán Tildy, he negotiated with the Soviet troops occupying the National Assembly building, and on the same day, he issued a proclamation as the only representative of the legitimate government. He left the building only on 6 November and was relieved of his duties by István Dobi, President of the Presidential Council, on 12 November, when the Imre Nagy government was dismissed. The Budapest Central Workers' Council adopted his draft as the basis for their negotiations with the Kádár government³⁴. In early December, *Bibó* held talks with Indian Ambassador K. P. S. Menon and presented him with a document entitled Declaration on the Principles of the State, Social and Economic Order of Hungary and the Path of Political Expansion³⁵. Between February and April 1957, he drafted a study entitled Magyarország és a világhelyzet [Hungary and the World, which he managed to get to London, where it was published.

After the collapse of the revolution, it seemed for a moment that there was a chance for his peaceful return to the University of Szeged. At least this is what is revealed in a letter sent

According to the resolution of the Secretariat of the Hungarian Working People's Party adopted at its meeting of 1 July 1948, "The care of popular democracy for high culture is almost symbolized by the measure of the three-year plan to establish a National Scientific Council, whose task is to direct the scientific reconstruction and to unify the management of the scientific institutes. In this supreme scientific body, the idea of self-government of science on the one hand, and unity of science and nation on the other, is realized. The development of science is a matter for the scientists, but also for the nation, and for this reason a body should be established for the management of science, which, alongside the government, will manage the affairs of Hungarian science with the highest authority in the interests of the whole nation." A Központi Vezetőség Értelmiségi Osztályának javaslata Magyar Tudományos Tanács létesítésére [Proposal of the Intellectual Department of the Central Executive Committee for the establishment of a Hungarian Scientific Council.]. Ea. Kállai Gyula. National Archives of Hungary (hereinafter abbreviated: MNL) OL M-KS 276. fonds 54. bundle 3. 1. July 1948. Read more: KóNyA 1998.

²⁹ RÉVÉSZ 2003.

³⁰ Balogh 1999, 48.

³¹ Kereszturi 2010, 41–66.

³² Bibó 1949.

³³ Bibó ifj. 2011.

³⁴ Віво́ 1983, 62.

³⁵ See M. A. Rahman's summary report on the situation between 1 and 17 November 1956, dated 18 November 1956, 32–40.

by József *Szabó*³⁶ to *Bibó* at the end of January 1957: "I introduced the idea of setting up a Department of Public Administration in the faculty. Unfortunately, it met with immediate opposition from *Martonyi*. He claims that it is in public law. I pointed out to him that this seems to be a misconception, and that the two subjects are no more the same than financial law and finance, or constitutional law and politics. Nevertheless, he stuck to his position but promised to reflect on his own part on what administrative law discipline could be made autonomous. If you have any further ideas, it would be good to raise them as well..."³⁷

Instead of his hoped-for return to Szeged, however, *Bibó* was arrested at the end of May 1957 and sentenced to life imprisonment in early August 1958 for "crimes committed under the leadership of a conspiracy to overthrow the people's democratic state order". ³⁸ He began his sentence in Vác penitentiary but, after taking part in a hunger strike, he spent a year in the Márianoszta prison under more restrictive conditions from March 1960. With the amnesty proclaimed in March 1963, István *Bibó* also received a public pardon. ³⁹

Two months later, he was able to find a job as a research assistant in the library of the Central Statistical Office⁴⁰. Due to his deteriorating health in prison, he was retired at the beginning of 1971, at his request. During his retirement, he organized his work, undertook translations, and published small works. In 1976, he published in London, bypassing the Hungarian authorities, his A nemzetközi államközösség bénultsága és annak orvosságai [The Paralysis of International Institutions and the Remedies] in English.⁴¹ In 1974, he was unable to accept the invitation from the director of his old school, the Institut Universitaire des Hautes Études Internationales in Geneva, because his passport application was refused by the Ministry of the Interior. István *Bibó* died of a heart attack on 10 May 1979. He was buried in the public cemetery in Óbuda on 21 May. At his funeral, alongside Gyula *Illyés*⁴², János Kenedi gave the eulogy:⁴³ "Democratic thinking cannot be forced underground, because it is animated by all the demands that called István *Bibó* from the library room to a public role, and which are still alive after his silencing". This was the first open action by the opposition.

