

of some of Jakobson's insightful remarks in "Shifters, Verbal Categories, and the Russian Verb." He could have stated a general semantic definition of the conditional, he could have given a better discussion of areas where the imperative and conditional seem to overlap, and he would not have been forced merely to wonder about the use of past active participles in *-shi* as conditioning elements for conditional clauses. In spite of such criticism this study will play its role in the definitive grammatical classification of the conditional in Russian, for it does contain some real insights into the organization of conditional constructions and a most useful collection of examples.

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## LETTERS

### TO THE EDITOR:

I was happy to see Professor Marczali's thought-provoking article in the March issue of the *Review*. I am in agreement with his argumentation as far as his main topic goes. But I should like to offer some comments, chiefly on the introductory parts of the article.

According to Part II, "the interim between the two World Wars did not result in any significant changes in the system of Hungarian criminal law except an emergency law of 1939." Summing up this "Law for the Effective Defense of the Fatherland," the author mentions additional restrictive legislation against the rights of Jews purportedly enacted only "under Nazi influence and pressure." The idea that Hungary was still a *Rechtsstaat* until the German occupation of 1944, and all radical changes were due to the Soviet conquest, appears to be strengthened by note 21 stating that "no Jews were deported before the formal Nazi occupation of March 19, 1944."

Actually, Hungary ceased to be a *Rechtsstaat* in 1914. After war, revolution, and counterrevolution (1914-19) the consolidated "white" regime enacted a "Law for the More Effective Defense of the Order of the State and Society" (1921: III), the elastic provisions and arbitrary application of which appear to have escaped the author's attention. Other facts, too, seem to contradict the general line of his contention and particularly the last cited statement.

Shortly after Hungary's entrance into the war against the Soviet Union a dozen prominent Jews, all in their fifties and sixties, were rounded up in their summer clothes in the city of Miskolc. They were deported to a small Ukrainian village, where they had to do heavy physical labor in the woods for more than two years. Only toward the end of the war, when the Horthy regime tried to detach itself from Germany, were they brought home. Even so, this group was fortunate because its members survived—at least until the second deportation in the summer of 1944. Members of another group consisting of lawyers and deported from Miskolc in 1942 all perished.

One may say, these examples and analogous occurrences in other parts

of "rump Hungary" were "initiatives" of local authorities, although they had accomplices in the higher echelons of government. In a different order of magnitude were the mass deportations of Jews from the territories repossessed by Hungary after the two so-called Vienna awards, the attack on Yugoslavia, and the reincorporation of the Ruthenian lands. From these areas tens of thousands of Jews were deported to the Ukraine, where they were either handed over to the Germans or left at the mercy of the local population; in some instances Magyar military and irregular units participated in the executions.

In addition to these "excesses" for which the responsibility must be shouldered by high-ranking officials, there was a large-scale action aimed at revising the citizenship of all those Jews who were unable to prove that their grandparents had lived on Hungarian soil. The ultimate aim of this action was to rid the country of these allegedly "alien" elements. The burden of proof lay on the prospective victims. Frequently, certificates were simply unobtainable because the birthplace or domicile of the ancestors came under non-Magyar rule after World War I; in other cases, lack of immatriculation prevented the "defendant" from proving his point. In such cases, his fate was at the mercy of the local police or gendarmerie. C. A. Macartney estimates the number of "illegal immigrants" thus deported at 30,000 to 35,000. (*October Fifteenth: A History of Modern Hungary, 1929-1945*, II [Edinburgh, 1957], 37 ff.).

Professor Marczali correctly stresses the role of forced labor camps under the Communist regime (p. 97), but forced labor was not an invention of the Communists. At the beginning of the war, the government "had tolerated scandalous conditions in the Jewish battalions" (Macartney, II, 114).

Looking beyond the "Jewish question," it is fair to point out that forced labor became the fate of tens of thousands of Serbians, Rumanians, Ruthenians, and Slovaks, whom the regime considered unreliable for regular military service. Members of these non-Magyar groups were called up in disproportionately high numbers and they, too, were drafted into the infamous labor battalions (Macartney, II, 68).

Thus, in order to be historically valid, any analysis of the "Criminal Law in Communist Hungary" ought to include a careful scrutiny of the relationship between different shades of totalitarianism in that unfortunate country. For especially after 1938, the fascization of Hungary proceeded by leaps and bounds, even though from 1942 on (i.e., after Stalingrad and the annihilation of the Second Hungarian Army on the Don) the Kállay government itself tried to reverse the trend. It was during this period of repentance and wishful thinking that Hungary became, at least temporarily, a haven for refugees amidst the horrors of surrounding rampant Nazism.

This, however, must not obscure the important links connecting Hungarian fascism with the present Communist regime. Further research into these subtle connections may reveal desirable insights into the moral climate, institutional framework, legal, political, and economic patterns of the last quarter of a century of Hungary's history. Such an investigation has to go beyond ambiguous statements, such as that "People's Courts" were "composed of one professional judge and four lay judges, *mainly*

*Communists or persons who suffered during the Nazi regime*" (p. 95 of article, italics added). Instead, one will have to examine to what extent, for example, the "Law for the Extensive Defense of the Fatherland" and the Draconic economic legislation used by the courts almost exclusively against Jews were maintained by, or served as models for, corresponding Communist laws and practices. (The author is right that Law No. II of 1939 "authorized the executive branch . . . to place persons under police supervision," etc. What he fails to mention is the rather extensive use of these provisions against Jews and non-Magyars.)

Furthermore, one will have to undertake a thorough investigation of the period separating the end of the war from the actual consolidation of Communist power in Hungary (1945-48). Professor Marczali appears to underestimate this transitory period, identifying it simply with Soviet occupation, which "destroyed all . . . institutions of the thousand-year-old state" (p. 95). Yet during this period relatively free elections were held in Hungary (which, incidentally, misled the West concerning the real aims of the Soviet Union), and Parliament enacted a democratic republican constitution in early 1946. This constitution reflected the United Nations Charter and Western liberal ideas; it was only after the Communist *Putsch* that a Soviet-type constitution was introduced in mid-1949, as emphasized by the author (p. 96). Whether the entire judicial system can be interpreted exclusively in anticipation of the coup d'état is open to question.

Thus, Professor Marczali raised a number of issues. It is to be hoped that he, and others, will not spare their endeavors to solve these problems, too. In a broader context, perhaps the whole interwoven cobweb of fascism-communism ought to be examined in East Central Europe during the last quarter of a century or so. This could be a worthwhile enterprise, and we are committed to it by those millions who have suffered, perished, or are prevented to speak freely. Historical truth, too, demands its accomplishment.

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PROFESSOR MARCZALI REPLIES:

I appreciate Professor Barany's comment on my article and his call for further research. I fully agree that my article is far from being complete. I had no intention of comparing the Communist methodology with the fascist one; of exploring the "white terror" of the 1920's, the atrocities against Jews and non-Magyars of the 1940's; or of spelling out the differences between the legal arrangement (theory) and the abused police power (practice) of belligerent Hungary. I had no intention of proving that the Horthy regime was very democratic or that no democratic steps were made by the Communists. These questions may be relevant to the background but will not, in any way, change the system of criminal law as such. They should be treated as separate topics, I feel, and volumes of books can be written on them. I am committed to further research, and I gratefully offer my assistance and experience.

Dealing with the comments in detail, I agree that Law No. III of 1921 should be mentioned. I disagree that "Hungary ceased to be a *Rechtsstaat*