

## **CATHOLIC DIGNITATES IN THE UPPER HOUSE OF THE HUNGARIAN NATIONAL ASSEMBLY DURING THE ANTI-JEWISH LEGISLATION**

### **THE FIRST ACT ON THE JEWS (1938)**

Act 15 of 1938 was named: „About the more efficient securing of the balance of the social and economic spheres”, but it became notorious as the first act on the Jews. The legislation was prepared by the Darányi-government, but was passed by the parliament under Prime Minister Béla Imrédy. The act which came into force on 29<sup>th</sup> May stated that a maximum of 20% of the jobs in the intellectual self-employee market can be occupied by Jews. The implementation of the law should be controlled by the professional organisations created on the examples of the doctors’ and lawyers’ chambers. The legislation also set a top ratio of 20% of the Jews employed by commercial, financial and industrial companies working with more than ten intellectuals. The implementation had to be completed in five years.

The Jews who excelled in the First World War or in the counter-revolution were exempt from the act, just like widows and children of the war heroes, or those who left their religion before August 1919 and their children, provided they did not return to the Jewish religion. Though both the justification and the text of the legislation defined the “Jew” on religious basis, the act referred to those leaving their religion after 1<sup>st</sup> of August 1919 as Jews. Thus in the first act on the Jews, the signals of a definition based on racial discrimination appeared.

### **THE SECOND ACT ON THE JEWS (1939)**

Act 4 of 1939 “on the limitation of the Jews in public life and the economic sphere” (second act on the Jews) was announced on 5<sup>th</sup> May. The bill was submitted to the parliament by the Imrédy government, and was passed under Prime Minister Pál Teleki. The legislation mostly defined the Jews on the basis of racial discrimination, though religious affiliation remained an important issue. Those people who themselves, or at least one of their parents, or at least two of their grandparents were members of the Israelite religion at the time or before the coming into force of the act, were defined as Jews. Therefore, theoretically, families which had been baptised throughout three generations (there were only very few such families) were exempt from under the legislation. Certain groups – categorised in a very complicated method -- baptised and/

or descending from mixed marriages, were also outside the scope of the act. Thus even the ethnical definition was not complete, though the reasoning made it clear that the legislator regarded the Jewish people as one and indivisible ethnical group.

The act significantly limited the perspectives of the Jews. In the intellectual jobs, it set a ceiling of 6%, prohibited them from holding public offices in the public or judicial administration, and they were not allowed to teach at secondary schools. A Jew could not be employed in such jobs at theatres or magazines/daily papers, which had an influence on the intellectual affiliation of the institute. The legislation further limited the number of Jews employed at certain companies, and reinforced again the *numerus clausus*. Jews were excluded from licensed industrial and commercial areas. Licences already issued had to be gradually withdrawn. It also became much more difficult for Jews to buy agricultural property.

### **THE THIRD ACT ON THE JEWS (1941)**

The third act on the Jews was accepted under Prime Minister László Bárdossy. “(Act 15 of 1941) on the amendment and modification of the Act 31 of 1849 on marriage law, as well as on certain necessary ethnical provisions related thereto” came into force on 8<sup>th</sup> August. The Nuremberg-type racial act which used Nazi terminology in its justification defined all those as Jewish – with some exceptions – who had two grandparents being born as member of the Israelite church. It prohibited mixed marriages, and punished sexual relationship between a Jew and a non-Jew. However, the act was not consequent regarding “miscegenation”: a Jewish man was not allowed to have sexual relationship with a Christian woman, but sexual relationship between a Christian man and a Jewish woman was not punished. While the first two acts on the Jews were accepted by members of the Upper House delegated by the Christian churches, they were against the third, more racially discriminating act on the Jews. Besides other reasons, the church personalities rejected the act, because the regulation of marriage was a disturbance of purely church issues.

### **MEMBERSHIP IN THE UPPER HOUSE, OPERATION OF THE UPPER HOUSE, AND CHANGES IN ITS POWERS**

Year-long debates on constitutional law and political bickering came to an end with the legislative assembly’s act no. XXII. of 1926 on the Upper House of Parliament, based on legislative act no. I. of 1920 on the restoration of constitutionality and the temporary settlement of state supremacy, adopted on November 16, 1926, and enacted in the National Statute Book issued on November 15, 1926.<sup>1</sup> Contemporaries and historians

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<sup>1</sup> It was former members of the Upper House who had first engaged in a debate with the government on the second chamber to be restored, which was made public in the work “Memorandum of the Members of the Upper House on Constitutional Reform”. The reason why the government had not supported restoration of the Upper House in 1920 was that the aristocracy making up the majority of the membership

share the belief that this step helped Prime Minister István Bethlen end the consolidation

was openly royalist. See: MOL (Hungarian National Archives) K26 ME 1920-III. 2803. And Pesti Hírlap – January 30, 1920; Magyarország – March 3, 1925, L. PÜSKI, *A magyar felsőház története 1927-1945*, 14.

However, under article 1 of act no. 1. of 1920 regarded as a provisional constitution, the Upper House is to be reorganized and conserved. See: S. BENEDEK, *A főrendiház szervezeti kérdései*, in: Jogállam (Constitutional State), 1920. 409., L. FERDINANDY, *Az országgyűlés reformja*, Magyar Kultúra (Hungarian Culture), 1925., 234., J. KARDOS, *A Szent Korona-tan története*, 113-116., J. RUSZOLY, *A törvényhozás intézményi alapjai az ellenforradalmi korszakban*, in: F. PÖLÖSKEI – GY. RÁNKI, *A magyarországi polgári államrendszerek*, 472., B. TÚRI, *Mai közjogi berendezkedésünk története*, 34-38.

As of this point, the debate had moved along the lines of constitutional law and politics.

Lawyers split into two groups: those in favor of a two-chamber parliament, and those opposing it.

See: S. BENEDEK, *A főrendiház szervezeti kérdései*, in: Jogállam (Constitutional State), 1920. In his article, he points out that a two-chamber parliament could not be in a theoretical conflict with democracy, he mentions Kossuth and Irányi as examples, both of whom had been in favor of a two-chamber parliament. He leaves the question open whether the Upper House should be re-established through reorganization or the second chamber should be a Senate. In his view, the second chamber of legislation should, by all means, guarantee a proportionate representation of the aristocracy and the churches. He supports his standpoint by a speech delivered by Deák in the House of Representatives on June 28, 1873.

GY. RASSAY, *A főrendiház reformja*, in: Magyar Helikon (Hungarian Helicon), 1920. He thinks only a small proportion of the aristocracy should participate in the work of the second chamber.

On July 20, 1921, the government submitted to parliament a bill on the Upper House, which received heavy criticism from the opposition on the grounds that it was not needed at the time. See NAPLÓ (JOURNALS), Session 233 of the parliament on Wednesday, July 20, 1921. No debate of the bill ever took place due to the 1922 dissolution of parliament. Lawyers thus published their viewpoints in various studies.

GY. CONCHA, *A főrendiházi reformjavaslatok*, in: Jogállam (Constitutional State), 1921. He does not approve of the aristocracy only being permitted to delegate members from among themselves, he believes the census introduced in 1885 to be a better method of representation. He approves of the part of the proposal that municipal authorities may delegate members as well, but he disapproves of the number of delegates of municipal authorities being equal to the number of representatives of the aristocracy. (In line with the proposal adopted in 1926, the number of representatives of the aristocracy turned out to be less than the number of delegates of municipal authorities in the Upper House. See: S. BENEDEK, *A felsőház*, Jogállam (Constitutional State), 1927. 68.)

For further reference to the proposal See K. TUNYOGI SZŰCS, *A felsőház-javaslat*, in: Magyar Jogi Szemle (Hungarian Legal Review), 1921.

M. NAGY, *Kell-e nekünk a főrendiház?*, Magyar Élet (Hungarian Life), 1923/5. He believes reformation and restoration of the Upper House to be imperative. He maintains that a two-chamber parliamentary system is indicative of democracy, while a one-chamber system is a feature of Revolutionary situations. For this reason, he urges for setting up the second chamber.

M. NAGY, *Milyen legyen az új főrendiház?*, Magyar Élet (Hungarian Life), 1923/6. He makes proposals on certain organizational issues as well. He attacks Gy. Concha's ideas, and supports the Upper House proposal of the government.

The debate did not flare up again until after March 6, 1925. This was the day when the government re-submitted the revised version of the bill on the restoration of the Upper House. Just like in 1921, the opposition considered the measure superfluous, and accused Prime Minister István Bethlen of wanting to avoid any changes to act no. 26 of 1925 on suffrage. After the bill took effect, suffrage in the total population was reduced to 28% from 40%, while in the population over 24 years of age it dropped to 58% from the previous 75%.

Source: I. ROMSICS, *Magyarország története a XX. században*, 223.; E. SIMONTSITS, *A titkos választójog és a felsőház reformja*, 27., B. ZSEDÉNYI, *A magyar alkotmányjog fejlődése 1918-tól 1938-ig*, 8., NAPLÓ (JOURNALS), On the session of the parliament on March 6, 1925.

process and epoch marked by his name in a way that created stability reinforcing his own power both in legislation and in governmental control.<sup>2</sup>

According to the provisions of this law, membership in the Upper House was open to any person over 35 years of age based on dignity or position, election or appointment.<sup>3</sup> In addition, all members of the Habsburg family over the age of 24 and residing in Hungary acquired automatic membership in the Upper House of Parliament.

Membership based on dignity or position was granted to: flag-bearers of the country, the two keepers of the crown, the president and deputy president of the Hungarian Supreme Court, the president and deputy president of the Hungarian Administrative Tribunal, the president of the High Court of Justice of Budapest, the Attorney General, the Commander-in-Chief of the Hungarian Army, and the president of the National Bank of Hungary.

Among dignitaries of the church the following became members of the Upper House:

in the Catholic Church: the archbishops of Esztergom, Kalocsa, and Eger; the diocesans of Csanád, Győr, Hajdúdorog, Pécs, Székesfehérvár, Szombathely, Vác, and Veszprém; the arch-abbot of Pannonhalma; the heads of the two Premonstratensian orders in Hungary; the abbot of Zirc; the Hungarian head of the Piarist Order; and the grand provosts of the cathedral chapters;<sup>4</sup>

L. FERDINANDY, *Az országgyűlés reformja és a és az ideiglenes alkotmány*, in. Magyar Kultúra (Hungarian Culture), 1925. It approaches the question of setting up the Upper House from the perspectives of constitutionality and legal continuity.

See also: I. EGYED, *A felsőház föllállítása*, in. Magyar Kultúra (Hungarian Culture), 1925. He fully endorses the proposal of the government.

B. ZSEDÉNYI, *A felsőház-javaslat*, Magyar Jövő (Hungarian Future), Miskolc, 1925., B. ZSEDÉNYI, *A magyarhoni ág. Hitv. EV. Egyház főtisztviselőinek részvétele az országgyűlés felsőházában* Miskolc, 1925., J. MÓSA, *A parlament reformja*, in., Budapesti Szemle (Budapest Review), April 1926. He supports the institution of county-delegates. GY. TÉRFY, *Az Országgyűlés felsőháza*

2 L. PÜSKI, *Társadalmi érdekképviselet és konzervativizmus*, 45.; I. ROMSICS, *Bethlen István. Politikai életrajz*, 172., M. SAMU, *A Horthy-korszak államreformja és jogrendszere*, in. Studies on the State and Law of the Horthy Era, 16., I. SÁNTA (editor), *Egy letűnt korszakról*, 45., I. TAKÁCS, *A törvényhozás második kamarája*, in. Társadalmi Szemle (Social Review), 1995/10. 66, 68.

Tibor Zsitvay maintains it was owing to a mutual agreement between Bethlen and István Nagyatádi Szabó that the Upper House was set up at this point and in this manner. That is why parliamentary debates were relatively calm, too. Source: P. SIPOS (editor), *Magyarország 1921-1941*, Memoirs of Tibor Zsitvay, 56, 135. In contrast, Levente Püski claims Nagyatádi openly demanded that suffrage be extended instead of setting up the Upper House. L. PÜSKI, *Az 1926. évi felsőházi törvény és a politikai előzményei*, in. J. MAZSU, *Iparosodás és modernizáció*, 157.

3 S. BENEDEK, *A felsőház*, Jogállam (Constitutional State), 1927. 75. The adopted Upper House act does not exclude the possibility of women's membership any more. Upper House members acquiring membership through election were elected by secret ballot, with a mandate of 10 years. J. MAZSU (editor), *Iparosodás és modernizáció*, 162.

4 The Hungarian Catholic Episcopate earnestly deliberated the question whether they should adopt the draft bill on Upper House membership. In the end, they concluded they would only adopt it in consideration of legal continuity, as the unbroken pursuance of century-long traditions, and it would be in this spirit that they would take part in the work of the Upper House of legislation as well.

