

# Show Trials in the Countryside – Prosecution of the Top Leaders of the Soviet Republic in Veszprém County<sup>1</sup>

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Under the counter-revolutionary regime that followed the Soviet Republic, those who did not flee abroad were prosecuted for “serving” the regime during the proletarian dictatorship. In the one-party system after 1945, which was sympathetic to the Soviet Republic, these procedures were viewed extremely negatively and described as a means of retaliation. A reassessment of the topic has begun in the present day. In this paper, I will evaluate the trials of two leaders of the proletarian dictatorship in Veszprém County, examining whether the proceedings and the verdicts in their cases were in accordance with the law in force, or whether there was a conceptual character to these proceedings. [Soviet Republic; Criminal Prosecution; Regime Change; Political Trials]

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## Introduction

The phenomenon of white terror following the Soviet Republic is deeply embedded in Hungarian historical common knowledge. It is a little-known fact, however, that after the fall of the Commune, not only did events that could be classified as vigilante justice take place, but also, during ordinary legal proceedings, the legal authorities sought to clarify who was responsible for the actions of the previous regime that were considered illegal. (In parallel, certification procedures for civil servants and members of the armed forces were also taking place.) These trials, without any criticism, were uniformly classified as white terror by post-’45 left-wing authors. One of the first works on the subject, which still has

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a lasting influence, was a book by a practising judge, Erika Rév, entitled *Népbiztosok pere* [*The Trial of the People's Commissars*],<sup>2</sup> written in 1969. The author has dealt with one of the iconic trials of the impeachment trial of ten second-line leaders of the Commune (the top leaders, including Béla Kun himself, fled the country), four of whom were sentenced to death and six to life imprisonment. The sentences were eventually not carried out, as the prisoners were allowed to leave for Soviet Russia thanks to the Soviet-Hungarian prisoner exchange agreement. It is a twist of fate that six of them later became victims of the Stalinist purges.

Erika Rév's main claim is that this lawsuit and others on similar grounds were devoid of any legality, were of a conceptual nature. The author, although she used her legal knowledge and, even more, her authority in her work, in fact refrained from a full and thorough analysis of the situation, emphasising the circumstances that seemed to support her concept, trying "to find a coat to match the button". Thus, many interesting questions were not examined, in fact, she did not even acknowledge their existence. Unfortunately, even in the more than a quarter of a century since the change of regime, legions of legal historians (historians who also know law, or lawyers who know history) have not worked on changing the public perception that the author has created.<sup>3</sup>

The elite that came to power after the fall of the Soviet Republic had a choice between two principles in relation to the prosecution of the leaders of the Commune: retroactive legislation or the application of legislation deemed to be in force.<sup>4</sup> The decision-makers of the counter-revolutionary regime were clearly in favour of the latter. There were partly moral reasons for this, as personalised, retrospective legislation would not have matched the tastes of the much-mentioned "gentry" upper and

<sup>2</sup> E. RÉV, *A népbiztosok pere*, Budapest 1969.

<sup>3</sup> However, her opinion also affected the researchers dealing with the topic after the change of regime, e.g.: L. CSONKA, A magyarországi Tanácsköztársaság utáni számonkérés: az 1920-as népbiztos-per, in: *Modern Magyarország 3. Különszám*, 2014, pp. 46–62.

<sup>4</sup> Of the laws considered to be in force, of particular importance for our topic was Act LXIII of 1912, on which see: R. KELEMEN, A háború esetére szóló kivételes intézkedéseket tartalmazó 1912. évi LXIII. törvény genezise és sajtó, valamint jogtudományi visszhangja, in: R. KELEMEN (Ed.), *Források a kivételes hatalom szabályozásának magyarországi genezisééről*, Budapest 2017, pp. 12–38; R. KELEMEN, Az 1912-es kivételes hatalmi törvény születése és rendszere, in: Á. FARKAS – R. KELEMEN (Eds.), *Szkülla és Kharübdisz között – Tanulmányok a különleges jogrend elméleti és pragmatikus kérdéseiről, valamint nemzetközi megoldásairól*, Budapest 2020, pp. 81–111.

middle classes. It was much more important, however, that there was actually a complete agreement on the legal continuity of the “*millenarian state structure*”<sup>5</sup> with the only dispute being over the issue of succession to the throne (formal or substantive continuity),<sup>6</sup> which is of secondary importance for our topic. It was therefore clear that the prosecutions were to be conducted based on the substantive and procedural criminal law standards that had been established during the dualism period and were considered to be in force.<sup>7</sup>

