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## **Lajos Esztergár before the People's Court: The Mayor of Pécs and the Holocaust**

### **Abstract**

**The purpose of the study.** Lajos Esztergár, a former mayor of Pécs, is remembered with different emotions by different groups today. Suppressed during the communist regime, his memory was revived immediately upon the 1989/90 fall of that regime. On the one hand, conservative and nationalist intellectuals and politicians, with some nostalgia for interwar Hungary, celebrated him (and continue to do so) as a positive local representative of that system, ostensibly for having introduced a number of social reforms. On the other hand, those for whom his participation in the deportation of Jews from the city in 1944 outweighs his merits as a social reformer, criticize his celebration. The fact that he was brought before the People's Court twice between 1945 and 1949 but acquitted has allowed his supporters to ignore or explain away his role in the Holocaust. This paper seeks to examine whether the judgment of the People's Court provides sufficient reason to *morally* acquit him, as has been done by his supporters. It also probes the question of whether there was a connection between his social welfare goals and his willingness to participate in the deportations.

**Applied methods.** Analysis of archival sources, especially the indictment and verdict of his first trial, as well as secondary sources, contemporary newspapers, and laws.

**Outcomes.** We show that there is reason to doubt the objectivity of those involved in Esztergár's *legal* acquittal. We provide new evidence to demonstrate that his actions before, during, and after the deportations point to his motives for retaining his position in 1944. It was so that he could arrange for the use of the confiscated properties of the Jews to fund a conservative and nationalist program for the amelioration of poverty.

**Keywords:** Holocaust in Hungary, Pécs, Esztergár Lajos, World War II, People's courts, Social Reforms of the Horthy Era

### **Who was Lajos Esztergár?**

Lajos Esztergár (1894-1978), a displaced Transylvanian young lawyer and former reserve officer who had fought and was wounded in World War I, came to Pécs in 1921 as a police investigator along with Admiral Horthy's forces when they entered the area of Baranya County. The city and its surroundings had just been liberated peacefully by an international agreement from three years of occupation by the Kingdom of Serbs, Croats, and Slovenes. At the time, Esztergár espoused a strongly antisemitic nationalism. In the summer of 1944, Esztergár himself boasted of his antisemitic bona fides – and admitted to doing so in his second war-crimes trial, in November 1946, before the People's Court:

*I participated in every antisemitic movement. I was a member of the Awakening Hungarians ('Ébredő Magyarok'). I founded the Pécs chapter of the United Christian National League, which I led for a long time and built into a large organization. I was an active member of the Hungarian Scientific Race Protectors. I made every effort to insure through the structuring of the Board of Directors of the Pécs Chamber of Commerce and Industry that control of commerce and industry would migrate from the hands of the Jews into those of the Christians.<sup>1</sup>*

The circumstances in which Esztergár made the reported statement are obscure, but there is no doubt that he came to the city in 1921 imbued with the spirit of the antisemitic wave following the defeat of the Hungarian Soviet Republic. In the early 1930s, he began to publish articles on the subject of poor-relief, which depicted the dangers of the “mob” but, to his credit, his writings were free of antisemitic rhetoric.<sup>2</sup> He also participated actively in city politics in support of the Bethlenist governing party which had made its peace, indeed, allied itself, with the Jewish economic elite at the national level.<sup>3</sup> Esztergár was rewarded for his local political organizing in December 1929 with the post of city commissioner of public welfare.<sup>4</sup> In that role, he introduced a number of innovative and multifaceted social welfare programs and launched courses in social work at the local university, where he designed the curriculum. His local successes in social policy inspired some experimental programs at the national level and, in 1939 and 1940, Esztergár was given a role in their implementation. He concurrently kept his city jobs. In 1936 he became vice-mayor and in 1940, mayor.

