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**Barna Horváth's Political Perspective in the
Context of His Life - Power, Coercion, Freedom**

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I. THE TOPIC AND OBJECTIVES OF THE DISSERTATION

"As we live, so we think" — with these words Barna Horváth opens his autobiographical writing, and in doing so provides a key to understanding his entire life's work. Few legal scholars are known in the history of Hungarian legal philosophy whose thinking and life's journey were so organically intertwined: his theories are not abstract systems but sediments of lived experience, and behind every concept there is always a concrete human fate. The case of Barna Horváth is therefore not merely a matter of legal-historical curiosity — but an exceptionally sharp example of how a thinker's entire life path can itself become a theoretical statement.

Barna Horváth was born in Budapest in 1896, and his career traces one of the most typical yet most singular arcs of twentieth-century Hungarian intellectual life. As a legal philosopher he became a professor at the University of Szeged, where he mentored students such as István Bibó and Ferenc Erdei; as a scholar he attended Kelsen's lectures in Vienna and became a student of Harold Laski in London; and as a human being he lived in constant tension between the expectations of conservative Hungarian society and his own liberal, anarchist inclinations. After the Communist takeover of 1949 he emigrated, spending the last decades of his life in New York, working for the Hungarian Division of the Voice of America. His name fell into oblivion in Hungary for long decades — which in itself seems to confirm one of his central ideas: the fate of the genius is to be first crushed and then exalted by his surroundings.

This dissertation examines Barna Horváth's conception of politics and law, with particular attention to the connection between his life's journey and his manner of thinking. The analysis proceeds through five interrelated thematic areas: the formative influences of his biography and personality, the methodology of the synoptic theory of law, the interconnection of power, freedom, and justice, the influence of Neo-Kantian philosophy — and of Hans Kelsen in particular — and his position in the 1945 Hungarian democracy debate. These chapters are not independent thematic units: running through each of them is the question of how a person's striving for inner freedom becomes a system of legal theory, and how personal experience shapes even the most apparently abstract concepts.

The defining characteristic of Horváth's thinking, which the scholarly literature calls the "synoptic method," arises precisely from this lived duality: from the experience that reality and ideal, fact and norm, never coincide, yet can never be entirely separated from one another. In his conception, law is neither purely value nor purely fact, but their continuous, living mutual reference. This theory could only have been born from a thinker who had himself learned to

exist simultaneously in reality and in his own inner world of norms — who knew what it meant to remain silent without renouncing himself.

One of the dissertation's main ambitions is to demonstrate, through the presentation of Horváth's life and work, the thesis that a life's work always comes into being at the intersection of personality and historical epoch, and that this provides a hermeneutical perspective that seeks to understand an author's thinking in its contextual embeddedness, without detaching it from its personal elements. Following this line of inquiry, I present Horváth's life path from his own sources, since the processing of autobiographical elements can be realised in this way in an original and authentic manner, while also rendering the theory more personal, which may help bring it closer to the present day.

The ultimate aim of the dissertation is not merely to present Horváth's life's work, but to show how deeply and how originally this forgotten figure of twentieth-century Hungarian legal philosophy thought about the relationship between law, power, and freedom. Barna Horváth's life and legal philosophy form an inseparable unity: his personal experiences — of oppression, compromise, and rebellion — matured into a synoptic theory of law according to which the essence of law is not the coercion of power, but its nature as a living procedure directed toward freedom, whose sole adequate political form is democracy. In an era in which law easily became an instrument of power, Horváth consistently maintained that the true measure of law is not how much power it can display, but how much freedom it can create. This message has lost none of its relevance today.

II. THE METHODOLOGY APPLIED IN THE DISSERTATION

The dissertation is fundamentally descriptive and analytical in character, seeking primarily through the processing of various texts to interpretively uncover Barna Horváth's life path, the ideas and thoughts arising from it, and the relationship between the two. The dissertation aims to present his career and the influences upon his theory, and also sets as its objective the exploration of the connections between the two, examining in this context how Horváth's personal experiences and theoretical conclusions relate to one another. With regard to research methods, the most decisive methodological instrument of the dissertation was the processing of sources. This operates on several levels: as primary sources I used Horváth's own writings, and as secondary sources the scholarly literature, including the works of Lajos Cs. Kiss, István H. Szilágyi, Endre Nagy, József Szabadfalvi, and Ágnes Zsidai.

