

# Political Justice and People's Courts in Post-War Hungary (1945–1950) in the Research of Hungarian Historians

**Domokos Szokolay**

ORCID ID: 0000-0003-0804-9901

Office of the Committee of National Remembrance (Nemzeti Emlékezet Bizottság, NEBH)

## Abstract

The people's courts were special judicial bodies in Hungary in the wake of the Second World War, operating between February 1945 and 1 April 1950. During this period, more than 59,000 people were brought before people's courts under Act VII of 1945. However, the people's courts, in tandem with the prosecution of war criminals, became the controversial instrument of a regime change intended to be democratic. On the one hand, the people's courts tried to convey the democratic values of the new political order to society, while on the other hand political justice increasingly became a tool for the Hungarian Communist Party's aspirations for power. So far, no comprehensive summary has been published on the history of the Hungarian people's courts. In the present article, I focus primarily on the most recent works of historians, including those who have become familiar over the years with a significant amount of proceedings from the people's courts.

The people's courts were special judicial bodies in Hungary after the Second World War charged with judging those who "caused and participated in the historical catastrophe which happened to the Hungarian people" (PM Decree No. 81/1945, 1945). The legislation essentially defined two types of crime: war crimes (*háborús bűntett*) and crimes against the people (*népellenes bűntett*). The people's courts were established on a temporary basis, operating from February 1945 to 1 April 1950. In the people's courts' proceedings that passed political judgments, the role of the unqualified delegates of the political parties was decisive in the people's court councils, while the professional judges were responsible for leading the trials and providing legal expertise. The Hungarian people's courts started operating before the International Military Tribunal in Nuremberg and many other similar bodies in Europe. Nevertheless, it should also be noted that the people's courts, in parallel with the prosecution of war criminals, became the controversial instrument of a regime change intended to be democratic. Over the course of a few years, the people's courts became stages for political show trials directed by the Communist-led political police and their Soviet advisers, causing critical political turn in Hungary and contributing to the establishment of the Communist dictatorship. The issue of the people's courts was pivotal in its own time; courts were battlegrounds for political parties. While attention is still drawn to cases with great political and symbolic influence in the nation's history, no assessment of the whole has so far been carried out. The overarching complexity of the topic still evokes emotional, political and social sensitivity.

So far, no comprehensive summary has been published on the history of the Hungarian people's courts. This is especially true if this statement is applied to the period after the regime change in 1989–1990, in which the hegemony of Marxist historiography ceased.

In this summary, I focus primarily on the most recent works of historians, including those who have become familiar with a significant number of proceedings from the people's courts over the years. One author dealing closely with the history of justice after 1945 is Tibor Zinner, who has been researching the subject of the people's courts for decades in the Budapest City Archives as an archivist, historian, and also as a scientific advisor and employee of the Supreme Court. Zinner in his recent works researches how the Communist party took over the judicial system in Hungary. Zinner is also a committed supporter of the view that judgments given under Act VII of 1945 (relevant to the establishment of people's courts) should be annulled (Zinner, 2021b). One of the senior scholars of the period is the Hungarian-American historian, István Deák, who has also called attention to the issue of post-war political justice (Deák, 2001). László Karsai has similarly extensive experience from his research for the Yad Vashem Archives in Jerusalem, during which he and his team of historians microfilmed and surveyed more than 20,000 people's court proceedings. Their research covered cases involving the words 'Jewish' or

'Gypsy', and the vast majority of processed cases belong to the documentation of the Budapest People's Court. Karsai also published his research experience and views in English (Karsai, 2000; 2001; 2003). His works mainly focus on the history of the Holocaust, as well as Ferenc Szálasi and the history of the Arrow Cross Party (Karsai, 2016). Additional to the question of the trials of war criminals, Karsai also expressed his views several times on the accountability of regent Miklós Horthy and other members of the interwar political elites in the Holocaust and anti-Semitism in Hungary (Karsai, 2014).

Recently, Ildikó Barna and Andrea Pető conducted research based on 500 examined cases. The primary sources of their research can also be found in the Budapest City Archives, which indicates that this is another study focused primarily in the capital. Their quantitative methodology is nevertheless innovative in research on the topic: in their analysis, the issue of post-war political justice was examined from the perspective of both gender and Jewish identity (Barna & Pető, 2015). Zsuzsanna Mikó's research, which focuses on the operation of the People's Court Council of the Supreme Court between 1957 and 1963, is also essential in examining the relationship between the Communist dictatorship and the judiciary. She extensively examines the antecedents of the topic from 1945 to 1950 (Mikó, 2012; 2015). Mikó, as the Deputy Director General of the Hungarian National Archives, researches the issue from a legal and archival perspective simultaneously. Ádám Gellért also has research experience in the field, however, his views were rather expressed in debates on the politics of memory in the context of the people's court proceedings (Gellért, 2016). Last but not least, as an example for research in rural Hungary, Róbert Rigó's doctoral thesis examines the history of the change of elites in Kecskemét between 1938 and 1948, placing great emphasis on researching the workings of the Kecskemét People's Court (Rigó, 2011). The conference proceedings published in Kecskemét should also be mentioned here, as they include material of a meeting held in 2011 on the topic of people's courts (see: Gyenesei, 2011). There are numerous publications that examine the topic in addition to the authors mentioned above, however, the present article will be confined to the most recent and significant works.

In general, authors who deal seriously with the subject agree that the history of the people's courts requires further research. Therefore, this paper seeks to provide underlying information on the people's courts and summarize the latest works of researchers on the topic. Where possible, it also tries to formulate its own insights and present comments based on research conducted since 2014 on post-war Sopron county (west Hungary).<sup>1</sup>

---

1 The author carries out the research as a fellow researcher at the Office of the Committee of National Remembrance. The research focuses on the Soviet occupation of Sopron county and on the period after 1945 until the establishment of the

“In the name of the Hungarian people”, was the first sentence of the judgments handed down by the people’s courts in Hungary. As the first people’s court began operating, the siege of Budapest and the bloodiest stage of the war in Hungary was still ongoing. In the western part of the country, courts still used the traditional formula that referred to the Holy Crown. This parallelism could be a symbol of the transition that Hungary entered in the latter period of the war and may also provide an excellent illustration of the extent of the change that took place in Hungary in 1945. On the one hand, it was clear that the basis of legitimacy from which the judiciary gained its power was about to change, while on the other hand it expressed the political demand for change in state and political institutions. But is it so clear that the need for post-war political justice came from “the Hungarian people”?

Firstly, the need to hold war criminals accountable in Hungary can be explained by the international context. In this regard, Tibor Zinner’s works primarily focus on the Allied negotiations during the war and, in particular, on summarizing Soviet and Communist intentions, while Tamás Hoffmann places greater emphasis on the context of international legal developments after the First World War (Hoffmann, 2014; Zinner, 1985; 2021a). The first document that made it clear that the war crimes would be on the agenda after the war was issued by the Inter-Allied Information Committee in London on 13 January 1942, followed by the Moscow Declaration on 30 October 1943. Regarding the issue of war crimes committed by Hungarians, in a letter to A. C. Kerr dated 7 June 1943, the British Ambassador to Moscow, V. M. Molotov, wrote that the Soviet government believed that not only the Hungarian government but, to a greater or lesser extent, the Hungarian people must take responsibility for providing Germany with armed support and for the crimes committed in occupied territories (Juhász, 1978). Over time, this approach, which includes the idea of collective guilt, changed. The position of the United States was reflected in a proposal dated 26 July 1944: the text envisaged that if Hungary resisted Germany, the punishment of Hungarian war criminals could be carried out by a committee or other body. Zinner sees this as one of the origins of the idea to establish people’s courts in Hungary to process cases of war criminals (Zinner, 2021a). At the same time, it could be that the Allies were interested in dealing with Hungary in a more sophisticated

---

Communist dictatorship. As the legal task of the Committee is to explore the functioning of the Communist dictatorship, the research focuses mainly on the areas where the Communist system is most likely to be viewed in action: the functioning of the Soviet occupying authorities, the establishment of various special people’s bodies, the political police and the people’s courts.

way for tactical reasons, in order to encourage resistance against Germany and cause potentially serious problems for Adolf Hitler. According to László Borhi, experts from the State Department were working on plans for the fate of Hungary in as early as the spring of 1944. These included the “removal of aggressive and militant elements from power”, the abolition of the large estate system and political democracy (Borhi, 1997).

