

# **Kíra VARGA: The restriction and deprivation of personal liberty in the 20<sup>th</sup> century**

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## **1. Introduction**

Individual's autonomy already appeared in the ancient Greek philosophy, however, liberty appeared differently in people's lives at that time. The Age of Enlightenment had an important role in the formation of today's rights for liberty: the Declaration of Independence in the year of 1776, as well as the Declaration of the Rights of Man and of the Citizen in 1789 contained fundamental freedoms for everyone. The elaboration of fundamental freedoms can be attributed to the spreading of liberalism. Before the 19<sup>th</sup> century it is problematic to talk about liberalism, however, the roots of this political and intellectual tendency can be found in the 17<sup>th</sup> century, as it was connected to natural law.<sup>1</sup> In Hungary, World War I ended the continuous development of freedoms, and after that we can see the restriction of essential human rights for a long time.

## **2. Liberty**

### **2.1. What is liberty?**

Liberal freedom makes the individual into the center of society. The Declaration of Independence of the United States of America stated: „ We hold these truths to be self-

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<sup>1</sup> ANTOS, Zsolt: Szabadság és individuális autonómia [Freedom and individual autonomy]. *Elpis*. 2008, vol. 2., no. 1., pp. 13–14.

evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”<sup>2</sup> According to this, the state has to ensure the liberty of the individual. This idea is the result of the Enlightenment, which stated that not people are for the state, but the state is for people.<sup>3</sup>

According to philosophy, complete freedom does not exist, liberty always has its boundaries. There are physical boundaries such as impossibility to be free from gravitation or the biological boundaries as well, for example people cannot avoid death, so the interpretation of freedom is only possible with the consideration of those external factors. Liberty also can be positive or negative. Negative liberty’s substance is freedom from something, for example the protection from ill-treatment, and positive liberty is the freedom to do something, such as freedom of religion. Constitutional law contains several liberties, for example freedom of assembly, freedom of speech or individual liberty – the latter is the subject of this article.

## **2.2. Individual liberty**

We can classify freedoms by generations. As a result of the civil revolutions at the end of the 18<sup>th</sup> century, first generation rights have been drafted. First generation rights consist of fundamental freedoms which are usually negative rights because the state is required not to interfere in people’s lives, so they can only restrict these rights exceptionally. Individual liberty is a great example of first-generation rights.<sup>4</sup>

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<sup>2</sup> America’s Founding Documents: Declaration of Independence: A Transcription. National Archives, <https://www.archives.gov/founding-docs/declaration-transcript> [Access on January 20, 2022].

<sup>3</sup> CSINK, Lóránt: Mi a szabadság? [What is liberty?] *Acta Humana – Emberi Jogi Közlemények [Human Rights Statements]*. 2020, vol. 8., no. 3, pp. 45–54. <https://doi.org/10.32566/ah.2020.3.3>

<sup>4</sup> KISS, Barnabás – LICHTENSTEIN, József – TÓTH, Judit: *Alkotmányjog II. [Constitutional law II.]. Alapjogok és emberi jogok [Fundamental rights and human rights]*. Szeged, 2018, Iurisperitus Kiadó, p. 61.

Even though individual liberty is one of the oldest and the most valuable human right, it still can be restricted. International treaties and internal law can determine what reason can result in the restriction of individual liberty, or even in the deprivation of this right, and the law can also determine the rules of the proceedings.<sup>5</sup> Being in penal imprisonment facilities is the most common restriction of personal liberty, which is the result of crimes determined in statutes.

### **3. Individual liberty in the Horthy-era**

#### **3.1. Measures to restrict individual liberty**

Between the two World Wars, there was a tendency of restricting rights in Hungary. After the World War I's chaotic years and the fall of the Austro-Hungarian Monarchy,<sup>6</sup> everybody was seeking change, for instance communist movements spread all around the world. As a result, the Hungarian Soviet Republic was established but it only lasted until July 31, 1919. Half a year later, on 1<sup>st</sup> March, 1920, there was a national assembly where Miklós Horthy was elected as a regent.

