COMMUNIST TRIALS OF 1919 IN NORTHERN TRANSDANUBIA

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Introduction of Research Objectives

Since the change of regime, research into the history of the Hungarian Soviet Republic has almost completely ceased. Until the centenary of the events, both the revaluation of works produced under the previous regime – which were, due to the subject, strongly "ideology-driven" – and the exploration of new topics took a long time to complete, but fortunately several new works containing research results were published in connection with the centenary. As a historian, I have been dealing with the period for a decade and a half, previously I used to do research on the Székely Division, Károly Kratochvil and the Romanian invasion of 1916. In the course of my legal studies, I discovered the subject of criminal liability after the Soviet Republic, which I also touched upon in a monograph dealing with the events in Pápa in this era. My doctoral research has also focused on these. The proceedings I analysed – which were conducted in the counties of North Transdanubia – were largely initiated by the actions of the defendants committed as officials of the commune. For this reason, the legal classification of each act obviously also depends on whether the defendants complied with the legal provisions governing the powers and procedures of their position. However, the decision on this issue seems easy at first glance only, so the rather unusual nature of the state organization of the Soviet Republic led me to extend my research to the organization of the territorial bodies of the proletarian dictatorship, the system of norms regulating their operation and the established practice.

The countrywide, comprehensive and objective analysis of the criminal proceedings which is the subject of my work, despite the fact that it took place a century ago, is still to be carried out. This does not mean, of course, that there are no historical works on individual proceedings or specific trials. For example, although the papers written in the past system may not satisfy the needs of today's ordinary interested parties in every respect, it doesn't mean that they cannot be used today – approaching them with the appropriate methodology. In fact, they have serious resource value, with very considerable potential for researchers. On the one hand, the authors have usually collected the relevant sources very thoroughly, so these papers can be very useful in compiling the bibliography.

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On the other hand, they very often contain remarks, critical comments intended for readers of the age (who are sympathetic to these), not realizing that after a possible change of regime these can reveal several things about the true situation. In my dissertation – striving to apply the appropriate source critique – I also used these works in large numbers.

On the 50th and then on the 60th anniversary of the proclamation of the Soviet Republic, the national cultural policy placed special emphasis on keeping alive the memory of the first Hungarian communist dictatorship, among other things by supporting the preparation of historical works. In 1969, a book by Erika Rév, candidate of legal science and practising judge, was published, dealing with the "show trial" and the prosecution of the second-line leadership of the commune (since the main protagonists, led by Béla Kun, mostly emigrated). This work was (and, thanks to the related debts of legal history research, still is) the origin from which the authors following Rév discussed the topic. Rév's principle can be summarized in one sentence: the "trial of the people's commissars" and the similar parallel proceedings were clearly show trials, they were actually part of the white terror.

The question is, by examining the phenomenon today, can we accept that the prosecution of the leaders of the commune lacked all legal regularity and was an integral part of the white terror? The analysis of the trials in Fejér, Győr, Komárom, Moson, Vas, Veszprém and Zala counties, which will be presented in my dissertation, provides important indications for answering this question. A common feature of these procedures is that actually, most of them were previously unknown to the public opinion. Their conduct was not accompanied by national interest, and the attention of legal historians was largely avoided. However, in many respects for the subject, their examination would have been very useful. As the actions formed the basis of the proceedings were generally less “sensational” – such as those committed by Ottó Korvin or József Cserny –, they shed more light on the questions that the legislators and law enforcers of the time had to answer. How to judge the status of the commune, was its statehood even acceptable? In this context, could the legitimacy of the actions of its former officials acting in an official capacity be called into question? What is the law on which the acts of the defendants are to be judged? What about types of crime that have not occurred before, so that their inclusion into the framework of the criminal justice system in force did not seem justified? In my work I try to give examples of the answers to all these questions in the "communist trials" of the age, and whether these answers can really be compared to the actions of the Prónay and other detachments and the show trials of the period following the Second World War.

In the 20th century Hungarian history, several regime changes took place, in connection with which the representatives of the new system demanded the prosecution of the leaders and officials of the previous system. The fundamental problem in each case was that, on the basis of a positivist (or at least of the legislation in force at the time of the offence, taking into account the principles of nullum crimen sine lege, nulla poena

sine lege) legal interpretation of the acts to be sanctioned, it was difficult to conduct proceedings that would have met the political needs of the successor power (which certainly coincided several times with the expectations dictated by the moral sense of the public). This contradiction was resolved in different ways by politicians of different eras. In 1918, no legal prosecution was made for political reasons. The iconic figure of the previous regime, Prime Minister István Tisza, was shot dead in his home by unknown assailants, in front of his family. This act was later perceived by many as a fitting embodiment of the 'people's anger', and the events were interpreted as the execution of a death sentence by a 'collective court of society'. After 21st March 1919, the new regime – actually accepting itself as the successor to the previous one – did not hold the actors of the previous era guilty. However, a large number of politically motivated criminal convictions were handed down by its judicial bodies, not against the replaced system, but against the leaders and members of supposed or real counter-revolutionary conspiracies.

