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Problems of Transitional Justice in Hungary: An Analysis of the People's Tribunals in Post-War Hungary and the Treatment of Female Perpetrators

What would have been the effect on the history of post-war Hungary if the country's justice system had developed differently after World War II? What would have happened if the institutions had resisted external pressure and had refused to establish a poorly functioning chaotic system based on an unskilled apparatus? Would it have made a difference if the system of people's tribunals had not been branded as "alien" to the Hungarian legal system and an "instrument of Jewish revenge"? What would have happened if the full emotional burden of the crimes committed during World War II (including the deportation of 600,000 Hungarian Jews denied their rights by anti-Jewish legislation between 1938 and 1942) had not been placed on the people's tribunals, which were fully unprepared in both institutional and emotional terms? Indeed, was there any alternative?

István Bibó (1911–1979), in his seminal article on the "Jewish question" published in 1948, noted the absence of lynching and revenge murders – "explosive and disorderly wave of seeking satisfaction"¹ – in post-liberation Hungary. In post-war France, Yugoslavia, Bulgaria and Italy, where incidentally significant resistance and partisan movements existed, collaborators faced various forms of street justice in the immediate aftermath of the war – none of which had any kind of institutional approval.² In these countries, popular national patriotism, which had arisen in defiance of the German occupation and saw in the Soviet Union an ally, offered no pardon – under the pretext of the "red menace" of the upcoming Cold War – to those who had collaborated with the Germans. If lynching had taken place in Hungary, would this have given tangible emotional and physical expression to the serving of justice? Might this then have spanned the difference between the value given to the victims and that allocated to the perpetrators?

In this paper, I present the development of transitional justice in Hungary. I review the scholarly literature on the people's tribunals in Hungary, examining in particular assessments of the practice of the people's tribunals. I also analyse the tribunals' treatment of female perpetrators. My aim is to demonstrate how the absence of a systematic scholarly approach and the presence of various political ideologies have influenced previous research on the subject as well as the conclusions drawn by historians.

1. Ominous beginnings: legislation on the people's tribunals

Since Hungary had no domestic anti-fascist resistance movement, a particular feature of its people's tribunals was that they were placed, by legislation, under the "democratic" control of the political parties. These parties, which re-emerged in 1945 and established a coalition at Soviet behest (the Independent Smallholders' Party, the Peasants' Party, the Social Democratic Party, and the Hungarian Communist Party), necessarily had their own political agenda – which deter-

mined the work of their delegates to the tribunals and their interpretation of the various cases. This also applied to the Hungarian Communist Party, which came from a strong anti-fascist tradition; indeed, by exploiting the “democracy discourse” it began an aggressive ideological battle against those perpetrators whose prosecution seemed useful for its own class war purposes. For their part, representatives of the Smallholders’ Party, which was rapidly becoming the major right-wing party in Hungary, argued for more lenient sentences and for due legal process.³

The first judgement of a people’s tribunal was brought against two soldiers on 4 February 1945; the soldiers were found guilty of causing the death of 124 men in the labour service. (The country was fully liberated in early April.) The decree regulating the people’s tribunals (81/ 1945. sz. M. E.) was published in the *Magyar Közlöny* [Hungarian Gazette] the next day. The tribunal judge, Ákos Major, did not have the necessary legal qualifications to preside over civil court proceedings. In his memoirs, Ákos Major claimed, in an attempt to minimise his own responsibility that he had announced a death sentence having been pressured to do so by Zoltán Vas, who had returned to Hungary from exile in Moscow in October 1944 and who was serving as Commissioner for Public Supplies in Budapest.⁴ In the subsequent period too, legal regulation of “people’s justice” continued along this rather contradictory path.

The adoption of a law regulating the people’s tribunals was necessary in part because, in the major cases of precedence value, this was the only means of bringing to justice the people that had given the orders under the former regime. It was only within this legal framework that one could reject the argument that an individual had been “acting under orders”. Without such a framework, it would have been difficult to convict the political and military elite of the Horthy regime – which was responsible for Hungary’s actions in the war.⁵ As preparations for a peace treaty were commenced, the adoption of the law was also necessary in order to remove the legal absurdity whereby this important issue was regulated by mere decrees (which was the case until the proclamation of Act VII of 1945 in September 1945).

A feature of the vindictory proceedings was that unless there was a will to punish the perpetrator, a conviction could not be assured. In order for the system to function properly, individuals needed to be actively involved – their actions could then be described as “vengeful”.⁶

The social and political climate – and consequently the legislative environment as well – was (were) quite different in 1945 than in 1946 or 1947. The Act on People’s Tribunals of 1945 was a rushed, incoherent piece of legislation. In the subsequent period, the people’s tribunals were subject to repeated regulation, with further restrictions being introduced. The process began with the adoption of Act VII of 1946 on the Criminal Law Protection of the Democratic Order of the State and the Republic, which incorporated a rather broad definition of “anti-democratic statements”. The legal situation was altered, and the people’s tribunals became players in the broader political chess game. Further restrictions were introduced in the Act on People’s Tribunals of 1947; thereafter, the people’s tribunals were subject to additional procedural rules.⁷ The final judgement to be issued by the Budapest People’s Tribunal came in the Rajk trial of 1949.⁸ After the Hungarian revolution of October 1956, Law-Decree No. 34 of 1957 on the People’s Tribunal Councils re-established the tribunals – but with quite different political aims in mind.⁹

2. The people’s tribunals and the legal process

The outcome of a case headed by a people’s tribunal depended on timing and the identity of the accused. When the first cases were heard, the west of the country was still a conflict zone. Meticulous legal work was almost impossible. When the survivors of the death camps began to

return to Hungary in mid-1945, a whole series of accusations and complaints were made; the people's tribunals were not ready to examine all the cases. Perpetrators, who managed to evade the first wave of prosecutions, could count on more lenient punishments in the subsequent period. In the confused aftermath of the war, a person could evade justice simply by moving from one half of Budapest to the other. At the same time, the legal framework, which was strictly regulated by the Act on People's Tribunals and the provisions of the Criminal Code, provided perpetrators (those brought into the justice system mechanism in the manner analysed below) with opportunities to evade punishment, either by employing means in line with the spirit of the law (by proving their innocence with the assistance of lawyers) or by non-legal means (by threatening or bribing witnesses).¹⁰

The legal process comprised two parts: the preliminary investigation and the tribunal itself.¹¹ Investigations were generally undertaken by the police, which was controlled by the Communist Party. The more important cases were investigated by the State Security Department [Államvédelmi Osztály], which then forwarded the investigations to the People's Prosecutor's Office [népügyészség]. There was no supervision over the punishment stage (the location of prisoners, their living circumstances in prison, and how and why they were eventually released). In 1945, war crimes' suspects – those that were due to be tried by people's tribunals – frequently disappeared from the internment camps. Interned prisoners had no hope of evading justice, and so they attempted to flee the camps and leave the country by way of the (still) open borders.

