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## Discourses, political languages and basic concepts Ways of interpretation in the context of political discourses in late eighteenth-century Hungary

Since J. G. A. Pocock, one of the most important figures of the so-called „Cambridge School”<sup>1</sup> introduced it, the category of „political language” became an essential instrument of interpretation, first and foremost in the branch of intellectual history, which most precisely could be called the history of political discourse.<sup>2</sup> Pocock himself used the term in a rather loose sense: his inclination to make use of different expressions („political language”, „idiom”, „rhetorics”, „discourse”, or „paradigm”) demonstrates his pragmatic, practice-oriented attitude. However, the fact that he did not assign to these terms substantial meaning does not mean that they fully lack the common theoretical fundamentals. On the contrary, all of them point to one particular theory of historical meaning. A common characteristic of these terms is that they implicate a contextualist approach. This is principally built upon the idea of the priority of the relevant linguistic structures and to some extent the sets of social conventions behind them over individual intentions.<sup>3</sup> To illuminate this, we shall consider Pocock’s definition of political language, given by him in an important methodological study:

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- 1 Melvin Richter, „Reconstructing the History of Political Languages: Pocock, Skinner, and the *Geschichtliche Grundbegriffe*”, *History and Theory* 29 (1990) 38–70. (Particularly: 49–70.)
  - 2 John Greville Agard Pocock, „Introduction. The state of the art”, *Virtue, Commerce, and History. Essays on Political Thought and History, Chiefly in the Eighteenth Century* (Cambridge: Cambridge University Press 1985) 1–34.; idem, „The concept of a language and the *métier d'historien*: some consideration of practice”, *The Languages of Political Theory in Early-Modern Europe*, ed. by Anthony Pagden (Cambridge: Cambridge University Press 1987) 19–38.
  - 3 According to the (in some sense critical) definition of Mark Bevir, contextualists “see meanings as the product of the relevant linguistic contexts.” For them the „meaning of an utterance derives from things they describe variously as „epistemes”, „forms of discourse”, or „paradigms”. They believe that the meanings available to authors depend on the ways of thinking, writing, or speaking that exist in the community.” Mark Bevir, *The Logic of the History of Ideas* (Cambridge: Cambridge University Press, 2004) 34.

„When we speak of ‚languages‘ [...], we mean for the most part sub-languages: idioms, rhetorics, ways of talking about politics, distinguishable language games of which each may have its own vocabulary, rules, preconditions and implications, tone and style.”<sup>4</sup>

On the basis of this definition, we may realize that one of the most important features of the construct of political language is the notion of the priority of *langue* over *parole*. Pocock himself uses this binary opposition stemming from the structural linguistic theory of Ferdinand de Saussure to demonstrate the relationship between political languages as institutionalised modes of speech and utterances as communicative acts of historical agents. On the one hand, individual usages of particular elements of a given group of discursive instruments open the door to individual creativity. This means, that individual utterances effect and are capable of changing the system which makes them possible. On the other hand, these acts of utterances cannot be executed without this conglomerate of discursive-rhetorical elements. As Pocock himself points out,

„[...] one of the primary contexts in which an act of utterance is performed is that furnished by the institutionalised mode of speech which makes it possible. For anything to be said or written or printed, there must be a language to say it in; the language determines what can be said in it, but is capable of being modified by what is said in it; there is a history formed by the interactions of *parole* and *langue*. We do not say that the language context is the only context which gives the speech act meaning and history [...]; we say only that it is a promising context with which to begin.”<sup>5</sup>

Another important feature of political languages is closely intertwined with the above aspect of variability: their openness to modifications through utterances makes them to an eminent terrain of combination. In fact, in the textual reality „discursive units“ (identified as „political languages“, „idioms“, „rhetorics“, etc.) almost never can be observed in pure forms. One of the most important characteristics of political discourses is this polyglot nature of them, which – as we will see –, has fundamental consequences regarding their heuristic value.<sup>6</sup>

In different regional contexts, specific aspects of this general feature of political discourses became manifest. In early modern East Central Europe, the tendency to combine elements of various discursive-rhetorical traditions can be interpreted in a sense as a consequence of the fundamental role played by cultural transfer in shaping political

4 Pocock, „The concept of a language“, see fn. 2, 21.

5 Ibid., 20.

6 „Some languages succeed in driving out others; nevertheless political discourse is typically polyglot.” Ibid., 21.

discourses of the region. The *longue durée* reception of particular patterns of political thought stemming mainly from the European centers, mediated in the 18th century chiefly by German „discursive filters“, resulted in highly complex transmissive processes, on account of which one can discern the appearance of several forms of *Gleichzeitigkeit des Ungleichzeitigen* in the political discourses of the region.<sup>7</sup>

In what follows, I would like to demonstrate some cases of the fusion of different discursive-rhetorical perspectives in the late eighteenth-century Hungary. In order to give a detailed analysis about the possibilities of interconnections between complex semantic networks, the scope of analysis will be kept on the textual level, and passages as basis for these investigations will be taken from one particular political text. Evidently, in the course of a textual analysis of sorts, the heuristic device of political language offers itself as a useable interpretative tool. However, the current state of research makes possible the employment of this category in the Hungarian context only in a restricted form, wherein only a few empirical researches on political languages are available.<sup>8</sup> By consequence, we cannot say, that the political languages identified in the Hungarian context meet fully the Pocockian criteria of historical validity: proving their contextual relevance on an extensive textual basis (in order to become confident, that they are not merely the „historians fabrications“, but „known and recognised resources“ of a given „community of discourse“)<sup>9</sup> is still to be waited for. According to this, in the following examinations I will bring into play the term first and foremost concerning particular passages, where the language of the ancient constitution or the special Hungarian variant of republicanism seem to be

7 From the perspective of the East Central European discourses of patriotisms in early modern times, Balázs Trencsényi and Márton Zászkaliczky summarize these processes as follows: „[O]ne can discern a set of key factors that made the discourses of patriotic and national allegiance regionally specific. One such aspect is the fundamental role played by cultural transfer in shaping the local discourses of identity. In East Central Europe [...] [o]ne such factor is the lack of roots of the medieval and early modern polities in classical antiquity and the equally important absence of the mediation of classical symbols and ideological patterns by the Carolingian Empire. In addition, we can speak also of a permanent exposure to various European centers creating an interference between the French, Italian and German influences which led to fusion of spatial, temporal and ideological horizons rarely seen in Western European contexts.” Balázs Trencsényi–Márton Zászkaliczky, „Towards an Intellectual History of Patriotism in East Central Europe in the Early Modern Period”, *Whose Love of Which Country? Composite States, National Histories and Patriotic Discourses in Early Modern East Central Europe*, ed. by Balázs Trencsényi, Márton Zászkaliczky (Leiden–Boston: Brill 2010) 1–72. (The quotation: 45.)

8 Stemming from the anglophone historiographical context, the category of political language proved to be adaptable to different national historiographies with diverse methodological and theoretical traditions. One of the most important attempts to reconstruct the outlines of the main political languages in early modern Hungary is that of the Hungarian literary historian József Takáts. He distinguished altogether four political languages identifiable in Hungarian political discourses in the late eighteenth century: republicanism (*republikanizmus*), ancient constitutionalism (*ősi alkotmányra való hivatkozás nyelve*), the language of politeness (*csinosodás*) and the idiom of enlightened government (*felvilágosult kormányzás*). József Takáts, *Modern magyar politikai eszmetörténet* [The history of modern Hungarian political thought] (Budapest: Osiris 2007), 12–21. However, he used for his investigations only a limited corpus, which means that the strength of his model lays not in its empirical well-foundedness, but rather in its heuristic value: it can serve chiefly as a starting point for the further empirical researches.