But there was a dark side also to Esztergár’s career. Throughout the war, he faithfully executed the anti-Jewish laws and regulations. Until 1944, these were mostly of an economic and social nature. In the spring of 1944, he, like Admiral Horthy, remained in office after the German Army occupied Hungary and the Hungarian government began the process of deporting Hungarian Jews with the guidance of the German SS and Adolf Eichmann. The Jews of Pécs were expropriated of what property they had left, labeled with the yellow star, put into a cramped ghetto near the railroad station for about six weeks, marched under curses and bayonets into an even more cramped transit camp after been searched multiple times for valuables. On July 4, they were deported to Auschwitz. Of the 2811 former citizens of Pécs deported that day, only 228 returned by November 1945 to the city.<sup>5</sup> A second transport left the city on July 6. On the same day, Horthy ordered the deportations to be suspended, thus saving

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<sup>1</sup> Új Dunántúl, Nov. 6, 1946., 2.

<sup>2</sup> “The danger [of revolution] is exacerbated by despair, the source of which, the mob, stands ready to jump, awaiting the moment when, giving vent to its passions, it can begin its destructive work under the alle that ‘everything belongs to us’” (Esztergár 1932: 104) (‘A veszedelmet fokozza az elkeseredés, melynek táptalaja, a mob, ugrásra készen várja a pillanatot, amikor szabadon eresztett szenvedéllyel nekiláthat a romboláshoz és a “minden a miénk” elv megvalósításához.’)

<sup>3</sup> We shall use the term Jewish in the sense that it was used at the time to stand for those of the Jewish faith as well as those who converted but were of Jewish origins. Out of convenience, we will not use quotation marks.

<sup>4</sup> (Pécsi Napló, December 24, 1929., 24.)

<sup>5</sup> The numbers are based on statistics from the Jewish Congregation of Pécs as reported in Új Dunántúl, Nov. 25, 1945, 2 and adjusted by Vörös 2020 near fn 34;

most of the 200,000 Jews of Budapest, but not those of Pécs.<sup>6</sup> A total of about 6000 people from Pécs and its surrounding towns and villages were deported to Auschwitz.<sup>7</sup>

We shall look at the two sides of Esztergár's career in detail later, but let us first see how he has been remembered since the fall of communism.

### **The Cult of Esztergár**

Esztergár was relegated to obscurity after 1945 because of his involvement with the deportations, but his memory and his contributions to social policy began to be revived in the twilight decade of the communist era. The story of that revival is still to be explored and explained. Suffice it to say that the pioneering publications in this effort were written by Dezső Vargha<sup>8</sup>, perhaps inspired by his older colleague at the Baranya County Archives, Péter Rajczi (1917-2006)<sup>9</sup>, a conservative dismissed history teacher whose career took off during the time of Esztergár's mayoralty. The director of the county archives, Imre Ódor (1959-2015), also helped to spread Esztergár's fame through his many social connections. The archivist András Rozs (1947-2023), researched Esztergár's life and wrote a biographical article in 2004.<sup>10</sup> Another locus of support for the Esztergár revival of the 1980s and 1990s was the social-work faculty of the University of Pécs, specifically, professor Margit Molnár,<sup>11</sup> who propagated his work through publications and public lectures. Finally, we must mention Pál Esztergár, the former mayor's older son, who took an active part in reviving his father's name in the city.

Of the above-named supporters of Esztergár, only András Rozs dealt in their writings with Esztergár's role in the deportations, and he admitted that some of Esztergár's decisions may be questionable. But he pointed to the fact that Esztergár was acquitted by the People's Court. This gave Rozs the green light to promote Esztergár's reputation in several public forums alongside Esztergár's earlier-mentioned supporters. The result was a veritable cult of Esztergár in Pécs in the 1990s and 2000s. The physical manifestations of the cult are illustrated in the following pictures.

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<sup>6</sup> Ránki, Gy. – Pamlényi, E. (1968): 873. Some trains also left concentration points from suburbs of Budapest in the days after Horthy gave his order.

<sup>7</sup> Molnár, J. (2014): 313.

<sup>8</sup> Vargha, D. (2002).

<sup>9</sup> Rozs, A. (2006): 90-92.