With respect to Horváth's life path, I drew primarily on his own autobiographical writing, the book *Revolution and Constitution*, and also relied on the works of the aforementioned authors analysing Horváth's career. Among Horváth's further writings, I analysed in detail *The Trial of the Genius*, *Legal Sociology*, *The Foundations of Law*, and *An Outline of Legal Theory*. With regard to his conception of politics, the analysis incorporated his lecture *Democracy and Law*, delivered at the 1945 democracy debate, as well as other writings from the same period (*Rule of Law and Rule of Command*, *The Control of Public Opinion*, *The Examination of Public Opinion*, and articles published in *Világ*, the journal of the Civic Democratic Party, and elsewhere). In connection with the democracy debate, I also briefly examined Gyula Moór's participation and the contradictory professional and personal relationship between the two, and surveyed the analyses appearing in the relevant scholarly literature that sought to highlight different dimensions of the debate. I treated the constant return to the personal moments of Horváth's life as a significant element here as well, demonstrating both Horváth's own and the dissertation's central claim, namely that our lives determine our thinking. The dissertation furthermore devotes a separate chapter to the influence of Neo-Kantian philosophy on Horváth and on Hungarian legal philosophical thought more broadly, analysing in detail the debate with his "master" Hans Kelsen and with his student István Bibó on the nature of law and coercion, and the "resolution" of the Neo-Kantian methodological dualism through the synoptic method.

The dissertation employs both inductive and deductive procedures simultaneously. It proceeds inductively when drawing more general theoretical conclusions from concrete biographical facts (fear, neglect, career pressures, emigration) about how personal experience becomes a system of legal theory. A deductive method was also applied: I took Horváth's theoretical propositions (the synoptic method, procedure as the concept of law, the critique of coercion) as my starting point and tested them against the biographical data, working, as it were, "in reverse." My primary research goal was to demonstrate that between Horváth's life path and his theoretical system there is not merely a parallel but an organic connection.

III. THE ANALYTICAL FRAMEWORK OF THE DISSERTATION

The guiding thread of the dissertation was Horváth's foundational presupposition that our lives determine our manner of thinking — that as we live, so we think. As Ágnes Zsidai writes in *The Pure Legal Sociology*: "It is a commonplace of the sociology of knowledge and of hermeneutics that a work — indeed no work whatsoever — can be detached from the

personality of its thinking-creating author, from his 'pre'-judgements and his worldview, nor from the socio-historical and intellectual-historical situation of the age, from those great cultural problems in whose force-field the unity of the creative personality and his work takes shape." This means that Horváth's life's work can be interpreted not merely as a self-contained theory, but can also be examined as embedded in his life path; we may therefore regard his life itself as a kind of theory. The starting point of the investigation was to examine his intellectual legacy within a larger whole — his personal life's journey — and, extending this one step further, also within the historical and social framework of the given era. As the dissertation endeavours to demonstrate, in Horváth's case there is not merely a parallel but an organic connection between his life path and his life's work. The synoptic method draws nourishment from the experience of dual existence; the absolute value of freedom follows from the guilt of conscientious compromise; the trial of the genius is at the same time a working-through of the personal experience of exclusion; and the ideal of world citizenship is in a certain sense also a lesson drawn from the fate of the emigrant. As he himself formulated it: "My life determines my manner of thinking," and the life's work, read retrospectively, confirms this in every chapter. The goal of the dissertation was therefore to capture this — to demonstrate how a thought and an idea can be consistently carried through an entire life.

Horváth's most distinctive theoretical contribution to legal theoretical thinking was his claim that the essence of law is neither pure fact (social reality) nor pure norm (rule) alone, but the simultaneous contemplation of both — what he calls the synoptic method. The work of the jurist consists in referring the legal case (fact) to the legal proposition (norm), and conversely referring the norm to the facts, which is a continuous process of selection. This thesis stands in opposition both to legal formalism (in Kelsen, for example, law is merely norm) and to legal-sociological reductionism (law is merely social fact). According to Horváth, these two spheres — although they logically exclude one another — are connected only through the "lens" of the observing subject. The synopsis thus resolves the contradiction not in the object but in the manner of contemplation. The synoptic method is most vividly traceable in *The Trial of the Genius*, and the dissertation accordingly devotes a separate chapter to its presentation.

A second guiding thread of the analysis is that Horváth defines law as a dynamic process rather than a static system of rules. Law is the most institutionalised and most elaborately crafted form of all social procedures (custom, morality, etiquette, ritual). Procedure is the concept from which law can be logically, sociologically, and historically derived. This is also connected to the preceding thesis, since procedure is itself a synoptic formation (the unity of fact and norm). The relationship between trial and drama, which he develops in *The Trial of the Genius*,

illustrates this: in both there is action, conflict, decision, and ultimate catharsis. Law is therefore not an "idle mill" but the living channel through which the social foundations (economy, struggle, power, culture, and procedure) are balanced.