Bibó's spiritual resurrection was indeed imminent. It was upon the initiative of János Kenedi that a group of Hungarian intellectuals were preparing to compile a tribute volume to Bibó during his lifetime, for his upcoming 70th birthday. The tributes because of the celebrated author's death resulted in a memorial volume, which, after being rejected by a state publisher, was published in samizdat. Seventy-six authors commemorated István Bibó in essays, poetry and prose in the undertaking, which was one of the most important manifestations of opposition in Hungary in the early 1980s. The importance of the

³⁶ Professor József Szabó was removed from the University of Szeged in 1950 at the same time as István Bibó, but he managed to return to the Faculty of Law in 1956 as head of the Comparative Constitutional Law Department. RÉVÉSZ 2013.

³⁷ Szabó József levele Bibó Istvánnak 1957. január 24. [Letter from József Szabó to István Bibó 24 January 1957.] MTA Kézirattár MS 5118/3-10. 8. fonds. First communication: RÉVÉSZ 2014, 380.

³⁸ A Bibó-, Göncz-, Regéczy-per ítélete. (gépirat) [The Bibó, Göncz and Regéczy Trials. (typescript)] Budapest, (s.n.) 1958. 44.

³⁹ ZINNER 2012, 125.

⁴⁰ NEMES 2011. Furthermore: KERESZTURI 2010. 72–81.

 $^{^{41}}$ Bibo 1976. Bibó 2011. Schweitzer 2015. Kurdi 2012.

⁴² ILLYÉS 1979, 6. Búcsú Bibó Istvántól [Farewell to István Bibó], Tiszatáj 1979/7. 143–144.

⁴³ KENEDI 1992, 227.

memorial book was further enhanced by the fact that it was born out of a collaboration between the popular and urban opposition.⁴⁴

II. Academic work

István *Bibó* published more than half a hundred monographs and major studies, not counting small publications and book reviews, while after 1949 his publications were practically impossible to publish due to a ban on publication for almost a decade and a half. It would be rather embarrassing to try to force these works – or their authors – into the traditional classification of academic systematics. Of course, the question can be sidestepped, since it is sometimes said that he was the "last Renaissance man", a true polymath, or, more modernly, a true interdisciplinary academic. All this may be true, but Ferenc *Erős*'s remark is apt: "The Bibó's reception is shared today by several disciplines. The oeuvre has become a hunting ground for historians, political scientists, lawyers and politicians." In other words: it is the work itself that is worth dealing with, rather than its genre classification.

There is no doubt that István *Bibó* was the greatest, also internationally recognized democratic political thinker of the 20th century. After his initial writings on legal philosophy and public administration, his post-1945 studies are still important pillars of modern social science thought. In his arguments, he crossed the canonical boundaries of philosophy, political science, social, economic, political, democratic, state history and theory, public administration, political psychology, and social psychology with an ease that was self-evident, always identifying with the terms that humanist moral postulates. It was precisely in this respect that Gábor *Kovács*, for example, saw as decisive the Bibonian method of approaching political problems, the essential element of which was the application of a very strong social-psychological vision.⁴⁶

His ideas about his academic future were formulated early on: "I imagined my own career path... as first trying to reach the position of university professor by making use of the opportunities around me and to gain the relative independence from which public life and politics could be then made. Because ultimately I always wanted to do politics..." ⁴⁷ The failure of his ambitions was sometimes explained by his naivety⁴⁸. According to Mihály Vajda, the basis for this may have been Bibó's conviction that "moral order is not only a necessary condition for a livable world, but is also present in the world, and there is no force that can permanently undermine this order." Moreover, Bibó was also aware that practical politics is the art of compromise, but a compromise that does not mean abandoning principle and does not destroy the political identity of the compromiser. These moral conditions, as his career has shown, have always determined his relationship

⁴⁴ RÉZ ET AL. 1991.

⁴⁵ Erős 2013, 247.

⁴⁶ Kovács 2004, 299.

⁴⁷ Huszár 1989, 30.

⁴⁸ BiBó ifj 2013.

