

their dreams – those who had fallen asleep at the time of Tiszaeszlár and who only now awoke to the familiar sounds. Alongside them, in the corner, there sat three People's Party representatives and an abbot. The broadest of smiles covered the face of the abbot, while the three People's Party representatives applauded and grinned like small children whose puppets are rocked to and fro in front of them. On the vacant benches of the Justh Party, there cowered a few silent people in sadness and helplessness. As for the Party of Work ... it did not trouble Polónyi. Elderly men sometimes nodded their heads together on the governing party backbenches, the former district administrators were reminded of their pleasurable and sweet memories of little provincial pogroms; pleasure shone in the eyes of the young gentry, their tongues were tied only by party discipline. No, Jews are not loved too much even in the government party, and if the representatives had not been wearing their "watch out, I'm a liberal" badges, they too would have applauded Polónyi. How sad and how depressing Parliament was on Friday! Nothing could stop them; their prejudice shone in their eyes, it was felt in the clasp of their hands, it was evident in their silence. No, they were all pleased by Polónyi's speech.⁴⁹

This exasperation was also reflected in the increasingly vehement outbursts against the government. In 1914, shortly before the outbreak of war, a young Jewish secondary schoolteacher, who had been told not to expect an appointment unless he converted, committed suicide. "The state," wrote a lawyer by the name of Sándor Mezei, "by enabling you and your fellows to study, induced and persuaded you to take up a career in which with its support it promised advancement, and instead of advancement offered you the bullet of a revolver, only because you are a Jew, for no other reason than that you are a Jew. ... You had to live in misery because you were a Jew, you did not get a job because you were a Jew, and you had to die because you were a Jew. In front of your grave, when taking leave of you, we shall clench our fists in anger and bitterness."⁵⁰ Evidently, this is quite some way from singing enthusiastic hosannas to Hungarian liberalism.

More significantly, the disillusionment was manifest in the decreasing frequency, indeed the almost complete disappearance of the decades-old enthusiasm for the allegedly accomplished fusion of Jews and Hungarians.

Then came the world war. Its outbreak immediately transformed disillusion into the hope that the ultimate sacrifice, the offering up of Jewish lives on the national altar, would rebut once and for all allegations that the Jews were not – could not be – true Hungarians. "So now," wrote *Egyenlőség*, condensing into one sentence its hopes of a fusion with both Hungarians and Orthodox Jews, "our blood will be forged as one without religious and organizational distinction, won't it?"⁵¹

49 'A tiszelt Házból,' *Egyenlőség*, 11 April, 1911, pp. 4–5.

50 Idem [S. Mezei], 'Beszélgetés egy halottal,' *Egyenlőség*, 26 July 1914, p. 2.

51 F. Mezey, 'Zsidó hősök a hadseregben,' *Egyenlőség*, 2 August 1914, p. 3.

THE CASE OF THE TELEKI STATUE: NEW DEBATES ON THE HISTORY OF THE NUMERUS CLAUSUS IN HUNGARY

Following Hungary's regime change in 1989, the history of Hungary's anti-semitic legislation in the interwar era triggered new controversies among professional historians and the wider public. The debate reached beyond the history of Hungarian Jews and touched upon the politically sensitive choices that post-communist political elites need to make about the re-creation of the national pantheon, about the selective adoption or rejection of Hungarian historical traditions and symbolism. New political groups that emerged following the fall of communism began looking to the pre-communist past to find a "usable" past, a heritage with which they are able to establish an amount of intellectual and political continuity. It was in this process that groups on the political right rediscovered the emblematic figure of Pál Teleki, who, in 1920, introduced the first anti-Jewish law in Hungary. Twice Prime Minister, a distinguished professor of geography and a self-defined modern conservative, Teleki was an energetic and ideologically oriented politician and an academic intellectual who left behind a voluminous oeuvre of political and scholarly studies available for exploration by generations after him. But Teleki's real claim to fame originates less from his oeuvre and more from his politically motivated suicide in April 1941 when Britain threatened to declare war on Hungary in case Hungary collaborated in the upcoming German attack against Yugoslavia. The Prime Minister's suicide was a dramatic admission of his own failure in steering Hungary on a neutral path between Britain and Germany, keeping the goodwill of Britain while accepting the help of Nazi Germany in the rectification of Hungarian borders at the expense of Hungary's neighbors. Though Teleki failed as a politician, his suicide is regarded in Hungary as a gesture of moral heroism that, according to his admirers, must be acknowledged by all available forms of historical remembrance, including a statue in a central location of the capital city. After 1989 repeated initiatives to set up such a statue received the support of prominent public figures, such as Presidents Árpád Göncz and Ferenc Mádl, Prime Ministers József Antall and Viktor Orbán, the liberal mayor of Budapest, Gábor Demszky, and the historian Domokos Kosáry, President of the Academy of Sciences. Eventually, in 2001, on the sixtieth anniversary of Teleki's death, the right-wing government of Viktor Orbán supplemented the funds collected by the Teleki Memorial Committee and the statue was finally commissioned with the understanding that it was to be set up in central Budapest.

However, as the statue was nearing completion, voices of protest also began to appear. How could it be possible, opponents asked, that democratic

