



Jews in the Hungarian Legal Profession and Among Law Students from the Emancipation till the Shoah

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We do not need to go back very far into the deep well of the past to identify the beginning of the Jewish presence in the Hungarian legal professions.¹ Though the Edict on Jews (1782) – the so called *Toleranzpatent* – issued by Joseph II., the radically reformist emperor of the Habsburg Monarchy, opened by principle the doors of elite training to Jews, including those of university faculties, legal education would represent for long after a professional dead end for Jews. All available careers at the bar, in the judiciary or the administration were regarded as of public office and as such remained reserved for members of State supported ‘received denominations’ only (that is, not even for those of a number of Christian confessions²).

This situation has not changed in the *Vormärz*, the Hungarian Reform Era, where the independentist liberal nobility (under the leadership of the heroes of liberal nationalism like Kossuth and Eötvös) set with some success Jewish emancipation on its political agenda. In 1840 the freedom of settlement and enterprise for Jews was stipulated by law. This gave a rise to various movements of Jewish-Hungarian rapprochement and assimilation, with the initial peak in the 1848-49 war of independence, what came to be termed by some historians as the beginning of the ‘Magyar-Jewish symbiosis’. The results of the first ever Emancipation Law in this part of the world voted in one of its last sessions of the independentist National Assembly (28 July, 1849) were condemned though to be cancelled by the incoming absolutist rule immediately after the fall of the revolutionary regime. In spite of the severe repression of Magyar nationalism which ensued, in the burden of which

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¹ Besides standard works like the *Encyclopaedia Judaica* or its modest but precious ancestor, the *Magyar zsidó lexikon* /Hungarian Jewish encyclopaedia/, edited in Budapest, 1929 by Peter Ujvári, this essay is based on my own research and Mária M. Kovács’s seminal monographic studies. See among others her *The Politics of the Legal Profession in Interwar Hungary*, New York, Institute on East Central Europe, Columbia University, 1987; *Liberal Professions, Illiberal Politics. Hungary from the Habsburgs to the Holocaust*, Washington, Woodrow Wilson Center, 1994. My work in the field include the following : „Une nation de juristes. Des usages sociaux de la formation juridique dans la Hongrie d’ancien régime”, *Actes de la Recherche en Sciences Sociales*, 86-87, 1991, 106-124; „Professional Status, Social Background and the Differential Impact of Right Radicalism among Budapest Lawyers in the 1940s”, in Charles McClelland, Stephen Merl, Hannes Siegrist, (Eds.), *Professionen im modernen Osteuropa/Professions in Modern Eastern Europe*, Berlin, Duncker & Humblot, 1995, 60-89.

² The Lutherans, Calvinists and Greek Orthodox were ‘received’ in the Catholic country in 1781 only due to Joseph II, but the Unitarians (an officially recognised religious cluster in Transylvania) became ‘received’ in Hungary as late as 1848, while the Israelite religion obtained this status in 1895. Most of the small Protestant communities were excluded from this privileged status and remained only ‘tolerated’ by the State till the 20th century.

Magyarizing Jews (including many volunteers of the Honvéd Army) had a heavy share³, the imperial constitution of Olomouc (March 1849) proclaimed the equality of citizens without reference to their confession. Though this liberal minded constitution was rescinded soon after, the end of the absolutist decade brought about a number of measures improving the professional conditions of Jews. By 1860 Jews were entitled to own landed or urban property, become pharmacists, reside in the historically privileged mining towns (hitherto entitled not to admit Jews), start any kind of industrial enterprise or keep Christian employees all over the Empire. This relaxation of pressure was used by some enterprising young Jews to challenge the rigidity of the system excluding them from the legal profession. A few of them started studies in law and applied for membership in the Bar obtainable by special exams. In 1853 the imperial Ministry of Justice still refused to comply with their demand, but a few years later answered positively the relevant question raised by the University of Pest, stating that there was actually no legal obstacle preventing Jews to become lawyers. In due course, as early as 1858, the two first Jewish lawyers opened their offices in the provinces. They were followed by a number of others but, after a while, the Royal Chamber once again forbade Jews to take the exam for the Bar. Emperor Franz Joseph accepted the decision but granted personal prerogatives to those concerned to pursue legal practice. With Simon Goldstein and Armin Schönberger established in Pest (1861), a dozen or so similar cases were settled positively before the final stage of the emancipation process.⁴ This was definitely closed by Law nb. XVII in November 1867, adopted without opposition in the new Lower House right after the historic Austrian-Hungarian Compromise which founded the Dual Monarchy.

Emancipation had an immediate effect on Jewish schooling, which amounted immediately to a measure of 'over-schooling'. As early as 1870 Jews occupied some 12 % of university benches and fifteen years later, in 1884/5, already 29 %. Legal studies became a major field of studies for Jews : 52 % of all Jewish students in 1870 and later on till 1918 the oscillation of the share of law between 30 % and 47 % among Jewish students. During the Liberal Monarchy Law remained the first or second study choice for Jews, together with or besides Medicine and Polytechnics (engineering). This distribution was utterly different from those prevailing among Gentiles, with a permanent majority of Law students among all Gentile Students (with 76 % in Law in 1870 and still as much as 60 % in 1900). Such prevalence of legal studies was certainly very differently motivated for Jews and Gentiles. To put it shortly, for the first, it opened the way of an unprecedented degree and form of educational and social mobility. For the latter (at least for the majority of Gentiles concerned) it helped to consolidate or convert established social positions (often of noble standing) into a place legitimated by educational credentials in the new gentlemanly middle class dominated by the bureaucracy and the political elite of the emerging nation state.

