

# Jog

történeti szemle

Vol. 19  
Special issue  
2021

BUDAPEST · DEBRECEN · GYŐR · MISKOLC · PÉCS · SZEGED

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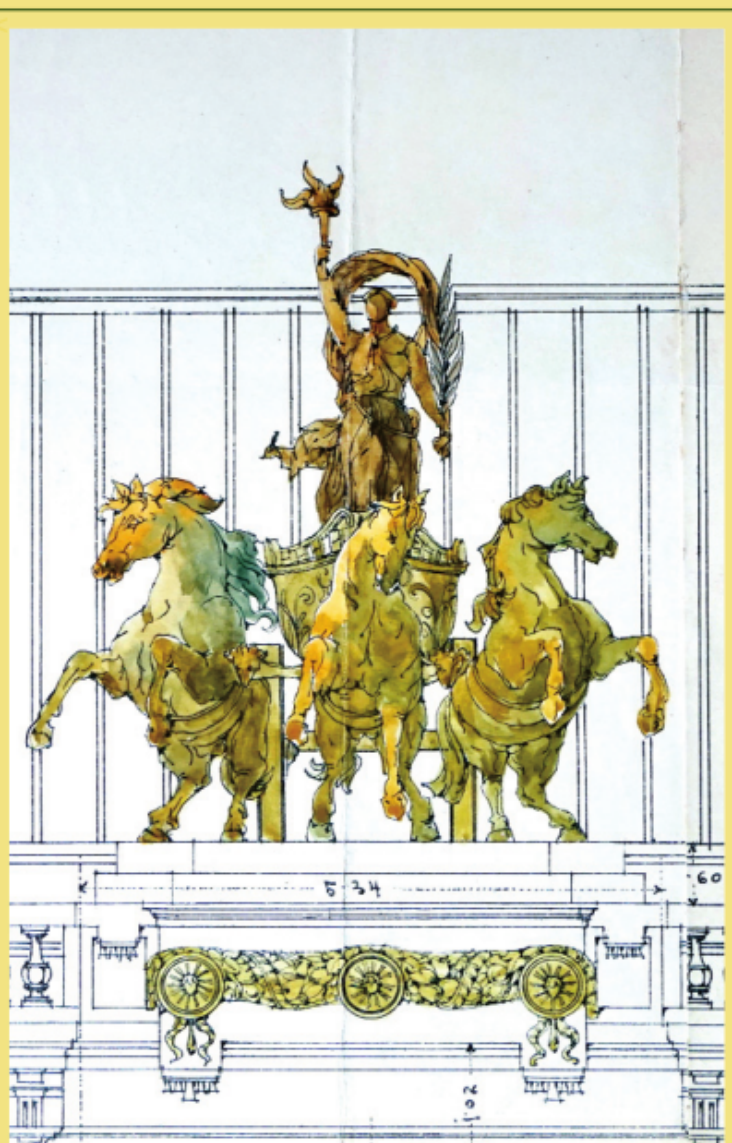
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*Triga on the building of the Royal Curia*

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*On the front page:*

**Triga on the building of the Royal Curia, designed by Alajos Hauszmann**

Sculpture (and this sketch drawing) made by Károly Senyei

Országos Bírósági Hivatal, Műszaki Főosztály Irattára [National Office for the Judiciary, Technical Department Archives]

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ISSN 0237–7284

Published by: Department of Legal History of the University of Debrecen, Department of Hungarian State and Legal History of the Eötvös Loránd University, Department of Legal History, Legal Theory and Canon Law of the Károli Gáspár University of the Reformed Church, Department of Legal History of the University of Miskolc, Department of State and Legal History of the National University of Public Services, Department of Legal History of the Pázmány Péter Catholic University, Department of Legal History of the University of Pécs, Department of Legal History of the Széchenyi István University Győr, Department of Hungarian Legal History of the University of Szeged

Publisher: Gondolat Kiadó

The research of the history of the Hungarian Royal Ministry of Justice poses a major challenge due to the destruction of the files in the central national archives in 1956. In this paper some brief chapters, that can be considered important from among the remaining fragmentary material, are highlighted.<sup>1</sup>

## 1. World War I

### 1. 1. Some of the first confidential regulations

At the beginning of World War I, Jenő Balogh, Minister of Justice,<sup>2</sup> issued several confidential instructions on the measures to be taken in the event of an enemy invasion. Among these, confidential Decree No. 115/38 of 25 August 1914, which was referred to many times, thereafter, was about handling and securing valuables and official documents in case of public danger. The minister himself or the chief official of the municipality (the mayor or the sub-prefect) could order this briefly with the following words: “State assets must be secured.” The material scope of the decree covered judicial presidential deposits, valuable corpus delicti and objects, securities, cash, documents handled as attachments to accounting logbooks, as well as the list of fortresses and secret telegraphic number keys. In case of danger, the head of the authority took the sum needed for transportation from the cash office, which sum was recorded in the book of receipts and expenditures as a separate entry, and then the assets mentioned had to be transported to the state treasury of District IX in Budapest by post, ship, or rail, or otherwise if it was not safe in this way. In emergency, these possessions and documents had to be hidden. A similar rule applied to land registry maps, records, and deposits, as well as to unproclaimed last wills, in order to “protect them from destruction”, and special attention had to be paid to looking after properties which had to be abandoned. If there was no time for this and the officials were forced to hand over documents during a direct attack, an attempt had to be made to obtain an acknowledgment of receipt or other evidence (e.g., witnesses). Once the public danger had ceased, the Ministry had to be notified immediately.<sup>3</sup>

Confidential Decree (Circular) No. 115/56, which regulated the conduct of criminal authorities in the event of imminent danger, also proved to be important in practice. In case they were compelled to leave their office, they had to try to prevent the detained “criminals dangerous for the public” from deserting to the enemy, and for this reason they had to be transported to a secure detention facility. If this was not possible, at least persons in pre-trial detention, those convicted in an accelerated criminal procedure,<sup>4</sup> work-shirkers dangerous for the public (Act No. 21 of 1913), those interned by the authorities as “unreliable or suspicious persons”, as well as those convicted for more than six months, if more than one month was left from their imprisonment, had to be transported. The others, however, had to be released and a statement was to be prepared. For this to happen, up-to-date records of