- in the Presbyterian Church: the three oldest bishops and the three oldest general superintendents in office;
- in the Lutheran Church: the two oldest bishops, the superintendent general, and the oldest district inspector in office;
- the senior head of the Unitarian Church;
- the Serbian Orthodox bishop of Buda; and
- two rabbis elected for life by the Israelite denomination.<sup>5</sup>

Membership in the Upper House through election<sup>6</sup> was an option for members of the families of princes, counts and barons entitled to Upper House membership for life, and eligible for electing members<sup>7</sup>; for county governments and municipalities<sup>8</sup>; as well as for the representatives of a number of agricultural, industrial, trading, scientific, artistic, and educational organizations<sup>9</sup>.

Besides these, the Regent was authorized to appoint a maximum of 40 people for either life membership or provisional membership to substitute absent members in the Upper House.<sup>10</sup>

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Source: A. CSIZMADIA, *A magyar állam és egyházak jogi kapcsolatának kialakulása és gyakorlata a Horthy korszakban*, 396. L. PÜSKI, *A magyar felsőház története 1927-1945*, 34.-35. Lajos Szmrecsányi, archbishop of Eger explained the same at the statutory session of the Upper House. *Felsőházi napló 1927-1931* I. 9. See also: J. GERGELY, *A Püspöki Kar tanácskozásai*, 115.

5 L. SZABOLCSI, *Két emberöltő. Az egyenlőség évtizedei (1881-1931)* Lajos Szabolcsi claims that according to the original plans there would have been no representative of the Israelite denomination in the Upper House, but Ferenc Heinrich approached both Horthy and Bethlen, and submitted an amendment proposal to the bill, which the Unified Party adopted at the command of Bethlen. 382. The question whether there was a need of Jewish representation in the Upper House already divided the Jewish community anyway. 385.

6 The election of Upper House members went by secret ballot, and ensured a mandate for 10 years. L. PÜSKI, *Az 1926. évi felsőházi törvény és a politikai előzményei*, in: J. MAZSU (editor), *Iparosodás és modernizáció* 162.

7 The Upper House representation of the aristocracy made it politically feasible for Horthy and the aristocracy to reach an agreement. I. TAKÁCS, *A törvényhozás második kamarája*, in: *Társadalmi Szemle (Social Review)*, 1995/10., 66.

8 In the case of municipalities, one member was to be delegated into the Upper House after every four parliamentary representatives, with royal free boroughs also being qualified to delegate one member.

9 The following institutions are eligible for electing Upper House members:

National Chamber of Agriculture - 6 members, Chambers of Trade and Industry - 6 members, Bar Associations - 2 members, Chambers of Notaries Public of the Court - 1 member, Chambers of Engineers - 2 members, the Order of "Vitéz" - 1 member, Hungarian Academy of Sciences - 3 members, each faculty of Péter Pázmány University - 1 member, all other universities - 1 member each, József Technical University - 2 members, National Hungarian Collective University - 1 member, Hungarian Royal College of Mining and Forest Engineering - 1 member, Hungarian Royal College of Veterinary Medicine of Budapest - 1 member, Colleges of Economics altogether - 1 member, Hungarian Royal College of the Arts - 1 member, Hungarian Royal College of Music - 1 member, Commodity and Stock Exchange of Budapest - 1 member, and any organizations entitled to do so under the law.

10 Thus, according to the 1927 status, there were 52 members based on dignity or position, 38 (+4

The above list was modified by the following statutes:

Act no. XIII. of 1928: Membership based on position is granted to the president of the National Institute of Workers' Insurance; the Regent appoints 2 members from a list of 6 submitted by the National Association of Hungarian Manufacturers, while chambers of commerce and industry were only entitled to the election of 4 members.

Act no. XLII. of 1930: 1 of the 6 people representing the National Chamber of Agriculture is to be on the Board from now on. The Regent appoints 2 members for 5 years from a list of 6 submitted by the National Economic Association of Hungary.

Act no. XXVIII. of 1937: The National Chamber of Agriculture elects its 6 members in the Upper House by way of a group-based division, and elects a 7th member from the so-called group of farm managers.

Act no. XXVII. of 1940: Dignitaries of the Catholic Church who are members of the Upper House are joined by the diocesans of Kassa, Nagyvárad, Rozsnyó, and Szatmár; the governor of the Hungarian part of the diocese of Transylvania; the Greek Catholic diocesans of Munkács, Nagyvárad, and Szamosújvár; the apostolic governor of the Hungarian part of the diocese of Eperjes; as well as by the president or vice-president of the board of directors of the Roman Catholic Status of Transylvania.

The list of representatives of the Presbyterian Church is likewise supplemented. Under the law, bishops and general superintendents of all the dioceses of the Presbyterian Church (the Transdanubian region, the region along the Danube, the regions on either side of the Tisza, and the Transylvanian region) are granted membership in the Upper House.

The list of representatives of the Lutheran Church entitled to membership in the Upper House is supplemented by one bishop and one district inspector.

Besides the Serbian Orthodox bishop of Buda, the Orthodox bishop appointed by the Regent upon the proposal of the government is also granted membership in the Upper House.

Act no. XXI. of 1942 re-stipulates the number of members delegated to the Upper House by county governments and municipalities at a total of 68, broken down to exact numbers for each county government and municipality.<sup>11</sup>

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Habsburg) members elected from the aristocracy, 76 members delegated by municipalities, 38 members from organizations and institutions, 40 members appointed by the head of state (+ the representative of the National Association of Physicians), i.e. altogether 249 members in the Upper House.

L. PÜSKI, *A magyar felsőház története 1927-1945*, 20. And L. PÜSKI, *Az 1926-os felsőházi törvény és politikai előzményei*, in: J. MAZSU, *Iparosodás és modernizáció*, 162.

11 Increase in the total number of Upper House members: 1927 - 237 members, 1934 - 242 members, 1942 - 270 members. Church dignitaries out of these: 1927 - 38 members, 1934 - 40 members, 1942 - 58 members. This clearly reflects a strong increase in the proportion of church dignitaries, while the proportion of municipal delegates manifesting popular representation sadly decreased.

Source: L. PÜSKI, *A magyar felsőház története 1927-1945*, 20, 24-25. And I. TAKÁCS, *A felsőház a két világháború között*, Állam és Igazgatás (State and Government), 1989/6., 535.

The appointing powers of the Regent grew significantly as a consequence of the re-annexation of territories.<sup>12</sup>

The jurisdiction and external mode of operation of the Upper House was stipulated by acts, while its internal mode of operation was regulated by its order of procedure.

Under act no. XXII. of 1926, the Upper House is also entitled to initiating statutory law.<sup>13</sup>

However, as the Upper House did not receive authorization for appropriation and indemnification (the right to veto adoption of the budget and the Appropriation Accounts), its right of veto was relative. The House of Representatives had the right to submit a bill for enactment to the head of state even without the consent of the Upper House.<sup>14</sup>

A joint committee could be set up to settle any possible debates, with 5 members delegated to it by each House. This committee was in charge of conducting a mutual agreement procedure of maximum two rounds.<sup>15</sup>

The Order of Procedure of the Upper House, which was not established until 1936, and which was slightly modified in 1939<sup>16</sup> (until then the Order of Procedure of the

12 According to the last status, the head of state was entitled to appoint 47 Upper House members. See: L. PÜSKI, *A magyar felsőház története 1927-1945*, 23.

In József Ruzsoly's opinion, even in light of the total increase in the number of members, the number of interest groups in the Upper House was rather small all throughout. See: J. RUSZOLY, *A törvényhozás intézményi alapjai az ellenforradalmi korszakban 1919-1944/45*, in: F. PÖLÖSKEI – GY. RÁNKI (editors), *A magyarországi polgári államrendszerek*, 481-482.

13 P. HEGYMEGI KISS, *A demokratikus magyar felsőházzal*, 81. The Upper House was not entitled to initiating statutory law.

14 L. MÁRKUS, *A bethleni kormányzati rendszer bukása*, in: *Századok (Centuries) 1962.*, 447. The question re-emerged later during the debate of the enabling act, but the Upper House failed to amend effective regulations, and conducted the debate of the bill in just one day.

B. ZSEDÉNYI, *A Magyar alkotmányjog fejlődése 1918 to 1938*, 7.

Zsedényi believes this power of the Upper House to be maimed. B. ZSEDÉNYI, *A felsőház új jogköre*, 17-18., 24., B. ZSEDÉNYI, *A magyar alkotmányjog fejlődése*, 7.

Later historians share his belief: I. EGYED, *A mi alkotmányunk*, 302., I. ROMSICS, *Magyarország története a XX. században*, 536-537., J. RUSZOLY, *A törvényhozás intézményi alapjai az ellenforradalmi korszakban*, in: F. PÖLÖSKEI – GY. RÁNKI, *A magyarországi polgári államrendszerek*, 481-482., I. SÁNTA, *Egy letűnt korszakról*, 227., I. TAKÁCS, *A Horthy-rendszer felsőháza*, in: *Tanulmányok a Horthy-korszak államáról és jogáról (Studies on the State and Law of the Horthy Era)*, 70-71.

15 Nevertheless, there had been joint sessions on unsettled issues even before 1937. This was made possible by paragraph 32 of act XXII. of 1926. See: I. EGYED, *Az országgyűlés két háza ellentételeinek kiegyenlítése*, 8. This procedure had to be applied also in adopting the 1931 electric power bill to settle outstanding issues.

Up until act XXVII. of 1937 took effect, there had only been 13 cases where a mutual agreement procedure was conducted. Source: I. TAKÁCS, *A felsőház a két világháború között*, *Állam és Igazgatás (State and Government)*, 1989/6., 536. M. TOMCSÁNYI, *Tanulmányok a kormányzói jogkör kiterjesztéséről*, in: *Magyar Jogi Szemle (Hungarian Legal Review)*, 1937/3.

16 4 clauses were added to the 1939 amendment of the Order of Procedure of the Upper House, under which debates of bills on war or the danger of war might take place without preparation by a committee upon suggestion of the chair or the minister after a resolution to that effect was issued by the qualified majority of the House. Such bills were to be put on the agenda within 24 hours and discussed at a single

Upper House of 1886 had been in effect), regulated the opportunities of members of the Upper House regarding expression of opinion during work in the Upper House. According to the Order of Procedure, when receiving a bill, the Upper House handed it over to the adequate committee in the plenary session, which then formulated its own position, and made amendments when and where needed.<sup>17</sup> This was followed by a general and an in-depth debate of the bill. In the course of the general debate each member was allowed to speak only once, while in the course of the in-depth debate, each member had a chance to speak once during every section. Naturally, they were allowed to react to any remark of a personal nature. The same regulations applied to speeches in the committees.

Under the Order of Procedure, a session constituted a quorum if a minimum of 50 members of the Upper House were present. Under the Order of Procedure, the adoption of a bill also required a minimum of 50 affirmative votes.<sup>18</sup>

As for taking the minutes, the Order of Procedure of the Upper House of 1886 only prescribed mandatory recording for plenary sessions and for sessions of the attestation committee, the attestation court, and the economic committee. The committee was, of course, free to have the minutes taken in any session. In closed sessions of the Upper House no minutes were taken, a fact that succeeding Orders of Procedure did not change, either.<sup>19</sup>

In contrast to its office holders (chairman, deputy chairmen, Sergeant-at-Arms, and the 8 notaries), members of the Upper House were not entitled to any fees, yet they could all be reimbursed for travel- and accommodation-related expenses.<sup>20</sup>

Adopting the budget was within the exclusive jurisdiction of the House of Representatives, and it was granted priority in adopting bills on national defense and government programs.<sup>21</sup>

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continuous session both in general and in detail. The general discussion was to be concluded after 8 hours, and the in-depth debate after 4 hours. See: GY. VARGYAI, *A parlamentarizmus egyes kérdései Magyarországon a két világháború között* in: B. MEZEY (editor), *Hatalommegosztás és jogállamiság*, 293-294.

17 The bills of municipalities were only discussed from the perspective of expression of opinion by the Upper House. I. TAKÁCS, *A Horthy-rendszer felsőháza*, in: *Tanulmányok a Horthy-korszak államáról és jogáról* (Tanulmányok a Horthy-korszak államáról és jogáról), 76.

18 See: *A főrendi ház házszabályai, 1886. and A felsőház házszabálya, 1936, 1939.*

19 See: *A főrendi ház házszabályai, 1886 and A felsőház házszabálya, 1936, 1939.*

20 Apart from the 4352 pengos (Hungarian currency before 1946) allocated for accommodation, a salary of 22080 pengos was granted to the chair in 1928-29. The deputy chairmen and the sergeant-at-arms received half of the chair's payment, while the 8 notaries were paid 4380 pengos each. Members of the Upper House were reimbursed for travel and accommodation expenses in the amount of 30 pengos per day. Source: L. PÜSKI, *A magyar felsőház története*, 153. And *Felsőházi irományok 1927-1931*. vol. IV. 360-361.

21 P. HEGYMEGI KISS, *A demokratikus magyar felsőházzal*, 85. That is why we cannot talk about the controlling role of the Upper House with regard to the government. Same as above, 107.