There was also a substantial institutional condition of the growth of legal studies in the country, the exceptional extension of the teaching agencies which provided it on a scale not comparable to any other supply of scholarly disciplines in advanced learning. Immediately after the end of the absolutist era (1861), the long established set of legal academies open up again, only to resume teaching in Hungarian. Their number exceeds the rest of all other secular institutions of higher education, with not less than twelve regional academies, two university faculties (after the foundation of the University of Kolozsvár in 1872). There are during the whole Dualist period three state run Academies (Kassa, Nagyvárad, Pozsony), two under the Catholic Church (Eger and Pécs), and four Protestant ones (Eperjes, Kecskemét, Máramarossziget and Sárospatak), while other formerly active academies – those of Pápa, Nagyszeben and Győr – terminated their operations before the 1890s (usually for lack of funding and/or students).

This institutional system underwent two major reforms in the Dualist era. In 1874 the legal academies were upgraded by the raising of the duration of studies to three years, like in the faculties. Though their own degrees, giving access to positions in the state, county and city administration were maintained, students having completed their studies in an academy could thus also sit for exams in the faculties and, ultimately, obtain the doctor's degree, indispensable to become a lawyer or a judge. In

³ The victorious Austrian authorities imposed an impressive 2,3 million crown reparation tax on Hungarian Jewish communities as a punishment for their support of the independentist government. The sum was reduced to 1 million in 1850 and destined to the establishment of a Jewish teacher training institution.

⁴ See *Magyar zsidó lexikon*, Budapest, 1929, 916.

1875 the study track was divided into two, separating Law proper from political science ('State Science' as it was called), destined to train the staff of the high bureaucracy. Obviously enough, Jews opted systematically for the doctorate in Law as against 'State Science', except when they felt to be so perfectly 'assimilated' that they could hope to penetrate the well guarded bastions of civil service.

Now, as for the Jewish demand for legal studies, this vast network will be the target of very unequal study choices. In 1891/2 for example the vast majority of Jewish students of law In 1891/2 for example the vast majority of Jewish students of law (85 %) attended the Budapest Faculty as against only 55 % of their Gentile counterparts.⁵ By 1910 this discrepancy evolved somewhat, without changing its nature, since 70 % of Jewish Law students were still attached to the Budapest Faculty, as against only 50 % of their Gentile fellow students, while the rest of the latter were almost equally divided between the Kolozsvár Faculty of Law and the twelve Legal Academies.⁶

The launching of the liberal nation building project generated uniquely favorable conditions for the professional mobility of Jews towards old and new intellectual professions, including some of the legal careers. Legal restrictions having been ruled out and Jews being freely admitted to all levels of elite schooling without apparent, formal and officially sponsored discrimination or segregation (including most gymnasiums run by the Churches), professional choices for Jews depended more and more on the given market opportunities. In the intellectual professions these opportunities were obviously linked to advanced schooling, but once this was successfully completed, to the surviving implicit division of labor of sorts between Jewish and Gentile graduates : Jews could freely assert themselves in the free (openly competitive) market sectors, while the publicly managed markets remained the preserve of Gentiles. Jews were certainly not excluded from the latter, let alone discouraged to seek admission, but the Gentile elite controlled thanks to its well established social capital in practice most positions in the civil service and the public industries, so that Jews could find there a career only conditionally : when there was a special shortage of specialist or when they overachieved in terms of professional competence, accumulation of 'assimilationist goods' and integration in the ruling circles. Thus the liberal professions became major avenue of the self-assertion of young Jews in new middle class activities. They included above all the Bar and Medicine, but Jews took soon an often spectacularly growing share among engineers, chemists, veterinaries, architects, pharmacists, free lance journalists and artists as well as all kinds of private executives (*Privatbeamte*) in trade, industry and even agriculture (estate managers). This development was conditioned internally by the specially heightened propensity of Jews to professional conversion and mobility, including an unprecedented degree of 'overschooling' in elite educational tracks. It was also an outcome of the liberal (indeed in some respects objectively philosemitic) policies of the post 1867 political establishment, heavily overdetermined by the need for Jewish support to the nationalizing project of the only would-be European nation state, where multi-ethnicity meant that the titular national elite was the emanation of an ethnic minority, though the largest one. (Less than 40-42 % of people of Magyar stock in pre-dualist Hungary.)

Much has been already written about the internal factors of Jewish professional mobility starting even before emancipation in countries (mostly in Western Europe) where 'assimilation' was not obstructed and – more specifically – there was a relatively free entry into the secular educational market. An advanced measure of literacy in Hebrew, an ensuing bilingualism or rather multilingualism, 'religious intellectualism' based on the habit of Talmudic learning, the socially in-built appreciation of studying, the cult of (sacred) texts and books – all this served as the anthropological foundation of the capacity of Jews to develop a strong competitive edge in elite schooling and the intellectual professions in modern times.⁷ To this corporal and intellectual

⁵ See *Magyar statisztikai évkönyv*, 1893, 290.

⁶ See *Magyar statisztikai évkönyv*, 1910, 387.