⁴⁹ Vajda 2008, 3.

to political practice in the circumstances in which he has found himself in a position of decision as a result of historical developments.⁵⁰

From the beginning of his university years, his academic career was generously supported by Barna *Horváth*, an internationally renowned professor of legal philosophy and a good friend of his father. He supported him in his seminar lectures, helped him with his publications and contributed greatly to his frequent scholarship applications abroad. The young István *Bibó* turned to legal philosophy under the influence of Barna *Horváth*. In his 1935 study, in Kényszer, jog, szabadság [Coercion, Law, Freedom]⁵¹that he submitted as a doctoral thesis, he applied the Barna *Horváth* synoptic method. Here he analyzed categories such as violence, value, and legitimacy. The element that later became the leitmotif of his entire oeuvre emerged from the field of thought defined by these three concepts: power. But another idea also emerged here, which runs through the entire oeuvre as a dominant motif: the need to exercise power underpinned by moral values.⁵²

The friendly relationship between the mentor and the apprentice does not, of course, influence the strict, objective evaluation of *Bibó*'s youthful academic work that Barna *Horváth* formulates in the petition in which Dezső *Keresztúri*, the Minister of Religion and Public Education, explains in 1946 why he considers István *Bibó* suitable for appointment as an ordinary public lecturer. In connection with his book *Kényszer, jog, szabadság [Coercion, Law, Freedom]*, published in 1935, he also stresses that, despite its virtues, it "has not yet provided a mature solution to the subject." Moreover, his characterization of *Bibó*'s thinking as "subtle intuition, witty reflection, even dialectic" is not meant as praise, but to emphasize that "his thinking is not rationalistic." He seeks coercion within a competing view of various regularities, and by freedom, he means the corresponding "conception of relations based on negative congruence" and "freedom from alien regularity", and finally, *Bibó* considers it characteristic of law that it simultaneously exercises the most objective – because it is the most predictable and foreseeable – coercion and realizes the most objective freedom.

He spent most of the academic year 1933/1934 in the library of the Institut Universitaire des Hautes Études Internationales in Geneva. During this period, he also wrote an important study on the law of war.⁵⁴

The most important scientific contribution of *Bibó*'s ministerial activities is his 1941 study entitled *A bírói és közigazgatási funkció szociológiájához* [*The Sociology of the Judicial and Administrative Function*].⁵⁵ Bibó accurately perceives the ambivalence between his status in an undemocratic system of government and his democratic thinking. It is only years later, in the Jewish Question, that he gives a theoretical explanation of this ambivalence: "*There was undoubtedly a European half of the Hungarian administration*,

⁵⁰ István Bibó came close to politics three times in his career. He first joined the March Front in 1937-38 through Erdei, then the National Peasant Party after 1945, and for the third and last time in 1956 he entered the world of politics. Kovács 2004, 297–298.

⁵¹ Supra note 21.

⁵² Kovács 2011.

⁵³ Proposal by Dr. Barna *Horváth*, professor, to the Minister of Religion and Public Education for the appointment of István Bibó as an ordinary public lecturer 1946. In: Huszár 1989, 332–341. Ruszoly 1992, 95–111. The submission is annexed to the study. LITVÁN – S. VARGA 1995. 343–350.

⁵⁴ Bibó 1936, 14–27.

⁵⁵ Bibó 1941, 136–143. (The study was not included in the four-volume Selected Studies.)

of the Hungarian clerks, whose legal rigor, professionalism and conscientiousness differed sharply and clearly from the other half of the Hungarian administration, which was imperious, dilettante and disrespectful of human dignity. This better part of the Hungarian public administration and bureaucracy tried to keep the application of the Jewish laws within the framework of the legal order and legal certainty, and at that time this was indeed the smartest and most correct thing to do."56

Half a century later, *Bibó*'s A magyar demokrácia válsága [The Crisis of Hungarian Democracy] outlined his vision of socialism as a decentralized, participatory economic democracy that did not exclude some form of the free market. In the situation of post-war reconstruction, he considered that "reconstruction has certain tasks which today can only be solved in capitalist forms, i.e. by increasing the sense of security, stimulating entrepreneurship, attracting capital, obtaining loans, etc." Bibó was thus an early and consistent advocate of a "Third Alternative" or "Third Way" 8, according to which "the fight against exploitation cannot mean, or even tolerate, the rejection of already established forms of political and public freedom." Thus, for Bibó, the "Third Way" was a specific way of expressing his eclectic, independent, radical vision of a socialism that is deep-rooted, decentralized and combines elements of nationalization, the free market and, in particular, workers' autonomy, and of an economic life from which domination through exploitation has been eliminated - all in a distinctively Hungarian way. 59

The idea of the obligations arising from the "gifts of small-nation status" reappears nearly three decades later in *Bibó*'s late essay *A nemzetközi államközösség bénultsága...* [The Paralysis of the International Community of States...]. ⁶⁰ What seems to be Bibó's most important idea in this work is that it should be acknowledged that principles that are correct in themselves can contradict each other in certain situations. In such cases, the solution is not to choose one or the other, but to try to find a mediation between the contradictory principles without adhering to any of them.

