

VII

SIC MUR AD ASTRA

EDITORS
GERGELY GOSZTONYI
IMRE KÉPESSY
DUNJA MILOTIĆ

Collection
of papers
on **Hungarian**
and **Croatian**
legal history 2024

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Eötvös Loránd University / Faculty of Law / Department of the History of Hungarian State and Law / 2024

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Zsolt BAKOS: The person who paved the road for women to law – The life and challenges of Margit Ungár

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1. Introduction

Margit Ungár, who later became the first Hungarian lawyer lady, continued her studies about a century ago. In addition to her practice, she also played a significant role in public life, including speaking out for women's rights to further education and the profession of law, which had been reserved for men only, and fighting for women's equality and the rights of children born out of wedlock. Throughout her life, she has had to deal with many prejudices and hardships.¹

2. The situation of women in Hungarian higher education

Women's opportunities for higher education were very limited at the time, and they were not allowed to demonstrate their academic knowledge at university level until 1895, when Gyula Wlassics, Minister of Public Education, issued Ministerial Decree No.65.719, which reflected the decision of Franz Joseph, allowing women to study humanities, medicine and pharmacy. The justification for the decree reads:

It certainly cannot be denied that the ways of earning which the older social conception assigned to women, rather harshly, proved insufficient. Changing social and

¹ SEREG, András: Ungár Margit – Az elfeledett első ügyvédnő [Margit Ungár – The Forgotten First Woman Lawyer]. *Jogi Fórum [Law Forum]*, 22 December 2020, <https://www.jogiforum.hu/arckepcsarnok/2020/12/22/ungar-margit-az-elfeledett-also-ugyvedno> [Access on March 24, 2024].

cultural conditions have forced women to seek other occupations which are more likely to provide them with a livelihood, and to acquire the necessary skills. The educated, more privileged circles, who were forced to be self-supporting. As women of the upper classes have become more and more dependent on self-sufficiency, there has been a growing recognition that women of superior ability are scarcely able to satisfy the needs of a higher level of education and knowledge. This explains why women have not ceased to strive for the state to open up to them the more narrowly defined academic careers. And who would not feel that the exclusion of women from a part of the scientific bread-winning careers by a strict principle is one of the great social injustices and inequities which will never be the glory of civic life. [...] And that women can acquire the knowledge necessary for the successful pursuit of scientific careers, there can be no doubt at this time, for experience, in this field in the educated Western States proves that women students in the higher scientific institutions are producing the results they need. And Hungarian women are at least on a par with women in educated foreign countries as regards intellectual talent, will-power and diligence. It is well known that women can achieve great success in both the literary and artistic fields, and there are many excellent examples, both past and present. [...] The chief aim is that women of superior intellectual power and inclination for scientific careers should not be excluded from scientific careers in which they can render a useful service to mankind and create for themselves a secure existence.²

Women had to wait until 1918 to enter technical and especially legal careers, when Albert Apponyi, as Minister of Religion and Public Education, made this possible in his decree No. 206.626/1918: *...I order that women may enroll in the secular faculties of the university, the university of arts and the law academies (and to enter the profession of pharmacy) under the same conditions as men, and that after they have completed*

² Magyarországi Rendeletek Tára [Library of Hungarian Regulations], 29. f., Budapest, 1895, M. Kir. Belügyministerium, 380., pp. 1680–1685.

*their studies according to the rules in force and passed the qualifying examinations, they may be issued with a diploma.*³

3. The life of the lawyeress

Margit Ungár was born in 1897 into a Jewish family in Diósgyőr and excelled at school. She chose a career in law at the request of her brother Ferenc.⁴ She excelled at her school-leaving exams and told the daily newspaper *Magyarország [Hungary]*: *"I wanted to be a lawyer from the age of six, but you know how it is: a child who wants to be an omnibus driver will never become one in ninety-nine out of a hundred cases. I stuck to my dream of having a man's profession and I realized it. The girls I started out with all went back, fell behind, or veered off course. Most got married and bored of doing their own thing exclusively. If they were smart - her husband's too.*⁵

Act 25 of 1920, known as the *numerus clausus*, on the regulation of enrolment in universities of science, the university of arts, the Faculty of Economics of the University of Budapest and the law academies, established the possibility of excluding women and Jews from higher education, however, this law's 2nd paragraph stipulated that the prohibitions *'shall not affect the right of further enrolment of ordinary students who had already been enrolled in previous academic years [...] provided that they can be absolutely trusted in terms of nationalism and morals'*. Margit Ungár was allowed to continue her studies, graduated on 22 June 1923, and was the first woman in Hungary to be awarded a doctorate in law at the Ferenc József University of Szeged (now the University of Sciences of Szeged).⁶

After obtaining his diploma, he applied to the Bar Association for registration as a lawyer. At the time, most lawyers considered women unfit to be lawyers.⁷ There

³ Magyarországi Rendeletek Tára [Library of Hungarian Regulations], 52. f., Budapest, 1918, Magyar Királyi Belügyminisztérium, 724., pp. 2879–2880.