⁷ See to this among my own studies : (with István Kemény) : « Antisémitisme universitaire et concurrence de classe : la loi de numerus clausus en Hongrie entre les deux guerres », *Actes de la Recherche en Sciences Sociales*, 34, sept., 1980, 67-96; « Jewish Enrollment Patterns in Classical Secondary Education in Old Regime and Inter-War Hungary », *Studies in Contemporary Jewry* (Bloomington), 1984, 1, 225-252; « Juifs et Luthériens dans le système scolaire hongrois », *Actes de la Recherche en Sciences Sociales*, 69, sept. 1987, 67-85; « Jewish Over-Schooling in Hungary. Its Sociological Dimensions », in V. Karady, W. Mitter (eds.), *Sozialstruktur und Bildungswesen in Mitteleuropa / Social Structure and Education in Central Europe*, Köln,

discipline imposed by religious observance as well as the community and family based social control of young people (especially against recklessness, idleness, unprofitable use of time, alcoholism, rowdyism, aggressive manifestations of virility) served as powerful complementary mechanisms of support. This contributed even before Emancipation (but in an accelerated manner afterwards) to the growing tide of Jewish enrollment in public educational institutions, with proportions in the student body increasing more or less parallel with the level of instruction : the higher the level of education, more there was a Jewish clientele. In the last phase of the Dual Monarchy, by 1913/4, Jews (a mere 5 % in the general population) occupied country wide as much as 20 % of the benches in gymnasiums with Latin, 36 % in secondary schools without Latin, 35 % in girls' secondary schools and some 30,5 % in the three universities.⁸

In their academic success the much weaker potential for competition of their Gentile schoolmates, less motivated for intellectual overachievement, also played a role.⁹ But the main source of Jewish overschooling in elite educational tracks was certainly the fact that it represented a royal path to the much sought for assimilation and social integration. A smattering of Latin, the completion of *Matura* (*érettségi*) or university graduation were indeed officially recognised as both required and often sufficient assets for a position in the 'gentlemanly' (*úri*) middle class upon which its association with the historic aristocracy – as its social clientele – and the politically still hegemonic gentry conferred a continued prestige. Now, assimilationism, support for Magyar nationalism, indeed 'Magyarism' proper (even against other ethnic minorities) became the prevailing ideological stance of modernising Jewry in the late 19th century, the institutional framework of which was constituted by the 'Neologue' observance (as against the Orthodox majority) after the schism perfected following the 1868 'Jewish Congress'. Jews with eight classes of secondary education (even without *Matura* proper) could rightly feel to be Magyar gentlemen, since they were entitled to the short, 'voluntary' military service, could wear publicly a sword (a privilege earlier reserved for the nobility), become hence 'reserve officers' in the Honvéd Army, were accepted to fight in duels (unlike in Austria or Germany) and, in principle, admitted to gentlemanly salons. Their status may have been occasionally contested by all sorts of antisemites, snobbish noblemen or their frustrated underdogs, advanced schooling remained an efficient vehicle of the gentrification of the emerging new Jewish middle class, offering to its members qualified chances to get admitted to the highest echelons of Hungarian society, especially if they accepted baptism. The minister of defence in the first years of World War I was a baptised Jew and by the end of the war (and the Monarchy) Vilmos Vázsonyi, a religious Jew, served as minister of justice and electoral reform in the cabinet appointed by the new emperor Charles.

In this process the objectively philosemitic atmosphere of the prevailing liberal nationalism had a large share. Antisemitism was to be sure not unknown in post-*Ausgleich* Hungary, the cradle of one of the earliest movements of political antisemitism in Europe. But the anti-Jewish diatribes of an Istóczy in Parliament (since 1875) generated reactions of laughter or indignation in the ruling majority and the infamous blood libel defamation trial of Tiszaeszlár (1882-83) – though accompanied by country wide anti-Jewish agitation - ended with the acquittal of the falsely accused Jews. Popular antisemitism could foster, occasionally in the Dualist Era, but governments never indulged in it or lend support to it. On the contrary, when there was such a need, as in 1882-83, they did not hesitate much to send out the army to protect Jews and defend Law and order. They had good number of reasons for this attitude. As mentioned above, Hungary was a would-be nation state with ethnic minorities forming a majority in

Wien, Böhlau Verlag, 1990, 209-246; *Felekezeti egyenlőtlenségek és iskolarendszer. Történeti-szociológiai tanulmányok*, /Confessional inequalities and school system. Socio-historical studies/, Budapest, Replika-könyvek, 1997; "Das Judentum als Bildungsmacht in der Moderne. Forschungsansätze zur relativen Überschulung in Mitteleuropa", *Österreichische Zeitschrift für Geschichtswissenschaften*, 1997, 347-361; "Jewish Over-Schooling Revisited : the Case of Hungarian Secondary Education in the Old Regime (1900-1941)", *Yearbook of the Jewish Studies Programme, 1998/1999*, Budapest, Central European University, 2000, 75-91; (with Lucian Nastasa), *The University of Kolozsvár/Cluj/Cluj and the Students of the Medical Faculty (1872-1918)*, Cluj, Ethnocultural Diversity Resource Centre, Budapest- New York, CEU Press, 2004.

⁸ Data from relevant pages of *Magyar statisztikai évkönyv* /Hungarian statistical yearbook/, 1914.