<sup>10</sup> Rozs, A. (2002)

<sup>11</sup> Molnár, M. (2002)

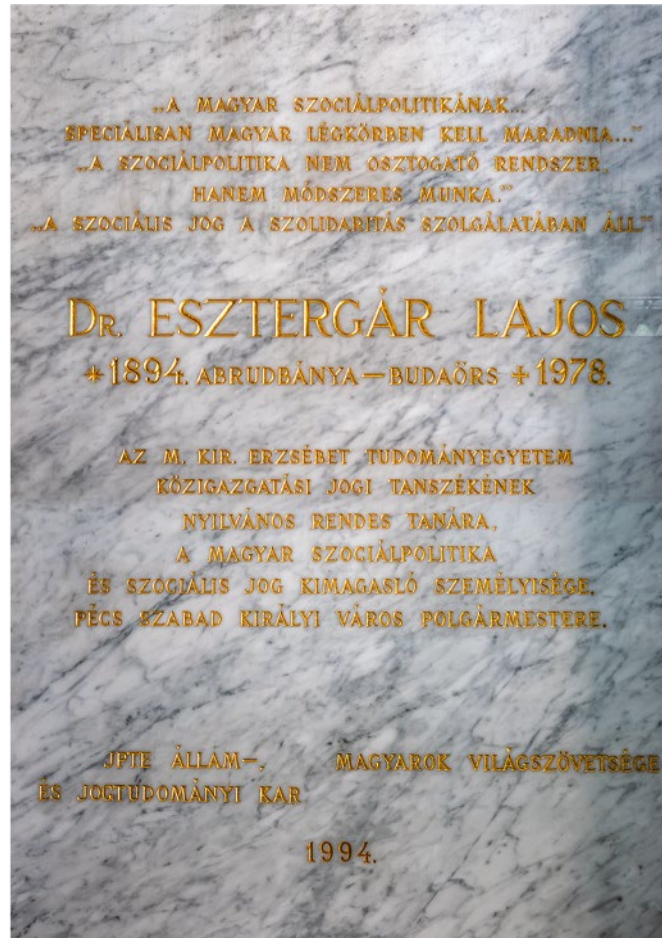


Figure 1: Plaque at the Janus Pannonius University, Faculty of Law. At top, there are three quotes from Esztergár's works: Hungarian social policy must remain in an atmosphere that is specifically Hungarian. Social policy is not a system for distributing goods but methodical work. Social Law serves solidarity.”

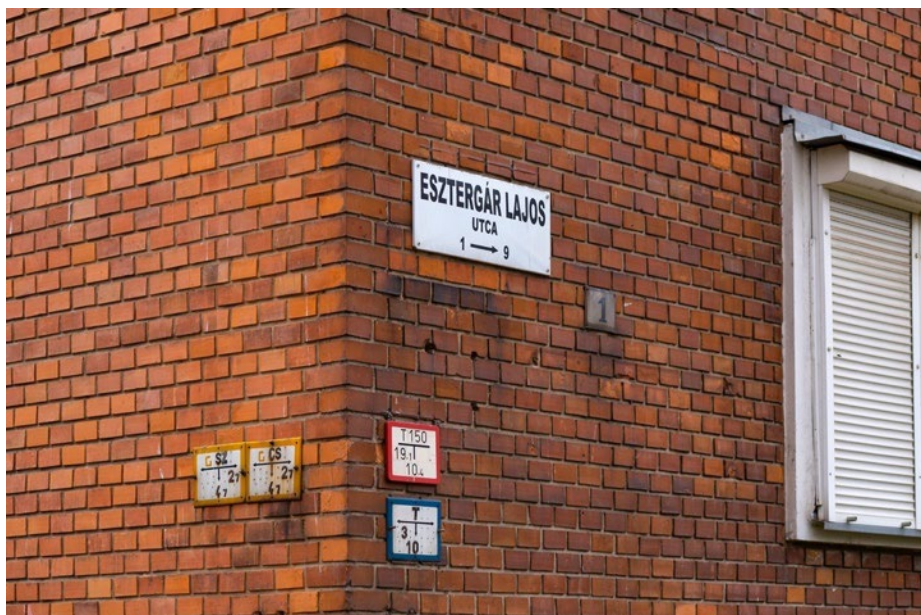


Figure 2: Esztergár Lajos Utca Street Sign, Street was named in 1991.



