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## The “Double” of Erika B.

### Sexual Conduct and Honour in a Hungarian Race Defilement Case

#### Abstract

This paper introduces the everyday realities of ‘race defilement’ practices in early 1940s Hungary through a case study. I argue that race defilement was an integral part of the Hungarian *őrségváltás*, ‘the changing of the guards’, in which the so-called ‘Christian’ middle class tried to push their ‘Jewish’<sup>1</sup> male rivals away from economic and political opportunities and this included access to ‘honourable, Christian women’. The case of a well-to-do and influential lawyer exemplifies that the judicial system was especially keen on enforcing *őrségváltás* by handing out punitive measures for Jews who were in a position of power and therefore seemed more of a threat to the non-Jewish elite. The case study also shows that playing with the gendered notion of ‘honour’ and with the resources still available to Jews in Horthy-era Hungary in the early 1940s, the outcome of cases could be swung. I here employ an emotional history approach and Michel Foucault’s concept of the psychological-ethical ‘double’ to indicate how emotions and readily available stereotypes were used by the actors of this particular case for various, often game-changing purposes.

Until recently, there has been fairly little research done on race defilement in Horthy-era Hungary. In 2014, András Lugosi published a case study in *FONS* that focussed on how urban spaces and networks in Budapest structured race defilement and its surveillance.<sup>2</sup> In 2015, Sándor Nagy presented a statistical overview of and an analysis of how the judiciary dealt with cases that can be found in the Budapest Metropolitan Archives.<sup>3</sup> I have written both on race defilement and its relationship to sex-education and on the importance of the concept of ‘honour’.<sup>4</sup> In a case study that I analysed, I pointed to the possibilities of resistance, and I would maintain that in many Hungarian race defilement cases there has been a strange entanglement of centre and periphery.<sup>5</sup> In this paper, I contribute a further element to this research by

- 1 For the sake of simplicity, I will refrain from using quotation marks in the remainder of this paper for ‘race defilement’, ‘honourable’, ‘dishonourable’, ‘Jews’ or ‘Christians’ and related terms that can be used for racial segregation. I have used them in the first sentences to indicate that I do not accept these categorisations as reality.
- 2 András Lugosi, ‘Sztalin főhercege’. Kohn báró vacsorái a Falk Miksa utcában a fajgyalázási törvény idején [‘Stalin’s Duke’. The Dinners of Baron Kohn in Falk Miksa Street at the Times of the Race Defilement Law], in: *FONS* 17 (2010) 4, 527-576.
- 3 Sándor Nagy, A fajvédelem útvesztőjében: bírói gyakorlat a ‘fajgyalázási’ perekben, (1942–44) [In the Labyrinth of Race Protection. Judicial Practice in the ‘Race Defilement Law Suits’, (1942–44)], in: *FONS* 22 (2015) 4, 487-532.
- 4 Gábor Szegedi, Tisztaság, tisztesség, fajgyalázás: Szexuális és faji normalizáció a Horthy-korban [Tidiness, Respectability, Race Defilement. Sexual and Racial Normalisation in the Horthy-Era], in: *Socio.hu* 5 (2015) (1) 57-76; [http://www.socio.hu/uploads/files/2015\\_1/szegedi.pdf](http://www.socio.hu/uploads/files/2015_1/szegedi.pdf), DOI: 10.18030/socio.hu.2015.1.57, (28 September 2016); Let there be blood! Forging the concept of race, sex and the nation in interwar Hungary (Forthcoming).
- 5 The longer version of the case study can be accessed under: <http://holocaust.archivportal.hu/tanulmanyok>, (26 September 2016).

analysing another detailed case study and showing how through sexuality certain forms of 'honour' could be publicly constructed in the race defilement cases. I argue that the performances that constructed certain sexualities in these race defilement cases built upon pre-existing, stereotypical knowledge on the 'honour/dishonour' of Jews and of the imaginary figure of the prostitute and that these eventually became a tool for Christian middle class men to retain and strengthen their positions of power.

