

PRESIDENT BECOMING POLITICAL CONVICT: CRIMINAL PROCEEDINGS AGAINST MIHÁLY KÁROLYI IN INTERWAR HUNGARY WITH SPECIAL REGARD TO THE ACTIONS DUE TO DEFAMATION OF THE NATION

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1. Introduction: The activity carried out by the president of the so-called People's Republic¹ in interwar Hungary and the definition by law of the defamation of the nation

Several criminal proceedings were carried out against the former president,² Mihály Károlyi³ in the Horthy regime. According to the archives, eleven investigations were

¹ SCHÖNWALD, Pál: *A magyarországi 1918-1919-es polgári demokratikus forradalom állam-és jogtörténeti kérdései*. Budapest, Akadémiai Kiadó, 1969.; KOVÁCS, Kálmán: Államjogi változások a Magyar Népköztársaság idején. *Jogtudományi Közlöny*, 1969/2–3. 69–79.; HORVÁTH, Attila: Kérdések és válaszok – Az első népköztársaság állam-és jogtörténeti problematikái. In: BATHÓ, Gábor – PERES, Zsuzsanna: *Ünnepi tanulmányok a 80 éves Máthé Gábor tiszteletére. Labor est etiam ipse voluntas*. Budapest, Ludovika Egyetemi Kiadó, 2021. 503–522.; cf. GRATZ, Gusztáv: *Forradalmak kora – Magyarország története 1918–1920*. Budapest, Magyar Szemle Társaság, 1935. 37.; SALAMON, Konrád: *Nemzeti önpusztítás 1918–1920*. Budapest, Korona Kiadó, 2001. 71.

² HAJDU, Tibor: *Károlyi Mihály*. Budapest, Kossuth, 1978.

³ As a result of Hungary's First World War defeat, government crisis emerged, which served the interest of the opposite parties. After the resignation of István Wekerle Prime Minister and his government, on 24 October 1918, the Hungarian Socialist Party, the Independence and '48 Party, as well as the Civil Radical Party founded the National Council whose leadership was entrusted to Mihály Károlyi. To eliminate the resulting power vacuum, Charles the IV appointed Mihály Károlyi as prime minister and invited him to form his government. However, following the declaration of Eckartsau, which contained the King's resignation, on 6 November 1918, the Big National Council proclaimed the so-called People's Republic and Károlyi continued to be the head of government. In parallel to the implementation of the new form of state, in the second part of November, the Hungarian Communist Party led by Béla Kun started to gain ground gradually, their mischievous activity causing a serious political crisis. That is why the National Council as the body replacing Parliament designated the prime minister as the Republic's temporary president. But the weakening of the state was irreversible:

conducted against him from 1919 to 1939. Of these eleven proceedings, the authorities launched investigations on the reasonable and justified suspicion concerning the so-called defamation of the nation, which is discussed in this paper, in six cases. Examining these cases, the royal court of justice in Budapest found Károlyi guilty four times in the first instance, however, he was not tried for the other two presumed crimes.

To analyse these criminal proceedings, it is inevitable to advert briefly to the definition of the offence underlying the prosecution. After the First World War, the radical political movements became stronger in Hungary, and the Csemegi Code⁴ (Act V of 1878) could not guarantee appropriate legal protection against them. Thus, the need for the so-called "laws of order" emerged in domestic criminal law, laws which increased the severity of crimes against the state notably in order to ensure enhanced protection for the current organisation of the state. In the case of such crimes, the investigations against Károlyi were initiated on suspicion concerning the basic or the aggravated form of defamation of the state set forth in such kind of legislation applicable in the Horthy era, that is, in section 7 of Act III of 1921 on the more effective protection of the order of the state and society (hereinafter: State Protection Act),⁵ that crime being essentially a form of defamation committed against the Hungarian nation.

Prior to these criminal proceedings, the issue of jurisdiction was raised as a preliminary question for the royal court of justice in Budapest, having regard to the fact that the former president committed these presumed crimes abroad. Section 7 of the Csemegi Code provided the legal grounds for the solution of this issue, the application of that provision having been extended to the cases set out in the State Protection Act upon the entry into force of such Act, so that the political delicts committed abroad could be prosecuted.⁶ The other provision that authorised the authorities to proceed was

on 21 March 1919, under the Socialist-Communist secret pact, the proletarian dictatorship was proclaimed and Károlyi was removed from his position of head of state. The former president emigrated from Hungary on 5 July 1919: in the interwar period he lived in Austria, Czecho-Slovakia, England, France, and visited the United States from time to time. TAMÁS, István: Mihály Károlyi's Homes. *The New Hungarian Quarterly*, 18/66. 1977. 162–166.; Ates USLU: „Nous sommes les amis de l'Entente.” Le comte Mihály Károlyi dans les années de la Grande Guerre. *Öt kontinens*, 2007/5. 263–285.; Ates USLU: Aux origines de la „Note Vix:” contribution a l'histoire politique et diplomatique de la République Hongroise sous la présidence de Mihály Károlyi (janvier-mars 1919). *Öt kontinens*, 2008/6. 355–374.; cf. Ates USLU: L'éclatement de la révolution hongroise de 1918 et la politique française. *Öt kontinens*, 2010/8. 61–84.; Giorgio Maria SANGIORGI: *L'Ungheria dalla repubblica di Károlyi alla regenza di Horthy*. Bologna, Zanicelli, 1927.

⁴ Lőw, Tóbiás (ed.): *A magyar büntető törvénykönyv a büntettekről és vétségekről (1878:5. tcz.) és teljes anyaggyűjteménye*. Vol. I–II. Budapest, Pesti Könyvnyomda Rt, 1880.

⁵ DRÓCSA, Izabella: Az állami és társadalmi rend hatályosabb védelméről szóló 1921. III. törvény elhelyezése a XX. századi magyar büntetőjogi rendszerben. *Iustum Aequum Salutare*, 2017/2. 215–231.; DRÓCSA, Izabella: Az államellenes bűncselekmények szabályozása Magyarországon, különös tekintettel az 1921. évi III. törvényben meghatározott államfelforgatás büntetétére. *Jogtörténeti Szemle*, 2016/4. 64–67.; cf. ANGYAL, Pál: *A magyar büntetőjog kézikönyve. 4.kötet: Az állami és társadalmi rend hatályosabb védelméről szóló 1921. III. t-c*. Budapest, Athaneum Irodalmi és Nyomdai Rt., 1928.