Hungary would give its endorsement to someone with such an infamous record of antisemitic policies as Teleki? Teleki was Prime Minister in 1920, during the adoption of the anti-Jewish Numerus Clausus law, and between 1939 and 1941, when a series of anti-Jewish laws were put on the books. All in all, Teleki issued twelve anti-Jewish laws and 108 further decrees against Jews, thus earning for himself the reputation as one of Hungary's most committed antisemites. In 1928 when the government of István Bethlen withdrew the anti-Jewish clause of the Numerus Clausus law, Teleki raised his voice in protest and celebrated the anti-Jewish clause under review as a feat of history he did not wish to see forgotten. Commemorating Teleki's figure with a statue, opponents claimed, would be tantamount to the expression of disregard for hundreds of thousands of Hungarian citizens who suffered isolation, discrimination, and persecution as a result of his antisemitic views and actions. Opponents of the statue were naturally aware of the fact that Teleki himself could not have been directly involved in the deportations, as he took his own life years before deportations from Hungary began. Therefore, as the prominent writer, István Eörsi put it, Teleki "never had to confront the final consequences of those anti-Jewish laws that he personally introduced to Parliament. Most probably he would not have supported a solution with gas chambers, especially as he despised Hitlerism for the mob mentality it represented. His own motives for implanting the logic of racial doctrines into Hungarian law derived from his scientific convictions and his own interpretation of patriotic duty, while his much respected suicide saved him from having to face the consequences of this logic. However, those who wish to erect a statue for him today are aware of these consequences. Given the fact that these consequences cannot be divorced from Teleki's achievements as a statesman, the statue would permanently call into mind trains to Auschwitz loaded with Hungarian citizens. The statue would suggest that Teleki's merits as a statesman outweigh half a million lives."¹ But despite his opposition to the statue, Eörsi did not go as far as to claim that as Prime Minister, Teleki would have been directly responsible for the deportations. Some historians disagreed. Krisztián Ungváry, for instance, saw Teleki's role in a darker light. Ungváry argued that, as Prime Minister, Teleki prepared the legislation that withdrew Hungarian citizenship from Jews who had acquired it following 1914, thus creating approximately 16,000 stateless Jews on Hungarian soil who, in August, 1941, were deported to German-occupied Kamenets-Podolski, where they perished in a campaign of targeted liquidation.² This established Teleki's direct responsibility for the fate of the Jews who perished in Kamenets-Podolski.

By the spring of 2004 the Teleki affair became headline news. The press debate touched upon the most sensitive issues of responsibility for the

1 I. Eörsi, 'Teleki szobra,' *Magyar Hírlap*, 15 February 2004.

2 K. Ungváry, 'Szobrot Teleki Pálnak?,' *Népszabadság*, 17 February 2004.

persecution of Hungarian Jews. The debate only subsided when the mayor of Budapest decided to withdraw his permission to set up Teleki's statue in the capital's castle district.³ At the end, the statue was discreetly placed in an enclosed garden of a parish in rural Balatonboglár.

From the historian's point of view, the most engaging aspect of the debate was the way it shattered conventional chronologies on interwar history by bringing the events of the late 1930s together with those of the 1920s through the person of Teleki, who served as Prime Minister in both periods. Teleki's prominent role in advocating and implementing both the anti-Jewish legislation of 1920 and the anti-Jewish laws from 1939 onwards called attention to elements of continuity between the Numerus Clausus and the anti-Jewish laws of the 1930s. This in turn ran counter to the established view in mainstream Hungarian historiography, according to which the Numerus Clausus was a transient episode of the 1920s that came to a definite end in 1928. According to this view, the introduction of new anti-Jewish legislation ten years later opened up an entirely new chapter of Hungarian-Jewish conflicts.

The debate around the Teleki statue challenged the conventional view of the Numerus Clausus as an episodic event restricted to the 1920s and brought forth an alternative interpretation in which the Numerus Clausus is understood as the first of several anti-Jewish laws during the interwar period, all motivated by the objective of limiting Jewish participation in the Hungarian economy and public life. According to this alternative interpretation the Numerus Clausus of 1920 had a permanent impact on the evolution of Hungary's interwar history. Admittedly, the Numerus Clausus and the anti-Jewish laws were separated by two decades and arose in different political environments. In 1928, in the middle of the interwar period, the antisemitic racial clause of the Numerus Clausus was repealed, and only ten years later did parliament vote to adopt the first of a series of new anti-Jewish laws. Nonetheless, as some participants in the debate suggested, the elimination of the racial clause of the Numerus Clausus law in 1928 did not decisively break the pattern of discrimination established by the Numerus Clausus of 1920 and that in this sense, the Numerus Clausus and the anti-Jewish laws after 1938 were consecutive stages in a prolonged process, with a common thread running through them. They were measures similar in nature and motivated by comparable intentions. In this paper I argue that in order to fulfill the legislative intent underlying the Numerus Clausus of 1920 there was a need for additional anti-Jewish laws – laws of the very type that were in fact adopted from 1938 onwards in the form of Hungary's First and Second Jewish Laws.

Therefore it is hardly an exaggeration to regard the Numerus Clausus as a fateful watershed in the history of Hungarian law-making. After 1920 the idea that the so-called "Jewish Question" could be solved through

3 'A közgyűlés előtt a Teleki-szobor,' *Magyar Hírlap*, 24 February 2004.

government-sanctioned restrictive policies became widely accepted within Hungarian political thinking and this view remained dominant until the end of the Second World War.

In 1920 Hungarian proponents of the Numerus Clausus regarded the "Jewish Question" as consisting of issues that had, at the time, been identified in fairly similar ways and terms in many European countries and North America, though of course Jews in Hungary also developed certain peculiar patterns of social stratification. By 1920, 5.9% of Hungary's population was Jewish and over half of all Jews lived in cities, as compared to a fifth of the general population. The share of the Jewish population of metropolitan Budapest was 23%, higher than that of Vienna (9%), Prague (10%), Berlin (5%), or New York (14%). As in most other countries of Europe, in Hungary, too, Jews were prominent in the modern sectors of the economy and in the urban educated professions with the exception of public service. In 1920 the proportion of Jews reached 14% among self-employed manufacturers, 47% among office employees in industry, 67% among office employees in commerce, 58% among self-employed tradesmen, 89% among the self-employed in financial services and 49% among office employees in financial services. 51% of lawyers, 46% of physicians and 39% of self-employed engineers were Jewish, as compared to 40% of lawyers in Vienna and over half of all doctors in Warsaw.⁴ Among students of higher education, 34% were Jewish in 1916, as compared to 20–30% in Vienna and 30% in Berlin, and 10% in all of the German Reich. Among students of secondary schools 25% were Jewish, as compared to 30–35% in Vienna and 33% in Berlin.⁵ What was, at the time, referred to as the "overrepresentation" of Jews was especially high among medical and law students: over half of all medical students and a third of law students in Hungary were Jewish, though similar proportions existed in many other countries too, including for example the United States, where 40% percent of all medical students were Jewish, and the proportion of Jews among law students grew from 13% in 1918 to 24% by 1935. Given the fact that in the USA Jews only constituted 3.5% of the overall population, the "overrepresentation" of Jews in these professional schools was relatively higher than in Hungary.⁶