9 See for this Pocock, „The concept of a language”, see fn. 2, 27.

relevant: since the Hungarian political discourses were prevailed by the political culture of the estates, it seems to be plausible to presuppose, that regional versions of these discursive traditions played a crucial role in the political argumentations in the period.<sup>10</sup>

To compensate this limited analytical potential of political languages in the special Hungarian context, in the following examinations I will also take into consideration some aspects of another theoretical framework of utmost importance. The term „(basic) concept“ in the title is meant to be used as an explicit terminological-historiographical allusion, which refers to one of the most important heuristic tools of the Koselleckian *Begriffsgeschichte*, the distinction between words and (basic) concepts.<sup>11</sup> In order to reveal and explain the complex interrelations between the relevant discursive-semantic layers in the text to be examined, an analysis of the semantic networks of the most important basic concepts in it will also be required.

## 1 Who is the true patriot?

„Not only Nature but even the Lord of Nature says: when you break the smallest detail of the Law, you are breaking all of the Law. So, no matter why we make a distinction between different kinds of law, on account of bias, envy, wrongful self-interest, laziness or zealotry, passions all of which are capable of tearing to pieces the sacred ties of human society [*emberi társóság*], we should not select between them. Oh, it is true that the person, who is able to observe the violation of the law made for the benefit of a Compatriot of the lowest birth without any worries, and even more who practises it himself, he does not love his Fatherland

10 Several attempts of description and explanation of particular political languages in the Hungarian context are already available. On republicanism, see for example Ágoston Nagy–Milán Pap (eds.), *Klasszikus és modern republikánizmusok: Eszmetörténeti tanulmányok* [Classical and modern republicanism: Studies in intellectual history] (Budapest: Ráció Kiadó 2019) (in press). Important case studies about various political languages and discursive traditions can be found in: Gergely Tamás Fazekas–György Miru–Ferenc Velkey (eds.): *„Politica philosophiai okoskodás” Politikai nyelvek és történeti kontextusok a középkortól a 20. századig* [„Political-philosophical reflections” Political languages and historical contexts from the middle ages to the 20th century] (Debrecen: Debreceni Egyetem 2013). Nevertheless, this is not the case regarding the idiom called by Takáts „the language of enlightened government”, which can be interpreted as the Hungarian version of enlightened monarchism prevailing in the state-centered, monarchical discourses in the Habsburg Monarchy. The general availability of this political language in the period in the Hungarian context is not yet verified on the empirical level.

11 „Each concept is associated with a word, but not every word is a social and political concept. Social and political concepts possess a substantial claim to generality and always have many meanings—in historical science, occasionally in modalities other than words. [...] [A] concept must remain ambiguous in order to be a concept. The concept is connected to a word, but is at the same time more than a word: a word becomes a concept only when the entirety of meaning and experience within a sociopolitical context within which and for which a word is used can be condensed into one word.” Reinhart Koselleck, „Begriffsgeschichte and Social History”, *Futures Past. On the Semantics of Historical Time* (New York: Columbia University Press 2004) 75–92. (The quotation: 84–85.) See also idem, „Einleitung”, *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, Band 1, ed. by Otto Brunner, Werner Conze, Reinhart Koselleck (Stuttgart: Klett 1979) XIII–XXVII.

[*Hazáját*], nor his Nation [*Nemzetét*], nor his King, and what is more, not even his God. What else than final decay could be in store for the Country [*Ország*], where the law enacted for the benefit of one particular Estate [*Rend*] is abided by, whereas the laws made on behalf of the safety of another [*masiknak bátorságos voltára*] can be violated without any consequences?<sup>12</sup>

The quotation is taken from a book published anonymously in 1792, written by Zsigmond Oswald, „a descendant of an old noble family of Pápa“, a city in West Hungary.<sup>13</sup> In the torrent of pamphlets published in the few years following the death of Joseph II, a period heavily influenced by the fall of Josephinism and the political debates in and around the diets in 1790–91 and 1792, his work may be regarded in some aspects as unique. *The True Patriot* is among the few works published in the first half of the 1790s which made an attempt to answer the fundamental questions about politics and religion by creating a holistic model which seemed to be suitable to define the most favourable structure of community, the best mechanisms of politics, as well as the optimal hierarchy of values and loyalties fostering social order.<sup>14</sup> In the centre of this normative theory of

12 [Zsigmond Oswald], *Az igaz hazafi kinek tulajdonságát együgyű beszédbe foglalta egy hazája ` nemzete javát óhajító szíve* [The true patriot whose attributes were summarized in simple words by a true heart wishing the best for his country and nation] (Pest, 1792) 55–56.

13 Géza Bodolay, „A türelmi rendelettől a forradalom és szabadságharc leveréséig (1781–1849)” [From the decree of toleration to the suppression of the revolution and struggle for freedom], *A pápai kollégium története* [History of the college of Pápa], ed. by Zsolt Trócsányi (Budapest: Tankönyvkiadó, 1981) 116–118., 160–161. As a jurist, Oswald was one of the county officials in *Veszprém* at the turn of the eighteenth century. Besides, as a Calvinist presbyter he took part actively in the governance of the Reformed (i. e. Calvinist) congregation in Pápa and, by the same token, as *curator*, he was at the head of the college (*pápai kollégium*) as well. In addition to his public activities he was also busy as a literarian, being translator of several plays, as well as philosophical and religious works. Apart from *The True Patriot*, he is also author of a pamphlet published in 1817, in which he argued, that besides Latin, Hungarian should also be maintained as the language of education in the college. Zsigmond Oswald, *Kérdés: Kell-e már a reformátusok felsőbb iskoláiban némelly tudományokat anyai magyar nyelven tanítani?* [Question: Is it necessary to teach several sciences in the Hungarian mother tongue in the higher classes of protestant schools?] (s. l., 1817) On the basis of *The True Patriot*, it seems unquestionable, that his commitment both to the cause of Hungarian and that of religious toleration was decisive already at the beginning of the 1790s. József Szinnyei, *Magyar írók élete és munkái*. [The life and work of Hungarian writers] (Budapest: Hornyánszky 1903) Vol. 9, 1436.; Bodolay, „A türelmi rendelettől”, 116–118., 160–161.; Géza Ballagi, *A politikai irodalom története Magyarországon 1825-ig* [The history of political literature in Hungary until 1825] (Budapest: Franklin Társulat, 1888) 17.