⁶ ANGYAL (1928) op. cit. 139.

section 12 of the State Protection Act which allowed for trial and conviction even where the accused was absent.⁷

2. The unterminated criminal proceedings and the possible reasons thereof

2.1. The issue relating to the loan⁸ provided by the League of Nations

In the indictment No 109.719/1924, the royal public prosecutor's office in Budapest accused Mihály Károlyi of the crime against the honour of the Hungarian nation and state under section 7(2) of the State Protection Act. The facts were as follows: on 28 February 1924, the former president participated in the series of lectures⁹ organized by a socialist movement called the English Fabian Society.¹⁰ The series of lectures had the title of 'Europe in Revolution' and dealt with the economic, social, ethnic and political issues of the new nation states created on the foot of forced peace treaties. The accused was a speaker in the event. However, one of the press officers of the Hungarian royal ambassador attending the event alleged in his report that Károlyi did not deal with the topic of the conference at all, but his speech covered the intention to gain the support of the former entente powers, and to take the control over Hungary with their help again as he already did it in the period of the 'People's Republic'.¹¹ The qualification of his action as a crime was supported by his false statements about the Hungarian state, that action being suitable, according to the public prosecutor's office, to prejudice the honour and credit of the country significantly vis-à-vis foreign countries.

Károlyi first highlighted the electoral legislation amended in 1922 which remained an illusion, in his view, owing¹² to the 'terror of the awakening Hungarians'.¹³ He based his arguments presumably on the decree No 2200/1922 of the Prime Minister, commonly known as Lex-Bethlen¹⁴, by which the prime minister changed the rules of the election, reintroducing the open ballot in a significant part of the country.¹⁵ Taking into consideration that this measure was one of the most controversial ones

⁷ Ibid. 140–147.

⁸ ORMOS, Mária: *Az 1924. évi magyar államkölcsön megszerzése*. Budapest, Akadémiai Kiadó, 1964.

⁹ BUDAPEST CITY ARCHIVES, HU-BFL-VII.5.c-13349-1924, 2.

¹⁰ Magyar Etimológiai Szótár: 'Fabiánus'. <https://www.arcanum.com/hu/online-kiadvanyok/Lexikonok-magyar-etimologiai-szotar-F14D3/f-F2003/fabianus-F2006/>

¹¹ HU-BFL-VII.5.c-13349-1924, 8.

¹² Ibid. 2.

¹³ ZINNER, Tibor: *Az ébredők fénykora, 1919–1923*. Budapest, Akadémiai Kiadó, 1989.

¹⁴ PÜSKI, Levente: *A Horthy-rendszer*. Budapest, Pannonica Kiadó, 2006. 99–100.; ROMSICS, Ignác: *Magyarország története a XX. században*. Budapest, Osiris, 2004. 225.; ROMSICS, Ignác: *A Horthy-korszak*. Budapest, Helikon, 2017. 112.; ORMOS, Mária: *Magyarország a két világháború korában*. Debrecen, Csokonai, 1998. 103.; GRATZ, Gusztáv: *Magyarország a két világháború között*. Budapest, Osiris, 2001. 144–145.; HOLLÓSI, Gábor: Országgyűlési választási rendszer és választójog a Horthy-kori Magyarországon. *Pro Publico Bono*, 2015/1. 118.

¹⁵ HUBAI, László: *Magyarország XX. század választási atlasza, 1920–2000*. I. k. Budapest, Napvilág, 2001. 31.

in the Horthy era, in my view there should have been place for moderate critics based on scientific grounds in public life. However, the former president alluding to this legislation described Hungary as a place where the white terror was raving and was causing more damage to the people than the months of the Hungarian Soviet Republic in 1919.¹⁶ In connection with the right to vote, moreover, he made it clear that the Hungarian Social Democrat Party (further: HSDP) was not allowed to participate¹⁷ in the elections of 1922. However, the Bethlen-Peyer pact was a generally known fact, by which, thanks to the secret ballot guaranteed in Budapest and its periphery, the mid-left party could have sent representatives in the National Assembly.¹⁸

The major part of his remarks besides the topic mentioned above served to prove that ‘There was never a parliamentary system in Hungary’¹⁹ and that the provisional head of state is a dictator who did not respect the agreement with Sir Roger Clerk, a British diplomat.²⁰ Under such agreement, according to Károlyi, the entente powers would recognise the new Hungarian government if they observed the laws and established democratic institutions.²¹ His reasoning was refuted several times by the then notable experts of constitutional law, proving that the doctrine of the separation of powers prevailed.²² After the fall of the proletarian dictatorship, the main purpose of the public political life was the restoration of legal continuity and the historical constitution which was ensured by temporary institutions considering the external circumstances. First, based on the electoral decree introduced by István Friedrich, the National Assembly was convened²³ as a legislative body which passed Act I of 1920 on the restoration of constitutionalism and the temporary settlement of the power of the head of state, taking into account Charles IV’s Declaration of Eckartsau²⁴. Pursuant to this act the governor was the head of state until the question of who would be the king was resolved.²⁵ In parallel, the new independent government was set up under Act XII of 1867 amending

¹⁶ HU-BFL-VII.5.c-13349-1924, 2.

¹⁷ Ibid. 9.

¹⁸ PÜSKI (2006) op. cit. 63.; ORMOS (1998) op. cit. 100–101.; ROMSICS, Ignác: *Bethlen István: Politikai életrajz*. Budapest, Magyarságkutató Intézet, 1991. 143.

¹⁹ HU-BFL-VII.5.c-13349-1924, 3.

²⁰ EGEDY, Gergely: Horthy és Nagy-Britannia, *Valóság*, 2017/9. 110.; NEMESKÜRTY, István: *Búcsúpillantás*. Budapest, Szent István Társulat, 2014. 12.

²¹ HU-BFL-VII.5.c-13349-1924, 9.

²² SÁRI, János: *A hatalommegosztás történelmi dimenziói és mai értelme avagy az alkotmányos rendszerek belső logikája*. Budapest, Osiris, 1995.