Thus, the high participation rate of Jews in advanced education and in the liberal professions was by no means unique to Hungary. Nor were the

feelings of resentment this provoked in non-Jewish society. In the USA for instance, the high percentage of Jews among university students triggered public calls for limiting the share of Jews by means of restrictive quotas, such as the one by the College of Physicians and Surgeons according to which "the representation of the various social, religious and racial groups in medicine ought to be kept fairly parallel with the population makeup."⁷ Although never legislated on the state level, following 1918 a number of American private universities, medical and law schools instituted anti-Jewish quotas by establishing a Numerus Clausus for the overall number of students and by bringing student admissions under the authority of their newly established admission departments that used a series of non-academic criteria, such as "character," "sportsmanship," "legacy" etc. to isolate desirable applicants from Jewish applicants.⁸ Admission of Jews to Harvard University during that period fell from 27.6% to 17.1% and in Columbia University from 32.7% to 14.6%. Quotas were introduced in medical and dental schools as well: as a result in the Cornell University School of Medicine the proportion of Jewish students fell from 40% in 1918–1922 to 3.57% in 1940–1941, in Boston University Medical School from 48.4% in 1929–1930 to 12.5% in 1934–1935. "Desirable" (native-born, white, Protestant) applicants were identified by the newly established admissions departments on the basis of questions in the application form relating to religious preference, race, and nationality.⁹ In 1925 Yale introduced the system of "legacy preference," which allowed the admissions board to pass over Jews in favor of sons of Yale graduates.

Calls to introduce restrictive quotas against Jews were also made in several European countries, including Poland, Latvia, and Romania as well, but they did not materialize until the 1930s. Seen in the comparative perspective of other European states and North America, what was unique to the Hungarian legislation of 1920 was neither the introduction of the Numerus Clausus measure, nor the way it was combined with restrictive quotas on Jews, but the fact that these restrictions had become state-level policies codified in the law of the country, uniformly and bindingly imposed on all institutions of higher learning. As Tibor Hajdú argued recently, neither the fact of Jewish "overrepresentation," nor the social resentment this had provoked would have been sufficient conditions for the establishment of

⁴ These numbers reflect Jews of Jewish religion. In my own research on the Jewish laws, I found that in 1939 nearly one fifth (18.5%) of those registered in the Chamber of Lawyers in 1939 as Christians were converts who had been born Jewish, or were sons of Jewish converts. Cf. M. M. Kovács, *Liberal Professions and Illiberal Politics: Hungary from the Habsburgs to the Holocaust* (New York, 1994), p. 63.

⁵ A. Kovács, *A zsidóság térfoglalása Magyarországon* (Budapest, 1922), pp. 36–8; and R. Rürup, 'Jewish Social History in the Nineteenth And Early Twentieth Century,' *UCLA Center for European and Eurasian Studies*, 2 (2004), p. 8. (<http://repositories.cdlib.org/international/cees/cnf/2>)

⁶ M. G. Synnot, 'Anti-Semitism and American Universities: Did Quotas Follow the Jews?,' in *Anti-Semitism in American History*, ed. D. Gerber (Urbana, 1986), pp. 478–98.

⁷ *Ibid.*, p. 498.

⁸ J. Karabel, *The Chosen: The Hidden History of Admission and Exclusion at Harvard, Yale, and Princeton* (New York, 2005), pp. 116–136.

⁹ Synnot, 'Anti-Semitism and American Universities,' p. 474. In 1925 the proportion of Jews among freshmen at Harvard reached 27.6%. After failed attempts in 1923 and 1924, in 1925 Harvard, on the initiative of the university's president, A. Lawrence Lowell, introduced a Numerus Clausus by limiting the size of the freshmen class to 1,000 and introduced a system of selection in which students would be evaluated for "character and fitness and the promise of the greatest usefulness in the future as a result of a Harvard education," and could be rejected without any explanation.

state-level anti-Jewish policies as was evident in the case of the USA where the quota system did not become state policy. What was unique in Hungary in 1920 was the active support for the introduction of such policies from the government in power.¹⁰ It is this aspect of the Hungarian Numerus Clausus that distinguishes it from all other contemporary occurrences of Numerus Clausus measures elsewhere in Europe or in North America and makes it the first European adaptation of the model for state-level anti-Jewish quotas initially developed in Russia in the 1880s.

Proponents of the Hungarian Numerus Clausus suggested to address the "Jewish question" by means of limiting the participation of Jews in education and in the economy until a so-called "state of balance" between Jews and non-Jews could be restored or, in other words, until the economic goods and social advantages possessed by Jews would not exceed a level corresponding to their share of the population.

It was the head of the Hungarian Statistical Office, Alajos Kovács, who established the guidelines as to what this level should be. He suggested that the sum of economic and cultural goods available to Jews should not exceed the share of Jews in the population of Hungary, i.e. should not exceed 5–6 percent of total assets and goods. This new "state of balance" was to be achieved through government imposed restrictions on education and, prospectively, on various occupations. Compiled with impeccable professionalism, Kovács' statistics were, nonetheless conceived and interpreted in a politically loaded manner in which the tendentious choice of parameters predetermined the findings and conclusions. Kovács contrasted data for the predominately urbanized Jews with those pertaining to the predominately rural non-Jewish population. But with over half of all Jews in Hungary living in cities, the comparison of Jews and non-Jews was to a certain degree, a comparison of urban and rural society, especially when it came to participation in institutions of secondary and higher learning. But in his statistical works on the Jewish question Kovács made no allowances for such differences in residential patterns: he merely demonstrated how Jews, wherever they lived, were more likely to be participating in advanced education and working in modern urban professions than other religious or "racial" groups, wherever they lived. For Kovács discrepancies between the occupational composition and educational standards of Jews and non-Jews were not even partly due to the differences between urban and rural development, but to "racial" differences between these groups.¹¹ Kovács' use of the category of "Christian Hungarian" society was also politically loaded. In fact the notion of "Christian Hungarian" society was, in itself, an ideological construct as the various Christian denominations were also divided among themselves both in terms of linguistic background (with a