Plans for the treatment of Hungary may have been influenced by Prime Minister Miklós Kállay’s attempts to secretly prepare peace talks with the Western allies, and by regent Miklós Horthy’s decision to send an official ceasefire delegation to Moscow, and then by his attempt on 15 October 1944 to break from Germany and switch sides, a maneuver that was thwarted by the Germans and Ferenc Szálasi’s coup (Juhász, 1978; Szent-Iványi, 2013; Veress, 1995). Regent Horthy was not prosecuted after the war; he was only questioned as a witness during the Nuremberg trials. Years later, Joseph Stalin explained to Prime Minister Ferenc Nagy that Horthy had not been prosecuted because he had asked for a ceasefire (Nagy, 1990). It is important to highlight this issue because there are still debates surrounding Miklós Horthy’s responsibility in Hungary’s role in the Second World War and the Holocaust.<sup>2</sup> It is therefore worth distinguishing between the debates over Horthy’s responsibility in a historical perspective and the matter of whether or not he should have been brought to justice in Nuremberg. On the latter issue it should be noted that the dispute was actually due to a decision that was not made in Hungary.<sup>3</sup>

Fulfilling any international obligations nevertheless required a legitimate Hungarian parliament and government. The Provisional National Assembly was formed on 21 December 1944 in Debrecen, and the Provisional National Government was formed one day later. The representatives of Hungary signed the Ceasefire Convention in Moscow on 20 January 1945, article 14 of which stated that Hungary obliged to assist in the arrest, extradition and sentencing of war criminals.<sup>4</sup> The implementation of the Ceasefire Convention was monitored and regulated by the Soviet-led Allied Control Commission (ACC) until the deposit of the Paris Peace Treaty on 15 September 1947. As the convention covered a broad section of political, social and economic life, scholars agree that the ACC limited Hungary’s sovereignty at critical points. The ACC intervened in deciding important political and economic issues and defined processes (Feitl, 2003). To illustrate the significance of this, the issue of “land reform”, which

<sup>2</sup> Although the issue has been known to Hungarian historians for a decades (Szirtes, 1996), the research of the mass deportation action from the Subcarpathian region in 1941 and the Kamianets-Podilskyi mass killing recently put the history of the Holocaust in Hungary into a new perspective (see: Segal, 2014).

<sup>3</sup> About Horthy in Nuremberg, see: Gellért & Turbucz, 2012.

<sup>4</sup> About the legality of this from a legal point of view, see: A. Papp, n.d.

intended to involve a radical change in ownership structures as well as the social and political structure in Hungary, was such an example. Critics of the process, such as József Ö. Kovács, use the term “land distribution” or “land confiscation” instead of the word “reform”, and highlight Moscow’s decisive role in influencing the political decision and in designing the legislation of the land issue (Ö. Kovács, 2016). Thus, post-war Hungary had to carry out a political and social transformation in an environment characterized by a lack of sovereignty and a post-war catastrophe with its material and psychological effects.

### The Internal Political Context of Post-War Political Justice

Scholars highlight a correlation between the number and context of post-war trials and the retaliatory activities by local resistance movements (liquidation of collaborators, death sentences of “partisan courts”, etc.), meaning that in several other countries, the collaborators of National Socialist Germany paid with their lives before the end of the war (Barna & Pető, 2015; Zinner, 2021a). The situation was different in Hungary, thus, there is a consensus among researchers that Hungarian resistance had not made any significant contribution to retaliation against war criminals.<sup>5</sup> While there was certainly a need to hold the responsible persons accountable, and contempt for the Arrow Cross Party was common, this was not manifested in spontaneous acts of violence by the people. Deák argues that the majority of the population was not in a revolutionary mood, and so the new political leadership tried to instill one and instrumentalized people’s courts to this end (Deák, 2001). According to secondary sources, scholars are not aware of any civilian-led retribution against of war criminals in Hungary. Only in a few cases were war criminals subjected to minor abuse by the enraged crowd during their transportation to court (Karsai, 2003; Zinner, 2021a). According to Barna and Pető, public vilification and humiliation were also avoided (Barna & Pető, 2015).

However, in a more sophisticated view of the issue, it is necessary to take into account the press and other public statements, as well as the

---

5 It does not belong to the subject of this paper, but it is worth noting that the evaluation of the Hungarian resistance movement is a controversial issue. In the author’s opinion, it is misleading to measure its performance only in the number of retaliatory and armed actions. However, recent research also highlights the fact that historians know very few examples of bombings against members of the pro-Nazi Arrow Cross Party or German officers (Bartha, 2021). In another example, the members of the youth resistance planned to abduct András Csilléry, who was responsible for relocating universities to Germany, and convict him before a “student court”. Furthermore, the young resistance fighters also planned to blow up Emil Kovarcz, the minister responsible for total mobilization, however both actions failed before they could take place (M. Kiss & Vitányi, 1983).

fact that the people's court hearings initially aroused great interest and emotion. For example, chief judge Ákos Major allowed a later trial, to go beyond the council chamber, permitting the "voice of the people" be part of the atmosphere of the trial (Major, 1988). In another example, looking beyond Budapest, stigmatizing and exclusionary measures were planned against Hungarians of German descent who were members of VDU (Volksbund der Deutschen in Ungarn). In Sopron, a significant proportion of the population was of German descent, many of whom were members of the pro-German organization. On 7 May 1945, at a meeting of the Sopron National Committee, which was also a special people's body in the era, the members of the committee were called upon to change their German-sounding surnames. After that, it was suggested that pro-German people and VDU members should be marked with a yellow star, just as the Jews had been previously. According to this idea, a black letter "Á" would have been placed in the star, as an abbreviation of "áruló", meaning "traitor" (*Record of the Sopron National Committee*, 7 May, 1945). The implementation of the idea was abandoned at the committee's next meeting as the political police and internment camp started operating in the city. As a consequence, or so the explanation went, VDU members and Arrow Cross Party members could now be held accountable, and the committee decided that there was no longer a need to use such a discriminating measure (*Record of the Sopron National Committee*, 14 May, 1945). The two examples mentioned above also show that the issue is deserving of further research in order to gain a more complete picture.

That the tragic situation in Hungary required special solutions cannot be denied. At the same time, the situation provided an opportunity for profound regime change, which required the establishment of special bodies. It is important to shed light on the context in which the people's courts were established and operated. The years 1945–1947 could be characterized by an attempt at political and coalition-based reorganization and reconstruction that manifested itself in many areas of life from government functions to the operation of cinemas (Feitl, 2016; Izsák, 2010). Such were the national committees organized in every settlement, which mainly had a significant impact on the reorganization and political supervision of the administration and public life, particularly in the beginning. Various certification committees were set up based on local, administrative or sectoral and even workplace levels to examine people's past and political behavior and "democratic thinking". This, it must be noted, without the widespread tradition of the expected democratic way of thinking in Hungary.

The antecedents of the coalition can be traced back to the Hungarian Front, a resistance organization established in 1944, and then to the parties of the Hungarian National Independence Front formed on 2 December 1944 in Szeged. The purpose of the organization was to unite the parties of the anti-Fascist coalition and prepare a democratic regime change. The founder parties were the Independent Smallholders' Party



(*Független Kisgazda- és Polgári Párt, FKGP*), Civic Democratic Party (*Polgári Demokrata Párt, PDP*), Social Democratic Party (*Szociáldemokrata Párt, SZDP*), National Peasant Party (*Nemzeti Paraszt Párt, NPP*) and the Hungarian Communist Party (*Magyar Kommunista Párt, MKP*).

According to Lajos Izsák, the era that Hungary entered could be defined by two political turns. The first turn in 1944–1945 was aimed at the rule of law and the building of a multi-party democracy, as Izsák calls it “the years of the coalition”, while the result of the second turn was the formation of the one-party system by 1949 (Izsák, 2010). However, other historians emphasize that the Communist aspirations for power, with the significant support of the USSR, were aimed at the abolition of democracy and the expropriation of power from the very beginning. The views can, in fact, be interpreted in the context of the origins of the Cold War and divided between an “orthodox” and a “revisionist” position (Ungváry, 2003). As Krisztián Ungváry and Béni L. Balogh summarize, according to the “orthodox” point of view, based on the characteristics, strategic goals, and ideology of the Soviet system, scholars find it more or less certain that Stalin sought to Sovietize the territories occupied by the Red Army during the Second World War from the outset. On the other hand, historians who can be considered “revisionists” see that the process of Sovietization enforced by the USSR was a result of the offensive foreign policy of the United States (L. Balogh, 2015; Ungváry, 2003).

Taking a slightly different point of view, if one tries to examine the years around 1945, it may appear that the two periods “converged” like tectonic plates, to use Barna and Pető’s metaphor (Barna & Pető, 2015). On the one hand, historians try to evaluate and narrate the political and social structure of the interwar period, the performance and possible sins of the political elite, the role of Hungary during the war, and the Holocaust. On the other hand, the era can be examined in terms of Communist aspirations for power, and, particularly in the case of the people’s courts, the focus on show trials, work of the political police, and “revolutionary justice” (see: Deák, 2001; Ötvös, 2018; Zinner, 2021a). The treatment of the issue is further complicated by the fact that the narratives also affect the sensitivities of the victims of the two consecutive historical periods. As Gellért summarizes, according to a group of participants in disputes surrounding the politics of memory, there is a need to re-evaluate Hungary’s past because it was distorted during the decades of Communism and Socialism, thereby reducing the merits of representatives of the interwar era and exaggerating their mistakes, and who were convicted in unlawful trials. The obverse of this interpretation considers the rehabilitation of the interwar era, named after Miklós Horthy, and relativizes the deeds and accountability of politicians convicted of war crimes and crimes against the people (Gellért, 2016).