Act no. XXVII. of 1937 amended the jurisdiction of the Upper House.<sup>22</sup> Under this act, if the Houses fail to reach consensus on a bill during the course of two rounds of debate, the two Houses are to vote by ballot in a joint session on the adoption of the bill of one of the Houses.<sup>23</sup>

In the period between 1927 and 1944, the following acts were to reinforce the powers and political weight of the Upper House:

Act no. III. of 1936 on the disciplinary responsibility, removal, and retirement of members of high courts of justice and state attorneys, and on the disciplinary responsibility of office bearers of tribunals and public prosecution, ruled on setting up the Supreme Disciplinary Court, out of whose 36 members 12 were elected by the Upper House from its own members, while the chairman of the court was identical with the incumbent chair of the Upper House. This ratio of delegation fully corresponds to the provisions of act no. XXII. of 1926, under which one-third of the members of national committees had to be delegated by the Upper House from among its own members.<sup>24</sup>

Act no. XIX. of 1937 on the extension of the Regent's powers and on the election of the Regent increased the authority of the Upper House in that it stipulated a joint session of the two Houses for the election of the Regent, requiring three-fifth of the members of each House to be present.<sup>25</sup>

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22 I. TAKÁCS, *A felsőház a két világháború között*, Állam és Igazgatás (State and Government), 1989/6. 536. M. TOMCSÁNYI, *Tanulmányok a kormányzói jogkör kiterjesztéséről*, in. Magyar Jogi Szemle (Hungarian Legal Review), 1937/3.

In the parliamentary debate of the bill, both Houses approved of the proposal. See: B. ZSEDÉNYI, *A felsőház új jogköre*, 25-26.

23 With the exception of the budget, this amendment established a balance between the two Houses of Parliament, receiving a warm welcome from contemporary lawyers as well. See: B. ZSEDÉNYI, *A felsőház új jogköre*, 24., and B. ZSEDÉNYI, *A magyar alkotmányjog fejlődése*, 7.

Later historians share this view, too: I. EGYED, *A mi alkotmányunk*, 302., I. ROMSICS, *Magyarország története a XX. században*, 536-537., J. RUSZOLY, *A törvényhozás intézményi alapjai az ellenforradalmi korszakban*, in. F. PÖLÖSKEI – GY. RÁNKI, *A magyarországi polgári államrendszerek*, 481-482., I. SÁNTA, *Egy letűnt korszakról*, 227., I. TAKÁCS, *A Horthy-rendszer felsőháza*, in. *Tanulmányok a Horthy-korszak államáról és jogáról* (Studies on the State and Law of the Horthy Era), 70-71.

24 A. CSIZMADIA, *A magyar közigazgatás fejlődése a XVIII. századtól a tanácsrendszer létrejöttéig*, 476: The government was to present its laws enacted upon authorization by the parliament to committee 36, 12 members of which were delegated by the Upper House.

See also: I. TAKÁCS, *A Horthy-rendszer felsőháza*, in. *Tanulmányok a Horthy-korszak államáról és jogáról* (Studies on the State and Law of the Horthy Era), 71.

I. TAKÁCS, *A törvényhozás második kamarája*, in. *Társadalmi Szemle* (Social Review), 1995/10. 68.

25 I. TAKÁCS, *A felsőház a két világháború között*, Állam és Igazgatás (State and Government), 1989/6., 536. M. TOMCSÁNYI, *Tanulmányok a kormányzói jogkör kiterjesztéséről*, in. Magyar Jogi Szemle (Hungarian Legal Review), 1937/3.

Recognizing the weight of the bill, the Upper House had only a speedy debate before adopting it. See: same as above.

The person of the Regent is recommended by the National Council, the members of which are the archbishop of Esztergom, the Prime Minister, the chairs of both Houses of Parliament, the Commander-in-Chief of the Hungarian Army, the Attorney General, and the president of the High Court of Justice of Hungary. See: K. NÁGY, *Az elveszett alkotmány*, 60., P. SIPO (editor), *Magyarország 1921-1941.*, 276.

Much unlike the acts listed above, act no. II. of 1939 on national defense considerably reduced the powers of the Upper House (but on the whole, the powers of the entire legislative body) to benefit the executive power. That is because this particular act introduced to our legal system the category of so-called special powers, existing only in parts up until the time. In the event of any danger of war posing an imminent threat to the country, the government was authorized to regulate any issues normally falling within legislative jurisdiction by way of government decrees. The only exceptions to this were state supremacy, the municipalities, and the norms of financial penalty. Decrees resulting from such special powers had to be subsequently submitted to the Committee on National Defense comprising 36 members of the two Houses, which had the right to inspect the decrees for their adequacy and advisability. Depending on the contents of the decrees, the committee was entitled to recommend their execution or initiate impeachment of the government. If deemed necessary, the committee had the right to initiate summoning both Houses of Parliament. The law provided for the termination of special powers in the event that the war failed to break out within 4 months of the introduction of the special powers. At the same time, the special powers could be extended by 4 months at the discretion of the two Houses of Parliament. In fact, if the Government requested so on the grounds of national interest, the decision had to be taken without any preceding debate on the issue.

In Hungary, special powers were applied as of September 2, 1939.<sup>26</sup>

Prime Minister Pál Teleki submitted a written constitutional amendment to Parliament, one amending the historical constitution. Its provision affecting the Upper House (consulted on with archbishop Jusztinián Serédi) was that members of the Upper House would not be appointed by the head of state for a lifetime, but until an age limit to be specified in a separate act of law. Teleki's idea was for the Upper House to integrate social classes and economic units beyond the Regent's appointees. However, upon the tragic death of Pál Teleki the bill was taken off the agenda for good.<sup>27</sup>

Despite all fears to the contrary, all these statutory changes contributed to the Upper House becoming a reliable focal point of the legislative body at a time when various extremes were rising in numbers both in public opinion and in the House of Representatives. A typical example of these extremes are the so-called anti-Jewish laws. The three acts of law adopted by Parliament, resulting in the increasingly massive deprivation of the rights of hundreds of thousands of fellow countrymen are a grave burden of Hungarian history.

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26 GY.VARGYAI, *Magyarország a második világháborúban*, 111-113.

27 I. TAKÁCS, *A Horthy-rendszer felsőháza*, in: *Tanulmányok a Horthy-korszak államáról és jogáról* (Studies on the State and Law of the Horthy Era), 77. And J. RUSZOLY, *A törvényhozás intézményi alapjai az ellenforradalmi korszakban 1919-1944/45*, in: F. PÖLÖSKEI – GY. RÁNKI (editors), *A magyarországi polgári államrendszerek*, 483. Also: *Napló* (Journals) 1939-1944. vol. 8. 1188-1192.

In this paper I intend to shed light on how dignitaries of the Catholic Church in the Upper House of Parliament thought about these three bills, and what their reaction as legislators was to these inhumane bills.

### UPPER HOUSE DEBATE ON THE 1ST ANTI-JEWISH BILL

The Committees on Public Law, Trade, Transport, Public Education, Industry, and Justice held a joint session on May 20, 1938, at which they discussed a bill<sup>28</sup> on providing more efficient measures to ensure the balance of the social and economic spheres.<sup>29</sup> The presiding chair of the session was Andor Juhász, while the bill was submitted by "vitéz" László Görgey. The government was represented by Prime Minister Béla Imrédy, Minister of Justice Ödön Mikecz, and Minister of Religion and Public Education count Pál Teleki. After introduction of the bill submitted, Jusztinián Serédi was the first one to take the floor. As regards the bill, his general observation was that he did not support retroactive laws, as these could cause tremendous confusion, especially when they annulled completed legal transactions and vested rights. Therefore, any law should only be granted retroactive force in extremely justifiable cases. Also, he added that generally speaking no law should be in conflict with justice and appropriate fraternal love, as otherwise it would be in conflict with God's will manifested in the laws of nature and positive divine laws. Justice is a prerequisite, an obligation toward all, and was to be equally granted to all on both the individual and the community level. Therefore, neither are there degrees in justice, nor could such be introduced. In contrast, with regard to love, which likewise impacted all individuals and communities (and was measured against the love of oneself), there could be – as there were – degrees, because the laws of nature and positive divine laws both ordained that we *ceteris paribus* love the ones more that we are more closely related to than the ones we are more distantly related to in family, nation, religion, etc. In the cases of extreme necessity or justifiable self-defense even the degrees of fraternal love and the love of oneself could shift slightly, because in such cases we were justified to love ourselves more than our fellowmen. Article 4 of the bill specified a time limit for the assumption of assimilation of baptized Jews, yet failed to state clearly whether assimilation was judged by racial or religious standards. Thus, from a clerical viewpoint he felt obliged to assert that no human law could possibly specify the force of the sanctity of baptism in any time range, since the force of valid baptism was eternal. He saw an obvious inconsistency in the fact that children born to parents of Jewish descent baptized after August 1, 1919 were to be considered Jewish even if they were born to Christian parents. Therefore, he could only support the bill in as far as it corresponded to the principles set forth above. After Serédi, Gyula Glattfelder

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28 For the text of the bill adopted by the House of Representatives refer to *Felsőházi irományok 1935-40.* issue 325, vol. VII. 426-454.

29 For the invitation to the session and agenda thereof refer to MOL (Hungarian National Archives) K 428. vol. 418. bundle 864. May 16. edition 33.

was given the floor. He declared that he did not wish to touch upon general aspects of the bill, as the archbishop had accurately stated the principles binding for all Christians standing on clerical grounds. He would have preferred the government to come up with a bill that provided for the employment of intellectuals without a job, as he saw this as the gist of the problem. He would have welcomed it even more if the Jews, leaders of the economic sphere had solved this extremely difficult dilemma of Christian Hungarian youth all by themselves, as the problem left a deeply negative mark on Hungarian public life and was the true reason for the general social unrest. Yet, if the government was reluctant to take this brave step, the bill should be weighed impartially. It had to be stated that the bill aimed to provide for the Hungarian youth that had lost hope and was seeking the way out, and as such, it would indeed improve the situation of the youth. For this reason, he endorsed the substance of the bill. However, the bill had a flaw previously mentioned by the archbishop as well. The bill discriminated between Jews baptized before and after August 1, 1919. Although the government kept stressing that this was by no means a measure on religion, there was inconsistency in the fact that assimilation of the citizens was judged by time limit. For those who did not believe, faith was like a club badge was for others, but those who believed were reborn in spirit, and became the followers of Christ. Baptism instilled new principles and a new lifestyle in the human soul. Baptism was a source of European culture, and history testified that baptism helped nations obtain a genuinely new disposition even though they preserved their genetic traits. This dogmatic truth was not to be questioned. How would it then be possible to discriminate between Jews baptized before and after August 1, 1919? How was anyone to prove that those baptized after August 1, 1919 were guided by less noble intentions? Large numbers of Jews were shaken by the sight of the ravaging communist Jewish mob, and turned to Christ instead. Therefore, he could not accept this particular item of the bill. One more flaw could be detected in the bill. It contained no provisions on the severance payment for those left without a livelihood due to the provisions of the bill. The government would be wise to issue a decree compelling companies to provide severance payment to such ex-employees. Beyond any doubt, in the midst of the globally raging anti-Semitic storm, Jews were reaping as they had sowed. Through the Galilei Circle, free-thinking circles, Masonic lodges, and destructive papers, young Jewish radicals had been, for generations, undermining and scorning everything hailed as sacred or upheld as a moral value in this country as well as in the rest of the world. They had attacked, shaken, and turned upside down both the throne and the altar. By the time they succeeded in shaking and partially destroying these, they had basically overthrown the entire system of law and order, and with it the reliability of civil and business life. Still, there was no easy remedy for the problem. In an age when many were trying to gain political influence by (mis)using the young, this issue could not be addressed through articles only. Public authorities were to restore the emotional balance of the young through honest and bold instructions. From this viewpoint, he welcomed the fact that the bill secured a position for Christian journalists, yet the ultimate goal

was to allow Christian morals to flow in and gain foothold through the mediation of Christian journalists. That was because should it be only the Jews themselves that left the papers, and the spirit labeled "Jewish" for the very reason of its destructive nature be allowed to linger on, the problem and the scandal would increase in size considerably. The government did a better job of sizing up the weight of its responsibility than did the parties drawing upon the moods of the masses. Therefore, he was confident that more good than harm would come of the bill. He proposed that items b) and c) of article 4 be dropped, or – should the committee turn this down – a decree be adopted in their place providing that this exception would apply in the case of those whose father had been born in Hungary. With regard to article 8, he proposed that the government issue a decree on the severance payment for those left without a livelihood due to the provisions of this section of the bill. He adopted the bill. The Prime Minister listened to a few more speeches before taking the floor. He explained that the government did not intend, nor had it ever intended to have a say in judging who was to be considered a Christian and who was not. This was a question related to doctrinal theology, canonical law, and canonical organization, one falling within the competence of the Churches. He as a Catholic and the Minister of Justice as a Presbyterian both believed that anyone baptized was a Christian. However, there was an apparent socio-political issue at hand here that was to be addressed as soon and as fast as it could be, so that this toxic matter produced by the Jews would disappear from public-opinion and the issue could come to a standstill at long last. He acknowledged the laws of nature. There was no denying it that the racial element was fairly striking in the case of Jews, which made their assimilation only more difficult. The other part of the problem was the mentality, which was all too often in conflict with the Hungarian spirituality we all meant to pass down to our successors. We had to go against this mentality. He agreed with Gyula Glattfelder on the need to wipe out this mentality rather than trying to combat it through a simple replacement of staff, thus preventing non-Jews from adopting it. Referring to the socio-political aspect, he stated that over the past years there had emerged a class of young intellectuals from the economic sphere who had trouble getting ahead in the world because of Jews filling in their desired positions. The way to solve this problem was setting up certain categories. One aid in setting up such categories was the question of one's religious identity, as Jewish racial identity and affiliation with the Israelite denomination tended to show a strong correlation percentage-wise. The date August 1, 1919 was the assumed deadline for an acceptable desire of assimilation. One vital factor in choosing this date was the fact that people of Jewish descent had played a key role in the revolutions of 1919. According to the Prime Minister, after this date many converted only to follow the trend or to acquire a high social standing. Statistics proved that the number of conversions not based on true conviction rose significantly after August 1, 1919. He considered the guide numbers of 80 and 20 % reasonable. He was ready to admit that the solution proposed was less than ideal, but clearly, there was no ideal way to solve this matter. He requested that the bill be adopted. After the Prime Minister's speech, the committee