When an investigation had been completed, the investigation file was forwarded to the people's tribunal. The tribunal was headed by a professional judge, while ordinary members were non-professionals delegated by the five parties that comprised the Hungarian National Independence Front. The tribunals were understaffed; their proper functioning depended in large part on the conscientious work of the people's prosecutors. Tribunal judges often did not receive the investigation file and indictment until the day on which the trial opened. Meanwhile, defendants who were able to pay had defence lawyers, who invariably had weeks to prepare for the trial.¹²

The people's tribunals were divided by ideology, stemming from the conflicts between the political parties. In the cases I have examined, the Smallholders' delegates always spoke out in favour of more lenient sentences. However, since decisions were taken by majority vote, such views had no effect; they were merely recorded in the memoranda.

The court of appeal, the National Council of People's Tribunals [Népbíróságok Országos Tanácsa, NOT], featured a similarly partisan composition, with professional lawyers as members. In Budapest thirty people's tribunal councils were established; nationally, there were 25 tribunals by the end of 1945.¹³

3. Historical research on people's justice

To the dismay of historians, the records of the people's tribunals have had an uncertain fate. In 1975, some of the records of the Budapest People's Tribunal and People's Prosecutor (approximately thirty per cent, according to surveys carried out at the time) were transferred from the Metropolitan Court of Budapest to the Budapest Archives (BFL).¹⁴ From 1975 until 1989, the Ministry of Interior transferred the files of the people's tribunals to the Budapest Archives. Thus, at some point in time after the abolition of the people's tribunals, a significant part of the archival material was transferred to the state security services – the grey-envelope files (with the letter V cut out at the bottom) were such files; they were then sorted and sealed. Even after 1989, a large number of people's tribunal files were still being kept at the Ministry of Interior; access was

granted to only a small number of researchers. These files – together with all other state security documents – were then transferred to the Historical Archive of the State Security Services on its formation. The archival list of these files and documents remains unknown – in contrast to the material held in the Budapest Archives, where there is a register book containing at least the names featuring in the destroyed files and in the registers.¹⁵

An examination of individual tribunal cases substantiates the view that corrective justice based on individual responsibility and punishment does not work. This *individual* approach, however, is not suited to the larger historical narrative, i. e. the normative appraisal of the war, because there are always loopholes and witnesses for the defence. In the case of the Dutch justice system, Belinfante argued that owing to the radicalisation that had taken place under Nazi occupation, it was impossible to pass judgements concerning individual responsibility; instead, there was a need for collective judgements. And this is precisely what happened in the Netherlands in the immediate aftermath of liberation.¹⁶

Research on people's justice has been carried out at two levels – the institutional historical level and an inquiry into individual cases. This shows the methodological problem: in the micro- and macro-historical approach, the discourses diverge.

Neither an analysis of individual cases, generally focussed on the trials of national political figures, nor an analysis of “minor cases” is able to produce a complete “national” picture, since the frameworks of inquiry are divided and disputed. For this reason, judgement of war crimes is a disputed issue in Hungary.

4. People's tribunal cases: the “war of numbers”

The functioning of the people's tribunals tends to be characterised on the basis of the number of cases. This method is a dubious one, since there could be several accused parties in just one case – whose details would be recorded in one file. Moreover, based on the number of cases at the people's tribunals, it is difficult to draw conclusions concerning the efficient functioning of the people's tribunals, since the Hungarian data are questionable, owing to the absence of systematic research. This is illustrated by the lack of consensus among historians even concerning the number of cases and sentences.

Table: The people's tribunals in Hungary

Historian, and time period	György Berend ¹⁷ Until March 1948	Zoltán Bernáth ¹⁸ 3 February 1945 – 1 April 1950	Ignác Romsics ¹⁹ 1945–1950	Lajos Izsák ²⁰ 3 February 1945 – 1 April 1950	László Karsai ²¹ 1945–1948	László Karsai ²² 1945 – 1 March 1948	Mihály Korom ²³ 1945–1947
Number of court cases	39,514	58,953	almost 60,000	59,429		27,000	
Number of death sentences	322	476		477		322	
Number of executions	146	No data	189	189	189	146	380

In view of the uncertain fate of the documentation produced by the people's tribunals, we have no full picture of the cases heard; and this applies even in Budapest. Still, this deficiency only partly explains the lack of systematic historical research. Having been commissioned by Yad Vashem, a research group led by László Karsai microfilmed the material including "documents from more than 6,000 cases heard by the Budapest people's tribunals [...] located in the Budapest Archives and about 3,000 documents in various provincial archives."²⁴ Of the 3704 court cases selected by Karsai out of a total of 21,854, one in six of the indicted individuals were accused of taking part in the persecution and pillaging of the Jews.²⁵ In their survey, there was a decrease in the number of persons tried by the people's tribunals "in Jewish matters" after 1947. By that time, accusations concerning anti-democratic activities were more important than retribution for earlier atrocities committed against Jews. Moreover, by that time, Holocaust survivors capable of making accusations tended to have already done so, while those who had not made statements to the police were probably put off by the perceived inefficiency of the people's tribunals.

The most frequent criticism of the people's tribunals, which accuses them of multiple injustices and intimidation, would seem to be exaggerated with regard to the cases heard by the tribunals in the immediate aftermath of World War II. This is not just because we still do not know exactly how many lives were affected by the tribunals. Another reason is that the number of convictions in Hungary was far smaller than in other comparable countries such as the Netherlands. Of course, in order to interpret the data for the various countries, one needs to be acquainted with the different justice systems. Thus, for example, Zoltán Bernáth notes 11,300 convictions in the Netherlands for crimes committed during the war, but he fails to mention that the country had a two-tier justice system with a distinction being made between "minor" offences and the more serious crimes – perhaps resembling the case in Hungary of the former Prime Minister Bárdossy.²⁶ In the Netherlands, there were as many as 100,000 minor cases.²⁷ In the case of the pogrom that I have examined in detail, the accused individual "H"²⁸ – whose activities during World War II one might classify as "minor" – was the subject of nine separate people's tribunals after 1945.²⁹ "H" was indicted in these nine separate cases because accusations were made against him in three districts of Budapest and an overworked people's prosecutor failed to merge the separate cases into one larger criminal action.