Some scholars draw attention to the role that people’s courts intended to have in transforming and shaping the (democratic) values of



society (Barna & Pető, 2015; Lukács, 1979; Zombory, 2017). However, it is probable that one of the defects of the people's courts stemmed from the fact that the coalition parties did not have the same ideas about the concept of democracy and democratic values. These issues could not be crystallized either, as the era slipped into Communist dictatorship. As a consequence, the appropriation of politically sensitive concepts and the values was increasingly determined by the Hungarian Communist Party. Perhaps there was greater agreement on the concept of "the people", but this cannot be stated with absolute certainty. In general, the concept referred to the strata of society below the interwar middle class. They were considered the least emancipated and least politically represented, despite making up two-thirds of society. Following the populist writer Péter Veres, the need to bring "the people" into the "nation", initially intended to express political emancipation, became a kind of a vow which highlighted the difference in political content between the concepts of nation and people.<sup>6</sup> Máté Zombory, who examined the legitimacy of political violence in the context of people's courts, believes that the definition of "the people" made by the legislators "referred to the previously ruled social categories, deprived of political rights in the former regime – basically the peasantry and the working class, but also Jews and left-wing politicians" (Zombory, 2017, p. 160).

István Bibó, a contemporary political essayist, who recognized the serious crisis of democracy as early as 1945, believed that political life was polarized along two kinds of fear: the fear of reaction and the fear of a dictatorship of the proletariat (Bibó, 2004). The main political force was the Independent Smallholders' Party, with an idea of pluralist "peasant" democracy, which won a 57% majority in the November 1945 elections. However, the Smallholders were unable for various reasons, including Soviet pressure, to assert their absolute political majority. They maintained coalition rule that gave much more influence to other parties, including the Communists, than in reality corresponded to the election results. The Smallholder politicians were deluded into believing that Hungary would regain its sovereignty after the signing of the 1947 Paris Peace Treaty, and thus would be given a free hand for democratic development. In contrast, the Hungarian Communist Party tried to organize the left side of the political spectrum, integrating parties that believed in (democratic) Socialism into the "Left Bloc". Communist leaders, including secretary general Mátyás Rákosi, at first fueled falsehoods about the party's popularity, but the results of the elections sobered them up, so it became apparent that that they could not gain power under the democratic rules of the game. Therefore, their strategy was based on eliminating and breaking their

---

<sup>6</sup> About Veres and the populist movement, see: I. Papp, 2012.

political opponents under the auspices of combatting reactionary movements. They first settled with various “fractional” Communists, then the Independent Smallholders’ Party was broken up in 1947 through the use of so-called “salami tactics” and show trials with the help of the Soviet authorities, while the Social Democratic Party was “incorporated” in 1948 through party unification (see: Nagy, 1990; Ötvös, 2018).

At this point, it is worth emphasizing that the image of the war criminal and enemy of the people, previously formed along anti-Fascist aspects of the new democratic system, was supplemented in 1945 with the image of reactionaries, followed by clerical reaction, anti-state conspirators, spies, and finally class enemies, kulaks, etc. with reference to the lack of a universally accepted definition of democratic values mentioned earlier. The definitions formed by the Communists became decisive in substantizing political concepts and thus classifying the enemies of the system. This process also meant that those politicians of the former coalition based on anti-Fascist principles who confronted the Communists fell into one of the categories of enemies. József Révai, the chief ideologue of the Hungarian Communist Party, who can be also considered as the proponent of the struggle against the reaction, in the summer of 1945 defined “reactionary” as someone “who is anti-Communist” (Révai, 1945).

An interesting approach is taken by Barbara Bank, who, in parallel with the change, or rather supplementation, of the image of the enemy, presents the increasingly extensive and increasingly unscrupulous operation of the political police (Bank, 2018). Although the focus of her research is on internment camps and not on people’s courts, if historians analyze post-war retaliation measures from this perspective, a whole system emerges which encompasses the fates of persons accused of committing crimes during and after the war. This system was operated in turn by the political police and political parties, and some its elements were internment camps, people’s courts and prisons. Deák also sheds light on the broader context of post-war retribution. He argues that between 300,000 and 400,000 Hungarian citizens suffered some kind of punishment during the purges. Furthermore, about 40,000 Hungarians were interned between 1945 and 1949, 200,000 Hungarian Germans were expelled from the country, while at least 62,000 public servants were dismissed (Deák, 2001). According to Karsai, the latter group totaled 103,000 people, while a similar number also lost their jobs in the private sector (Karsai, 2001).

### Problems Surrounding Post-War Political Justice in Hungary

Below is a summary of some of the problematic, controversial points in post-war political justice that make it difficult for historians to evaluate people’s courts. These points are (1) Disputes surrounding Act VII of 1945; (2) Disruptions surrounding the establishment of people’s courts and their

malfunctions; (3) The role of the political police in the judicial process; (4) Act VII of 1946, also known as “the executioner’s law”, ostensibly to protect the democratic state order and the republic. However, the legislation was exploited by the Communists, who used it to liquidate their opponents in political and showcase lawsuits.

Given the seriousness of the issue to be resolved, PM Decree No. 81/1945, which established people’s courts, was completed very quickly, while the text, according to Attila Papp, was quite thorough, and its wording was used decades later in legislation (A. Papp, n.d.; 2011). Kálmán Kovács, Secretary of State in the Ministry of Justice and member of the Communist party, was entrusted the organization of the people’s courts, while codification was carried out by his subordinates László Réczei and Győző Balogh with the help of young jurists András Villányi and István Timár (Lukács, 1979; Zinner, 1985). The decree was published in the 5 February 1945 issue of the *Magyar Közlöny* (Hungarian Gazette).<sup>7</sup> The first page of the bulletin also reported that the authors of the legislation, László Réczei and Győző Balogh, had been appointed ministerial advisers to the Ministry of Justice, while the names of András Villányi and István Timár were among the first officially appointed political police officers (PM Decree No. 81/1945, 1945). I consider it important to mention the persons involved in the codification, as the careers of many of them characterize well how justice became one of the devices that was used in establishing and maintaining the Communist dictatorship.<sup>8</sup>

The PM Decree No. 81/1945 was later supplemented by PM Decrees No. 1440/1945, 5900/1945 and 6750/1945. Eventually, these decrees were enacted in Act VII of 1945. While Article 6 of the Charter of the International

7 Although the decree was adopted by the Provisional National Government on 25 January 1945, it officially came into force only after it was published in the *Magyar Közlöny*.

8 Out of the mentioned persons, reference is made only to István Timár, who had a significant career at the State Protection Department (*Államvédelmi Osztály*, *Ávo*, the legal predecessor of the State Protection Authority – *Államvédelmi Hatóság*, *ÁVH*), of which he was at the deputy head for a time. At the *Ávo*, Timár led the investigation subdivision (*vizsgálati alosztály*) and the people’s prosecutor’s office (*népügyészégi kirendeltség*). He was an investigating officer in the trials of the main war criminals, including Ferenc Szálasi. He also led the investigation of the fabricated case of the so-called “conspiracy against the republic” or the “Hungarian Fraternal Community’s case”, which ended with a show trial that led to the break-up of the Smallholders’ Party and the forced resignation of Prime Minister Ferenc Nagy (about the case, see: Szekér, 2017). From 1948, Timár headed the Department of Criminal Law and Prosecution of the Ministry of Justice, and also supervised the work of the Department of Prisons. In the course of his work, he dealt with matters were important to the *ÁVH*. During the retaliation following the 1956 revolution, the dictatorship was counting on Timár’s work again, between 1957 and 1962, he was the head of the Legislation Department of the Ministry of Justice, in 1962 for a short period, he was appointed First Deputy President of the Supreme Court (see Timár’s and Réczei’s bios: *Az Igazságügyminisztérium felső vezetése, 1956–1963, NEB Tudástár*, 2016).

Military Tribunal defined three types of crimes (crimes against peace, war crimes and crimes against humanity), the Hungarian law defined only two types: war crimes and crimes against the people. The law envisaged the use of the death penalty, imprisonment, and forced labor as the main penalties. Milder forms of punishment included termination of employment, confiscation of property, fines, and, as an ancillary punishment, the suspension of political rights. For a short time, internment was also included with the punishment items, but this was eventually removed, meaning that the police could use internment without any court order. According to PM Decree No. 1440/1945, minors could also be sentenced to death if they were 16 years of age at the time the crime was committed.<sup>9</sup>

According to the law, a war criminal was a person who facilitated the spread of the Second World War to Hungary or the gradual drifting of Hungary into the war by his or her activities or conduct in a leading position. Additionally, a person was also considered as war criminal if he or she did not try to prevent the country from drifting into war, even though he or she would have had the opportunity to do so due to his or her position in public office, or due to his or her political, economic and public role. These measures were further supplemented by the inclusion of crimes against peace and war crimes against humanity as detailed in Act VII of 1945. (*Act VII of 1945, 1945*).

According to the law, a person committed crimes against the people if, as a member of a ministry or the parliament, or as a civil servant in a senior position, they were the initiator of legislations that seriously violated the interests of the people, or knowingly participated in the enactment of such legislation. Furthermore, a person committed crimes against the people if he or she, in the course of executing their public office after 1 September 1939, overstepped boundaries and engaged in the enforcement of laws and regulations against certain strata of the people that endangered or violated personal liberty or physical integrity, or contributed to the deterioration of the property of certain persons. Civil servants who had consistently run an anti-people, Fascist-friendly office also fell under this legislation (*Act VII of 1945, 1945*).