accepted the bill as a basis for in-depth discussion. Gyula Glattfelder made a remark about article 4. He thanked the Prime Minister for the statement in his speech that the government would continue to treat the issue in an earnest and conscientious manner. Having said that, he was against upholding the caesura of August 1, 1919. Therefore, he proposed that items b) and c) be dropped, or – should the committee turn this down – a decree be adopted in their place providing that those whose father had been born in Hungary would not qualify for the 20 %. Minister of Justice Ödön Mikecz agreed with Gyula Glattfelder's standpoint as far as doctrinal theology was concerned, yet he asked for rejection of the bishop's above proposal. That was because the government had made it very clear that, structurally speaking, the bill did not treat Jews as a denomination only. In other words, the classification "Jewish" was more than just a question of religious identity; there were numerous other factors at play when judging one's identity. Dropping items b) and c) would mean considerable restrictions on Jewish opportunities for expansion, as only disabled ex-servicemen, front-line soldiers, children of the war dead and war-widows would be removed from the 20 % proposed in view of the fact that – especially in public service – the ratio of Jews did not even reach 5 %. The bill was not concerned with anyone's Christian identity, nor did it exclude anyone from Christian solidarity, admission to which was generated by baptism. This provision of the bill was merely an assumption of assimilation, chosen in place of a better one, since the major question at the heart of the bill was assimilation itself. However, a more rigorous solution would have a severe impact on the professions especially preferred by Jews, in that much higher numbers would have to be dismissed from these intellectual professions. From a purely theoretical point of view, he acknowledged bishop Glattfelder's proposal as a more logical and consistent one, but one with more severe practical consequences. Therefore he proposed rejection thereof. In the end, the committee adopted article 4 in its original form, rejecting Gyula Glattfelder's proposal for change. Articles 5-10 were likewise adopted without any changes. For article 8, Glattfelder had proposed the following complementary line: "the government shall - by decree – provide severance payment for those losing employment due to the provisions of this bill". In his comment, Minister of Justice Ödön Mikecz expressed his conviction that this question could be taken care of during implementation. The government obviously had to strive for ensuring that the people losing employment were the ones with their severance payment secured. It follows that the problem could be solved without the bill imposing any sort of obligation on the government and the budget through it. Gyula Glattfelder was only willing to accept the minister's answer if the committee declared its expectations that the implementing decree of the government should contain specific provisions to that effect. The committee accepted the Prime Minister's motion with the complementary remark that this should be realized within the bounds of possibility. After that, the committee adopted the bill with regard to all of its provisions.<sup>30</sup>

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30 K 428. vol. 418. bundle 864. May 20. editions 12-14, 16, 18, 19, 20, 25-29.

At session 69<sup>31</sup>, there was no Church contribution to the debate on the article proposing more effective measures to ensure the balance between the social and economic realms. This was the first bill containing anti-Jewish restrictions.<sup>32</sup>

## THE 2ND ANTI-JEWISH BILL

The Committees on Agriculture, Justice, Industry, Trade and Transport, Public Law, Public Education, and Finances held a joint session<sup>33</sup> at 10 a.m. on Friday, March 31, the subject of which was a debate on the bill<sup>34</sup> restraining Jewish expansion into public life and the economy.<sup>35</sup> The committee was chaired by Géza Töreky, and the bill was submitted by "vitéz" László Görgey. Prime Minister count Pál Teleki, Minister of Justice

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For the report of the committee refer to *Felsőházi irományok 1935-40.* issue 327. vol. VIII. 46-48.

At the meeting of the Episcopate on October 4, 1938, Serédi announced that with regard to the bill – and to baptized Jews in particular – he and Gyula Glattfelder had made the righteous Catholic standpoint clear in the Upper House of Parliament. See: J. GERGELY, *A püspöki kar tanácskozásai 1919-1944.* 251. and M. BEKE, *A magyar katolikus püspökkari tanácskozások története és jegyzőkönyvei 1919-1944 között* vol. II. 181.

31 For the invitation to the session and agenda thereof refer to MOL (Hungarian National Archives) K 428. vol. 418. bundle 864. May 21. edition 23.

32 Lajos Kiss was one of those certifying the journals at the session. *Felsőházi napló 1935-40.* vol. III. 330.

33 For the invitation to the session and agenda thereof refer to MOL (Hungarian National Archives) K 428. vol. 438 March 27. edition 14.

34 For the text of the bill adopted by the House of Representatives refer to *Felsőházi irományok 1935-40.* issue 408. vol. IX. 288-316.

35 This remark is significant because the Episcopate had discussed the bill twice before its submission to the Upper House in order to formulate a unified standpoint on it. Members of the Episcopate had already been familiar with the text of the bill at the session on January 13, 1939. Jusztinián Serédi claimed it was difficult to come up with a concrete draft proposal, as the basic ideas had been made overly known by the press, and it would be a matter of prestige for the government to maintain the original text. The cardinal reiterated the train of thoughts in the speeches he and Gyula Glattfelder had delivered during the Upper House debates on the 1st anti-Jewish bill, recalling the strong wave of baptism among Jews upon adoption of the bill. This was followed by the Episcopate adopting a resolution that provided the basis for a motion of amendment, as well as by its initiation of personal negotiations with the government. Jusztinián Serédi, Gyula Glattfelder, and Ferenc Virág were elected as members of the negotiating delegation.

M. BEKE, *A magyar katolikus püspökkari tanácskozások története és jegyzőkönyvei 1919-1944 között* II. kötet 198-201.

At the conference of the Episcopate on March 17, the archbishop reported on the Prime Minister having turned down most of their proposals. Jusztinián Serédi also talked about a powerful group in the Upper House headed by count Gyula Károlyi, which continuously pre-read the bills before these were submitted to the plenary session, and proposed amendments better reflecting the majority viewpoint of the Upper House – when and where needed. This group had also proofread the bill in question, and initiated amendments to it. The set of proposals by the Episcopate could fit in well with this course, too. The set of proposals introduced to the Upper House by Serédi and Gyula Glattfelder (see above) was adopted by the Episcopate on March 17, 1939. Serédi maintained there was a serious chance for some parts of the proposals to be adopted by the Upper House, therefore he consulted Regent Miklós Horthy on them in advance.

M. BEKE, *A magyar katolikus püspökkari tanácskozások története és jegyzőkönyvei 1919-1944 között* II. kötet 213-214.

András Tasnádi Nagy, and under-secretary of state István Antal were in attendance. After submission of the bill, Jusztinián Serédi was the first one to take the floor in the general discussions. First and foremost, he reiterated his earlier request that dignitaries of the churches should be duly informed of the ideas and principles inherent in any government bills carrying such weight or affecting the churches. This should be done well before the bill gained publicity. He only had some general comments to make on the bill. If the bill had only contained restrictions for Hungarian Jews as regards citizenship and their individual lives, he would have spoken only in his capacity as Member of the Upper House, and as one involved in legal affairs. However, since all elements of the bill included a reference to Christianity (as it made a distinction between baptized and non-baptized Jews, even defining baptism within a certain time range), he was speaking as a representative of his church as well. After all, they were not only talking about Hungarian citizens, but also about his flock, his Christian brethren. If we were to talk about a Christian Hungary, and if we believed Hungary to be a Christian country – as we did – then Christianity had to be reflected in our legislation as well, in that Christian principles were acknowledged in it. For this very reason, he could not approve of the bill distinguishing between Christian and Christian citizens. It would have been wiser to apply an entirely different point of reference. Distinction should be made between Jews who were Hungarian citizens when the bill took effect and Jews who were to become Hungarian citizens at a later date. The bill should have no force in the case of Jews and their offspring who were already Hungarian citizens and Christians when it took effect. Similarly, the bill should have no force in the case of Israelites with no criminal records wishing to assimilate in Hungarian society, and who had already attested to such will by their actions or such will on their part was implied under the law. He considered the entire bill a repressive act, one to be extended - to some degree - to Jews who remained Israelites, had criminal records, and refused to assimilate to Hungarians, as they would have no justification for enjoying the rights of a community that they did not wish to belong to. The bill should be extended to those too who were Israelites or baptized without belonging to any denomination. A citizen renouncing all religions did not deserve the same trust from the state as did its religious citizens. The bill should also be extended to Jews who – whether they were Israelites or Christians – had played a clear and evident role in the abuse and offence the restraint of which necessitated this bill in the very first place. The bill could be extended to those who were not Hungarian citizens before it took effect, since – not sharing in the rights of Hungarian citizens - this would not violate any of their rights. The way to guard off invasion by these people was not through this bill, but by strictly denying them a residence permit. Having said that, it did not suffice to restrain the Jews deserving it by acts of law; the phenomena that the Jewish spirit itself had introduced to our economic, social, and public lives, and which had prompted the government to submit this bill had to be done away with. He underlined that he made these observations on behalf of the episcopate as well, and that the episcopate did not wish to cause any trouble for the government, let



alone for the nation, with its theoretical statement. He considered it his obligation toward present and future generations to make these theoretical statements, so that whoever might judge this bill either now or at a later time could see for themselves that the episcopate had let itself be guided by the principles of justice and love to the best of its capabilities in this matter, just as it did in all matters. After the archbishop, Gyula Glattfelder rose to speak. He explained that a look at our public life was enough proof that there was no denying the existence of the Jewish question, which took a more tragic dimension in Hungary than anywhere else in the world. The unfortunate social and economic stratification of Jews in Hungary had resulted in a much more severe situation even than in Poland, where their ratio was less favorable. Public opinion had long been being provoked by the thing called the Jewish spirit, which was much less of an exaggerated sting of criticism than it was the mentality apparent in treating everything as a piece of merchandise, thus corrupting articles even that patriotic reverence and religious piety wished to consider an article out of circulation. This was especially obvious when public opinion was challenged by an unparalleled catastrophe. The Jews should have recognized the situation long ago. The Jews who had been living here with us for centuries, who had been fully united with us in spirit should not be appalled by this statement, but should instead take the responsibility to face it that they had failed to unarm the unconstrained radicalism of their unruly sons so far. This radicalism had brought about a situation where the pillars of social and economic order had collapsed. There was no helping this situation now and the demand for amends made arose in a turbulent fashion. He accepted the fact that serious healing measures had to be taken, yet attention should be paid to these extraordinary measures not being guided by either passion or injustice. He could not consent to anyone losing employment unnecessarily and without a judicial trial, when that person had acquired the right to employment. He could not comprehend how artillerymen were denied exemption from the bill, nor could he approve of outstanding sportsmen being exempted, while such exemptions were not applied in the cases of men of outstanding intellect and spirit. Under no circumstances could he accept the intent of the bill to downgrade individuals to Jews who had never identified themselves as Jews, and who were wholehearted Christians. Any legal decree surpassing the legal force of baptism was irreconcilable with the conviction of the Christian Hungarian spirit. Downgrading anyone to Jewish status would mean breaking away from the two-thousand-year-old Christian and the one-thousand-year-old Christian Hungarian traditions. It would mean the instillation of a foreign mentality incongruous with our way of thinking in our legislation. Thus, a mentality would emerge that sought to direct human fate solely on the grounds of a flesh-and-blood mystery, one that deceived minors with horror stories science only mocked. Nobody would doubt the crucial role of blood and race in the life of a nation, but the soul was to come first. Spiritual influences tended to determine, shape, and modify national character more significantly. He could not assist in making the situation of baptized Jews of fully assimilated families having been living in Hungary for centuries much

