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Disenfranchised by Law

The 'Numerus Clausus' in Hungary 1920–1945

Abstract

Adopted in 1920, the Hungarian *Numerus Clausus* law introduced a mechanism to keep Jews out of universities by screening all applicants as to whether or not they were Jewish, either by religion or by birth. Jewish applicants were listed separately and their admission was only possible up to six per cent of all students.

In her lecture Mária Kovács challenged a number of false historical legends that understate the significance of the *Numerus Clausus* law and, more generally, of state-sanctioned antisemitism in the Horthy regime. It provided strong evidence to dispel the convenient legend that Hungarian antisemitism was a policy externally imposed by Nazi Germany. It demonstrated that government-sanctioned antisemitism in Hungary was a story in and of itself, a story whose beginnings had predated the rise of Nazism in Germany by over a decade. It showed how the *Numerus Clausus* law not only legitimised antisemitism as state-policy, but also served as an inspiration all throughout the inter-war years for racist movements to demand further anti-Jewish quotas and legislation.

Finally, the paper addressed current implications of debates over the law in Hungary's memory war and demonstrated how apologetic accounts of the *Numerus Clausus* still serve to whitewash the Horthy regime from charges of state-sanctioned antisemitism.

I am honoured to have been invited to deliver a Simon Wiesenthal Lecture. Let me begin by saying that I received your invitation shortly after the launch of my new book on the history of the Hungarian *Numerus Clausus* law.¹ Starting in 1920, this law introduced a mechanism to keep Jews out of universities. All applicants were screened as to whether or not they were Jewish, either by religion or by birth. Jewish applicants were listed separately from all others, and their admission was only possible up to six per cent of all students, corresponding to the six per cent share of Jews in the overall population. After a minor modification in 1928, the law remained in force until the spring of 1945, thus spanning a history of 25 years.

But despite its long history, few topics in Hungary's interwar history remain so insufficiently understood by Hungarian historians and the public, as the story of the *Numerus Clausus*. Which is why, in my book, I present a detailed account of those mitigating legends that, still in our days, serve to understate the significance of the law. I argue that government-level antisemitism in Hungary was a story in and of itself, a story whose beginnings had predated the rise of Nazism in Germany by over a decade. The evidence in my book call into question the legend that antisemitism in Hungary would have been a policy only externally imposed by Nazi Germany and only from the 1930s.

On the contrary, I am suggesting that the significance of the *Numerus Clausus* law can hardly be overstated. This law elevated to the plane of government policy the idea that the so-called 'Jewish Question' could, and should be resolved by extraordinary legislation that apply to Jews and only to the Jews. Despite the fact that – before 1920

¹ Törvénytől sújtva. A Numerus Clausus Magyarországon, 1919–1945 [Disenfranchised by Law. The History of the Hungarian Numerus Clausus, 1919–1945], Budapest 2012.

– no such thing as a ‘Jewish nationality’ or ‘race’ existed in Hungarian law, the *Numerus Clausus* considered Jews as a so-called ‘non-Hungarian nationality’, even though most Jews in Hungary spoke Hungarian.

Figure 1. Implementation decree of the Numerus Clausus law

“Taking Israelites for a separate nationality”

**A népesség megoszlása anyanyelv szerint.
Csonka Magyarországon (Nyugat Magyarországgal együtt).**

Az izraelitákat külön nemzetiségnek véve.

Összes népesség	Magyar	Német	Tót	Román	Ruthén	Horvát	Szerb	Egyéb	Zsidó
7.874.385	6.253.860	738.330	165.956	48.810	1.203	88.304	22.199	81.300	474.300
%	79,4	9,4	2,1	0,6	0,0	1,1	0,3	1,1	6,0

A hivatalos másolat hibé nélkül:

Trifán Miklós s. k.
s. h.ú. igazgató,
az államkiadás felügyelője.

The distribution of the population according to mother tongue				
In rump Hungary (together with Western Hungary)				
Taking Israelites for a separate nationality				
Population	Hungarian	German	Slovaks	Romanian
7.874.385	6.253.860	738.330	165.956	48.810
	79.4%	9.4%	2.1%	0.6%
Ruth	Croatian	Serbian	Other	Jewish
1.203	88.304	22.199	81.300	474.300
0.0%	1.1%	0.3%	1.1%	6.0%

The implementation decree of the *Numerus Clausus* law listed the proportion of all linguistic nationalities, which was then used to determine the ceiling for admission of students belonging to those nationalities.