The main target group of responsible persons defined by the legislation included top leaders, senior officials and significant personalities from governmental, political, military, administrative, and economic

---

<sup>9</sup> The adoption of this rule was connected with the case of Kálmán Frank, armed servicemen of the Arrow Cross Party, who took part in bestial acts and mass executions with his comrades during the siege of Budapest 1944–1945. However, it caused an outrage in the public and the press that Frank avoided the death sentence because of his young age. Contrary to popular belief, however, it was possible to execute under the age of full legal responsibility in Hungary as early as 1945, so this was not an “achievement” of the Communist dictatorship (I. Horváth et al., 1993).

fields. In addition, the text clearly alludes to the leaders of the Arrow Cross Party, the servants and informants of the German authorities, the members of the VDU and the SS as perpetrators of war crimes and crimes against the people. Of course, under the law, the people's courts could also take action against persons with lesser executive roles. They also had the right to convict those who were members of parties and organizations described as Fascist or, to a greater or lesser extent, carried out propaganda to continue the war or voiced their faith in German victory. Although Pál Lukács deemed the bases of the concept of crimes against the people as also being related to the concept of crimes against humanity, Hoffmann, who approached the issue from a similar perspective, noted that, in spite of the similarities between the two categories, it would be erroneous to regard crimes against the people as essentially identical to crimes against humanity (Hoffmann, 2014; Lukács, 1979). As Zinner points out, it is not difficult to associate it with the formula "enemy of the people" used in the USSR, the antecedents of the concept discovered in the infamous Soviet show trials of the 1930s (Zinner, 2021a). The legislators believed that they had created an opportunity for "the Hungarian people" to judge their former "lords" and "oppressors" while also referring to a broader political context. In the perspective of the minister of Justice, István Ries, people's judiciary was one major legal mechanism the entire nation had against its oppressors, which was broken down into smaller mechanisms for technical reasons (Zinner, 2021a). In this understanding, "the Hungarian people" were at once the victims, while simultaneously embodying the prosecution as the people's judges, and passing judgments in the name of the Hungarian people. The legislators therefore sought to create the greatest possibilities for holding the responsible persons accountable. One key element to this was finding a political element in the crime committed.

War crimes and crimes against the people not only included inhumane and violent crimes, but also acts that were considered politically motivated and did not directly serve the interests of war or did not violate the laws on warfare. As Lukács notes, while the law considered war crimes and crimes against the people to be a political tool, lawmakers did not define precisely the concept of political crimes, instead leaving it for law enforcement and ultimately the political police and people's courts to investigate and recognize the political nature of each crime (Lukács, 1979). At the same time, it allowed for unprofessional and erroneous decisions. Political credibility did replace expertise. It is enough to think of the fact that political police were recruited without any serious training, taking the place of the former professional investigative bodies, or to express doubts concerning unqualified members of the people's courts who had no basic legal knowledge. Researchers also point out that there were a number of under-trained, unskilled lawyers among the chief justices and prosecutors of the people's courts, while professionally recognized judges kept their distance from the politically motivated court (Karsai, 2001; Zinner,

2021a). Needless to say, the prominent role in abuses of justice was played less by the people's courts and increasingly by the Communist-led political police, which did not need a court order to deprive anyone from his or her liberty. This was made possible by the unpublished Confidential Decree No. 138.000/1945 of the Ministry of the Interior, issued by Ferenc Erdei. According to the decree, the political police were to launch procedures against persons who could not be charged with any crimes based on currently available data or evidence and applicable law, "but who posed a risk due to their former or current Fascist or anti-popular behavior, or in general obstructed the democratic reorganization of the country, which could entail internment or police supervision" (Bank, 2018).

One of the main issues of the people's courts is that the political parties wanted to instrumentalize them as a tool of regime and elite change (Deák, 2001). Furthermore, the political police had a very strong impact on which cases and which evidence were brought before the people's prosecutors. In Sopron, for example, one people's prosecutor wrote unanswered letters of complaint to the Minister of Justice about the fact that indictments written by the chief people's prosecutor, without any investigative and prosecutorial duties, literally corresponded to the investigative reports compiled by the political police (Szokolay, 2018). This kind of poor professional work could, of course, not only lead to the conviction of innocent people, but could also be a way out for real offenders. However, further systematic research using both quantitative and qualitative methods would be needed to obtain a reliable picture.

Rigó came to the straightforward conclusion that the role of the people's courts in Kecskemét was primarily to allow the new democratic regime to show its strength and display that the former elites would not be spared. Although, many of the members of the Kecskemét elite were finally acquitted or their sentence was significantly commuted, at the same time they withdrew from public life after being slandered and intimidated. Furthermore, the situation was no more promising for the common people. Rigó's research suggests that the political police conducting the investigations treated them more harshly and violently (Rigó, 2011). This is further supported by Barna and Pető, who found that those with higher social status and more money had a better chance of defending themselves and receiving less punishment than more vulnerable defendants. On the other hand, if they were recognized or famous politicians, dismissal was far less likely. (Barna & Pető, 2015).

Zombory takes a different perspective, advocating instead for the emancipatory effect of people's court proceedings and the importance of producing "historical truth" against the propaganda of previous regimes, and the importance of extensively documenting the past (Zombory, 2017). Examining the people's court proceedings from the point of view of gender, Barna and Pető came to other, rather negative conclusions. Their analysis showed that in contrast to equality discourses of the era, certain



stereotypes about women persisted in the number of female judges and in the convictions of female defendants, although the latter could mean milder judgments in comparison to male defendants (Barna & Pető, 2015). It should also be noted that the proceedings of the people's court were indispensable and essential resources for researchers of the era; without them, historians would clearly know less about Hungarian history. However, the context, quality, and reliability of the sources are often variable, so they alone cannot be used to authentically reconstruct the past.

### Scope of Act VII of 1945

The legislation strictly disregarded the principle of *nullum crimen sine lege*, which remains the subject of controversy. On the one hand, it dates back to the period of the war that broke out in 1939. On the other hand, the law set a statute of limitations from 21 December 1944 for politically motivated crimes against life or crimes committed through the press that were committed after the fall of the Soviet Republic of Hungary in 1919. It is also worth noting that, of course, the law was also applicable the criminals persecuted after the war. While Zinner criticizes the ignorance of the principle of non-retroactivity, Karsai refers to the so-called Radbruch formula (Karsai, 2001; Zinner, 2021a). However, the debate on the retroactive effect goes beyond historical and legal discourse because it has moral, and therefore social, and political dimensions.

It is unquestionable that the main war criminals like Ferenc Szálasi and others had to be convicted and that they deserved their punishment. There can also be no question of punishing or morally condemning less serious, but real offenders. At the same time, due to the illegal procedures, executions for political reasons and persecutions in the decades after 1945, the issue of rehabilitation of the victims and the legal restoration of justice arose during the period of the change of regime in 1989–1990 and in the early 1990's. In connection with this process, several laws were enacted that have repealed previous legislation that facilitated illegal practices and political judgment. In the case of Act VII of 1945, the Constitutional Court of Hungary declared in 1994 that many paragraphs of the legislation were unconstitutional; nevertheless, the judgments rendered on the basis of this law were not annulled, and no moral resolution was made regarding the content of the judgments (see: Gellért, 2016). Yet, in individual cases, there are still legal options for making rehabilitation available, but many affected people are no longer able to make use of it. Thus, this is the reason why some, like Zinner, criticize this situation for the benefit of the innocent disadvantaged (and those who have mostly received lesser but disproportionate punishments), while others, like Péter Kende are concerned that they may relativize the war crimes and crimes against humanity (see: Kende, 2007; Zinner, 2021a). Contemporary debates tend



to erupt not so much because of this situation, but in cases where a person is being rehabilitated whose deeds are considered divisive or morally concerning. This is especially causing more social tension when it comes to well-known politicians of the interwar era, such as Bálint Hóman, who was a historian and minister. Gellért wrote an excellent summary of the case, his final conclusion being that historians can contribute to the question of these morally important debates by researching the history of the people's courts and the era even more resolutely and systematically (Gellért, 2016). All this shows that the history of the people's courts, or rather the history of the accused, still has an impact on society to this day, and debates easily manifest in the contexts of politics and memory. In the author's opinion, it is a historical lesson that the regime that intended to be democratic, established in 1945, could not consolidate due to Communist aspirations for power and the lack of sovereignty of Hungary, resulting in the moral uncertainty that affects the present day.