²³ TOMCSÁNYI, Móric: *Magyarország közjoga*. Budapest, Királyi Magyar Egyetemi Nyomda, 1932. 352.; CSEKEY, István: *Magyarország alkotmánya*. Budapest, Renaissance Kiadó 1943. 46.; SZABÓ, István: Az első nemzetgyűlés és a jogfolytonosság. In: KOLTAY András – MOLNÁR Gábor (eds.): *Bonus Iudex: Ünnepi kötet Varga Zoltán 70. születésnapja alkalmából*. Budapest, Pázmány Press, 2018. 396.; cf. PÜSKI (2006) op. cit. 118–163.

²⁴ CSEKEY (1943) op. cit. 44.; SZABÓ, István: Az államforma rendezése (1920). In: BARABÁS, A. Tünde – VÓKÓ György (eds.): *A Bonis bona discere: Ünnepi kötet Belovics Ervin 60. születésnapja alkalmából*. Budapest, Országos Kriminológiai Intézet, 2017. 449.

²⁵ CSEKEY (1943) op. cit. 45.; TOMCSÁNYI (1932) op. cit. 353.; SZABÓ, István: Történelmi alkotmány a polgári korban. *Jogtörténeti Szemle*, 2014/4–2015/1. 102.; cf. PÜSKI (2006) op. cit. 17–40.

section 12 of Act III of 1847/8 on the establishment of the independent and responsible Hungarian ministry.²⁶ Thus, it can be stated that after the restoration of 1920, Hungary restored the constitutional monarchy as her form of state,²⁷ which was abolished in 1918 by the People's Republic, whose legitimacy is very problematic and which is connected to Mihály Károlyi.²⁸

At the end of his lecture, the accused revealed his real intention to the audience. He made an appeal to the foreign politicians so that they would not give financial support to the Hungarian government, because the support would be 'contaminated' due to the practice of the government. He expressed his desire to be supported in his political activity instead in order to have a more successful cooperation with the foreign powers, because a significant part of the Hungarian society would be open to political directions following Western Europe more intensively.²⁹ Thus, on the whole, the real intention of the former president to achieve the failure of the loan provided by the League of Nations in 1924 and which was granted³⁰ for the economic, social and infrastructural restructuring of the country, can be established. The former president had completely different plans with such support. Károlyi wanted to build up a political movement with a centre abroad hoping to return to the domestic political life.

Having all the information mentioned above, Gusztáv Strache head prosecutor stated in the reasoning of the indictment that the statutory facts had arisen, because Károlyi made a 'hostile propaganda' against the Hungarian nation. Károlyi expressed his view based on false statements that the state administration of Hungary posed a danger to whole Europe, and therefore the government should be overthrown³¹ with foreign support, and one way for this would have been to boycott³² the loan provided by the League of Nations. Furthermore, the statutory criteria of the criminal proceedings were laid down. Section 12 of the State Protection Act allowed for trial and conviction in the absence of the accused due to the importance of the protected legal interest.³³ Pursuant to this section and section 470 of Act XXXIII of 1896 on criminal proceedings (hereinafter: Criminal Proceedings Act), the prosecutor proposed the warrant to appear because the accused resided at an unknown place abroad, presumably because he wanted to avoid the criminal procedure. Later, in 1927 a public announcement to appear was issued, however, it turned out to be unsuccessful.³⁴

Having regard to the fact that until 1931 no relevant progress was made by the authorities, the court of justice ordered the termination of the proceedings. The court of

²⁶ PŰSKI (2006) op. cit. 164–183.

²⁷ SZABÓ (2018) op. cit. 385–386.

²⁸ SCHÖNWALD (1969) op. cit. 41.; SALAMON (2001) op. cit. 71.; KOVÁCS (1969) op. cit. 72.; GRATZ (1935) op. cit. 37.

²⁹ HU-BFL-VII.5.c-13349-1924, 3.

³⁰ GRATZ (2001) op. cit. 158–159., ROMSICS (2004) op. cit. 157. (2017) op. cit. 121. ORMOS (1998) op. cit. 110.

³¹ HU-BFL-VII.5.c-13349-1924, 4.

³² Ibid. 5.

³³ Ibid. 4.

³⁴ Ibid. 31.

justice held that under section 472(4) of the Criminal Proceedings Act, the proceedings could be restarted only if the accused were present because the warrant to appear was unsuccessful, and the investigation had already been terminated. However, the proceedings terminated officially only much later, in 1941 when Pál Baróthy, the head of the royal public prosecutor's office proposed to revoke³⁵ the warrant to appear due to the limitation set out in section 108 of the Csemegi Code.

2.2. The antifascist congress of 1929 in Berlin

Tibor Hajdu considered Mihály Károlyi's speech delivered in the antifascist congress on 9-10 March 1929 as one of his most significant speeches,³⁶ however, Károlyi's statements also constituted defamation of the nation as set out in the State Protection Act, therefore the public prosecutor's office brought a charge against Károlyi in the indictment No 90.734/1929.³⁷

According to the public agenda, the purpose of the conference was the action³⁸ against Mussolini's³⁹ fascist dictatorship, however, countries having a fascist-type regime⁴⁰ were mentioned too. Yet, it has to be highlighted that although communism was not directly promoted by such series of lectures, it was widely known that almost two-third of the audience avowed themselves having a Bolshevik ideology.⁴¹

According to the public prosecutor's office, the following statements of the accused constituted grounds for the indictment. Károlyi argued that Hungary was to be regarded as 'a semi-feudal' state, and the politicians were called by him fascists who were searching for the chance to cooperate with Mussolini's dictatorship directly, endangering the European peace at the same time.⁴² It is true, that in 1927 during the consolidation, a treaty of eternal friendship and cooperation was concluded between Hungary and Italy.⁴³ However, this treaty is significant primarily because Italy was the first entente state that established international relations with Hungary after the Trianon peace treaties.⁴⁴ Thus, the government of István Bethlen was motivated by the opportunity of stepping out of the international isolation,⁴⁵ and not by the cooperation

³⁵ Ibid. 48.

³⁶ HAJDU (1978) op. cit. 424.

³⁷ HU-BFL-VII.5.c-3988-1930. 11., HU-BFL-VII.18.d-20/0002-1929. 4.

³⁸ Ibid. 8.

³⁹ ORMOS, Mária: *Mussolini*. Budapest, Pannonica Kiadó, 2001.