In the Horthy-era the government referred to public interest to justify the restriction of individual liberty. Act LXIII of 1912<sup>7</sup> and Act L of 1914<sup>8</sup> were about exceptional power. These acts enabled the Minister of Interior to take people under police supervision or banish people from areas if the minister found them dangerous or undesirable to public security or to the state.<sup>9</sup>

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<sup>5</sup> SÁRI, János – SOMODY, Bernadette: *Alapjogok [Fundamental rights]. Alkotmánytan II. [Constitutional law II.]*. Budapest, 2008, Osiris Kiadó, p. 109.

<sup>6</sup> GOSZTONYI, Gergely: A dualizmus kora [The era of dualism]. In: MEZEY, Barna – GOSZTONYI, Gergely (eds.): *Magyar alkotmánytörténet [Hungarian constitutional history]*. Budapest, 2020, Osiris Kiadó, pp. 322–328.

<sup>7</sup> 1912. évi LXIII. törvénycikk a háború esetére szóló kivételes intézkedésekről [LXIII Act of 1912 about the exceptional measures in case of a war].

<sup>8</sup> 1914. évi L. törvénycikk a háború esetére szóló kivételes intézkedésekről alkotott 1912:LXIII. törvénycikknek és a hadiszolgáltatásokról szóló 1912:LXVIII. törvénycikknek kiegészítéséről [L Act of 1914 about the completion of the LXIII Act of 1912 about the exceptional measures in case of a war and the LXVIII Act of 1912 about the military provision].

<sup>9</sup> KELEMEN, Roland: A legitimációs kivételes hatalom fogalmi rendszere [The conceptual framework of legitimating exceptional power]. In: PONGRÁCZ, Alex (ed.): *Ünnepi tanulmányok a 65 éves Cs. Kiss Lajos*

The other form of the restriction of individual liberty was internment. Internment is the imprisonment of people in internment camps. Being taken to these facilities is not only the restriction of personal freedom, but also infringement of the right for protection and the presumption of innocence. Although internment is not considered as a prison, it is a facility which restricts freedom, it does not require previous criminal record. The official aim of internment was preserving power and protecting public security. Regulation No. 10962/1915 of the Minister of Interior determined the reasons for internment and the rights and the obligations these people had.<sup>10</sup> Act II of 1939 did not contain new rules about the conditions of internment. According to the legislations, Hungarian inhabitants belonged to the Deputy Director of Budapest Police's jurisdiction, and foreign people belonged to the jurisdiction of Central National Authority for Controlling Foreigners.

People under police supervision could not leave the place, which was designated to them, which also meant the restriction of individual freedom. Other than that, there were other boundaries: they could not go to public places and could not communicate through telegram. In Act XXVIII of 1930 the Central National Authority for Controlling Foreigners got the control over tourism.<sup>11</sup>

The Defence Act ensured the right to the Minister of Interior and the Minister of Defence to remove the inhabitants from settlements which were important due to warfare reasons. Those who had been removed did not get damages for the damage caused by the removal. If the people who were removed could not take care of themselves and did not have a family member who could look after them, the state helped them. In exchange for this support these people were obliged to work.

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*tiszteletére. Ut vocatio scientia [Festive studies for the 65-year-old Cs. Lajos Kiss. Ut vocatio scientia].* Budapest, 2021, Ludovika Egyetemi Kiadó, pp. 177–186.

<sup>10</sup> LEHOTAY, Veronika: *A jogszűkítés útján. A Horthy-korszak szabadságjog-megvonó intézkedéseinek jogtörténeti aspektusai [By reducing rights. The legal history of the Horthy-era measures of deprivation of liberty].* Miskolc, 2020, Magyar Nemzeti Levéltár Borsod-Abaúj-Zemplén Megyei Levéltára [Hungarian National Archives Borsod-Abaúj-Zemplén County Archives], pp. 161–163.

<sup>11</sup> This authority had an important role in the prosecution of the Jewish laws.

On 29 July, 1942, Act XIV of 1942 were proclaimed, which completed the Defence Act and regulated the military post of Jewish people who had compulsory military service which was equal to labour service.<sup>12</sup> Labour service got a discriminative content with this act, until that it was in force to everyone who had compulsory military service. Originally, labour service was conducted to Hungarian nationals who were incapable of armed service, and originally did not involve discrimination. Prior to this new regulation, Jews could not take part in armed service. Instead, they could perform complementary service and they were deprived of their military ranks. The dispositions of the Species Protection Act gave the base to set out an individual's liberty. Until 1942 the legal base, the aims and the methods of labour service were created, and after that no major changes have been done.<sup>13</sup>