⁹ To this see my empirical demonstrations : "Social Mobility, Reproduction and Qualitative Schooling Differentials in Old Regime Hungary", *History Department Yearbook 1994-1995*, Central European University, Budapest, 1996, 134-156; (with Stephane Vari) : « Facteurs socio-culturels de la réussite au baccalauréat en Hongrie », *Actes de la Recherche en Sciences Sociales*, 70, 1987, novembre, 79-82.

the population (56-58 % of non Magyars). When in 1900, following long decades of the Magyarization and the often forceful boom of 'Magyarism' due to the official celebration of the Millennium, the proportion of self-declared speakers of Magyar as a first language (the official definition of Magyarodom) reached a tiny majority, it was announced as a major triumph in the nation building process. The titular conservative-nationalist elite needed, hence, allies to support its enterprise. The Jews were one of the few ready to do so (together with Catholic 'Swabians', many Slovaks and some Lutheran Germans outside Transylvania). Their unique political reliability could be justified by their utter lack of any alternative nationalist project of their own, contrary to most other ethnic minorities. Moreover, they proved to be by far the most capable to take over or share the burden (together with the benefits) of modernization in the process of industrialization, urbanization and creation of the economic infrastructure of the still heavily underdeveloped country, a task incumbent upon the bourgeois strata in the West, but exceeding the competences of the ruling Hungarian gentry.

Thus the 'assimilationist social contract' (a metaphor for contemporary Jewish-Gentile cooperation) included a division of labor of sorts between Jews and Gentiles. Jews could freely extend their command over competitive economic and professional markets, while the Magyar gentry and its Christian associates (among them many German, Slovak and other assimilees) ruled the administration (and quasi monopolized its positions). Incidentally, the 'Contract' also comprised the protection of Jews against popular antisemitism, rewards for assimilation – especially at its highest degrees: baptism opening up senior positions in the Army, the civil service and in government -, middle class social integration and full legal equality. On the Jewish side cultural assimilation and political 'host nationalism' were the expected and readily (indeed enthusiastically) consented price paid as a counterpart.

Free entry of Jews into the practice of Law was an integral part of the 'Contract', all the more because the above-mentioned line of division of labor ran across the profession itself. Jews could take up positions without restrictions in normal market conditions at the Bar, but legal posts in the civil service were more or less exclusively – whenever tacitly – reserved for Gentiles, with the prerogatives and privileges of those of noble descent surviving there for long. One of the consequences of this liberal arrangement was that the Bar in Hungary ignored even those measures of self-restriction as were commonly applied in the West to protect the legal market against 'overcrowding'. Thus the legal profession exemplified both the liberalities and limitations of Hungarian nation building liberalism.

It did indeed something more. One can consider that the ever growing – as we shall see – Jewish presence at the Bar epitomized the success story of the whole assimilationist process. Jews could invest there a significant part of their cultural heritage, since relevant legal aspects of Talmudic lore could linger on in the collective memory of Jewish lawyers. This was an effective means of professional gentrification too, since – unlike in medicine – Jews here set up or took over market positions in a field erstwhile regarded as a gentry and 'honoratior' preserve. Moreover a measure of legal expertise was the staple cultural must to be acquired by would-be members of the political elite, like most members of Parliament. Legal knowledge was an element of elite culture overinvested with nationalist overtones at the same time that it followed a liberal tradition and universalist principles. It came to be regarded from very early on as the only professional track fit to a 'Magyar gentleman' (unlike medicine, journalism or engineering, good only for Germans, Jews or other aliens...). Some 27 % of Members of Parliament of the Dualist period were lawyers but a high proportion of others was holding degrees from a Law Faculty or a Legal Academy in 'State science' /*államtudomány*/. Indeed a chair in a Faculty or an Academy of Law was a promising springboard for membership in Parliament or a position in government. In the Dualist period 32 professors of a Law school succeeded to obtain such a high level power position as against 9 professors of Arts and Sciences, 5 of Polytechnics and 3 only of Medicine.¹⁰ Hence the popular nickname of the ruling gentry and the whole liberal establishment: 'a nation of jurists'. Legal lore continued to carry basic values of national liberalism developed in the *Vormärz*, mightily attractive for assimilation minded Jews. But Jewish candidates to the Bar also aspired for participation in a competitive free profession assuming the risks and enjoying

¹⁰ See Ujváry Gábor, „Egyetemek képviselője az országgyűlésben”,/Representation of Universities in Parliament/, in József Mihály Kiss (ed.), *Tanulmányok a magyar felsőoktatás XIX-XX. századi történetéből*, /Studies in the History of the Hungarian Higher Education in the XIX. And XX. Centuries/, Budapest, 1991, 37-49.

the beneficial prospects of free enterprise in an economic environment where a majority of Jewish capitalists (together with Gentiles mostly belonging to ethnic assimilees) were laying the foundations of industrial society thanks to their entrepreneurial know how and clout. It is understandable, thus, that the Bar became a major path of Jewish professional conversion and mobility in the intellectual crafts, as well as a privileged avenue of cultural assimilation, social integration and nationalist socialization for many 'Magyars of Mosaic faith'.

This is well demonstrated in the quantitative information available on the intake of the legal professions, though the expansion of legal learning was a typical feature of the modernization and, to some extent, continued backwardness of the country. The predominance of Law among intellectual options of the emerging middle classes occurred indeed to the detriment of applied sciences, technologies, medicine and other forms of modern scholarship. Till the very end of the 19th century the majority of all higher educational degrees was granted in Law. Besides the two faculties of Law in the universities of Budapest and Kolozsvár not less than a dozen of Law Academies run by the State or the Churches catered for the clientele studying Law. The legal network of institutions of higher education exceeded that of the rest of post secondary learning. Indeed at that time Hungary appeared to be the world champion of lawyers per population unit, the number of free lance legal experts exceeding here those in major European countries.

