

*“The task of school is to create a unified worldview for the new generation, to heal the sick Hungarian soul, so the young leaving the school will be able to stand in the great ideological fight.”<sup>1</sup>  
(Bálint Hóman)*

## 1. Grounds of national education and the cultural policy of Bálint Hóman

As it can be seen through the words of the Minister of Religion and Public Education, Bálint Hóman,<sup>2</sup> the Christian-national idea dominated the cultural and educational policy of the early 20<sup>th</sup> century. The essence of cultural and educational policy between the two world wars was summarized in an anonymous article published in the *Néptanítók Lapja* (*Teachers’ Journal*) on 15 January 1934, under the title of *Cultural supremacy and character education*:

*“And when the future of the nation stands before us: the child, let us not only instil practical thinking in their soul, but also ignite in them the ideal thoughts. Let them lead to moral consciousness so that she/he can judge even the finest nuances of good and evil. And deepen in their soul the instinctive power of moral resilience. Glow their soul into hard steel, train their character straight and develop their worldview in the right direction. Pay great attention to purposeful national education. Every child should feel that we are at the forefront of culture among the nations, they are also a part of it and that is why they can be proud to be Hungarian.”<sup>3</sup>*

Between 1932 and 1942 – based on the concept of cultural supremacy – the idea of national education played a central role in the cultural policy of Bálint Hóman<sup>4</sup> as Minister of Religion and Public Education. Hóman had a leading role in the history of Hungarian education: he was Minister of Religion and Public Education twice between 1932 and 1942, so the historian and culture politician stayed at the head of the Ministry of Religion and Public Education for almost ten years with a narrow one-year break. The opinion about him in his age was quite positive, it is reflected in the appreciation published in the *Néptanítók Lapja* (*Teachers’ Journal*) at the beginning of his second ministry:

*“The Hungarian teaching staff bids farewell to Count Pál Teleki with as much warm love as it greets Bálint Hóman whom they have locked in their hearts for a long time. The last nine months have not been a break in his nation-building work, because he left the chair of the Minister of Culture and worked hard in other areas to establish the Christian Hungarian life. We are proud that the excellent scientist, the great statesman, one of the most outstanding personalities of our scientific, social, and political lives after a short interruption be-*

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*came our leader again. He, the great creative minister, is well acquainted with every little point of our public education system. He knows where, what is good and right, and where, what is wrong, and as a penetrating scientist and culture politician, he immediately finds a way to help and improve. And we, Hungarian teachers have expressed it many times, and we constantly feel that the threads of gratitude have connected us with Bálint Hóman forever.”<sup>5</sup>*

Besides this, the opinions about him are still divided today,<sup>6</sup> primarily because of his role in the drafting of Jewish laws. After the Second World War, he was brought before a people’s court, which convicted him of war crimes, but “only” because he took part in the government meeting that approved the state of war between Hungary and the Soviet Union, and not because of his above mentioned role.<sup>7</sup> However, there is no doubt that he created permanent achievements as a Minister of Culture: in addition to the reorganization of higher and secondary education, focusing on public education policy, the introduction of eight-grade primary education, the reform of curriculum and the development of the institutional system of public education are also linked to his name.<sup>8</sup>

It was related to the ideological validity of the cultural policy that after Trianon the teachers moved from the detached areas to the motherland, so this career became (also) overcrowded, the selection became sharper, one aspect of which was whether the teachers met their duty to fulfil the requirements of Christian education. This criterion was not only examined after the Hungarian Council Republic during the impeachment of denominational teachers,<sup>9</sup> but they also looked back to the previous years, when the expectation itself had not been specified.<sup>10</sup> Religious, patriotic education became a part of the Christian-national ideology, the fulfilment of which had to be proved retrospectively by the teachers. According to this, nursing has become more accented in schools than teaching. The expectations for the teachers also pervaded the text of the oath they were to take, which is especially evident at the end of the oath: “I will raise the youth entrusted to my care in the love of the Hungarian homeland and in the spirit of religious moral.”<sup>11</sup>

## 2. The importance of the Act No. 6 of 1935 on the Administration of Public Education for cultural and educational policy

The implementation of the ideas of national education required the constant control of teachers, for which the school district directors were reliable based on the Act No. 6 of 1935 on the Administration of Public Education. According to this Act (§ 1) the territory of the country was divided into eight district directorates (for example the district directorate of Pécs included Baranya, Bács–Bodrog and Somogy counties, and the cities of Baja and Pécs). The royal district directors were directly under the Minister of Religion and Public Education [§ 3 (1)], thus responded to and reported to him, knowing the local conditions. The competence of the school district directors extended to all educational institutions belonging to their district, regardless of the type and maintainer of the school [§ 3 (2)].<sup>12</sup>