The 1941 Hungarian Marriage Law – officially *Law No. XV of 1941* – that banned marriages between Jews and non-Jews and the resulting race defilement cases differed significantly from the much better known 1935 German *Gesetz zum Schutze des deutschen Blutes und der deutschen Ehre*, the *Law for the Protection of German Blood and German Honour*. In both cases, punitive race defilement clauses served a dual role: to preserve the 'honour' of the nation from Jewish influence and to keep the body of the nation pure in a biological sense. However, as I have pointed out in a previous article in which I wrote about honour and race defilement, the difference was a result of the fact that in Hungary the term honourable woman was included in the wording of the law.<sup>6</sup> In Germany, it was 'German honour' in general that needed protection and therefore extramarital sex between Jews and non-Jews was completely off-limits. By contrast, in Hungary the focus was on keeping away women that truly belonged to the body of the nation because of a sense of honour. This resulted in an incessant defining and redefining of what 'female honour' meant, while Christian male honour remained ambiguous.

In another study I argued that the Marriage Law, *Law No. XV of 1941* was a logical extension of the first two major antisemitic laws in Hungary.<sup>7</sup> These two (Law No. XV of 1938 and Law No. IV of 1939) were centred around the *őrségváltás*, 'the changing of the guard' in economy and public life, and therefore set limitations on the extent of Jewish participation in private and public companies and in many intellectual occupations. The idea of the *őrségváltás* originated in the antisemitic sentiments of the Christian middle class. The term denoted the rolling back the influence of Jewish middle class men and taking over their possessions, which was portrayed as absolutely necessary for the revival of a 'true' Hungary.<sup>8</sup> In this sense, the 1941 Marriage Law complemented the first two. Keeping non-Jewish women away from Jewish men was an economic issue, as well, one of possession. If Jewish men were to give up their positions at newspapers or as doctors and lawyers, they would need to give up their claim to Christian women as well, as the latter duly belonged to their race brethren.

The 1941 Marriage Law, which became more known as the so-called 'Third Antisemitic Law', stipulated as follows:<sup>9</sup>

§9. Non-Jews are not allowed to marry Jews

[...]

§15. A Jew who has sexual intercourse with an honourable, non-Jewish woman of Hungarian origin or attempts or succeeds in getting an honourable, non-Jewish woman of Hungarian origin to engage in intercourse with

6 Gábor Szegedi, Stand by your man: Honor and "Race Defilement" in Hungary, 1941–44, in: *Hungarian Historical Review* 4 (2015) (3), 577–605.

7 The as yet unpublished "Let there be blood!".

8 There is a chilling, extremely detailed account of the economic aspect of this 'changing of the guard', in which the author, István Hegedűs tried to collect all information on major corporations and important public positions where Jews were pushed to the sidelines; see: István Hegedűs, *Őrségváltás [Changing of Guards]*, Budapest 1942; [http://mtdaportal.extra.hu/books/hegedus\\_istvan\\_orsegvaltas.PDF](http://mtdaportal.extra.hu/books/hegedus_istvan_orsegvaltas.PDF), (26 September 2016).

9 It was a general marriage law that replaced the 1894 law on marriage, introducing, aside from the antisemitic passages, mandatory premarital health checks and marriage loans for eugenically 'apt' couples.

himself or another Jew, commits a misdemeanour and is liable to an imprisonment of up to three years, loss of office and political rights.<sup>10</sup>

Paragraph 15 laid the basis for what became known as race defilement in the court cases. The term ‘honourable’ complicated many cases, as the judges had to decide whether the woman involved in the case was to be labelled as ‘honourable’ or ‘dishonourable’. Since various actors had different motives, ‘honour’ became a matter of intense struggle. As I have shown in the case of a young Budapest waitress and waiter, by playing one’s cards right it was possible even for those who were designated to the periphery to use this terminology to their advantage. However, race defilement was primarily about limiting the options for Jewish men and about keeping female sexuality under patriarchal control. In a country with conservative sexual ethics, having one’s private affairs subject to public scrutiny was more than embarrassing. It affected social standing, economic status and it reinforced gendered and racial stereotypes about sexuality. In this paper, I discuss an extremely well-documented case that involved a 52-year-old Jewish lawyer and an 18-year-old non-Jewish maid. Before detailing the case, I will first briefly discuss theories on using emotions like ‘love’ and ‘honour’ in history.