significant German component in the urban middle classes) and in terms of ownership of economic and cultural goods, with visible demographic and income inequalities between Protestants (primarily Calvinists) and Catholics. However, Kovács drew no social policy conclusions from such inequalities. He considered Protestants and Catholics alike to be parts of the Hungarian nation, whereas he excluded Jews, arguing that they belonged to a race that could never be assimilated.¹² This way Kovács' statistics readily produced the outcomes for which they had been designed: they demonstrated the severe "overrepresentation" of Jews in higher education and in the urban professions and, by doing so, they provided a statistical basis for governmental measures to "restrict" the presence of the Jews within the middle classes. Kovács himself formulated the philosophy behind the Numerus Clausus as follows: "The original purpose of the Numerus Clausus was to partly exclude Jews from intellectual occupations and partly to limit their proportions to the share of Jews in the overall population."¹³ No wonder then, that the numbers that were needed to justify these policies were compiled in such a way as to suggest only one conclusion, namely that the biggest problem of Hungarian society is the "Jewish Question." The requirement to turn statistics into the foundation of antisemitic policies was explicitly formulated by the most influential proponent of the Numerus Clausus legislation, bishop Ottokár Prohászka in 1918: "What does my 'antisemitism' consist of? I do not advocate that you beat the Jew, but that you awaken, and if need be, arouse the indolence of Hungarians with a whip spun out of the rows of statistics so that they grab what they have and what their lives, beliefs, and traditions tie them to."¹⁴ And in order for "rows of statistics" to serve as "whips" they needed to be clear, non-ambivalent, and suggestive of only one solution.

During the interwar period all of Hungary's ruling parties and governments regarded the adoption of restrictive measures against Jewish presence in the economy and the middle classes as desirable. The major difference between the various administrations pertained to the possible means, the substantive content and timing of such measures, balanced against the risks Hungary would take in terms of its economic stability and foreign policy. But the core idea of using governmental means to restrict the presence of Jews in middle-class professions and in the economy was even supported by the moderate István Bethlen, Prime Minister between 1921 and 1931, although in 1928 it was Bethlen who led the campaign to repeal the anti-Jewish clause of the Numerus Clausus law of 1920 that had originally established a ceiling in the number of applicants to be admitted to institutions of higher learning and limited the proportion of "students belonging to the various races and nationalities living in the country" to the propor-

10 T. Hajdú, 'A diplomások létszámnövekedésének szerepe az antiszemitizmus alakulásában,' in *A holokauszt Magyarországon európai perspektívában*, ed. J. Molnár (Budapest, 2005), p. 57.

11 A. Kovács, *A zsidóság térfoglalása Magyarországon* (Budapest, 1922), p. 55.

12 Ibid., p. 6.

13 Quoted in J. Gyurgyák, *A zsidókérdés Magyarországon* (Budapest, 2001), p. 195.

14 O. Prohászka, *The Jewish Question in Hungary* (The Hague, 1918), p. 2.

tion "of those races and nationalities in the population of the country."¹⁵ Given the fact that the proportion of Jews among university students was higher than their share of the population, the racial clause referred to the Jews, and limited their proportion to 6%. Bethlen personally believed that the Numerus Clausus was a legitimate measure; without it "Christians" would be unable to "recover" the positions they had surrendered to the Jews in the economy, even over the long term.¹⁶ This helps to explain why the same István Bethlen who convinced Parliament to repeal the racial clause of the Numerus Clausus in 1928 had, only a few years earlier, failed to protest against the anti-Jewish provisions adopted in 1920 and why, in 1925, he even defended the Numerus Clausus when it came under attack by the League of Nations, arguing that the retention of the law was "in the public interest."¹⁷

Bethlen's views had not changed by 1928. Nonetheless, he took the initiative to soften the law by removing its so-called racial clause directed at the Jews. But his steps were motivated primarily by foreign policy considerations. The League of Nations on two occasions, in 1921 and 1925, called for an inquiry into whether or not the racial clause of the Numerus Clausus law violated Hungary's obligations under articles 56 and 57 of the Minority Treaties, which declared the equality of rights of all Hungarian citizens regardless of their language, religion or race. In 1925, under pressure from the League of Nations, Bethlen took a first step and arranged for his Minister of Education, Kunó Klebelsberg, to declare to the League of Nations Council that the Numerus Clausus was merely a temporary measure which the government planned to repeal in the long run. Since this failed to happen over the next two years, in October 1927, the League of Nations decided to put the possibility of an inquiry back on the agenda. Bethlen then took swift action. He warded off the debate, scheduled for December, by submitting an amendment bill to the parliament in November.

Foreign policy considerations thus lay behind the repeal of the racial clause in 1928. Seen in this light, it is not surprising that the measure was not accompanied by any public self-criticism on the part of the Hungarian government. Any admission of responsibility for a mistaken policy might have confronted the broader public with the moral, political and legal bankruptcy of the anti-Jewish legal provisions in the Numerus Clausus law. This also helps to explain why, when the so-called Jewish Laws were being introduced ten years later, there was very little public opposition to them.

In 1938 the return of the Numerus Clausus was acknowledged with little more than a nod, for in the course of almost two decades since the initial adoption of the Numerus Clausus law, Hungarians had become accustomed to the idea that Jews may and can be singled out for some amount of discriminatory legislation by the government. Moreover, the repeal of the racial clause in 1928 failed to eliminate the actual practice of discrimination, so that, at least in the area of higher education, the reintroduction of legal discrimination in 1938 happened against the background of already existing discrimination.

In this sense the Numerus Clausus of 1920 and the Jewish Laws after 1938 were closely related events. From the distance of almost a century it would seem that linguistic conditioning, inherited from the Horthy era, alone explains why some historians continue to treat the Numerus Clausus as some sort of separate measure limited to the 1920s, rather than to acknowledge it as the "first Jewish law" in a series of consecutive Jewish Laws. What may seem as a terminological issue in fact relates to the larger debate among historians on the question of the extent to which Hungary's home-grown anti-Jewish laws, including the Numerus Clausus, played a role in the process that led to the destruction of a large part of Hungarian Jewry.

The recent debate over the Teleki statue led to a re-emergence, in the media, of the claim that during the years of the Second World War the cautious and collaborative foreign policy of Hungarian governments served, in the final analysis, to establish an oasis of peace and stability for Jews in the shadow of Nazi Germany. For this reason, so the argument goes, it is unfair and historically inaccurate to present Hungary's Jewish Laws, two of which were passed during Teleki's premiership, as mileposts en route to the Hungarian Holocaust. When evaluating the Jewish Laws, one should take into account that Hungarian governments were in fact practising "the lesser of two evils" from the perspective of Hungarian Jews. As long as Hungary retained its sovereignty, that is until March 1944, it is claimed, the country's Jews were protected from the most terrible forms of destruction.