### Problems Surrounding the Establishment of People's Courts

The process of organizing and establishing the people's courts started right away with a special situation, because the first people's court was set up in Budapest and started operating before the PM Decree No. 81/1945, which legally established people's courts, came into force on 5 February 1945. Furthermore, the body, which called itself not *Budapesti Népbíróság* (Budapest People's Court) but *Budapesti Néptörvényszék* (Budapest People's Court of Law),<sup>10</sup> did not operate in accordance with the rules of that decree. Its creation was not initiated by the government based in Debrecen in that time, but by the Budapest National Committee. The Budapest People's Court of Law held its first trial on 3 February 1945, whereby a death sentence was handed down in the case of Péter Rotyis and Sándor Szívós, who had served as guards at the 401st Special (Penal) Labor Squadron. They were brought to court because they had taken part in the murder of 124 Jewish forced labor servicemen. The two war criminals were hanged in front of the gathered crowd on 4 February, in a public place in Oktogon square, in the heart of Budapest. The operating principles of the Budapest People's Court of Law were developed by Ákos Major, who had served as a military judge before, in accordance with the rules of the procedure used in the Hungarian Royal Army, the essence of which was to be fast and reduce legal remedies. The judgment was upheld by the Budapest National Committee (Major, 1988). Thus, many doubts can be expressed about the very first

---

<sup>10</sup> The two words, *bíróság* and *törvényszék* are synonymous, the English translation is meant to express the difference in mood between them.

trial in a people's court. For example, Karsai pointed out that Ákos Major, did not have an appropriate degree to sit in a civil court (Karsai, 2003). According to László Varga, nothing proves better the political nature of the trial than that it is still easier for the researcher to find the interrogation records belonging to the case in the records of the Hungarian Communist Party than in the documentation of the people's courts (Varga, 1999).

However, regarding the people's courts, the difference between the ideas of the Budapest National Committee and the Provisional National Government, still based in Debrecen at that time, cannot be explained simply by the fact that the information did not flow properly between the two cities. Ákos Major did not become the subject of any criticism that would have seriously affected his career, and was soon appointed as the chairman of the National Council of People's Courts. The establishment of people's courts and the start of the trial mentioned above were not just urged by the Budapest National Committee, but also by Soviet military commanders. In his report dated 5 February 1945, Ákos Major wrote that the Soviet military commander in Budapest had informed him that the developments of the case and the trial were being monitored personally by R. Y. Malinovsky, the commander of the 2nd Ukrainian Front. On 15 February, Major explained the need to hold further trials without delay as it was necessary to reassure public sentiment and satisfy the Soviet authorities. On 15 February, he also reported that the Soviet military commander in Újpest had ordered members of the local national committee to contact the Budapest People's Court in relation to local cases. The Soviet commander envisioned that, if not, they would "handle" the affairs themselves (*Reports of Ákos Major, 1945*). Thus, pressure exerted by the Soviet military authorities also played a role in making the first judgment of the Budapest People's Court of Law. Finally, among the concepts formed about the operation of the people's courts, the decree of the Provisional National Government became the officially adopted procedure.

Twenty-five people's courts were set up in Hungary, but the one in Berettyóújfalu did not operate. Within the people's courts, several people's court councils could be formed. Over time, as most cases were being negotiated, 15 people's courts had been abolished by the end of 1948 and the system had become increasingly centralized. By the spring of 1949, four more people's courts had completed their work, and finally, on 1 April 1950 the people's courts finished their operation (Mikó, 2015; Zinner, 1985). A two-tier system was established. Judgments of first instance fines could be reviewed or upheld by the National Council of People's Courts (NOT). The members of NOT were appointed by parties, so the usual coalition formula prevailed here as well. The difference between the two bodies was mainly the presence of unqualified members and legal expertise.

Each of the five political parties, with the consent of the local national committees, delegated one member to the people's court councils, and later the Trade Unions could also delegate one. The unqualified

element was also considered important because the political parties believed that representatives of the former social and political order, including judges, were politically unreliable to the new regime. Therefore, according to the legislators, it was necessary to have a court that reflected the state of Hungarian democracy (Nánási, 2011). Although Mikó examines the establishment of people's courts in the context of the interpretation of the Communist expropriation of power, she herself believes that the Communist Party did not have a ready-made scenario in this field. According to her, the construction of the system was characterized by experimentation, and the Communist leadership, which had a huge impact on the people's court system, used practical experience to develop solutions. Another problem for the Communists was that they did not trust either the professional judges who had studied and worked between the two world wars, or, in many cases, even the people's judges. That is why the Party instructed its own people's judges to observe the political behavior of their colleagues delegated by the Social Democratic Party (Mikó, 2015). Zinner also stresses that councils became the scene of party political struggles (Zinner, 2021a). Distrust was also evident in making decisions.

The council also included a chief judge with a law degree who conducted the trial and observed compliance with legality, drafted the verdict, but did not have the right to vote. To make a decision, three unanimous opinions (votes) were required. The chief judge could only have the right to vote if this could not be achieved and was entitled to join two unanimous votes. This was the only scenario in which the chief judge had a right to vote. However, since the amendments to Act xxxiv of 1947, which came into force in 1948, the role of the chief judge increased and he was also given the right to vote. The chief judges, who had a judicial examination, were recommended by the local national committees and appointed by the Minister of Justice (the appointment of people's prosecutors was similar).

The Act xxxiv of 1947 amended the composition of the first-instance and second-instance people's court councils. The Smallholders' Party, the Hungarian Communist Party, the Social Democratic Party and the Peasant Party could delegate members to the councils. In this way, the left-wing majority was unquestionable, especially if the leading judge was reliable in the eyes of the Communists. Nevertheless, other events took place in 1948: the Hungarian Workers' Party was formed from the merger of the Hungarian Communist Party and the Social Democratic Party, which subsequently delegated two members to the councils, but without any legal changes to the rules for compiling people's court councils. In Zinner's view, the people's court councils subsequently committed a formal violation of the law, which is an absolute ground for nullity (Zinner, 2021a).

I would like to give an example from my own research on Sopron of how a people's court was formed in a rural town of Hungary. The establishment of the Sopron People's Court was supported and initiated by

László Molnár, an official of the Ministry of Justice. He arrived in the city by Soviet plane, where he first reported to the local Soviet military headquarters. Molnár then visited the Sopron county's head of administration (*főispán*), Tibor Hám, and the leaders of the local judiciary. In fact, the appointments of the chief judge and the people's prosecutor were proposed at this meeting and were later approved by the national committee. Molnár also contacted the local head of the political police to find out how many people were already under investigation. He called on the political police to conduct investigations as a matter of urgency and to hand over the suspects to the people's prosecutor's office as soon as possible (*László Molnár's Report on Establishing the Sopron People's Court*, 27 April 1945). However, the formation of the Sopron People's Court was delayed until 8 May 1945, because some of the parties appointing the delegates were formed only at that time. Due to ignorance and misinterpretation of the legislation, several erroneous and amended lists were drawn up. Among the six people's judges were two officials, a university professor, a carpenter's master, a carpenter and a worker (*Record of the Sopron National Committee*, 30 April 1945; *List of People's Judges for Tibor Hám*, 30 April 1945). The compilation intended to reflect on the social strata of Sopron, from workers to intellectuals. In this way, the events in Sopron were in line with national trends (see also: Zinner, 1985). It was not uncommon for chief judges and people's prosecutors to be attacked on a political scale. A complaint was sufficient to remove Béla Hofhauser, a candidate for deputy chief judge in Sopron, concerning his former pro-German and Fascist behavior (however, no evidence was found to indicate that the case had been investigated properly). Meanwhile, Béla Kynsburg, who was nominated as a people's prosecutor, was brought before people's court for his previous prosecutorial duties during the war (*Record of the Main Hearing in the Case of Béla Kynsburg Before the Budapest People's Court*, 30 January 1947). Although Kynsburg was acquitted for lack of evidence, he still lost his job and was placed on a so-called "B-list" along with other unreliable individuals (*Written information about Béla Kynsburg*, 3 October 1946). The People's Court in Sopron worked under great pressure. The Communist press repeatedly tried to tune the public mood against the people's court, which handed down sentences that were in their opinion too mild, blaming the chief judge Árpád Pittner and the public prosecutor Ferenc Géza Kovács (J. Horváth, 1945a; 1945b), and also calling for an irrational number of sentences to be served, claiming that more than 11,000 VDU members should have been tried (Berta, 1965). Another example, people's prosecutor János Gaál was removed in February 1946 because he had detained some members of the political police who contrived arrests via brutal torture in order to extract false confessions (Szokolay, 2018).