Thus, the number of cases heard by the people's tribunals says little about the efficiency of the post-war Hungarian justice system, because we still lack effective methods of assessment. In consequence, there is a risk of this field of research being exploited for their own purposes by various political interests.

5. Legal and political criticisms of the people's tribunals

There is still no consensus among historians concerning the effectiveness of the people's tribunals. According to László Karsai:

"After 1945, there was an effective process of bringing people to justice in Hungary; it was carried out in line with contemporary European norms and despite the presence of Soviet troops, which contrasted to the presence of British, American and French liberators in Western Europe. The people's tribunals in Hungary are comparable with the Dutch, Danish, Norwegian and Belgian justice processes."³⁰

The benchmark and assessment of "efficiency" is extremely doubtful – leaving aside for the moment the difficulty of defining the term "European" on the threshold of the Cold War. But

if the statement concerning the “efficiency” with which people were brought to justice after the Holocaust were true, then perhaps we would not have seen the development of a dualistic and contradictory appraisal of the Hungarian justice process in historical memory.

In an interview, Karsai also noted the divided and conflicting appraisal. In his view, the historical discourse is divided between those who consider the tribunals to have been “unlimited Jewish revenge” and those who think that “everyone got off.” Consequently, post-war Hungary never saw the development of a social consensus on the World War II and the role of Hungary, the Hungarian political elite and other political actors in the conflict – and this has nothing to do with the presence of the Red Army in the country. Karsai also defines the expectation of “efficiency” with regard to the justice system. It is unclear whether he is thinking of the speed of prosecutions, the great number of indictments or the rapidity of court cases – conditions that the Hungarian justice system was able to meet, because the people’s tribunals formed a part of transitional justice and as such they really were “transitional”. It is difficult to draw general and universally valid conclusions concerning the functioning of the people’s tribunals, because different justice and legislative practices were applied even within the period 1945–1989.

Whatever our definition of efficiency, it is hard to imagine how any court would have been capable of functioning “efficiently” in the special, apocalyptic post-war situation – which was full of aspirations and emotions. At the same time, there was no institutional alternative to the people’s tribunals. Commenting on efforts to re-establish order after the bloody conflict, Ernst Cassirer³¹ stated that only those constitutions that were “written into the consciousness of citizens” would function.³² After 1945, the purpose of the court cases conducted throughout Europe would be to demonstrate, by educating and enlightening the *populus*, the norms and values of the post-Holocaust world.³³

In addition to the argument over numbers, assessments of the people’s tribunals in Hungary tend also to exhibit a duality; they are criticised at both *legal* and *political* levels.³⁴

The most important aspect of the legal type of criticism is that the tribunals did not operate “legally” and were actually political courts, since they introduced retrospective justice. When critics question the legal foundation of the tribunals, their first objection usually concerns the fact that retrospective justice was introduced under international pressure and that, as a result, the people’s courts operated outside the Hungarian legal/justice framework. Typical of such interpretations is the following argument by Imre Kovács:

“This formula, retrospective action, was practised in Nuremburg, and both victorious and defeated powers mimicked it precisely. And if the legal system of a Britain or America could sink so low, why should Hungary, which had just begun to experience democracy, have been any different?”³⁵

But it is erroneous to mention Britain or America in this context, because their *common law* can actually accommodate retrospective justice, since it applies case law.³⁶ Moreover, many of the crimes committed before 1945, such as murder, violence and robbery, were classified as crimes even under the previous regime. Thus, if the legislation on the people’s tribunals had not been adopted, the individual “H”, who was responsible for the 1946 pogrom, could and should have been convicted as a common criminal.³⁷

Another legal criticism is that the people’s tribunals were non-professional courts, which, it is claimed, had no traditions in Hungarian law. In fact, however, jury trials were conducted in Hungary until 1914. Critics also tend to mention staffing problems at non-professional courts; they claim that this prevented the proper application of justice. They do not accept the introduction

of non-professional courts and the circumstances surrounding their introduction, arguing that the cases heard by the people's tribunals constituted military court trials rather than civil legal proceedings.³⁸

In his analysis of the introduction of non-professional courts, the historian Tibor Zinner states: "It has to be admitted, the deficiencies of trial procedure and the problems of evidence [...] were caused] in more than one case by the lack of experience of the people's judges".³⁹ Indeed, the people's tribunals were not suitable – in terms of staff experience or technical capacity – for dealing with such an important task. Initially, this was also the situation in other countries, such as the Netherlands, but as time passed such countries overcame the difficulties, because there was both the political will and the time. The trials and vetting procedures continued until 1955, experiencing the same generational and elite changes as in Hungary. In the Netherlands, between 100,000 and 150,000 people were imprisoned or placed in internment camps until their appeals were heard.⁴⁰

Hungary differed from the other countries in terms of the Soviet occupation and the composition of the people's tribunals. Whereas in the Netherlands the courts comprised respected members of local communities, in Hungary they consisted of party delegates. According to Zinner, the media's focus on the people's tribunals and a phenomenon which he calls the "coalition's failures" (i. e., the failure of the parties comprising the coalition to recognise immediately that the will of the Communist Party would prevail in all areas) influenced the justice process, and the party delegates resisted the sentences proposed by the Communist Party.

As a political criticism, the general point of departure of such analysis is that the people's tribunals became a tool of the communist authorities, thereby contributing to the development of the new political system. Supporters of this theory argue that the people's tribunals were never instruments of post-war justice and always served communist efforts to retain power. To illustrate this and the nature of the Hungarian justice system after 1945, Tibor Zinner cites a Vishinsky quotation from a speech made by Rákosi on 29 February 1952: "Each court case is an episode in the class war."⁴¹ However, this view fails to take into account the development of Hungarian law between 1945 and 1952. But this is precisely why one can ignore the fact that Hungary was occupied by the Red Army and the Netherlands were not.