This argument is most convincing if the connection between 1920 and 1938 is interpreted as having been minimal, or in other words, if we accept the claim, so far dominant in Hungarian historiography, that in Hungary the history of anti-Jewish legislation begins in 1938, not 18 years earlier, with the introduction of the racial clause of the Numerus Clausus law. This then makes possible the assertion that prior to 1938 there was no active tradition of antisemitic legislation in Trianon Hungary. If, on the contrary, the Numerus Clausus is viewed as the first of a series of antisemitic laws, motivated by objectives that could only be realized if their scope was steadily broadened throughout the era - and continuous attempts were in fact made to accomplish this - then it is unconvincing to portray the second wave of Jewish Laws as a mere reaction on the part of Hungarian governments to foreign policy imperatives, in particular the overriding need to counterbalance pressure from Nazi Germany.

¹⁵ *Magyar Törvénytár. 1921. évi törvények*, ed. Dr. Gy. Térfi (Budapest, 1922), pp. 144-5.

¹⁶ I. Romsics, *Bethlen István. Politikai életrajz* (Budapest, 1991), p. 156.

¹⁷ Speaking to a delegation of the Alliance Israélite Universelle in 1924, Bethlen referred to the racial clause of the Numerus Clausus as being "in the national interest," and as a measure "imposed in the same way on all the intelligentsia elements." See L. Szabolcsi, *Két emberöltő. Az Egyenlőség évtizedei (1881-1931)* (Budapest, 1993), p. 353.

The view of the Numerus Clausus presented in this study does not imply that the Numerus Clausus, in itself, would have set interwar Hungary on an irreversible path ending in the deportation of Hungarian Jews in the 1940s. In the 1920s Hungary was certainly not the only country to introduce an anti-Jewish quota system. At the same time as Hungary implemented the Numerus Clausus, a number of top universities in the United States and Canada developed anti-Jewish quotas that had been maintained in a more or less consistent way for decades. Thus, "anti-Semitism took a more virulent form in the state universities of central and eastern Europe than it did in American colleges and universities, yet striking parallels existed between its occurrences in both places. American university administrators sought a similar solution to the 'Jewish problem': a percentage limitation on their admission, albeit quietly implemented."¹⁸ The purpose and the justification of anti-Jewish quotas in North America were also similar to those in Hungary, insofar as "the limitation of Jewish students was an essential function of those colleges, universities, and professional schools that sought to perpetuate the economic and social position of middle and upper-middle-class, white, native-born Protestants."¹⁹ However, anti-Jewish quotas in the United States or Canada never assumed the status of federal, or even state-level policies, and did not turn the governments of the United States or Canada in an antisemitic direction.

Nor does the treatment of the Numerus Clausus as a measure that established a continuous pattern of discrimination imply that the processes initiated by the Numerus Clausus would have led all the way to the deportations were it not for the Depression and the unfavorable foreign policy circumstances of the post-Depression decade. As the examples of more than a few European countries and of the United States show, there were a variety of political exits from the consequences of the Great Depression. It does mean, however, that the Numerus Clausus was the first among several measures that steadily accustomed Hungarian society to the idea that it was necessary and possible to "solve the Jewish question" through special laws and decrees that applied, among Hungarian citizens, only to Jews. These laws in turn legitimized the counting of Jews in various categories and according to several "factors" having to do with a person's origin. They put an obligation on Jews to produce official accounts of their family origins first only at the universities, then, from 1938 onwards, in several areas and occupations.

This understanding of the Numerus Clausus runs counter to the view advocated in mainstream Hungarian historiography that prefers to regard the Numerus Clausus as an ephemeral phenomenon connected to the 1920s that came to a definite end in 1928. But, as the Teleki debate demonstrated, a sizeable part of the Hungarian public remains unsatisfied with the way mainstream historiography treats the problem of antisemitic policies in Hungary

and is raising issues that may, sooner or later, involve the reexamination of canonized views on the part of professional historians. Were a Hungarian *Historikerstreit* ever to emerge, the controversy around the Numerus Clausus is likely to be among the first issues on its agenda. Admittedly, the Numerus Clausus was not the most harmful or dangerous discriminatory legislation in Hungary's interwar history. Despite all the humiliation and hardship it inflicted on Jewish youth, it hardly compares in severity with the so-called Jewish Laws introduced after 1938 that limited employment in public service and the ownership of agricultural property by Jews, banned marriage between Jews and non-Jews, forbid conversion by Jews to Christian faiths, and isolated Jews called up for military service for the purpose of forced labour in unarmed battalions that were left without the means to defend themselves in case of armed attack. Compared to these measures, the scope of the Numerus Clausus of 1920 was much less severe, confined, as it were, to a restrictive quota system in admissions to universities. Also, unlike the Jewish laws after 1938 that remained in force until the total defeat of Nazi Germany, the official life span of the Numerus Clausus was limited to less than a decade: in 1928 those parts of the law that served to keep Jewish students away from universities were deleted from the books. Why then, should we still expect that the topic of the the Numerus Clausus will emerge as a high profile issue in a future Hungarian *Historikerstreit*?

A cursory review of post-1989 Hungarian historiography may indicate the reasons. In their accounts of the interwar period, Hungary's post-communist historians are apparently struggling with the threefold problem of continuity, causality, and responsibility. From the point of view of the Jews, the three focal points in any account of the period between 1919 and 1945 are the Numerus Clausus law of 1920, the Jewish Laws after 1938, and the physical destruction of the Jews after March 1944. However, historians greatly differ in the way to link these three junctures.

The Numerus Clausus of 1920 was an entirely home-grown piece of legislation that was regarded by all major powers of Europe with such disdain that, for nearly a decade, Hungary was under pressure from the League of Nations to eliminate the legislation. Yet the Numerus Clausus remained on the books for nearly a decade. In contrast, the comparative framework in which the Jewish Laws between 1938 and 1944 are treated is provided by the destruction of European Jews outside Hungary prior to March 1944, and by the destruction of Hungarian Jews following March 1944. From 1938 Hungary's new Jewish Laws were adopted in the shadow of Nazi Germany, even if there is no evidence to support the claim, sometimes made by Hungarian historians, that the Jewish Laws of 1938 and 1939 were the result of direct German pressure. In fact, as László Karsai has demonstrated, until the summer of 1940 we know of no German request for Hungary to "solve" the Jewish question.²⁰ Balázs Ablonczy, author of the

¹⁸ Synnot, 'Anti-Semitism and American Universities,' p. 479.