However, the issue of legal continuity was far from simple under the Soviet Republic. The Revolutionary Governing Council issued several decrees relating to the judiciary and penal norms, but just as it did not settle the question of the validity of the laws issued under the previous regime, it did not settle the question of the relevant norms. For example, in regulating the functioning of the revolutionary tribunals, which were first set up to operate in parallel with the ordinary judiciary and then acted in their place, it provided guidelines only for newly created offences, but the relevance of the Csemegi Code<sup>8</sup> to proceedings for other offences was left unclear. In any case, it did not state that they were no longer in force.

In the literature, there is a general opinion that Csemegi’s work contained rather strict sanctions.<sup>9</sup> But this was not the case for crimes

<sup>5</sup> On the territorial integrity of the historical Hungarian state and the special problems of its northern territories, see: A. TÓTH, The Position of Carpathian Ruthenia in the Political System of the First Czechoslovak Republic on the Background of the Issue of Parliamentary Elections and Preferences of Main Political Currents by Carpathian-Ruthenian Voters (1918–1938), in: *West Bohemian Historical Review*, VI, 1, 2016, pp. 57–77; L. GULYÁS, From the North-East Felvidék to Podkarpatská Rus (Kárpátalja), with Special Regard to the Activity of Masaryk and Beneš, in: *West Bohemian Historical Review*, VIII, 2, 2018, pp. 225–238.

<sup>6</sup> For more on the issue of continuity, see e.g. L. BÚZA, A jogfolytonosság, in: *Új Magyar Szemle*, 2, 1921, pp. 268–272.

<sup>7</sup> On certain international law aspects of the continuity of the state, see: A. SUPPAN, Saint-Germain and Trianon, 1919–1920. The Imperialist Peace Order in Central Europe, in: *West Bohemian Historical Review*, X, 1, 2020, pp. 39–67.

<sup>8</sup> Act V of 1878, the first Hungarian Penal Code.

<sup>9</sup> A. BARNA, *Az állam elleni bűncselekmények szabályozása a 19. századi Magyarországon. Különös tekintettel a büntetkekről és vétségekről szóló 1878. évi 5. törvénycikk előzményeire és megalkotására*, Győr, 2015. For the background to this issue, see: A. BARNA, A politikai büntettek szabályozásával kapcsolatos viták az 1843. évi büntetőkódex-javaslat anyagi jogi részének tárgyalásai során, in: G. MÁTHÉ – T. M. RÉVÉSZ – G. GOSZTONYI (Eds.), *Jogtörténeti Parerga, Ünnepi Tanulmányok Mezey Barna 60. születésnapja tiszteletére*, Budapest 2013, pp. 45–65.

against the state and political offences. This is because these were largely considered “gentlemen’s passions” in dualism, so the penalties for committing them were also adapted accordingly. For example, most of the prison sentences that might have been imposed had to be served in the new institution, the state prison, which was created by the legislature precisely to prevent certain perpetrators from being forced to stay in the same institution as “more serious” offenders.

Understandably, in these circumstances, it did not seem appropriate solution at the end of 1919 to prosecute the accused on this basis. But this possibility did not really arise seriously. On the basis of the doctrine of legal continuity, the era of the Soviet Republic, which was a sharp break with the state system of dualism, was not considered legitimate, which was their right according to their own understanding. Thus, any act committed during the “glorious 133 days” in the name of or on behalf of the Commune was criminalised. In effect, they have created an irrebuttable presumption that the Soviet Republic was an illegitimate regime (“a robber state”, “a criminal organisation”), and therefore it could not issue legal authorization.<sup>10</sup> This is a legal issue that goes far beyond the present framework. It can be stated that the “state” of the Soviet Republic lacked many formal legal institutions and guarantees and bypassed many of the basic provisions that are a prerequisite for the existence of a constitutionally functioning state. Nevertheless, the existence of many such states has been recognised by the international community and subsequently acknowledged by the successor political establishment. In the case of the Soviet Republic, this did not happen either, perhaps due to the lack of consolidation.