Antal, Tamás

## Fragments from the Work of the Hungarian Ministry of Justice during the World Wars

these two groups of prisoners were to be kept in advance, in the prison where they were taken, all the suitable rooms could be used, not just cells. It was the prison governor’s duty to ensure that the persons who had served their sentence in the meantime were released; as regards pre-trial detainees, it was the territorially competent royal prosecutor who decided whether to extend pre-trial custody, of which the competent chief royal public prosecutor was to be informed in a report.<sup>5</sup>

Otherwise, Government Decree No. 7 364/1914 governed the case if a judicial authority was *forced to cease* its normal operation due to the war. In this case, its seat was to be left “in a calm, orderly manner and not in a fleeing-like way”. If possible, the retreating organ remained in the vicinity of the occupied area to reclaim its seat as soon as possible.

*“When leaving and returning to the seat, the two important aspects to be reconciled are: on the one hand, to prevent the enemy from exploiting the authorities for their own benefit and, on the other hand, to make sure that the population in the authorities’ territory is deprived of the operation of the Hungarian authorities for the shortest time possible.”*

– the decree stated. The organ forced to leave was obliged to continue supporting the population in the occupied territory, reassuring them in the knowledge that “they are not completely abandoned by the Hungarian authorities”.<sup>6</sup> However, there were some special circumstances: the Ministry of Justice found several supplementations desirable for the areas of the tribunals of Braşov [Brassó], Miercurea Ciuc [Csíkszereda] and Târgu Secuiesc [Kézdivásárhely]. First, prosecutor’s offices were supposed to handle the documents of crimes of political nature separately for ease of transportation; second, the confidential circulars by the Minister of Justice and the chief public prosecutors regarding the war, the secret telegraphic number markings, and the documents of the Hungarian–Romanian Joint Committees were also to be collected for security purposes.<sup>7</sup>

Simultaneously with sending the first declaration of war, on July 28, 1914, the Minister of Justice instructed

the chairmen of the tribunals how to proceed in the matters of mobilization and the resulting staff shortages,<sup>8</sup> yet soon after the outbreak of war, from October 1914, the administration of justice wavered in the counties afflicted by the invasion of the enemy forces. Reports kept coming from the north-eastern and southern regions of the country about district court judges being forced to leave their places of service. The chairmen of the royal tribunals (*királyi törvényszékek*) and Courts of Appeal (*ítélőtáblák*) concerned gave dramatic reports on the commotion caused by the war, for instance, in the district of the Court of Appeal in Košice [Kassa] or in the area of the Sighetu Marmăției [Máramarossziget] tribunal. The work in prosecutor's offices also faltered: from Transylvanian reports, the Ministry was informed of temporary "closing procedures", particularly for the purpose of saving files and the managed funds.<sup>9</sup> Real heroes were involved in this activity, not only prosecutors and judges, but also administrative office staff, junior clerks, and prison guards, who stood their ground and made it possible for the administration of justice to continue working. Many of them were nominated for the highest class of the Civil Military Cross of merit.<sup>10</sup>

## 1. 2. In the escalation of the war

As World War I and the occupation of certain territories of Romania progressed, the obstacles to the work of civil courts there multiplied if one of the parties was a Hungarian native. The Minister of Justice was continuously informed about this, and eventually he notified the Prime Minister that action had to be taken against the functioning of the Romanian courts to ensure impartial judgment. The analogy of the Austro-Hungarian consular jurisdiction was raised as a possibility,<sup>11</sup> but it was rather the organizational solutions applied in the Romanian, Serbian and Polish territories occupied by the Germans which were considered as a guiding example. Accordingly, in June 1917, with the mediation of the joint Ministry of Foreign Affairs of the dual monarchy, it was agreed that Hungarian and Austrian natives would be subordinated to the German civil courts to be established besides ordinary tribunals, which would apply Romanian substantive law but German procedural law, while Romanian citizens could continue proceeding before their own courts. If, nevertheless, the Hungarian party litigated before a local court, the so-called General Governor (*főkormányzóság*) appointed a commissioner officially to protect his or her interests.<sup>12</sup>

Similarly, in 1917 the Minister of Justice called upon the chairmen of some Courts of Appeal to propose *judges speaking Romanian* to be sent to the occupied Romanian territories. The transcript reveals that similar measures had already been taken in Serbia. Upon the proposal made by the chairmen of the Courts of Appeal in Szeged and Timișoara [Temesvár],<sup>13</sup> Béla Suszter, chief district court judge in Caransebeș [Karánsebes] and Rezső Wanie, tribunal judge in Szeged were assigned to the Romanian economic staff of the military administration in Bucharest, where they were appointed economic high commissioners

in August, whereby they were classified in a lower official payment category than in their courts. As they found it injurious, the president of the Court of Appeal in Timișoara asked the Minister to reclassify their position as civil commissioner, thereby receiving the same remuneration as their colleagues sent to Serbia or, if this was not possible, to enable them to return to their original place of employment. The imperial and royal military headquarters, contacted in the meantime, declared that they had no objection to the reclassification. However, a few weeks later, at the end of September, the president of the Court of Appeal of Timișoara informed the Ministry that Béla Suszter wished to return home, an initiative that he himself also found to be worth supporting in the interest of the administration of justice, so Suszter was relieved of external service in early December.<sup>14</sup> A similar event happened later: in October 1918, the Romanian Compensation Office (*Kártalanítási Hivatal*) needed trustworthy judges or scribes with a good command of the German, Romanian and French languages as civil commissioners sent from the districts of the Szeged, Oradea [Nagyvárad] and the Transylvanian Courts of Appeal on a voluntary basis. It is not known whether this finally happened, but each Court of Appeal president suggested a suitable candidate.<sup>15</sup>