⁴ SEREG, *op. cit.*

⁵ *Magyarország*, 7 July 1927, p. 4.

⁶ *Szeged*, 21 June 1923, p. 4.

⁷ *Magyar Nemzet*, 25 June 1988, p. 14.

was great disagreement among the members of the selection committee led by József Papp. The debate among the members was so lengthy that many of the visitors got tired of waiting and went home. Dr Ármin Grünhut, the chamber's prosecutor, spoke on the matter, saying that *such a far-reaching extension of women's rights was not in the spirit of our existing law*. János Benedek called for a positive ruling on the application, saying that *the law should not be interpreted as a direct ban on women and that progressive legal developments make this necessary*. Following a heated debate, the vote was 19-17 in favour of Margit Ungár, making her the first registered lawyer candidate.⁸

Rusztém Vámbéry, a very eminent doctor of law of the era, commented on the registration of Margit Ungár: *If women were allowed to enter legal studies, it was a logical consequence that they should also be allowed to advance in the legal profession. This is news only to us, because in France there are already two or three woman lawyers who, even if we look at it from the strictest legal point of view, are in every respect up to the mark. Marie Vérone, for example, has been very successful in the field of oration and, as a legal scholar, has also produced some very notable works in the field of legal literature - as for the concern that women lawyers might be in competition with men, this is a laughable matter, because, as far as I know, there are very few women in the legal profession and I think that recently women have been excluded from the legal profession altogether. For a man who is so lacking in confidence that he is afraid of female competition, it does him no harm to have a sharp-witted female competitor. Besides, it is a natural consequence of the democratic development that requires the emancipation of women throughout the world that women should also have equal rights with men in the legal profession.*⁹

She started his legal practice in the office of Vilmos Szende, and after a short time he continued it with his brother, Ferenc Ungár, about which she said: *'It took me*

⁸ *Az Ujság*, 4 November 1923, p. 6.

⁹ *Pesti Napló*, 4 November 1923, p. 4.

a lot of effort to get my doctorate, but I was happy to study, because I find the legal career beautiful and the law - despite the dry paragraphs - had a rather attractive effect on me. I am grateful to my brother, who facilitated my studies by giving me advice and guidance and by giving me the opportunity to practise in his office. Besides, I am already studying hard for the bar exam, and I would like to be the first woman lawyer in Hungary, as I was the first woman doctor of law, although one of my colleagues wants to dispute my priority, but without any reason. As soon as I am admitted to the bar, I will of course attend hearings. We have a big criminal trial later this month. I have already examined the documents and I will be defending the accused on behalf of my brother. So, I'm going to be involved in a criminal case for the first time and I hope I won't have stage fright, or if I do, I'll get over it quickly.¹⁰

In this criminal case, she represented one of the defendants in a theft trial. The defendants had committed jewellery thefts in Cluj-Napoca and Oradea and had fled to Hungary but were detained at the border. According to the reports, the 'premiere' of Margit Ungár was extremely popular. The lawyer's defence speech was well-formed and spirited, and from a legal point of view it perfectly met expectations.¹¹ She defended Jenő Weisz in front of the Curia, the newspapers reported: "[...]Council President Szőke looked on in amazement at the unusual scene in the courtroom, when the lady duly appeared. [...] A break was called after the defence. During the break, one of the Curia judges stepped down from the high bench and approached Margit Ungár – 'Congratulations, you did very well. We were very pleased with the pleasant introduction'".¹²

How unprepared was the legal world for the first woman lawyer is reflected by the small details: her clients often called her Mr. Doctor, and even her candidate card said so: For Mr. Margit Ungár, candidate lawyer".¹³ She finished her time as a candidate

¹⁰ *Az Ujság*, 7 November 1923, p. 4.

¹¹ *Pesti Napló*, 27 January 1924, p. 8.

¹² *Pesti Hírlap*, 28 January 1926, p. 15.