On the basis of the above “irrebuttable presumption”, all acts were therefore judged as if the accused had no authorization and had committed his act as a “private person”. Requisition, for example, was judged to be a theft if it was peaceful, robbery if violence was used, and extortion if “psychological terror” was present. The death sentences handed down and carried out were assessed as murder (in the legal jargon of the time, this meant premeditated murder, but has now fallen out of official terminology). Political speeches were classified as incitement and sedition.

Examining the public mood of the time, it can be said that it was not generally and indiscriminately in favour of draconian severity in the

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<sup>10</sup> Described in: Gy. AUER, Közhivatalnoki minőség és általános terror a kommün alatt, in: *Jogállam: jog- és államtudományi szemle*, 20, 5, 1921, pp. 161–171.

prosecution of all the accused, but that there was a “weighting” of the general morality of the individual accused. So, the public anger was not directed at the “common soldiers” who made a few speeches and committed one or two abuses, but mostly at the local controllers of the system, the lead actors of the reprisals. Obviously, if the prosecutions had been politically motivated show trials, the lawsuits of these actors would have been of primary importance to satisfy the demands of the masses. Thus, also from the point of view of the conceptual nature of the analysis, it is the procedures of the lead actors that are most worthwhile to assess. On this basis, in the following I will present the criminal proceedings against the leaders of the Commune in Veszprém County.

### **The Main Leaders of the Proletarian Dictatorship in Veszprém County**

Although the territorial administrative units (counties and districts) and municipalities were originally headed by the councils or their management committees, by Decree XCVI of 19 May, the Revolutionary Governing Council created a competing position, the commissioners of the Governing Council.<sup>11</sup> The existence of the position was due to the realisation that from the centre in Budapest it seemed that the rural workers’ movement had been able to produce cadres in very few places who could represent the policies of Béla Kun without any reservations. Therefore, functionaries were delegated from the metropolitan centre to control and direct the councils and institutional committees. With this legislation, the Revolutionary Governing Council effectively sanctioned a long-established institution. For example, Sándor Kellner had already been sent to Sopron by the Revolutionary Governing Council, while István Udvaros was delegated to Vas County before the law was born.<sup>12</sup> First, Arnold Lusztig and then Gáspár Szabó were appointed to the head of Veszprém county and thus the county seat – as “delegates” from the capital, to the position of commissioner of the Governing Council –, but during the Soviet republic, the county seat of Pápa, which became independent from Veszprém, also had one of these, György Piroth.

<sup>11</sup> J. PONGRÁCZ (Ed.), *A Forradalmi Kormányzótanács és a népbiztosságok rendeletei*, in: *Tanácsköztársasági Törvénytár III*, Budapest 1919, p. 33.

<sup>12</sup> ZS. L. NAGY, *Forradalom és ellenforradalom a Dunántúlon. 1919*, Budapest 1961, pp. 65–66.

Although the Governing Council Commissioners, usually closely associated with the Revolutionary Governing Council and drawn from the “political elite” of the proletarian dictatorship, were not native to their area of jurisdiction, local knowledge was an advantage in their selection. Arnold Lusztig, a typesetter born in 1890, for example, was connected to Veszprém in several ways. His sister, Mrs. Samuel Rosenfeld, lived in the town even between the two world wars.<sup>13</sup> He had earlier contacts with the labour movement in Veszprém, and before the war, he was involved in the activities of the local workers’ organisations while working in the city, and at the order of Ottó Korvin, he visited Veszprém many times in early 1919 to give guidance to the local labour movement forces. It was also from this time that he developed a good relationship with the only committed member of the local directorate, Ferenc Roland.<sup>14</sup> The date of his appearance, 29 March, was in fact the beginning of the proletarian dictatorship in the city, until then, the local bodies had not fully reflected the will of the centre, either in their composition or in their policies. Lusztig, sensing that public opinion in the city and the county was not unanimously in favour of the Commune, tried to prevent the strengthening of the counter-revolutionary forces by several drastic measures. One of his first acts was to dismiss the mayor, the deputy mayor and the commissioner of police who remained in their office after the creation of the directorate, and then to take radical actions against the institutions of the bourgeois era, such as the teaching of religion in schools. Lusztig – although he had been asked to do so – was not initially a member of the local directorate, he deliberately wanted to appear as an outsider, highlighting that he had not received the authority for his decisions from the workers in Veszprém, but from the headquarters in Budapest.