The Act VII of 1946, the law on the protection of the democratic state and the republic, brought a significant change in the judiciary and the future of the democratic transformation. The law declared persecution on the basis of very broadly defined concepts, including organization, agitation, and efforts to change the state and the form of state (*Act VII of 1946*, 1946). The four parties mentioned earlier (Smallholders, Communists, Social Democrats and the Peasant Party) could delegate members to the special councils established by law, and the chief judge was appointed by the Minister of Justice. Thus, prior to the changes made in 1948, the composition of these councils differed from that of the councils established under Act VII of 1945 (see: *Act XXXIV of 1947*, 1947). During the drafting of the law, a significant political struggle ensued, primarily between representatives of the Smallholders' Party and the Communists. The parties wanted to use Act VII of 1946 in order to defend the democratic order they had imagined in the name of fear of reaction and the proletarian dictatorship. The most determined fight on the part of the Smallholders' Party was made by Dezső Sulyok, who eventually apostrophized the law as "executioner's law". The goal of Sulyok and his fellow MPs was to ensure the protection of the democracy against the one-party system and the proletarian dictatorship (*Report of László Orbán to the Parliamentary Faction of the Hungarian Communist Party*, 27 February 1946 in J. Horváth et al., 2003; see: Zinner, 2021c). The Smallholders' Party lost this political struggle. Prime Minister Ferenc Nagy could not enforce it, and finally gave up the position of his party at an inter-party consultation (*Press Release on the Bill on the Defense of the Republic*, 5 March 1946 in: J. Horváth et al., 2003). Anna Kéthly, prominent member of the Social Democratic Party, also had a role in the debate, and although an amendment proposal was adopted to change the wording of the law, it did not change its essence. Imre Kovács, who belonged to the wing of the National Peasant Party that wanted to pursue a confrontational policy against the Communist Party, also took part in the process without significant results. I consider it important to mention their names because it is a good indication that the leading personalities of the political forces fighting in a democratic way, to a greater or lesser extent, were also responsible for enacting the law allowing for later showcase and conspiracy lawsuits. Nevertheless, during 1947–1948, the abovementioned persons all had to leave Hungary, otherwise they would have fallen into the hands of the political police. The blow to the second line of the Smallholders' Party was measured by a series of show trials known as the "conspiracy case against the republic" or the "Hungarian Fraternal Community's case", which forced Ferenc Nagy to resign and emigrate. In the course of this case, Béla Kovács, a Member of Parliament, was illegally arrested by the Soviet authorities and deported to the USSR. Adopting the day of his deportation, 25 February 1947, the Hungarian National Assembly passed

a resolution in 2000 declaring 25 February to be the Day of Remembrance for the Victims of Communism in Hungary. The event, therefore, became part of the official memory policy.

The Act VII of 1946 significantly expanded and deliberately broadened the scope of crimes described as anti-state, which could easily be interpreted from the then current political perspective increasingly defined by Communists and used by Hungarian Communist Party. Thus, the interpretation framework of post-war political justice had also changed since the time when this law came into force. In addition to the prosecution of crimes committed during the war or in the pre-war period, politically and ideologically motivated proceedings emerged in parallel. Barna and Pető therefore interpret the period between 1945 and 1946 as a separate period, which, in their view, blends in the remembrance with the period after 1946. Their research indicates a trend-like increase in ideologically motivated lawsuits after 1946 (Barna & Pető, 2015). Reading Zinner's text, who maintains the focus on Communist-led political police and Communist tactics, he seems more skeptical that the proceedings in 1945–1946 could be analyzed "more clearly", considering the questionable regularity of procedures and political motives, than those after 1946 (Zinner, 1985; 2021a).

### Epilogue, Conclusions and Results of the People's Courts, 1945–1949

In January 1946, minister of Justice István Ries confidently stated that "the trial of the main war criminals will be taught in schools" (Ries, 1946, p. 3). This was not the only prediction by the Social Democrat politician and lawyer that did not become true. He probably did not even think about his own destiny, that he would lose his life in the prison of the Communist dictatorship in 1950, despite the fact that he played a major role in putting the judiciary at the service of Communist aspirations for power. Why was Ries in error? Why did post-war trials not become a common "lesson" about Hungarian history in the sense he conceived?

The law was suitable for prosecuting war criminals and those who harmed the Hungarian people to the utmost. According to Karsai's summary, four Hungarian prime ministers were sentenced to death: Ferenc Szálasi, Béla Imrédy, László Bárdossy and Döme Sztójay. Relatively few war criminals avoided prosecution, and this was not the fault of the people's courts. They either slipped out of the hands of the political police or fled abroad and were not extradited to Hungary (Karsai, 2003; Zinner, 2021a). However, to shed light on another layer of the issue, some researchers point out that the leadership of the Communist party was interested in gaining the sympathy of the low ranking, ordinary members of the Arrow Cross Party in order to increase its social base. As Peter Kenez



summarized, general secretary Mátyás Rákosi did not shy away from the opinion that it was easier to make good Communists out of the ordinary Arrow Cross members than out of Jewish intellectuals (Kenez, 2011).

At the same time, Act VII of 1945 had already given the opportunity to abuse the law for political reasons or to bring someone before the court following questionable proceedings by the political police. There is no doubt that a significant social and political transformation had taken place in Hungary, which increasingly served the Communist party's aspirations for power. Regarding the broader context of post-war retribution in Hungary mentioned earlier, the masses in Hungary went through verification and other "listing" procedures between 1945 and 1949, which investigated their past and political reliability. Furthermore, tens of thousands of people were interned, not to mention the various deportations and relocating measures of the 1950's and those who were deported to the USSR and its Gulag.

With regard to the people's courts, according to Zinner, between 3 February 1945 and 1 April 1950, 59,429 people<sup>11</sup> were brought to justice under Act VII of 1945. Of these, 26,997 were convicted and 189 of the 477 death sentences were carried out; 9,366 people were sentenced to between one and five years in prison, 1,355 people between five and ten years in prison, and 481 people between ten and fifteen years in prison; 1,976 people were sentenced to longer or shorter periods of forced labor, while 315 people were given life sentences of forced labor. Zinner also has data which shows that more than 90,000 people were handed over by the political police to public prosecutors, however, he notes that an assessment can only be made after reviewing the work of public prosecutors. In his view, police work was characterized by radical, extreme investigative activity, as evidenced by the fact that more than 23,000 cases had to be ordered for further investigation. Furthermore, there is a huge criticism of the significant number of cases that have not been prosecuted in terms of the number of people transferred to the people's prosecutors' offices (Zinner, 2021a, p. 33). The large number of dismissals raises similar professional, ethical and moral issues and doubts in cases brought before the people's courts.

In accordance with Act VII of 1946, special people's court councils were established in Budapest, Debrecen, Győr, Pécs and Szeged. Under this law, 10,878 people were brought to court, 5,861 of them were convicted, 2,304 were acquitted by the courts, and 2,713 cases were otherwise discontinued. The people's courts imposed confiscation of property in 1,793

---

11 Karsai uses partly different data in his work, but Zinner's data is accepted by many as authoritative, so I also decided to use this number until recent research results (see: Karsai, 2003). The numbers published by Deák also correspond to Zinner's (Deák, 2001).



cases and gave fines in 80. According to Zinner's research, under Act VII of 1946, the special councils sentenced 11 people to death, including two who were convicted *in absentia*. In total, the political police handed over 13,748 people to the judicial authorities, only 42.63% of which were found guilty by the people's courts (Zinner, 2021a, p. 28).

In light of the above data, it is perhaps not surprising that, even in the period of the Communist dictatorship, the assessment of the operation of the people's courts between 1945 and 1950 was not clearly positive. Several authoritative individuals criticized the people's courts for their "mild judgments", and even the myth of "Fascist-rescuing" people's courts was incurred. There may be another explanation for the latter. While the unqualified element dominated the operation of the people's courts, there were educated judges working in the National Council of People's Courts (NOT). It is important to note that there were many differences of opinion between the NOT and the people's courts. Political bias or incompetence often led to erroneous or exaggerated judgments on the side of the unqualified people's judges. However, judges with expertise in NOT overturned these judgments, causing outrage in several cases. Some people jokingly referred to the NOT, "Népbírószágok Országos Tanácsa", as "Nem Olyan Tragikus" (Not So Tragic). The more unfriendly consequence, however, was that the myth of the "Fascist-rescuing" people's courts persisted for a long time. In the late 1970s, however, Pál Lukács assessed the functioning of the people's courts in a much more positive perspective, based on a Marxist approach (see: Lukács, 1979).

According to scholars, in the European context, the Hungarian post-war political justice system was neither mild nor remarkably strict (Karsai, 2003; Zinner, 2021a), although researchers also highlight that accurate comparisons are difficult to make (Barna & Pető, 2015; 2018). In Central and Eastern Europe, changes in national borders and measures brought against different ethnicities must to be taken into account when examining the numbers of post-war political justice cases. Similar comparisons are also difficult in the case of Western and Southern Europe, although for different reasons. In Denmark, France or Italy, large numbers of collaborators were executed by the anti-Fascist resistance movement and partisans before they could even be brought to justice (Zinner, 2021a). Still, Zinner, Deák and Barna and Pető give an overview that includes some data, based mostly on secondary sources, for Belgium, the Netherlands, Denmark, France, Italy, Greece, Czechoslovakia, Romania, and Bulgaria (Barna & Pető, 2015; Deák, 2001; Zinner, 2021a). Probably the most radical purge was in Bulgaria, where, according to Zinner's and Ben Fowkes' work, more than 2,000 people were executed between October 1944 and the summer of 1946 (Fowkes, 2000; Zinner, 2021a). In Czechoslovakia, court hearings were held in only 38,316 cases out of the 132,549 brought before the courts in May 1947 (Barna & Pető, 2015). Although they work with different data, in the case of Czechoslovakia there

is a consensus among researchers that 30% of those who had hearings were acquitted (Barna & Pető, 2015; Zinner, 2021a).