¹³ *Pesti Napló*, 28 February 1928, p. 8.

lawyer in the Budapest office of József Vági, with whom she fell in love and later married him. In a very stylish manner, the two best men at the couple's wedding were also lawyers.¹⁴

At the end of her candidateship, on 24 June 1928, she became the first woman lawyer in Hungary to pass the bar exam, answering all questions with impeccable qualifications.¹⁵ She passed the examination with distinction, after which Ferenc Vargha, the Crown Prosecutor, welcomed the first woman lawyer, wishing her as much success in life as she had had before the examination board. The first Hungarian woman lawyer received her diploma wrapped in pink silk and tied with a golden ribbon.¹⁶

After graduating, she set up his own office and took on cases that attracted the attention of the press. One of these cases was a football match between Újpest and Ferencváros (the two teams, and especially their fans, are still regard each other as arch-enemies). The season-opening match attracted too much interest, and the stadium-owner Újpest took advantage of this by selling tickets for far more people than the stadium could hold. The overcrowding only added to the already tense atmosphere, and at one point in the match, spectators who wanted to see the action started pushing their way in, which led to a scuffle. Significant financial damage was caused, with around 150 people trying to take their case to court. One of them was Pál Fekete, the manager of the Oil Refinery Ltd., who had hired Margit Ungár to take his case. The lawyeress wanted to prove that the track owner was responsible for the damage, namely because of excessive ticket sales. The reporter covering the case had some prejudices against the first Hungarian lawyer, and in his article, he wrote: *"The figure of the woman on the men's track is somehow imagined as it is - very often lately*

¹⁴ *Esti Kurír*, 21 February 1926, p. 10.

¹⁵ GOSZTONYI, Gergely: Az első magyar jogász- és ügyvédnő, Ungár Margit [The first Hungarian woman lawyer and advocate, Margit Ungár]. *JOG.történet. Az MTA–ELTE Jogtörténeti Kutatócsoport (ELKH) blogja*. 14 August 2023. <http://mtajogtortenet.elte.hu/blog/gosztonyi-gergely-ungar-margit> [Access on March 24, 2024].

¹⁶ *8 Órai Újság*, 26 June 1928, p. 7.

- declaimed from the stage by witty and less witty playwrights. So, take a dose of grittiness, mix it with a three-dioptre quiver, dress it up with a real pigskin briefcase, put it all in a skirt well below the knee, and put a modern speech accelerator in front of it - and you have her ladyship the lawyer. Being pleasantly disappointed is a great pleasure. My first observation about Margit Ungár is that she is a very interesting woman, secondly that she is a very witty woman and - last but not least (sic) - it is not without reason that Mr. Pál Fekete entrusted her with the management of this sports case, because in addition to these excellent qualities, Ungár is also a fanatical football fan. When asked about the case, Margit Ungár answered very confidently: *I will definitely win the case.* Finally, she herself asked the reporter a very stylistic question: How is it that Barcelona, who played so weakly in the Spanish league, beat Ferencváros like this?¹⁷

Among her more famous criminal cases is the case of the murder of a child in Debrecen. Ilona Földesy met a young man in her last year of high school, who seduced her and got her pregnant. On hearing the news, Ilona was chased out of their home by her father. The child was born in a clinic in Debrecen, where she left with her mother two weeks later. The next day, the body of a baby was found by children playing in a nearby pond, and suspicion soon fell on Ilona. The girl protested in desperation, claiming she was wandering with her baby in her arms when she noticed the baby was dead, and in desperation, threw it into the lake. According to the forensic expert's opinion, the child's death was caused by drowning, and in the light of this the Debrecen court sentenced her to ten years in prison. Her lawyer, Margit Ungár, said that *"defending this unfortunate girl was indeed a woman's job. She also explained why she loves criminal cases so much. To be honest, I feel more inclined to become a criminalist. People who have fallen into crime are so unfortunate that they need not only a defender's word, but also a warm heart, a protective hand to lift them up."*¹⁸ Margit Ungár appealed against the verdict and attached the opinion of another examining medical expert, according to which the child's death was caused by a rare type of ear

¹⁷ *Sporthírlap*, 12 January 1929, p. 5.