### Emotions in History

In order to analyse what was meant by honour or an honourable woman in sexuality in a more general sense in Hungary in the 1940s, it is first necessary to reflect on how theoreticians approach the history of emotions and the emotion of honour in particular. In *Emotions in History: Lost and Found?*, Ute Frevert offered a panoramic history of the concept honour, her main claim being that this lost emotion was intrinsic to maintaining social stratification and gender differences in pre-1945 Western cultures.<sup>11</sup> The custom of duelling enabled men of the middle and upper classes to save or redeem their honour in case it was under threat, whereas lower-class men were not given access to this organised manner of taking revenge on people who had allegedly violated their honour. While working class men could still protect their honour violently, with their bare fists, women’s honour tended to be deeply sexualised. It was closely linked to their sexual ‘purity’ and put them in positions of passivity, as they did not possess any means of retaining or recovering their honour themselves, but needed male family members as protectors to do so in their stead. Moreover, lost premarital virginity was the kind of loss of honour that could not be redeemed; this dishonour marked a woman forever. This resonates with what Luisa Passerini wrote in *New Dangerous Liaisons: Discourses on Europe and Love in the Twentieth Century*, namely that transgressions in love can be “dangerous for the oppressive aspects of the existing social and cultural order”.<sup>12</sup> In Europe, transgressions in love have been historically varied, but Passerini points to an important aspect of the idea of romantic love: transgressions are especially dangerous if they involve non-Europeans. Thus, “love in inter-racial relationships was considered particularly

10 1000 év törvényei. 1941. évi XV. tc. a házassági jogról szóló 1894: XXXI. törvénycikk kiegészítéséről és módosításáról, valamint az ezzel kapcsolatban szükséges fajvédelmi rendelkezésekről [The Laws of a Thousand Years. On the Supplements and Amendments of Law No XXXI. of 1894 on Marriage Concerning the Marriage Law No. XV of 1941]; <http://www.1000ev.hu/index.php?a=3&param=8168>, (26 September 2016).

11 Ute Frevert, *Emotions in History. Lost and Found*, Budapest, 2011, 87-149.

12 Luisa Passerini/Liliana Ellena/Alexander C.T. Geppert (ed.), *New Dangerous Liaisons. Discourses on Europe and Love in the Twentieth Century*, New York, 2010, 3.

impossible and therefore doomed to a disastrous end”.<sup>13</sup> Both Frevert and Passerini aim to historicise emotions, an aspect of history that, due to its seemingly volatile nature, has long been neglected.

As for the focus on emotions in history, I would like to refer first to Barbara Rosenwein’s definition, according to which emotional communities were “by and large the same as social communities – families, neighbourhoods, syndicates, academic institutions, monasteries, factories, platoons, princely courts”. Rosenwein suggests that research on these communities should seek to uncover “systems of feeling” to see “the modes of expression that they expect, encourage, tolerate and deplore”.<sup>14</sup> Rosenwein’s conception of her research subject closely resembles William Reddy’s idea of “emotional regimes”, that is “the set of normative emotions and the official rituals, practices, and emotives that express and inculcate them; a necessary underpinning of any stable political regime”.<sup>15</sup> Reddy claims that as emotions are “associated with the dense network of goals that give coherence to the self”, it is essential for a community to provide a “coherent set of prescriptions about emotions”.<sup>16</sup> Reddy also introduced further concepts for the study of emotions, such as “emotional refuge”, which refers to the emotional safe spaces or outlets where those who feel oppressed by the dominant emotional regime can properly express their emotions. Reddy believes that the scrutiny of emotional regimes can be politicised by bringing in the concept of “emotional liberty”. In other words, tyranny can be detected (and critiqued) by examining the pressures that are put on individuals living in a certain emotional regime. If there is strict emotional discipline, then the individuals whose emotional build-up differs from the norm can potentially become subject to physical violence, forced exile, excommunication, etc. Or, alternatively, their protests against the norms can take extreme forms.<sup>17</sup>

How can we use these theoretical underpinnings for Hungary and sexual politics during the period of 1941 to 1944? Firstly, just as Frevert indicated, female honour was constructed solely through sexuality. Christian women were not honourable if they were acting as prostitutes, that is, when they had sex with more than one man and accepted money in exchange. Moreover, they were unable to defend or redeem their honour and classifying them in one category or another was solely dependent on the state administration. Secondly, love was an especially dangerous transgression: this would produce an integration which the system would not tolerate. Sexual relations with a dishonourable woman were by default not perceived as a love-relationship, as they involved a financial transaction and were assumed not to be exclusive and long-lasting. Therefore, it appeared logical that this love had to be punished. The court cases reveal that Jewish men in unmarried mixed couples, even if they were living as a normative family with children, were punished for continuing to live with their families.<sup>18</sup> Thirdly, the law and the court practice most vividly demonstrated the limits that the community set on the emotional liberty of its members. Not only were Jewish men discouraged from falling in love with honourable Christian women, but friendly emotions between Jews and non-Jews were suspicious in

<sup>13</sup> *Ibid.*, 1.