After 1945, however – partly following the international examples – there was a clear need on the part of the leaders of the new Hungarian Republic to punish certain actors of the Horthy and the Szálasi regime. At the same time, as we know, this was not easy in Hungary or elsewhere. Some of those who were later convicted of war crimes did not commit any offence at the time of their crimes that would have violated the provisions of the law (or international law) in force in their countries. Thus, as the crimes committed in the Second World War generally provoked the need for severe retaliation in surviving communities, lawyers were forced to ignore the previously generally applied (and already mentioned) criminal law principles. The solution was to break with the prohibition of retroactive effect. Thus, for example, by questioning the legislative legitimacy of dictatorships before the Hungarian People's Courts, instead of the positive law requirements, the accused were prosecuted on the basis of the rules of natural law, in fact, partly based on a sense of justice. So this was one way of taking on the "conflict" (the other actually gives the topic of the whole dissertation), which, however, looking back from today – strictly through legal and non-moral spectacles – does not seem, cannot be seen perfect. Especially since it has been shown in many cases that retroactive application of the law does indeed involve serious risks, and that it is easy to make bad mistakes, whether in procedural or substantive law, if we step outside the framework of the rule of law. Thus, in many cases after 1990, Hungarian courts have been forced to set aside earlier judgments, whether or not the substantive justice system justified it.

The recent regime change then raised the issue very sharply again. In the previous system – especially before 1956 and during the retaliation after the revolution – there were many acts that certainly exhausted the scope of the category to be criminally prosecuted. However, the draft law of Zétényi and Takács, adopted by the Parliament on 4th of November 1991, which sought to make these acts punishable by excluding the statute of limitations, could not enter into force due to the decision of the Constitutional Court. Although the members of the pro-government faction of the first Parliament tried

again two years later, no consensus decision was reached on the issue that divided the public back then and today.

As we can see, 20th century Hungarian history is full of situations where political acts have been judged in ex-post criminal proceedings. Hungarian law has changed in parallel with international law in this matter, and has often preceded it. In international law, the prosecution of "sinners" arose for the first time after the First World War, and finally the German emperor, William II – who was considered one of the main perpetrators (since he was not extradited by the Netherlands) – avoided it. In 1921, in the so-called Leipzig War Crimes Trials, only certain officers were prosecuted (by internal proceedings). Meanwhile, in 1919, the proceedings were abandoned in Hungary only due to the proclamation of the Soviet Republic and the absence of potential defendants. From 1945 onwards, the trials before the People's Court took place at the same time as the trials in Nuremberg and Tokyo, although it is also important to emphasize that the acts adjudicated in the proceedings did not coincide in all respects.

It is fair to say that the 'losers' of the regime changes in Hungary, as well as those who were independent of the side in power, often criticised these proceedings. The trials were presented in a way that made them look like show trials, they were called witch-hunts. The recurring element of the criticism, as Károly Bárd expressed it, was the following: *"In fact, the system must be prosecuted, the personification of a complex social event, its reference to the individual level, is nothing but scapegoating."*

But even with the emphatic and constant presence of the opposing side's opinions, neglecting the issue does not seem to have brought relief. Although László Sólyom envisioned the Constitutional Court as the creator of the invisible constitution, as a kind of missionary body above all other institutions of democratic power, it is obvious that he failed to persuade the parties to the dispute to abandon their efforts aimed to judge the crimes of the past regime in criminal proceedings. Csaba Varga, for example, put it this way: *„By defying the German and Czech solutions, the idea contained that a criminal state shall not declare the crimes (that remained persecuted due to violent miscarriages of the same state) committed by itself statute-barred was rejected as unconstitutional, but that the reconstruction of the rule of law may establish a statute of limitations for this period."*

In light of this, resolving the conflict of values of legal certainty and justice is probably not about subordinating one completely to the other. There is an obvious danger that subjective elements may play too large a role in political criminal trials, leading to unlawful outcomes and abuses. It is not the purpose of my dissertation to take a stand on the topic. Linked to the thought of the Italian philosopher Giorgio Agamben – according to which the state of emergency cannot be imposed either inside or outside the legal system – one of the main questions of the work is, in fact, how a state considered unlawful by posterity can be captured by the means of law. In contrast to the retroactive application of law, the proceedings conducted on the ground of legal continuity have provided, could

they provide more reassuring answers to the questions arising in connection with the justice system after the regime changes?

The Process of Exploring the Sources of the Research and Methodological Issues

As with the subject of the Soviet Republic as a whole, the examination of the subsequent process of "legal retaliation" is also a rather harshly treated area of the Hungarian science of history after the change of regime. This is perphaps somewhat understandable, given the resources available. Relevant contemporary documents of the judicial bodies were significantly destroyed as a result of the fighting in Hungary in 1944/1945. Under the new system, the Institute of Labour Movement launched a program aimed to collect the remaining documents between 1952 and 1953, during which a large number of documents were collected from the archives of the country's judicial authorities. For a decade, between 1964 and 1967, the work was repeated by the Institute of Party History, and this "campaign" significantly expanded the collection. In connection with the two proceedings, it was unfortunately revealed that out of the 23 courts and prosecutor's offices operating in the country in 1919, the archives of 9 courts and 16 prosecutor's offices have been almost completely destroyed.