The same synoptic perspective appears in the analysis of the relationship between power and freedom, in which Horváth maintains that justice is what can provide the balance between them. He interprets power and freedom not as opposites but as mutually determining concepts. The development of power passes through three phases (synarchia, monarchy, polyarchy), and in parallel with this it is progressively transformed from within into freedom. Horváth's key thesis is that the striving for power is a wayward form of the need for freedom. Justice, in turn, is nothing other than the balance between the greatest socially possible freedom and the minimum power necessary to achieve it. The purpose of law is therefore to transform raw power into freedom through the instruments of procedure. This connection directly explains his conception of democracy as well: democracy is the system in which this transformation is institutionally guaranteed.

A separate chapter further analyses the influence of Neo-Kantian philosophy on Horváth and in particular his conception of coercion. He himself goes against the dominant tendency in legal positivism (Kelsen, Austin, Hobbes), which holds that the essence of law is coercion or sanction. His position is that the great majority of people follow the law voluntarily and that coercion is only resorted to in exceptional cases. It follows from this that if coercion were the foundation of law, the entire society would constantly be suffering the consequences of legal violations, which is manifestly not the case. This thesis is also closely connected to the theory of procedure, since in his view legal coercion is not the mere enforcement of a violated rule, but is itself a consequence applied according to a legal norm, embedded within the procedure as a whole. Law is not "violated" as long as the procedure has not been concluded. This is also the core of his debate with István Bibó, in which Horváth places a structural, procedural concept at the centre in place of the concept of coercion, in contrast to Bibó's psychological (derived from subjective experience) interpretation of coercion.

The dissertation also analyses Horváth's conception of democracy as part of his political theory. According to this, the essence of democracy is the triumph of rational persuasion and understanding over mere force. In his view, democracy cannot be exhausted in parliamentary representation; direct popular participation (referenda, public opinion polling) must be an equally indispensable element. It is particularly noteworthy that as early as 1939 Horváth welcomed regular public opinion polling as a revolutionary instrument of democracy — a kind of "daily referendum" that continuously monitors the work of representative bodies. This

connects with the fundamental question running through the entire life's work: law is in itself only a channel, which the "spirit of democratic humanity" (political culture, discipline, moral maturity) must fill with content. The ultimate purpose of democracy, in his view, is the emancipation of every human being; political and economic democracy are mutually presupposing, and the ultimate goal is a classless society.

All of these conclusions are not independent of one another but form a single coherent system. The synoptic method is the theoretical foundation upon which the procedural concept of law is built. From procedure it follows that power can be transformed into freedom — this gives law its political purpose. The debate about coercion defends this procedural theory against power-theoretical misunderstandings. Democracy, including the incorporation of public opinion, is the political realisation of this entire system: the form of state in which procedure, the extension of freedom, and rational persuasion can be institutionally effective.

IV. THE MAIN FINDINGS OF THE DISSERTATION

Surveying Barna Horváth's political theory and supplementing it with his distinctive synoptic legal theory, we may assert that the most important thesis of the entire life's work — to which virtually every chapter can be traced back — is the following: the essence of law is not coercion, not the command of power, and not the abstract norm in itself, but rather a continuous, living procedure whose direction and purpose is the extension of freedom. Law is not valid because it is powerful, but powerful because it is valid and just — law intervenes in order to create spheres free from intervention. This means that law is never a completed state, but a process always in motion. The Trial of the Genius illustrates this most vividly: Socrates and Joan of Arc lost their trials, yet the trial nevertheless set in motion a change through which new moral values seeped into the law, and the law became more equitable and more humane — guaranteeing, that is, greater freedom. The ultimate conclusion is therefore optimistic: humanity's struggle for justice is not in vain; the development of law is not a purposeless movement but one tending in a certain direction. The synoptic method is instructive from this perspective as well: fact and norm, reality and ideal, never coincide, yet they can never be entirely separated from one another either, and this tension is productive — not something that can or should be eliminated. Law does its real work when it keeps values and facts in continuous dialogue with one another. Lofty ideals, values, rightness confront cold reality, facts, positivity — and at the centre of this collision, serving as mediator, stands the subject, the human agent, fallible and imperfect: whether that be Barna Horváth or ourselves. The interpretation of the

synoptic method thus also creates the possibility of rendering visible that paradoxical property of law whereby law simultaneously guarantees and at the same time restricts our freedom. If coercion is the absence of freedom and freedom the absence of coercion, then the definition of the freedom to be attained can also be identified with the optimal absence of coercion — which in turn can serve as the foundation of both power and law.