It is important to state that in this expansion the Jewish participation was absolutely preponderant. The size of the Bar close to doubled between the 1870s (3500) and the 1910s (cc. 6750), but this increase was almost exclusively due to Jewish recruitment. The number of Gentile practitioners oscillated almost on the same level (between 3000-3700) throughout the whole period, while for example in the twenty years 1890-1910 the number of Jewish lawyers jumped from 918 (21 %) to 3049 (45 %, following census data).¹¹ In 1910 thus almost half of practicing lawyers were Jewish country wide, but as much as 62,5 % in Budapest (which gathered at that time exactly one quarter of all Hungarian lawyers). In reality the proportion of those of Jewish background must have been even not insignificantly higher, when religious converts are taken into account as well as those (mostly Gentiles, presumably) in the profession who did not practice, being MPs or having joined the administration. Such quantitative Jewish dominance in the chambers cannot be explained without reference to the implicit but highly effective 'division of labor' arrangement in the upcoming educated elites of the period. While Jews hold majority positions among lawyers, they could only exceptionally gain admission into the judiciary. The 1910 census found only 4,1 % Jews among judges proper, 6,5 % in the staff of tribunals and prisons and 8,7 % among public notaries and their employees.

The Jewish share in the profession proved to be just as central in qualitative terms for a number of reasons. Given the symbolic importance of Law inside national civilization and the 'national elite', regarded as most endowed with the cultural outfit to serve the nation building process, lawyers were the champions of Magyarization. By 1900 87 % of them declared Magyar mother tongue (98 % in Budapest), though only 10 % of them were unilingual. (This was the first time that official statistics registered a slight majority of Magyar speakers in the rank and file global population - largely thanks to Jewish Magyarizers.) Jewish lawyers must have taken part more intensively than others in this 'nationalization' of sorts, follo wing indications that Jews in general represented some 60 % in the movement to Magyarize surnames in the two decades preceding the fall of the Monarchy.¹² Among Jewish graduates of the Budapest Faculty of Law in the years 1870-1910 over 44 % bore already Magyar surnames, a proportion that increased to 57 % among those taking their degrees in 1910-1918, following my survey results. It is not astonishing that the author who drafted the Hungarian Penal Code was Károly Csemegi (born Nasch, 1826-1899), a baptised Jew, for some time State secretary in the Ministry of Justice and founder of the Hungarian Legal Association (*Magyar Jogászegylet*). Other Jewish lawyers attained professional prominence in the regional chambers of the Bar whereby, since 1874, the profession secured its corporate autonomy (including the right to adopt new members exclusively among Law graduates of the faculties, but not those of the Academies). The Szeged Chamber elected a Jewish president as early as 1886 and the chambers functioned generally as integrative melting pots for Jews and other outsiders in this sector of the national middle class.

¹¹ See *Magyar statisztikai közlemények*, /Hungarian statistical reports/, 64, 206.

¹² See on this my sudy : „Symbolic nation-building in a multi-ethnic society”, *Tel Aviver Jahrbuch für Deutsche Geschichte*, XXX, 2002, 81-103.

In spite of its mass character, the Jewish presence elicited no manifestations of opposition, hostility or resentment in Christian legal circles, though outside the profession it was perceived by the early 20th century as 'the invasion of social space' (*zsidó térhódítás*).¹³ On the contrary, an apparently smooth system of Jewish-Gentile cooperation continued to be the rule up till the interwar years and, in some groups, even beyond, much unlike in other professional clusters (physicians, engineers). The overall political atmosphere remained also favorable to Jews till the end of the Dualist Era due to the governing elite which – without much variation – maintained the basic principles of classical liberalism. Inside the chambers professional harmony was based on the liberal consensus as well as mutual interest relationships. The Jewish connection with a good part of the banks, factories, trading companies (founded largely – up to some 60 % – on Jewish capital investments) helped Gentile experts too to get access to this growing market of business law, while their own connections with the political elite secured Jewish participation in the legal market of city authorities, big landowners or even princes of the Church. Professional reliability and expertise obviously were also instrumental to secure good positions for Jews in the legal market, but relations of common interest could be also grounded in ideological sympathies. Many Jewish and Gentile lawyers gathered together in Freemason lodges which had kept up the humanist and universalist – 'enlightened' – traditions of the movement.

A good example of the consistent maintenance of liberal principles was offered in the crisis situation emerging in the early years of the 20th century due to the very popularity of the legal profession. From 1900 to 1904 those applying for the entry exam of the chambers almost doubled in numbers, from 248 to 448 yearly, and the number of candidates to the profession (assistants active in an established lawyer's office) increased by more than 65 % (from a mere 1929 to 3183). As a consequence the menace of overcrowding was heatedly debated in the early twentieth century and the question of the possible introduction of a *numerus clausus* was openly raised, but without any racist overtones, of course, at that time. Anti-Jewish right radicalism was no more absent though from Hungarian political discussions since at least the Tiszaeszlár trial, leading to an ephemeral Antisemitic Party and, following its demise, to the equally oppositional (and in Parliament marginal) Catholic People's Party (1895) of more conservative and somewhat less openly antisemitic orientation. Still, the legal community manifestly resisted to such temptations for the moment.