During the "campaign" conducted by the Institute of Party History and its predecessor, the documents collected in a central location on the basis of the principle of pertinence, in connection with the change of regime were "distributed" among the competent public collections, keeping in mind the principle of provenance. Thus, the collections of documents examined by me, previously brought out from the content of their judicial and other funds, were also returned to the competent bodies of the National Archives of Hungary.

Unfortunately, of the royal courts of Győr, Székesfehérvár and Veszprém, which were the subject of my investigations, only the relevant documents of the first judicial body left to us seems rather complete. Due to the change in the borders of the country, the jurisdiction of the Royal Court of Justice of Győr at that time extended not only to the areas of jurisdiction of the district courts in Győr and Moson counties, but also to the District Court of Nagyigmánd and to the District Court of Tata in Komárom County. The fund thus contains nearly one hundred trials from Győr County, more than eighty from Komárom County and three dozen from Moson County. This amount, even when broken down by county, is an order of magnitude bigger than the surviving records of the other two courts. Based on several circumstances, we can assume that the vast majority of the relevant cases left upon us, so it is known, for example, that the volume of cases involved represents more than 10% of the criminal proceedings carried out before the court in 1919 and 1920, but this view is also supported by the fact that the verdicts including the custodial sentences in a total sentence has survived in the case of almost all of those people who have been convinced in multiple proceedings.

However, only about a tenth of the Győr county material remained to us from Fejér and Veszprém counties. This is compounded by the fact that, although the Institute of Party History returned the documents to the relevant archives, including the former Veszprém County Archives, after the change of regime, these trials can no longer be found there either. The silver lining of this dark cloud, however, is that several works have been published in connection with the local history movements of the Kádár regime, which describe at least some of the data fragments of the missing trials. In addition to the above, I carried out research in the Vas County Archives of the National Archives of Hungary, where the trials I got to know and mentioned in the dissertation did not differ from the already mentioned in terms of their main characteristics. During the extension of the sample, the works of Aurél Bíró and Csaba Káli also helped me a lot, the former provided a database of the trials held by the Budapest City Archives, while the latter processed the trials of Zala.

It is also very important that the local press (for example, the press in Pápa, considered one of the most developed on a countrywide basis) usually reported in detail on the course of all local communist trials. Although they cannot meet all the needs of a legal historian due to their genre, but at least they do provide data for each ctiy that sheds light on how the entire magistrate system may have been affected by the criminal prosecution. It is also very important that a small number of records of certain criminal cases – other than those already mentioned – have been preserved in other archives. Although these were not carried out by the competent courts in the areas examined, but local events were discussed here and crimes of such seriousness were charged to the accused (e.g. intentional homicide) and so serious sentences were given (death penalty, life imprisonment), which in any case justify my attempt to further nuance the picture by presenting them, even if they do not represent a mass of data that would be suitable for examining trends.

With regard to secondary sources, it is also a lucky circumstance that the official ideology of the Kádár regime – especially since its 40th anniversary in 1959 – has devoted much space to presenting the history of the Soviet Republic, which was considered as a predecessor (of course, from a Marxist point of view). Thus, numerous studies, articles, and even entire volumes have dealt with, among other things, the subsequent criminal prosecution of the commune's officials. These, even if today they are no longer suitable for objectively informing those who interested in the subject, are definitely suitable for a professional who is able to apply appropriate source criticism to get to know the basic data. They quote or cite sources which, unfortunately, are no longer available.

The acts investigated in the trials had been committed in most cases by the defendants acting as officials of the Soviet Republic. It was therefore essential to describe and evaluate the functioning of the organs of the Soviet Republic and to outline the legal framework. Since my research was mainly limited to the North Transdanubian region, it is obvious that during the presentation of the state institutional system I focused primarily on rural bodies. I experienced even greater devastation in relation to the relevant primary sources

than in the case of the trials. So this was the area where I had to rely most on the legal and local history literature.

It is also necessary to analyse the relevant legislation in order to be able to meaningfully evaluate the procedures. As is well known, the first Hungarian Criminal Code in the period, Article V of 1878, often referred to in the literature as the Csemegi Code, provided for criminal offenses and the penalties imposed on them. From the point of view of our topic, it is important that – in preparation for the coming war – the Act LXIII of 1912, which deals with exceptional measures in the event of war and lays down the rules applicable in the event of a state of emergency, was also considered to be in force for the duration of the acts. In the trials investigated, cases of violence against the authorities were adjudicated on the basis of Act XL of 1914 on the criminal protection of authorities. On the procedural side, the Act XXXIII on the Code of Criminal Procedure, the short story of this, the Act XVIII of 1907 and the Act XIII of 1914 amending the provisions on proceedings before a jury and on appeals in cassation were in force at the time of the acts. The Prime Minister's Decree No. 4039/1919 on the Accelerated Criminal Procedure, adopted in the autumn of 1919, was of utmost importance in respect of the affected trials. This, in addition to further restricting certain procedural rights and opportunities of the accused compared to the ones laid down in the above-mentioned legislation, stated, among other things, that the political leaders of the Soviet Republic *"committed an act in violation of criminal law, usurping or pretending to have official authority"*.