The relationship between Lusztig and the chairman of the local council, Lajos Jankovics, illustrates the tension coded into the situation by the legislations. As Imre Csaba, a researcher of the period who lived in the past system, expressed: *“Lusztig spent a lot of time with Comrade Jankovits, talking and arguing with him, they disagreed on many things. But nothing can alter the*

<sup>13</sup> Archives of the Institute of Political History, VI, 686, f, Lusztig, in letters to his family, mentions his sister who lived in Veszprém several times, but probably for security reasons, he did not contact her directly, but through his father-in-law in Budapest. Lusztig’s sister lived at 12 Fenyves Street in Veszprém in 1926, according to the house register of the town of Veszprém.

<sup>14</sup> I. CSABA, A Tanácsköztársaság veszprémi kormánybiztosa, in: *Veszprém Megyei Múzeumok Közleményei*, 1, Veszprém 1963. p. 272.

*fact that while Comrade Jankovits, before Lusztig's arrival, vacillated a lot, did not act courageously and aggressively against the enemy within, leaving the enemies of the Soviet Republic in office, he later became a strong-handed, decisive leader. He even confronted the leaders of the Soviet Republic if he thought that they were wrong, that their decrees did not serve the interests of the people.*"<sup>15</sup>

A separate conflict has arisen over the organisation of local armed forces. In a city that was not exactly revolutionary, it was difficult to secure the power of the Soviet Republic. The problem was compounded by the fact that the Red Guard could only be staffed by civilian elements – its membership overlapped heavily with the former police, gendarmerie, and citizen's militia – which were clearly reluctant to engage in any ideologically motivated activities other than general law and order. Lusztig therefore called in "sailors"<sup>16</sup> from the People's Commissariat to help him in maintaining the order. When they arrived in the city, they immediately started looting. They were looting, physically and mentally terrorising citizens. Even the local leaders of the Commune were disgusted by their behaviour and managed to have them removed from the city in a short time. But Lusztig was outraged because of this and formed a task force of his own. Its leaders were Mihály Pervanger and Gábor Csomor, and it had more than forty members. Most of the charges later brought against Lusztig were related to their operation.

By the beginning of May, Lusztig's excesses had had enough in Budapest, and he was recalled as county leader. He has been replaced by Gáspár Szabó, who was only a few years younger than him. He was from Földes in Hajdú county, and at the age of 13, he came to Budapest to work as a fitter's apprentice. Before the Soviet Republic, he was a social democrat, it is not known to which wing of the party he belonged, or whether he was one of the people the communists incorporated into the social democrats. He avoided the military draft because of his position in the war industry, and during the war he worked at the aircraft factory in

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<sup>15</sup> CSABA, p. 273.

<sup>16</sup> In a unique event in the Monarchy's army, between 1–3 February 1918, sailors in Cattaro took control of several ships and published demands. This, the famous sailors' rebellion in Cattaro, created a special nimbus for the "sailors" in the leftist movements. Taking advantage of this, during the Soviet Republic, many free corps' members referred to themselves only as sailors. The name then became a common epithet for the various detachments, without the members of the detachments having actually served as sailors before. There is no information on whether the persons arriving in Veszprém had actually served in the navy before.

Albertfalva. Until the establishment of the Soviet Republic, he worked at the Hungarian Aircraft Factory, from where he was transferred to Pápa, where he was the political commissary of the 7<sup>th</sup> Hussar Regiment. More directly involved in violent actions than Lusztig, he did not recoil from the personal use of physical terror. According to the reminiscences, he did not appear to have a particularly aggressive personality, he was a short, physically weak man. But, contrary to appearances, he was very forceful in his speeches and communication, often with a bloody temper.<sup>17</sup> He became the head of the county after the defeat of the counter-revolution in Devecser,<sup>18</sup> probably not independently of his role in it.

The dichotomy in the attitudes of the governor-council commissioners and the president of the council remained throughout the whole period of proletarian dictatorship. Although Jankovics, the president of the council, could not escape the influence of Lusztig and Szabó, he did not represent such a radical line in words or deeds as the former (interestingly, the witness tried to show the difference of positions by the parallel of the deputy bailiff and the bailiff).<sup>19</sup> Although Jankovics also came to the county from Budapest, he was considered a “man sent”, but he did not actually lie about his social-democratic roots, he was not one of the hardest-handed leaders of the proletarian dictatorship. Arnold Lusztig was appointed head of the county partly because of this fact, and in Budapest it was seen as necessary to have a more “permissive” leader in the area. After Lusztig’s replacement, his successor Szabó’s activities were characterised by similar terrorist acts as his predecessor’s, and his relationship with Jankovics was not different.