⁴⁰ HU-BFL-VII.5.c-3988-1930. 2.; HAJDU (1978) op. cit. 424.

⁴¹ HU-BFL-VII.5.c-3988-1930. 9.

⁴² Ibid. 4.

⁴³ ORMOS (1998) op. cit. 124.; ROMSICS (1991) op. cit. 180–181.

⁴⁴ UJVÁRY, Gábor (ed.): *“Tiportatunk, de el nem veszünk.” TRIANON 100 tanulmánykötet*. Budapest, VERITAS Történetkutató Intézet és Levéltár – Lőrántffy Zsuzsanna Nőegylet, 2021.; cf. ANKA, László (ed.): *“Valami fáj, ami nincs.” A trianoni békekötés előzményei és következményei*. Budapest, VERITAS Történetkutató Intézet és Levéltár – Magyar Napló, 2020.

⁴⁵ UJVÁRY, Gábor: gróf Bethlen István. In: ROKOLYA Gábor (ed.): *Történelmünk aláírásokon*. Budapest, Közjegyzői Akadémiai Kiadó, 2021. 190–193.

with the fascists. The first PM who really looked for the possibility to cooperate with the European totalitarian regimes was Gyula Gömbös⁴⁶ from 1931,⁴⁷ yet, in 1929 this was not predictable.

The accused further argued that after the forced Trianon peace treaties the dissatisfaction was huge in the society and that this could have caused the outbreak of another world war which was the explicit desire of the Hungarian political elite.⁴⁸ It is obvious that, in terms foreign policy, the interwar period was characterised by the revision of the peace treaties, therefore, it can be concluded that the Hungarian people was very disappointed due to the annexation of a significant part of the country. It should be emphasized, however, that until 1941, the entry⁴⁹ into World War II, no prime ministers stood up for participation in any international armed conflicts.⁵⁰ For example, Pál Teleki's⁵¹ second prime ministership⁵² declared the policy of the so-called 'armed neutrality'⁵³ after the occupation of Poland, or Miklós Kállay,⁵⁴ or Géza Lakatos lieutenant-general⁵⁵ were working for Hungary's exit from the world war during their office.

Contrary to the case illustrated in the preceding chapter, the public prosecutor's office proposed the postponement of the trial because the accused was absent, and they officially requested the warrant to appear⁵⁶ under sections 470 to 472 of the Criminal Proceedings Act. The legal effect of this warrant was that Mihály Károlyi became a wanted person officially. According to the public prosecutor's office, the hostile behaviour of the former head of state suggested that the accused wanted to have a leading role in the Hungarian political life, and his purpose was the restoration of the so-called People's Republic,⁵⁷ thus, the initiation of the proceedings was clearly justified.

⁴⁶ BÖLÖNY, György – HUBAY, László: *Magyarország kormányai 1848–1992*. Budapest, Akadémiai Kiadó, 1992. 37.; PÜSKI (2006) op. cit. 293.; ORMOS (1998) op. cit. 147–163.

⁴⁷ ROMSICS (2002) op. cit. 244.; GRATZ (2001) op. cit. 177.; ORMOS (1998) op. cit. 152.

⁴⁸ HU-BFL-VII.5.c-3988-1930. 11.

⁴⁹ ORMOS (1998) op. cit. 231–241.; GRATZ (2001) op. cit. 320.

⁵⁰ NEMESKÜRTY (2014) op. cit. 194.;cf. John Flournoy MONTGOMERY: *Magyarország, a vonakodó csatlós*. Budapest, Zrínyi, 2004. 183–195.

⁵¹ ABLONCZY, Balázs: *A miniszterelnök élete és halála: Teleki Pál, 1879–1941*. Budapest, Jaffa, 2018.

⁵² NYÁRI, Gábor: *A Sándor-palotától a ravatalig: Teleki Pál második miniszterelnöksége, 1939–1941*. Budapest, Kairosz, 2015.

⁵³ ORMOS (1998) op. cit. 208–231.

⁵⁴ BÖLÖNY–HUBAY (1992) op. cit. 93.; GRATZ (2001) op. cit. 327–328.; ORMOS (1998) op. cit. 241–256.; UJVÁRY, Gábor: Nagyikállói és szuhakállói Kállay Miklós. In: ROKOLYA op. cit. 210–213.; Joó, András: Nagyikállói Dr. Kállay Miklós. In: GULYÁS, László (ed.): *Kézikönyvek a Horthy-korszak tanulmányozásához. I. kötet: 111 életrajz a külpolitika történetéhez (1919–1944)*; Szeged, Egyesület Közép-Európa Kutatására, 2020. 103–110.; Joó, András: Kállay Miklós. Magyarország 31. miniszterelnöke. *Rubicon*, 2017/5. 54–57.; cf. KÁLLAY, Miklós: *Magyarország miniszterelnöke voltam, 1942–1944*. Vol. I–II. Budapest, Európa, 2012.; HALMÁR, Zoltán (ed.): *Kállay Miklós. Az utolsó magyar miniszterelnök*. Nyíregyháza, Jósza András Múzeum, 2021.

⁵⁵ BÖLÖNY–HUBAY (1992) op. cit. 94.; ORMOS (1998) op. cit. 265.; GRATZ (2001) op. cit. 338.

⁵⁶ HU-BFL-VII.5.c-3988-1930. 14., HU-BFL-VII.18.d-20/0002-1929. 9., 11.

⁵⁷ *Ibid.* 11.