<sup>14</sup> Barbara H. Rosenwein, Problems and Methods in the History of Emotions, in: *Passions in Context: Journal of the History and Philosophy of the Emotions* 1 (2010), 11; [http://www.passionsincontext.de/uploads/media/01\\_Rosenwein.pdf](http://www.passionsincontext.de/uploads/media/01_Rosenwein.pdf), (28 September 2016).

<sup>15</sup> William M. Reddy, *The Navigation of Feeling: A Framework for the History of Emotions*, New York, 2001, 129.

<sup>16</sup> *Ibid.*, 61.

<sup>17</sup> For this theoretical part, I used the introduction of my previous study: Gábor Szegedi, *Stand by your man*.

<sup>18</sup> E.g. Budapest Főváros Levéltára [Budapest Metropolitan Archives] (BFL) VII-5-c- (Budapesti Királyi Törvényszék [Royal Court of First Instance, Budapest]), 3172. Doboz [Box], Case: 11193/1942.

general. Several cases testify that non-sexual relations were also under suspicion as they carried the potential of intimacy.<sup>19</sup> In this essay, I have selected a case study to touch upon the various issues brought up in the above paragraphs.

According to *Law No. XV of 1941*, a Jewish man could receive a maximum of three years imprisonment for race defilement, which could become a maximum of five years in special cases involving for example the use of force or engaging in sexual activity with a woman who was below 21 years of age. In practice, the sentences handed out were much milder in most cases. In over 90 per cent of the cases, I have reviewed, the men received prison sentences between one month and one and a half years. It was a well-to-do Budapest lawyer that received the most severe sentence from the over one hundred race defilement cases I have analysed. The man, whom we shall call Dr. András Fal, received a three-year prison sentence from the Budapest Court of First Instance on 30 September 1942, a decision that then resulted in a legal struggle that lasted well into 1944 and produced a court file of over 170 pages.

### Dr. Fal and Erika B.: Honour Regained, Honour Demolished

Based on the court documents, Dr. Fal was a lawyer with a prosperous business in the early 1940s. He had proof of about 4,000 Pengő in cash and outstanding payments and, although at the time he was taken into custody he was suspended from practising his business, he seems to have had a solid background both in terms of social networks and financial resources (at the time 4,000 Pengő equalled approximately two years of income of a factory worker).<sup>20</sup> According to reports of the inter-war press, Dr. Fal briefly worked for the legal assistance bureau of the Social Democratic Party and was later involved in various court cases in all of which, except for a minor libel case, he was acquitted.<sup>21</sup> Two issues are of particular significance. First, at the time of his arrest for race defilement, he was banned for one year from practising as a lawyer by the Chamber of Lawyers.<sup>22</sup> Second, the Budapest District Court had already convicted him in 1933 to four months imprisonment for embezzlement and forging documents although he was acquitted following appeals.<sup>23</sup> The bottom line is that Dr. Fal, who was Jewish, could be associated with the Social Democratic Party, and had past confrontations both with the Chamber of Lawyers and the Budapest Court of First Instance.

In March 1942, two hand-written letters arrived at the Budapest police, both reporting Dr. Fal's relationship with Erika B. They were very different in style, as one used elegant expressions and well-formulated sentences, while the other teemed with mistakes. The first letter referred to Dr. Fal as an "ugly, fat Jew" and a "Zionist".<sup>24</sup> It stated that Erika B., who was living with another lawyer, a friend of Dr. Fal, was having a sexual relationship with him and received clothes and jewellery in exchange,

19 Budapest Főváros Levéltára [Budapest Metropolitan Archives] (BFL) VII-5-c- (Budapesti Királyi Törvényszék [Royal Court of First Instance, Budapest]), 3176. Doboz [Box], Case: 11632/1942.

20 Budapest Főváros Levéltára [Budapest Metropolitan Archives] (BFL) VII-5-c- (Budapesti Királyi Törvényszék [Royal Court of First Instance, Budapest]), 3151. Doboz [Box], Case: 9246/1942.

21 Pártügyek. Nyilatkozat [Matters of the Party. Statement], in: Népszava [People's Voice], 15 March 1921, 7.

22 Több ügyvéd ügyvédi gyakorlatának felfüggesztése [Several Lawyers Suspended], in: Fővárosi Közlöny [Gazette of the Capital], 28 October 1941. 1209.