### Parallel Proceedings – the Lawsuit of Gáspár Szabó and Lajos Jankovics

Although the records of some of the trials before the Royal Court of Veszprém were still available at the time of the regime change, unfortunately they are not available to researchers today.<sup>20</sup> Fortunately, some of

<sup>17</sup> J. GUTHEIL, *A kommunisták uralma Veszprémben*, Veszprém 1920, p. 56.

<sup>18</sup> On May 5, 1919, the citizens of Devecser, informed that the power of Béla Kun had been overthrown, arrested the local communist leaders and the armed forces and took over the leadership of the village. The next morning, red troops arrived from Pápa, Ajka and Veszprém, and quickly crushed the resistance in blood.

<sup>19</sup> GUTHEIL, p. 64.

<sup>20</sup> The former Institute of Political History has returned the documents to public collections that were previously removed from them because of their content. Thus,



the documents from other trials have survived. Of these, the Jankovics and Szabó trials, attached to the report sent by the Royal Prosecutor of Veszprém to TAGYOB<sup>21</sup> are of particular importance.

The examination of the two trials can thus provide a great deal of information for answering the question: to what extent can the communist trials be considered sham proceedings? Since Lusztig fled the country, which prevented the court from carrying out proceedings against him, the Jankovics case could also be motivated by the “substitutability” that Erika Rév attributes to the prosecuting authority in the case of the trial of the people’s commissars, since it also failed to proceed against all the key players. So, let’s see whether there was any difference in the proceedings against the two defendants, or whether the court made its judgement based on the accused’s positions, essentially regardless of the historical facts.

In the trial of Gáspár Szabó, on December 20, 1919, the Royal Court of Veszprém, a panel of five people consisting of János Juraszek, President of the Court, Győző Korinsky, judge of the Court of Appeal and Károly Csajághy, József Jánosi and Sándor Karsay, court judges, gave its verdict. The council found the defendant guilty on eight charges against him. The first charge was three counts of murder as an instigator under Section 278 of the Penal Code and two counts of murder as an accessory under the same section and conspiracy to commit murder under Section 288 of the Penal Code.

He was charged with the first of these for having persuaded the summary court martial in Tolnatamási (now Tamási, Tolna county) to sentence three people to death, and for having collaborated in their execution. The charge was based on the following: In Tamási, on the night of 31 May, the counterrevolutionaries disarmed the armed forces and took control of the settlement. However, the reds soon restored the damaged telephone line

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the then Veszprém County Archives also got back the court papers. Unfortunately, the process of compensation was also going on during this period, which burdened the rural archives to such an extent that they often had very little time for other professional tasks. This is how it happened that, although the records of the dozens of trials are in the archives, the whereabouts of the documents are unknown, even though the author of these lines has been trying to find them for almost a decade.

<sup>21</sup> Common abbreviation for the so-called “Tanácsköztársaság történetére vonatkozó adatgyűjtés céljából alakított Országos Bizottság [National Committee for the Collection of Data on the History of the Soviet Republic]”, which was formed by the counter-revolutionary regime right after Horthy’s entry into Budapest.

on which they could ask for help. As a result, help arrived from Dombóvár, Kaposvár, Veszprém and Székesfehérvár, and after a short firefight the settlement was taken. Two counterrevolutionaries were killed in the siege, and four were sentenced to death in the subsequent trial by martial law, but one of them escaped before the sentence was carried out.<sup>22</sup>

According to the reasoning of the sentence, Szabó was ordered by Béla Kun himself, on the news of the counter-revolution in Tolnatamási, to gather his forces and go to the city. Szabó gathered a team of the Veszprém Red Guards and a prosecuting commissioner and took a train to the city at dawn on June 7. According to the indictment, he was already talking about hanging. After their arrival in the city, several people were arrested and tortured under Szabó's leadership, who personally participated in the abuses. During the morning, the members of the Revolutionary Tribunal of Szekszárd arrived, who demanded that Szabó hand over the proceedings based on their territorial jurisdiction. Szabó refused to do so, and in a situation of physical atrocity, he only gave in by insisting that he wanted to be present at the whole session. According to witness testimonies, he was the strongest advocate of the executions and only left the scene when he felt certain that the sentences would be carried out.