The application of the above legislation to acts committed during the Soviet Republic has been the subject of intense debate almost since the beginning of the first trials. I present the main lines of this controversy in my work. I also touch upon the one-sided criticisms that can be found in the "mass papers" of the past system. In the present fortunate age, however, the synthesis of the system of opinions, which is clearly opposing in two essential respects – for reasons not free from ideology either –, has been lagging behind until now. Since the change of regime, new works have been written on a smaller scale and to a lesser extent only, on some special topics.

What all works agree on, including mine, is the fact that the "weakness" of the Csemegi Code was a fundamental problem for the political will wishing to take actions against the cadres of the commune. The state system and social conditions, which were quite stable in Csemegi's time, did not suggest that political crimes should be sanctioned with extreme care and severely in the foreseeable future. The relevant facts of the Code were tailored to "gentlemen" whose "entertainment" included parliamentary obstructions and insults. Csemegi was not (could not be) prepared for violent nationalization, seizures (looting) or the death sentences handed down and immediately executed by the "martial law tribunals" of Chern and Samuely's detachments. And to the main dilemma that arises from all these events; who, to what extent, are liable for cases not committed by them but was carried out on their instructions or only with their tacit consent.

As I pointed out above, the Csemegi Code sanctioned political offences rather lightly. The Code only provided for the death penalty in one form of the crime of high treason (in the case of killing the king), in the other two cases, "it was satisfied" with life imprisonment. There was, however, also a form of high treason that was sanctioned by law with a state imprisonment only! For the crime of infidelity committed against the Hungarian state by conspiring with the government of another state, a prison sentence of up to 10–15 years (in a qualified case, life imprisonment) could be imposed. Members of a group that threatened the parliament, the government, or interstate commissions, or forced them to act involuntarily, who thereby committed the crime of rebellion with their act, depending on their form, were usually also sanctioned only by state imprisonment. The various forms of violence against the authorities were usually punished by imprisonment, and various forms of agitation by state imprisonment. In addition to the fact that in most cases the above sentences only reached the level of a standard robbery punishable by imprisonment for a term of 5 to 10 years, it is also noteworthy that the confinement was not usually carried out in a prison or jail, but in a state prison, which was in fact set up by the Code to sanction political offenses. This was in many respects a much lighter degree than the first two, and in fact, as it is clear from the explanatory memorandum to the law, the legislator introduced its institution specifically because it did not consider perpetrators of political crimes as dangerous to society as common criminals.

Ferenc Finkey wrote the following about all this, the original intentions of the legislator and the changed circumstances due to the events of 1918–19: *"As for the conceptual aspect of the issue, the milder judgment of political criminals, so setting up a completely different punishment for them, is based on the right idea that political criminals are mostly not committed their offenses out of vile emotion but out of a morally and socially understandable motive –those misdemeanors which often do not involve external harm or damage, but only infringe on intellectual property, and perhaps it's even true for the objectively serious crimes. Political criminals are usually individuals with exalted spirits, sometimes ideal-minded patriots, philanthropists, otherwise reckless people who easily flare up due to existing governmental or social shortcomings, the troubles and miseries of the poor; those, who are otherwise men of honor, perhaps high-value individuals with excellent talent, whose punishment or imprisonment on equal footing with ordinary criminals, thieves, robbers would be ignorance and inhumanity.* […]

As correct and satisfactory this reasoning was at the time, and as correct and necessary is the maintenance of state imprisonment as a custodia honesta as a specific punishment for political crimes committed with an honest heart, especially press offenses and so-called opinion delicts (Äußerung-delikte) as a means of punishment, it was just as obsolete; it is no longer so appropriate for certain groups of today's world political criminals."

Without going into a more serious explanation of constitutional law or international law here, it must also be pointed out that by 1919, many of the relevant facts of the

Csemegi Code had become extremely difficult to interpret. Charles IV's declaration of 13 November 1918 in Eckartsau was even conceivable as the resignation of the king, in which the ruler agreed to the future change of the state form of the country in advance. Three days after the declaration, the First Hungarian Republic was proclaimed in Budapest on the 16th of November. In addition to the further feasibility of the high treason, the assessment of the other forms was also questionable, because, due to the separation of the two states, the state system of disputed legitimacy in Hungary (I am thinking here in particularly of the Soviet Republic, which was born six months later as a secret pact between two parties) and the citizens living in the occupied territories – not yet known on what legal basis –, it was not easy to decide that to whom do they owe loyalty, against whom do they could incite and provocate "legally".

In addition to the restriction of the rights of the defense, Regulation 4039/1919 ME, which has caused the most controversy over its application, also contained another much-contested provision, because it stated that the political leaders of the Soviet Republic had committed their actions in violation of criminal law by *"usurping or pretending to have official authority*". However, the application of this passage did not become general. Many courts did not take it into account as a qualifying circumstance in adjudicating individual acts. Thus, finally, on December 14, 1920, the Curia was forced to create a decision on legal unity in the matter. In this, they explained that "*the bodies of the dictatorship does not committed their acts of extortion by pretending to be public officials"*, because *"according to the Hungarian constitutional law, the status of a public official is legally valid only if it is originated from the public law source indicated by law, and also because the bodies and medium of the dictatorship, who in this way and according to the provisions of Section 461 of the Criminal Code, were no public officials, they did not even seek the status of a Hungarian public official, they did not demand it for themselves, all efforts to make them look like Hungarian constitutional public officials were far from them."* This, undoubtedly not entirely convincing resolution was also opposed by György Auer (who presented the above), who said that, for example, during the war, in the case of requisition officers belonging to German troops stationed in Transylvania, belonging to the Hungarian state was not a condition for getting the status of a public official either. However, this decision on legal unity calls into question the qualification of certain criminal offenses in the trials described in my dissertation, even if the judgments were largely given before the decision on unity was taken, and there was no appeal under Prime Ministerial Decree 4039/1919.