*Figure 3: Plaque at City Hall*



*Figure 4: Esztergár Lajos Family and Child Welfare Service and Center.*

*Figures 1-4 photos by László Cseri, with permission)*

In addition to the above memorials, a plaque was placed on Esztergár's former residence in 1994; the Esztergár Lajos Conservative Circle was established in 2001 and functioned for a few years under the leadership of the archivist Imre Ódor and the teacher, politician Ernő Staub; and a prize for social work was created by the city in Esztergár's honor in 2002. Ernő Staub explained, already in retirement from politics, that when the Conservative Circle was founded,

he had not been aware of Esztergár's role in the deportations but was following the advice of Imre Ódor and other intellectuals, like Peter Rajczi.<sup>12</sup>

### Critics of the Cult

The small, aging Jewish community of post-communist Pécs was not consulted about the memorials and failed to publicly join the issue for more than a decade. For example, the book commemorating the fiftieth anniversary of the deportations did not mention Esztergár, or, for that matter, any of the actors in the deportation.<sup>13</sup> However, since 2012, a number of important studies, to which this study owes a great deal, have appeared. A harbinger was the 2002 article based on local archival sources by Judit Molnár, an eminent authority on the deportations from Hungary.<sup>14</sup> She followed this with an article in 2012, comparing the deportations in Pécs and Szeged. She saw the habit of bureaucratic compliance at work in both cities.<sup>15</sup>

Two independent historians living in Pécs, János Hábel and István Károly Vörös, published books under local presses and probably received more notice in the city than the works of Judit Molnár. The extensive use of primary sources from the Baranya County branch of the National Archives, the titles of their works, like Hábel's *Our Neighbors, who "Moved Away"* („Elköltözött” szomszédaink) and *The Letters of Pécs, 1944* (‘Pécsi levelek 1944-ből’), as well as their eloquent commentary, demonstrated both factually and dramatically the way in which the Jews were expelled from a city “of which they were an organic part” and how the city's leaders and mayor took every initiative in the expropriation of their property.<sup>16</sup>

Vörös, who wrote the introduction to Hábel's *Pécsi levelek 1944-ből* noted that Esztergár acted “on the basis of a selective empathy” when he proposed the use of the goods that the Jews left behind to reduce the sufferings of the Christian population.<sup>17</sup> He gave further evidence for this thesis in an article published in 2020.<sup>18</sup> There, he placed Esztergár's policy into a broader Hungarian historiographical context by citing the recent works of the historian Krisztián Ungváry and the sociologist Dorottya Szikra, both of whom pointed out the “racial” preferences in the social welfare efforts of the late Horthy period.<sup>19</sup> Our article, in addition to questioning the use of the dismissal of charges against Esztergár by the People's Court, follows in the footsteps of Vörös, the scholars he mentions, and others, like Gábor Kádár and Zoltán Vági, who provide further evidence for the economic motivation thesis.<sup>20</sup>

The historian Mariann Nagy, then an associate professor at the University of Pécs, led a team that curated a permanent exhibit in the upper gallery of the beautifully restored and prominently

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<sup>12</sup> Interview by Edit Gilbert, 5/21/2021. In possession of author.

<sup>13</sup> Stark, A. – Vargha, D. (1994)

<sup>14</sup> Molnár, J. (2002)

<sup>15</sup> Molnár, J. (2012): 483; Molnár, J. (2002): 93.

<sup>16</sup> Hábel, J. (2014)

<sup>17</sup> Hábel, J. (2016): 35

<sup>18</sup> Vörös, I. K. (2020); See “Motivation” section below for Esztergár's letter to Jaross for a telling example quoted by Vörös.

<sup>19</sup> Vörös, I. K. (2020), 1 fn. 2; He references Ungváry, K. (2016) and Szikra, D. (2008).

<sup>20</sup> Kádár, G. – Vági, Z. (2004)

located local synagogue on the history of the Jews of Pécs in the context of their history in Hungary from the 18th to the 20th centuries. Although the Holocaust was not the focus of the exhibit, the catalog does mention the negative role that Esztergár and the administration under him played in 1944.<sup>21</sup> It was from there that I first learned about Esztergár.