### **3.2. Measures restricting individual liberty in the administrative law**

Internment as one of the most basic measures at the time was first regulated in a decree in 1920. Internment was only meant for foreign people whose activities were declared dangerous to the public safety and endangered peace.<sup>14</sup> The decree also regulated police supervision and internment of non-foreigners. The decree declared those people dangerous, who committed a crime during the Hungarian Soviet Republic, despite the fact that they paid the imposed fine or they were in prison. The decree declared a person alarming who was dangerous to the society because of their behavior during or after the Hungarian Soviet Republic. Everybody was suspicious who acted as if they wanted the restoration of the Hungarian Soviet Republic or instigated others. The decree initiated the remedies against internment: before the sixth month

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<sup>12</sup> LEHOTAY, *op. cit.*, p. 92.

<sup>13</sup> GAZSI, József: Politikai megkülönböztetés a Horthy-hadseregben 1919-1945 [Political discrimination in the Horthy-army 1919-1945]. *Hadtörténelmi Közlemények [Military Communications]*. 1972, vol. 19., no. 3., p. 519.

<sup>14</sup> These foreigners were expelled from the country.

of the internment they could request a review, and after the sixth month there was an automatic review. The deadline was later reduced to 3 months by the Ministerial Decree No. 13920/1921.<sup>15</sup>

Later, an act gave the authority to the Minister of Interior to choose where they would place the people who were interned. Primarily, people who supported the Hungarian Soviet Republic or political opponents, were interned. An interior ministerial decree also unified the regulation of internment camps. Interned people were placed in groups considering their social status and education. People were not awarded damages for loss during internment or police operation.

A ministerial decree forbade the issuing and extension of passports for Hungarian citizens between the ages of 18 and 60. However, there were some exceptions, for example serious illness, death, going back to a foreign permanent address or the immigration of Jewish people. The Minister of Interior only gave permission if the Minister of Defence confirmed that there was no obstacle such as compulsory military service. The permission only lasted for fifteen days but if people did not use it in time, it expired.

The Prime Ministerial Decree No. 5070/1939 contained the rules of public interest labour service.<sup>16</sup> The decree also regulated conditions of suitability, the definition of internment camp, the conditions of fulfilling labour service and the aim of labour service. It contained the offences that can be committed during the service and their sanctions, for example: self-harm and quitting service deliberately. This decree regulated only the situation of men, there was another decree that regulated the situation of women.

Because of the second Anti-Jewish Act, Jewish soldiers could not get military ranks and they took it away from those who had one, but they still stayed in service.

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<sup>15</sup> GOSZTONYI, Gergely: Szabadságjogok a két világháború között [Civil liberties between the two world wars]. In: MEZEY, Barna – GOSZTONYI, Gergely (eds.): *Magyar alkotmánytörténet [Hungarian constitutional history]*. Budapest, 2020, Osiris Kiadó, p. 337.

<sup>16</sup> LEHOTAY, *op. cit.*, p. 164.

Those who could not complete armed services were divided into working groups with the condition that they could not work in offices.

### **3.3. Deprivation of individual liberty**

The Interior Ministerial Decree No. 6163/1944 contained the rules of ghettoization and deportation. This decree was about the deprivation of rights: the legislation regulated the physical distinction between Jews and non-Jews and measures that restricted individual liberty. From settlements where fewer than 10,000 people lived, Jewish people had to move into other municipalities to the designated houses. With these measures, ghettoization started.<sup>17</sup>

On 16 April, 1944 people from the countries were transported into ghettos. In Borsod County there were ghettos in the seven district centres and in Szendrő. The ghettoization lasted from the 26 April to the 20<sup>th</sup> May, 1944: Jewish people were moved to determined streets. They could only leave the ghetto in exceptional cases, and only with permission. On 6 June, 1944 the sub-prefect of the county made secret principles about the transportation. He forbade the transportation of families where one person was Jewish and the other was Christian, they were transported back to their original place. According to the legislation: *„If one spouse is Christian and the other must wear the star, and their children are Christians... it is forbidden to transport them into a camp, they can go home from the ghetto... If the children from a mixed marriage are Jewish, the family cannot be transported into a camp until further disposition, they must be left in the ghetto. If there are no children from a mixed marriage, and one spouse must wear the star, they have to stay in the ghetto”*<sup>18</sup>

The Mezőcsát County's main judge ordered the transportation of the Jews into ghettos in the decision No. 2684/1944. The decision contained the process of the

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<sup>17</sup> *Ibid.*, p. 233.