more difficult than was the situation of the infiltrating Galicians, as the latter were free to go and seek refuge anywhere, but baptized Jews were not admitted anywhere. One would expect the bill to contain something against the Jewish spirit and for the Christian spirit, but no matter how carefully he had studied the bill, he could not find any such reference in it. He also had serious concerns about the moral implications of the bill. The agitation going on in the country ever since the issue had surfaced was highly distressing. Those who were hoping to win over public opinion this way only testified to political naivety, as there had been no instance in history where the roused passion of the people had retreated to the normal track. He had no choice but to adopt the bill which aimed to ensure more acceptable living conditions for the Christian community – after all, necessity knew no law. However, even despite his absolute trust in the prime minister, he could not adopt article 1 of the bill in its current wording, as it was a denial of Christian and our one-thousand-year-old Christian Hungarian thinking. After Glattfelder, László Ravasz and Lutheran bishop Sándor Raffay took the floor. Sándor Wekerle, who also spoke during the general discussion, proposed a resolution in the hope that the concerns arising in the general discussion might be dissolved. He thought that the concerns voiced by the bishops of all the Christian Churches raised doubts about the adoptability of the bill. Under the proposed resolution, the joint committee would adopt the bill in general, and appoint a sub-committee to submit proposals on the details. Members of this sub-committee would be the chairs and speakers of the united committees, among them the archbishop in his capacity as chair of one of the committees, as well as Gyula Glattfelder, László Ravasz, and Sándor Raffay representing the Christian Churches. Upon conclusion of the general discussions, the joint committee should adjourn its sessions until the sub-committee submitted its proposals on the details. The Chair ordered recess after Sándor Wekerle's speech, and the session continued with the speech of baron György Prónay at 8 minutes after 5 p.m. Gyula Keszthelyi also took the floor in the afternoon. He accepted the arguments against the bill, yet he adopted the bill on the whole. Although he did not overestimate the significance of race, and did not believe in the all-decisive role of blood, he maintained there was such a thing as the Hungarian race, which had left its imprint on this state, and as regards certain rights, it could not let the control and guiding of the nation get out of its hands. It was not right to judge people solely on the basis of their descent, which did not mean opening the door to mixing our blood. According to statistics, there were 92 thousand Jews living in Hungary in 1830, while there were 606 thousand on the current territory of the country. It was impossible to assimilate an ethnic group of this size. Had the bill not been on the floor of the Upper House as a result of public pressure, all Hungarians with any feelings for their race should despair at the vitality of their own race. Had the events of the revolutions not awakened the instinct of self-preservation in the nation, we would be condemned to death. This was the final warning signal to the nation to strengthen itself. If we did not force the Jews to leave the country, we might be the ones forced to do it. There would be no other option. The proof for the

validity of the Jewish issue was that the post-war British government headed by Balfour offered Palestine to the Jews. Jewish race and religion were then judged as strictly interconnected, since each drew upon the other one. This bill was a means of self-defense for the Hungarian race; it was a fight for our breed, for our nation, and there was no describing it with the terms of logic or the citing of economic dangers. Unfortunately, already as much as 50% of the intellectual class was not of Hungarian descent. What would happen if this ratio was further diluted and this bill was not adopted? No nation could rely on assimilation for its future. Everything was only deemed impossible until it once happened. The more it was started, the more feasible it became. He adopted the bill both in general and in its details, as should we be narrow-minded about the details, we would be risking the ultimate the goal, the defense of the nation. Gyula Keszthelyi was the last speaker of the general discussions. It was Minister of Justice András Tasnádi Nagy's turn to reflect on the speeches. First, he quoted remarks about the Jews from the speeches of Béla Bangha, Imre Révész and Ottokár Prohászka, then went on to point out that the Jews as a mass had never intended to, and even if they had intended to, had never managed to melt into the everyday life of the Christian Hungarian nation. Not only had they failed to make the Hungarian spirit their own, but on the contrary, they had endangered the purity of the Hungarian soul in many respects, and had discolored it to a dangerous degree. With regard to Jusztinián Serédi's speech, he explained that on the one hand, to the best of his knowledge, the previous prime minister had consulted the archbishop on the bill, just as he had consulted László Ravasz, the bishop of his own church, and the Lutheran bishop Sándor Raffay. On the other hand, he did not think the bill affected the right of autonomy of the churches to decide on matters falling within the churches' competence. Needless to say, it was the churches' competence to determine who was to be considered a Christian. Anyone baptized was to be considered a Christian, and the bill would not change that. Christians the bill had force for would continue to remain Christians; only for the purposes of the law would they be considered Jews – not Israelites -, thus the decrees of the bill on the employment of Jews in the various branches of the economy, i.e. in secular life, would apply in their case. Whatever the religious and spiritual rewards and consequences of baptism, and whatever the spiritual gifts associated with baptism might be, the fact that someone had been baptized did not automatically mean that they had become the same trustworthy, wholehearted Hungarians as were the ones we intended to recognize as those deserving to be granted all the rights and advantages of their Hungarian identity. As a matter of fact, there were decrees in the bill ruling that one-quarter of the quota allocated to Jews would be assigned to baptized Jews. As regards the bishop's warning that they should be on the alert to guard off an invasion, he was of the opinion that no separate law was needed to prevent an invasion, as there were administrative measures to that end. Although there was no 100% sure protection against the ingenuity and persistence of the Jews coming from Poland and the west, beyond doubt, the attempts at protection had been fairly successful, and the invasion could only be termed an "infiltration" at best. He agreed

with the statement of Gyula Glattfelder that the Jewish issue had amounted to the most tragic scale in our country, more tragic in fact than anywhere else. For one thing, it was tragic, because, apart from Poland, Hungary had the highest number of Jewish population. Yet, the situation was worse than it was in Poland, as Jews considered Poland a temporary station only, from where they were emigrating by the hundreds of thousands annually, and where they were predominantly situated among the lowest classes of society. Also, in Poland there were a lot of Jews in the agriculture, while in Hungary they had almost exclusively risen to the intellectual professions, causing tremendous disproportion in these classes. This was where the danger lay, since the intellectual professions crucial for guiding and leading the nation gave Jews the chance to endanger and harmfully affect the much-needed Hungarian spirit. The issue was tragic here also because it was addressed and settled with extreme delay. Forty years ago it could have been kept on the right track, and we would not be standing where we were now. However, Jews and the power of the Jewish press had been the very reasons why this had not happened back then. Whoever had ventured to speak on the Jewish issue in Hungary, was as good as finished in public life. He also fully agreed with the ingenious idea of Gyula Glattfelder that there was indeed such a thing as the Jewish spirit, and Jews themselves should have realized this a long time ago. The bishop had also said that Christian society was entitled to restoring the balance. But how were we to restore the balance if we failed to enact laws or take the dynamic measures required by the prolonged situation? He could safely say that neither he, nor any one of those submitting this bill to parliament were guided by either passion or hatred in this matter. It hurt them to hurt any human being, but after all, the fate and future of the nation were to be placed over these individual troubles; they felt compelled to yield to the vast and commanding necessity of making Hungarian life genuinely Hungarian. He pointed out that the bill did not deny exemption to artillerymen; on the contrary, distinguished artillerymen were favored at the expense of the Christian quota, while regular artillerymen were granted exemption within the percentage assigned to Jews. In contrast to Gyula Glattfelder's claim that the bill was a denial of the conquering power of the Hungarian spirit, an admission of the fact that we had failed to assimilate the Jews, he believed "it took two to tango". Quoting Ottokár Prohászka, the minister stated there had never been any serious intention of assimilation on the part of Jews, as they had always maintained the idea of belonging to a separate race, to that of Jews all over the world. However, the conquering power of the Hungarian spirit was well reflected in the general make-up of Hungarian society, which included many who were not of purely Hungarian descent, yet had become just as Hungarian as those of us whose ancestors had arrived with the Hungarian conquerors of the 9th century.<sup>36</sup> He rejected the bishop's reproach that the bill introduced the mystery of blood. The fact that this was not the case was apparent in the definition of "Jewish". While the main principle was Jewish ancestry,

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36 K 428. vol. 438. March 31. editions 19, 20, 21, 22, 31, 32, 36, 37, 39, 42, 44, 47, 48, 50, 51, 53.

exceptions were made to genetic ancestry in all cases where there was a genuine reason to assume that someone of Jewish descent had acquired a truly Hungarian spirit. The soul was to come first, as Gyula Glattfelder said, which was what we believed too, added the minister. The spirit was to be placed over everything else. Everything we did was for the sake of the Hungarian spirit, the aim was to bring the Hungarian spirit into both intellectual and cultural life. After reacting to further comments, the minister referred to a generally recurring objection in his closing speech. The bill was termed "un-Christian", because it was not based on fraternal love, it hurt fellow-men and brethren. There was not only the opposition of one man and the other, but there were nations as well. God had made us the sons of this nation, obliging us not only to love our fellow-men, but also to serve our nation with all our might, to advance its spiritual purity worthy of its past, and work for the future of the nation. This bill served the nation's future. It did so in the best possible way by the standards of divine and human laws. Therefore, he asked the joint committee to adopt the bill. After the speech by the Minister of Justice, which prompted vivid approval and applause, Gyula Glattfelder wished to raise a personal question. He explained that the episcopate had held an extraordinary session on the bill in January, at the time of which they had unanimously requested that the Prime Minister meet Serédi, Glattfelder, and the bishop of Pécs in person. In the end, the Prime Minister paid a visit to the primatial residence in Buda, where it had been announced that the Catholic Church would not adopt article 1 under any circumstances on the grounds that it failed to recognize the force of baptism. Therefore, they would very much regret having to turn against the Prime Minister. When debate of the bill had started in the House of Representatives, he had personally written a letter to the Prime Minister, requesting that some sort of compromise be reached on the issue. He had received no reply to that letter. No one should say, therefore that they had not voiced their objections in the most decided manner. If the archbishop were present, he would surely have raised the same objections himself. This intermezzo was followed by the Prime Minister's speech. Reacting to the reasoning of Gyula Glattfelder and several other members of the Upper House on the racial issue, namely that we were dealing with the intrusion of a foreign mentality irreconcilable with our thinking in our legislation here, Prime Minister count Pál Teleki said he could not agree. He had never been influenced by any kind of foreign mentality in this respect. He had maintained his conviction based on purely Hungarian thinking for as long as twenty years, which dated far more back into the past than had those foreign thoughts. The reason why he considered the issue a difficult one was that they had been trying to approach a race of eastern thinking in a western and liberal manner. A result of this situation was that now they had to take measures of the kind included in the bill or possibly even harsher ones. What Gyula Glattfelder had defined as a flesh-and-blood mystery was no mystery at all. From a scientific point-of-view there were only two types of mystery. One was inanimate matter becoming animate, and the other one was animate matter establishing contact with the soul. There were parallel tendencies in both physical and psychological

development, and he put the emphasis on the latter. He would not put the emphasis on the racial question, much rather on the traditions that had been passed down over four thousand years, and which baptism could not change entirely, either. The religious element was suppressed by the traditional element in the thinking of many. The long history of the Jews had exceptionally reinforced traditionalism. The application of baptism as a criterion was more of a technical matter in the identification of Jews. It did not, by any means, indicate a questioning of the force of baptism. Traditions had made Jewish assimilation more difficult in the first place, which was made only more difficult by the massive immigration from the east resulting in the further reinforcement of traditions. It was much to his regret that count Gyula Károlyi, who had organized the "resistance" in the Upper House, had chosen to protest by giving up his membership in the Upper House despite all their consultations, even though a modification of the bill was still feasible. The Prime Minister went on addressing the issues raised by each speaker. By way of conclusion, he said he could accept all of the objections and concerns but one. If the legislative body were to adopt the contrary opinions of several Upper House members with regard to article 1, he would resign from his position, as it was against his belief. Finally, a resolution was passed. The majority adopted the bill as basis for an in-depth debate. Géza Szüllő's proposal to have a government commissioner see through the implementation of the bill, with a controlling committee by his side made up of randomly chosen members of the House of Representatives and a member of the Upper House appointed by the Chair of the Upper House, was rejected. The resolution proposed by Sándor Wekerle, namely to appoint a sub-committee to submit proposals on the details, was adopted at a rate of 46 to 24 with a supplement proposed by baron György Prónay ruling that members of the sub-committee were to act as speakers of the committee as well. Another resolution proposed by baron György Prónay, under which the amendments proposed by him would be submitted to the sub-committee, was also adopted. The sub-committee was to have a session at 11 a.m. on Saturday. The session broke up after 9.15 p.m.<sup>37</sup>

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37 K 428. vol. 439. April 1. editions 1, 2, 3, 4, 6, 7, 8.