In addition to what was stated in the explanatory memorandum, there may have been a very important reason why the decision on legal unity found that the defendants had not committed their acts by pretending to have public authorities. The fact that some of the acts found to be unlawful were punishable was achieved by the fact that an official of the Soviet Republic was considered to have acted as a "civilian". This was certainly a somewhat convoluted perception, and resulted in strange facts compared to the "ordinary" ones, but this was the only way they could avoid the incorporation of new

passages on "communist crimes" with retroactive effect into the Criminal Code. Thus, for example, if someone was requisitioned, they were treated as if they had blackmailed or robbed someone as a "civilian". (And as can be seen from the relevant parts of the dissertation, similar analogies have been applied to all other possible types of acts.) In practice, this was the legal-technical solution that was an alternative to retroactive legislation, and although legal policy decision makers of the age felt it much more "elegant" than the other, they also clearly saw its imperfections. However, the creators of the past system have, of course, sharply attacked the procedures conducted on this basis.

As in all cases where the legitimacy of an entire system is called into question and thus the judges actually sentence the system itself through individuals, the issue of offender forms was also very important in the proceedings. From the beginning, a much higher level of responsibility for the perpetrators of specific acts, often in a moral sense, has been a priority in international criminal law; and in this context, the rescuer circumstances, such as the superior's order, coercion and threat, which could have been considered in order to mitigate the perpetrator's actions In the context of "show trials" (such as the trial of the People's Commissars mentioned above), the authors often refer to the show trial nature of the proceedings as some kind of "proof" that the courts have in almost all cases found the commune leaders guilty as accomplices. Thus, they were convicted as instigators or accomplices of multiple counts of counterfeiting, murder, extortion and other crimes. While it is a fact that it is much more difficult to prove who knew what, who gave (verbal) instructions, the above argument cannot be considered valid. Although it is a fact that it is much more difficult to prove who was aware of what, who gave instructions (orally), the above argument cannot yet be considered valid. According to the principle of purification, the accomplice must be treated in the same way as the perpetrator, and it is also contrary to moral principles to "punish only the hand instead of the head".

A very nice example of this dilemma – specifically, who should bear the weight of the specific actions and to what extent – is the trial of the members of the revolutionary court of Pápa described in detail in the dissertation. Fortunately for the accused, all the witnesses – even those who were once punished by the current defendants – testified that the three judges, István Novák, István Réfi and Lajos Varga, handed down their sentences in fear of the terrorists sitting behind them and of political commissioner Gergely. The judges, who, by the way, really meant to be lenient, suspended the custodial sentences one after the other. In addition, the defendants – by their own admission – tried to sabotage the operation of the "tribunal"; if they could do it, they did not meet for up to a week and a half. As a result, the public prosecutor dropped some of the charges. In the remaining charges, the court considered separately their penalties imposed for offenses covered by the Csemegi Code, and separately the sentences handed down on the basis of the decrees of the Revolutionary Governing Council. In the former cases, due to the fact that although they did not act as a legally operating body, but acted in accordance with the current Criminal Code, they were not found guilty. The judgment therefore charged

the defendants only with the penalties imposed for breach of the prohibition and with similar charges, and therefore it contained far fewer offenses than the actual number of penalties imposed. Their relatively mild judgments were also assessed as a mitigating factor.

This example also shows very well that how difficult was the situation of the legislators and the law enforcers under these circumstances. As György Auer wrote: *"Issues of legal unity have arisen in previously unnoticed abundance in communist trials."* Or as Miklós Degré puts it: "*During the 1920s, those factors of destruction came before their judges who created or supported the robber rule. In this way, issues that have not been addressed to the courts so far have been resolved. Criminal courts have found themselves in a completely unknown field of law. They had to decide on issues on which neither the forty years of practical application of the Criminal Code nor the legal literature provided support.*" Even the majority of civilian radicals, independence politicians and thinkers (such as Rusztem Vámbéry), who were considered to be supporters of the Aster Revolution, agreed that the crimes committed against persons and property during the communist period should be punished. By the end of 1919, the Soviet Republic and the acts committed under it and on its behalf were considered to be a matter of law by a few people only. The main debate was over which acts and persons should or could be punished at which level of the bureaucratic system of the time, and especially by what legal means and under what legislation.