23 Atlasz Gyula dr. ügyvédet sikkasztásért és okirathamításért elítéltek [The Lawyer Dr. Gyula Atlasz Convicted for Embezzlement and Forgery of Documents] in: Budapesti Hírlap [Budapest News], 17 May 1933, 7.

24 Budapest Főváros Levéltára [Budapest Metropolitan Archives] (BFL) VII-5-c- (Budapesti Királyi Törvényszék [Royal Court of First Instance, Budapest]), 3151. Doboz [Box], Case: 9246/1942.

“even though she had a job”. The author claimed she was boasting that a race-defilement investigation had already begun but that “smart Fal has taken care of it”. The second letter discussed the life of Erika B. in more detail, saying that she was a maid until 1941 and that since she had met Dr. Fal she had acquired a fur coat and that she had brought her mother and sister to her flat in Budapest. This letter mentioned that “men go to her place and finance her” and referred to the fact that she and her sister were learning typing and that this must have been financed by men, since they could not afford this. The author added that the mother of Erika B. used to have a little store in a small town called Nagykáta, but that they had had to give it up and thus did not have to work since the two lawyers supported them, especially Fal, who was Erika B.’s boyfriend. There was a reference to Erika B. stating that “she would be crazy to work, as she has money and she does not like to work”.

The Budapest police set up a team of detectives, who intervened after six weeks of surveillance, interrogated a number of people, and arrested Dr. Fal. In these first interrogations, Erika B. claimed that she was Dr. Fal’s girlfriend and that they had been together for a year. She admitted that he had provided regular financial assistance (100 Pengős a month) and a fur coat and clothes. He had even promised to help out with their financial problems back in Nagykáta. In the detective’s report, she revealed surprisingly intimate details about their sexual life, details that are rarely to be found in other race defilement cases. She said that they had intercourse once or twice a week, the last time having been a week before the interrogation, mostly with a condom, sometimes without, and that Dr. Fal always brought the condoms. She added that Dr. Fal “had attempted several times to have intercourse with her in various forms and even wanted to perform cunnilingus but that she was not willing to do so at any time”.<sup>25</sup> Her sister at first denied that she had had any sexual contact with the other Jewish lawyer, the owner of the flat, and stated that she was ready to prove with a medical examination that she was a virgin. She stated that she knew about the relationship between Dr. Fal and her sister and attested to the fact that he provided financial support. Her mother confirmed these assertions, saying that Dr. Fal and her daughter had a very intimate, day-to-day relationship and that she had good clothes and things, despite having no income. Dr. Fal acknowledged that they had had a relationship and that he visited her every day, but claimed that they stopped having sexual contact after the race defilement clause took effect in October 1941. The detectives had the three women sign a paper that contained a short summary of their accounts, which they justified with the assumption that these would be changed later on.

When Dr. Fal gave his account of events a day later at the police station, he maintained that the couple had not had intercourse since September 1941 as he did not want to take a risk, “even though I believed that based on her previous life she does not count as an honourable woman”.<sup>26</sup> He referred to the fact that she had had sex for money with various men and that, in his version of the story, he offered to help educate her to get out of this miserable situation, that since April 1941 she had reformed as she had “given a very strong promise”, and that there was no indication of her not having kept it.<sup>27</sup> The same day, the three women amended their original reports, Erika B.’s mother and sister both asserting that they “did not know of her currently having sexual relations with Dr. Fal”. Erika B. told the police that she had stopped

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25 Ibid.

26 Ibid.

27 Ibid.

having sex with him in October 1941, that she had only told the detectives that he was her boyfriend because she was intimidated (“I found their energetic intervention rough.”) and that she believed that they came from vice department and wanted to charge her with secret prostitution. She claimed that she was an honourable woman.<sup>28</sup>

From these two rounds of reports it seems that the detectives worked under the strong assumption that Dr. Fal was in fact Erika B.’s sexual partner and that eventually the two would work together in order to avoid punishment for race defilement. This is why they had the three women sign their initial confessions, to be able to prove that these were later changed and that there was a pattern to these changes. Examining the confessions closely, Erika B. was evidently positioned as a woman who went through episodes of working as a prostitute, but was reformed thanks to the gallantry of Dr. Fal. The main line of defence against the race defilement charge was Dr. Fal’s cautious approach, claiming that they discontinued sex after October 1941. Their relationship, so the suggestion, transformed into a non-sexual, friendly association where the woman cooked for Dr. Fal and kept him company, while he guaranteed that she and her family would have a secure financial future. Structuring the story this way promised benefits both to Erika B. and to Dr. Fal: She could argue that she had changed her ways and therefore could not be under suspicion by the moral police, while he could defend himself with the hardly refutable assertion that they had not slept together since the Marriage Law took effect. At the main hearing, Erika B. added that she did not believe that she was an honourable woman, because she had carried on with secret prostitution until March 1942.