The standpoints on the bill outlined by the two Catholic bishops had been harmonized as early as at the session of the Episcopate on January 13, so Serédi and Glattfelder acted accordingly at this session of the committee. See: J. GERGELY, *A püspöki kar tanácskozásai 1919-1944.* 256-259. The issue of the bill re-emerged at the session of the Episcopate on March 17, when Serédi informed them that the new Prime Minister had not accepted all of their proposals, either. Seeing that it could not prevent the bill from being adopted, the Episcopate set out to produce compromise proposals at this session already. They thought of 3 options as acceptable. A) Persons over 7 years of age converted to a Christian denomination after August 1, 1919 and having remained in it, shall be considered Jews for 30 years from the day of their receiving baptism. B) The second version did not include the date August 1, 1919. Under version C) the 30-year probation period would have only applied in the case of those baptized before December 31, 1938, with anyone receiving baptism after that date counting as a Jew for good. The 3 options were first formulated by the "committee 21" headed by count Gyula Károlyi. This group was no committee, yet it had acquired much influence by pre-reading bills submitted to the Upper House over the course of many years. Károlyi's strong disapproval of the 2nd anti-Jewish bill finally led him to resign his membership in

The sub-committee delegated by the united committees had a session at 10 a.m. on Saturday, April 1, with Géza Töreky chairing. Count Pál Bethlen was appointed speaker of the sub-committee. During the debate Jusztinián Serédi, Gyula Glattfelder, László Ravasz, Sándor Raffay, Ferenc Harrer, and János Teleki took the floor. The sub-committee resolved to continue its session at 10 a.m. on Wednesday, April 12, when the speaker of the sub-committee would submit his report. At the same time, measures were taken to summon the Committees on Agriculture, Justice, Industry, Trade and Transport, Public Law, Public Education, and Finances of the Upper House for 10 a.m. on Thursday, April 13.<sup>38</sup>

The sub-committee had its planned session at 10 a.m. on Wednesday, April 12, with Géza Töreky chairing. The government was represented by Minister of Justice András Tasnádi Nagy and under-secretary of state István Antal. The amendment proposals submitted to the sub-committee by members of the Upper House were outlined by appointed speaker count Pál Bethlen. During the debate Jusztinián Serédi, Gyula Glattfelder, László Ravasz, Sándor Raffay, Andor Juhász, János Teleszky, László Somssich, Aurél Egry, Guido Hoefner, Ferenc Harrer, and count Károly Khuen-Héderváry took the floor. The sub-committee adopted the following amendment proposals:

1. Item a) of paragraph (3) of article 1 shall read as: "a) became a member of the Christian denomination before January 1, 1939 and has remained a member of the Christian denomination ever since if his/her parents – in the event that his/her parents were born after December 31, 1848, their ancestry too – were born in Hungary before January 1, 1849 and he/she was baptized at least twenty years ago." Due to this supplement, item a) became item b), and item b) became item c).

2. In a new sixth (last) paragraph, article 1 shall be supplemented by the following text: "The restrictions set forth in this act shall not apply in the case of Jews who have been exempted from the force of this act by a unanimous resolution of the committee set up for this purpose. Members of the committee shall be the chairs of both Houses of Parliament, the presidents of the Hungarian Supreme Court, the Hungarian Administrative Tribunal, and the Hungarian Academy of Sciences, or the deputy officers thereof. Exemptions shall be made solely on the grounds of public interest, upon the proposal of a member of the Government of Hungary, the chair of any legally founded board, a bishop (archbishop) of any accepted Christian denomination, the presidium of the general convent of the Presbyterian Church in Hungary, or the superintendent general of the Lutheran Church of the Augustan Confession in Hungary, or - in lieu of

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the Upper House on April 30, 1939. The 3 options for amendment were adopted by the Episcopate with a compromise in mind to be reached by steadily moving ahead. The archbishop was commissioned to represent the Catholic standpoint. See: J. GERGELY, *A püspöki kar tanácskozásai 1919-1944*. 262-263.

The Registry and Archives Department of Parliament has word-by-word hand-written minutes on the parliamentary (House of Representatives, Upper House, committee plenary session) debate of the bill. I used these as sources, too.

38 K 428. vol. 439. April 1. edition 22. Invitation to the session of the joint committee is reiterated on April 5. K 428. vol. 439. April 5. edition 21.

such proposal – upon the initiative of a member of the committee. In the first year after the date this law takes effect, such exemptions shall be granted to a maximum of fifty Jews. Further exemptions shall not exceed the total maximum of a hundred and fifty people alive and exempted under this paragraph.”

3. The last line of item 2 of paragraph (1) of article 2 shall read as: ”has been granted... on two counts, and those with a father awarded the golden or – at least twice - the big silver medal of bravery in the war of 1914-18.”

4. The last word of item 3 of paragraph (1) of article 2 shall read as: ”has been granted..., and his children.”

5. The last line of item 4 of paragraph (1) of article 2 shall read as: ”disabled ex-service men and their wives and children, provided the ex-service man is 75 percent or totally incapacitated war casualty at the time this law takes effect.”

6. A new third (last) paragraph after paragraph (2) of article 2: ”The decrees of items 1-5 of paragraph (1) shall duly apply in the case of those participating in the fights for the country after the war of 1914-18.”

7. The expression ”...of Upper Hungary” in lines 4 and 5 of paragraph (2) of article 29 was deleted by the committee.

The committee did not adopt any of the other amendment proposals, as the Minister of Justice in attendance assured them that the government would consider most of what the proposals contained in its decrees to be issued at the time of enacting the law.<sup>39</sup>

The joint committee chaired by Géza Töreký continued discussion of the proposals at 10 a.m. on Thursday, April 13. The government was represented by Prime Minister count Pál Teleki, Minister of Justice András Tasnádi Nagy, Ferenc Zsindely, under-secretary of state for the Cabinet, and István Antal, under-secretary of state for justice. At the beginning of the session, the chair announced that the sub-committee had come up with its proposals, which he had asked László Görgey to introduce before they would discuss the proposals paragraph by paragraph. Baron György Prónay’s motion to postpone the session was rejected, as it was hard to take a responsible decision on an act after it had been introduced. With regard to the title, Serédi made the careful remark that it might be more appropriate to use the term Greater Hungary in the title, considering that it was Greater Hungary before 1849. As regards the first paragraph, Gyula Glattfelder pointed out that the proposal of the sub-committee was not in accordance with the theological standpoint. However, a politician was to consider which of the various proposals would cause the least problems, and which one should be adopted in order to reach the desired goal. Even though the amendment put forward still fell short of the Christian dogmatic viewpoint, he was willing to adopt article 1 with the amendment proposed, as he believed this to be the lesser of two evils. László Ravasz, Sándor Raffay, and Miklós Józán also spoke in favor of the amendment. After the contributions to article 1, the Minister of Justice took the floor. He welcomed the speeches of the bishop and all others who, in

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39 K 428. vol. 439. April 12. editions 25, 26.



order to prevent a clash between the two Houses of Parliament, supported the adoption of the amendment proposed. That is what he was asking the committee to do, too, even though the government was in favor of the original bill. Amendments proposed by the sub-committee would be endorsed and submitted to the House of Representatives by the government, while any other amendments adopted might make it impossible for the government to mediate in a supportive manner. After György Prónay's speech, the committee adopted the amendment proposed by the sub-committee, rejecting all the other ones. With regard to article 2, there was no church contribution; this paragraph was likewise adopted with the amendment proposed by the sub-committee. Articles 3 and 4 were adopted in their original wording. Article 5 was also adopted without changes after the contributions of József Pap and Gyula Glattfelder. Gyula Glattfelder drew attention to the fact that he had cast his vote against this wording on the sub-committee as well, since this was the very point that made it possible to dismiss people from their jobs without ensuring proper legal forum or ascertaining any sort of misdemeanor. Just as they had done so up to now, they would continue to call attention to any violation of rights in the future, too, and would refuse to support such. He proposed that those affected by the decree should have the opportunity to retain their jobs provided their Christian co-workers put forward an appeal by majority to that end. This proposal would not jeopardize the goals of legislators, and he was convinced that co-workers would not support anyone not worthy of it. In defiance of the bishop's proposal, the Minister of Justice asserted that only the closest of co-workers could be involved in any such action, and they could not be expected to be objective, as they would do it as a friendly gesture. The bill would introduce an absolute decree treating everyone the same way, while the bishop's proposal would allow for different treatment of people in the very same situation. He did not support adoption of the amendment. There was no contribution to articles 6-8. Article 9 remained unchanged, too, and there was no contribution to article 10, either. Articles 11 and 12 were adopted without any change as well. The committee was set to resume its session at 6.30 p.m.<sup>40</sup>

The session of the joint committee continued after this. The government was represented by the Minister of Justice and under-secretary of state István Antal. Article 13 was adopted without any contribution. There was no church contribution to articles 14 and 15, and there was no contribution at all to articles 16-28. In the case of article 29, the amendment proposal of the sub-committee was adopted. With this, the joint committee closed the in-depth debate, and requested that discussion of the bill be declared urgent.<sup>41</sup>

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40 K 428. vol. 439. April 13. editions 14, 16, 18, 20-23.

41 K 428. vol. 439. April 13. editions 45-47.

For the report of the committee refer to *Felsőházi irományok 1935-40.* issue 409. vol. IX. 317-321.

The general debate on the bill restraining Jewish expansion into public life and the economy was launched by the Upper House in its session 85<sup>42</sup> of April 15, 1939. On this occasion, Jusztinián Serédi took the floor. He exclaimed against the fully unconstitutional forfeiture. He deemed it necessary to adequately reduce the ratio of Jews in the economy and public life, but certainly not in such an unconstitutional manner. He declared it was against natural law to cite collective guilt. He protested against Christians being divided into groups on the basis of descent. No such bill was needed to prevent an invasion by Jews from abroad, either, as it would suffice to deny them a residence permit.<sup>43</sup>

In the in-depth debate at session 87 held on April 18, Gyula Glattfelder took the floor as well. He argued that converted Jews deserved to be protected even though Jews as a whole had done much wrong to Hungarians. At the same session, Gyula Glattfelder, bishop of Csanád was elected a member of committee no. 36 to be delegated under act no. II. of 1939.<sup>44</sup>

The Committees on Agriculture, Justice, Industry, Trade and Transport, Public Law, Public Education, and Finances held a joint session at 4 p.m. on Monday, April 24 in conference room I. The agenda of the meeting included the measures to be taken in order to launch the procedure of bridging over the differences arisen between the two Houses during the debate on the bill restraining Jewish expansion into public life and the economy, i.e. the election of the 159 members of the Upper House to be delegated to the joint session of the two Houses by the Upper House, as well as the election of a chair, deputy chair and speaker.<sup>45</sup>

The session started at 4 p.m., with Géza Töreky chairing. Géza Töreky was elected chair, Tihamér Fabinyi was elected deputy chair, and count Pál Bethlen was elected speaker of the committee to be delegated. Furthermore, the 159 members of the committee to be delegated were elected from among the 197 members of the committees. The elections

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42 For the invitation to the session and agenda thereof refer to MOL (Hungarian National Archives) K 428. vol. 439. April 12. edition 18.

43 *Felsőházi napló 1935-1940.* IV. 135-138.

The 1st anti-Jewish bill was submitted in order to prevent German demands. Its spiritual father was Béla Imrédy. M. HORTHY, *Emlékirataim*, 229., P. SIPO (editor), *Magyarország 1921—1941, Zsitvay Tibor emlékiratai*, 280. Before the 1st anti-Jewish bill, Upper House members of the Jewish denomination met with Regent Miklós Horthy to raise objections. L. SZÜCS, *Kormányzói audencia az első zsidótörvény előtt*, in: *Levéltári Közlemények* (Archival Publications), 1993/1-2., 143-164. By endorsing the bill, Prime Minister Pál Teleki attempted to prevent antisemitism and satisfy German expectations at the same time. B. KOVRIG, *Magyar társadalompolitika II. kötet*, 188. In January 1939, on learning that such a bill was underway, Serédi protested against it in all possible forums. L. PÜSKI, *A magyar felsőház története 1927-1945.*, 107., 114-115., and P. SIPOS, *Imrédy Béla és a Magyar Megújulás Pártja*, 97.

44 *Felsőházi napló 1935-1940.* IV. 201-218.

45 For the invitation to the session and agenda thereof refer to MOL (Hungarian National Archives) K 428. vol. 440. April 22. edition 44. The chair and deputy chairs requested participation by all means.

For a list of the amendments rejected by the House of Representatives refer to *Felsőházi irományok 1935-1940.* issue 412. vol. IX. 325.

were followed by a debate, during which Gyula Glattfelder, László Ravasz, and Sándor Wekerle took the floor.<sup>46</sup>

The National Committee on Defense comprising 36 members held its first session on April 25, 1939. At the beginning of the session, ranking member baron Sándor Szurmay read out the names of members of the Committee elected at the meeting of the Upper House on April 18. Among dignitaries of the church in the Upper House, Gyula Glattfelder had been granted membership. After this, the committee elected its officeholders, the chairs, deputy chairs, and speakers.<sup>47</sup>

The 159 members of the committee delegated by the committees, as well as the Committees on Agriculture, Justice, Trade and Transport, Public Law, and Public Education of the House of Representatives held a joint session in the chamber of the House of Representatives at 10 a.m. on Wednesday, April 26 in order to discuss Upper House amendments to the bill on restraining Jewish expansion into public life and the economy, which had not been adopted by the House of Representatives.<sup>48</sup> The session was opened by Géza Töreký. The Prime Minister, the Minister of Justice, the Minister of the Interior, and under-secretary of state István Antal were all in attendance. The debated article 1 was first outlined by János Makkai, speaker of the committee delegated by the House of Representatives, then by count Pál Bethlen, speaker of the committee delegated by the Upper House. Béla Ivády was first to take the floor, followed by Gyula Glattfelder. He was hoping he would succeed in convincing members of the House of Representatives of the validity of the reasons calling forth the amendments initiated by the Upper House. First and foremost, he pointed out that the Upper House had no intention to prevent the bill from being enacted. Suffice it to say that there were members of the Upper House who had warned as many as 40-50 years ago against letting the

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46 K 428. vol. 440. April 24. edition 32.