The Results of the Research Work

The general characteristics of the examined procedures can be well presented through the analysis of the data of the Győr County trials. There are nearly 250 defendants in the nearly 100 lawsuits, which is actually 169 different people, as many of them were involved in several different proceedings. Among them, two stand out; Zsigmond Kósa, Commissioner for Agricultural Policy of Győr County, who was involved in ten cases, and Mihály Rainer, a member of the Ecclesiastical Property Management Directorate of Győr and Győr County, who was also charged in eight different proceedings, and then his sentences were included in an overall sentence in a separate proceeding. But, for example, Red Guard Detective István Stiener was also charged with four different main proceedings. As can be easily calculated from the data above, trials were filed against an average of two and a half defendants. However, this is not just the arithmetic average that came from the equalization of extremes. Most trials had two or three defendants, the "monstre" – proceedings against more than ten defendants – were considered exceptional, but there were not many single-defendant trials.

Examining the subject of the trials comprehensively, the proceedings were initiated mainly for acts committed in two different "forms". There were procedures in the cases that were initiated because of the actions of people acting as individuals, although not too many. Such is the Case B.455/1919 before the Royal Court of Justice of Győr, in

which the prosecutor's office charged the victim, because, in January 1919 (that is, before the proclamation of the Soviet Republic), after a pub quarrel, the two defendants took the victim's hunting weapon and hunting bag. Or the No. B.2252/1919, in which Lajos Taschner was accused of reporting counter-revolutionary spirited people. Of course, however, there were far more defendants who have been prosecuted for acts committed in some official capacity. However, these charges can still be divided into two parts. In many cases, there is, in fact, no close connection between the defendant's position and his actions. For example, Gyula Tóth, a member of the Győrújfalu directorate, was prosecuted for his leftist statements. However, most of the trials were against a person acting in an official capacity during the existence of the Soviet Republic for acts related to that capacity (requisition, arrest, prosecution, etc.).

Looking at the positions held by the defendants during the Soviet Republic, it can be seen that almost all the county and municipal red bodies operating in Győr County at the time had one or more officials who were the subject of legal proceedings. On the other hand, it was a rarity that all officials of a body became accused, this occurred mainly in the case of municipal directorates. These was, for example, the proceedings against the members of the village council of Táp or the national council of Gyömöre. However, the lack of certain persons and positions is also striking. For example, among the members of the Győr County Directorate or the Győr City Directorate, only second-line persons were prosecuted, but not all officials of the Győr Revolutionary Court became an accused of the cases. It is difficult to give an exact answer to the question of what caused the deficiencies; in the absence of registers, it is not possible to determine the completeness of the surviving litigation documents with respect to the "communist trials". However, referring to a newspaper article in Pápa quoted in the dissertation, we can say that we probably cannot go far from the truth if we assume that several high-ranking people, afraid of the expected impeachment, left the country in time to prevent it. Nevertheless, it can be said that the existing documents also provide a sufficiently representative picture of the prosecution of the officials of an entire county under the proletarian dictatorship. They provide a very well-structured data set, both in terms of the number and proportion of potential detainees, as well as in terms of penalties and acquittals imposed.

The state of affairs of the Criminal Code, which were the subject of the charges, were consecutively repeated in all the courts examined. The most common allegations were extortion, theft, agitation, violation of personal liberty, but there were, for example, conspiracy to murder, violence against authorities, slight bodily harm, rebellion, violation to property, defamation, advocacy, abuse of office, seizure of property, blasphemy, trespassing, violence against private individuals, damage to the property of others, possession of stolen property or embezzlement.

Contrary to the suggestions of processing written in the past system, the courts under investigation did not convict all defendants of the charges brought by prosecutors. In Győr, for example, a partial acquittal was handed down in 27 cases and a total acquittal in 89 cases, which meant that the court dropped 116 charges against the 170 charges

against the defendants in the judgments, so only 60% of the charges were considered to be well founded. (Although it is certainly important to note that the full acquittals were mostly not granted immediately after the events, but in trials that began in the 1920s.).

Based on the lessons learned from the analysis of trials, even in the case of the types of acts that seem to be persecuted, depending on the political perception, there were a good number of "real" public law cases. Nonetheless, I have examined the offences in the various categories of facts, grouping them according to their apparent political nature and giving preference in the order of their trial to those groups to which offences that could be considered as public law offences in the ordinary sense of the word actually belong. My choice was justified by the fact that, according to the critics of the proceedings, the relevant facts of the Csemegi Code were "violated" the most by law enforcers in these cases. Thus, a kind of arc can be created for the presentation of the examined groups of the committed crimes, which, based on what they suggest, leads from the seemingly most ideologised procedures to the less conceptual ones.

The categorization of the charged crimes does not only seem justified in terms of their nature but also in terms of the ex-post evaluation of convictions. Judgments imposed among financial gain-related delicacies are the most uncertain, and may largely depend on the tastes of posterity. As I have pointed out in my dissertation, in order to establish the execution of both theft and extortion, the legitimacy of the Soviet Republic - and consequently of its officials - had not to be legally recognised by the courts. Even today, the opinion about the Republic of the Council is not uniform, and the issue is not free from political crosstalks. It is difficult to determine the legitimate or illegitimate forms of the exercise of state supremacy. It is clear, that by today's standards neither the dualistic state nor the Kingdom of Hungary of the Horthy era can be considered a modern democracy or a state system exercising public power based on the empowerment of the large masses - just as no European state of the age was like that. Yet their legitimacy is not usually called into question. The Soviet Republic, on the other hand, was seen as a "quasi-state" that came to power in a coup, took advantage of an interregnum, and was ruled by a few people, thus, it was clear that its officials could not be considered as holders of public power.