What political construction might be capable of securing this direction and task for law? Horváth's answer to this question is equally unambiguous: the sole adequate political form for this idea of law is democracy. If the purpose of law is the extension of freedom and the minimisation of power, it follows logically that the only political arrangement capable of institutionally enabling this is democracy. Yet Horváth's conception of democracy is not naïve, since he clearly establishes that democracy does not function of its own accord and cannot be exhausted in the right to vote and its exercise alone, but is in a certain sense the common task of all of us. His ultimate political conclusion is that democracy can only be viable when legal technique, civic education, and moral maturity are present together. In his recurring formulation, law only provides the channel — the content must be filled in by human beings. This view is reflected in his characterisation of democracy as the most demanding form of state, yet in the course of developing his theories he never loses sight of the optimistic conviction that through the continuous development of institutions and society this can nonetheless be a realistic and achievable programme. The diagnosis may still be pessimistic even if the programme offered as a solution is deemed achievable.

Horváth's life and career also provides us with a pattern through which the fate of an autonomous thinker, marked by crises and catharses, can be traced. Without crisis there is no catharsis, and nothing illustrates this better than his own fate. Read together, Horváth's life and life's work carry a deeper conclusion as well — perhaps the most compelling of all. The autonomous thinker who knows no compromise always enters into conflict with his surroundings, but paradoxically it is precisely this conflict that creates value. This is the personal dimension of the theory, since Horváth himself lived out the fate of a genius in his own definition of the term: he clashed with his environment, was marginalised, emigrated — and yet it was precisely these peripheral positions that gave birth to his most significant works. The ultimate personal conclusion is therefore that exclusion, neglect, and oppression do not destroy but fertilise the autonomous thinker and autonomous thought, provided that the person is capable of preserving his inner freedom. Horváth could proclaim that law is the instrument of the extension of freedom precisely because through his own fate he had come to understand that submission to external coercion entails the loss of the integrity of the personality.

If we bring together all three levels mentioned above and take the unity of life and thought as our measure, the ultimate conclusion of the analysis may be stated as follows: genuine legal theory and genuine political thought can never be abstract systems that detach themselves from human experience. Law, power, freedom, and democracy can only be truly understood if the thinker examining them also brings his own life, errors, compromises, and rebellions into the theory. Horváth's life's work is the proof of this thesis and at the same time a warning to every theory of law that excludes the human being from its own subject matter. This message remains valid today: every legal order that regards coercion as its foundation treats the human being as an object. Every democracy that is merely technique and not moral education remains hollow. And every thinker who builds his system independently of his life will sooner or later run into the wall of reality.

Barna Horváth was a scholar whose life path and life's work formed an inseparable unity; he did not conceal personal experience behind his theory but made it a fertile source thereof. Paradoxically, he was at once a system-builder and a system-opponent. He developed a comprehensive theoretical framework, but never regarded it as final and never sought to close off every question. He strove to construct his own theoretical system, but never considered it concluded or infallible. In the preface to *An Outline of Legal Theory* he himself formulates the essence of his scholarly stance: he states not what we blindly believe, but only what we doubt the least, what we find no better alternative to, yet what we render disputable every day. This openness did not stem from uncertainty but from a profound understanding of the nature of thought. It is worth setting this alongside the theoretical stance that takes shape in Horváth's life's work — namely his awareness of the limits of cognition. The foundational experience of thinkers like him is the lived sense that the more I know, the more clearly I understand how little I know. Yet neither this experience nor the awareness of the limits of cognition can lead to the extinguishing of the desire for knowledge: about that which is ultimately perhaps unknowable, we nonetheless wish to know ever more.

In her essay *The Eternal and the Timely Inherent in Law*, Ágnes Zsidai draws attention to a self-critical retrospective of Horváth's scholarly conduct that is most worthy of note for any assessment of him. In his own view, the enduring achievements of his theory are, on the one hand, the synoptic methodology and, on the other, the elaboration of the procedural theory of law. However, he himself regarded his investigations into the performance-connections of social objectivation and universal regularities (that is, essentially the bulk of the second part of the *Rechtssoziologie*) as a transitory chapter of his work. As we have already cited: "It frequently occurs in the history of thought that a new fundamental idea breaks through for the

first time in such a grotesque application that it bears no proportion to the significance later recognised in it. In my case too, the discovery of the synoptic method was equivalent to the mountain labouring in travail, while the 'law of diminishing returns' between law and society, which I believed I had achieved through the application of the method, was equivalent to the birth of the proverbial ridiculous little mouse."

In the preface to his *Legal Sociology* Horváth formulates the essence of his endeavour: "I would sincerely rejoice if my investigations could contribute to the understanding of the Eternal and the Timely inherent in society and in law." And as the dead point of his autobiographical writing he records that the ultimate vindication of his personal character perhaps lies in the fact that he ardently wished to share with the masses all the freedom and happiness that it had been given to him to know. Reading through the life's work, each reader may decide for themselves whether this venture succeeded — but for our own part we can only answer in the affirmative.

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