¹⁸ *Pesti Hírlap*, 9 January 1929, p. 4.

infection, which explains the sudden death. The lawyer filed a motion to submit the documents and the expert opinions to the Medical Judicial Council, which was granted by the Court of Justice.¹⁹

In another case, he was the lawyer of a young man accused of adultery. Margit Kerekes denounced her ex-fiancé for the crime of fraud. She alleged that after the engagement, Illés Kalanics had ricked various sums of money from her, and had mortgaged a large part of her property without her knowledge, and then disappeared. After his arrest, he denied his guilt, defending himself by saying that he had not received a penny from his fiancée, but that her relatives had promised him a job, which they had not kept, and that she had made the marriage impossible by her intolerable behavior. According to him, she once attacked him with a knife, and on another occasion she threw a cup at his head. Margit Ungár said in the court: *the victim herself was the reason why the accused did not marry her, because I, the woman, say that men are not obliged to tolerate female brutality*. Kalanics was finally sentenced to twenty-three days in prison for embezzlement, against which he the prosecutor and Margit Ungár appealed.²⁰ The case even reached America, where it was reported in the American Hungarian People's Voice, the native language newspaper of the local Hungarian diaspora.²¹

Margit Ungár also got interested in medicine: she wanted to patent a natural medicine for gallstones. In her patent report, she claimed to have found a remedy for this disease, which had previously only been treatable by surgery, based on the juice of black radish. She said that she had previously suffered from severe gallstones, and once, after an attack, she ate buttered bread with black radish and felt relieved after the meal. In the light of this, she began to investigate whether it was the butter or the radish that caused the relief. In her experiments, she devised a formula that could

¹⁹ *Pesti Napló*, 3 July 1929, p. 3.

²⁰ *Esti Kurír*, 31 August 1938, p. 5.

²¹ *Amerikai Magyar Népszava*, 12 September 1938, p. 2.

provide relief from gallstones. The remedy was not a simple homemade potion, but a chemically prepared remedy.²²

The lawyer has also been very active in efforts to achieve equal rights for women.²³ She has argued for the emancipation of women in several statements – after all, she has been haunted by the issue from the beginning in a traditionally male-dominated field. In an interview, she said: *'When I lose a case, it is always the woman who grieves in me first of all; when I win, it is always the woman who rejoices first of all, because I feel that I have not only a lawyer's duty to my clients, but also a woman's duty to my fellow women, for whom I must prove, in spite of all obstacles and difficulties, that our womanhood cannot be imposed as an insurmountable obstacle in front of our profession. When a new client comes, I try to deduce the matter for which they had come to see me from the way they walk, sit, hold their head, or collapse before they begin to talk. Is it criminal, civil, or divorce? Whatever it is, I always treat the case with the same love and understanding, because I know that the person who comes here is sick and needs comfort and understanding, not just some kind of legal medicine. The advantage, however, apart from the uplifting feelings of a calm conscience, is that I forget the greater and lesser troubles and sorrows of my own life. And that, let's admit it, we women, who have inherited millions of years of understanding things too much by instinct and subjectivity, need it very much. Not only because it's harder to walk on a rough road, but also because you must deal with a lot of negativism, conservatism, prejudice. Today, we still have a situation in which our nursing is not distinguished from our profession, not only as a lawyer, but also as a profession - as perhaps nothing proves more than the fact that people either look for a word to call me or simply avoid calling me... Today, women as intellectuals still pose a problem simply by their appearance, and until this changes, until it becomes habitual and natural, it makes it difficult, not easier, to assert ourselves in these careers.'*²⁴

²² Orosházi Friss Újság, 13 January 1934, p. 3.

²³ GOSZTONYI, *op. cit.*, p. 2.

²⁴ Pesti Napló, 20 April 1930, p. 85.

In response to an article on the problems of modern women, she wrote a letter to the editor of *Esti Kurír* [Evening Courier]. In it, she writes: *"Most women born during and after the war had no childhood, no toys. The worries of tomorrow bit into them and stole their cheerfulness, their smiles, their sunshine way too early. She had to learn very early what a loaf of bread meant, it became a problem for her very early on where to lay her tired head from today to tomorrow. The modern girl bargained at first but failed. Later she fought and succeeded. At first, she was forced into the existing world order like a foreign body. The respect that every human soul owes to its fellow men and women, was very scanty, very rare, very miserly. Because she was not appreciated, she was gladly trampled on. Later, however, she rose above the limitations of human prejudice and set out on the path, the true path, on which she had to travel. She was accustomed to being wise and to listen to reason, for she often had to face the inexorable rigors of life. - Those who think that the modern girl's finger is running on a derailed track because she has lost her ancestral ground, lost touch with the past, is on the borderland between past and future, are mistaken. She learns from the past, she serves the future, and the truth of real life vouches for her."*²³

Her activism did not stop at interviews, of course, she also attended the International Women Lawyers' Congress in Budapest, where she gave a speech in front of about fifty other lawyeresses from France, Belgium, Austria and even the United States.²⁵ She was also a founding member of the Working Women's Club, the first women's club in Hungary, which existed until 1948, when it was dissolved by a ministerial decision. In addition, on behalf of the Feminists' Association, she drafted a number of parliamentary proposals on women's suffrage and freedom of choice of career, and on the protection of children born out of wedlock; *The unfortunate children, by being forced to bear their mother's name, carries a lifelong stigma of shame, which very often excludes them from the company of other people and often leads them down the path of crime. How much help would it be if a law were passed stating that a child*

²⁵ *Pesti Napló*, 8 September 1936, pp. 10–11.