¹⁹ *Ibid.*, p. 474.

²⁰ L. Karsai, 'Még egy szobrot Teleki Pálnak?', *Magyar Narancs*, 19 February 2004.

first truly exhaustive biography of Pál Teleki, published in 2005, also refutes the claim that in 1938 and 1939, the dates of the introduction of the First and Second Jewish Laws, the Teleki government would have acted under German pressure to take measures against the Jews. Ablonczy quotes Teleki himself who rejected the notion of acting under German influence.²¹ However, Ablonczy shares with most other recent histories of the interwar period, including the works of Ignác Romsics, Hungary's most accomplished historian of this period, the conviction that neither Teleki nor the rest of Hungary's political elite saw the Jewish Laws as steps towards the destruction of Jews and believes that had Teleki lived to see the fate of Jews after March 1944, he may have even turned against the Germans and their Hungarian collaborators. Speculative as such an assertion might be, it is a fact that after Teleki's death the Horthy regime indeed resisted German claims to hand over the country's Jews to Nazi Germany, which has led historians, among them Istvan Deak and Thomas Sakmyster, to argue that the cautious and collaborative foreign policy of the Horthy regime protected Hungarian Jews from the worst form of destruction until Hungary finally lost its sovereignty in March 1944. Randolph Braham, the foremost authority on the Hungarian Holocaust, concluded that "without the German occupation, the Hungarian Jewish community would have survived the war" with the exception of those killed in Kamenets-Podolski and Bácska.²²

Seen in this context, the portrayal of Hungary's Jewish laws between 1938 and 1944 as results of a policy of pre-emption, or a choice of the lesser evil rather than a policy whose logical end point was the collaboration of Hungarian authorities in the deportations, lends itself more readily to some kind of consensus among historians than does the problem of the Numerus Clausus.²³ In the case of the Numerus Clausus it is impossible to point to either international pressure, or comparative cases of organized, state-level anti-Jewish discrimination in Europe or North America, that would somehow help interpret the Numerus Clausus as some sort of a "normal" response to difficult circumstances also practiced elsewhere in the world.

Despite the general consensus in mainstream historiography, not all historians writing after 1989 share in what amounts to absolving Pál Teleki and more generally, the governments of the Horthy regime, from the

charge that from 1920 onwards they established a pattern of permanent discrimination that, in the final analysis, prepared Hungarian society for the deportation of Hungarian Jews after March 1944. Victor Karády, author of several volumes on the social history of Hungarian Jews, sees the problem in an altogether different light. In agreement with the magisterial study on Hungarian antisemitism by István Bibó from 1948, Karády puts the emphasis on the common features of the quota system introduced by the Numerus Clausus, and the quota system introduced by the Jewish Laws after 1938, based, as they all were, on the ideology of a "change of guards," the "ultimate practical realization" of which, he argues, eventually happened with the deportations. While in his work published in 1997 Karády does not claim to establish a direct line between the Numerus Clausus and the Holocaust, he does see enough of a connection to conclude that "the realization of the plan of a change of guard, successfully executed with the deportations of 1944 and mass murder by the Arrow Cross, had begun with the Numerus Clausus."²⁴ With this, Karády echoes Bibó's classic work that characterized Hungarian antisemitism as "a widely shared infantile conviction about the need to pass a few laws to the effect that Jews should earn less while non-Jews should earn more without, however, bringing fundamental changes in the economy or society."²⁵ In the long run, state-sponsored antisemitism conditioned Hungarian society to regard as normal the exclusion of Jews, through "legal" means, from the common roof of dignified society which certainly helps to explain why so many Hungarians remained passive or even collaborated with the Germans in the deportations. According to Bibó, this process of conditioning begun in the 1920s, not in 1938, or 1944. By having integrated political antisemitism into the regime, the Horthy regime tolerated or even encouraged the evolution of a discourse in which the "solution of the Jewish question" could appear as Hungary's foremost problem.²⁶ Ferenc Fejtő, in his *Magyarság, zsidóság* (Jews and Hungarians) published in 2000, goes further than Karády in pointing to the continuity of discriminatory practices from the adoption of Numerus Clausus throughout the interwar period.²⁷ According to Fejtő interwar and Second World War governments may have differed in the intensity of their antisemitic policies, with some of them, such as the Kállay government of 1943, even trying to ease the pressure on the Jews, but they all, without exception, contributed to the process of "conditioning Hungarian society to the view that Jews must be pushed to the periphery and that they do not have a claim to the respect of their human dignity."²⁸

21 B. Ablonczy, 'Teleki Pál és a zsidótörvények,' *Rubicon* 2 (2004), p. 62.

22 R. Braham, 'Előszó,' in *A holokauszt Magyarországon európai perspektívában*, ed. J. Molnár (Budapest, 2005), p. 27.

23 In his *Hungary in the Twentieth Century*, published in 1999, Ignác Romsics, Hungary's most prominent historian of the interwar period, characterized the difference between the Numerus Clausus and the Jewish laws as follows: "In the 1920s Hungarian antisemitism was moderated by the international environment. But from the mid-1930s it received strong support from Nazi Germany, considered to be Hungary's most important foreign policy partner. It was the combined effect of these two factors, domestic antisemitism and foreign influence, that, during 1938 and 1939, led the Hungarian parliament to create two harshly discriminative laws against its own citizens." See I. Romsics, *Hungary in the Twentieth Century* (Budapest, 1999), p. 194.

24 V. Karády, *Iskolarendszer és felekezeti egyenlőtlenségek Magyarországon (1867–1945)* (Budapest, 1997), 237.

25 I. Bibó, 'Zsidókérdés Magyarországon,' in *Zsidókérdés, asszimiláció, antiszemitizmus*, ed. P. Hanák (Budapest, 1984) pp. 141–3. Bibó's study was first published in 1948.

26 *Ibid.*

27 F. Fejtő, *Magyarság, zsidóság* (Budapest, 2000), p. 201.

28 *Ibid.*, p. 264.