His second act related to two of the people executed in connection with the counter-revolution in Devecser, about whom he provided information to László Szamuely, who headed the emergency tribunal, and also attended the sessions of the emergency tribunal, thus contributing to the death sentence and hanging of István Baják and Lajos Ferenci. According to the reasoning, Szabó's complicity was based on the same elements as in the Tamási case – influence, participation in the sentencing, etc. – so it is clear based on which the court distinguished between the two forms of complicity.

The third offence in the indictment related to the events of the so-called Transdanubian railway strike in Veszprém. The protest – which exceeded all previous similar movements by orders of magnitude – started on the 1<sup>st</sup> of June, the day of the defeat of the counter-revolution in Tamási. The movement, which started in Szombathely for mainly existential reasons, began with the refusal to work by officials and traffic staff, who called on all railwaymen to join in a circular telegram. The strike spread quickly: on the 2<sup>nd</sup> of June, railway workers from Sopron, Győr, Celldömök,

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<sup>22</sup> NAGY, p. 135.

Veszprém, Székesfehérvár and Sárbogárd joined to it. This essentially meant that traffic and transport were paralysed in all the towns in Transdanubia that were important for rail transport. The railwaymen, in addition, in many places picked up the rails and damaged the track, making it difficult for the forces sent against them to move.<sup>23</sup>

In Veszprém County, the most serious resistance was shown by the staff of the Veszprém station, who were joined by postmen and other civil servants. The situation had become so tense that by the time the military arrived two days later, the local leaders of the directorate were forced to make concessions, in effect they lost the control. Although the aim of the protesters was not to overthrow the Soviet Republic, but only to end the supply difficulties, the movement was “naturally” treated as a counter-revolution, even though its base was the very working class on which the power theoretically relied.<sup>24</sup> The strike was finally broken by June 5, when Tibor Szamuely himself arrived in Szombathely. About 20 people were sentenced to death during the reprisals, which also affected the villages in Vas County that had joined the railway men, but not all were executed.<sup>25</sup>

Szabó played a role in the suppression of the movement by giving advice to Ferenc Rákos, who arrived in Budapest from Veszprém to “clean up” regarding the composition of the emergency tribunal, and then was actively present throughout the proceedings. In the process, Dr. Lajos Kauka, a railway official, was sentenced to death, and was only not executed because the sentence was prevented in time from Budapest, because it was considered unfairly severe.

The second charge was seven counts of robbery under Section 344 of the Penal Code, which the court found Szabó had committed by entering several villages in the area at the head of his armed men in connection with the counter-revolution in Devecser and “sacked the people” there by using violence and threats. The third charge was the offence of sedition under Sections 154 and 155 of the Penal Code, contrary to Section 153. This related to the previous actions: he surrounded the village of Csékút (today: Padragkút, thus part of Ajka) with his armed men, and there the attackers shot, looted, and assaulted several people, among whom Lajos Tolner had his arm broken with a rifle stock.

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<sup>23</sup> *Ibid.*, p. 136.

<sup>24</sup> GUTHEIL, pp. 120–122.

<sup>25</sup> NAGY, pp. 136–138.

The fourth charge was multiple counts of trespass under Section 331(1) to (3) of the Penal Code, contrary to Section 330 of the Penal Code, these were found by the court to have been committed based on Szabó's "searches" at various locations. As in the case of all persons engaged in similar activities, Szabó was charged (as a fifth count) with the violation of personal liberty (multiple violations, in this case in violation of Section 323 of the Code and qualifying under the third paragraph of the same section), which was imposed on the accused in such cases because of the various arrests. The crime of theft, the sixth charge brought against Szabó, was also a common charge in communist trials, which Szabó committed by breaking into the apartment of a wealthy citizen with an accomplice and stealing more than 4,000 koronas worth of goods. He committed the seventh charge of one count of incitement contrary to Section 172 (2) of the Criminal Code by making a speech in a Budapest restaurant, in which he declared, among other things, that "*we must work with blood*" and "*let the blood of the bourgeois flow, the bourgeois must be exterminated with fire and iron*". The final charge was the crime of extortion under Section 350 of the Penal Code and Section 353 (2), which the court said he committed by intimidating the parish priest of Várpalota into handing over his valuable cow.