<sup>18</sup> Borsod vármegye főispánjának iratai [Documents of Borsod County's prefect] (1939–1944). *Borsod-Abaúj-Zemplén Megyei Levéltár [Borsod-Abaúj-Zemplén County's Archives]* IV. 802/b. 550/1944.

transportation and other tasks. Jewish people had to pay a given sum when they entered the ghetto, and they had to take care of themselves. It was strictly checked that people only got their given ration of food and not more. For the children and the elderly, they gave permission of having eight cows for milk, but they had to feed them. It was determined that 1,5 square meter space one person could have. Sending packages was strictly regulated, letter-writing was censored, and it was forbidden to send telegrams.<sup>19</sup> According to the decree, Christians who were moved out of the ghetto and people who had damages from the air attacks, could move into the abandoned houses.

In the Edelény County, there were more humane measures than in the Mezőcsát County. The main judge of Mezőkeresztes County made a decision on the 17 of May in 1944 entitled „*The compress of Jews in the Mezőkeresztes county*”. This contained the rules of ghettoization: I. place of the compress, II. occupation of the place of compress, shortly: ghetto, III. leading of the ghetto, IV. food, V. placement, VI. medical measures, VII. the cost of establishing and maintaining a ghetto, VIII. movable property, immovable property, lands, lease, IX. the ghetto's living and dead equipment, X. post office, XI. application, XII. the inventory of movable property, XIII. transportation, XIV. cash, XV. temporary exemption, XVI. delivery of cycles, motorcycles, XVII. leaving the ghetto, XVIII. prosecution of testamentary.<sup>20</sup> Jews had to pay for the costs in connection with the transportation, and the maintenance and development of the ghetto was at their expense. There was a detailed prescription about the movable property they could bring with themselves: „...3 undergarments, 4 pair of tights, 1-2 pairs of strong shoes, or boots, 6 handkerchiefs, 4 towels, 1 winter coat, 2 blankets, or 1 duvet, 2 kitchen cloths, 2

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<sup>19</sup> GOSZTONYI, Gergely: „Agyamban kopasz cenzor ül”, avagy a politikai cenzúra története Magyarországon napjainkig [„A bald censor sits in my brain”, or the history of political censorship in Hungary up to the present day]. In: MENYHÁRD, Attila – VARGA, István (szerk.): *350 éves az Eötvös Loránd Tudományegyetem Állam- és Jogtudományi Kara 2. kötet, A jubileumi év konferenciasorozatának tanulmányai [350 years of the Faculty of Law and Political Sciences of Eötvös Loránd University Volume 2, Studies of the conference series of the jubilee year]*. ELTE Eötvös Kiadó, Budapest, 2019, pp. 989–997.

<sup>20</sup> Borsod vármegye alispánjának iratai, közigazgatási iratok [Administrative documents of Borsod County's Prefect] (1939-1944). *Borsod-Abaúj-Zemplén Megyei Levéltár [Borsod-Abaúj-Zemplén County's Archives]* IV/810/b. 2281/1944.

*bedsheets, 1 cutlery, in addition, laundry detergent /soap, toothbrush, toothpaste, shaving preparations.*"<sup>21</sup>

Transporting the Jews to the ghettos was followed by deportation. The first deportation was on 14 May in Nyíregyháza, and the last was on 9 July in Monor. In Budapest, the transportation of the Jews to the yellow star houses began only in June.<sup>22</sup> After that, on 7 July, 1944, Miklós Horthy stopped the deportation, then appointed PM Géza Lakatos. He agreed with the Germans on removing all Jews from Budapest, but the deportation still was stopped. However, the discriminative provisions, such as wearing the yellow star, were still in force. After the takeover of the Arrow Cross Szálasi-government, the deprivation of Jews rights in Budapest re-started. In November they established a ghetto in Budapest to facilitate the deportation. They could not prosecute the deportation because the Soviet army liberated the ghetto on 18 January, 1945. These measures not only restricted or deprived the individual liberty, but they also infringed the right to human dignity and life.<sup>23</sup>