The turning point in this respect coincided with the collapse of the liberal regime following the defeat in the Great War and the ensuing disastrous Trianon Peace Treaty. The 1919 watershed was preceded though by the leftist radicalization of a sector of lawyers, among them many Jews, dissatisfied with the reigning conservative nationalist establishment. Their attitude was motivated among others by the limits of nationalist assimilationism they came up against as, for example, would-be candidates to political, academic or otherwise state controlled careers, to which they felt themselves rightly entitled on the strength of their intellectual qualifications, but wherefrom they remained barred as Jews. In the oppositional movements of leftist intellectuals, like in the famous debating circle Society for Social Science (*Társadalomtudományi Társaság*) – founded by Oszkár Jászi (a Law graduate of Jewish origin) –, the split between the (mostly Jewish) radical wing and the more cautiously progressive rest occurred already earlier (1906). But the deleterious aftermaths of the First World War as manifested in the two revolutions and the ensuing counter-revolutionary White Terror generated specifically painful consequences for the lawyer's profession and for its Jewish members.

Details of the post-war turbulences cannot be presented here. Let us content ourselves with the evocation of three major developments in the troublesome and agonizing transition period from Liberalism to the authoritarian inter-war regime, particularly traumatic for Jews, including those in the legal profession.

The first of these experiences were connected with the revolutionary changes staged in October 1918 (democratic revolution including the separation from Austria and the destruction of the Habsburg

¹³ In the report on the 1910 census, for the first time a special sub-chapter with tables was dedicated to this phenomenon, not quite without finely tuned anti-Jewish undertones. As for the Jewish presence in the legal profession, the authors of the report state for example that 'it is almost shocking /*megdöbbentő*/ what a hasty speed /*rohamos tempó*/ and steadfastness the Jews manifest in their conquest of positions /*térfoglalás*/ at the bar almost everywhere in the country. Let us point out just a few stupifying /*kiáltó*/ examples that illustrate this conquest /*térfoglalás*/. *Magyar statisztikai közlemények*, /Hungarian statistical reports/, 64, 204-208, especially 207.

Empire, one of the most liberal, modern, quasi federal state formation in Europe) and later (March-July 1919) in the Hungarian Soviet Republic. In the leadership of the latter there was a heavy Jewish participation, but this did not hinder those masterminding the amok-running Communist regime – as brutal as futureless as it may have been – to exert bloody repression against the bourgeoisie and the middle classes, including its Jewish members. Under the temporary Bolshevik rule the Bar and the magistracy were disbanded and indeed suppressed, all legal training banned, including specialists' journals. New tribunals were set up with elected 'popular judges' often lacking any legal education or practice. Lawyers must forcefully transform themselves into 'experts in Law' to be admitted to the tribunals. The counterrevolutionary backlash which followed after July 1919 proved to be an even more shocking experience, especially for Jews, since it was accompanied by mass atrocities worse than under Communism with the number of Jewish victims counted by several hundreds (or even thousands, following certain estimations). The red and white terror immunized many lawyers – Jews and many non Jews alike – against political extremism first disregarding and ultimately doing away with legal security and the rule of Law. This stance prevailed ever after for many of them.

The second shocking experience was shared by the whole country, linked to the dismemberment of the historic state. The map of Central Europe was completely redesigned in the Versailles peace conference under the dictate of the victorious allies, with the Trianon Treaty (definitely signed in June 1920) reducing Hungary to a rump state on barely two thirds of its former territory and with merely 43 % of its earlier population. But in this contracted country was concentrated the bulk of the educated middle classes of the much larger historic territories. Comparing the relevant data of the two censuses in 1910 and 1920, as much as 82 % of 'intellectuals' on the whole, with 80 % of civil servants, 84 % of physicians and 68 % of lawyers (but 76 % of Jewish lawyers), may have remained in Trianon Hungary, if we compare relevant census data for 1910¹⁴ and 1920.¹⁵

Such overcrowding of intellectual markets was due to both temporary and structural causes. On the one hand, several generational cohorts of young professionals returned from the trenches in search of jobs and they were quickly joined by tens of thousands of their comrades fleeing the regions annexed by the new neighboring nation states, mistrustful or frankly hostile to Hungarians, demanding an oath of allegiance from them which many could or would not accept. Moreover the post-war years witnessed an unprecedented upsurge of the number of students composed of those secondary school graduates prevented to complete their studies during the hostilities, refugee students from territories lost (especially from Transylvania, where the second Hungarian University in Kolozsvár was Romanized as soon as December 1918, or from Slovakia, where the third Hungarian University in Pozsony was likely Slovakized), as well as new students who would seek university enrollment in order to escape unemployment, a direct consequence of the post war economic slump. In the early 1920s some 24 % of students originated from territories beyond the new borders. On the other hand the rump state represented not only the ethnically close to exclusively (up to 90 %) Magyar inhabited territories of historic Hungary, but also much of its most industrialized and developed sectors, where a large part of educated elites had always been located and wherefrom derived the majority of the students.