*must bear the name of either the father or the mother, according to the will of the parent. Then it would no longer be a stigma for children born out of wedlock to bear the name of the mother.*²⁶

A 1935 bill to reform the Bar would have severely restricted the ability of Jews and women to practice their profession. Major figures in the legal profession criticized the draft, and Margit Ungár also spoke out on the issue. She was appalled by such restrictions on human rights and felt threatened by them. In her opinion, such a draft was an attack not only on women lawyers, but on women in general. *Today for me, tomorrow for you!* She argued that female characteristics could be of great help in the legal profession, that female lawyeresses could do profoundly human work. *After all, if we think only of the fact that countries have usually prospered under female rulers, perhaps we should give more weight to female intuition, female subjectivity, female insight, female heart, which can be of great help to those in trouble in the legal profession. It is still not fitting for the successors of Lajos Kossuth and Ferenc Deák to close a career before women and to present a country with a proposal like this.*²⁷

Of course, he was not only concerned with women's rights, she was universally concerned with social issues, often seeing the source of problems in the difficulties of economic life. When asked about the idea of a 'bachelor's tax', she explained that it had been proposed in the Roman Empire in the Lex Papea Poppeia, but had failed. She said that, in addition to economic reasons, the high demands of women were a barrier to marriage: *"A hat often costs more than what you can live on for a whole week".*²⁸

Unfortunately, her excellent professional qualities did not save her from the fate of Hungarian Jews; in the summer of 1939 her name was entered in the "Jewish lawyers' register", and after the Arrow Cross takeover, she had to continue her work in a house labeled with a yellow star. In an interview in 1968, she said that, although she had been brought up in a deeply religious Jewish family, she held the Ten Commandments in

²⁶ *Magyar Hírlap*, 10 January 1930, p. 4.

²⁷ *Az Est*, 24 June 1935, p. 5.

²⁸ *Magyarország*, 14 December 1930, p. 5.

high esteem: *the first written law and the cornerstone of society, a wonderful work of art that could only be the work of God. If mankind obeyed its rules, life would not be an eternal struggle between right and wrong. But we are mortal and frail, otherwise the earth would be full of angels... And I didn't have to fight to become a lawyer forty years ago, even as a woman.* On one occasion, she defended twelve young people accused of subverting the social order, but thanks to her work, the court was forced to acquit some of them. When she returned home, the young men had covered her entire apartment in flowers. Yet his fondest memory was of the hardest of times: *"Of all my memories, which shall I recall? Perhaps it was the moment when Lajos Lévy, the chief physician, accompanied by my husband, took me to the hospital in Wesselényi Street, where we received the news: my brother was living and healthy in a village near Vienna. So, I witnessed the miracle of the survival of a Jewish family..."*²⁹

After the war, he was the member of the Unified Board of Examiners for Judges and Lawyers. Asked the obligatory question why she did not join the Communist Party, she replied, "My husband is almost immobile due to multiple strokes, and it takes time to nurse, care for and look after him without any help." In a survey of her surroundings, dated 1955, it was written: *"The whole dwelling gives the impression of poverty and desolation in the most depressing way. In these circumstances, there can be little talk of any serious advocacy on the part of her. I have only consulted the files of two cases; from the pleadings drafted by the lawyeress, it is obvious that she has a very high level of legal and general knowledge."*³⁰

She died in 1969, after a serious illness, and at her memorial service Imre Benoschofsky, the National Chief Rabbi, praised the merits of this progressive woman. A small circle of family and friends accompanied her on her last journey.³¹ The effort, perseverance, and persistence of the first Hungarian woman lawyer laid the foundation for the possibility for women to enter the legal profession. Her merits are inestimable,

²⁹ *Új Élet*, 1 May 1968, p. 4.

³⁰ SEREG, *op. cit.*

³¹ *Új Élet*, 15 May 1969, p. 6.

but her memory has been unfortunately forgotten: her name is not even commemorated on a plaque.