In addition, it is also a fact that it happened the first time that during the Soviet Republic, Hungarian citizens (much more presumed than declared) were jailed en masse because of their political opinion (they were "taken hostage" in contemporary parlance), whole classes were treated as suspects and were plundered. Or that, in a way that has been unique in Hungarian history so far, in the opinion of some representatives of the power, the raid of "terror" groups and the murders they committed were necessary in order to maintain the status quo. In any case, all this shows that even the leaders of the commune were not calm about their legitimacy.

Such a political arrangement was almost necessarily followed by retaliation. Criminal prosecution was an important part of "restoration" – in addition to the "white terror" came as reaction, that does not form the subject of my dissertation, and in addition to

the verification and disciplinary procedures that took place in workplaces. The process of this was hampered by a several factors, some of the results of which were called into question by the same circumstances. In the works of the past system, these procedures were consistently considered totally illegitimate.

Even if we disregard political overtones, the legal philosophical environment obliged law enforcers to find some kind of solution. In that age, there were "civilian", stable conditions in Hungary in the sense of ownership rights, which were completely ruined by the Soviet Republic. The former owners rightly expected legal reparation (and, if possible, financial compensation) for the earlier compromission of their once-recognized ownership rights. And they had to receive this reparation (in the absence of retroactive legislation) within the framework of the existing Criminal Code.

However, it should not be forgotten that, although the legitimacy of the proceedings has hardly been questioned by anyone, yet significant debates have already taken place at this age in connection with trials against the officials of the commune. Contrary to the condemnation of murderers – such as members of the Cserny detachment – who have committed horrific crimes even in the eyes of today's people, many trials and proceedings have provoked resentment among some legal scholars of the age. As I have already mentioned, it is obvious in several cases that the trials took place after the escape of the "ringleaders" abroad, as a "displacement activity", meaning not the legitimacy of the proceedings but their role in the symbolism of the "revenge". This circumstance is particularly striking, of course, in the "trial of the People's Commissioners", where Béla Kun and his associates could not be prosecuted, thus, politics was forced to keep proceedings in the spotlight that were initiated against former second-line political actors whose insignificance was obvious to the general public. In the cases I have examined, this „displacement activity" character cannot be convincingly demonstrated. In Veszprém county, for example, Arnold Lusztig, the most dreaded leader of the commune, could not be brought to justice due to his escape, but his successor, Gáspár Szabó – who was guilty of the same offenses as his predecessor – could be subject to prosecution. Likewise, the defendants from Mór and some of the defendants from Komárom and Moson counties were also members of the elite of the local leadership during the era of the Soviet Republic. In many cases, this "displacement activity" character can therefore be interpreted more as a "replacement" for the escaped national first line.

However, legal thinkers of the age felt that the anomalies which arose from the limited applicability of the Criminal Code to the cases concerned were a much more important problem. Its main proof is the enactment of Article 3 of 1921 on the more effective protection of the state and social order. In connection with the Article, it was clear to all that the legislature intended to provide the means for "more effective" criminal actions against the participants of possible future revolutions. The difficulty of the situation is also indicated by the opinion of the civilian radical Rusztem Vámbéry: *"More specifically, is the Criminal Code suitable for preventing or retaliating subversive efforts for communist purposes? This question allows an alternative answer only. Either the*

Hungarian Criminal Code does not provide the option for the repression of communist revolutionary facts and then the legal basis of the criminal judgments handed down in communist trials since August 1919 becomes at least doubtful, or there is no question of the legality of these judgments and then the basis of the proposal (for a more effective protection) falls apart."

Vámbéry's words are refuted by Erik Heller - although he also introduces his thoughts by mentioning possible doubts. In the introductory part of his work, he points out both the shortcomings of the Csemegi Code in relation to political crimes (I also mentioned these in the introductory part of this work) and to the public will aimed to tighten the relevant norms. But Ferenc Finkey also analyzes these shortcomings in his opinion on Article 3 of the Act of 1921 on the more effective protection of the state and social order, which has changed the Criminal Code. According to him, supplementing the articles on rebellion and agitation was very necessary in the light of the events of 1919, as they pointed out that the social conditions and world order on which the Csemegi Code was based had changed forever.

Elsewhere, he argues for stricter actions against the elements building dictatorships, considering international perspectives: *"In my view, three main groups can be distinguished among the political criminals. The first is the class of the already mentioned idealistic individuals, exalted in spirit, but acting out of sincere patriotism or love of humanity, these people commit unlawful acts for truly altruistic purposes.*

The other group is the opposite of them, fanatical political criminals driven by a purely egoistic motive to be condemned morally: personal or class hated, or a desire to subvert the society. […] *Such publicly dangerous individuals, who subvert society, even if they attack or destroy political objects for political purposes, so even if we have to classify them as political offenders in the criminal sense, they shall in no case be treated in the same way as the former and shall not be worthy of the custodia honesta. Otherwise, such antisocial criminals are usually not satisfied with pure political crimes, but also commit ordinary crimes in order to satisfy their individual selfish interests and passions, which, even if they are related to political crimes, but are subject to more serious adjudication, because they are committed under the pretext of a change of political regime by intimidating and terrorizing more peaceful members of society."* [It is not difficult to recognize the celebrities of the Soviet Republic in this group - the Author.]