But the decree created a new, special category for the Jews even though Jews were Hungarian speakers. To make sure that this more than dubious procedure is well understood by the university admission committees, the table contained a sub-heading which pointed out that “Jews are to be taken as a nationality”. So, for the purposes of university admissions, Jews were to be considered members of this newly constructed, so-called ‘nationality’, irrespective of the language they spoke. With this, the law created a unique rule for Jews, a rule that did not apply to any other Hungarian-speaking citizen of the country. In this way, at least as far as university admissions were concerned, the law effectively withdrew from the Jews their status as equal citizens.

This was the mechanism that made the *Numerus Clausus* law so important and valuable for antisemitic politicians, among them, Prime Ministers Pál Teleki and Gyula Gömbös. They regarded the adoption of the Jewish quota in 1920 as a decisive breakthrough that, in effect, opened up the political system for further anti-Jewish legislation in the future. They expected that the concept of *Numerus-Clausus*-proportionality was to be extended sooner or later beyond higher education to be applied in the business economy and other occupations.² In other words, the university Jewish quota was regarded by Hungarian antisemites as a first step in anticipation of further anti-Jewish legislation that would, in the long run, reduce the share of Jewish participation within the Hungarian economy.³

² For Pál Teleki’s views, see fn. 6 of this paper.

³ For estimates on the Jewish share of property within Hungary see: Ungváry Krisztián, A Horthy rendszer mérlege [The balance of the Horthy-System], in: Jelenkor [Present Times] 2012, 57.

I would only mention two examples to illustrate the power with which this prototype legislation was imprinted in the minds of interwar politicians. My first example is that of Gyula Gömbös, Prime Minister from 1932, who – in 1920 – explicitly spoke of the need to introduce a five per cent *Numerus Clausus* in all fields of the economy, and repeated this plan several times before his nomination as Prime Minister. My second example is that of Miklós Horthy himself, who – writing his memoirs in exile in 1953 – still used the term *Numerus Clausus* not only to cover the 1920 law, but also to describe the anti-Jewish legislation of the late 1930s that restricted the rights of Jews in the economy and also deprived many Jews of their electoral rights.

Figure 2. Excerpt from Horthy's memoirs

This law, which was passed by Parliament in April, 1938, while the Darányi Government was still in power, differed fundamentally from the Nuremberg laws in that it was based on religion and not on racial origin. Jews who had been baptised before 1919 or who had fought in the First World War were not affected by the law. The law introduced a numerus clausus (quota) of twenty per cent for the employment of Jews in certain occupations. This was not to take immediate effect; the purpose of the law was that banks, limited companies, etc., should be given five years in which to comply with the terms of the law, the authors of which, with Darányi, the Prime Minister, reckoning that general conditions were likely to be radically altered before 1943. The numerus clausus put no restrictions on the independent activities of Jews in commercial life.

To my regret, premier Darányi, whose health was failing, had to ask to be relieved of his office. For reasons for which to this day I have no satisfactory explanation, after becoming Premier in 1938, his successor Imrédy, hitherto Anglophile and by no means anti-Semitic, changed into a rabid anti-Semite and became an advocate of the German political theories. [...] In reality, however, it was soon apparent that our views often differed. When, therefore, in December, without having previously consulted me, he introduced new legislation concerning the Jews, in which not only was the numerus clausus reduced from twenty per cent to six per cent but the race principle replaced the criterion of religion.

Admiral Nicholas Horthy, Memoirs (annotated by Andrew L. Simon), Safety Harbor 2009, 209/210

In my judgement, Horthy was perfectly correct to apply the term *Numerus Clausus* to the anti-Jewish legislation of the 1930s. Although these laws were of an incomparably larger scale than that of 1920, they were indeed based on the very same logic and on the very same procedure of extraordinary legislation as was the *Numerus Clausus* law of 1920.

But if all of this is true, then, we may ask, how is it possible that a number of our historians – among them even those who otherwise do a decent job of establishing the responsibility of the Horthy regime in the Hungarian Holocaust –, still portray the 1920 legislation as a relatively mild and benign story, a story that has analogies elsewhere in the western world, for instance, in the 'Ivy League' schools in the United States.

But why do they insist on comparing Hungary to the United States? Why is it that they use this comparison to point out that in the United States, university *Numerus Clausus* in itself did not trigger mass persecution, and therefore, by extension, this type of legislation cannot be regarded as a first step leading to a larger tragedy? In my

view, this is a transparently apologetic line of argument. Conditions in Hungary were very different from conditions in the United States.