Seen from this vantage point the problem of continuity in antisemitic legislation and government practices has become a key issue in the debate over the role of Hungary's home-grown antisemitism in shaping the fate of Hungarian Jews. The following three points may help to clarify the connection between the Numerus Clausus and the Jewish Laws after 1938. First, one cannot overemphasize the fact that the legal consequences of the racial clause of the 1920 Numerus Clausus law were not restricted merely to issues of university admissions, but involved broader legal, constitutional, and political issues affecting the very existence and security of Hungarian Jewry. Second, the racial clause of the Numerus Clausus was informally applied almost continuously throughout the Horthy era, despite its formal repeal in 1928. Third, the racial clause of the Numerus Clausus was not some misfortune of history that was lost in beneficial oblivion after the 1928 amendment. On the contrary, the Numerus Clausus was connected by a chain of specific events and actions to the subsequent Jewish Laws of 1938, a continuity that was not broken in 1928.

As for the first of the three points: the adoption of the racial clause by parliament turned the university Numerus Clausus into something much bigger than an issue in higher education. The legal ramifications of the racial clause of the law reached way beyond the universities. With the racial clause, the Numerus Clausus became a constitutional issue and an instrument that was to assume a formative role in the subsequent fate of Hungarian Jews. The law was no longer merely about ceilings on university places, but showed universities how they might deny Hungarian citizens their right to enroll. Moreover, it also provided a guideline as to how citizens were to be categorized as members of the Jewish "race." The introduction of the term "race" was a novelty in Hungarian law, so much so that, in 1925, five years after the adoption of the Numerus Clausus, the royal curia declared use of the term legally "insupportable."²⁹ Until 1920 the Hungarian legal system was based on the equality of citizens; it distinguished between citizens only by "nationality," and it determined their "nationality" on the basis of language use. The constitution did not recognize the term "race" and prohibited the discrimination of citizens on the basis of their descent. Thus, within the permitted bounds of the constitution, it was impossible to isolate Jews, because in order to be classified as a "nationality" they would have to speak a language other than Hungarian. In Hungary this would have been true for only part of the Jewish population. A Hungarian government protocol addressed to the League of Nations summarized the problem:

In respect of the Jews, race, religion, and nationality are mixed together, taking a different shape in each country... The law in question [the Numerus Clausus]

²⁹ The curia's decision stated that, under the laws in force, Jews could not be considered to be a race or a nationality. They were to be regarded exclusively as a religious denomination. See Gyurgyák, *A zsidókérdés Magyarországon*, p. 122.

intentionally avoids any mention of religious differences, because religion is something directed by the individual, for an individual has the power to change his/her religion at any time. Thus, religion is not a suitable means of defining a minority, while at the same time ruling out abuse.³⁰

In 1920 the supporters of the racial clause were quite aware that Hungary's legal system contained a prohibition on discrimination based on a person's descent and that it did not recognize the term "race." They knew that the definition of who is Jewish and who is not for the purposes of the Numerus Clausus could only be achieved by amending or circumventing the constitution. This did not cause them great concern. It was perhaps Pál Teleki who best clarified their views. In 1928, when the legislature, under the leadership of Bethlen, repealed the racial clause, Teleki argued against those who claimed that its repeal would restore the constitutional order. In Teleki's view, "the main criterion of the law is not that it declare reality but that it express a purpose; that is to say, the law may only express reality if the image drawn corresponds with a conviction. But the law may not be used as evidence in favour of a general reality, or against a reality, but only as evidence of a purpose."³¹ If at some stage the Hungarian constitution had been "evidence of the purpose" of the equality of citizens, since 1920 the Numerus Clausus had, through its restrictions on the rights of the Jews, expressed a new purpose which, given sufficient time, would itself "become embodied in the nation's public attitudes and sentiments, and thus become a part of the constitution."³² Teleki considered the Hungarian constitutional order to be obsolete and unnecessarily rigid. In his view, the declaration of the equality of citizens was the "foolish" product of a prosperous era, an error which, decades later, could only be corrected through some "deprivation of rights." There should be no fear of violating the constitution - he argued - because what is implied in this process is the "rescinding of individual rights in the higher national interest."³³

In the end, the supporters of the legislation resolved the constitutional problem by omitting a detailed definition of the term "race" from the text of the law. The practice of university councils in executing the law was the only guidance as to how to isolate Jews from non-Jews based on the term "race." However, the practice of universities was not uniform. Some considered an individual's religion to be decisive; others took his or her

³⁰ Protocol of the Hungarian Government to the League of Nations, 19 May 1925. Cited in N. Katzburg, *Hungary and the Jews: policy and legislation, 1920-1943* (Ramat-Gan, 1981), p. 68. In 1925 even Prime Minister István Bethlen supported the use of the word "race." Bethlen regarded the assimilated Jews as a religious denomination and non-assimilated Jews as a "race." See Szabolcsi, *Két emberöltő*, p. 379.

³¹ Upper house speech on an amendment to the Numerus Clausus, 13 March 1928, see *Teleki Pál: Válogatott politikai beszédek és írások*, ed. B. Ablonczy (Budapest, 2000), p. 197.

³² Upper house speech on the Second Jewish Law, 15 April 1939, in *Teleki Pál: Válogatott politikai beszédek és írások*, p.384.

³³ *Ibid.*, p. 383.

descent to be the critical marker. Several faculties in Budapest classified as Jewish anyone who had been born a Jew, regardless of whether he or she was a member of the Jewish religious community.³⁴ After 1921 university councils took their decisions based on charts that contained columns of applicants under the category of "born Jewish," regardless of whether those "born Jewish" belonged to the Jewish religious community or not.³⁵ This then constituted a further restriction on the civil rights of the Jews. By classifying those Jews that had converted to Christianity as Jews ("born Jews" in contemporary parlance) rather than Christians, they further restricted the legal equality of the Jews, because the legal consequences of their conversion to another religion were not recognized. In this way, besides university admissions, Jews were deprived of their rights in another field, namely the right of free choice of religion and the legal consequences of such a right. The restriction on the legal standing of converts from Judaism contravened Hungarian law, in particular Act XLIII of 1895 regarding freedom of worship. This was implicitly admitted by the Bethlen government in 1926 when the Minister of Education, Klebelsberg, issued a decree requiring universities to recognize conversions from Judaism and to classify Jews who had converted to Christianity as Christians rather than as "born Jews." As with other related measures, this decree was implemented by some universities and ignored by others.³⁶ Thus, contrary to the impression given by some historians of Hungary, discrimination based on descent began in Hungary not in 1939, but in 1920 with the racial clause of the Numerus Clausus. The former Minister of Justice, Vilmos Vázsonyi, himself a Jew, was right in 1921 when he declared in his first speech before parliament since fleeing abroad from the commune of 1919, "I left the country under communism as [a member of] a religious denomination, and I came back as [a member of] a race."³⁷