There are various myths and misconceptions about the operation of people's courts. In light of his research results, Karsai refuted several of them. One of the myths was based on the belief that the people's courts had conducted a "massacre" after 1945. According to another, with the exception of a few fugitives, the real war criminals had escaped justice. However, the results of research do not confirm any of the myths (Karsai, 2003).<sup>12</sup> The image of the people's courts was strongly influenced by the impact and impression on the audience. In the first period, the trials held in the Great Hall of the Academy of Music were attended by many, while the press reported on the events and various major trials were broadcast. The publicity proved to be a double-edged sword, as it could damage the image of the people's courts. For example, László Bárdossy's case became a story that is still very known to this day. Namely, the former Prime Minister of Hungary, who was convicted for having been responsible for entering the war and was summarily executed on 10 January 1946, had shown such impressive intellectual superiority and dignified behavior over the people's judges that it confused and frustrated even his political antagonists, especially the Communists (Farkas, 1990).

According to Barna and Pető, if we take into account the number of the accused as well as the number of witnesses, one tenth of the population had direct experience of the people's courts. What we can see is a process of asserting interests, negligence, unpunished sins, and relativization of the rules that became part of a social experience. Thus, the political socialization of the post-war resumption was not positively affected. The long-term consequences of the stories, as alluded above, remain with us (Barna & Pető, 2015).

Finally, it is necessary to draw some lessons for historians from which future research directions can be identified. Post-war political justice in Hungary is not yet a fully explored field for researchers. It is an area of research to which political, moral and emotional context is still associated with myths. The problem of political justice is mainly caused by the fact that the political structure emerged in 1945 in Hungary simultaneously expected the culprits to be punished by the people's courts and considered the people's courts to be one of the tools of elite change with

---

12 The question is more thought-provoking in the context of those German officials who committed crimes in Hungary. However, this study does not deal with the cases of war criminals extradited by Hungary to other countries, nor with those requested by Hungary. As they did not appear as defendants before the Hungarian people's courts, the fate of the German officials involved in the occupation of Hungary (on 19 March 1944) and their involvement and responsibility in the organization of deportations and other war crimes and crimes against humanity has not been analyzed.

political logic and passion based on, and induced by politics. The Hungarian democratic tradition could not develop, there was no consensus on democratic values (including the concept of political crime), the image of the enemy and the definition of political concepts were too easily handed over to the Communists by the democratic forces, or rather, they were firmly captured by the Communist Party. There is controversy surrounding the perception of the era as to whether the Communists sought to build a dictatorship from the beginning, but it is beyond doubt that from 1946 onwards they began to show off their political opponents critically and prepare for a gradual expropriation of power. The political police, which had been under Communist rule from the beginning, played a key role in the process.

The source material of the people's courts is enormous, and Hungarian historians need to develop a wide range of methodological tools to process them. Researchers agree that it is only possible to process the history of people's courts with systematic and thorough work. If this happens, we will be able to provide better answers to the political, emotional, and moral questions of post-war political justice that are still challenging today. The moral debates of this period are therefore worth examining, but it is not worth repeating its mistakes, and its shortcomings must be filled with courage and fair debate. In my perspective, this is the only way the history of people's courts and political justice process to become consensus-based, morally placed, and "worth teaching in schools."

## Bibliography

### Archival sources:

- Budapest City Archives (Budapest Főváros Levéltára, HU BFL)  
*Record of the Main Hearing in the Case of Béla Kynsburg Before the Budapest People's Court* (January 30, 1947). HU BFL, Fond xxv.1.a, Folder 2664/1945.
- National Archives of Hungary (Magyar Nemzeti Levéltár, HU MNL)  
*László Molnár's Report on Establishing the Sopron People's Court* (April 27, 1945). HU MNL, Fond XIX-E-1-1, Box 1, File 1310/1945.  
*List of People's Judges for Tibor Hám* (April 30, 1945). HU MNL, Archives in Sopron of Győr-Moson-Sopron County, Fond xvii/1, Box 1, File 231/1945.  
*Record of the Sopron National Committee* (April 26, 1945). HU MNL, Archives in Sopron of Győr-Moson-Sopron County, Fond xvii/1, Box 1.  
*Record of the Sopron National Committee* (April 30, 1945). HU MNL, Archives in Sopron of Győr-Moson-Sopron County, Fond xvii/1, Box 1.  
*Record of the Sopron National Committee* (May 7, 1945). HU MNL, Archives in Sopron of Győr-Moson-Sopron County, Fond xvii/1, Box 1.  
*Record of the Sopron National Committee* (May 14, 1945). HU MNL, Archives in Sopron of Győr-Moson-Sopron County, Fond xvii/1, Box 1.  
*Written information about Béla Kynsburg* (October 3, 1946). HU MNL, Fond XIX-E-1-1, Box 14, Folder 37.
- The Vera and Donald Blinken Open Society Archives (HU OSA) at Central European University, Budapest, Hungary  
*Reports of Ákos Major* (1945). HU OSA, Fond 408-1-4, Folder 1.

## Publications:

- Act VII of 1945 (1945). Source: <https://net.jogtar.hu/ezer-ev-torveny?docid=94500007.tv&searchUrl=/ezer-ev-torvenyei%3Fpagenum%3D42> [accessed: 06.03.2022].
- Act VII of 1946 (1946). Source: <https://net.jogtar.hu/ezer-ev-torveny?docid=94600007.tv&searchUrl=/ezer-ev-torvenyei%3Fpagenum%3D42> [accessed: 06.03.2022].
- Act XXXIV of 1947 (1947). Source: <https://net.jogtar.hu/ezer-ev-torveny?docid=94700034.tv&searchUrl=/ezer-ev-torvenyei%3Fpagenum%3D42> [accessed: 06.03.2022].
- László Réczsei's biography (2016). *Az Igazságügyminisztérium felső vezetése, 1956–1963*, NEB Tudástár. Source: <https://neb.hu/asset/php9jCHJN.pdf> [accessed: 12.10.2022].
- István Timár's biography (2016). *Az Igazságügyminisztérium felső vezetése, 1956–1963*, NEB Tudástár. Source: <https://neb.hu/asset/phpo8xyhT.pdf> [accessed: 12.10.2022].
- Bank, B. (2018). The Hungarian „Gulag”, 1945–1953. In: R. Kiss, Z. Horváth (eds.), *NEB Yearbook 2016–2017* (pp. 87–119). Budapest: Committee of National Remembrance.
- Barna, I., Pető, A. (2015). *Political Justice in Budapest after World War II*. Budapest: Central European University Press.
- Barna, I., Pető, A. (2018). *Politikai igazságszolgáltatás Európában: A kutatási helyzet*. In: I. Feitl, K. Ignácz (eds.), *Régi és új világ határán – 1945 történetei* (pp. 180–190). Budapest: Tanulmányok. Napvilág Kiadó.
- Bartha, Á. (2021). *Véres város. Fegyveres ellenállás Budapesten, 1944–1945*. Budapest: Jaffa Kiadó.
- Berta, J. (1965). A fasizmus végnapjai, a demokratikus államiság kezdetei. *Soproni Szemle*, vol. 1, pp. 2–14.
- Bibó, I. (2004). *A magyar demokrácia válsága*. In: T. Huszár (ed.), *Válogatott tanulmányok. Társadalomtörténet – Szociológia – Társaslélektan* (pp. 364–400). Budapest: Corvina.
- Borhi, L. (1997). *Megalkuvás és erőszak: Az Egyesült Államok és a szovjet térhódítás Magyarországon 1944–1949*. Debreczyn: Kossuth Egyetemi Kiadó.
- Deák, I. (2001). *War-Crimes Trials in Post-World War II Hungary: Retribution or Revenge?* In: *Hungary and the Holocaust: Confrontation with the Past: Symposium Proceedings* (pp. 31–44). Washington DC: Center for Advanced Holocaust Studies United States Holocaust Memorial Museum.
- Farkas, V. (1990). *Nincs mentség. Az ÁVH alezredese voltam*. Budapest: Interart Stúdió.
- Feitl, I. (ed.) (2003). *A magyarországi Szövetséges Ellenőrző Bizottság jegyzőkönyvei: 1945–1947*. Budapest: Napvilág Kiadó.
- Feitl, I. (ed.) (2016). *Az 1944–1949 közötti magyar történelemről*. Budapest: Napvilág Kiadó.
- Fowkes, B. (2000). *Eastern Europe 1945–1969: From Stalinism to Stagnation*. New York: Longman.
- Gellért, Á. (2016). A népbírászkodási jog hálójában. Perújítási eljárás Hóman Bálint ügyében. *MTA Law Working Papers*, vol. 5, pp. 1–21.
- Gellért, Á., Turbucz, D. (2012). Egy elmaradt felelősségrevonás margójára. Horthy Miklós Nürnbergben. *Betekintő*, vol. 4, pp. 1–20.
- Gyenesei, J. (ed.) (2011). *Pártatlan igazságszolgáltatás vagy megtorlás: Népbíróság-történeti tanulmányok*. Kecskemét: Bács-Kiskun M. Önkormányzat Lvt.
- Hoffmann, T. (2014). *Post-Second World War Hungarian Criminal Justice and International Law: The Legacy of the People's Tribunals*. In: M. Bergsmo, W. L. Cheah & P. Yi (eds.), *Historical Origins of International Criminal Law*, vol. 2 (pp. 735–763). Brussels: Torkel Opsahl Academic EPublisher.
- Horváth, I., Solt, P., Szabó, G., Zánthy, J. & Zinner, T. (eds.). (1993). *Iratok az igazságszolgáltatás történetéhez*, vol. 2. Budapest: Közgazdasági és Jogi Könyvkiadó.
- Horváth, J. (1945a). A népbíró és a népügyész. *Uj Sopron*, vol. 1, 7 August.
- Horváth, J. (1945b). Népügyész a reakció szolgálatában. *Uj Sopron*, vol. 1, 25 August.
- Horváth, J., Szabó, É., Szűcs, L., & Zalai, K. (eds.). (2003). *Pártközi értekezletek. Politikai érdekegyeztetés, politikai konfrontáció: 1944–1948*. Budapest: Napvilág Kiadó.
- Izsák, L. (2010). *Pártok és politikuskok Magyarországon: 1944–1994*. Budapest: Napvilág Kiadó.
- Juhász, G. (ed.) (1978). *Magyar-brit titkos tárgyalások 1943-ban*. Budapest: Kossuth Könyvkiadó.
- Karsai, L. (2000). *The People's Courts and Revolutionary Justice in Hungary, 1945–46*. In: I. Deák, J. T. Gross & T. Judt (eds.), *The Politics of Retribution in Europe: World War II and Its Aftermath* (pp. 233–251). Princeton: Princeton University Press.
- Karsai, L. (2001). Crime and Punishment: People's Courts, Revolutionary Legality, and the Hungarian Holocaust. *Intermarium*, vol. 4, no. 1 (2000–2001). Source: [https://ciaotest.cc.columbia.edu/olj/int/int\\_0401c.pdf](https://ciaotest.cc.columbia.edu/olj/int/int_0401c.pdf) [accessed: 25.08.2022].
- Karsai, L. (2003). The Hungarian Holocaust as Reflected in the People's Court Trials in Budapest. *Yad Vashem Studies*, vol. 32, pp. 59–96.