Meanwhile, in order to coordinate border measures made necessary by the worsening war and by the Romanian attack against Transylvania, in April 1917 the Minister of the Interior requested that a royal prosecutor, who could speak Romanian, should be summoned to him, and Kristóf Fehér, the chief prosecutor of Lugoj [Lugos], was appointed for this in a short time. However, there was dispute over the legal way of doing so, because his summoning to the Ministry of Justice and then his transfer to the Ministry of the Interior would have ceased his actual service as prosecutor and thus his leadership supplement, too.<sup>16</sup>

Needless to say, the Ministry itself suffered losses during the World War, as also known from a report written by Cyrill Karap, head of the audit office, in October 1917. Due to the high number of enlistments, the frequent assignments to the National Military Aid Office (*Országos Hadsegélyező Hivatal*)<sup>17</sup> and the implementation of several new government decrees issued in parallel, the audit office found itself in a critical situation, which was illustrated well by the fact that the closing account for 1915/16 was completed one year after the statutory deadline. The severity of the shortage of appropriate professionals available is also shown by the lengthy correspondence between the Ministry of Justice and the Military Aid Office in the autumn of 1917 regarding the further assignment or summoning back of one particular auditor, who had served in the Office since March 1916, and at the time mentioned both organs considered him indispensable and demanded his service.<sup>18</sup>



### 1. 3. In the months of the endgame

The battlefield events in the autumn of 1918 prompted Gusztáv Tőry, Minister of Justice,<sup>19</sup> to contact the judicial authorities again on 3 October, regarding the procedures to be followed in the event of the arrival of the enemy forces. The district courts had to prepare themselves again for safeguarding the land registry documents by using their experience acquired so far, and to this end they had to send reports to the president of the Court of Appeal in Târgu Mureş [Marosvásárhely] and to the Ministry on the exact content of the boxes, among others. Their actual transportation could be ordered by the Minister himself or by the Government Commissioner for Transylvania, who also named the destination (Arad, Oradea or Debrecen). The above-mentioned confidential instructions of 1914–15 governed the securement of other valuables.<sup>20</sup> The files from the courts of the already occupied southern part of the country had to be taken to Szeged, but on 9 November only a few boxes from the Oravița [Oraviczabánya] district court and from the Bela Crkva [Fehértemplom] courts arrived there. Their handing over is known to have happened in such a way that the office manager of the tribunal received the official boxes together with the list of their content from the escort employee and arranged for their placement, the transportation and delivery costs were advanced by the president of the Court of Appeal himself from the general office expenses.<sup>21</sup>

In November 1918, in the midst of inevitable defeat, the Government had to take measures on what should generally happen concerning the work of the Hungarian courts in parts of the country already occupied or to be occupied by the enemy. According to the decision made in the Council of Ministers and communicated through the chairmen of the Courts of Appeal, all the judges and the officials had to remain in their place of service and, as far as possible, “to endeavour” to cooperate with the Romanian and Czechoslovakian national councils, but they could take an oath or pledge to them only if there was no way out, under pressure. According to the ceasefire agreements of 3 and 13 November 1918, the Hungarian organs (would have) performed the official tasks until concluding the peace treaty, thus the occupation itself did not qualify as a certain reason for stopping their work, what is more: public administration and the administration of justice had to be maintained to prevent the occupying powers from taking them over on the ground that the Hungarian organs were not functioning. If the circumstances did not allow this – particularly if the officials’ lives were endangered when remaining in their office – the provisions described above applied to securing valuables and various files as well as to the transportation of prisoners. The reports made by the chairmen of the Courts of Appeal in Szeged and Oradea revealed that some of their employees had already left for an unknown place, and furthermore, the occupying troops regularly prevented the continued operation of the Hungarian organs despite the ceasefire agreement. The situation was further aggravated because the various ministries gave different instructions to the subordinated

offices, and because no order that could be enforced in all parts of the state could be issued.<sup>22</sup>

Therefore, the Minister of Justice took the view that, despite the capitulation, the operation of the Hungarian government organs had to be coordinated as much as possible. However, there were different views in the Ministry as to how this should be done. There were some who regarded the so-called ceasefire committee of the Entente to be most suitable for dealing with these tasks, while others did not find it appropriate because of its composition. According to the knowledge of Vilmos Pál Tomcsányi, undersecretary of state in the Ministry, the head of the French committee arriving in Budapest to determine the details of the ceasefire held out the prospect of remedying the grievances caused by the obstruction of the work of the Hungarian judicial authorities, and thus he assumed that there would be no need to take specific action about the existing disturbances. However, Dávid Rosnyai, rapporteur, held the view that an interdepartmental meeting was needed in the Ministry to decide the problematic questions.<sup>23</sup>

According to a report by the Ministry’s audit office, the salaries for December 1918 were remitted to the heads of tax offices which were located inside the demarcation line and not threatened as larger advances for receipt and subsequent settlement, who then collected these sums personally or through their representatives and distributed them themselves to judicial officials, servants, pensioners and persons entitled to military aid against a receipt – e.g. the sums due to Pančevo [Pancsova] and Novi Sad [Újvidék] were sent to Szeged, the salaries for the employees in Sânnicolau Mare [Nagyszentmiklós] were remitted to Makó –, while the salaries for those who had been forced to leave their places of service were sent to the (still) Hungarian state tax office where they had requested. Pursuant to a Council of Ministers resolution which was passed in 1915 but promulgated only much later, those who were trapped outside the demarcation line – provided that they had left their office for good reason – were to receive their salaries and travel expenses similarly by means of so-called travel accounts endorsed by their office superiors. It is not known whether this was actually effected; however, the Government of the proclaimed Hungarian People’s Republic<sup>24</sup> issued an official call in December 1918, in which civil servants were called upon to retain their post of service if possible, and in the case of their departure, to wait for the order of their superior authorities in their new places of residence, making their salaries dependent on this.<sup>25</sup>

The People’s Republic of 1918–19 mentioned was proclaimed on 16 November 1918 – after the revolution in Budapest on 31 October –, and it was terminated on 21 March 1919. It used to be a democratic state and not a communist one led by count Mihály Károlyi and his Government. This unfortunate period was the time of the armed intervention by several Central European states (Czechoslovakia, Romania, Serbian–Croatian–Slovenian Monarchy) onto the territory of Hungary.