First, in Hungary, the *Numerus Clausus* established a Jewish quota for all universities in the country, whereas in the United States those Jews who were excluded from Ivy League schools could pursue their studies in hundreds of other universities.

Second, unlike in the United States, in Hungary the university *Numerus Clausus* was conceived as the first step in the effort to establish a comprehensive quota system in all fields of life. Let me refer to a speech by Pál Teleki, who was Prime Minister both in 1920, when the university *Numerus Clausus* was adopted, and in 1939, when the so-called 'Second Jewish Law' was passed. Speaking in the Upper House of the Hungarian Parliament in 1928, Teleki had this to say: "We must see sincerely and clearly [...] that [...] we are in the midst of a war of races.⁴ [...] Full equality [for the Jews; M.K.] would create an impossible situation.⁵ [...] To deny this is nothing, but a polite formula characterised by Max Nordau to be among the 'Konventionelle Lügen der Kulturmenschheit.'⁶ Teleki then went on to describe the Jewish quota as an indispensable instrument to help Hungarians to regain, as he said, their "power to life" by adopting the model of the *Numerus Clausus* to "all areas of life."⁷

But if this was indeed what the *Numerus Clausus* was about in the eyes of our important politicians, such as Gömbös and Teleki, not to speak of even more radical antisemites, then, one may ask, why all the effort to downplay the importance of the law, instead of confronting its true significance?

I would like to suggest that the answer to these questions is to be found in the wider context of Hungary's current memory wars. The stakes in this debate are high. They relate to how Hungarians today deal with their past.

On one side of the debate we find those who argue that state-sanctioned antisemitism related to the *Numerus Clausus* was a short episode that belonged to the crisis-torn years of the early 1920s. According to this view, antisemitism as state policy ceased after 1928, and was only revived in the mid-1930s as a direct consequence of German pressure. For the sake of this talk, I will name this view the 'suspension' thesis. Its proponents point out that, in 1928, the Hungarian government amended the legislation and eliminated the explicitly antisemitic formulations from the law on the request of the League of Nations. In this reading then, the formal amendment in the law in 1928 resulted in a genuine break with antisemitic policies, which then only reappeared in Hungary in the 1930s as an import from Germany, under overwhelming foreign pressure. All in all, proponents of the 'suspension thesis' maintain that by 1928 the consolidation of the Horthy regime produced a genuine and decisive turn away from the initial antisemitism of the regime.

On the other side of the debate we find a competing narrative that points to the effective continuity of antisemitism as state policy in the Horthy regime from 1920 all the way to 1944 – even if the intensity of antisemitism changed with the passing of years.

4 Balázs Ablonczy (ed.), Teleki Pál. Válogatott politikai beszédek és írások [Selected Political Speeches and Writings], Budapest, Osiris, 2000, 194 (Felsőházi beszéd, 1928, március 13.) [Speech in the Upper House of the Parliament, March 13, 1928].

5 Ibid., 196.

6 Ibid., 194.

7 Ibid., 189 and 201: A Numerus Clausus reformja – mondta Teleki – magát a törvény létét fenyegeti, ami viszont „káros volna mindaddig, amíg csak ezen az egy téren mozgunk és amíg nem igyekszünk a kérdést az összes tereken nyíltan, világosan, őszintén és mind a két oldalról barátságosan megoldani.” [The reform of the *Numerus Clausus* – said Teleki – is threatening the very existence of the law itself, what “would be harmful until we only move in only this one field and until we do not aim to solve this problem in all fields in an open, clear and honest way – and cordially from both sides.”] (201).

This account does not consider the year 1928 to have been a decisive turning point. It maintains that antisemitism was continuously present all throughout all the 24 years of the regime. For the sake of this talk I will refer to this account as the ‘continuity’ thesis.

So what I would like to do in the rest of this talk is to concentrate on one aspect of the history of the Hungarian *Numerus Clausus*, namely the 1928 reform, which may help us to better understand the current debate and its implications.

I will proceed in three steps. First, I will briefly talk about the *Numerus Clausus* law of 1920. Second, I will describe the 1928 amendment. And third, I will give an account of the ways and means with which the Jewish quota was held up after 1928, despite the formal amendment of the law. Finally, I will end my talk with revisiting the two competitive accounts of the *Numerus Clausus*, namely the ‘suspension thesis’ as against the ‘continuity thesis’.