A bitter surprise came on 30 September 1942, when the Budapest District Court handed out a three-year prison sentence to Dr. Fal, dismissing the second round of confessions with the argument that Erika B.’s inconsistency made her testimony incredible. She was to be taken as an honourable woman since there was no trace of her among the files of the moral police and because she had initially claimed to be one. The amended, second confessions of her mother and sister were also dismissed, since it was assumed that they had coordinated in order to help the defense. In addition, the court saw as proof of their continued liaison the fact that Dr. Fal had bought her a fur coat and kept visiting her just as before October 1941. They did not accept any mitigating circumstances and as aggravating circumstances cited the following:

“[...] the fact that the accused is married, that it happened repeatedly, that he committed the deed as a lawyer, and that partly in order to satisfy his lust, partly for his own protection, he contaminated spiritually a whole family and E.B., who is practically still a child whose moral value depreciated to such an extent that she claimed that she was a prostitute without thinking, almost as if she were boasting.”<sup>29</sup>

The court’s draconian sentence shocked Dr. Fal and he began to build up a much more comprehensive case for the hearing at the Court of Second Instance. He wrote several petitions exceeding twenty pages and containing a thorough and solid story that no longer focussed on the fact that they had not had sexual relations after October 1941, but on Erika B. being a dishonourable woman. He invited the court to question the porter of a sex hotel, four clients of Erika B., and one of her friends who had also worked as a prostitute. This woman confessed (as did Erika B.) that Erika B. once had sex with a client while she had to watch, upon the client’s request. Dr. Fal used this as a key argument to her being an utterly dishonourable woman. His re-

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

lentless efforts resulted in positive outcomes: On 19 December 1942 the Budapest Appeals Court decided to let him out of prison pending a final verdict. Half a year later, on 20 May 1943, the same court acquitted him, accepting her claim that she had had over 500 clients over her years as a secret prostitute, as well as the confessions of the four clients who were ready to testify.

Dr. Fal did not stop at this, because while he was in prison he had been dismissed of the Chamber of Lawyers. In prison he did not get a letter that demanded the payment of a minor sum to the Chamber and as he did not pay, he was excluded. By that time, a previous antisemitic law had introduced a quota for the admittance of new Jewish lawyers to the Chamber and so he did not stand a chance of being readmitted. In short, the race defilement case provided a chance for the Chamber of Lawyers to prevent an already established lawyer from practising his profession. Dr. Fal therefore submitted another lengthy petition in which he demanded full compensation for his financial losses (including being excluded from the Chamber) from the court. In this petition, he compared the court's mistake to grave medical malpractice and he focussed, again, on the details of Erika B.'s dishonour. We know that his compensation case was still on-going in February 1944. There was probably no conclusion to that case, or at least it did not matter anymore: Dr. Fal is listed among the victims in the Yad Vashem Shoah Victims Database; he was deported to Auschwitz in September 1944 and died there in January 1945.<sup>30</sup>

### Honour, Sexuality and Abnormality

In an essay on race defilement and honour, I used Foucault's *Abnormal* to argue that in many race defilement cases, the courts created patterns of personality traits, from which I identified two distinctive types: the 'village girl' and the 'seductive Jew'.<sup>31</sup> That is, courts were often looking for a story of personality leading up to the deed and as such their work resembled what Michel Foucault referred to as the "psychological-ethical double of the offense".<sup>32</sup> This, Foucault claimed, went hand-in-hand with the appearance of the psychological expert opinion, which analysed the psychological profile of the accused, and from the eighteenth century on, the judiciary gradually started to rely heavily on these expert opinions. The 'double' is a delegalised version of the deed. It likens the person to his or her crime. In other words, committing a crime is characterised as the natural outcome of the alleged criminal's irregular personality, which is also manifested in extravagant, non-criminal behaviour.<sup>33</sup> In the race defilement cases, this double appeared without the need for psychological expert opinion. The judiciary often seemed ready to indulge in the construction of psychological profiles of both criminal and victim, and the 'psychological expert knowledge' was found in the works of antisemites.