Finally, the third group of political criminals is the class of grandiose political swindlers, the nation-destroying, political power-hungry people."

On the basis of all this, it can be said that although the relevant legislation was considered "imperfect" by the vast majority of contemporary jurists in the present case types, its application was not rejected in principle and in general. However, most of them (with the exception of Vámbéry) pointed to the need to prepare for the "new situation" and to develop more appropriate standards for the related cases in the future.

At the same time, in the described trials, there are conspicuously few allegations that cannot be justified by legal-positive means. One of the reasons for this, of course, is the

undeveloped legal system of the Soviet Republic described in my dissertation. Neither the powers of the individual officials nor the procedure of the bodies was particularly specified, nor the possible scope of the relevant legislation of dualism in many cases. Because of the lack of ideologically well-prepared masses and trust, they actually wanted to run the state manually from Budapest, but even with the much more advanced communication and transport infrastructure, this was only feasible with severe pitfalls. Thus, they were forced to operate the proletarian dictatorship through a system of political and governmental commissars with vague mandates, which was clearly not even suitable for the realisation of the state they wanted according to their own conception of law.

And if we do not base ourselves on the foundations of positive law, but morality and natural law, almost all judgments "stand". This view may be supported both by the weight of the convictions and (perhaps more significantly) by the acquittals given in respect of certain charges and by their reasoning. By no means can we say that the foundations of the judges' decisions or the accusations were similar to the show trials of the' 50s, the convictions were handed down in all cases on the basis of real acts, applying the Criminal Code deemed to be in force.

In the fields not related to financial gain – except in cases of violation of personal liberty –, the ex-post evaluation of convictions is usually not complicated by the resolution of the above dilemma. Most of the delicts committed are analogous to the crimes of "peacetime". Although they sometimes stemmed from the public conditions disintegrated by the proletarian dictatorship, in the end, the establishment of the existence of a criminal offence has been justified without political will. Overall, the guiding principle followed by the former "communist crimes" selection committee itself can be criticized in several respects, whereas it is clear that in some cases the Soviet Republic should have taken action against the perpetrators (I am thinking in particular of crimes against individuals), while at other times, under normalizing conditions, it became obviously necessary to penalize certain acts even without political intentions (e.g. in the described case of official misconduct).

Based on these, it can be said that the above acts committed during the Soviet Republic were investigated rigidly by the courts adjudicating them within the framework of the criminal crimes described by Jaspers – of course, the relevant theory was not yet known at the time. Analyzing the communist trials, numerous errors can be attributed to the underlying legislation and to the authorities conducted them. However, looking at the events with sensitivity towards the law, it cannot be said that this flow of trials had largely the same characteristics as the Hungarian show procedures of the 20th century, let alone that it should be interpreted as a part of the white terror. Based on my subjective evaluation, this flow of trials was rather another series of actions with more or less stumbling in the rigidly structured Hungarian "gentleman's world" – framed and written by Mikszáth with a greater, and by Móricz with a lesser understanding. This "Gentleman's Hungary" gave answers to the questions caused by a completely new

phenomenon in the 19th century without understanding the rapid, revolutionary changes of the 20th century. Thus, examining the trials, I cannot question the purity of the intention, but the implementation seems to be is forced in many respects from today's point of view. But the need for legal prosecution after the regime changes and wars arose for the first time in world history during this period, and in the hundred years since then, no fully accepted answers have been found. In my view, procedural shortcomings can be attributed to this circumstance.

All in all, it can be said that my research can provide many legal and constitutional additions, but their usability in the field of history cannot be neglected either. The ex lex situations are the most difficult areas for (positive) law to deal with. The era of the Soviet Republic was considered like this in the counterrevolutionary system, and cannot it be said that, during the short existence of the proletarian dictatorship, it managed to develop its new legal system at least in accordance with its own expectations. All this has raised problems (including but not limited to the following, for example: examination of the validity of legislation in circumstances other than the general, the question of statehood, the origin of the legitimacy of revolutionary power) that have long occupied the above-mentioned fields of jurisprudence, and the topic I have examined can provide important new and not least Hungarian examples for the related scientific discourse.

As I will show in my dissertation, these issues were most vigorously discussed in the Hungarian constitutional law and legal theory in connection with the regime change of 1989, however, the actors of the polemic mainly based their position on theoretical foundations, they did not study the examples of similar problems in Hungarian history. The topic I have studied is suitable to make it contrast with the events and debates after 1944 and 1989, so the problem of criminal liability after regime changes can be examined in connection with three completely different legal technical solutions. Although number of works, sporadically published in many organs, have appeared in the past system about the operation of local bodies of the Soviet Republic, getting to know the system of contemporary rural administration is quite difficult for today's researchers. As the reconstruction and evaluation of the rural institutional and magistrate system was essential in connection with the main direction of my research, I also collected the most important information about the contemporary public administration in my dissertation, which can be valuable not only to the professionals who deal with the history of constitutional and administrative law, but also to professionals in the field of history in the general sense.