Another aspect of the political-type criticism concerns the "small Arrow Cross affair," namely the claim that membership of the Communist Party protected former lower grade Arrow Cross officials from being brought to justice after the war.⁴² Some writers regard this fact as evidence that the Communists interfered in the work of the people's tribunals.⁴³ After 1945, under international pressure, the elections had to be held on the basis of general and secret voting, and so the winning over of new voters, such as poor and uneducated women (who were casting votes for the first time), was seen as crucial to the success of the various political parties.⁴⁴ (Based on a membership survey carried out by ÁBSZTL, the number of minor Arrow Cross members must have been about: 51,200,⁴⁵ while the prominent Arrow Cross members had fled the country.)⁴⁶

The Communist Party's activities relating to the people's tribunals was characterised by duality until 1948: its delegates were utterly consistent when it came to passing judgements at the people's tribunals, but they tended to rescue minor Arrow Cross members. After the successful communist take-over of 1948 and the suppression of the revolution in 1956, the minor Arrow Cross members were exposed. It was then that the justice process, initiated by the people's tribunals of 1945, was concluded.

Criticism concerning the "illegal" functioning of the people's tribunals has tended to be supported by those on the leftwing of the political spectrum. An analysis of the abuses of the justice process conceals the fact that war-torn Hungary experienced events for which the guilty parties had to bear responsibility. The necessity of bringing the culprits to justice is ignored by those sup-

porting this particular criticism. For instance, Zoltán Bernáth characterises the operation of the people's tribunals as follows:

“In the defeated and occupied country that has fallen under the rule of foreign mercenaries, any excuse, contrary opinion or resistance has no hope; faced with flagrant injustice, I have cried out more than once: [I ask] those communities, counties, towns that knew that their own completely innocent citizens were being taken to court and convicted, and in many cases being given death sentences with no right of appeal, why they did not protest, why they did not reverse the charges against those who dared to accuse, and who had the courage to pass judgment. But before I even tell of my wrongful punishment, I give the answer: there is and was no escaping it, or protest: they took from the hands of honest people the weapon, the civil code, the judge's staff.”⁴⁷

According to this revisionist argument, the people's tribunals did not function as courts; they were simply the repressive instruments of the communist authorities. No consideration is given to the possibility that crimes had actually been committed during World War II in Hungary, and that such crimes needed to be investigated. According to the revisionist interpretation, the people's tribunals did indeed function outside the Hungarian legal system.

The left-wingers, beginning with Ákos Major, also expressed regret that the operation of the people's tribunals was characterized by illegalities and retrospective justice, but they at least did not question the post-war necessity of bringing people to justice.⁴⁸ Refuting the criticism of the people's tribunals outlined above, they tended to argue that swift action had to be taken amid the chaos and uncertainty of the immediate post-war period. Another significant factor is that after the adoption of Act VII of 1946 on the Criminal Law Protection of the Democratic Order of the State and the Republic, the legal situation changed: as time passed, the people's tribunals became players in the chess game of politics. Thereafter, it is difficult to distinguish between court cases that were part of the post-Holocaust process of justice and cases, which served as the forerunners to the subsequent political show trials. Both in respect of the cases known throughout the country and those made known to the country by the press, Imre Kovács correctly concludes that the Hungarian public were hostile to the indicted parties: “I did not like the atmosphere either, the behaviour of the crowd of delegates, the hostile mood, which made the peaceful conducting of the trials impossible.”⁴⁹

Nevertheless, the political authorities were neither able nor willing to directly influence each case heard by a tribunal – which the authorities did do, however, in the case of the former Prime Minister, in the Bárdossy trial.⁵⁰ Consequently, it would be a mistake to generalise about the justice process on the basis of the “major cases” – since the mass of cases were lost in the confusion of the Hungarian justice system.

6. “Jewish revenge”?

Other than the people's tribunals, Jewish Holocaust survivors who chose to remain in Hungary had no other institutional forum at which to seek justice. The fabric of Hungarian society had been torn apart by World War II; there was no functioning social solidarity. Nor was there a domestic armed resistance or partisan movement in Hungary. Individual cases (the “rescuers” that have received wide publicity in recent years) do not obscure the fact that the Hungarian administrative system and bureaucracy collapsed.⁵¹ The contradictory operations of the Jewish Council and an analysis of its lack of choices have been made examined and illuminated.⁵² There

was, indeed, no body or organisation that was ethically beyond reproach – and which could therefore have operated as a cohesive force in the aftermath of World War II. Bibó described the main conceptual problems of post-war justice:

“[...] the establishment of the People’s Courts is not aimed at providing opportunities for Jews to sit in judgement over non-Jews, but at obtaining satisfaction for human dignity injured and human lives destroyed through baseness and depravity. Even the government soon realised that, as soon as possible, there should be as many non-Jews placed in the posts concerned as possible [...] it should have been clearly and calmly stated as a basic principle not only that *to the degree possible* more non Jews should participate in these proceedings, but that Jews or people once affected by the anti-Jewish laws should not play *no role whatsoever* in the special judiciary processes of liability for Jewish persecution at any stage of their progress.”⁵³

In such cases, the people’s prosecutor should have initiated criminal investigations *ex officio*, since not all victims were still alive and therefore the institution itself had to fight for justice. Yet such initiatives by the state could only be made in the case of major political figures.

In practice, however, most of the (non-publicised) cases taken on by the people’s prosecutor began with statements being made by the infringed party or a relative that was still alive.⁵⁴ In the “minor cases”, which comprised most of the people’s tribunal cases, the investigations opened when survivors returning from the camps made statements to the police: they wanted to know what had happened to their loved ones or they saw that their property had been taken or that other people were living in their apartments.⁵⁵ And so the anxiety expressed by Bibó and cited in the introduction to this piece is seen in a different light: most of the people making use of this justice forum were Jews; thus, it is no longer important how many Jews were actually working in the institutions of justice, the concept of “Jewish revenge” – as the ideology protecting the majority – is already present.⁵⁶