Hóman summarized the purpose of the Act as follows:

*“[...] ensuring the unity of national culture and education, enforcing comprehensive and universal principles of national education in all types of schools, so that the development of national life can be governed in the right direction and the nation can emerge from the now unfortunate economic, social, political and the underlying spiritual crisis.”*<sup>13</sup>

The connection between the new form of public education administration and national education was given by the Minister of Culture himself: “My bill is about public education administration. However, its purpose is in fact a pedagogical, national educational aim.” To achieve this, he felt it was necessary to improve teacher training, constant supervision and control of teaching, and emphasized that “the idea of nursing in education needs to be more highlighted than it has been in recent decades, especially in our youth”.<sup>14</sup> Accordingly, the foundations of national education must be guarded by controlling the work of teachers, so the most appropriate tool for creating an ideology is to reorganize the education administration so that the system is centralized through the district directors, who are directly under the Ministry of Religion and Public Education. Since then, the professional work of the teachers was closely monitored and subjected to continuous qualifications.<sup>15</sup>

By controlling the teaching activity, the State gained the opportunity to ideologically influence the daily life of education, and the denominational schools were also under state control in this aspect. Although § 8 of the Act stated that denominational schools are governed by the competent ecclesiastical authorities in accordance with their own rules, their books and maps were to submit to the Minister before authorization. The Minister also examined whether the curriculum contained doctrines against the State, constitution, or law, and if he found that it was inconsistent with patriotic education in this regard, he could ban the authorization. The Minister had an influence on the curriculum of denomina-

tional schools not only from a national but also from a religious aspect, because if he found that a book contains doctrines against religion or against other denominations, he could examine the book closer with a committee and decide on authorization or prohibition [§ 8 (1)–(2)].

## 3. The effect of cultural policy and the second Jewish law on the schools of Baranya County

This mentioned connection – between national, religious moral education and the reorganization of the educational administration – provided an opportunity for the more effective implementation of the provisions of the so-called Second Jewish Act (Act No. 4 of 1939 on the Restriction of the Public and Economic Progression of Jews) concerning schools, since the school district director – as the extension of the authority of the Ministry of Religion and Public Education – was able to gain the necessary declarations and documents of origin from the teachers faster and more efficiently. The § 1 of the Act defined in detail who are to be considered Jews (§ 1), based on race, and not religion anymore. The § 5 described regulations on schools:

*“Jewish teachers in secondary and elementary schools shall be made to retire by 1 January 1943 [...] or shall be dismissed with dismissal pay in accordance with the relevant rules [...]. These rules are not to be applied for Israelite denominational teachers and employees of the organisations, institutions, and institutes of the Israelite denomination. The Minister of Religion and Public Education is entitled to regulate with decree the number, the organisation, the operation, the supervision of the Israelite schools and seminars of religious teaching, and the teaching of Hebrew subjects in general.”* (§ 5)

The employees of Israelite public educational institutions were not covered by the regulation, as evidenced by the example of József Gerstl, an Israelite denominational teacher in Mohács: he was finalized in his job exactly in 1939.<sup>17</sup>

According to the documents of the School Inspectorate of Pécs and Baranya County in the National Archives of Hungary Baranya County Archives, under the jurisdiction of the School Inspectorate of Baranya, details about Israelite schools in this period can be found in two cases certainly, in Mohács and Siklós. In addition to these, also an archive-based data gathering refers to that in 1943 there were schools maintained by the Israelite denomination in Pécs and Pécsvárad. The Israelite school of Pécs had 6 classrooms in 1922, 4 male and 2 female teachers, 258 students, from which there were 250 Israelites, 1 Roman Catholic, 7 Lutherans, and all of them were Hungarian by nationality. In 1943 although with smaller number but the school still existed: 4 classrooms, 2 male and 3 female teachers, 103 students (102 Israelites and 1 Roman Catholic). However, this year the teaching was likely paused as teachers were recorded as fulfilling labour service. In Pécsvárad an Is-

raelite school still functioned in 1943, although only with 3 students and 1 teacher, while in 1922 there were 10 Israelites and 20 Roman Catholic children in that school.<sup>18</sup> An Israelite school with 1 classroom stood in Baranya County in 1922, but it was ended soon, because it was noted that “On 1. IX. 1922. the teacher has left” – we do not know the circumstances.<sup>19</sup>