14 Despite of the fact, that the 126 pages long book was published anonymously, we find him identified as the author of the work as soon as 1799, namely in the catalogue of the library of one of the leading magnates, Ferenc Széchenyi. [Mihály Tíbolth], *Catalogus Bibliothecae Hungaricae Francisci Com. Széchenyi. Tomus I. Scriptores Hungaros et Rerum Hungaricarum Typis Editos Complexus. Pars I. A.–L.* (Sopronii: Typis Siessianis 1799) 467. About the catalogue see: Vilmos Fraknói, *Gróf Széchenyi Ferenc 1754–1820* [Count Ferenc Széchenyi 1754–1820] (Budapest: Osiris 2002) 202–204. In the nineteenth-century literature the book was again dealt with as an anonymous one. Győző Concha, *A kilenczvenes évek reformeszméi és előzményei* (Máriabesenyő–Gödöllő: Attraktor 2005) 114. (First publication: Budapest: Franklin-Társulat Magyar Irodalmi Intézet és Könyvnyomda 1885, 168.). Finally, according to the contemporary entry in the catalogue, in later literature *The True Patriot* is considered unequivocally as the work of Oswald. See Szinnyei, *Magyar írók*, see fn. 13, 1436.; Domokos Kosáry, *Bevezetés a magyar történelem forrásaiba és irodalmába*, (Budapest: Művelt Nép Könyvkiadó 1954) Vol. 2, 359., 503.; Bodolay, „A türelmi rendelettől”, see fn. 13, 116–118.

the societal system stands the imaginary figure of the Patriot (*hazafi*) who symbolizes the attributes indispensable for social cohesion. This account of social order (composed with an explicitly formulated normative attitude on the author's side) is arranged in a scheme of classification in which the individual groups as constituents (such as the king, nobility, peasants etc.) and the most important cohesive factors of society are portrayed in separate chapters, wherein first and foremost their rights and duties, as well as their mutual interdependence, are emphasized. According to Oswald, one of the most important components among the above mentioned cohesive factors is law, the account of which is characterized by an extreme level of complexity, and is concentrated in one particular section of the book, devoted explicitly to detailed analysis and delineation of the term.<sup>15</sup>

As we can see, the main idea in the above argumentation is that unless a particular community recognizes the institution of law as an instrument given for the advantage of every single segment of society, it will inevitably face decline. The function of law is in this conception to ensure the stability and cohesion of society. Law not only represents the common interests of the members of society, but it emerges here as the pre-eminent instrument for enhancing solidarity among particular groups of society. Furthermore, it is conceptualized here as the ultimate institutional framework of not only the political, but beyond that, the transcendent objects of loyalty. This latter aspect of the concept is encoded in the explicit contrast between the attribute of commitment to authorities characterized by „love of the Country“, „love of the Nation“, „love of the King“ and „love of God“ on the one hand, and the condemnation of the infringement of law on the other, which implicates the assertion of correlation between the former and the behaviour characterized by respect for the law. These elements of reasoning are reminiscent of specific features of the rule of law tradition, which means that, broadly speaking, Oswald's argumentation can be considered as a particular version of it.<sup>16</sup>

Though the significance of the idea of rule of law in the political thinking of early modern Europe was already studied in several contexts,<sup>17</sup> its importance regarding the Hungarian political discourse in the eighteenth century was barely emphasized and more importantly, very little direct research has been carried out so far on the

15 Oswald, *Az igaz hazafi*, see fn. 12, 53–59.

16 The second part of the first sentence is taken from the New Testament (Epistle of James, 2:10). However, the further argumentations in the chapter about the importance of the rule of law clearly show that Oswald's concept is very obviously indebted also to contemporary political thinking and to some of the early modern European formulations of the concept of rule of law.

17 See for example Brian Z. Tamanaha, *On the Rule of Law. History, Politics, Theory* (New York: Cambridge University Press 2004); Pietro Costa–Danilo Zolo (eds.), *The Rule of Law. History, Theory and Criticism* (Dordrecht: Springer 2007); Sylvia Tomaselli, „The spirit of nations“, *The Cambridge History of 18th Century Political Thought* ed. by Mark Goldie, Robert Wokler (Cambridge: Cambridge University Press 2006) 9–39.; Ellis Sandoz, *The Roots of Liberty: Magna Carta, Ancient Constitution and the Anglo-American Tradition of Rule of Law* (London: University of Missouri Press 1993); Maurice M. Goldsmith, „Liberty, Virtue and the Rule of Law 1689–1770“, *Republicanism, Liberty, and Commercial Society 1649–1776*, ed. by David Wootton (Stanford: Stanford University Press 1994) 197–232.

subject.<sup>18</sup> This is despite the fact that the concept of law and particularly the idea of the rule of law are obviously basic concepts of the time, consequently, if we would like to understand the ideas developed about different versions of political order, it would be fundamental to analyse specific usages of these terms. According to this, in what follows, I attempt to examine the very text of Oswald in which we encounter a peculiarly complex network of the semantics of law. The subject of this investigation will be first and foremost the chapter in which Oswald theorizes the significance of law regarding the exact form of social order considered by him as the most favourable one, and where he tries to give a detailed explanation of the term alongside an explicit definition of the concept of rule of law.

## 2 Which estates and whose liberties?

To go beyond merely stating that Oswald's account about the importance of law can be placed in the tradition of rule of law in a wider sense, it is necessary to reveal the specific (contextual) meaning of the above quote. In order to do this, we should narrow the scope of interpretation and take also into account some minute but extremely important details. Firstly, as we can see, in the penultimate sentence Oswald vehemently condemns the violation of „law made for a Compatriot of the lowest birth.“ Secondly, in what follows, he speaks simultaneously about (1) „law(s) enacted for the benefit of one particular estate“ and (2) „laws made on behalf of the safety of the other“, by which he seems to designate the privileged groups of society on the one hand and those excluded from these privileges on the other. We can observe here the employment of the expression *rend* („estate“) in the meaning of „societal group“ which is diverging from the most common understanding of the term in the period denoting only the „privileged groups of society.“<sup>19</sup> These two aspects of the argumentation show the author's commitment to the idea of a kind of solidarity between particular groups of society.

18 One of the rare exceptions is the study of Zoltán Gábor Szűcs, with some interesting remarks on concrete usages of the idea of rule of law in a Hungarian translation of a German pamphlet. (The Hungarian version was published in 1795.) Zoltán Gábor Szűcs, „Magyar protokonzervatívok“ [Hungarian proto-conservatives], *Kommentár*, 4 (2009) 17–31 (Particularly: 18, 24) Another important study from the recent literature, with an analysis of the debates in the diet of 1790–91, pays special attention to different concepts of law: István M. Szijártó, „A kosellecki «nyeregidő» a 18. század végi politikában” [The Koselleckian *Sattelzeit* in the politics of the end of the 18th century], *Padányi Biró Márton emlékezete* [The memory of Padányi Biró Márton], ed. by István Hermann (Veszprém: A Magyar Nemzeti Levéltár Veszprém Megyei Levéltára 2014) 5–24.

19 As István M. Szijártó points out, this latter meaning refers to four particular groups: the clergy, the magnates, the gentry and the royal free cities. István M. Szijártó: *A diéta. A magyar rendek és az országgyűlés 1708–1792* [The diet. The Hungarian estates and the parliament 1708–1792] (Budapest: Osiris 2005) 483–484. However, in accordance with his phrasing in the above citation, Oswald refers to the group of „peasants“ and that of „soldiers“ also as *Rendek* („estates“), as a result of which he opens the conventional, privilege-oriented semantics of the term towards the meaning „social order.“ Oswald, *Az igaz hazafi*, see fn. 12, 42., 47. In this study I use the term „estate(s)“ in the narrower sense to be able to differentiate between the two meanings. For the complex semantics of *rend(ek)* in the early modern times in Hungary see Szijártó, *A diéta*, 43–46, 411–413, 483–484.

Nonetheless, Osvald apparently makes a clear distinction between laws of different kinds enacted specifically for particular groups of the community.<sup>20</sup> It might also be of interest that Osvald speaks here about „benefits“ on the one hand and „safety“ on the other. It seems to be plausible to assume that the former applies rather to the privileged, while the latter to the non-privileged groups. On the basis of these points of the text, we come to the conclusion that besides his commitment to the idea of solidarity between particular layers of society, his phrasing evidently indicates the *ständisch* character of his concept of society. Thus, it appears that Osvald's views about the importance of rule of law regarding its function in forging society are compatible with his commitment to the structure of society dominated by the estates.