In these circumstances a long term emergency of overcrowding was inevitable in the legal profession, even somewhat more than in other middle class brackets of the post-Trianon rump state. Its consequences were manifold. One of them was the decrease of attractiveness of the profession in strategies of social mobility of the upcoming generations, whether Jews or non Jews. This was clearly expressed in the declining level of Lawyers' income, whereby Jews appeared to suffer more than their Gentile partners. In the growingly anti-Semitic atmosphere of the interwar years even the earlier so lucrative legal market of big industry fell more and more in the hands of Gentile lawyers, regarded as better placed to defend business interests especially when facing the State or other public authorities. Another obvious consequence was the aging of the profession, the majority of which had been trained by the 1940s in the Dualist era, contrary to other liberal professions, like Medicine or Engineering where the weight of young professional became by that time preponderant.

The third shocking transformation had to do with the counterrevolutionary political regime rejecting its liberal heritage and openly adopting drastically antisemitic and authoritarian policies. The

¹⁴ See *Magyar statisztikai közlemények*, /Hungarian statistical reports/, 64, 737.

¹⁵ See *Magyar statisztikai közlemények*, /Hungarian statistical reports/, 72, 492.

movement of ‘awakening Magyars’ advocated from the beginning a fundamental ‘change of the guard’, implying a forceful squeezing out of Jews from their middle class positions. The regime was born out of a bloodbath with a great number of Jewish victims. Jews started to be victimized by racist commandos first, on the pretext that they were responsible for insufficiencies of the Liberal regime, the defeat in the war (as ‘internal enemies stabbing the nation in the back’, war speculators and profiteers) as well as the abortive revolutions. The scapegoating of Jews was directed above all against the intelligentsia and came soon to be institutionalized under various unofficial or legislative disguises. Jews were, on the one hand, systematically dismissed or compelled to early retirement from civil service jobs or positions controlled by the state. On the other hand from the beginning of the academic year 1920/21 the anti-Jewish *numerus clausus* (with a quota not exceeding 6 % for Jew) was imposed by Law on new enrollments in universities. This was a first ever measure transgressing the principle of the equality of Jews in European countries with a long achieved record of Jewish emancipation.¹⁶

Though some provincial universities (especially those of Pécs and Szeged) and central art schools (like the Budapest Music Conservatory) succeeded for long to disregard or not obey fully to the new law which came to be formally (but without much effect) stripped of its anti-Jewish edge in 1928, the *numerus clausus* represented a fundamental break with a progressive evolution of more than half a century, securing for Jews a measure of equality in advanced education (though not comprising at all equality of access to academic positions). Henceforth most Jewish secondary school graduates could get a university degree only abroad. They were forced to a (erstwhile voluntary) peregrination to Vienna, Prague or Berlin first, later, with the rise of Nazism, to Italy or France. A select few of them only, those with the best qualifications and (obviously enough) good social credentials could hope to be admitted into local institutions of higher learning. The whole ‘Magyar nationalist’ orientation of Jewish youth suffered thereby a shock, all the more because their drastically restricted admission into Hungarian higher education was accompanied by something hitherto unheard of in the country : regular outbursts of collective physical anti-Jewish violence triggered off and quasi ritually implemented by right radical student organizations (above all members of the *Turul*). Moreover such actions of Jew baiting turned into Jew beating was more often than not tacitly tolerated, sometimes even approved by academic authorities. With the benefit of hindsight, one can regard the *numerus clausus* as the harbinger of Nazism with an authentically Hungarian touch, a truly local invention.

Universities thus became places where, for the first times, Jews could not always feel secure, unprotected as they remained by Law from antisemitic squads. All this could only strengthen or give rise among them to the multiplication of radically universalist ideological options (socialism, communism), and later – under growing Nazi menace – to the slow (but ultimately still rather rare) adoption of Zionism. Still, in the first phase of the antisemitic drive, under the ‘consolidation government’ of Count Bethlen, a moderate conservative of sorts (1921-1931), Jewish leaders would cling to their deep-rooted Magyar national commitment. Even against the infamous *numerus clausus* they would abstain to claim reparation via pressures emanating from The League of Nations or other foreign power. « The mourning of our nation (as Magyars) cannot be the source of our rights (as Jews) » as Vilmos Vázsonyi, their most respected representative (and formerly unique minister of Jewish faith in a government of the Habsburg Monarchy) publicly declared.

This attitude may have applied more to Jewish lawyers than in other circles, since they remained more or less exempt from antisemitic vexations in their own professional clusters. The legal profession was, to be sure, more divided than ever along lines of the ‘division of labor’, Jews being henceforth practically barred from employment in the judiciary outside the Bar. According to the 1930 census Jews by religion represented a mere 2 % of all staff in the state run judiciary, while they remained 49 % among lawyers. Thus – considering the number of converts, the proportion of which grew dramatically among middle class Jewry in the crisis years 1919-1920 – a comfortable majority of lawyers were still of Jewish extraction. This could happen only thanks to the continuously liberal admission policy of those in charge of the chambers. Some 42 % of all new entries in the Lawyers’ chambers were due to Jews in the inter-war years. This is why even in 1939, after the enactment of the first anti-Jewish laws – the Nuremberg type legislation in Hungary starting in 1938 (without any

¹⁶ Romania and tsarist Russia – practicing various forms of limitations of Jewish schooling since the 19th century - had not accomplished legal emancipation till the last years of World War I (the February 1917 Revolution in Russia).

particular Nazi pressure though at that time) –, Jews by religion still made up 39 % of all lawyers, to which 19 % of baptised Jews may be added. This brought the total of Jewish background up to 58 % in the country (60 % in Budapest) in the first phase of Nazification. Survey data for 1941 show that Jewish lawyers belonged to the most Magyarized professional brackets, since in Budapest 63 % among them bore Magyar surnames (85 % among those baptized) a proportion hardly exceeded by their Gentile counterparts. Continued Magyar national engagement of Jewish lawyers could be the obvious counterpart for the liberal consensus of the mainstream membership in the chambers.