So first, a few words about the Jewish quota of 1920. It is important to remember that the university *Numerus Clausus* was not the only antisemitic policy introduced in the early 1920s. To name just a few fields: Jews were discriminated against in the revision of small trade licenses – that is, cinema, tobacco shops, alcohol shops⁸ –, in the selective designation of Jewish-owned land to be distributed in the land reform,⁹ in the dismissal of Jewish teachers from schools.¹⁰ Jews were not employed in public administration. Moreover, large numbers of long-time Jewish permanent residents were refused formal Hungarian citizenship.

But while these policies were tacit, and had no codified legal basis, the *Numerus Clausus* was an openly acknowledged policy that explicitly codified the discrimination of Jews at the universities. As a result of this legislation, thousands of Jewish applicants were refused admission to higher education. Overall, the proportion of Jews at Hungarian universities dropped from over 25 per cent in 1918 to 8.3 per cent by 1928.¹¹

The proportion of Jewish students in higher education
1910-1943

1910/1911	24.9%	1928/1929	8.8%
1911/1912	23.8%	1929/1930	9.5%
1912/1913	24.4%	1930/1931	10.5%
1913/1914	25.2%	1931/1932	12.3%
1914-1917	n.a.	1932/1933	12.5%
1918/1919	36.4%	1933/1934	11.6%
1919/1920	5.6%	1934/1935	9.7%
1920/1921	12.1%	1935/1936	8.3%
1921/1922	13.4%	1936/1937	7.4%
1922/1923	11.5%	1937/1938	6.2%
1923/1924	10.7%	1938/1939	3.9%
1924/1925	9.8%	1939/1940	3.2%
1925/1926	9.0%	1940/1941	3.1%
1926/1927	8.5%	1941/1942	2.9%
1927/1928	8.3%	1942/1943	2.7%

8 Ungváry, *ibid.*, 101.

9 Ungváry, *ibid.*, 103. By naming property that was acquired following 1864, the legislators targeted Jewish owners, as Jews could not acquire land before 1860.

10 Among the 1,090 teachers and inspectors of schools who were dismissed in 1924 under measures for the financial consolidation of the budget, the majority were Jews. more: <http://www.jta.org/1924/01/01/archive/hungarian-government-dismisses-officials-mostly-jews#ixzz2lwxcifl>.

11 In absolute terms the yearly number of students dropped from an average of 4-5,000 to around 1,500.

Let me then move on to my second item, namely the 1928 amendment. It is this amendment that advocates of ‘suspension thesis’ use to substantiate their argument according to which the 1928 reform constituted a decisive turn, by reversing earlier trends of discrimination. But in fact, this is no more than a legend. So what was this amendment, and why was a false legend built around it?

The pressure to amend the law came from the League of Nations from 1922 onwards. The League did not request Hungary to get rid of the entire *Numerus Clausus* legislation. The League had no problem with the system of closed numbers which authorised the government to limit the number of admitted students in any given year. What the League did request was that Hungary eliminates from the legislation all references relating to nationalities and races. In other words, they insisted that Hungary eliminates the Jewish quota from the law.

But for six years after 1922, the Bethlen government refused to modify the law. Prime Minister Bethlen himself considered the Jewish quota as a legitimate and useful instrument to restrict the role of Jews in Hungary. As he said in 1924, the *Numerus Clausus* was in the “interest of the Hungarian state”¹², and it was to be held up for as long as “the sons of the Christian middle classes [...] who represent a race that is adequate to the historical traditions of our country [...] will again become the leaders of the nation.”¹³

Bethlen was therefore steadfast in his opposition to any change in the law as demanded by the League of Nations and rejected five opposition motions to eliminate the Jewish quota. What finally changed his mind was strong pressure from the League of Nations. This happened in 1926 when the League warned Hungary that the Jewish quota may end up being examined by the Permanent Court of International Justice.

At this time discussions started between Bethlen and Kuno Klebelsberg, his Minister of Culture. In a letter, Klebelsberg advised Bethlen on how to avoid the court case: “As a lawyer, I can see quite clearly that the way our law is currently phrased, we can not confront the *Cour Permanent* in the Hague with any hope of success ... We will therefore have to revise the law, not in order to unleash thousands of Jewish university students on the nation once more, but rather in order to rescue the meaning of the entire enterprise by taking certain rational actions. [...] In this regard, I have my ideas ([such as] stressing, alongside intellectual ability, the ranking of good manners and physical education). I would consider the complete opening of the flood-gates a catastrophe, and therefore I think it is necessary to construct, with the cooperation of discreet Christian politicians, a text that will give no pretext for interference from Geneva or the Hague.”¹⁴

As we can see, all of Klebelsberg’s suggestions were meant to advise Bethlen on how to tacitly continue with the exclusion of Jews, while formally eliminating the Jewish quota. Klebelsberg’s advice was to pacify the League of Nations, but to do so in such a way that most Jewish students should still be kept out of the universities.