Meanwhile, Ágoston Ráth, Commissioner of Justice of *Narodna Uprava* (Serbian People’s Administration)<sup>26</sup>

in Banat [Bánát], Bačka [Bácska] and Baranja [Baranya], stated in early December that he was willing to continue employing Hungarian judges and prosecutors from Délvidék [Southern Territories] in their office with “certain” reservations (and also to allow Hungarians to use their mother tongue in court) if those concerned asked for their relocation through their office heads and if they took an oath and pledged loyalty to *Narodna Uprava*. The Hungarian Government protested this, with reference to the contents of the ceasefire agreement, and instructed judicial officials not to make a statement before the eight-day deadline but to bide their time until the two states came to an agreement. In his circular dated 12 December, Dénes Berinkey, the Minister of Justice in office, ordered that in case they took an oath to the Serbian empire under direct pressure, the People’s Republic would not hold it against them later.

In January 1919 the president of the tribunal Subotica [Szabadka] informed the Hungarian Government that biding time had led to no result; those who did not take the oath of allegiance could not receive their salaries in the tax office which had come under Serbian jurisdiction, and neither could they get to the unoccupied territories because travel certificates were rarely issued by the Serbian–Croatian authorities, moreover only overprinted banknotes were accepted in the occupied territories. *Narodna Uprava*’s Commissioner of Justice himself realized that the Hungarian state had only been playing for time, therefore he did not agree to any further postponement of pledging loyalty, instead, he declared that “he was going to resort to force”. So, through a secret envoy, the president of the tribunal asked for instructions on what to do.<sup>27</sup>

The staff and operation of the Hungarian judicial authorities which were already in the territory of Czechoslovakia faced similar obstacles. In January 1919 Dénes Berinkey, Minister of Justice, commissioned Ödön Polner, professor of constitutional law<sup>28</sup> and Rector of the University of Bratislava [Pozsony], to negotiate on behalf of the Hungarian Government, and he intervened and conferred with Ambassador Milán Hodzsa so that the provisional Slovakian Ministry operating in Žilina [Zsolna] would refrain from soliciting oath-related claims from the judicial staff for the time being. By that time, however, Polner and other university professors had already been taken into police custody by the Czechoslovak authorities, its termi-

nation was requested by the Hungarian Ministry of Justice on 31 January,<sup>29</sup> but the archives do not reveal whether it was successful. According to Polner’s memoirs, he was taken into custody only on 4 February, several days after he had returned home from Budapest, and it lasted for only one day in a Franciscan monastery; but it is a historical fact that the prefect (*zsupán*) there suspended the operation of the University of Bratislava temporarily and ordered police surveillance for the teachers. Polner did not mention whether he had eventually completed a special diplomatic mission for the Hungarian state at that time.<sup>30</sup>



Ödön Polner (1865–1961)<sup>31</sup>

## 2. World War II

### 2. 1. The integration of the reoccupied former territories

As a result of the “Vienna Awards” (1938, 1940), on the one hand, the administration of justice had to be maintained, and on the other hand, the Hungarian state legislation had to be organized again in, as called

officially, the territories returned to the Holy Crown of Hungary, which was the responsibility of the Ministry of Justice and the Government. The first relevant decree entered into force on 28 October 1938.<sup>32</sup> In the territories of Upper Hungary [Felvidék], Transcarpathia and Transylvania concerned, the procedural rules of private law, civil and non-litigious proceedings in force there at the time of their re-annexation – namely on 1 January, 27 June 1939, and 26 November 1940, respectively – were generally maintained, while in criminal justice the Hungarian law had to be applied. The commencement of the operation of the Hungarian courts entailed that the ongoing deadlines were interrupted and restarted, and the time interval between the dissolution of the Czechoslovakian and Romanian courts and the beginning of the operation of the Hungarian forums was not included in the limitation period. The Court of Appeal in Košice was re-established in 1938, while the ones in Cluj [Kolozsvár], Oradea and Târgu Mures [Marosvásárhely] in 1940. The organization was mostly carried out on decree level in view of swiftness and Hungarian traditions<sup>33</sup> as well as the war-time public law conditions as of September 1939. These rules of law are so numerous that only their listing would be beyond the scope of the present study.

The judicial integration of Southern Territories [Délvidék] occupied in the spring of 1941 also took place by this

analogy.<sup>34</sup> Entering World War II in April 1941 resulted in the occupation of the so-called Southern Territories, which then belonged to Yugoslavia according to the Treaty of Trianon (1920), and in its *de facto* re-annexation to the motherland within a few weeks. However, the public law aspect of all this required much longer time: it was only at the end of the year that the Governor, Miklós Horthy promulgated Act No. 20 of 1941, which – by analogy with earlier similar laws<sup>35</sup> – was necessary for the unification of the country in the public law sense. As regards the restoration of Hungarian jurisdiction and citizenship, the theoretical date of 11 April 1941 was set by Parliament, while leaving the elaboration of all the details of the act in question to regulatory provisions by the Government and the Ministers – including the operation of the judicial organs and the aspects of the concrete laws to be applied. Thus, partly the reinstatement of the force of the former Hungarian rules of law, which did not require new legislative acts, and partly the extension of the territorial scope of the newly created Hungarian legal norms as well as the implementation of several provisional rules of law were realized during 1941 and 1942.<sup>36</sup>

For example, as of 16 August, 1941, the provisional organizational norms re-established the *royal tribunals* and public prosecutor's offices in Subotica, Sombor [Zombor] and Novi Sad [Újvidék], as well as several district courts in these areas, most of which were assigned to the district of the Court of Appeal of Szeged.<sup>37</sup> In Novi Sad, an independent bar association was also set up.<sup>38</sup> In private law disputes, regulated by the Code of Civil Procedure of 1911<sup>39</sup> and the act on its entry into force, generally the Hungarian law came into force – at the same time as the Hungarian courts became operational.