When analysing the history of the people’s courts, one should also mention one of its least anticipated consequences, namely the post-Holocaust revival of anti-Semitism. The first explanation for anti-Semitism in post-1945 Hungary appeared in the study published by István Bibó in 1948 – which has since been cited by multiple authors. Analysing the various factors involved, Bibó argued within a framework of continuity and novelty.⁵⁷ In his view, the pre-war and post-war forms of anti-Semitism were “in their qualities and basic structure” identical. At the same time, he drew attention to “neo-anti-Semites”, those lower middle-class and peasant farmer elements that had not been anti-Semitic but had been turned into overt anti-Semites by the post-war economic situation and the altered political circumstances – in particular by the policies of the Communist Party and abuses of the system of compensation for Jews.⁵⁸

Anti-Semitic phenomena and pogroms in the post-Holocaust period were not just a feature of Hungary. Jews returning from the concentration camps were met with consternation and hostility in many different places in Europe, from the Netherlands to Czechoslovakia.⁵⁹ Its symbolic significance is that those, whose rights had been denied, took a stand for justice. That there would be consequences for the persecution and murder of the Jews was mentioned at the 1943 Szárszó forum of intellectuals, which was convened to discuss a post-war settlement. Referring to the metaphor of Shylock sharpening his knife, László Németh left no doubt among his listeners that either Nazi Germany would be successful in its programme to “get rid” of the Jews or, if there were survivors, they would cry for revenge. It is not surprising, therefore, that the Peasants’ Party – which enjoyed the support of the populist writers – was particularly adamant in its rejection of the application of “the attitudes of the labour service”.⁶⁰

In its report of 16 February 1946, the Social Democratic Party concluded that eighty percent of the people's judges were Jews and that ninety percent of them were attending the trials out of revenge or for entertainment.⁶¹ This was the aim of the court trials: to create an emotional line, "mean-spirited and evil". One cannot say to what extent the people's tribunals contributed to this new/old anti-Semitism. In Bibó's view:

"[...] who was taken away to serve in the forced labour battalion and returned home to find his entire family killed, and subsequently joined the apparatus for bringing individuals to justice in which capacity he interrogates, investigates and judges people. To say in his case his Jewish humiliation and sufferings are completely irrelevant, to say that he is simply one of Hungary's many democratic citizens who participates in the struggle against fascism to the best of his abilities, is – to put it mildly – fiction."⁶²

It was on this *fiction* that the post-Holocaust justice system was based, with all its consequences.

7. Cases of women tried by people's tribunals in Budapest

In my research on the Arrow Cross women's movement, I selected cases where women were tried by people's tribunals in Budapest. Thus, my research covered the documentation of 6,260 cases heard by the people's tribunals in Budapest – roughly ten per cent of the total number of cases. As the Red Army advanced into Hungary, Arrow Cross women that were influential in politics or the media fled the country along with their male counterparts. The Arrow Cross women tended to be relatively insignificant in political terms, and so the Hungarian authorities did not press for their extradition. Consequently, in the absence of court trials, the leading Arrow Cross women do not feature in historical memory.⁶³ The fact that 6,260 women were the subject of people's tribunal investigations in Budapest, does not mean that the court documentation for the indicted individuals has survived. In some cases, the names are only to be found in the register, while the files relating to the accused are missing or have been destroyed. These women were convicted for crimes committed against Jews – primarily robbery or incitement to murder. From 1946, anti-democratic behaviour is listed as the grounds for indictment and conviction, but this was a political necessity by that time.

In trials heard by people's tribunals, women were almost automatically classified as belonging to the "Arrow Cross" even if they had never been party members. During such cases, which were urged in particular by the Hungarian Communist Party, a crucial objective was to publicly express the responsibility of the previous regime.⁶⁴ In Hungary, the label "nyilas" [Arrow Cross supporter] was used freely both in the public discourse and at the trials. Arrow Cross membership cards were rarely found by the police during house searches; indeed, in most cases, it was sufficient if a witness stated that he or she had seen the accused party with an Arrow Cross armband. Thereafter the people's tribunal declared the accused to be "a member of the Arrow Cross Party"; consequently, a more serious punishment could be imposed. Moreover, in the final months of the war, almost anybody could obtain an Arrow Cross armband. Neither official membership of the party nor an application for membership was necessary to obtain such an armband; indeed, such would hardly have been possible in view of the rapid approach of the Red Army. Thus, the term "nyilas" amounted to a political label rather than actual party membership. The "founding mothers" of the Arrow Cross movement, who had worked tirelessly for the (still illegal) movement in the 1930s, had withdrawn from their active role when the Arrow Cross Party took power; they had not taken part in the exercising of power.

The female perpetrators had the “opportunity” to rob and murder amid the confusion of war with the hope of escaping punishment. Arrow Cross women did not serve in the armed divisions of the Party; even so, the term “Arrow Cross woman” conjures up the picture of a bloodthirsty female beast. This is illustrated by a witness recalling events on 15 October 1944 when the Arrow Cross Party came to power: “They did whatever the Arrow Cross woman wanted. If she wanted someone dead or taken away, then they killed him or took him away; if she wanted someone not to be harmed, then they didn’t harm him.”⁶⁵

If an Arrow Cross woman did not want to commit robbery, her male fellows “said that they had no need for such a women.”⁶⁶ That is to say, they immediately called her a “woman” – a “woman” and therefore weak – in line with preconceptions.

Few of the women convicted by the people’s tribunals in Budapest were actually members of the Arrow Cross Party. Even so, they did exploit the opportunities provided by genocide to commit robbery. Ethnic cleansing always takes place in war, and it is then that political leaders become instruments for semi-military organisations. Meanwhile the circumstances create an opportunity; by holding out the prospect of the perpetrator’s escaping punishment, they serve to legitimise robbery.⁶⁷

8. The politics of social genders and corrective justice

When analysing the court trials, the traditional women’s historical approach – quantifying how many women were there – leads nowhere. In Hungary, a legal career became a possibility for a woman in 1945; previously, all lawyers had been men. The individuals delegated by the political parties to the people’s tribunals included just a small number of women – who had been trained by the Communist Party while it was still an illegal organisation. Only the Communist Party had female legal staff that could be entrusted with this sensitive task.⁶⁸ Thus, the judges were men, whereas the criminals, witnesses and – in many cases – the victims too, were women. (One exceptional case was the woman who managed to draw the attention of the communist police by regularly appearing at the court trials of Szálasi and subsequently at his place of detention, because she wanted to experience the aura of the Leader. She was quickly tried and sentenced. Obviously, the Arrow Cross women included some mentally ill persons: for example, a woman who kept a little Szálasi altar with candles in her home.)