In contrast, Szabó was acquitted by the court in connection with his participation as an accomplice in the execution of two other counterrevolutionaries in Devecser, as well as other acts of incitement charged against him. When weighing the aggravating and mitigating circumstances, the Court held that the accused's clean criminal record could not be considered, as the exceptional and much more significant aggravating circumstances (the unrelenting hatred of the social order and classes, the accused's acts of blatant violence and unrelenting hatred, the quantity and variety of the set) did not allow it. On this basis, the court sentenced the accused to death as a cumulative punishment.

In the case of Lajos Jankovics, the same panel of judges passed judgment, except for one member (Sándor Szabó took part in the sentencing instead of Győző Korinsky), about two months before Szabó's trial, on 23 October 1919. Jankovics was found guilty on three counts by the court. The first charge was murder as an instigator under Section 278 of the Penal Code, the second was high treason under Section 134 of the Penal Code, and the third was incitement contrary to Section 172 (2) of the Penal Code.

Jankovics was accused of the murder because the authorities found that he was the one, who, having been informed of the counter-revolution

in Devecser, played the main role in the launching of the red troops and supplying them with orders (the first county leader, Arnold Lusztig, was not in town), and was therefore directly responsible for the death of Gyula Bónyi, who was shot dead in the street of Devecser while fleeing.

The second charge arose only in the case of Jankovics in the trials I examined. Section 134 of the Penal Code contained the following: *“Whoever, in a congregation, publicly, by word of mouth, or by distributing or displaying a document, print, or graphic depiction, makes a direct appeal to commit a high treason, if the content or the meaning of the document, print, or graphic depiction was known to him/her: shall be punished with a prison term of five to ten years, but in the case of a direct appeal to commit a high treason as defined in Section 127(1) or (2),<sup>26</sup> by imprisonment in a state prison for a term of five to ten years. If the appeal was completely unsuccessful: the sentence should not exceed five years in state prison.”<sup>27</sup>* So, Jankovics was convicted for direct appeal for the alteration of the constitution of the Hungarian state.

In this connection, it should be pointed out that the judgment was handed down in the early stages of the communist prosecutions. Judicial practice was constantly shaped by formal and informal circumstances, and at that time it was far from uniform throughout the country. Thus, it was possible that the five-member council of the Royal Court of Veszprém made use of this particular interpretation of the law, of which – probably not by chance – we find no more examples even in its own practice. The only analogy I can find – and obviously this is no coincidence – is the similar charge against the defendants in the so-called “Trial of the People’s Commissars”. In the opinion of the court, the accused committed this by proclaiming the Soviet Republic and by acts related to it,<sup>28</sup> which were indisputably aimed at changing the existing constitutional order, even if the Aster Revolution had already changed the constitutional order inherited from the Monarchy.

<sup>26</sup> “Section 127. It is also a crime of high treason to act with the direct purpose of: 1. forcibly altering the lawful order of the succession to the throne; 2. forcibly altering the constitution of the Hungarian State, or the community of states between the countries forming the Hungarian State, or the relationship between the Hungarian State and another state of the Austro-Hungarian Monarchy; 3. the territory of the Hungarian State, or of another State of the Austro-Hungarian Monarchy, or any part thereof, should be forcibly taken under foreign domination, or should be separated from the State to which it belongs.” D. MÁRKUS (Ed.), *Magyar Törvénytár 1000–1895. 1877–1878. évi törvényczikkek – Corpus Juris Hungarici, Millenniumi emlékkiadás*, 1–21. Budapest 1896, p. 121.

<sup>27</sup> *Ibid.*, p. 122.

<sup>28</sup> RÉV, p. 30.

It is not clear from the reasoning why Jankovics, unlike others, was found guilty of this offence by the court. Political speeches were usually seen as a crime of incitement, which was the case for almost all defendants who had public appearances because of their political position. It is not known why Jankovics was charged and found guilty of the crime of high treason, especially because the charge was not a “substitute” for the charge of incitement, which was also included as a third charge in the verdict. In addition, it should be mentioned that Szabó and other defendants in similar positions were not charged with crimes against property, personal liberty, etc., which were usually charges based on the recruitment, detention, and other similar acts of local leaders. Looking at the accounts of the events, the reason for this absence could probably be that Jankovics was indeed not very involved in such actions, they were always controlled by the prime county leader, Lusztig, and then by Szabó.