In another passage worth mentioning, we find an explicit definition of law. The utmost importance of this part lies in the direct association between the concept of freedom and the idea of law outlined by the author in the previous reasoning.

„Accordingly, secular laws [*világi törvények*] are the external links which hold together the body of the constitution of the republic [*a' közönséges társóság testének alkotmányát*] and protect it from breakdown; these determine the extent of needful interdependence [*szükséges függés*] and order between the members of this body; these motivate the Patriots [*Hazafiakat*] by the prospect of rewards to become useful servants of the Fatherland [*Haza*] and again, these deter and restrain the evil persons from harming the common good and their compatriots. Finally, these are the fountains of public happiness and observing them is equivalent to *real freedom* [*valóságos szabadság*].“<sup>21</sup>

The singular form of *szabadság* is one striking detail of the phrasing, another is the adjective *valóságos* („real“) preceding *szabadság* („freedom“ or „liberty“). In the language of the ancient constitution – the discursive configuration referring to the privilege-oriented political culture of the estates – mostly the plural form (liberties) prevailed. In this frame of reference, the value of the latter consisted principally in their exclusiveness, namely in the fact that non-privileged groups of society were deprived of them. In turn, the employment of the singular form might be interpreted as a sign of a claim for universal validity, which endows the term with an abstract, general meaning, applying

20 As distant reminiscence we may also recall here the Ciceronian account of rule of law: „In Cicero's account of mixed government the rule of law prevents the dominance of any section of society. All, including the rulers, are subject to law, 'the mind of the state', which reflects reason rather than personal will. That all are subject to the law does not imply exact equality before the law; there are different ranks and degrees of citizens, and there are laws appropriate to each. This is a balance between those who are different, in which the aristocratic few, though accepting responsibilities, should predominate.“ Iseult Honohan, *Civic Republicanism* (London–New York: Routledge 2002) 35–36.

21 Osvald, *Az igaz hazafi*, see fn. 12, 54. (My emphasis, H. H.)



to each and every member of society. Argumentations using this abstract meaning of „freedom“, that is the understanding of the term correlating with the semantics in the above quotation, were not at all unprecedented in the period.<sup>22</sup> Nevertheless, the fact that Oswald provides here an explicit definition of freedom is of utmost importance. This feature of the above passage clearly distinguishes it from usages of *szabadságok* (liberties) in the conventional meaning of privileges in the text. References to the latter, mostly in form of compact, concise phrasings and formulaic expressions in the sense of *topoi* referring to particular segments of the nobility's collective identity construct, is obviously a consequence of their self-evident quality, i. e. that the particular fields of meaning they evoked were considered as unquestionable, consequently no further justification was required. The striking contrast between these commonplace-like formulations and the explicit definition of freedom in the above passage highlights the contextual significance of Oswald's reasoning, since it might be interpreted as an indication of the unusual, non-conventional nature of the latter.

Nonetheless, to explain the adjective *valóságos* („real“) before „freedom“ as the author's intention to take issue with the notion of freedom in the sense of privileges would completely be unfounded. It is important to stress, that both meanings of *szabadság(ok)* can be observed in Oswald's book. We find one typical example of phrasing distinctive of the political language of the ancient constitution in the same chapter as the preceding definition of „real freedom“, where Oswald speaks about „the Nation's deep-rooted, fundamental and ancient liberties built upon the blood of the ancestors.“<sup>23</sup> Besides this, there are several other examples of using *topoi* of this kind in the book.<sup>24</sup> In sum, the parallel usage of these two semantic layers indicates a duplicated system of hierarchies of values and loyalties encoded in the term.

Worthy of note is also the fact that, like in the first quotation, fatherland here, too, emerges as one of the ultimate objects of loyalty. This patriotic dimension characteristic of the former two extracts seems to be of central importance in the hierarchy of values encoded in the complex notion of law as the institutional guarantee of social order. The most important criterion of the „true patriot“ is respecting laws, and, in turn, this highly conformist attitude constitutes the most essential structural component of cohesion and stability of any secular community as a secondary group. Tipologically, some aspects of this pattern can be associated with the frameworks of antique patriotism (mostly with its Ciceronian version), which was the most important source of classical republicanism in early modernity.<sup>25</sup> However, in the broader context of the chapter about the con-

22 However, the terminology was in no sense completely consequent, sometimes also the singular form *szabadság* emerged in the meaning „complex of privileges.“ Szijártó, „A kosellecki nyeregidő“, see fn. 18, 18.

23 Oswald, *Az igaz hazafi*, see fn. 12, 57.

24 Ibid., 22.

25 Maurizio Viroli, *For Love of Country. An Essay on Patriotism and Nationalism* (Oxford: Oxford University Press 1995) 19.; Honohan, *Civic Republicanism*, see fn. 20, 37.

cept of law and the whole work respectively, Osvald's theory about the interrelationship between law and freedom should be placed in a much wider framework of interpretation which may not be restricted to the republican tradition exclusively.

### 3 Liberty as legal security and the significance of the discourse of enlightened monarchical patriotism

Another important feature of the passages in question is their relative position within the work as a whole. Of utmost importance is in this respect an alternative conception of law embedded in the thematic framework of criticism on ostentatious luxury, explained in two former sections of the book.<sup>26</sup> In both, the conception of law connects up with the theme of protection of public morals. Moreover, in the second one, Osvald conceptualizes the term *expressis verbis* as the pre-eminent instrument for enhancing virtue. In these patterns, one can easily identify *topoi* of classical republicanism, where law is one of the most important means for preserving virtue. This aspect of law emerges in the excerpt quoted recently, too, although not in connection with virtue, but linked to common good, which nevertheless represents only a difference of rather relative significance, since virtue is in the classical republican theory equivalent with the commitment to the common good, which is the opposite of the attitude of following self-interest.<sup>27</sup> However, all of this is to be found in the neo-Roman context – to take the most important layer in the *longue durée* tradition of early modern republican thought – embedded in the theory of liberty.<sup>28</sup> Broadly speaking, this term chiefly means in this discourse political participation, which is in turn subordinated to the idea of „glory“: the ultimate goal is to maintain the latter, which is only possible with „free“ citizens living in a „free“ state.<sup>29</sup>

The comparison of this pattern with the line of thoughts in the above quotations directs our attention to significant differences between them. Firstly, the ultimate

26 Osvald, *Az igaz hazafi*, see fn. 12, 17–18, 28–29.

27 One of the most representative formulations of the problem is to be found in Machiavelli: „[His] dilemma is accordingly this: how can the body of the people – in whom the quality of *virtù* is not naturally to be found have this quality successfully implanted in them? How can they be prevented from sliding into corruption, how can they be coerced into keeping up an interest in the common good over a sufficiently long period for civic greatness to be attained? It is with the solution to this problem that the rest of the *Discourses* is concerned.“ Quentin Skinner, *Machiavelli. A Very Short Introduction* (New York: Oxford University Press, 2000) 66. After he discusses Machiavelli's views about the functions of civic cult regarding the problem outlined in the quote, Skinner turns to consider the sections of *The Prince*, which deal with the same issue, but where Machiavelli conceptualizes „law“ as the most effective instrument for enhancing virtue in the body of the people: „The rest of the first Discourse is largely devoted to arguing that there is a second and even more effective means of inducing people to acquire *virtù*: by using the coercive powers of the law in such a way as to force them to place the good of their community above all selfish interests.“ Ibid., 72.