At the trials, a much-repeated and rather successful argument was that the accused had been acting under the influence or pressure of others. In the case of accused women, this argument worked particularly well – especially when they had to answer for their crimes to male judges. Women that claimed to have been acting under the influence of their husbands received more lenient sentences than did other women who admitted to intentional deeds of their own volition. As a witness noted during the trial of an Arrow Cross woman: “My husband noted how ugly it is for a woman to be politically active – a member of a party who wears its symbol.”⁶⁹

The perpetrators had become “men” and thus were not “pretty”. Those women, who admitted to a political role, knew that they were confronting official expectations, and that this would have its consequence: a more serious conviction. During the lawless period, social gender roles were mixed up. The people’s tribunals sought to re-establish the traditional gender hierarchy.⁷⁰ Whereas in the case of men indictments were fitted to individuals and paid lawyers offered the possibility of an escape from the rigours of the justice system, in the case of female perpetrators the “femaleness” of the accused parties, as a defence category, held out the prospect of a more lenient sentence.

Anmerkungen

- 1 István Bibó, Zsidókérdés Magyarországon 1944 után [The Jewish Question in post-1944 Hungary], in: Tibor Huszár (ed.), Válogatott tanulmányok, Budapest 1986, 623–797, 771. For the English translation see István Bibó, Democracy, Revolution, Self-Determination. Selected Writings, Károly Nagy (ed.), translated by András Boros-Kazai, Social Science Monographs, Columbia UP. 1991, 290.
- 2 For the French case when the hair of female collaborators was cut off, see: Laurens Corran, 'La Femme au Turban' les Femmes tondues, in: H. R. Kedward/Nancy Wood (eds), The Liberation of France. Image and Event, Oxford – Washington D. C. 1995, 155–179.
- 3 For more details, see: Lajos Izsák, A Political History of Hungary 1944–1990, Budapest 2002, 26–29.
- 4 Ákos Major, Népbíraskodás, forradalmi törvényesség [People's Justice and Revolutionary Law], Budapest 1988, 123.
- 5 Decree no. 81/1945. M. E. of the Transitional National Government states the following concerning people's justice: "... those who caused or took part in the historical disaster affecting the Hungarian people, should be punished as soon as possible ...". Section 13 of the Decree defines the term "war criminal" while the term "crime against the people" relates expressly to public office holders (members of parliament, senior civil servants).
- 6 For cases in Hungary and other European countries, see István Deák, Elynomás vagy megtorlás? Háborús bűnösök pereit a második világháború utáni Magyarországon [Repression or Retribution? The Trials of War Criminals in Post-War Hungary]. 2000, 1998, 3, 6–10.
- 7 Act XXXIV of 1947. Tibor Zinner, Háborús bűnösök pereit. Internálások, kitelepítések és igazoló eljárások. [Trials of War Criminals. Internment, Expulsion and Lustration Procedures.] Budapest 1985, 1, 118–140.
- 8 For more details, see: Andrea Pető, Rajk Júlia [Júlia Rajk], Budapest 2001, and Andrea Pető, Geschlecht, Politik und Stalinismus in Ungarn. Eine Biographie von Júlia Rajk. Studien zur Geschichte Ungarns, Herne, 2007.
- 9 I am grateful to Kinga Pétervári for her assistance in collecting the laws and decrees relating to the people's tribunals.
- 10 Cf. the case-study in Andrea Pető, Népbíróság és vérvád az 1945 utáni Budapesten [People's Tribunal and Blood Libel in Post-1945 Budapest], Múltunk 2006, 1, 41–72.
- 11 It is possible to follow the imprisonment and internment of those convicted and their release based on the files kept at the Historical Archives of the State Security Services [Állambiztonsági Szolgálatok Történeti Levéltára].
- 12 Interview with the people's tribunal judge, Gy. K. on 22. 3. 2005.
- 13 See Tibor Zinner, Háborús bűnösök pereit.
- 14 Andrea Pető and Klaartje Schrijvers, The Theatre of Historical Sources. Some Methodological Problems in Analyzing post-WWII Extreme Right Movement in Belgium and in Hungary, in: Berteke Waaldijk (ed.), Professions and Social Identity. New European Historical Research on Work, Gender and Society, Pisa 2006, 39–63.
- 15 As reported by Ákos Tasnádi, senior researcher of the Historical Archive of the Municipality of Budapest.
- 16 August David Belinfante, In plaats van Bijltesdag. De Geschiedenis van de Bijzondere Rechtspleging na de Tweede Wereldoorlog, Assen 1978, 1–11. I am grateful to Peter Romijn for drawing my attention to this publication.
- 17 György Berend, A népbíraskodás [People's Tribunals], Szeged 1948, 178; Randolph L. Braham, A magyar Holocaust [The Hungarian Holocaust], Budapest 1988, 472. Braham uses the date of György Berend György by means of Jenő Lévai, who used the data of the Ministry of Justice until 1948.
- 18 Zoltán Bernáth, Justitia tudathasadása. Népbíróság nép nélkül, a nép ellen. [Justitia Consciousness-Splitting. The People's Tribunal Without and Against the People.], Budapest 1993, 151.
- 19 Ignác Romsics, Magyarország története a 20. században [History of Hungary in the 20th Century]. Osiris Kiadó, Budapest 1999, 279. Romsics states merely that "... more than 10,000 were imprisoned"
- 20 Ferenc Pölöskei/Jenő Gergely/Lajos Izsák, 20. századi magyar történelem 1900–1994 [20th-Century Hungarian History, 1900–1994], Budapest 1997. The chapter by Lajos Izsák mentions that 26,997 indicted persons received sentences.
- 21 Anna Kulcsár, Lezárható-e a Zentai-ügy? Interjú Karsai Lászlóval. [Can the Zentai Affair be closed? Interview with László Karsai], in: *Magyar Nemzet*, 3. 8. 2005, 5.
- 22 László Karsai, The People's Court and Revolutionary Law in Hungary, 1945–1946, in: Istvan Deák/Jan T. Gross/Tony Judt (eds.), The Politics of Retribution in Europe: World War II and Its Aftermath, Princeton 2000, 233.
- 23 War Criminals must be Punished. International Conference on the Persecution of Nazi Criminals. Moscow, 25.–28. 3. 1969, Moscow, 112. Here 20,941 prison sentences are mentioned.
- 24 László Karsai, Bűn és büntetés – népbíróságok, forradalmi törvényesség és magyar Holocaust [Crime and Punishment – People's Tribunals, Revolutionary Law and the Hungarian Holocaust] (manuscript). I am especially grateful to László Karsai for his assistance.
- 25 László Karsai, Bűn és büntetés (see footnote 24) 5–6.