However, he was acquitted of three counts of accessory to murder and one count of attempted murder. The first of these was related to the executions in Devecser, while the second to the death sentence of Lajos Kauka. In relation to the events in Devecser, the court took the position that Jankovics had no influence on them after the arrival of the Szabó Gáspár and his companions, and therefore he was not responsible for the executions. In relation to the Kauka verdict, it is noteworthy that – unlike Szabó – Jankovics was not yet charged with conspiracy to commit murder, but with murder attempt. The court also rejected Jankovics’s involvement in this case. It should also be pointed out that the reasoning stated that Jankovics had acted under psychological pressure when issuing his order in Devecser, and that he could justifiably fear a possible victory of the counter-revolution, but he could also fear retaliation from his superior, Arnold Lusztig, if he did not consider his action to be sufficiently heavy-handed. On this basis, the court sentenced Jankovics to life in state prison. However, he was released in 1921, as part of the Soviet prisoner exchange, and went to the Soviet Union, where he was a victim of the Stalinist purges in 1939.

### **Summary**

Based on the above facts, the following conclusions can be drawn. The court took great care to convict both defendants only for offences for which the commission of the offence was supported by various pieces of evidence in accordance with the case law of the time.<sup>29</sup> The sentences

were also in line with this. This is particularly striking in the case of Szabó, who was involved in the events of both Devecser and Tamási, but the court did not consider them to be homicides. Thus, the assessment of the participant status was consistent, in the absence of a specific factual element, the court did not find participant status based on the position held alone. A fundamental criticism of the proceedings was that in many cases the accused were not the perpetrators, but the participants (instigators, accomplices). Rév and her companions may have influenced their uninformed readers in this way, but it is obvious to those who interested in international criminal law that this is a natural situation in this field. In all such cases, the responsibility of those who operate the system is fundamental, and it is a general principle of law that they are equally responsible with the perpetrators.<sup>30</sup> In the Nuremberg trials, for example, hardly any perpetrators were convicted, but the perpetrators of the atrocities (the participants) were convicted in greater numbers. Naturally, this was also the case in the “trial of the people’s commissars”.

The position of the two persons, and some of their actions, would have made them suitable for “setting an example”, for a show trial. However, an examination of the trials showed that this was not the case, and the court’s verdict was entirely analogous to the verdicts in other cases I have examined in my research. The only exception is the charge of high treason found in the case of Jankovics, but this was most likely due to the still undeveloped state of the relevant jurisprudence at the time of the judgment. Thus, it can be said that in Veszprém, the trial of the local supreme leaders of the Soviet Republic did not become a “trial of the people’s commissars in Veszprém”.

As with other cases I have previously examined, the analysis of Szabó and Jankovics shows that, from the perspective of the modern rule of law, they had several shortcomings. To conduct many of them, it was necessary to challenge the legitimacy of the Soviet Republic. This has also indirectly

<sup>29</sup> For the practice of contemporary military criminal law, see: R. KELEMEN, *A katonai igazságszolgáltatás Magyarországon 1867–1949. Egy elfelejtett jogterület a jogalkotás tükrében*, Budapest 2017.

<sup>30</sup> For a discussion of the changes in the legal system in relation to political offences, partly because of these trials, see: A. BARNA, *Az állami főhatalom védelmének változásai a két világháború közötti Magyarországon: A kormányzósértés tényállása és ítélezési gyakorlata a Győri Ítéltábla gyakorlatában*, in: A. MOLNÁR – L. SZÉPLAKI (Eds.), *Tanulmányok a győri felsőbbbíráskodás történetéből a XIX–XX. század fordulóján*, Győr 2019, pp. 175–185.

led to the loose application of certain provisions of the Penal Code. Also reprehensible is the retroactive application of the newly issued regulation on expedited criminal procedure, which further restricted the rights of the accused in the procedure, without which trials would likely have been conducted with a similar outcome. Put them all together, it cannot be denied that the members of the judiciary insisted to the respect of the legal guarantees of the time all the way, and that the proceedings were conducted in accordance with them. The sentences themselves were no harsher than in other cases, and the time spent in pre-trial detention were included in the length of the custodial sentence. Most of the prisoners who received heavy sentences were soon allowed to leave for Soviet Russia under the prisoner exchange agreement (where, however, it was not only the defendants of the trial of the people's commissars who fell victim to Stalin's paranoia). In the light of all this, it can therefore be said that it is a serious misrepresentation to classify these trials into the scope of white terror. And indeed, two decades later, most of the defendants in the People's Court trials would have welcomed proceedings carried out with similar guarantees.