The maintenance of old liberal values and propensities among the majority of Gentiles at the Bar did not, of course, mean that right radicalism was quite absent from the profession. This could obviously not happen in the overtly antisemitic atmosphere of the 1920 in a country which will be exposed calamitously to the Brown Plague in the late 1930s and the early 1940s. The proto-Nazi lawyers' association MÜNE (for *Magyar Ügyvédek Nemzeti Egyesülete* – National Organization of Hungarian Lawyers) was founded not only much later than other similar professional organizations of the 'Christian Course' (especially for medical doctors and engineers, who started to be radicalized in the 1920s already), but also with the difference that – contrary to the others – it could never secure a majority among Gentile lawyers. The MÜNE could hardly gather more than 10 % of Gentile lawyers before the late 1930s. It profited from the great depression around 1930 to gain strength with facile arguments about the allegedly unjustifiably large positions Jews occupied in the legal market. In 1935 already they masterminded an official project to introduce a racist paragraph for the election of the board in the chambers, but by 1937 the project failed. This could not prevent the conservative National Assembly to start introducing the anti Jewish quota system (stipulating the 20 % maximization of Jewish membership in the professions) via the 'First Jewish Law' in 1938, and then restricting the quota to a mere 6 % in the openly racist 'Second Jewish Law' in 1939. Accompanied as the laws were by hundreds of other anti-Jewish measures, this was a drastic blow for Jewish lawyers too, since the quota was destined to be reached by 1942. Nazification made rapid and apparently irresistible progress in Hungary challenging the historic patterns of Jewish-Gentile coexistence and cooperation in the legal profession as well.

Still, this process appeared to be less smooth among lawyers than in other free lance professions, especially among medical doctors and engineers. According to my detailed survey results, some 30 % of Gentile lawyers never had any fascist involvements and another 14 % of those who had joined some time the MÜNE, actually left it during its radicalization in the early 1940s. Hard core membership in the MÜNE, fighting actively for the purge of the chambers from Jews, could never actually win a majority in the chambers. Though with only 42 % of favorable votes, the MÜNE succeeded nevertheless to take over the Budapest Chamber by a *coup* in January 1942. But its efforts to prevent Jewish lawyers from practicing met a partial failure. Only new entrants from the recently regained territories (Southern Slovakia, Northern Transylvania, Subcarpathia and Voivodina) were actually hit by the exclusion, not the others. Further steps against Jewish lawyers met with resistance from the conservative government itself (which wanted to avoid turbulences in the legal market during the war years marked by an unprecedented economic boom artificially generated among others by heavy state investments).

There emerged even an organised opposition to Nazification, developed and coordinated by a dissident Gentile association as well, the KÜNSZ (*Keresztény Ügyvédek Nemzeti Szervezete* – National League of Christian Lawyers), representing in Budapest 25 % of Christian lawyers (1941) and ready to militate against rampant fascisation inside the chambers. Jewish lawyers, made redundant by the restrictive quotas, could often count on the active help of its members as well as that of other Gentile colleagues in various forms, especially in the framework of the so-called *Aladár* system of organised moonlighting, a tacitly tolerated practice in a historical juncture where corruption flourished in all quarters.

Besides this there survived another institution, the National Jurists' Association (*Nemzeti jogászegylet*), which served as a scholarly melting pot, discussion forum and agency of production of legal knowledge, where Jews and non Jews could and did cooperate till almost the very end. The Association continued to embody the liberal spirit and practice inaugurated by its founders up to the German occupation, when its operations were forcefully stopped and ruled out.¹⁷

¹⁷ See Maria M. Kovács, *The Politics of the Legal Profession...*, op. Cit. 71.

Until the fateful date of the 19th of March 1944 most Jewish lawyers could thus continue their practice with more or less difficulties, which could be occasionally aggravated, to be sure, by their conscription as draftees in unarmed forced labor units of the Army at war. Many of the latter fell victims of atrocities on the Russian front, but the majority of those remaining in Hungary were spared from the worst, at least till the German invasion. After the 19. March 1944 the destiny of Jewish lawyers did not much differ from that of rank and file Jewry. In the provinces they could hardly escape deportation and in Budapest the whole set of anti-Jewish measures afflicting the Jewish population. After the complete Nazi take-over on the 15th of October 1944 via *Nyilas* thugs, Jewish lawyers' offices were ordered to be closed by the police and trusted to Gentile practitioners. But most Christians designated as caretakers would refuse to comply. Finally a list of caretakers was officially drawn up, who were obliged willy-nilly to do the job. « This was no longer of much help to Jewish lawyers... Nonetheless, the refusal of hundreds of Christian lawyers to participate in the liquidation was one last indication of the survival of intelligent norms of personal conduct inherited from a once liberal and tolerant tradition.»¹⁸

Acknowledgments

This study has benefited from the support of the London based Rothschild (earlier Hanadiv) Foundation, which I gratefully acknowledge.

¹⁸ Maria M. Kovács, *Liberal Professions...* op. cit., 132.