After the indictment, he could not be tried for this criminal case either. Even a year later, in 1930 the public prosecutor's office suggested the stay of the procedure until the accused was to be brought before the authorities,⁵⁸ and the indictment division attached to the court of justice agreed to it by the means of a warrant.⁵⁹ Finally, the head prosecutor, Baróthy proposed the termination of the proceedings under section 106 of the Csemegi Code due to limitation since the authorities did not carry out any activities that would have interrupted the limitation period.⁶⁰

2.3. The reasons for impunity

No clear answer may be given to the question why the trials were not held in the above-mentioned two cases, though section 12 of the State Protection Act ensured the legal conditions thereof. However, it is important to mention letter No 2789/1937 of the deputy-prosecutor, Zoltán Szabó who represented the public prosecutor's office in a case that is to be examined below and expressed his disapproval regarding the authorities' conduct against Károlyi. He stated that the absence of the main trial was always reasoned with the unsuccessfulness of the warrant to appear. He stated that since the cause for the termination of the trial was always the lapse of time, that is, the limitation, the date of the main trials should be set in the pending cases since according to section 108 of the Csemegi Code, this was to be regarded as an action interrupting the limitation period. Therefore, the chance to hold a trial in case of the absence of the accused was provided. This scenario would have a significant effect in terms of moral recompense of the state because in this way the country could react by means of the justice to the political accusations made against herself.⁶¹

3. The legally binding criminal proceedings

3.1. The historical facts and their judgement in the spectre of the Hungarian jurisdiction

3.1.1. *The proceedings carried out through joined cases*

Because of the articles of the former head of state published in a daily political paper called *A Reggel*⁶² [The Morning] that was issued in Pozsony [now Bratislava, in Slovakia], the public prosecutor's office requested the court of justice to issue a warrant to appear. On their view, the articles 'Magyar hazugságok, magyar valóságok' [Hungarian Lies, Hungarian Realities] and 'Károlyi az egész világ ellen' [Károlyi against the Whole World] and Oszkár Jászi's article entitled 'Károlyi Mihály új programja (sic!)' [Mihály

⁵⁸ Ibid. 16.

⁵⁹ Ibid. 17.

⁶⁰ Ibid. 20. HU-BFL-VII.18.d-20/0002-1929. 14.

⁶¹ HU-BFL-VII.18.d-03/0576-1930. 17.

⁶² *A Reggel*. In: Lexikonok, A (cseh)szlovákiai magyarok lexikona Csehszlovákia megalakulásától napjainkig/Intézmények <https://adatbank.sk/lexikon/a-reggel/>

Károlyi's New Programme] constituted offence of the nation set out in section 7 of the State Protection Act and an offence of the governor⁶³ set out in section 2 of Act XXXIV of 1913 on the offence against the king and the kingdom. Thus, it can be established that in this case the public prosecutor's office wanted to achieve the joinder of the cases under section 19(3) of the Criminal Proceedings Act⁶⁴, because Károlyi tried to prejudice the credit of the Hungarian state with his articles continuously.⁶⁵

In contrast to the above, the court of justice set a public trial against the accused under section 12 of the State Protection Act in 1931 for the first time, therefore judgment No B. XXXV. 5612/12/1931⁶⁶ had a high importance because apart from the trial of the commissars⁶⁷ in 1919 and of the so-called Rákos-Vági criminal proceedings,⁶⁸ this was the first case where the Hungarian authorities found a former political leader guilty of the charges. Based on the reasoning of that judgment, Károlyi could be found guilty under section 7(1) because according to the articles being the object of the accusation, after World War I a new world order started to emerge to which all the countries adapted except for the Hungarian state where still 'operetta-like, false catchwords, void phrases, unique adventures and tricks' were featuring the public life. Thus, it was evident that he painted a distorted picture of Hungary intentionally. The court of first instance took into account section 12(2) of the State Protection Act in imposing the sentence, thus it did not impose any punishment because of the absence of the accused, however, it held that the criminal expenses⁶⁹ had to be paid by the accused based on sections 479-480 of the Criminal Proceedings Act, and after that the court of justice issued a new warrant to appear in order to collect those expenses.

As regards the issue of establishing the statutory facts, the court of justice resolved on other aspects besides the conviction of the accused. Giving the judgment, it issued an order concerning the offence against the governor raised by the public prosecutor's office in the Act of 1913, terminating those proceedings under section 106b of the Csemegi Code. According to the reasoning of that decision, the latest relevant procedural actions⁷⁰ were taken only in 1934 when the court stayed the proceedings until the appearance of the accused under section 472 of the Criminal Proceedings Act.⁷¹

Mihály Károlyi's defence lawyer made an appeal against that judgment, pleading for the acquittal of the convict, however, the regional court of justice rejected it and confirmed the sentence of the first instance in November 1937.⁷²

⁶³ HU-BFL-VII.18.d-03/0576-1930. 3.

⁶⁴ Ibid. 4.

⁶⁵ Ibid. 5.

⁶⁶ Ibid. 21.

⁶⁷ Rév, Erika: *A népbiztosok pere*. Budapest, Kossuth, 1969.

⁶⁸ HU-BFL-VII.5.c-8771/1925.

⁶⁹ HU-BFL-VII.18.d-03/0576-1930. 21.

⁷⁰ Ibid. 23.

⁷¹ Ibid. 15.

⁷² Ibid. 27.

In the same year, Pál Baróthy, head prosecutor⁷³ requested the court of justice to issue a warrant to appear⁷⁴ again as it was mentioned above; in this case the accusation was based on the reasonable and justified suspicion of agitation for the subversion of the state, as set out in section 5 of the State Protection Act, of two counts of offence against the governor, as set out in section 2(1) of Act XXXIV of 1913 applied by means of section 14 of Act I of 1920⁷⁵ and of two counts of offence against the honour of the Hungarian state and nation.⁷⁶

In the first case, the article ‘Akitől egy világ választ el’⁷⁷ [From whom a World Separates] published in the above-mentioned paper, *A Reggel* [The Morning] in August 1930, justified the initiation of the investigation because of the following statements. ‘The worker’s movement must not be lead against the policy of Soviet Russia (sic!); the base of the worker’s movement is after all Russia. If the capitalist world waged war against Russia, the proletariat should take sides with the Russian State.’⁷⁸ To establish these statutory facts, we shall make a distinction between the agitation set out in the State Protection Act and the defamation of the nation, because both offences were carried out by means of the press. The public prosecutor’s office established the first one when Károlyi confessed himself to be on the side of the Soviet Union,⁷⁹ however, in the second case, his statements only attacked Hungary directly.

Károlyi committed the misdemeanour of the offence of the governor in other two articles. On the one hand, he stigmatized the governor as ‘an inverse Nelson’ in the article ‘Az amerikai prosperitás legendájának halála’⁸⁰ [The Death of the Legend of the American Prosperity], and besides all, he stated that the governor transferred the Hungarian fleet to the Yugoslavian national council.⁸¹ His other article of this type, the ‘Erdélyi Élet’ [The Transylvanian Life] was published in Arad [now Arad, in Romania] in October 1930. ‘There is no king in Hungary, but there are a throne and a crown, there is no sea, but there is a sea of uniforms, and there are atmosphere and pomp of the Middle Ages, and the governor surrounds himself with the masquerade of the king from the films.’⁸²

Finally, Károlyi described the Hungarian state in his article ‘Visszapillantás októberre’ [A Retrospect to October], published the above-mentioned paper of Pozsony in the 1930’s, as if there was a rule of the social classes in Hungary, emphasizing

⁷³ HU-BFL-VII.5.c-4286-1931. 4.