28 Quentin Skinner, *Visions of Politics. Vol. 2. (Renaissance Virtues)* (Cambridge: Cambridge University Press 2002).

29 Idem, „Machiavelli on the Maintenance of Liberty“, *Politics* 18 (1983) 3–15. Revised version: „Machiavelli on *virtù* and the maintenance of liberty“, *Visions of Politics. Vol. 2. (Renaissance Virtues)* (Cambridge: Cambridge University Press 2002) 160–185.

framework of the importance of „glory“ is completely missing from Osvald’s version of republican patriotism, secondly – and this is of much greater importance for our analysis – although freedom plays a key role in the previous quote, yet in a meaning strikingly different from its use in the classical republican theory summarized above. Laws are guarantee of liberty in Osvald’s reasoning, too, but obviously not in the classical republican sense, namely that the citizens should participate in the process of enacting them – „political participation as *process*“<sup>30</sup> – but they serve as the institutional basis of the stability of society resulting from the principles of mutuality and calculability – „secure *state* of the citizen“.

Though different versions of the theory of rule of law also played an important role in the republican tradition,<sup>31</sup> it can be placed in a wider context, too.<sup>32</sup> As we can see, some elements of the conceptual framework of the former quote are reminiscent of classical republicanism, but the linkage of law and freedom in its particular form in Osvald’s reasoning can be much more associated with another layer of the rule of law tradition. As we have observed, though embedded in the framework of the *ständisch* conception of society, Osvald emphasizes the common interests of the members of the community as a whole and the significance and usefulness of a kind of solidarity between different orders of society.<sup>33</sup> This and his definition of law as „real freedom“ may serve as a point of departure and orientation in interpreting his conception of law partly related to the discourse of enlightened monarchical patriotism prevailing in the Habsburg Monarchy in the second half of the eighteenth century.<sup>34</sup> The term was coined by Teodora Shek Brnardić and refers among other things to a discourse, in which the idea of freedom is constructed in the wider framework of the theory of rule of law, nevertheless without being associated with political participation, but rather in the sense that freedom is equivalent to calculability and stability of the complex of the social system and the state,<sup>35</sup> which are in turn – as the most important features of society – achievable by

30 The most important question in this regard was „how to ensure that the people are able to make their voice heard – at least by representation – in the process of law-making, so whatever laws are enacted may be said to reflect their wills as opposed to being arbitrarily imposed upon them.“ Idem, „Introduction“, *Republicanism. A Shared European Heritage. Vol. 2. The Values of Republicanism in Early Modern Europe*, ed. by Martin van Gelderen, Quentin Skinner (Cambridge: Cambridge University Press 2002) 4.

31 Luca Baccelli, „Machiavelli, the Republican Tradition, and the Rule of Law“, *The Rule of Law*, see fn. 17, 387–420.

32 See fn. 17.

33 For another important passage with very similar arguments about the importance of good laws in enhancing solidarity in the body of the people, as well as with the claim for sharing common duties [*köz teher*] between all of the estates and members [*minden rendek és tagok között*], see: Osvald, *Az igaz hazafi*, see fn. 12, 51–52.

34 In a sense, the term can be interpreted as one denoting the complex of the political discursive aspects of the cameralist *Staatswissenschaften*. Teodora Shek Brnardić, „Modalities of Enlightened Monarchical Patriotism in the Mid-Eighteenth-Century Habsburg Monarchy“, *Whose Love of Which Country?*, see fn. 7, 631–661.

35 Of course, these terms should not be understood in the modern sense, namely determined by the terminological distinction of the disjunct spheres of „state“ and „society“. The identification of *Staat* and *Gesellschaft* is to be found

means of a reliable and secure legal system.<sup>36</sup> Encouraging patriotism on an imperial level, that is making citizens „virtuous“<sup>37</sup> and dedicated to the monarchy as the ultimate framework of loyalty, seemed to be possible by enacting good laws. This quality of the institution of law consisted in this context in the ability to evoke the attitude of being committed to the common good in each and every layer of society, what is more, not only in the affective dimensions of collective identity, but also in a pragmatic, interest-oriented sense.<sup>38</sup>

On the basis of all these considerations, we may come to the conclusion that a very similar conception to this one can be observed in the argumentations examined up to this point. However, this statement seems to be in contradiction to a paternalistic attitude of sorts also detectable in Osvald's reasoning. A kind of „tutelage“ toward non-privileged groups of society with reference to duties of compassion and benevolence was an important segment of political discourse in Hungary, especially in 1790–91. This was, however, motivated partly by tactical considerations on the side of the nobility, with the intention to win over the non-privileged groups of society in the political fights with the Habsburgs in the extremely turbulent period after the death of Joseph II.<sup>39</sup> Nevertheless, taking into account the wider context of the whole work, it is obvious that this dimension can not be considered as the most significant semantic layer

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for example in Sonnenfels in an extremely poignant form: „Auch der Staat ist eine Gesellschaft von Bürgern, die sich vereinigen haben, mit vereinbarten Kräften ein gewisses Beste zu erreichen.“ Joseph von Sonnenfels, *Grundsätze der Polizey, Handlung und Finanzwissenschaft. 1. Theil. 3. Auflage* (Vienna: Joseph Kurzböck 1777) 16. In a later publication we find an even more laconic definition: „Die große Gesellschaft ist der Staat.“ Idem, *Grundsätze der Polizey, Handlung und Finanz: von Sonnenfels. Zu dem Leitfaden des politischen Studiums. 1. Theil. 8. Auflage.* (Vienna: Joseph Kurzböck 1819) 4.

- 36 „The state-objective of enlightened monarchism was in the first place the establishment of civil freedom, that is, legal security, for which legal uniformity was necessary.“ Brnardić, „Modalities“, see fn. 35, 660. However, this general description needs some specification, since the demand for “legal uniformity” cannot be considered as a peculiar feature of the discourse of enlightened monarchism in general. The best example for this is Sonnenfels, who took account of the social reality of the Habsburg Monarchy and tried to reconcile its *ständisch* social frameworks with his views about the interests of the *Gesamtstaat*. See for this Helmut Reinalter, „Joseph von Sonnenfels als Gesellschaftstheoretiker“, *Joseph von Sonnenfels. Veröffentlichungen der Kommission für die Geschichte Österreichs*, Band 13, ed. by Helmut Reinalter (Vienna: Verlag der Akademie der Österreichischen Wissenschaften, 1988) 139–146.
- 37 In the promotion of patriotism particular elements of classical republican reasoning had also been made use of. As Brnardić emphasizes, „the discourse of enlightened monarchical patriotism was mostly a blended mixture of the cameralist and natural law discourse with civic humanism or classical republicanism.“ Ibid., 634.
- 38 One can observe this latter aspect for example in Sonnenfels, who emphasizes the function of self-love (*Eigenliebe*) in enhancing the sense of patriotism. Joseph von Sonnenfels, *Ueber die Liebe des Vaterlandes* (Vienna: Joseph Kurzböck 1771) 12–14. For the concept of „unsocial sociability“ in Sonnenfels see i. e. László Kontler, „Polizey and Patriotism: Joseph von Sonnenfels and the Legitimacy of Enlightened Monarchy in the Gaze of Eighteenth-Century State Sciences“, *Monarchism and Absolutism in Early Modern Europe*, ed. by Cesare Cuttica, Glenn Burgess (London: Pickering and Chatto 2012) 89.
- 39 Kálmán Benda, „A magyar nemesi mozgalom (1790–1792)“ [The movement of the nobility in Hungary (1790–1792)], *Magyarország története 1790–1848* [The History of Hungary 1790–1848], ed. by Károly Vörös (Budapest: Akadémiai Kiadó, 1980) Vol. 1, 29–115, particularly: 51.