- Karsai, L. (2014). Horthy és Szálasi – 1944-ben. *Népszabadság*, no. 10, 15 October.
- Karsai, L. (2016). *Szálasi Ferenc: Politikai életrajz*. Budapest: Balassi Kiadó.
- Kende, P. (2007). *Védtelen igazság: Röpirat bírókról, ítéletekről*. Budapest: Hibiszkusz Könyvkiadó.
- Kenez, P. (2011). Antisemitism in Post World War II Hungary. *Judaism. A Journal of Jewish Life and Thought*, vol. 50, no. 2, pp. 144–157.
- L. Balogh, B. (ed.) (2015). „Törvényes” megszállás: Szovjet csapatok Magyarországon 1944–1947 között. Budapest: Magyar Nemzeti Levéltár.
- Lukács, T. (1979). *A magyar népbírósági jog és a népbíróságok 1945–1950*. Budapest: Közgazdasági és Jogi Könyvkiadó, Zrínyi Kiadó.
- M. Kiss, S., Vitányi, I. (1983). *A Magyar Diákok Szabadságfrontja*. Budapest: Antifasiszta Ifjúsági Emlékmű Szervezőbizottsága.
- Major, Á. (1988). *Népbíráskodás, forradalmi törvényesség. Egy népbíró visszaemlékezései*. Budapest: Minerva Kiadó.
- Mikó, Z. (2012). A Legfelsőbb Bíróság Népbírósági Tanácsa működése és ügykezelési gyakorlata (1957–1963) [doctoral thesis defended in: Történelemtudományi Doktori Iskola]. Budapest: b.w. Source: <http://doktori.btk.elte.hu/hist/mikozsuzsanna/diss.pdf> [accessed: 25.08.2022].
- Mikó, Z. (2015). Az új jogrend kialakulása: A népbíróságok. *Levéltári közlemények*, vol. 86, pp. 53–70.
- Nagy, F. (1990). *Küzdelem a vasfüggöny mögött*, vol. 1. Budapest: Európa Könyvkiadó.
- Nánási, L. (2011). *A magyarországi népbíráskodás joganyaga 1945–1950*. In: *Pártatlan igazságszolgáltatás vagy megtorlás: Népbíróság-történeti tanulmányok* (pp. 6–55). Kecskemét: Bács-Kiskun M. Önkormányzat Lvt.
- Ö. Kovács, J. (2016). *The Struggle for Land: Social Practices of the Veiled Communist Dictatorship in Rural Hungary in 1945*. In: R. Kiss, Z. Horváth (eds.), *NEB Yearbook 2014–2015* (pp. 11–31). Budapest: Committee of National Remembrance.
- Ötvös, I. (2018). *Political Trials and Their Utilization by the Hungarian Communist Dictatorship*. In: R. Kiss, Z. Horváth (eds.), *NEB Yearbook 2016–2017* (pp. 45–62). Budapest: Committee of National Remembrance.
- Papp, A. (2011). Néptörvényszék, Népbíróság és népbírósági jog Magyarországon. *E-tudomány*, vol. 4, pp. 1–141.
- Papp, A. (n.d.). A magyar népbíráskodás, illetve népbíráskodási jog és az 1989. Évi alkotmánymódosítások. *Jogi Fórum – Publikáció*. Source: [jogiforum.hu/files/publikaciok/papp\\_attila\\_\\_a\\_magyar\\_nepbiraskodas\\_illetve\\_nepbirsagi\\_jog\[jogi\\_forum\].pdf](http://jogiforum.hu/files/publikaciok/papp_attila__a_magyar_nepbiraskodas_illetve_nepbirsagi_jog[jogi_forum].pdf) [accessed: 25.08.2022].
- Papp, I. (2012). *A magyar népi mozgalom története, 1920–1990*. Budapest: Jaffa Kiadó.
- PM Decree No. 81/1945 (1945). *Magyar Közlöny*, no. 3, pp. 1–4.
- Révai, J. (1945). A demokrácia támadásban. *Szabad Nép*, no. 1, 22 July.
- Ries, I. (1946). Iskolákban fogják tanítani a háborús bűnösök perét. *Szabad Nép*, no. 3, June.
- Rigó, R. (2011). *Elitváltás Kecskeméten (1938–1948)* [doctoral thesis defended in Pécsi Tudományegyetem Bölcsészettudományi Kar Interdiszciplináris Doktori Iskola. Kecskemét: b.w. Source: <https://pea.lib.pte.hu/bitstream/handle/pea/16154/rigo-robert-phd-2012.pdf?sequence=1&isAllowed=y> [accessed: 25.08.2022].
- Segal, R. (2014). Beyond Holocaust Studies: Rethinking the Holocaust in Hungary. *Journal of Genocide Research*, vol. 16, no. 1, pp. 1–23.
- Szekér, N. (2017). *Titkos társaság: A Magyar Testvéri Közösség története*. Budapest: Jaffa Kiadó.
- Szent-Iványi, D. (2013). *The Hungarian Independence Movement, 1939–1946* (eds. G. Kodolányi, N. Szekér). Budapest: Hungarian Review Books.
- Szirtes, Z. (1996). *Temetetlen halottaink, 1941: Körösmező, Kamenyec-Podolszk*. Budapest: [Szirtes Z.].
- Szokolay, D. (2018). „Demokrácia farkasgúzsban”: A Magyar Államrendőrség Csornai Járási Politikai Osztályának vezetője 1945–1946. In: G. Majtényi, Z. Mikó & C. Szabó (eds.), *Kommunista kiskirályok* (pp. 57–90). Budapest: Libri.
- Ungváry, K. (2003). *Magyarország szovjetizálásának kérdései*. In: I. Romsics (ed.), *Mítoszok, legendák, tévhitek a 20. Századi történelemről* (pp. 279–303). Budapest: Osiris Kiadó.
- Varga, L. (1999). Forradalmi törvényesség. *Beszélő*, vol. 11, pp. 57–73.
- Veress, L.-L. (1995). *Clear the Line: Hungary's Struggle to Leave the Axis During the Second World War* (ed. D. Takács). Cleveland, Ohio: Prospero Publications.
- Zinner, T. (1985). *Adalékok az antifasiszta számonkéréshez és a népi demokrácia védeméhez különös tekintettel a Budapesti Népbíróságra*. In: J. Szekeres et al. (ed.), *Budapest Főváros Levéltára közleményei '84* (pp. 137–164). Budapest: Budapest Főváros Levéltára Nyomdájában.
- Zinner, T. (2021a). *A magyar nép nevében? In: A magyar nép nevében? Tanulmányok népbíróságokról, jogászokról, diktatúráról* (pp. 11–67). Budapest: Nemzeti Emlékezet Bizottsága.

- Zinner, T. (2021b). *A magyar nép nevében? Tanulmányok népbíróságokról, jogászokról, diktatúráról*. Budapest: Nemzeti Emlékezet Bizottsága.
- Zinner, T. (2021c). *Dr. Sulyok Dezső és a népbíróságok*. In: *A magyar nép nevében? Tanulmányok népbíróságokról, jogászokról, diktatúráról* (pp. 117–151). Budapest: Nemzeti Emlékezet Bizottsága.
- Zombory, M. (2017). Political Justice in Post-War Hungary. *London Journal of Critical Thought*, vol. 1, no. 2, pp. 154–165.