In the re-annexed territories, the newly created or already existing Hungarian courts took over the cases which were still pending before a Yugoslav court at the time of its dissolution, or which were in progress before a judge appointed by the Hungarian military authority. Exceptions were the cases which belonged to administrative authorities under Hungarian law, those which did not fall within the scope of jurisdiction of the Hungarian state organs under private international law, proceedings taken by or against the Yugoslav State, and finally, proceedings taken by or against other public bodies or public institutions which could be replaced by another person/organ as a result of the change in state authority. Cases in which new proceedings could be initiated were settled by the Hungarian court replacing the competent Yugoslav court even if otherwise it did not fall within the scope of its jurisdiction or competence under the Hungarian procedural law.<sup>40</sup>

Military criminal justice exercised temporarily over civilians in the Southern Territories ceased on 3 August 1941. As from the following day, criminal cases against civilians were heard by ordinary criminal courts unless the proceedings – pursuant to special law – belonged to the competence of the military criminal court in other parts of the country as well. In cases where the Yugoslav courts had already made a final judgment before 11 April 1941 and no new criminal proceedings could be initiated,

or such proceedings had not yet been initiated before the Hungarian judicial authorities, the person who had been convicted by the Yugoslav court could request the competent Hungarian tribunal (district court) to declare that he/she had not committed the offense that he/she was accused of, or that his/her conviction had not been in accordance with the legal conception of Hungarian law. If the Hungarian court subsequently found that the applicant had not committed the criminal offense that he/she was accused of in the previous judgment, or that his/her conviction had not been in accordance with the legal conception of Hungarian criminal law, the convict would not suffer any further prejudice on account of the decision of the former Yugoslav court. The Hungarian court could also declare that the judgment of the Yugoslav court was legally invalid in Hungary and it made a new decision instead. If there was any doubt as to the nature of the territories during the application of the temporary rules, the court or the public prosecutor's office was obliged to turn to the Minister of Justice.<sup>41</sup>

The Hungarian rules of 1914 regarding the administration of courts and royal prosecutor's offices<sup>42</sup> also entered into force in the Southern Territories on 1 January 1942, with minor temporary amendments. Many requested to be relocated to the regions re-annexed to the country no longer than the turn of 1944 and 1945.

## 2. 2. Propaganda and the administration of justice

At the end of 1940, the Service for National Policy (*Nemzetpolitikai Szolgálat*), which was organized at the Prime Minister's Office, strongly asked the ministries that, within their competence, their leaders should send information twice a month on “any measure which, directly or indirectly, promotes the material or moral benefit of any social stratum of the nation”. The Service for National Policy intended to publish the received material in a bimonthly publication on the operation of the state and municipalities as well as the agencies and institutions under their supervision. The publication “aims to tell and inform the broad spectrum of the Hungarian society about the operation of the Government, thus promoting the development of a correct public perception” – as stated by László Radocsay, Minister of Justice about the aim to be achieved, therefore in December 1940 he ordered that the head of each department should communicate the information in writing to the presidential department of the Ministry until the 1st and 16th day of the month, which was then forwarded to the Service.<sup>43</sup> The propaganda publication was published from January 1941 under the title *Országépítés (Landbuilding)*. As a periodical bulletin all together it had 90 issues between 1941 and 1944 according to the database of the Library of the Hungarian Parliament.<sup>44</sup>

It was also in the first month of 1941 that Prime Minister Pál Teleki made the following, strictly confidential appeal to Radocsay:



*“in order to effectively support the foreign information work of Department IV operating under my direct supervision within the framework of the Hungarian Royal Prime Minister’s Office, it is necessary that the ministries and other bodies regularly provide the Department with all the information that, after proper processing, can provide foreign countries with favourable information on Hungary, its domestic situation, foreign policy, development, nationality policy, economic and technical achievements, measures to promote increased production, etc.”.*

Teleki also considered it advisable for the Ministry of Justice to inform the Prime Minister’s Department of Information regularly, preferably on a weekly basis, of “the relevant decrees and the political, cultural, economic etc. measures,” issued within its competence, “which demonstrate the advancement and steady development of Hungary” on the one hand and can portray Hungarian nationality politics in a good light on the other. Furthermore, he also found it necessary that the statements – made by nationalities, persons belonging to them and their leaders “which reveal that the situation in Hungary and the measures of the Hungarian Government elicit recognition and friendly feelings among our minorities” – should also be reported to the Prime Minister’s Office regularly. To this, a ministry rapporteur was responsible for direct contact, and the compilations prepared for the Service for National Policy had to be sent to the Prime Minister, too.<sup>45</sup>

Radocsay was also contacted directly by Alajos Alföldi, Head of the Service, who pointed out:

*“it seems particularly useful [...] to disclose the ordered investments, facilities and the costs spent on or allocated to these, so that the public activities of the state that are less known but of great interest to the public can also be publicized”.*

He was explicit in pointing out that the aim was to make it appear that, despite the wartime conditions in the country, “the rate of material and moral value production continues to be vibrant and, in contrast with any other continental state, the standard of living and the possibilities of obtaining basic commodities barely decreased”. The reports had to be submitted so that the data would be available to the Service on the 4th and 19th day of each month.<sup>46</sup> For example, the family law department of the Ministry of Justice issued its first report on 3 January 1941. In this, Miklós Staud, Head of Department, used this radical metaphor, among others:

*“in the field of family law, the Government is driven by the clear realization, or even certain knowledge of the fundamental doctrine of state that the core unit of the state is the family based on marriage blessed with profound moral content, enduring solidity and natural reproduction. [...] A man who remains unmarried, a woman who is averse to serious, stable marriage can only be regarded as a white blood cell and treated ac-*

*cordingly by the state with respect to governance, the proliferation of which white blood cell would cause the state to be mainly morally, but also economically and ultimately physically ill and extinct.”*

The Ministry’s usual approach in judging requests for exemption from marriage impediments was that it proposed to refuse permission only if its issuance would raise a serious moral or public health issue, or “if the marriage would only serve as a pretext or an opportunity for a foreign person to settle down in the country whose settlement was contrary to public interest”. The judicial administration also supported starting a family through legal guidance and the “warm embrace” of adoption; besides, it sought to provide for the “legally forsaken”: the illegitimate children through securing pardon by the Governor.<sup>47</sup>

### 2. 3. Regulations on the Jews’ properties

The previously quoted report typically shunned the contradiction between anti-Jewish legislation and the above goals. In contrast, the Jews were very much focussed on in the informative anonymous commentary on the government decree<sup>48</sup> regulating the payments on dismissal and remunerations of similar nature paid to private employees dismissed or to be dismissed as a result of the so-called “Jewish laws” (1939–42) based on German examples.<sup>49</sup> The reason for its issuance was that persons who were classified as “Jews” and excluded from employment were paid large amounts of severance pay by the economic companies concerned, which was found quite injurious by the Council of Ministers, which made it compulsory to declare the emoluments paid in this way: “in reality, several companies were rather willing to risk collapse, displacement from production, but they wanted to compensate the dismissed Jews abundantly for life”. The Government took measures to “protect” movable capital by limiting the extent of severance pays, bonuses and private pensions.