This is also evident in the case of Dr. Fal and Erika B., especially when the Court of First Instance dismissed all confessions and found that the 'seductive Jew' poisoned the soul of a whole family, especially that of a young (village) girl. However, the 170-page material evinces a similar attempt by Dr. Fal. The clearest example is one of his petitions in which he provided 'snapshots' of Erika B.'s life:

<sup>30</sup> The Yad Vashem Shoah Victims Database can be found under: <http://yvngyadvashem.org/index.html?language=en>, (15 August 2015).

<sup>31</sup> Gábor Szegedi, *Stand by your man*.

<sup>32</sup> Michel Foucault, *Abnormal*. Lectures at the Collège de France, 1974–75, London, 2003, 16.

<sup>33</sup> *Ibid.*, 19.



1) In Autumn 1933 – she is not yet ten years old – as a fourth-year pupil she receives a serious punishment in elementary school, because in one of the recesses she lines up the boys and shouts: ... show (here she shouted the well-known Hungarian equivalent of the word “penis”). I remember that when I was a volunteer in the artillery – as a husband and father – I got all red when I first heard this expression. Only the intervention of the teacher was able to prevent this from actually taking place. Very educational start!

2) In May 1938, as you might have (correctly) guessed as you will rightly suppose, at the age of fourteen years and three months, she appeared as a seller on the market. The goods: the virginity of the then still untouched child girl. Price: 100 Pengős.

[...] She has two older brothers, who have been in prison for years for various crimes against private property, one of them is still in the Ungvár [today Uzghorod in the Ukraine, GSz.] prison, serving his 4.5-year sentence.<sup>34</sup>

The attempt here is clear: Erika B. was basically born to be a prostitute. These snapshots of her early life show that she had an inherent tendency towards sex and debauchery, which showed already at the early age of nine. This lack of control and immorality ran deeply in her family: Her mother was ready to sell her virginity, while her brothers were in prison. This juxtaposition was very much in line with contemporary theories on the sources of prostitution. Béla Bíró, a medical expert on prostitution, published a 320-page book called *A prostitúció* in 1933.<sup>35</sup> In this book, he praised Parent-Duchâtelet's *De la Prostitution dans la ville de Paris*, in which the nineteenth-century French medical expert was looking for the ‘species’ of the prostitute. Bíró also quoted Cesare Lombroso, the Italian anthropologist, who believed that one could detect ‘criminal types’ based on anthropological features and then ‘found’ the female version of the criminal man in the ‘type’ of the prostitute. Bíró, who represented the thinking of contemporary medical and administrative authorities, quoted several other experts, who believed that prostitution was rooted in biological degeneration. He himself concluded:

“It must still be some kind of inborn quality (lack of feelings of shame, weakness of moral senses, moral insanity) that brings one woman to immorality and to an irresponsible way of life, even if external circumstances do not justify it, while the other, coming from a similar background, tolerates her hard fate and does not sell herself.”<sup>36</sup>

Dr. Fal was thus playing on deeply rooted beliefs about prostitutes when he implied that if Erika B. had brothers who were serving time in prison, this obviously underlined that she was prone to be a prostitute. He played on the same beliefs when he tried to reach back to her childhood to show that she had already had a “moral insanity” that led her to such actions. That Erika B. was presented as an ‘abnormal’ could have contributed to Dr. Fal’s success at the Appeals Court. Even if it had not worked, the very attempt demonstrates two issues. First, the psychological-ethical double was clearly at work in race defilement court cases and not just in court interpretations of the ‘village girl’ or the ‘seductive Jew’ but also in sketching the silhouette of ‘the prostitute’. Second, although honour was a vague and hotly debated category in these court cases, one could use medical determinism and the theory of eugenic degeneration to argue for or against the honour of a woman. This further

34 Budapest Főváros Levéltára [Budapest Metropolitan Archives] (BFL) VII-5-c- (Budapesti Királyi Törvényszék [Royal Court of First Instance, Budapest]), 3151. Doboz [Box], Case: 9246/1942.

35 Béla Bíró, *A prostitúció* [Prostitution], Budapest 1933.

36 *Ibid.*, 55.

colours the types of honour I pointed to in another study: Even though Christian honour was set up as spiritually superior to Jewish honour, female honour was in the hands of an all-male jury. Moreover, when deciding on one's honour, the male decision-makers would draw upon a *scientia sexualis* that would demand in-depth confessions from the women involved (and from others) with regard to their sexual conduct and/or profile of honour. These were then used to push individuals into the dual categories of 'normal/abnormal'.