of Oswald's argumentation. Considering the fact that *The True Patriot* was published in 1792, we have no reason to assume that this kind of a tactical motivation determined by actual political circumstances at the beginning of Leopold II's reign ought to be ascribed to Oswald's work, and specially to the above argumentation. Furthermore, and this is of much more importance in revealing the contextual meaning of the reasoning in question, the interpretation of the demand for solidarity between different groups of society as a mere tactical manoeuvre would fail to recognize the importance of several other passages in *The True Patriot* thematizing different aspects of social cohesion. Some typical arguments of the discourse of *Volksaufklärung* about different modes of diffusion of knowledge among the common people emerges in the book.<sup>40</sup> Moreover, Oswald also deploys many times the concept of *Politzia* – which is a variant of the German *Polizey* – in several argumentations, one of which discusses the advantageous effects of the population size on the wealth and prosperity of the state.<sup>41</sup> In sum, on the grounds of these aspects of the book, Oswald seems to be in some ways – though in a rather vulgarized version – indebted to cameralist thinking<sup>42</sup> and to the discourse of *Polizey*. This provides an intellectual history perspective which supports the assumption, that his arguments cannot be plausibly interpreted as determined exclusively by the interest-oriented framework of the paternalistic discourse of the nobility outlined previously.<sup>43</sup>

40 Oswald, *Az igaz hazafi*, see fn. 12, 20., 74., 118. For the discourse of *Volksaufklärung*, as well as usages of the concept of *Politzia* in the Hungarian context see among others Kálmán Benda, „A felvilágosodás és a paraszti műveltség a 18. századi Magyarországon“ [Enlightenment and the culture of the common people in eighteenth-century Hungary], *Emberbarát vagy hazafi? Tanulmányok a felvilágosodás korának magyarországi történetéből* [Philanthropist or patriot? Studies on the history of the enlightenment in Hungary] (Budapest: Gondolat 1978) 287–308. Ákos András Kovács, „Volksaufklärung és politikai nyelvek Magyarországon a 18–19. század fordulóján“, *„Politica philosophiai okoskodás“*, see fn. 10, 175–192.

41 Oswald, *Az igaz hazafi*, see fn. 12, 74. About cameralism, the *Staatswissenschaften* and the concept of *Polizey* see in general: Albion Woodbury Small, *The Cameralists: The Pioneers of German Social Polity* (Chicago: The University of Chicago Press 1909); Louise Sommer, *Die österreichischen Kameralisten in dogmengeschichtlicher Darstellung* (Vienna: C. Konegen 1920); Marc Raeff, *The Well-Ordered Police State. Social and Institutional Change through Law in the Germanies and Russia 1600–1800* (New Haven–London: Yale University Press 1983); Keith Tribe, *Strategies of Economic Order. German Economic Discourse, 1750–1950* (Cambridge: Cambridge University Press 1995) 1–31.; idem, „Cameralism and the Science of the State“, *The Cambridge History of 18th Century Political Thought*, see fn. 17, 525–546.; Andre Wakefield, *The Disordered Police State. German Cameralism as Science and Practice* (Chicago: The University of Chicago Press 2009); Richard Olson, „The Human Sciences“, *The Cambridge History of Science. Vol. 4. Eighteenth-Century Science*, ed. by Roy Porter (Cambridge: Cambridge University Press 2003) 451–456.; Kontler, „Polizey and Patriotism“, see fn. 39, 75–90.; Ákos András Kovács, „Németországba a Politiával! Egy politikai fogalom használatáról Magyarországon a 18–19. század fordulóján“ [To Germany with the *Polizey*! On the usage of a political concept at the turn of the 18th and the 19th centuries], *Terek, tervek, történetek* [Spaces, conceptions, histories], ed. by András Cieger (Budapest: Atelier 2011) 37–59.

42 Another typical example is the passage where he argues against *commercium passivum*, and claims for enacting laws which hinder the former and promote *commercium activum*. Oswald, *Az igaz hazafi*, see fn. 12, 45.

43 It is an interesting question, which practical qualities harmonize with the conception of law outlined in the former quotations. Of enormous importance is in this regard that Oswald emphasizes repeatedly the modifiability of laws. In this sense, he conceptualizes the term definitely in contrast with the idea of immutability which played a key role in the discourse of the ancient constitution. Not only the long-term, historical importance of the question, but also the „modernity“ of Oswald's reasoning become apparent by considering the fact, that

#### 4 Montesquieu's definition of liberty and the dualism of political authority

It needs to be stressed, that apart from the very notion of law and freedom in the discourse of enlightened monarchical patriotism, there is another conception of enormous importance reminiscent of Osvald's definition of „real freedom“ as the rule of law, stemming from a work with an extraordinary high degree of influence on (early) modern political thinking.

„It is true that in democracies the people seem to do what they want, but political liberty in no way consists in doing what one wants. In a state, that is, in a society where there are laws, liberty can consist only in having the power to do what one should want to do and in no way being constrained to do what one should not want to do. One must put oneself in mind of what independence is and what liberty is. Liberty is the right to do everything the laws permit; and if one citizen could do what they forbid, he would no longer have liberty because the others would likewise have this same power.“<sup>44</sup>

With the clear distinction of liberty from independence, Montesquieu seeks to distinguish his definition of political liberty from the republican conception of it, in which it is conceptualized as the state of independence from any arbitrary power.<sup>45</sup> Maurice M. Goldsmith points out in his study of the complex interrelationship between liberty, virtue and the rule of law tradition in early modern Europe that this essentially Hobbesian definition of the concept in Montesquieu's account completely lacks the idea of political

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the polemics about modifiability and the possibility of repealing of the laws can be observed not only in the debates of the diet in 1790–91, but even as late as in 1832–36. Orsolya Völgyesi, „Ősi alkotmány és törvényhozói szabadság. Versengő politikai nyelvek a polgári törvények vitájában az 1832–1836-os országgyűlésen“, *Történelmi Szemle* 3 (2013) 401–421 (Particularly: 422–423.)

44 Montesquieu, *The Spirit of the Laws*, Book 11, Chapter 3, Cambridge Texts in the History of Political Thought (New York: Cambridge University Press 1989) 155. For the interpretation see among others Tomaselli, „The spirit of nations“, see fn. 17, 29. This conception is of utmost importance regarding the typology of line of arguments, what is more, for the assessment of possible lines of reception of the theory of rule of law in *The True Patriot*. On reception of the *Spirit of the Laws* in eighteenth-century Hungary, above all about the influence of his constitutional ideas see among others: Sándor Eckhardt, *A francia forradalom eszméi Magyarországon* [The ideas of the French Revolution in Hungary] (Budapest: Lucidus 2001) 22–29.; László Péter, „Montesquieu's Paradox on Freedom and Hungary's Constitutions 1790–1990“, *Hungary's Long Nineteenth Century. Constitutional and Democratic Traditions in a European Perspective. Collected Studies*, ed. by Miklós Lojtkó (Leiden–Boston: Brill 2012) 153–182. (Particularly: 153–161.); Brnardić, „Modalities“, see fn. 34, 655–656.