To this end, the Supervising Authority of Public Interests (*Közérdekeltségek Felügyelő Hatósága*), formerly established in 1933, was authorized to rectify payments that thus became unlawful, even *ex officio*, or retrospectively, to the allowed extent, and to sanction the leaders of companies providing excessive payments. The scope of the regulation did not cover employees receiving wages below five hundred *Pengő*s a month, cynically classifying it as the “consideration of social aspects”.<sup>50</sup> This briefly outlined document was clearly just a law extract, but it portrays vividly how the legal and economic dimensions of antisemitism were widening and how a part of the society was trying to resist this with its own means before the country entered the war. Incidentally, by the end of 1939, 28 judges and one prosecutor were made to retire as a consequence of the “Second Jewish Law” (Act No. 4 of 1939) and its implementing regulations, and four court drafters were subject to the provisions of this act.<sup>51</sup> But it was only the beginning...



## 2. 4. *The last man standing*

The last Minister of Justice of the Horthy era, who was appointed by the Governor of his own will, was Gábor Vladár, who worked in the Government of Géza Lakatos between 29 August and 16 October 1944. The minutes of the Council of Ministers reveal that a draft of a judicial decree was also prepared in order to release some of the assets belonging to *fideicomissum* from the restriction, but it did not actually become law.<sup>52</sup> It is known from other sources that Vladár intervened personally and other ways to release a number of political prisoners, similarly he worked out the decree on banning the extreme right-wing press and authorizing the left-wing press, which was on the agenda of the government meeting held on 14 October, 1944, the last one before the “attempt to jump out of the war”. Interestingly, he did not write about the latter in his memoirs.<sup>53</sup>

At the meeting of the Council of Ministers on 27 September, it was also he who, in agreement with the Minister of Trade and Transport, presented a draft decree for the use of the business, industrial goods and material stocks

as well as other assets of Jews, which was adopted by the members of the Government.<sup>54</sup> At the meeting on 13 September, decisions were made on several judicial personnel matters: on filling the posts of judge and prosecutor.<sup>55</sup> These were probably not implemented *de facto*. During Vladár’s ministership, the Ministry of Justice also struggled with a severe budget deficit: the necessity of applying for a supplementary loan of 347,000 *Pengős* was raised. The Government agreed to the amount requested.<sup>56</sup>

Although Vladár explicitly stated in the Council of Ministers on 1 September 1944 that in order to achieve the goals of the Government (to jump out of the war) it was essential to “improve the performance of official duties, to maintain order and discipline in public offices to the utmost degree”,<sup>57</sup> confronting the Third Reich finally resulted in total failure – largely because of the efficient intelligence of the German secret service and the betrayal by some officers of the Hungarian general staff.<sup>58</sup> Governor Horthy – to save his and his son’s life – handed over power to the Arrow Cross Party (Hungarian national socialists), which signalled the end of the history of the Ministry of Justice in the bourgeois era, too.<sup>59</sup>

## Notes and references

<sup>1</sup> The ministerial/ministry decrees, orders and other fragmented documents during and immediately after World War I and II, applying to the judicial organization and not published officially in collections (*Magyarország Rendeletek Tára* [Collection of Hungarian Regulations] MRT) and gazettes (*Igazságügyi Közlöny* [Judicial Gazette]), can be found in the remaining archives of the former Hungarian Royal Ministry of Justice in the central unit of the Hungarian National Archives, Budapest (Magyar Nemzeti Levéltár Országos Levéltára, MNL OL).

<sup>2</sup> BÓDINÉ BELIZNAI, Kinga: Balogh Jenő életútja [The Life of Jenő Balogh]. *Jogtörténeti Szemle* [Review of Legal History], No. 1, 2016. 1–9.; STIPTA, István: Balogh Jenő, az igazságügy református minisztere [Jenő Balogh, a Calvinistic Minister of Justice]. *Jogtörténeti Szemle* [Review of Legal History], No. 4, 2017. 40–45.; ANTAL, Tamás: Ministers of Justice in Hungary during the Austro-Hungarian Monarchy. *Beiträge zur Rechtsgeschichte Österreichs (BRGÖ)*, No. 2, 2020. 338.

<sup>3</sup> MNL OL K578, 115/38.

<sup>4</sup> Regulations of the accelerated criminal procedure: Decrees of the Hungarian Minister of Justice No. 12 002/1914. I. M. E. (*Igazságügyi Közlöny* [Judicial Gazette], No. 7, 1914. 321–338.), 9550/1915. I.M.E. (MRT 1915. 956–971.), 41 900/1917. I. M. (MRT 1917. 2004–2010.); Decrees of the Hungarian Royal Government No. 5488/1914. M. E. (MRT 1914. 1434–1437.), 6.082/1914. M. E. (*Igazságügyi Közlöny* [Judicial Gazette], No. 8, 1914. 473–474.), 2060/1915. M. E. (*Igazságügyi Közlöny* [Judicial Gazette], No. 6, 1915. 309–312.). For information on bourgeois criminal procedure law and war-time jurisdiction see: ANTAL, Tamás: Das Strafverfahrensrecht (1867–1944). In MÁTHÉ, Gábor (ed.): *Die Entwicklung der Verfassung und des Rechts in Ungarn*. Budapest, 2017. Dialóg Campus Kiadó, 565–595.; NÁNÁSI, László: Az I. világháború hatása és következményei a magyar igazságügyi impériumra [The First World War’s Effects and Outcomes in the Hungarian State Jurisdiction]. *Jogtörténeti Szemle* [Review of Legal History], No. 1, 2011. 28–29.