## **4. Individual liberty during the Soviet dictatorship**

### **4.1. Introduction**

The Soviet army slowly liberated the country at the end of 1944. On 22 December, 1944 the Temporary National Government was established and the Hungarian Communist Party took part in it. On 31 August, 1947 parliamentary elections called the 'blue-ballot

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<sup>21</sup> *Ibid.*

<sup>22</sup> A nyilas rémuralom embertelen körülményei között várták a felszabadulást a pesti gettó lakói [In the inhuman conditions of the Arrow Cross reign of terror, the inhabitants of the Pest ghetto waited for liberation]. *Múlt-kor*, 18 Jan 2022, <https://mult-kor.hu/a-nyilas-remuralom-embertelen-korulmenyei-kozott-vartak-a-felszabadulast-a-pesti-getto-lakoi-20220118> [Access on January 20, 2022].

<sup>23</sup> HORVÁTH, Attila – VÖLGYESI, Levente: A nemzetszocialista jellegű totális diktatúra [The total dictatorship of the national socialist type]. In: MEZEY, Barna – GOSZTONYI, Gergely (eds.): *Magyar alkotmánytörténet [Hungarian constitutional history]*. Budapest, 2020, Osiris Kiadó, pp. 488–489.

elections'<sup>24</sup> were held where the communist party won, and the takeover began. During the Soviet dictatorship several human rights were infringed which was supported by ideological arguments. Freedom of assembly, religion or press were only a few examples of the rights which were restricted.<sup>25</sup>

The takeover evoked a general aversion because its reason was the strong military presence. After signing the peace-agreement, the Soviet army stayed in Hungary with the excuse that they needed a direct border with Austria. However, a lot more soldiers stayed in Hungary than was necessary, and they did not leave even after the Austrian State Treaty of 1955. This was necessary for them to maintain the system, the oppression and the restriction of human rights.

## 4.2. The legal system

The government not only used the crime emergency measures for sanctioning crimes in criminal law but also for the removal of political opponents. Mostly these measures were not institutionalized, which resulted in the lack of legal certainty. The Constitution of 1949<sup>26</sup> played only a declaratory role in the legal system: the human rights were written under the name 'citizen rights' at the end of the constitution. There was no legal assistance for the breach of human rights, acknowledging that these rights were not truly important in the dictatorship.

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<sup>24</sup> KÉPES, György – HORVÁTH, Attila: Választójog a második világháború utáni években [Suffrage in the years after the Second World War]. In: KÉPES, György (ed.): *A hatalommegosztás államszervezete, 1848–1949. Magyar alkotmány- és közigazgatástörténet a polgári korban [The state structure of separation of powers, 1848–1949. History of Hungarian constitution and public administration]*. Budapest, 2013, ELTE Eötvös Kiadó, pp. 137–138.; MEZEY, Barna: A kékcédulások eldöntik, ki lesz a képviselő [Blue-ballot decide who will be the MEP]. *Napi Délkelet*. 1994, p. 98.; Cf.: „An ominous sign for today's eyes: after the 'blue-ballot elections' of August 1947, Mihály Farkas said: „Only what the Communist Party wants will happen here”. SONNEVEND, Péter: Egy szerző – egy téma: változatok történelmi oldal-fényben, némi kommentárral [One author - one theme: versions in historical perspective, with some commentary]. *Könyvtári Figyelő [Library Monitor]*. vol. 58., no. 1., p. 15.

<sup>25</sup> GOSZTONYI, Gergely: Censorship and law in Hungary in the past. *Romanian Journal of Legal History*. 2021, no. 1., pp. 45–46.

<sup>26</sup> Act 20 of 1949 The Constitution of the Republic of Hungary.

The general part of Act V of 1878 was replaced by Act II of 1950 about the Criminal Code's General Part. The Act eliminated the grades of institutions in criminal law prosecution (high-security prison, medium-security prison, prison, state prison, confinement), from then there was only one institution, the medium-security prison. Act V of 1961 on the Hungarian People's Republic Criminal Code did not regulate the case of life-time long imprisonment, because it was not necessary due to the re-education of the convicted. Legislative Decree No. 28 of 1971 reintroduced the institution of life-time long imprisonment and distinguished four types of institutions. Death penalty was still instituted.