47 K. 11. 4-5.

46 sessions of the 36-member National Committee on Defense can be traced back with the help of the available minutes. Thus, minutes of the following sessions are at our disposal: session 1: April 25, 1939; session 2: June 28, 1939; session 3: July 28, 1939; session 4: September 14, 1939; session 5: October 13, 1939; session 6: October 27, 1939; session 7: January 11, 1940; session 8: February 29, 1940; session 9: May 29, 1940; session 10: August 8, 1940; session 11: September 23, 1940; session 12: November 26, 1940; session 13: April 29, 1941; session 14: June 4, 1941; session 15: July 17, 1941; session 16: October 22, 1941; session 17: November 10, 1941; session 18: December 30, 1941; session 19: January 8, 1942; session 20: February 13, 1942; session 21: February 26, 1942; session 22: March 23, 1942; session 23: April 10, 1942; session 24: April 24, 1942; session 25: June 10, 1942; session 26: June 15, 1942; session 27: July 1, 1942; session 28: July 31, 1942; session 29: August 28, 1942; session 30: October 7, 1942; session 31: November 14, 1942; session 32: November 27, 1942; session 33: December 21, 1942; session 34: January 22, 1943; session 35: March 24, 1943; session 36: May 19, 1943; session 37: June 4, 1943; session 38: July 5, 1943; session 39: July 23, 1943; session 40: August 12, 1943; session 41: September 28, 1943; session 42: October 7, 1943; session 43: November 15, 1943; session 44: December 9, 1943; session 45: February 8, 1944; session 46: March 10, 1944.

Source: K. 11.b. 3-610.

48 For the invitation to the session and agenda thereof refer to MOL (Hungarian National Archives) K 428. vol. 440. April 24. edition 32. The invitation was reiterated on April 25. K 428. vol. 440. April 25. edition 23.

Jewish spirit prevail. Anyone claiming that Christian society had to be protected from the Upper House was falsifying facts. The reasons for the bill being less vehemently debated in the Upper House were two-fold: on the one hand, members of the Upper House tended to be more advanced in years, on the other hand, they had the burden of grave responsibility to carry. The anxiety in the Upper House was mainly due to the concerns about the economic consequences, which was to be understood, as the leading figures of our economy were located in the Upper House. All throughout the Upper House debate of the bill, its members had been aiming at ensuring an opportunity of reconciliation between the two Houses. Their goal had been to produce a text endorsed by both Houses that would bring the greatest results with the least pains. There had been two significant propositions that might have caused radical changes. One had to do with ex-servicemen. The Upper House would have been willing to adopt even stronger measures against the Jews if it had managed to achieve notable results for the family members of ex-servicemen. To avoid any confusion, he hereby stated that all efforts of the Upper House had aimed at ensuring that the law have no force in the case of baptized Jews. All Christian Churches unanimously agreed on the fact that all baptized inhabitants of the country were to be treated as equal citizens. This had been the fundamental law and order of the country ever since the days of Saint Stephen: our entire political system rested on this principle. We could only talk about Christian government and politics inasmuch as the government respected the thousand-year-old rights of Christian Churches. The Churches deserved no reproach for talking about baptism and the mysterious spiritual features inherent in it, as forces shaping and elevating the individual, the race, the nation to a new level. In this field too, making ever more concessions, the Upper House had gone the farthest possible, reaching a moral frontier there was no going beyond. All the Hungarian Churches were united in the belief that this was not only a case of dogmatic conviction, but one of preserving ancient Hungarian Christian common property, i.e., the tenet of insisting on baptism as a proof of Hungarian descent. The question to be answered was whether a thousand-year-old Hungarian legal construction should prevail or tumble. This debate should not end without an agreement of the two Houses. No one could wish that something conceived by the House of Representatives and adopted by the Upper House to 95% should get lost or fall through on account of the unfortunate outcome of a dispute between the Houses. This would not be in the interest of anyone else than the Jews themselves, therefore they had to find a way of reconciling the different positions of the two Houses. In conclusion, he remarked that the best way to get to know the people was through the devoted work of the village parsonage. After further speeches, the Minister of Justice expressed his opinion that there was no agreement conceivable in a committee of 300 members, yet they had all gathered here to reach consensus. The commencing speeches were followed by a break. At the end of the debate, the Minister of Justice suggested that the committees of each House appoint ten members respectively, who would put forward their concrete proposals for an agreement. He took the opportunity to recommend "vitéz" Ágoston

Benárd, András Gergelyffy, Aurél Halla, Béla Ivády, Béla Jurcsek, János Makkai, "vitész" Lajos Makry, Zoltán Tildy, "vitész" Gábor Ujfalussy, and Tibor Zsitvay (the minister had originally recommended Károly Megay instead of Zsitvay) for delegation by the House of Representatives into the sub-committee. On behalf of the Upper House, baron Zsigmond Perényi recommended Géza Töreky for chair, while Jusztinián Serédi, Gyula Glattfelder, László Ravasz, baron Albert Radvánszky, Sándor Wekerle, Emil Purgly, count László Somssich, Géza Szüllő, baron György Prónay, and Tihamér Fabinyi for members of the sub-committee. The sub-committee was unanimously elected by the Houses, and the session was over at 6 minutes past 1 p.m. The sub-committee would have a meeting at 5 p.m. on Wednesday. The next session of the joint committee was scheduled for 10 a.m. on Thursday.<sup>49</sup>

The conciliation sub-committee of 20 members of the two Houses held a session at 5 p.m. on Wednesday, April 26. The session was opened by chair Géza Töreky, and the debate started after a speech by Minister of Justice András Tasnádi Nagy. On behalf of the Upper House, Jusztinián Serédi, Gyula Glattfelder, László Ravasz, Tihamér Fabinyi, and György Prónay took the floor. On behalf of the House of Representatives, Béla Ivády, "vitész" Ágoston Benárd, Béla Jurcsek, János Makkai, and Tibor Zsitvay took the floor. The session of the sub-committee was suspended at 8.15 p.m., and its members from the Upper House retired for a separate, thirty-minute-discussion, at which they later requested the presence of the Minister of Justice and under-secretary of state István Antal. At 8.45 p.m. the session of the sub-committee was reopened, but only lasted a few minutes. The session was rescheduled for 9.30 a.m. on Thursday.<sup>50</sup>

The joint committee of the House of Representatives and the Upper House resumed its interrupted session Thursday morning on April 27, with László Péchy chairing. The Prime Minister as well as the ministers András Tasnádi Nagy and Andor Jaross were in attendance. At the beginning of the session, speaker János Makkai outlined the compromise solution adopted by the sub-committee. Upon introduction thereof, Jusztinián Serédi took the floor. The archbishop maintained his standpoint of principle which he had repeatedly explained at plenary meetings and committee sessions of the Upper House. However, for the reasons cited during the conciliation procedure on the one hand, and respecting the willingness prompted by the mediation of the Minister of Justice on the part of the House of Representatives on the other hand, he was ready to accept the proposal of the sub-committee for his own part, hoping to bridge the gap between the two Houses. He did so in order to grant the desired peace to both politics and the country by carefully tending to this mighty issue which had caused so much tension in public and social life, and which had been threatening to bring about a crisis. He declared that he, along with almost all members of the Upper House, had spoken up to protect their Christian brethren when proposing amendments to the bill adopted

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49 K 428. vol. 440. April 26. editions 18, 19, 21, 24, 25, 34, 35, 36.

50 K 428. vol. 440. April 26. edition 40.

by the House of Representatives. He was asking his Christian brethren to acknowledge they had done everything within their powers to protect their legitimate rights, and to understand that if they had failed to achieve more, it was due to circumstances beyond their control. As far as they were concerned, they had tried to achieve the maximum there was to be achieved under the circumstances. In conclusion, he thanked the government for its willingness to make this reconciliation possible, asking it at the same time to strive for the smoothest and least painful implementation of this bill - serving the interests of the country - if the bill was to be enacted. The cardinal's speech was followed by the speeches of Károly Rassay, Károly Meizler, and Ferenc Rajniss, upon which the joint committee adopted the proposals of the sub-committee 149 to 59, with 4 annulled ballots, in a procedure of secret ballot.<sup>51</sup>

The amendment proposals were as follows:

For article 1:

Instead of "January 1, 1939" in the first line of item a) of paragraph 3, "August 1, 1919" was to be recorded.

The words "and 20 years have passed since the day he/she received baptism" in the last two lines of the same item were to be omitted.

As a new item d) in paragraph 3, the following text was to be written: "d) the offspring of parents meeting the requirements of item a) and belonging to a Christian denomination since January 1, 1939, at the latest, if that offspring has been a member of a Christian denomination since his/her birth."

Instead of the sixth (last) paragraph, the following two new paragraphs were to be recorded: "The restrictive measures in paragraph 1 of article 5, in articles 6, 7, 10, 15, 16, and in paragraph 2 of article 19 were to be applied in the case of individuals and their offspring identified in items a) and d).

Should the need arise to exempt certain individuals from the effect of this law through the establishment of an appropriate institution in the special interest of the nation, the ministry is hereby instructed to submit such proposal to Parliament on the establishment of an appropriate institution."

For article 26:

As a new paragraph preceding the last paragraph, the following text was to be recorded: "An act defined by point 3. is a criminal offence punishable by imprisonment for up to 3 years, loss of office, and suspension of the exercise of political rights - if the criminal offence is committed in order to certify the personal circumstances defined by items a) or d) in paragraph 3 of article 1."<sup>52</sup>

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51 K 428. vol. 440. April 27. editions 21, 22.

For the text of the amendments refer to *Felsőházi irományok 1935-40.* issue 414. vol. IX. 328-329.

52 K 428. vol. 440. April 27. edition 24.

Agenda items 18 and 19 of the conference of the Episcopate on October 3, 1939 dealt with the problems arisen after the bill took effect. Agenda item 19 was baron Móric Kornfeld's petition recounting that the

### THE 3RD ANTI-JEWISH BILL

The Committees on Justice and Public Law of the Upper House held a meeting Saturday morning, on July 12, with Géza Töreky chairing, and Minister of Justice László Radocsay and under-secretary of state István Antal attending. The goal of the meeting was to start debating the bill<sup>53</sup> on the supplements and amendments to act no. XXXI. of 1894 on marriage law. The bill was submitted by "vitéz" László Görgey. Jusztinián Serédi was first to take the floor. The archbishop raised objection to the fact that he as the per se representative of Catholicism in Hungary, had not been informed of the bill in time, even though it affected the Catholic Church and holy matrimony, and thus had not been able to make his comments or propose amendments to it.<sup>54</sup> The reason he could not accept the bill was not for the sake of Jews, but on principle, as defying positive

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law had resulted in the deterioration of the situation of baptized Jews even in comparison to that of Jews maintaining their religion. Therefore, he recommended setting up a committee of clerical and secular members which would provide moral protection for the Catholics of Jewish descent in question. The Episcopate decided in favor of setting up such a committee, and appointed the archbishop of Kalocsa as head of the committee.

M. BEKE, A magyar katolikus püspökkari tanácskozások története és jegyzőkönyvei 1919-1944 között II. kötet 227.

The first report on the work of the committee – with a note on the fact that it was receiving bills in large numbers – was discussed as agenda item 30. at the meeting of the Episcopate on March 13, 1940. The committee reported on several successful cases of mediation, such as the committee saving the jobs of people threatened by being dismissed by their employers on the grounds of descent.

M. BEKE, A magyar katolikus püspökkari tanácskozások története és jegyzőkönyvei 1919-1944 között II. kötet. 244-245.

In its second report prepared for the meeting of the Episcopate on October 16, 1940, the committee records several instances of infringement of rights where authorities, surpassing the actual words of the law, went as far as examining the spiritual life of converts in order to determine which provisions of the law applied in their case. The report also makes mention of the 3<sup>rd</sup> bill in preparation, and urges for an encyclical letter of condemnation to be issued, which would reflect the clerical viewpoint rooted in natural law. The proposal submitted by the archbishop of Kalocsa – in his capacity as chair of the committee – was turned down by the Episcopate, with Gyula Glattfelder requesting that the unified standpoint of the Episcopate be publicized, since the government made it appear as though the Episcopate was divided on the issue.

M. BEKE, A magyar katolikus püspökkari tanácskozások története és jegyzőkönyvei 1919-1944 között II. kötet 257-258.

The situation after adoption of the bill is well reflected by agenda item 24 of the meeting of the Episcopate on March 13, 1940. They report on many converts returning to Jewish faith after baptism. Yet, at the same time they used their certificate of baptism to prove they were Catholics. To avoid such abuse, the Episcopate issued a decree under which the baptising Church was to register the dates of withdrawing from or re-entering into the Church.

M. BEKE, A magyar katolikus püspökkari tanácskozások története és jegyzőkönyvei 1919-1944 között II. kötet 242.

53 For the text of the bill adopted by the House of Representatives refer to *Felsőházi irományok 1939-44.* issue 232, vol. V. 53-71.