<sup>5</sup> MNL OL K578, 115/56., 115/124., 490/17.

<sup>6</sup> Decree of the Hungarian Royal Government No. 7364/1914. M. E. on the behaviour of state, municipal and communal authorities (of-

fices) in the case of occupation by the enemy (*Igazságügyi Közlöny* [Judicial Gazette], No. 12, 1914. 629–631.).

<sup>7</sup> MNL OL K578, 490/17.

<sup>8</sup> MNL OL K578, 137.

<sup>9</sup> MNL OL K578, 150., 439.

<sup>10</sup> MNL OL K577, L.b. 1917., 233–249. f.

<sup>11</sup> ANTAL, Tamás: A Historical Institution: Consular Jurisdiction with Special Regard to the Austro-Hungarian Monarchy. In MOTICA, Radu I. – BERCEA, Lucian – PASCA, Viorel (eds.): *Conferinta Internationala Bienala / Biennial International Conference Timișoara, Universul Juridic*. Bucharest, 2011. 15–29.; Idem: *A Hundred Years of Public Law in Hungary (1890–1990). Studies on the Modern Hungarian Constitution and Legal History*. Novi Sad, 2012. Agapé, 55–76.

<sup>12</sup> MNL OL K578, 431.

<sup>13</sup> ANTAL 2012. 37–53.; Idem: Organisation of the Court of Appeal in Timișoara (1890–1891). In MOGOȘ, Ioana – STOIAN, Monica (eds.): *Studii și Cercetări Juridice Europene. Conferința Internațională a Doctoranzilor în Drept. Timișoara – aprilie 2010*. Timișoara, 2010. Wolters Kluwer, Vol. II, 44–55.

<sup>14</sup> MNL OL K578, 461/8–15.

<sup>15</sup> MNL OL K578, 461/24–27.

<sup>16</sup> MNL OL K578, 467. (document No. 4329.)

<sup>17</sup> BABUCSNÉ TÓTH, Orsolya: A M. Kir. Honvédelmi Minisztérium Hadsegélyező Hivatala [The National Military Aid Office of the Hung. Royal Ministry of Defense]. In IHÁSZ, István – PINTÉR, János (eds.): *Történeti Muzeológiai Szemle 10. [Review of Historical Museology 10]*. A Magyar Múzeumi Történész Társulat Évkönyve [Yearbook of the Association of Hungarian Museum Historians]. Budapest, 2010. 147–168.

<sup>18</sup> MNL OL K577, E.3. 1917. 108–109. f., 113. f., 117. f.

<sup>19</sup> BÓDINÉ BELIZNAI, Kinga: Töry Gusztáv – kodifikátor és kúriai elnök (1857–1925) [Gusztáv Töry – Codificator and Chief Justice of the Curia (1857–1925)] In Idem (ed.): *A Kúriai és elnökei IV. [Curia and Its Chairmen IV]*. Bibliotheca Curiae. Budapest, 2016. HVG-ORAC Lap- és Könyvkiadó Kft. 11–51.

<sup>20</sup> MNL OL K578, 490/1.

<sup>21</sup> MNL OL K578, 490/43.