### **4.3. Forced-labour camps**

In the final phase of World War II 600-640,000 people were deported to forced-labour camps which were called 'gulag'.<sup>27</sup> Most of them were prisoners of war, but there were also civilians including women and children. They transported more than a hundred thousand people to these camps for 'malenkij robot [little work]'. Due to the principle of collective guilt, originally, they had to collect German people. However, commanders had to fulfill quotas, and as there were not enough Germans, they also collected Hungarians stating that their nationality was German.

Those who were deported to the Soviet Union were employed in mines and industrial buildings. The conditions were inhumans, so most people who were deported did not get back home later, and there were people who only arrived back home after a decade. However, going home was not smooth, there was no rehabilitation, and later they only got a small amount of compensation.

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<sup>27</sup> BOGNÁR, Zalán – MUSKOVICS, Andrea Anna (eds.): *GUPVI, GULAG: Magyarok a szovjet lágerbirodalomban 1944/45–2019/20 [GUPVI, GULAG: Hungarians in the Soviet camp empire 1944/45–2019/20]*. Miskolc-Egyetemváros, 2021, Gulág- és Gupvikutatók Nemzetközi Társasága.

#### **4.4. Evictions**

Another characteristic of the era was eviction which affected Germans and also was part of a Slovak-Hungarian population trade. This meant that people were evicted violently on the basis of their mother tongue. The reason was mainly the principle of collective guilt rather than ethnic reasons. Between 1946 and 1948, approximately 200,000 people were deported to Czechoslovakia whose mother tongue was German. Hungarians who were expelled took their places. They moved into the houses of those who had been deported and got their properties. This infringed a lot of people's rights to free residence choosing and private property. Remedy did not exist at all.

In 1949 families from the villages at the border of Yugoslavia and in 1951 families from Budapest were moved to villages in Hortobágy. Usually, they had to establish the circumstances of living, as the infrastructure was missing. Mostly the higher, bourgeois stratum was evicted because they were treated as the political system's enemies. After their eviction people who were in the communist party moved into their homes.

Evictions were under complete police supervision. People could not leave the designated area, and could only have visitors once a month. There were also a lot of people who had to pay rent to the Communist Party member who had occupied their houses. However, there were families who could not go back at all, and they did not get any damages.

#### **4.5. Internment**

Internment could be found in the Soviet era, as well. During the Soviet-era, people could have been interned without a court judgement if the communist leaders found them dangerous. There was no remedy, and there was no rightful investigation before the measure.<sup>28</sup> Subsequently, the People's Court took acquitted people under police

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<sup>28</sup> HORVÁTH Attila: A szovjet típusú totális diktatúra Magyarországon [The Soviet-style total dictatorship in Hungary]. In: MEZEY, Barna – GOSZTONYI, Gergely (eds.): *Magyar alkotmánytörténet [Hungarian constitutional history]*. Budapest, 2020, Osiris Kiadó, p. 493.

supervision despite their innocence. The government of PM Imre Nagy terminated this system in 1953. After the defeat of the revolution in 1956, the system was re-installed again, but in 1960 it was terminated definitively with an Amnesty Decree. Those who did not cooperate with the system were threatened with the danger of internment. The main principle of the dictatorship was the searching of enemies so that people could be kept at bay.

The leadership of the Communist Party knew that they could have cheap workforce with interned people whilst it was also part of the punishment. People were transported into working camps country-wide, where they had to do physical work. The most famous camp was in Recsk. Those who did not perform properly had to go through beating or torturing. Living conditions were so inhumane that a large amount of people got sick and never returned home.

#### **4.6. Political Police**

They maintained these measures with secret police forces, which was called Hungarian State Police State Defense Department and later State Security Authority. These organizations were under the control of the Communist Party itself. It was used for getting rid of the suspected or actual enemies. Communist Party's leaders often did cleansing inside their own parties, so nobody could feel safe. The organizations functioned as secret polices and terror organizations, there were numerous people who worked for them in secret. Those who were asked to join could not say no as in that case their family or themselves could go into prison. As a result, people did not trust each other, not even their family members because they could not know who would give information about them.

Without any warning or court judgement people were taken to questioning. At dawn a black car with a curtain on the window arrived at the houses to take people

away. After ringing the bell,<sup>29</sup> the subject had a few minutes to take on some clothes but nothing more. At first, the questioning was rightful but if the person did not confess, they tortured them for the confession. Investigators used physical punishment (beating, torturing) and psychological extortion (threatening his/her family) as well. Those who confessed were convicted and interned but if somebody was innocent because the wrong person was brought in was interned as well because "in this condition they could not have been let out"<sup>30</sup>.