45 According to Quentin Skinner „the classical idea of the *civitas libera* or ‚free state‘” means „a self-governing community, one in which the will of its citizens is recognised as the basis of law and government.“ On the basis of the contrast between *civis* and *subditus*, „[t]he humanists think of citizens as prescribing laws to themselves, while *subditi* are merely subject to laws imposed on them by kingly overlords.“ According to him, the concept of *libertas* „in the neo-Roman understanding [...] was treated as a property of citizens by contrast with slaves, and was consequently defined in terms of independence and absence of arbitrary domination by others.“ Skinner, „Introduction: The reality of the Renaissance“, *Visions of Politics*, see fn. 28, 6–7. See also idem, *Liberty before Liberalism* (Cambridge: Cambridge University Press 1998) 30.

participation so important in the republican understanding of liberty. Freedom is considered here to be equivalent to regularity and reciprocity<sup>46</sup> of laws and the security of the citizen guaranteed by them.<sup>47</sup> All of this seems to be congruous with the tendency of explicit relativization of the republican value of „virtue“ in the context of the principles of different types of governments characteristic of Montesquieu’s work.<sup>48</sup>

We can come to the conclusion, that – similar to the idea of law we have observed as typical in the discourse of enlightened monarchical patriotism – Montesquieu’s definition of liberty as the state of rule of law coincides on the whole with the account of the term given by Osvald. Nonetheless, if we consider some other sections of the book thematizing the concept of law, we will find a normative account about the structure of the constitution, in which political participation plays an important role. According to this, in what follows, I will attempt to assess the relative significance of the concept of law displayed in the extracts examined thus far by contrasting it with other layers of the semantic of the term. On that account, I will analyse some of Osvald’s arguments made about the optimal structure of political institutions. As we will see, he theorizes in these sections of the book the dualistic character of the political system in an unambiguously normative sense.

„As long as sin in the world and the troubled waters of passions in human-kind prevail, mutual interdependence among humans is necessary, and the stronger these ties are, the longer society [*közönséges társoság*] stays in the state of security and peace. – It is for this reason that states [*társoságok*] which are governed by the people [*nép*], and where the executive power [*véghez vivő hatalom*] is wielded by the estates of lower rank, are much more vulnerable to discord and faction, besides they tend much more toward deterioration and final decay as those in which laws emanate though partly from the body of the people [*nép*], but regarding administration applied to the laws [*a törvényekre alkalmaztatott igazgatásra nézve*] are dependent on and governed solely by the only one royal dignity.“<sup>49</sup>

46 With the term „reciprocity“ I intend to refer to the principle of general enforcement of law in each and every layer of society.

47 Goldsmith, „Liberty“, see fn. 17, 220–225, see also Honohan, *Civic Republicanism*, see fn. 20, 82–84.

48 Montesquieu, *The Spirit of the Laws*, Book 3, Chapter 5, see fn. 44, 25.

49 Osvald, *Az igaz hazafi*, see fn. 12, 30–31. In terms of ascertaining the contextual meaning of this argumentation, it is worthy of note, that the early modern Hungarian semantics of the word *nép* consisted of the layer of *populus* which denoted pre-eminently the nobility, as well as that of the *misera plebs contribuens*. In the quotations, I translate the former consistently as „people“ and the latter as „common people.“ Same as in the above quotation, i. e. in cases where the meaning cannot be considered unambiguous I use the term „people“ with explicit reference to the possibility of polysemy. For the classic (and for centuries canonical) formulation of the binary opposition of *populus* and *plebs* see István Werbőczy, *Tripartitum* II. 4. The laws of Hungary. Series I., Vol. 5., ed. by János M. Bak, Péter Banyó, Martyn Rady (Idyllwild CA–Budapest: Charles Schlacks, Jr., Publisher–Department of Medieval Studies, Central European University 2005). On the fundamental significance of *Tripartitum* for

Though doubts cast by Montesquieu upon the relevance of republican values in the modern world<sup>50</sup> cannot be observed in *The True Patriot*, we may still register here some kind of scepticism concerning „viability“ of pure republican governments. Oswald’s reasoning lets itself be interpreted as the justification of the moderate monarchy, with a mixed constitution where the legislative and the executive powers are divided between the king and the estates. All of this is embedded in the wider framework of the political culture of the estates in accordance with Montesquieu’s views about the indispensable role of the nobility in a monarchy as an „intermediate, subordinate power.“<sup>51</sup> Oswald summarizes the main functions of both constituents of this dualistic structure as follows:

„[S]ince the right of legislative power [*törvény tévő hatalom*] is divided equally between the King and the people [*nép*] wielded by them together, even the wisest laws would be useless without a permanent power for control of the strict observance of them; which is essential to the accurate and proper fulfilment of each and every law. This dignity of the executive power [*véghez vivő méltóság*] is bestowed on the King. [...] The magnates and the gentry are the estates which constitute the substance of the body [politic] of the Country [*a haza testének veleje*] wherein the main strength of the republic [*közösleges társaság*] consists, same as in the marrows of the members; they provide a shield protecting laws, and a barrier restraining the Royal Authority [*királyi felsőség*] and the common people [*nép*] as well; they hold back both Monarchs with despotic intentions and the otherwise unmanageable common people [*község*] from overstepping the boundaries of law. They are the balance point (aequilibrium) between the King and the common people [*nép*] which moderate the authority of the former and the power of the latter in order not to be suppressed by each other; but by means of interdependence within due limits between them be committed

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the formation process of the identity construct of the estates in the early modern period, see among others László Péter, „The Irrepressible Authority of the Tripartitum“, *The laws of Hungary*, xiii–xxvi.; Katalin Gönczi, „Werbóczy’s Reception in Hungarian Legal Culture“, *Custom and Law in Central Europe*, ed. by Martyn Rady (Cambridge: Faculty of Law University of Cambridge 2003) 87–99.

50 For this see Judith N. Shklar, „Montesquieu and the New Republicanism“, *Machiavelli and Republicanism*, ed. by Gisella Bock, Quentin Skinner, Maurizio Viroli (Cambridge: Cambridge University Press 1990) 265–279. Nonetheless, one has to differentiate between the portray of Roman martial virtues in the *Considerations on the Causes of the Greatness of the Romans and their Decline* on the one hand and that of republican government in his *magnum opus* on the other. Montesquieu’s criticism of the latter in *The Spirit of the Laws* is namely „far less harsh and more traditional [...]. The purpose of that work was in any case far more scientific than polemical.“ Shklar, *op. cit.*, 268. One also has to keep in mind, that Montesquieu’s analysis about republicanism „influenced diverse strands of republican thought“ itself. Honohan, *Civic Republicanism*, see fn. 20, 81.