The racial clause of the Numerus Clausus reduced the number of Jewish students almost to the extent originally foreseen by its proponents. As noted, although the racial clause was removed from the text of the Numerus Clausus law in 1928, university councils retained the right to grant or refuse admission. After 1928, some councils proceeded as if there had been no change in the law. They continued to follow old practices, permitting only a small number of Jews to enroll. Some of the more racist professors considered the repeal to be nothing more than half-hearted window-dressing, adopted under foreign pressure. They were aware of Bethlen's lack of enthusiasm for repeal. Matters remained thus until the Second Jewish Law of 1939 which restored, *pro forma* now as well as *de facto*, the

³⁴ In the medical faculty and in the Technical University in Budapest.

³⁵ K. N. Szegvári, *Numerus Clausus rendelkezések az ellenforradalmi Magyarországon* (Budapest, 1988), p. 130. The universities of Szeged and Pécs classified students as Jewish based on religion rather than descent.

³⁶ Szabolcsi, *Két emberöltő*, p. 379.

³⁷ *Ibid.*, p. 335.

racial criterion for university admissions. Thus the racial clause more or less achieved its original purpose. Many young Jews in Hungary were excluded from higher education. Throughout the period, the share of Jewish students barely exceeded 10 percent, even after 1928.³⁸ Viktor Karády has estimated that discrimination prevented about 50 percent of Jews with high school diplomas from attending university.³⁹ Still, as long as the Numerus Clausus applied only to university admissions, but not to admission to jobs and the liberal professions, it was not enough to bring about a radical and discernable change within the composition of the educated middle classes. This was because in the short term, the racial clause of the Numerus Clausus law restricted only the number of university students, but did not suppress those many thousands of Jewish university graduates who had acquired their degrees before the introduction of the Numerus Clausus. These Jewish graduates were free to enter the liberal professions or gain employment in various middle-class jobs.⁴⁰ Further, the law did not stop Jewish students who graduated from foreign institutions – estimated at 500 a year – from having their qualifications officially recognized in Hungary, despite some efforts by racist organizations to obstruct them.⁴¹ In the minds of its supporters, the effectiveness of the racial clause was "made worse" by the fact that even after 1920 Jewish young people could still go to university, albeit only in small numbers. (Recall that the Numerus Clausus did not ban Jews from admission to universities, it "only" restricted their proportion among students to the proportion of Jews in the overall population.) But in theory it was still possible that the small number of Jewish graduates would find employment relatively easily, since many of them continued in family firms, whether in law, medicine, or the economy, while their non-Jewish classmates faced an increasingly competitive struggle for positions. Thus, at least a decade would be necessary for the Numerus Clausus to effect a definite change in the area of actual employment, or, in other words, to reduce the proportion of Jews in the medical, legal, and other liberal professions. Indeed, in certain professions, such as the legal profession, it was clear that a serious decline in the proportion of Jews could only happen in the span of three or four decades. Such slow change was not what the supporters of the racial clause were contemplating. Instead, they urged further measures as a logical follow-up to the Numerus Clausus, seeking to

³⁸ In the year following 1928, the Jewish student ratio at the country's universities rose by less than one percent, from 8.4 to 9 percent, and there was no significant change in subsequent years (1930: 10%; 1931: 11.9%; 1932: 12%; 1933: 11.1%; 1934: 9.7%; 1935: 8.3%). Data compiled from the yearly publications of the Hungarian Statistical Yearbook between 1920 and 1935.

³⁹ V. Karády, *Önazonosítás, sorsválasztás* (Budapest, 2001). Szabolcsi cites higher ratios for some years: *Két emberöltő*, p. 397.

⁴⁰ For further details, see Kovács, *Liberal Professions and Illiberal Politics and Liberalizmus, radikalizmus, antiszemitizmus. A magyar orvosi, ügyvédi és mérnöki kar politikája 1867 és 1945 között* (Budapest, 2001).

⁴¹ Szabolcsi, *Két emberöltő*, p. 349.

broaden the scope of the measure to people who had graduated before 1920. In other words, their objective was to establish the Numerus Clausus in all professions requiring a university degree.

Throughout the period, Pál Teleki publicly asserted the need to broaden the scope of the Numerus Clausus. He did so in 1928, when he opposed the revoking of the racial clause in spite of Bethlen's advocacy of the reform. Moreover, in Teleki's view, a Numerus Clausus limited to the universities could not achieve very much by itself, because it "failed to address the background and roots of the issue of finding employment for Christian youths."⁴² "It is a mistake to believe that if we adopt a piece of legislation, it will act on our behalf, and we can relax, having adapted the legislation."⁴³ Christian youths graduating from university, according to Teleki, were entitled to expect the state to continue to provide for them "in life," but this would have required changes in the country's economic structure. "We ask nothing else for Christian society," he said, "...we just ask space for ourselves, befitting our share and our numbers."⁴⁴ It is not difficult to recognize in Teleki's ideas, expressed in 1928, the philosophy underlying the series of Jewish Laws passed after 1938. As I have argued throughout this paper, the Jewish Laws were derived from the same attitudes and habits that had helped, in 1920, to establish the racial clause of the Numerus Clausus. Teleki was clearly right when, in the upper house debate around the Second Jewish Law, he said that the law was almost "inevitable" and "a natural consequence" of all that happened in the preceding decades, because it was founded on the "same ideas and sentiments" as were earlier restrictions on the Jews. Returning to the current debate among historians of Hungary on the problem of continuity in antisemitic policies, Teleki's position concurs with the position of the present author insofar as it portrays these policies to have been in close affinity and flowing from one another.

III. RESEARCH PROJECT: THE COMMUNIST PARTY STATE AND THE JEWS: EXPLORATION AND STUDY OF SOURCES

⁴² Teleki Pál: Válogatott politikai beszédek és írások, p. 190.

⁴³ Ibid., pp. 203-4.

⁴⁴ Ibid., pp. 378-9.