Which is exactly what happened in the 1928 amendment. This amendment was deceptive, it was a shame. Indeed, the original Jewish quota was eliminated from the

12 Lajos Szabolcsi, *Két emberöltő, Az Egyenlőség évtizedei (1881–1931)* [Two Generations. The Decades of Equality], Budapest, MTA Judaisztikai Központ [Centre for Jewish Studies of the Hungarian Academy of Sciences], 1993, 353. The quote was made in 1924.

13 Bethlen quoted by Ignác Romsics, *Bethlen István. Politikai életrajz* [István Bethlen. A Political Biography], Osiris, Budapest, 1991, 201.

14 Miklós Szinai/László Szücs (eds.), *Bethlen István titkos iratai* [The Confidential Papers of István Bethlen], Budapest 1972, 256-7.

law. But it was replaced by a new quota, the so-called occupational quota. This restricted admissions on the basis of the occupation of the applicant's father. The internal proportions of the occupational quota were deliberately developed in such a way as to prevent any significant increase in the proportion of Jews within the new system. They imposed greater restrictions on those occupations in which Jews were found in larger numbers. This way, the new quota was simply a rephrased Jewish quota coded in new disguise. This did not escape the attention of the League of Nations, either. Lucien Wolf who evaluated the amended legislation for the League, wrote: "We cannot say that we are totally satisfied with this draft, but it does remove all reference to differentiation by nationality or religion from the law [...] and this is what we asked for. The new categories included in the law (namely the occupational quota) seem to be superfluous [...] and the possibility exists that they could be used for anti-Semitic purposes. At the moment, however, we are not trying to criticise this." The point of departure had to be that the Hungarian government had acted „in good faith.”¹⁵ Thus, the League took the issue off the agenda.

The results were as can be expected. In 1929, just as in previous years, over 75 to 80 per cent of all Jewish applicants were rejected, as opposed to the 15 per cent rate of rejection among non-Jewish applicants. There was, for three-four years, a slight – cosmetic – increase in the proportion of admitted Jews. In fact, had the restrictions been really removed, the proportion of Jews would have reached at least 20-25 per cent.

But even the slight, cosmetic improvement came to an end in 1932 with the coming to office of Gyula Gömbös. The proportion of Jews among first-year admissions soon dipped lower than had been their proportion in the 1920s. By 1935 admission numbers for Jews were lower than in the worst years of the 1920s, and by 1938 their proportion was as low as 3.9 per cent, lower than any numbers experienced in the 1920s.

To sum up: it should be sufficiently clear that the 1928 amendment did not bring any genuine turn. There was indeed a change, but this change was purely formal, and did not eliminate the Jewish quota from actual practice.

So, in conclusion, it is fair to say that the Jewish quota at the universities was in force throughout the entire span of the Horthy regime, despite the minor relaxation of its application for three years between 1928 and 1931. The legend that antisemitic discrimination at the universities would have been suspended following 1928, is no more than a legend. A legend that can only serve the purpose of turning interwar Hungarian history into a history that is – to quote Charles Maier's famous phrase – 'a usable history', a history we would wish had happened, instead of a history that had actually happened. A history that is based on false foundations and presents the Horthy regime better, more humane, than what it actually had been.

15 Andor Ladányi, A Numerus Clausus 1928. évi módosításáról [On the amendment of the Numerus Clausus in 1928], in: Századok, 1994, 1131.

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Quotation: Mária Kovács, Disenfranchised by Law. The 'Numerus Clausus' in Hungary 1920–1945,
in: S:I.M.O.N. – Shoah: Intervention. Methods. DocumentatiON. 1 (2014) 2, 136-143.

[http://simon.vwi.ac.at/images/Documents/SWL_Reader/2014-2/2014-2_SWL_KovacsM/
SWL-Reader-Kovacs.pdf](http://simon.vwi.ac.at/images/Documents/SWL_Reader/2014-2/2014-2_SWL_KovacsM/SWL-Reader-Kovacs.pdf)

SWL-Reader – Simon Wiesenthal Lectures Reader

Copy Editor: Jana Starek

S:I.M.O.N. – Shoah: Intervention. Methods. DocumentatiON.
ISSN 2408-9192

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S:I.M.O.N. is the semi-annual e-journal of the Vienna Wiesenthal Institute for
Holocaust Studies (VWI) in English and German.