#### **4.7. Show trials**

Show trials are trials where authorities already determine the guilt of the defendant before the trial and the 'criminal' is definitely convicted. They could be internal cleansing, for example the case of László Rajk.<sup>31</sup> In that case, the former Minister of Interior was taken for questioning and after a lot of torture he confessed to a crime and was convicted. It was usual to get death penalty in these trials. Judges were usually bribed, and there were cases, where the lawyer asked for a stricter punishment than what the judge had already determined.

#### **4.8. Travel and emigration**

There were strict rules for travelling and emigration which was one of the biggest restrictions of individual liberty. The Communist Party restricted people's moving because they were afraid that the circumstances of Western-Europe would prevent people from coming back. They watched who would leave the country rather than who would enter. A minefield and an iron-wired fence prevented people from escaping.

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<sup>29</sup> VARJASI, Imre: Csengőfrász és pufajka [Bell-fear and quilted coat]. *Szabadhajdú*. 2014, p. 4.

<sup>30</sup> FALUDY, György: *Pokolbéli víg napjaim [Happy days in hell]*. Budapest, 1989, Magyar Világ Kiadó, p. 373.

<sup>31</sup> ÖTVÖS, István: A Rajk-per és a Rajk-perek [The Rajk-trial and the Rajk-trials] In: TAKÁCS, Tibor (ed.): *A Rajk-per éve: közelítések 1949-hez [The year of the Rajk-trial: approaches to 1949]*. Pécs, 2020, Kronosz Kiadó, pp. 51–66.

From 1955, when the de-Stalinization started, people could travel abroad, primarily to the Soviet Union. The opportunity of travelling to Western-Europe only opened in 1960. Passport could be refused from those, whose travelling was against the interests of the country. The request for a transport was a long and degrading process because the Communist Party wanted to decrease the number of citizens with passports. People could travel to Western-Europe once in every three years (or if they had family once a year). People could bring a determined amount of foreign currency because of a fear of defection. Emigration from the country was possible only in a few cases, for example reuniting family.<sup>32</sup>

#### **4.9. Other restrictions**

The government determined the obligatory participation in national holidays. They consolidated individual landowning farmers into agricultural co-operatives and people who did not obey were called kulák [wealthy peasant] and were punished. When people did not complete distillation, they violently took away their crop. Sometimes they did house investigation, and they took everything: it was called '*padlássöprés (sweeping of the attic)*'. For the elimination of unemployment, general compulsory work was introduced so everybody had to work. Writers and poets who criticized the system were put into prison or in extreme cases were put into psychiatry because people who dared to go against the communist system had to be insane.

### **5. Summary**

In the Horthy-era, there were some restrictions of rights which distinguished people on religious or racial background. The government made restrictive measures when the war was imminent which restricted not only groups. These measures restricted

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<sup>32</sup> As a result, it meant the loss of Hungarian citizenship.

individual liberty. The system against Jewish citizens was one of the most repressive and unfair systems in history, which was achieved with the restriction and deprivation of personal liberty.

We can see that the Soviet dictatorship was also a repressive system ignoring fundamental human rights. There were a lot of violent actions that leaders did, and most of them did not have to take responsibility. This system will never be forgotten, with our parents and grandparents it lives in our memories. As my article showed, the two systems were not so much different although the political directions were very far from each other. Restriction and deprivation of personal liberty was strong in the systems which made people's lives a misery. After the liberation people sought a better life with more freedom and they had to wait for that until the regime change.

After the change of the regime in 1989, the newly formed democracy recognized fundamental human rights and ensured their guarantees. They guaranteed individual liberty, the presumption of innocence and the right for public and fair trial, which were not guaranteed for many years. The constitution declared that some fundamental rights could not be suspended during a state of emergency either.<sup>33</sup>

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<sup>33</sup> GOSZTONYI, Gergely: A parlamentarizmus helyreállítása [Restoring parliamentarianism]. In: MEZEY, Barna – GOSZTONYI, Gergely (eds.): *Magyar alkotmánytörténet [Hungarian constitutional history]*. Budapest, 2020, Osiris Kiadó, pp. 507–511.