- 26 Zoltán Bernáth, *Justitia tudathasadása* (see footnote 18) 150. I am grateful to Zoltán Fleck for drawing my attention to this publication.
- 27 Henry L. Mason, *The Purge of the Dutch Quislings. Emergency Justice in the Netherlands*. Martinus Nijhoff, The Hague 1952. For an account of the "minor cases" see lásd Sjoerd Faber/Gretha Donker, *Hel Centraal Arhiev Bijzondere Rechtspleging (1944–2000) en de 'lichte gevallen'*, More 2000.
- 28 Andrea Pető, *Conflicting Narratives about a Post Shoah Blood Libel Case in Budapest in 1946*, in: Eleonore Lappin/Albert Lichtblau (eds.), *Die 'Wahrheit' der Erinnerung. Jüdische Lebensgeschichten*, Innsbruck – Vienna – Bozen 2007 (forthcoming).
- 29 XXV. 1. a. 3344/1946, 2665/1945, 2652/1945, 7289/1946, 1821/1945, 9835/1946, 3960/1946, 7138/1946, 4474/1946.
- 30 Kulcsár, *Lezárható-e a Zentai-ügy?* (see footnote 21) 5. He expresses the same opinion in an article titled *Esélytelenek* [Hopeless Cases] (*Élet és Irodalom*, 48, 38).
- 31 The German neo-Kantian philosopher Ernst Cassirer (1874–1945) was the first Jew to be elected as chancellor of a university, in Hamburg. After Hitler came to power, he taught in England, Sweden and finally America.
- 32 Vivian Grosswald Curran, *Racism's Past and Law's Future*. *Vermont Law Review* 1 (2004) 1, 1–29.
- 33 For more details, see: Andrea Pető/Patricia Chiantera-Stutte, *Populist Use of Memory and Constitutionalism: Two Comments, Special Edition of the German Law Journal on Confronting Memories: European "Bitter Experiences" and the Constitutionalisation Process* 2 (2005), 165–175. <http://www.germanlawjournal.com/article.php?id=564>.
- 34 On the operation of the people's tribunals, see Tibor Lukács, *A magyar népbírósi jog és a népbíróságok, 1945–1950* [Hungarian People's Tribunal Law and the People's Tribunals, 1945–1950], Budapest 1979.
- 35 Imre Kovács, *Magyarország megszállása* [The Occupation of Hungary], Katalizátor Kiadó, Budapest 1990, p. 282. Imre Kovács (1913–1980) writer, sociologist, founder of the Peasant Party, anti communist emigrated in 1947 and died in emigration.
- 36 I am grateful to Károly Bárd for these insights.
- 37 The German Criminal Court sentenced war criminals for the crime of murder (*Mord*).
- 38 Zoltán Fleck, *Jogszolgáltató mechanizmusok az államszocializmusban. Totalitarizmus-elméletek és a magyarországi szocializmus* [Justice Mechanisms in State Socialism. Totalitarianism Theories and Communism in Hungary], Budapest 2001.
- 39 Tibor Zinner, *Előszó gyanánt* [As a Foreword], in: Major, *Népbíráskodás. Forradalmi törvényesség* (see footnote 4) 9.
- 40 Peter Romijn, *Restoration of Confidence: The Purge of Local Government in the Netherlands as a Problem of Post-war Reconstruction*, in: Deák/Gross/Judt (eds.), *The Politics of Retribution in Europe. World War II and its Aftermath* (see footnote 22) 173–194 (especially 186).
- 41 Sándor Szakács/Tibor Zinner, *A háború "megváltozott természete". Adatok és adalékok, tények és összefüggések, 1944–1948* [The "Changed Nature" of War. Data and Information, Facts and Connections, 1944–1948.] Budapest 1997, 149.
- 42 In Austria it were the higher Nazi officials who rarely were indicted for concrete crimes but rather for their position in the Nazi party. This gave them and the opponents of people's tribunals the possibility to argue that they were "victims of political justice" rather than common criminals. See: Eleonore Lappin, *Die Ahndung von NS-Gewaltverbrechen im Zuge der Todesmärsche ungarischer Juden durch die Steiermark*, in: Winfried Garscha/Claudia Kuretsidis (eds.), *Keine 'Abrechnung' NS-Verbrechen, Justiz und Gesellschaft in Europa nach 1945*, Leipzig – Vienna 1998, 32–53.
- 43 See in particular Tibor Zinner, *Árpádsávós kommunisták* ["Árpádsávós" Communists], Budapest 1992, 10. <http://www.mult-kor.hu/rubicon/cikk.php?id=326&page=1&szerzo=Zinner%20Tibor>.
- 44 For more details, see Andrea Pető/Judit Szapor, *Women and the Alternative Public Sphere: toward a redefinition of women's activism and the separate spheres in East Central Europe*, in: *NORA, Nordic Journal of Women's Studies* (2004) 3, 172–182.
- 45 János Kenedi, *Ügynök, ügynök über alles* [Agent, Agent über alles], Budapest 2000. http://www.rev.hu/html/hu/ugynok/munka/kenedi_ugynok.html.
- 46 Only a very few prominent – i. e. members that published articles and were involved in the party organisation – Arrow Cross members remained in the country – usually because of bad health. The names of such well-known female Arrow Cross members do not feature on the lists of the Budapest people's tribunals.
- 47 Bernáth, *Justitia tudathasadása* (see footnote 18) 4.
- 48 Major, *Népbíráskodás. Forradalmi törvényesség* (see footnote 4).
- 49 Kovács, *Magyarország megszállása* (see footnote 35) 283.
- 50 See, for instance: Ferenc Ábraham/Endre Kussinszky, *Íté a történelem. Az Imrédy-per, a Bárdossy-per, a Szálasi-per. A vád. A vallomások. Az ítélet* [History Will Judge. The Imrédy Trial, the Bárdossy Trial, and the Szálasi Trial.], Budapest 1945–1946; László Karsai/Judit Molnár (eds.), *Endre-Baky-Jaross-per* [Endre, Baky and Jaross Trial], Budapest 1994; Pál Pritz, *A Bárdossy per* [The Bárdossy Trial], Budapest 2001.