The change in the size of the Israelite school of Mohács can be well observed based on archival documents. In 1922 it had 4 classrooms, 70 students (52 Israelites, 11 Roman Catholics, 2 Calvinists, 5 Greek Orthodoxes, according to nationality 59 Hungarians, 5 Germans, 1 Croatian, 5 Serbians), 2 male and 1 female teachers; the language of teaching was Hungarian.<sup>20</sup> This number decreased by the early 1940’s. It is known from a letter dated August 26, 1941, that in Mohács – in addition to the Roman Catholic, the Calvinist and the Serbian Greek Orthodox – there was an Israelite school with 1 classroom and 29 children. The number of compulsory school children in the city was 1290, most of whom attended the Roman Catholic school – with 28 teachers it was quite large –, 78 students visited the Calvinist, 1 the Greek Orthodox school.<sup>21</sup> In 1943 the Israelite school still existed with 1 classroom and 31 students. The teacher was fulfilling labour service,<sup>22</sup> thus, like in Pécs, the children probably did not receive education here either at that time.

Correspondence between ecclesiastical and secular authorities regarding the vacancy of the teaching position provides insight into the affairs of the Israelite school in Siklós.<sup>23</sup> Based on a contemporary handbook about the County of Baranya published ten years after Trianon – regarding only the elementary school level – a Roman Catholic school existed in Siklós in 1929, the date of founding was unknown, its principle was Vilmos Schmidt; a Calvinist school operated since 1860, under the leading of Gyula Toók; and an Israelite school, since 1853, with Lilly Schwelb as the principle.<sup>24</sup> By the end of the 1800’s, the number of children attending the school was more than 100, however, in the 1920’s, the number of students in the school decreased, leading to the withdrawal of State support. Nevertheless, the denominational community continued to maintain the school, making financial sacrifices itself.<sup>25</sup> The reduction continued, in 1922 the school functioned with 2 classrooms, 1 male and 1 female teacher, 37 Hungarian students (25 Israelites, 6 Roman Catholics, 2 Calvinists, 4 Greek Orthodoxes)<sup>26</sup>, in 1931 there were 16 students, in 1943–1944 only 11.<sup>27</sup> At this time just 1 teacher held the lessons, who was away in labour service surely from 1943, maybe from earlier. The language of teaching was Hungarian through the years<sup>28</sup>, which could be important from the aspect of

national education, but there were other considerations as well in this era. László Jakobovics, who was elected to the Israelite elementary school in Siklós as a teacher in 1933, was dismissed in 1936, but not because of his origin – also given that this could not have been done in connection with an Israelite-maintained school anyway – but because of tuberculosis, which was he diagnosed with in 1935 and from which, contrary to expectations, he was unable to return even the following year.<sup>29</sup>

In 1944 – as it is clear from the letter sent to the Ministry of Religion and Public Education by the school inspector of Pécs and Baranya – in the jurisdiction of the school inspector all Israelite schools are registered as schools that does not function including the institutions of Pécs, Pécsvárad, Mohács, Siklós.<sup>30</sup>

Where there were no Israelite denominational schools in the early 1941’s, Israelite students attended schools maintained by the State, associations, municipalities

or other denominations (mainly Roman Catholic or Calvinist).<sup>31</sup>

According to the Decree No. 1172/1940 of the minister for religion and public education on the implementation of the provision § 5 (1) of the Act No. 4 of 1939 on the Restriction of the Public and Economic Progression of Jews in the denominational schools, the restriction has to be applied to the teaching staff of the educational institutions maintained by the Christian denominations as well, so that Jews could not apply not only to the schools of the State, the municipality, but also to the schools of other denominations. The regulations made it clear that a Jew could not enter the service of the State, borough, municipality, any other public body, public institution, or public utility. In order to do so, the applicant had to prove that he or she cannot be considered a Jew based on the Act No. 4 of 1939 and does not fall under the restrictive provisions of the § 1 (6) of the Act.<sup>32</sup> There are numerous examples of this in the archival records. The text of the statement was as follows: “With the burden of criminal law requirements, I declare that I am not considered Jewish based on the § 1 of the Act IV of 1939, and I am not subject to the restriction contained in § 1 (6) of the quoted Act.”<sup>33</sup>

This declaration was usually requested together with the taking of the teacher’s oath, as the regulation stipulated that the proving must take place before entering the public service in any case of hiring (election, contract, assignment, enrolment); the election, contract, assignment, or enrolment of an employee notwithstanding this provision, the hiring shall be null and void. The origin therefore had to be proved in advance, in accordance with the 7720/1939 prime ministerial decree. Accordingly, in addition to the declaration, it