54 The comments made at the meeting of the Episcopate on March 12, 1941 reinforced the truth of this statement. Here Jusztinián Serédi related the fact that he had personally asked the Prime Minister to brief him on the bill in preparation, expressing his hope at the same time that the bill would not further deteriorate the situation of baptised citizens of Jewish descent, which was already bad enough as it was. According to Serédi, the Prime Minister was very reserved in his reply, and all he said about the bill in

divine law – at least indirectly, through civil marriage – it put obstacles in the way of holy matrimony as well. In contrast to unwritten natural law, it restricted the freedom of those, whom God had not forbidden to marry either directly or indirectly through the church. In doing so, it infringed both divine and natural law, violated the freedom of the individual, and even went as far as to employ religious force against the conscience of religious people. He refused to adopt the bill, since its goal could be attained without violating the above-mentioned laws and human freedom at the same time. This might be possible if someone planning a marriage could be informed by the doctor examining his/her partner of the other one's disease in strict confidence, or if the state – within its own competence –, sad as it may be, refused to ensure the same civil law consequences for the marriage of the partner of Jewish descent as it did for other marriages, which, as a rule, would prevent the planned marriage from taking place. Upon the motion of the last speaker, baron György Prónay, the committee delegated a sub-committee of 14 members to harmonize the amendment proposals. As chair Géza Töreky appointed the persons to be delegated into the sub-committee, he did not mention the archbishop, thus calling forth exclamations like "and the venerable archbishop!", but Serédi announced he did not wish to be a member of the sub-committee to be delegated. He did not see any reason why there could not be a Catholic member of the sub-committee, however, as the goal of the sub-committee was to focus on certain amendments without altering the essence of the bill, it could give rise to misunderstandings if he was to accept membership in the sub-committee, since this might make the impression that he was indirectly undermining his rejection of principle. The same was true for the episcopate and the clergy as well. He would approve of certain amendments and mitigations to the bill, as well as of clarifying the bill some more, yet, for the reason of principle mentioned before, he did not wish to take part in the work of the sub-committee. The persons appointed for membership in the sub-committee were elected by the joint committee, and they proceeded to do their job as early as Saturday afternoon.<sup>55</sup>

At their session<sup>56</sup> in the afternoon of July 14, the joint Committees on Justice and Public Law adopted the newly submitted article 9. Géza Töreky was chairing, the Minister of Justice was present and took the floor, and under-secretary of state István Antal and

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preparation was that "it was going to be clear". Serédi took the answer to mean that the Prime Minister either did not know yet what the bill was going to be like or he was avoiding speaking about it.

M. BEKE, *A magyar katolikus püspökkari tanácskozások története és jegyzőkönyvei 1919-1944 között* II. kötet 272.

55 K 428. vol. 493. bundle 878. editions July 12, 17, 26, 27, 28, 31, 32, 35, 37, 40, 42.

Jusztinián Serédi had consulted the Prime Minister on the bill in preparation well before the end of March, asking him to make sure the bill would not make things harder, while it could not be circumvented, either. Pál Teleki then took a reserved position toward the archbishop, saying only the bill "was going to be clear". Of this, Serédi personally informed the Episcopate at its meeting on March 12. See: J. GERGELY, *A püspöki kar tanácskozásai 1919-1944*. 279.

56 For the invitation to the session refer to MOL (Hungarian National Archives) K 428. vol. 493. bundle 878. editions July 12. 47.



ministerial adviser József Tomcsik on behalf of the Minister of the Interior were also in attendance. The debate mainly focused on articles 1 and 9, but no dignitaries of the Catholic Church participated in it - for the reasons of principle cited by archbishop Jusztinián Serédi two days before. Finally, the bill was adopted with the amendments of the sub-committee.<sup>57</sup>

At the July 18 session of the Upper House, Jusztinián Serédi took the floor in the general debate of the bill on the supplements and amendments to act no. XXXI. of 1894 on marriage law. He raised objection to the fact that no official representatives of the Catholic Church had been involved in the preparation of the bill, even though the bill would put an obstacle in the way of two-thirds of Catholic marriages. He believed it had been produced to reassure misguided public opinion, yet it would have been more effective to guide public opinion in the right direction. The Hungarian Catholic Episcopate turned the bill flat down. As act no. XXXI. of 1894 tied holy matrimony to the pre-condition of civil marriage, the bill made holy matrimony with someone of Jewish descent likewise impossible. However, the state was not to supervise church laws. Impediment of marriage based on descent was against both divine and natural law. This bill was incapable of warranting a promotion of national marriage cited among the reasons for the bill. The existence of the other two impediments of marriage, i.e. infectious consumption and infectious venereal disease, was only provisional, too, since both could be cured, thus he could not accept these, either. He spoke up against procured abortion as well. The current fiasco of the institution of marriage had been brought about by the permission of civil divorce. Had the bill put no obstacles in the way of holy matrimony, it would be acceptable. As this was not the case, however, he could not but reject it.<sup>58</sup>

57 K 428. vol. 493. bundle 878. editions July 14. 28, 29, 30, 31, 33, 34.

For the report of the committee refer to *Felsőházi irományok 1939-44.* issue 238. vol. V. 102-109.

58 *Felsőházi napló 1939-1944.* vol. II. 282-286. and E. KARSAL, *A budai vártól a gyepűig 1941-1945.*, 15. L. PÜSKI, *A magyar felsőház története 1927-1945.*, 130.

Serédi reported on his contribution to the debate of the bill at the meeting of the Episcopate on October 8. He explained that the bill denied three articles of faith, therefore it was not to be adopted. He thanked his fellow-bishops for the trust they had vested in him when accrediting him to be their universal representative.

He spoke harsh words about Church dignitaries in the Upper House who had not cast a vote, sometimes choosing to hide behind a pillar in the session room instead. If all decent people had been there, the fate of the bill could have been altered, though.

See: J. GERGELY, *A püspöki kar tanácskozásai 1919-1944.* 283-284.

“He took this opportunity to extend his heartfelt thanks for the trust vested in him, the approving support of his conduct, the kind participation in the sessions of the Upper House, as well as for the impressive unified standpoint. Neither he nor anyone else had anything to hold against those who stayed away for justifiable reasons (age, disease, or any other serious reason). Much to his regret, however, there had been some Church dignitaries, members of the Upper House, who – for no weighty reason at all – had either failed to show up at the sessions altogether or had stayed out during the voting procedure; in fact there had even been one who had hid behind a pillar at the beginning of the voting procedure, only emerging when it was over. Had *these people* shown up and cast their votes, the fate of the bill would have taken an entirely different direction. He did not wish to waste any more words on these, who had badly betrayed

The joint committee of 150 members delegated by the Committees on Justice and Public Law of the House of Representatives and the Upper House held a session at 10 a.m. on July 23, with Géza Töreký chairing.<sup>59</sup> Speakers Kálmán Bocsáry and István Bezerédj outlined the standpoint of the House of Representatives and the Upper House, respectively. Afterwards, "vitéz" György Váczy, Károly Maróthy, and count Móricz Esterházy spoke on behalf of the House of Representatives, while Presbyterian bishop László Ravasz and diocesan of Veszprém Gyula Czapik spoke on behalf of the Upper House. Prime Minister László Bárdossy was next to introduce the standpoint of the government. Upon the suggestion of count Móricz Esterházy, the joint committee delegated a sub-committee of 24 members, which set out to work immediately, and which included Gyula Czapik as member, too. The Prime Minister was present all throughout the debate of the sub-committee, which ended at 2.45 p.m. The sub-committee delegated a drafting committee from among its own members, which came up with a proposal by 4 p.m. to be presented to the joint committee re-summoned for 4 p.m. With László Péchy chairing, Kálmán Bocsáry submitting the draft text, and three members excepted, the joint committee adopted the texts of articles 9 and 15 as proposed by the sub-committee, as well as a supplement to the title of the bill, which thus read "on the supplements and amendments to act no. XXXI. of 1894 on marriage law, and on the measures of race-protection associated with it". The adopted proposals were submitted to the plenary session of the House of Representatives and the Upper House the following day, which then adopted the bill.<sup>60</sup>

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the cause of Christ and his Holy Church, as he felt ashamed. It was not his place to pass judgement. These people should settle the affair with God, and – as far as it was possible – they should make amends to those they had offended.

M. BEKE, *A magyar katolikus püspökkari tanácskozások története és jegyzőkönyvei 1919-1944 között* II. kötet 291.

A. MESZLÉNYI, *A Magyar Katolikus Egyház és az emberi jogok védelme*, 38-41. In all of his speeches delivered on bills depriving of rights, Serédi appeared as the protector of constitutionality. Accordingly, he did not even hesitate to stand up to Hungarian Nazis later, demanding an end to the deportation of Jews.

J. GERGELY, *A politikai katolicizmus Magyarországon, 1890-1950.*, 169-170. Already at the 1942 general assembly of the Saint Stephen Association and at the special session of Saint Stephen Academy in December 1942, Serédi called upon his Catholic brethren to protect human rights and fundamental freedoms. That is what the Laws of the Church required, too. ZS. L. NAGY - K. BURUCS (editors), *Kiútkeresés, 1943.*, 91.

Gyula Glattfelder submitted amendment proposals aiming to alleviate the bill, but these were rejected by the plenary session at the request of the government. L. PÜSKI, *A magyar felsőház története 1927-1945*, 131.

<sup>59</sup> For the invitation to the session and agenda thereof refer to MOL (Hungarian National Archives) K 428. vol. 494. bundle 878. July 19. edition 18.

<sup>60</sup> K 428. vol. 494. bundle 878. July 23. editions 22, 23, 24.

For the report of the committee refer to *Felsőházi irományok 1939-44.* issue 241. vol. V. 114-115.

## EVALUATION

During the committee debate of act no. XV. of 1938 on providing more efficient measures to ensure the balance of the social and economic spheres (first anti-Jewish bill), Jusstinián Serédi and Gyula Glattfelder took the floor (the latter three times).

During the committee debate of act no. IV. of 1939 on restraining Jewish expansion into public life and the economy (second anti-Jewish bill), speeches were made by Jusstinián Serédi (three times), Gyula Glattfelder (seven times), and Gyula Keszthelyi; at the plenary debate Jusstinián Serédi and Gyula Glattfelder took the floor; while on behalf of the Upper House committee delegated to bridge over the differences between the two Houses, Jusstinián Serédi and Gyula Glattfelder took the floor (twice each).

During the committee debate of the supplements and amendments to article XXXI. of 1894 on marriage law, and of act no. XV. of 1941 on the measures of race-protection associated with it (third anti-Jewish bill), speeches were made by Jusstinián Serédi (twice); at the plenary debate by Jusstinián Serédi; while on behalf of the Upper House committee delegated to bridge over the differences between the two Houses, Gyula Czapik took the floor.

The contemporary minutes supply evidence that they were just about the only ones in the two Houses of Parliament who exclaimed against the deprivation of vested rights. They demonstrated a philosophical and theological deduction which proved the indefensibility of the bills on the basis of natural law. In the case of the first anti-Jewish bill they understood the rationale behind the submission of the bill, consequently they had nothing against the goal of the bill, yet rejected it on account of its implementation, i.e. the fact that it distinguished on the basis of the time of reception of baptism. Unfortunately, the amendment proposals submitted by them did not win the majority. In the case of the second anti-Jewish bill they could not even identify with the rationale behind the bill. They repeatedly referred to their comments made during the debate on the first anti-Jewish bill that the way to fight social tensions was not through exclusion, but by ensuring new opportunities. The decree of the bill making a difference between Christians and Christians based on whether or not they were of Jewish descent translated into absolute and unacceptable discrimination by their terms. They underlined that although they had indicated their objections to the government months before the parliamentary debates, they had been ignored. Both Jusstinián Serédi and Gyula Glattfelder personally participated in the wording of the amendment proposal submitted by the Upper House committee, yet neither one of them took it upon himself to radically reduce or annul the circle of people affected by the bill. They adopted the majority of the Upper House amendments, however, a number of these were rejected by the House of Representatives. Gyula Glattfelder was also granted a place in the Upper House committee delegated to bridge over the differences between the two Houses. He was assigned the task of defending the Upper House amendments, which he did not succeed in. Jusstinián Serédi and Gyula Glattfelder likewise took an

active part in wording the compromise proposal. The new proposal was closer to the original standpoint of the House of Representatives. In explaining why he deemed the compromise acceptable, the archbishop unfortunately tried to turn the unacceptable into acceptable by using weak arguments in its support, i.e. the fact that they would like this issue that stirred up the whole of society to come to a standstill at last. This was the worst decision made by dignitaries of the Church in the Upper House.

It was an inconceivable mistake to adopt the compromise of the second anti-Jewish bill instead of sticking to their original notion of rejecting the bill.

From the very start, they were against the adoption of the third anti-Jewish bill, as it was in conflict with positive divine law, and inherently with Christianity. By refusing to take part in the preparation of eventual amendments, Jusstinián Serédi clearly demonstrated his reluctance to associate himself with the bill in any way whatsoever. A crucial reason for their indignation was that the bill as good as forbade Christians of Jewish descent to enter into holy matrimony, thus diminishing Church autonomy.

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