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Is István Bibó still topical? – the question is often asked. Perhaps only if we consider, above all, his way of thinking and the impartiality it expresses. His critics say that his specific analyses can often seem naive in a world that has changed so much. But his legacy is important for people in today's world, and even for politicians. First and foremost, it shows that political issues can be tackled with courage and without fear. The "revolution of human dignity", this peculiar Biboian category translated into the language of political philosophy, is nothing other than the process of the emergence of a democratic political personality. $Bib\acute{o}$ always stresses the fundamental role of a genuine political public sphere in this process of socialization. It is one of the most essential elements in the series of instruments that prevent democracy from degenerating into an oligarchic reality behind a democratic appearance.

"Historically speaking, we may say that the democratic forms of government have

⁵⁶ Bibó 1948. 637.

⁵⁷ Ibid. 47.

⁵⁸ Ibid. 77.

⁵⁹ MURAY 1994, 526.

⁶⁰ Supra note 41.

been the fairest forms of government of mankind and that the purposeful, rapid, successful effects and prosperities of tyranny have been marred by the tragedy of its collapse. It follows from all this that liberty and communal antipathy do not exist entirely through institutions representing fictions of the public will. The fact that a state has a parliament elected by the people does not tell us anything about the degree of freedom of that society. The freedom of society is determined by the extent to which and the methods by which the individual participates in the formation of social authority. Universal freedom can only be achieved through the freedom of small units [...]"⁶¹

III. His selected works

- 1. Mit jelentett a reformáció az emberiség számára? [What did the reformation mean for humanity?]. Egyházi Híradó, Issue on 10 November 1928, 2–3.
- 2. Pálosi Ervin: *A társadalmi törvények helye a természetben* [*The place of social laws in nature*]. Budapest, 1930. Társadalomtudomány 1932/1. 93–94. (review).
- 3. A nyílt tengeri légi kikötők kérdése [The issue of airports on the high heas]. Külügyi Szemle 1932/4. 392–394.
- A szankciók kérdése a nemzetközi jogban. [The question of sanctions in international law]. A M. Kir. Ferencz József Tudományegyetem Jog- és Államtudományi Intézetének Kiadványai 3.
- 5. Kényszer, jog, szabadság. [Coercion, Law, Freedom]. Acta Lietterarum ad Scientiarum Reg. Universitatis Hung. Francisco-Josephiane. Sectio: Juridico-Politica 8.
- Vas Tibor: Die Bedeutung der transzendentalen Logik in der Rechtsphilosophie. Szeged, 1935. Jog. 1935/2–3. 150–151. (review).
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- 11. Bohatec, Josef: Calvin und das Recht. Feudingen in Westfalen, 1934. Szellem és Élet (Cluj Napoca) 1937/1. 26–27. (review).
- 12. Balás P. Elemér: Az okozatosság büntetőjogi problematikája [The criminal law problem of causation]. Budapest, 1936. Szellem és Élet 1937/2. 64–66. (review).
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- 14. Etika és büntetőjog. [Ethics and criminal Law]. Társadalomtudomány 1938/1–3. 10–27.
- 15. A Code of International Ethics, Prepared by the International Union of Social Studies. 144. Oxford, 1937. Revue Internationale de la Théorie du Droit 1938/4. 358. (review).
- 16. Az Új Iskola egyesületi iskola. A Magyar Új Iskola Egyesület nyilv. jogú leánygimnáziumának Évkönyve az 1938–39. iskolai évről. [The New School – an association school. The Yearbook of the Hungarian New School Association's Girls' Secondary School of Open Law for the 1938-39 school year]. Budapest, 1939. 3–4.

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⁶¹ Bibó 2004, 153–154.

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