- <sup>22</sup> MNL OL K578, 490/40., 490/54.
- <sup>23</sup> MNL OL K578, 490/54.
- <sup>24</sup> HÖRCHER, Ferenc – LORMAN, Thomas (eds.): A History of the Hungarian Constitution: Law, Government and Political Culture in Central Europe. *International Library of Historical Studies 20*. London–New York, 2019. 153–156., 302–303.
- <sup>25</sup> MNL OL K578, 490/54. (6.720/1918. M. E. and other documents)
- <sup>26</sup> HORNYÁK, Árpád: A Délvidék a délszláv állam közigazgatásában, 1918–1941 [The Southern Territories in the Public Administration of the Southern Slavic State, 1918–1941]. *Pro Publico Bono*, No. 1, 2018. 78–83.; HEKA, László: *Szerbia állam- és jogtörténete [Constitution and Legal History of Serbia]*. Szeged, 2005. Bába és Társai Kiadó, 147–153.
- <sup>27</sup> MNL OL K578, 490/54. (a letter dated 24 January 1919, Subotica).
- <sup>28</sup> STIPTA, István: Die ungarische Rechtsgeschichtswissenschaft zur Zeit des Dualismus. In MÁTHÉ (ed.) 2017. 614.; Kiss, Barnabás: Ödön Polner (1865–1961). *FORUM. Acta Juridica et Politica Szeged*, No. 2, 2021. 203–222.
- <sup>29</sup> MNL OL K578, 490/81.
- <sup>30</sup> POLNER, Ödön: *Emlékeim (nagyapától) [Memories (from grandfather)]*. HAVASS, Miklós (ed.). Budapest, 2008. Corner, 374–378.
- <sup>31</sup> [https://m.blog.hu/cs/csbaihaszak/image/kastely/polner/polner\\_dekan.jpg](https://m.blog.hu/cs/csbaihaszak/image/kastely/polner/polner_dekan.jpg).
- <sup>32</sup> Decrees of the Hungarian Royal Government No. 7780/1938 M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 10, 1938. 305.), 9600/1938 M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 12, 1938. 340–345.), 5800/1939 M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 6, 1939. 135–138.), 7810/1940 M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 11, 1940. 249–253.)
- <sup>33</sup> RADY, Martyn: Nonnisi in sensu legum? Decree and Rendelet in Hungary (1790–1914). *Hungarian Historical Review*, No. 1, 2016. 15–17.  
[http://epa.oszk.hu/02400/02460/00015/pdf/EPA02460\\_hungarian\\_historical\\_review\\_2016\\_1\\_005-021.pdf](http://epa.oszk.hu/02400/02460/00015/pdf/EPA02460_hungarian_historical_review_2016_1_005-021.pdf).
- <sup>34</sup> Decree of the Hungarian Royal Government No. 5470/1941 M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 7, 1941. 267–270.)
- <sup>35</sup> Act No. 34 of 1938, Act No. 6 of 1939, Act No. 26 of 1940.
- <sup>36</sup> For example: Decree of the Hungarian Royal Government No. 2810/1942 M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 5, 1942. 193–209.). See also ŠARKIĆ, Srđan: Az alkalmazásban maradt magyar jogszabályok a Szerb–Horvát–Szlóven Királyságban (Jugoszláviában) [Hungarian Law in Force in the Serbian–Croatian–Slovenian Monarchy (Yugoslavia)]. In VÁRADY, Tibor (ed.): *Délvidéki (vajdasági) magyar jogászok. A Monarchiától a titói korszak végéig [Hungarian Lawyers in the Southern Territories (Vojvodina). From the Monarchy until the End of Tito Era]*. Újvidék, 2020. Vajdasági Magyar Jogászegylet, 171–205.; ŠARKIĆ, Srđan: A magyar jog alkalmazása Bánátban a német megszállás alatt (1941–1944) [Practice of the Hungarian Law in Banat during the German Occupation (1941–1944)]. In *Ibid.* 263–276.
- <sup>37</sup> BIERNACKI, Karol Franciszek: Tamás Antal: The History of the Royal Appeal Court of Szeged between 1890 and 1950. *Journal on European History of Law*, No. 2, 2020. 192–193.
- <sup>38</sup> Decrees of the Hungarian Royal Government No. 5470/1941 M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 7, 1941. 267–270. 1–5. §§), 5620/1941 M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 7, 1941. 270.), 6150/1941 M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 8, 1941. 319.), 8000/1941 M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 11, 1941. 403.), 610/1942 M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 1, 1942. 1.). The district courts of Darda [Dárda], Murska Sobota [Muraszombat], Donja Lendava [Alsólendva], Čakovec [Csáktornya] and Prelog [Perlak] were added to the areas of the tribunals of Pécs, Szombathely, Zalaegerszeg and Nagykanizsa.
- <sup>39</sup> UEDA, Rieko (et al.): Plósz, Alexander: Die Prozeßleitung des Gerichts nach der neuen ungarischen Zivilprozeßordnung 1912. *Kumamoto Law Review*, No. 137, 2016. 23–35.; Idem: *A brief description of Sándor Plósz: The drafter of the Hungarian civil procedural law under the Austro–Hungarian Dual Monarchy*. *Memoirs of the Faculty of Education, Kumamoto University*, December 2017. 25–31.
- <sup>40</sup> Decrees of the Hungarian Royal Government No. 5480/1941 M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 7, 1941. 272–282. 1–6. §§), 730/1942 M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 2, 1942. 51.), 1990/1942 M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 3, 1942. 65–73.).
- <sup>41</sup> Decree of the Hungarian Royal Government No. 5490/1941 M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 7, 1941. 293–295. 1–15. §§).
- <sup>42</sup> Decrees of the Hungarian Royal Minister of Justice No. 42 100/1914 I. M., 42 200/1914 I. M. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 7, 1914. Appendixes 1–2), 42 400/1914 I. M. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 9, 1914. Appendix).
- <sup>43</sup> MNL OL K577, L.8. 1940. File No. 44 068.
- <sup>44</sup> <https://adt.arcanum.com/hu/collection/OrszagepitesNemzetpolitikaiSzolgalat/>.
- <sup>45</sup> MNL OL K577, L.8. 1940. File No. B.43/1941.
- <sup>46</sup> MNL OL K577, L.8. 1940. A file dated 5 December 1940.
- <sup>47</sup> MNL OL K577, L.8. 1940. A file with no number.
- <sup>48</sup> Decree of the Hungarian Royal Government No. 1 500/1941 M. E. (MRT 1941, 166–173.)
- <sup>49</sup> VÉRTES, Róbert: Magyarországi zsidótörvények és rendeletek, 1938–1945 [Jewish Acts and Decrees in Hungary, 1938–1945]. Budapest, 1997. Polgár Kiadó Kft., 19–155.; SCHWEITZER, Gábor: Responses in Hungarian Constitutional Theory to the so-called Anti-Jewish Laws (1938–1943). *Journal on European History of Law*, No. 2, 2014. 67–72. (The Jewish Acts were especially: No. 15 of 1938, No. 4 of 1939, No. 15 of 1941, No. 8 of 1942.)
- <sup>50</sup> MNL OL K577, L.8. 1940. A file with no number.
- <sup>51</sup> *Magyarország igazságügye az 1939. évben [Judicature of Hungary in the Year of 1939. Separatum from the official governmental report of 1939]*. Budapest, 1942. I–II. 8.
- <sup>52</sup> MNL OL Official minutes of the Council of Ministers [CM], 6 Sept 1944 (No. 6.).
- <sup>53</sup> RÉVÉSZ, Béla (ed.): *Vladár Gábor emlékkötet (1881–1972) [Memorial Book in Honour of Gábor Vladár (1881–1972)]*. Budapest, 2015. Igazságügyi Minisztérium–Magyar Közlöny Lap- és Könyvkiadó Kft., 121–126.; VLADÁR, Gábor: *Visszaemlékezéseim [Memoires]*. Budapest, 1997. Püski Kiadó Kft., 234–235.
- <sup>54</sup> VÉRTES 1997. 355.; Decree of the Hungarian Royal Government 3520/1944. M. E. (*Igazságügyi Közlöny [Judicial Gazette]*, No. 9, 1944. 326.).
- <sup>55</sup> CM 13 Sept 1944 (No. 5).
- <sup>56</sup> CM 6 Sept 1944 (No. 7); 27 Sept 1944 (No. 34).
- <sup>57</sup> CM 1 Sept 1944 (No. 26).
- <sup>58</sup> VLADÁR 1997. 235–245.
- <sup>59</sup> HÖRCHER–LORMAN 2019. 184–187.; MACARTNEY, C. A.: *October Fifteenth: A History of Modern Hungary, 1927–1945*. Edinburgh, 1956. University Press, 444–470.