51 „The most natural intermediate, subordinate power is that of the nobility. In a way, the nobility is of the essence of monarchy, whose fundamental maxim is: no monarch, no nobility: no nobility, no monarch; rather, one has a despot.“ Montesquieu, *The Spirit of the Laws*, Book 2, Chapter 4, see fn. 45, 18.



at all times for the common good. Thus, in civil societies where both Royal dignity and Nobility are present, their rights are connected by the nature of things and by God so close to each other that neither can be harmed without the grievance of the other.<sup>52</sup>

As we have already highlighted, Montesquieu's definition of liberty is of the greatest importance in understanding the idea of law as developed in *The True Patriot*. However, we should also take an account of the fact that there are considerable divergences between them: pinpointing these differences allows us to draw conclusions about specific features of value-attributions on the receptive side. Interestingly, not only the similarities but even these very distinctions might most probably be associated with the direct or indirect influence of *The Spirit of the Laws*, more exactly with Montesquieu's constitutional ideas. All in all, on the grounds of the former text analysis we can conclude that the definition of freedom in the sense of legal security of the citizen is explicitly combined in Oswald's work with a theory of „moderate or regular and law-abiding monarchy“.<sup>53</sup> The principle of political participation is brought into play in this model in the context of the „balancing“ functions of the nobility as an intermediate power entitled to take part in the legislative process. With other words, the idea of rule of law fits in with the political culture of the estates in such a way that „freedom“ is embedded into a dualistic model of the institutional structures of politics. This dichotomy encoded in the concept of „freedom“ cannot be demonstrated more expressively as in the passage following directly the formerly quoted argumentation with the definition of *valóságos szabadság* („real freedom“) as the rule of law.

52 Oswald: *Az igaz hazafi*, see fn. 12, 29–30., 35–36. It is important to stress, that the reception of Montesquieu's ideas in eighteenth-century Hungary connected in a sense to some *topoi* of the collective identity construct of the nobility. Márton Zászkaliczky points out that one of the most important contribution of the *Tripartitum* (1517) to the ideology of the estates in the early modern period was the idea of mutual interdependence of the monarch and the nobility. „[Werbőczy's] main contribution to the estates polity ideology was the principle that without the king there is no nobility and without the nobility there is no king. In their mutual bond, he claimed, they were the members of the Holy Crown, at least with regard to land possession, reinforcing the principle of one and the same liberty of the nobility.“ Márton Zászkaliczky, „The language of liberty in early modern Hungarian political debate“, *Freedom and the Construction of Europe 1. (Religious Freedom and Civil Liberty)*, ed. by Martin van Gelderen, Quentin Skinner (Cambridge, New York: Cambridge University Press 2013) 274–295. (The quotation: 280.) Nonetheless, beside the typological similarities, there is one fundamental difference to be observed between the account of „mutual interdependence“ of king and nobility in the *Tripartitum* on the one hand, and that of Oswald's on the other. Whereas the former is characterized by the reference to the corporate paradigm of the body politic as well as the privileges of the nobility and can be seen in this sense as the canonical collection of *topoi* of the idea of the „ancient constitution“, in the case of Oswald we may observe a functionalist theory of the political system, where the nobility plays a key role by virtue of its quality to protect the most favourable form of order in a pragmatic sense. Thus, in view of this striking difference between the framework approaches we may assume that the conventional argumentation with reference to particular elements of the collective identity construct of the nobility might seem to be no more convincing in a sufficient degree at the end of the eighteenth century.

53 Anne M. Cohler, „Introduction“, *The Spirit of the Laws*, see fn. 45, xxii.

„Wherever laws passed by the Nation prevail, the rights of all Estates and landowners are guaranteed; however, where the untrammelled will of the Monarch, or the unbridled passions of the common people make up the law, there is no security [*bátorság*], no freedom [*szabadság*] and consequently no happiness at all.“<sup>54</sup>

As we can observe, both the possibility of the common people's domination with its anarchistic tendencies<sup>55</sup> and the prospect of one-man rule associated with despotic arbitrariness are excluded from the fragile state of „(real) freedom” here. In essence, this is the very point of Oswald's reasoning about the importance of law, where the concrete meaning and significance of the attribute *valóságos* („real”) becomes apparent: obviously, it marks a position between these dreadful extremes.<sup>56</sup> What is more, the adaptation of Oswald's concept of rule of law to the dualistic account of the political system is also detectable here, namely in an unequivocal manner.<sup>57</sup> The main function of the rule of law as a normative system is to guarantee the stability of society, which is conceived as the ideal functioning of the community not only in an institutional, but also in a political cultural sense. In terms of the political culture of the estates, the most important element of this construct is the implicit assumption that „real freedom“ in the sense of rule of law becomes a reality only under condition that the nobility as the most effective „intermediate power“ possesses fundamental political rights in the legislative system. This model can be interpreted also as the local *ständisch* version of the republican ideal of political participation.

## 5 Conclusion

To sum up our investigations and to come back to our primary observations, the binary character of the semantics of „*rend(ek)*“ and *szabadság(ok)* might be interpreted as a conceptual aspect of the heterogeneity of the system of value attributions and loyalties

54 Oswald, *Az igaz hazafi*, see fn. 12, 54–55. „Nation“ (*Nemzet*) refers in this context unambiguously to the nobility.

55 See also *ibid.*, 115–116.

56 Judith N. Shklar remarks that *The Spirit of the Laws* (besides its philosophical and historical aspects) can be considered as a polemical work with practical aims, wherein the ideal of the mixed constitution is conceptualized as a critique of the absolute monarchy, with which Montesquieu intended „to warn his countrymen of the dangers of despotism and to encourage the liberalization and humanization of the law on every possible occasion.“ Judith N. Shklar, *Montesquieu* (Oxford–New York: Oxford University Press 1987) 69. However, it seems like that the events of the French Revolution had an impact on the reception of the idea of the moderate monarchy, wherein (besides the guarantees it provided against despotic rule) the fear from the anarchistic possibilities associated with the common people played a key role.

57 This model highlights the relevance of the „dualism of political authority“ outlined by László Péter. The term denoted in his terminology the special Hungarian version „of what German historians call medieval Doppelpoligkeit” between „crown“ and „the noble *ország*“, that is the divided character of political power and institutions between the king and the estates. László Péter, „Introduction“, *Hungary's Long Nineteenth Century*, see fn. 45, 1–14, particularly: 4.

traceable in Osvald's work. Our discussion thus far might allow us to conclude that his concept of liberty, meaning the political aspects of the estates' privileges, does not at all eliminate the meanings of the term we connected to the discourse of enlightened monarchical patriotism and to Montesquieu's definition respectively. Through defining law as the pre-eminent instrument for enhancing the sense of solidarity between different groups of the community on the one hand and emphasizing the abstract principle of general enforcement of it in each and every stratum of society on the other, Osvald brings into play different aspects of the rule of law tradition, wherein freedom is identified with the security of the citizen, and in which this security is a direct consequence of legal reliability following from the principle of the reciprocity of legislation.

At the same time, as we have seen, the portrayal of the estates' fundamental functions in the institutional system of politics also plays a key role in *The True Patriot*. As we have seen, the idea of freedom in the sense of rule of law can be interpreted as an aspect of the discourse of enlightened monarchical patriotism. Interestingly, this is integrated with the complex hierarchy of values determined by the idea of the ancient constitution and that of the privileges of the estates, in the sense of the republican ideal of participation. Finally, these are adjusted to the theoretical framework of the mixed constitution *à la* Montesquieu with an emphasis on the fundamental role of the political functions of the nobility.

The most interesting thing is how particular systems of value attributions and loyalties encoded in the terms „law“ and „freedom“ aggregate in a rather heterogeneous conglomerate in the passages above. In order to identify particular elements of a conglomerate of sorts, besides to reveal the complex network of interconnections between them, the historian has to employ some tools of interpretation. With the former investigations I intended to show, that in the special intellectual history context of early modern East Central Europe (with various manifestations of „simultaneity of the non-simultaneous“), plausible accounts of highly complex semantic interrelations can be provided eminently by means of detailed textual analysis, which applies an eclectic method, bringing into play a broad and diverse range of interpretative tools, adapting them to the specific regional context.