⁷⁴ Ibid.

⁷⁵ ANGYAL, Pál: *A magyar büntetőjog kézikönyve. 7. kötet: Felségsértés, királysértés, hűtlenség, lázadás, hatóságok büntetőjogi védelme*. Budapest Athnaeum, 1930. 40.; IRK, Albert: *Magyar anyagi büntetőjog*. Pécs, Dunántúli Pécsi Egyetemi Könyvkiadó és Nyomda R.-T, 1933. 364.

⁷⁶ HU-BFL-VII.5.c-4286-1931. 2.

⁷⁷ KISS, Szilvia – KISS, György (eds.): *Károlyi Mihály válogatott írásai*. I. k. Budapest, 1964. 350–356.; HU-BFL-VII.18.d-20/0025-1930. 1.; HAJDU (1978) op. cit. 435.

⁷⁸ HU-BFL-VII.5.c-4286-1931., 2.

⁷⁹ HU-BFL-VII.18.d-20-0056-1931.

⁸⁰ KISS–KISS op. cit. 357–366.

⁸¹ HU-BFL-VII.5.c-4286-1931. 2.; KISS–KISS op. cit. 358.

⁸² Ibid., HU-BFL-VII.18.d-20/0025-1930. 1.

that the purpose of the mistaken ethnic policy⁸³ of the dualism was in reality to ruin the life of the workers. Colouring the picture, he expressed the view that the Horthy regime could be stabilized, because the people got used to the ‘mass-tortures’ and therefore the regime could continue even in our days, thus the power could silence the democratic voices. Taking the above-mentioned evaluations into consideration, the public prosecutor’s office held the definition of defamation of the nation applicable for the case.⁸⁴

In this joined criminal case, the court of justice gave the same ruling as in the previous criminal proceedings. First, in 1934, it stayed the proceedings concerning the offence of the governor until the appearance of the accused,⁸⁵ and after that, it examined the applicability of sections 5 and 7 of the State Protection Act to the facts. Finally, the court of first instance held that Mihály Károlyi was guilty but did not punish him, though obliged him to pay the criminal expenses.⁸⁶ The order terminating the proceedings due to limitation was delivered in 1940 because the authorities in charge could not bring the accused before the court.⁸⁷

3.1.2. *The land is yours!*

The Foreign Committee of the Communist’s Hungarian Party [CHP or KMP in Hungarian] asked the former president to create a leaflet in 1927, by which they intended to promote the Bolshevik ideology among the Hungarian peasants. To help the implementation thereof, false statistical data were supplied to the subsequent accused. Furthermore, they recommended him to criticise the Károlyi-Buza land reform and drew his attention to the programme of the European Peasant Committee in preparing his work.⁸⁸ In connection with the leaflet, several essential criteria were highlighted, thus it can be easily established that he started writing practically upon a communist order. For example, he criticized the economic policy of the Hungarian Soviet Republic, and he expressed his opinion that the proletarian dictatorship fell mainly due to economic causes.⁸⁹ Finally, the leaflet got the title ‘Tiétek a föld!’⁹⁰ [The Land is Yours!] in 1931. Among the topics to be discussed, the accused touched the issues of depression to which the ‘successful’ economic policy of the Soviet Union could have been a solution. He dealt with the Trianon Peace Treaty and the ‘oppressor’ Horthy regime against which only the CHP announced revolution.⁹¹

⁸³ GRATZ, Gusztáv: *A dualizmus kora 1867–1918*. I. k. Budapest, Magyar Szemle Társaság, 1934. 69–89., II. k. 147–171.

⁸⁴ HU-BFL-VII.5.c-4286-1931. 2.

⁸⁵ Ibid. 6.; HU-BFL-VII.18.d-20/0025-1930. 9.

⁸⁶ Ibid. 9.; HU-BFL-VII.18.d-20/0025-1930. 13–14.

⁸⁷ Ibid. 11–12.; HU-BFL-VII.18.d-20/0025-1930. 15–16.

⁸⁸ HAJDU (1978) op. cit. 438–439.; KÁROLYI (2013) op. cit. 292.

⁸⁹ Ibid. 439.; KISS–KISS op. cit. 395.; HU-BFL-VII.5.c-7384-1932., 2.

⁹⁰ KISS–KISS op. cit. 392–431.

⁹¹ HAJDU (1978) op. cit. 439.

Considering the broad publication of the leaflet in Hungary, the public prosecutor's office requested the court of justice to issue a warrant to appear again before the court of justice under sections 5 and 7 of the State Protection Act on the reasonable and justified suspicion of agitation for subversion of the state and defamation of the nation committed concurrently.⁹² According to Pál Baróthy's reasoning, the former head of state committed two delicts with one action because on the one hand, his work described and took up the position of the true necessity of the land reform in Hungary and besides it, he showed only the methods of the communist ideology as strategic means for the treatment of the economic crisis. In his further view, the basis of the true democracy is the collectivisation in the industrial and economic sectors, since this is the only way to avoid the world war, as the governments could not rival with each other because of the elimination of the competition based on capitalist grounds.⁹³

He also touched upon the causes of the depression in another chapter of the leaflet,⁹⁴ however, its solution was reasoned in compliance with the Bolshevik ideology. He was right in pointing out that the depression was a crisis of overproduction⁹⁵ though. Still, it is clear that the alternative to distribute the products between the workers and not among the capitalist,⁹⁶ could not have solved the problem. The different economic mechanism of the Soviet Union is commonly known, due to which an isolation from trade with the other countries was created that saved the totalitarian regime from the crash of the New York Stock Exchange.⁹⁷ In contrast, the regime of forced economic plans set up on Stalin's instructions,⁹⁸ the collectivisation⁹⁹ and the qualification of the wealthy peasants as kulaks¹⁰⁰ all led to much more miserable conditions than those of the crisis in 1929. These miserable circumstances were described in a very idealistic way by Károlyi. 'The first great deed of the communist revolution was that it handled the problem of lands with the peasantry in agreement, moreover, together with them.'¹⁰¹ He saw a kind of noble 'endeavour' of the people living beneath the poverty line in the Soviet regime. He argued that 'the workers suffered many privations, made sacrifices and struggled for their own sake and future, for their kids, and not for the Manfred Weiss, not for the Esterházys, not for the chapter of Eger!'¹⁰²

Touching on the Hungarian circumstances, which did finally constitute the defamation of the nation, firstly, he declared that because of the consolidation of the middle left wing as the consequence of the Bethlen-Peyer pact, only the communists

⁹² HU-BFL-VII.5.c-7384-1932., 2.