- 51 See Szabolcs Szita, *Az 1944–1945 – évi polgári, diplomáciai és katonai embermentés történetéhez* [Concerning the Civil, Diplomatic and Military Life-Saving History in 1944–1945] in: Szabolcs Szita (ed.), *Magyarország 1944. Üldöztetés-embermentés ...*, Nemzeti Tankönyvkiadó, pro Homine, 1944. Emlékbizottság, 1994, 7–114. The author emphasises the lifesavers who were then sentenced by the people's tribunal.
- 52 Mária Schmidt, *Kollaboráció vagy kooperáció? A budapesti Zsidó Tanács*. [Collaboration or Cooperation? The Jewish Council in Budapest.] Budapest 1990.
- 53 István Bibó, *Zsidókérdés Magyarországon 1944 után* [The Jewish Question in Post-1944 Hungary], in: Tibor Huszár (ed.), *Válogatott tanulmányok*, Budapest 1986, 623–797, 771–772; Bibó, *Selected* (see footnote 1) 290. Emphasis in the original.
- 54 For how the courts were used, irrespective of the ideological position or whether a war crime had actually been committed, as a means to resolve family or personal conflicts, see: Karol Sauerland, *Harminc ezüst. Besúgások és árulások*. [Thirty Pieces of Silver. Denunciations and Betrayals.] Budapest, 2001. I am grateful to András Karácsony for drawing my attention to this publication.
- 55 For more details, see: Andrea Pető, *The Story of the Erection of the First “Private” Holocaust Memorial in Budapest*, in: Nanci Adler/Mary Chamberlaine/Leyla Neyzi (eds.): *Memory and Narrating Mass Repression*, Series in Memory and Narrative (forthcoming).
- 56 Jewish participation in the justice system is examined in Ferenc Gáspár, *A kiskunhalasi tragédia. 1944 Október 11* [The Tragedy of Kiskunhalas. 11. 10. 1944], in: *Századok* (1996) 6, 1473–1505. The author shows that although Jews did not take part in the trial, it was portrayed as Jewish revenge in the press.
- 57 István Bibó, *Zsidókérdés Magyarországon 1944 után* [The Jewish Question in Post-1944 Hungary], in: Tibor Huszár (ed.), *Válogatott tanulmányok*, Magvető Könyvkiadó, Budapest 1986, 621–811.
- 58 András Kovács, *Magyar zsidó politika a háború végétől a kommunista rendszer bukásáig* [Hungarian Jewish Politics from the End of the War until the Collapse of Communism]. *Múlt és Jövő*, Budapest 2003, 3, 5–39.
- 59 Selma Leydesdorff, *A Shattered Silence: The Life Stories of Survivors of the Jewish Proletariat of Amsterdam*, in: Luisa Passerini (ed.), *Memory and Totalitarianism. International Yearbook of Oral History and Life Stories*, London 1 (1992), 145–165. For a literary and searching account of the case of Czechoslovakia see Helen Epstein, *Where She Came From*, New York 1998; Anna Bikont, *They had vodka, weapons and hate*, *Gazeta Wyborcza*, 15. 6. 2001; Joshua D. Zimmerman (ed.), *Contested Memories: Poles and Jews during the Holocaust and its Aftermath*, New Brunswick – New Jersey, 2003. (Especially Anna Cichopek, *The Cracow Pogrom of August 1945: A Narrative Reconstruction*. 221–239), Jan T. Gross, *Fear: Anti-Semitism in Poland after Auschwitz: an Essay in Historical Interpretation*, New York 2006; Lukasz Kaiminski/Jan Zaryn (eds.), *Reflections on the Kielce Pogrom*. Warsaw 2006.
- 60 József Darvas (1912–1973), member of parliament, who served as Minister of Construction, Minister of Religious Affairs and Education and Minister of Culture between 1947–1956. His article entitled “Őszintén a zsidókérdésről” [Honestly about the Jewish Question] was published in *Szabad Nép*, the official Communist Party newspaper on 25. 3. 1945, 5.
- 61 Loránt Tilkovszky, *Vád, védelem, valóság. Basch Ferenc a népbírótság előtt*. [Indictment, Defence and Reality. Ferenc Basch at the People's Tribunal] in *Századok* (1996) 6, 1405.
- 62 Bibó, *Zsidókérdés Magyarországon 1944 után* (see footnote 1) 771–772; Bibó, *Selected* (see footnote 1) 291.
- 63 For the social composition of Arrow Cross women, see: Zonneke Mattheé and Andrea Pető, *“kameraadskes” és a “testvérnők”. Nők a holland és a magyar nemzeti szocialista mozgalomban: motiváció és akarat* [The “Kameraadskes” and the “testvérnők”. Women in the Dutch and Hungarian National Socialist Movements: Motivation and Will.], in: Boglárka Bakó/Eszter Zsófia Tóth (eds.), *“Határtalan nők”*, Budapest 2008 (forthcoming).
- 64 Pető/Chiantera-Stutte, *Populist Use of Memory and Constitutionalism* (see footnote 33).
- 65 Historical Archives of the State Security Services [Állambiztonsági Szolgálatok Történeti Levéltára] (ÁBTL) V–48 889, 11.
- 66 *Ibid.*, 72.
- 67 Naimark, *Norman, Fires of Hatred. Ethnic Cleansing in Twentieth Century Europe*, Cambridge 2001, 193.
- 68 Andrea Pető, *A Missing Piece? How Women in the Communist Nomenclature are not Remembering*, in: *East European Politics and Society* (2003) 3, 948–958.
- 69 ÁBTL V–55 964, 10.
- 70 Andrea Pető, *Hungarian Women in Politics 1945–1951*, New York 2003. And Andrea Pető, *Frauenvereine in Ungarn (1945–1951). Vom Ende des Zweites Weltkriegs bis zur Zerstörung des Vereinswesens*, in: Irene Bandhauer Schöffmann/Claire Duchens (eds.), *Nach dem Krieg. Frauenleben und Geschlechterkonstruktionen in Europa nach dem Zweiten Weltkrieg*. Forum Frauengeschichte 23, Herbolzheim 2000, 138–154.