The above-described critics of the Esztergár cult came to the attention of the assistant mayor of Pécs, Szilvia Bognár, (Democratic Coalition, DK), who proposed that the city council consider renaming Esztergár Lajos Street, and passed out copies of Hábel's *Letters of Pécs*.<sup>22</sup> This was just before Covid forced politicians to focus on that disease. The movement has not gained much traction, though the social prize that had been named after Esztergár was renamed in 2023.<sup>23</sup>

It should be pointed out that none of the historians critical of the Esztergár cult named above are of Jewish heritage, though Vörös had a great-grandfather who was a Jew from Mohács.<sup>24</sup>

### **Esztergár's Contributions to Social Welfare Policy and Education**

Since Esztergár is remembered primarily for his contribution to welfare policy, we should review the history of his involvement with that field. His contributions, innovative as they were in their time, were tainted by Esztergár's willingness to collaborate with antisemitic social reformers and by his own willingness, at least after 1938, to use the exclusion of the Jews from Hungarian society, culminating in their deportation in 1944, as a means to fund fundamentally nationalist social programs.

Esztergár's ideas on social policy, as expressed in his writings in the early 1930s drew, without attribution, on a wide range of anti-Marxist Hungarian social reformers from the Christian nationalists and cooperativists, such as Ottokár Prohászka (1858-1927) to Christian socialists such as Sándor Giesswein (1856-1923) who advocated the government's leading role in social policy rather than that of the Church.<sup>25</sup> Esztergár was no doubt also influenced later by the policies of the prime ministers Gyula Gömbös (1886-1936) and Béla Imrédy (1891-1946), both of whom promoted a powerful, activist state with elements borrowed from Mussolini, Hitler, and Stalin (Five Year Plans). Esztergár advocated the creation of a unified and thus strengthened society that could regain Hungary's lost territories. In a speech to the Annual Conference of Cities in Kőszeg in July 1932, Esztergár reported on some of the methods used in Pécs to alleviate poverty and proposed ways to expand and extend the approach nationally.<sup>26</sup> His paper bookends his practical policy suggestions between an evocation of the fear of revolution -- painting a picture of the unbridled passions of the "mob" -- and an optimistic peroration on

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<sup>21</sup> Nagy, M. (2018/a)

<sup>22</sup> <https://szabadpecs.hu/2020/06/a-pecsi-polgarmester-aki-cserben-hagyta-a-polgarokat-mi-lesz-esztergar-oroksege-podcast/> . Accessed 01/11/2024.

<sup>23</sup> <https://www.bama.hu/helyi-kozelet/2023/01/atneveznek-egy-pecsi-dijat-de-kulonos-elozmenyek-vannak-a-hatterben>. Accessed 12/06/2023.

<sup>24</sup> From personal discussions with each.

<sup>25</sup> Egresi, K. (2008): 25-27 for description of concepts of Prohászka and Giesswein.

<sup>26</sup> Esztergár, L. (1932)

reversing Trianon. In between these two emotive passages he presented a comprehensive program that must be recognized for its breadth, covering social and economic needs brought about by cyclical unemployment as well as those encountered at all times by the poor during infancy, infirmity, and old age.

The essential principle of what came to be known as Pragmatic Social Policy was that the unemployed who are capable of work should be given productive jobs by their local governments at wages and in areas that did not compete with private industry. Those incapable of normal employment should be given tasks commensurate with their abilities and kept off the streets, lest they become a public nuisance.<sup>27</sup> The program also called for giving the poor and the middle classes, especially public servants, a stake in the system through home ownership by means of government-supported long-term mortgages, as well as government support of cooperatives for the construction of single-family houses with attached garden plots.

Diploma holders, of whom there were many in interwar Hungary and who were of special concern to Esztergár, would be given work in the cooperatives and in the administration of poor relief. Esztergár devised and taught courses on social work at the Faculty of Law at Pécs's Erzsébet University, the only place outside of Budapest where such education was available in the country.