⁹³ Ibid.

⁹⁴ Kiss–Kiss op. cit. 399–402.

⁹⁵ Ibid. 402.

⁹⁶ Ibid. 401.

⁹⁷ Ibid. 399.

⁹⁸ ROMSICS (2002) op. cit. 349.

⁹⁹ Ibid. 346.

¹⁰⁰ Ibid. 351–352.; Károlyi Mihály op. cit. 423.

¹⁰¹ Ibid. 422.; HU-BFL-VII.5.c-7384-1932. 2.

¹⁰² Ibid. 426.; Ibid. 3.

were leading the proletariat. However, all of his statements lacked any serious grounds. In his view, Bethlen's economic policy ruined the social class of agriculture, thus, their daily living became totally impossible. 'Every filler [penny] that was to be delivered to the government, elongates the oppression and the robbery of the workers. Every pengó [penny] refused to be paid as a tax is a single nail to the coffin of this regime of a genocide.'¹⁰³ Now, I would like to express my own ideas about the foregoing. What all these criminal proceedings have in common is that Károlyi was charged and was the subject of investigation because of his false statements and the statutory definition for the defamation of the nation was applicable. However, he committed the misdemeanour of the agitation for subversion of the state under section 5 of the State Protection Act, because he requested the Hungarian people not to pay their taxes explicitly, thus, the emphasis was not so much on the statements but rather on persuasion in this case.

Similarly to the other criminal proceedings, even in this case, the public prosecutor's office requested the court of justice to hold the trial under section 12 of the State Protection Act¹⁰⁴. As a matter of fact, declaring officially that Károlyi was guilty in indictment No 58.422/ k.ü. [special cases] of 1935¹⁰⁵ was justified because the assumed perpetrator stood by the economic and dictatorial regime of the Soviet Union, and with his false statements about Hungary, he made an impression that the class exploiting the workers would deprive them from all benefits.¹⁰⁶

Similarly to the previous cases, the authorities wanted to invite the suspect by the means of a public notice to appear before the court of justice, which turned out to be unsuccessful again. Nevertheless, this phase of the criminal procedure was carried out with the exclusion of the public¹⁰⁷ and, as a result, Mihály Károlyi was held guilty, but without punishment, though he was obliged to pay the criminal expenses. Besides this, the confiscation of the publication was ordered.¹⁰⁸ According to the reasoning, the conviction was made because the convict distorted and described the Hungarian conditions one-sidedly to generate hate against the current constitutional system. Thus, the optional hostile public opinion would help the reestablishment of the proletariat dictatorship significantly. Besides these exaggerated statements, the bad faith false statements appeared as well, which show directly the intention to commit the delict of defamation of the nation.¹⁰⁹ In connection with this latter case, the loan agreement of 200 hundred million pengó between the Hungarian state and a Swedish company producing matches from 1928 can be cited as an example, which guaranteed the

¹⁰³ Kiss–Kiss op. cit. 423.; HU-BFL-VII.5.c-7384-1932., 3.

¹⁰⁴ HU-BFL-VII.5.c-7384-1932. 3.

¹⁰⁵ Ibid. 10.

¹⁰⁶ Ibid. 13.

¹⁰⁷ Ibid. 14.

¹⁰⁸ Ibid. 16.

¹⁰⁹ Ibid. 21.

financial background to continue the land reform,¹¹⁰ though Károlyi declared this project simply as a 'swindle to protect the people'¹¹¹

László Lengyel, his defence lawyer¹¹² made an appeal against the judgement of first instance, pleading the court of justice to end the trial by acquitting the former president, so in year 1936 the proceedings took place before the regional court of justice at second instance where the court finally confirmed the previous sentence by its judgement No B.VII.1158/9/1936. Furthermore, it declared that such leaflet did not fall under the scope of Act XIV on the Press, and as a consequence, the rules of the Csemegi Code concerning the limitation period were applicable. According to the Csemegi Code, the limitation period was interrupted by the act of the court of justice, which was therefore lawful.¹¹³ Thus, in the appeal, the defence objected to holding the trial as by its order adopted in October 1932, the indictment division stayed the proceedings until the appearance of the accused.¹¹⁴

Although the court of justice terminated the proceedings¹¹⁵ by an order in October 1942 upon the initiative¹¹⁶ of head prosecutor, Baróthy, we must stress that these criminal proceedings had the most significant consequences because in addition to Mihály Károlyi, other perpetrators were held guilty and brought to trial owing to the widespread publication of his leaflet in the countryside. The court of justice held guilty and convicted István Bagó, day-labourer,¹¹⁷ Lajos Nagy, furrier assistant,¹¹⁸ István Hegyi, mechanic and Bálint Leister, worker¹¹⁹ based on these statutory facts.

3.1.3. *The Paris Peace Conference*

In May 1939, the former head of state participated in the international peace conference¹²⁰ held in Paris with the help of the Alliance of Hungarians for the French Friendship, where he had the opportunity to give lecture on the Hungarian affairs. The content of the speech was learned by the Hungarian authorities from the article of the daily journal of Szabad Szó [Free Word] and from the leaflet of the Független Demokratikus Szabad Magyarorszáért [For the Independent Democratic Free Hungary].¹²¹

Károlyi examined mainly the relationship between Hungary and the so-called Axis Powers in his lecture, however, he did not evaluate the change in the foreign affairs

¹¹⁰ GRATZ (2001) op. cit. 172.

¹¹¹ HU-BFL-VII.5.c-7384-1932. 4.; Kiss–Kiss op. cit. 416.