I refer back to Erika B.'s initial confession where she mentioned (according to the detectives, at least) that Dr. Fal wanted to perform cunnilingus on her on occasions and to have intercourse in "various forms". This was before they/she realised that this could become a race defilement case and wanted to convince the detectives of her being an honourable woman. At this point, presenting Dr. Fal as abnormal seemed logical, as it would have evoked the 'village girl' versus the 'seductive Jew' prototypes and she could have hoped to avoid being fined by the police. Just as Dr. Fal could build on common knowledge concerning the image of the prostitute thanks to authors such as Lombroso or Parent-Duchâtelet when implying Erika B. belonged to a dishonourable type, Erika B. could in this initial confession draw on, among other things, the sex education materials in interwar Hungary. I will not go into detail here as I have analysed these elsewhere, but it is worth noting that these constructed a "debauched Jewish sexuality", which on the one hand paved the way for the race defilement legislation, and then after 1941 served as a framework of interpreting the sexual acts under scrutiny.<sup>37</sup> One famous author, József Koszterszitz, for example, referred to the Jews as having a "bohemian and heavily egoistic influence and strongly erotic Eastern style" which has "seriously loosened the otherwise hard and pure morality of Hungarians".<sup>38</sup> In the light of this background knowledge, it is not surprising that Erika B. initially told the detectives (most probably having also been pushed to do so) so much detail about her sexual life with Dr. Fal.

## Conclusion

The race defilement cases, as I have claimed above, were used by the Christian middle class in Hungary to help accomplish what they called the 'changing of the guard'. Dr. Fal's travails show that these private sexual cases provided an excellent opportunity to take economic rivals out of competition. Here a lawyer received the highest sentence possible from the jurors, upon which the Chamber of Lawyers could easily discontinue his membership, which eventually meant that he could not return to the market. Treating Christian woman as property was another economic aspect of this approach: Jewish men were to be excluded from competition in this sense as well and thus major restraints on emotional liberty were introduced in order to keep certain women away from Jewish men. Love and closeness were much more punishable in this emotional regime than casual, non-binding, transaction-based sex.

Moreover, the cases served to enforce pre-existing stereotypes that were grounded in expert and popular knowledge. These included the 'seductive Jew', the 'village girl' and the 'degenerate prostitute'. The law only prohibited and punished extramarital

<sup>37</sup> Gábor Szegedi, Tisztaság, tisztesség, fajgyalázás.

<sup>38</sup> József Koszterszitz/Ádám György et. al., *Nos Rector ... a magyar főiskolai hallgatók könyve* [Nos Rector ... The Book of Hungarian University Students], Budapest 1943, 400.

sexual relations between Christian women and Jewish men and therefore Christian male sexuality remained unproblematic, while Jewish men and Christian women had to deal with stereotypes. In fact, in some court cases, as exhibited here, they were often motivated to use these existing stereotypes against each other. Dr. Fal, the Jewish lawyer's honour was more or less restored in 1943 but this went together with the moral deconstruction of Erika B., presenting sexual details about her life that fixed her as the 'prostitute type'. She cooperated and did not show signs of protest, for which she might have had personal as well as financial reasons. The nature of Dr. Fal's defense was, however, centred around the emotions of outrage and disgust concerning her life and her being. Thus, in future she could surely not count on a continued affair with Dr. Fal and she must have had to endure the widespread contempt of all who knew about the case, as what Dr. Fal 'revealed' about her was certainly in the 'repugnant and filthy' category according to Hungarian sexual ethics in 1943.

What does this then tell us about emotions, honour in particular, in interwar Hungary? It indicates that there were unquestioned and unquestionable carriers of honour, while people belonging to other categories had to prove their honour and that for 'suspect categories' like Jewish men or lower-class women this was intimately tied in with sexuality. The core emotional community was supposed to be formed of honourable non-Jewish women and non-Jewish men. The ones beyond this borderline were not expected or encouraged to reproduce or to engage in 'normal' family life. The court cases in part served the goal of separating honourable from dishonourable and thereby keeping the emotional community fixed, closed, and coherent.

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Quotation: Gábor Szegedi, The “Double” of Erika B. Sexual Conduct and Honour in a Hungarian Race Defilement Case, in: S.I.M.O.N. – Shoah: Intervention. Methods. Documentation 3 (2016) 2, 59-70.

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Article

Copy Editor: Tim Corbett

**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) published in English and German.