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was required to send a birth certificate of the teacher concerned to the Minister of Religion and Public Education, proving that they were born before October 1 1895, as a member of a Christian denomination; and if they were born after that, had to prove with birth certificates that both of their parents were born as members of the Christian denomination.<sup>34</sup> Based on the practice of Baranya, in addition to submitting his or her own birth certificate and documents certifying Christianity,<sup>35</sup> the birth and marriage certificates of teachers' parents and sometimes grandparents were regularly requested to prove their origin.<sup>36</sup>

Mention of a proof of origin can be found for example in the letter stating that the teacher's parents' marriage certificate can be accepted in such an "irregular form and content", from which it can be inferred without the full knowledge of the circumstances that the document was not formally filed, but probably the content was enough to prove the origin.<sup>37</sup> Similarly, there was a problem with proving the origin of a teacher in Pécs, as she was unable to submit Christian letter of her grandfather on a maternal branch despite repeated urgings, but given that her grandfather's place of birth was in a territory annexed to Romania, this part of the certificate was waived and declared the marriage certificate sufficient evidence. When submitting the teacher's documents to the Public Education Committee of the Administrative Committee of Pécs, the school inspector also confirmed that "It can be established from the documents of origin presented by the applicant that no remark can be made against the application of the mentioned person based on the prohibitions contained in § 5 of the Act IV of 1939", so he also asked the competent authorities to refrain from presenting the grandfather's document.<sup>38</sup>

## 4. Summary

The Christian-national ideology was in the centre of Hungarian cultural policy between 1933 and 1945. Bálint Hó-

man, the Minister of Religion and Education played an important role in the elaboration of the new administrative system for schools. In order to implement the ideas of national education, it was necessary to constantly supervise the teachers. This was performed by school district directors, who were directly responsible and were to report to the Minister for Religion and Education, since they knew the local background, thus they played an important role in the centralization of education.

The Act on Restricting the Activity of Jews in the Public and Economic Fields contained restrictions on schools, though, Israelite denominational schools were not under the effect of these provisions. Based on the documents of the Baranya County Archives of the Hungarian National Archives, this exception affected four Israelite schools within the jurisdiction of the Baranya School Inspectorate: Mohács, Siklós, Pécs and Pécsvárad. However, the restriction extended to schools of other denominations (especially Roman-catholic, Calvinist, Lutheran, Greek orthodox), as well as municipal, community and public schools, in which Jews could not be employed. Therefore, these teachers had to prove their (not Jewish) origin, and we can find in the archives countless examples where documents were necessary (for example a statement that the teacher was not considered Jewish by law, his or her own birth certificate, Christianity certificate, his or her parents' and rarely grandparents' birth and marriage certificate). According to the practice in Baranya County, these documents were regularly requested, as the origin of the teacher had to be verified by the educational authorities before being employed. Yet, no example can be found of a teacher not being employed if his or her origin was not properly verified, nor was he or she later deprived of his or her job for such a reason. Based on the aforementioned, it can be concluded that the educational authorities of Baranya tried to act fairly in the given circumstances, and sometimes they were satisfied with less evidence of the teacher's origin.

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- <sup>37</sup> *Ibid.* 618/1942.
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The most significant aspect of the cartel movement of the 20<sup>th</sup> century lies within the paradox of free competition, for mandates regulating free competition came to be as the result of free competition itself. The only line of defence for the interests of consumers against the aforementioned mandates was the guarantee of the freedom of competition. As a part of the European codification process, the regulation of cartel law, basically cartel public law was introduced by the Act No. 20 of 1931, in which the emphasis was put on national intervention efforts. A unified regulation of cartel private law was scrapped, and due to its omission, the general rules of private law, especially commercial law served as guidelines for the practitioners of law.

## 1. The problem with the regulation of cartel public and private laws

Knowing the contemporary affairs of private law codification, one must state that the role of courts grew significantly in this era, especially in connection to the establishment of legal security and legal unification. This was prevalent after the beginning of the Great War, for the Curia attempted to reflect upon the legal problems that arose due to the war. Due to the lack of a private law codex, the courthouses were tasked

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with the decisions in cartel cases based on pre-existing legal precedents. However, it must be stated that even the Act No. 37 of 1875, the so-called Commercial Law did not provide ample legal basis, “nor ample analogy, therefore the courts used the ancient sources of law, fairness and equity to create legal practices for cartels”.<sup>1</sup> § 6 of the private law bill of 1928 also cites this task of the courthouses by stating that “in legal matters not settled by law, courts should reach a verdict by taking the spirit of our country’s law, the general principles of law and scientific statements into account”.<sup>2</sup> Apart from the legal development actions of courthouses, the government