¹¹² HU-BFL-VII.5.c-7384-1932., 14.

¹¹³ Ibid. 22.

¹¹⁴ Ibid. 14.

¹¹⁵ Ibid. 26.

¹¹⁶ Ibid. 25.

¹¹⁷ HU-BFL-VII.18.d-03/0175-1932. 9.; HU-BFL-VII.5.c-9038-1932. 20. Ibid.

¹¹⁸ HU-BFL-VII.5.c-11649-1932.

¹¹⁹ HAJDU (1978) op. cit. 440.

¹²⁰ Ibid. 464.

¹²¹ HU-BFL-VII.18.d-03/0619-1939. 11.

properly. In his view, Hungary lost her independence when after all she established relations with the Berlin-Rome-Tokyo axis to carry out her revisionist policy. As a result, some of the territories being annexed formerly were returned to Hungary with the intervention of Germany. In connection with this, Károlyi made a short explanation. 'Finally, Hungary is on the road to become an economic colony.'¹²² The concept expressed by the future accused was based on a real historic event, as Hungary regained some part of the Felvidék [Upper-Hungary, now southern Slovakia] and Kárpátalja [Sub-Carpathians, now West Ukraine] owing to the First Vienna Award in 1938.¹²³ However, Hungary joined the Tripartite Pact or with other terminology the Berlin Pact¹²⁴ under compulsion, only much later, in 1940 after the Second Vienna Award.¹²⁵ These facts were not foreseeable at the time of Károlyi's lecture, thus, his statements are to be regarded as false. These statements were accompanied by other expressly bad faith expressions, since he falsely stated that the Hungarian politicians of the period joined voluntarily the allies of the Third Reich by placing the revision before every other circumstance.

The accused's speech constituted grounds again for the prosecutor's accusation concerning the crime set out in section 7 of the State Protection Act.¹²⁶ However, a serious change in the legislative background occurred in establishing the jurisdiction, because according to Act XVI of 1938 on the criminal measures necessary for the protection of the state order (hereinafter: Order Act), a new special council of five members was authorised to conduct the trials and judge crimes against the state instead of the former courts of justice.

Besides the change mentioned above, these proceedings were carried out in the same way as in the previous cases. Károlyi was ordered to appear by the means of an announcement in the press,¹²⁷ and since he remained absent, the court avoided the punishment though it ordered him to pay the criminal expenses in the judgment of first instance.¹²⁸ However, the public prosecutor's office requested the revocation of the warrant to appear because of the lapse of time and the termination of the proceedings, and the court of first instance confirmed this initiative by another order. Highlighting this date is important just because this was the last year when Mihály Károlyi was considered as a wanted person in Hungary.¹²⁹

3.1.4. The question of Mihály Károlyi's authorship in connection with the crimes against the state committed by means of the press

¹²² Ibid.10.

¹²³ ORMOS (1998) op. cit. 210.; ROMSICS (2002) op. cit. 246.

¹²⁴ GRATZ (2001) op. cit. 312.

¹²⁵ ORMOS (1998) op. cit. 222–223.; ROMSICS (2002) op. cit. 248.; GRATZ (2001) op. cit. 310.

¹²⁶ HU-BFL-VII.18.d-03/0619-1939. 13.

¹²⁷ HU-BFL-VII.18.d-03/0619-1939. 14.

¹²⁸ Ibid. 13.

¹²⁹ Ibid. 9.

In the terminated and also legally binding criminal proceedings, the question of authorship emerged two times. Namely, although Mihály Károlyi was indicated as the author of the article and the leaflet, was this fact still legally relevant and could that fact be relied on as the proof of the accused's contribution beyond doubt? The defence tried to establish this argument to reach an acquittal. The effort of the defence lawyer in connection with the leaflet, 'The Land is Yours!', is to be mentioned after the termination of the evidencing phase of the procedure. In his view, it cannot be established clearly that the author of the leaflet was Mihály Károlyi, because the indication of the name Károlyi was not to be regarded in itself as proper evidence. The work was anyway 'unimportant, worthless, tasteless and insulting, but not contrary to the law' – as the lawyer put it. Later, using this as a legal basis, he made an appeal in relation to the guilt of the convict against the judgment of the court of justice.¹³⁰

The council of first instance stated in its reasoning that besides the indication of the name, Paris as the place of publication was showed, and that was the well-known residence of the accused in the last years. Furthermore, in the introductory part, he listed personal circumstances that proved the identity of the former president beyond doubt.¹³¹ Several examples could be cited like referring to the distribution of lands in October, because that was the last occasion when he met Hungarian people directly, and he was discussing the division of the Károlyi-possessiones briefly as well.¹³²

The legal assessment of the question of authorship was raised in the judgment of first instance delivered in the joined cases in 1937 where the reasoning dealt with this issue, thus it is conceivable that this circumstance appeared in the arguments of the defence. The court of justice held in that case that if the author had not been Mihály Károlyi himself, then he would have objected to the accusation immediately.¹³³

4. Conclusions

The importance of the trials concerning the defamation of the nation can be evaluated from several aspects. Besides the fact that the Hungarian justice made firm steps against a well-known person of the XXth century, there are numerous conclusions to be drawn from the circumscription of the practice of the prosecutors and that of the court of justice in connection with the crimes against the state. As regards the delicts committed by means of the press or orally, the facts were established based on the written or the heard content. The actions against the president were made under section 2 of Act XXXIV of 1913 in connection with his insulting statement, however, in the case of defamation of the nation or the state, section 7 of the State Protection Act was found to be applicable. The third form of these crimes was the agitation for subversion of the state, that is, the appreciation of other dictatorial regimes or their regime or methods under section 5 of the former Order Act.

¹³⁰ HU-BFL-VII.5.c-7384-1932. 15.

¹³¹ *Ibid.* 20.

¹³² Kiss–Kiss *op. cit.* 392–393.

¹³³ HU-BFL-VII.5.c-4286-1931. 9.

In my view, these criminal proceedings are to be differentiated from the trial of high treason of the former president, because in that case the political responsibility was intended to be declared in connection with the proclamation of the Hungarian Soviet Republic. However, in the criminal cases discussed in this paper, only the legal responsibility was declared because the accused committed crimes against the statutory provisions of law several times.