Esztergár proposed funding the various programs he described to come from taxes to be collected by the central government and distributed on a per capita basis to the cities. In the early 1930s, he designated owners of large firms and their corporations to be the main sources of the needed taxes.<sup>28</sup> In the late 1930s, along with other nationalist modernizers, he even broached the subject of increasing the taxes of large landholders.<sup>29</sup> These plans were rejected by Prime Minister Pál Teleki, who feared that it would endanger the leading role of the Hungarian aristocracy.<sup>30</sup>

We should note that Esztergár opposed the institution of public unemployment insurance, one of the main demands of the Social Democrats, though that probably could have helped Hungarian workers greatly, as it did American workers during the Depression. He opposed it on moral grounds, fearing that it would lead to work avoidance.

The policies that Esztergár pioneered in Pécs brought him to national prominence with the help of Interior Minister Ferenc Keresztes-Fischer (1881-1948), formerly the prefect of Baranya County and of Pécs and a confidant of former Prime Minister István Bethlen (1874-1946). Holding the position of minister of the interior under several prime ministers from 1931 until the German occupation, Keresztes-Fischer was inspired by a group of conservative social reformers including along with Esztergár, Dénes Bikkál (?-?), Béla Kovrig (1900-1962), and Vid Mihelics (1899-1968). Keresztes-Fischer and the prime ministers under whom he served also paid attention to the village writers (*'népi írók'*) and village ethnographers (*'falujárók'*) like Gyula Illyés (1902-1983), László Németh (1901-1975), Péter Veres (1897-1970), Dezső

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<sup>27</sup> Esztergár, L. (1932): 104. See fn. 2 above.

<sup>28</sup> Esztergár, L. (1932): 120.

<sup>29</sup> Ungváry, K. (2016): 211.

<sup>30</sup> Hámori, P. (2016): 55.



Szabó (1879-1945), who covered a wide ideological spectrum from the left to the antisemitic right, and, between them, called attention to the social cauldron inherent in the poverty of the Hungarian countryside. The more nationalist intellectuals lamented the low birth rates of the Magyar population and bemoaned the problems it posed for Hungary's nationalist and revisionist goals, as did Esztergár. Some leaned to eugenic ideas of social and biological improvement.<sup>31</sup>

Keresztes-Fischer appointed Esztergár in 1938 to carry out an experimental adaptation of the social policies of Pécs to a rural setting in Szatmár County. Contiguous with territory that Hungary was about to take back from the recently dismembered Czechoslovakia in the Second Vienna Award of November 1938, the county was one of the most backward regions of Hungary. Czech social policy was more advanced than that of Hungary, so this program was intended to smooth over the disparities between the neighboring regions.<sup>32</sup> Esztergár established a cooperative which categorized the rural poor and provided “deserving” members in each category with animals (chickens, geese, goats, cows) according to the ability of each recipient to raise the animals and return a predetermined number of the offspring to the cooperative. For a family to receive aid it had to show promise to county officials of being able to move up into a higher category of self-sufficiency. The highest category received help in building a house on a plot of land, enough for raising crops and animals to make the family self-sufficient.<sup>33</sup>

Keresztes-Fischer also established a system of “county social advisors” to guide the prefects of each county in the implementation of the government's social policies and experiments. The prospective advisors gathered in February 1939 in Pécs for a conference led by Esztergár and Ferenc Somogyi, a professor at the University of Pécs. The advisors presented papers with insightful analyses and far-reaching proposals for improving social conditions in the country. A few of the analyses were inspired by the left and attacked the foundations of the Horthy regime's large-landholder power base. Esztergár's proposals were mostly pragmatic and politically moderate. Others, like that of Somogyi, had a decidedly antisemitic tone.<sup>34</sup> Though he may not have espoused Somogyi's antisemitism, there is no record of him raising objections to these. In fact, in 1940, Esztergár was named “protector” of the local chapter of the Turul Alliance, of which Somogyi was the leader in Pécs.<sup>35</sup> The Turul organized violent antisemitic student protests in Pécs.<sup>36</sup>

Esztergár reached the apex of his involvement with national social policy in October 1940 when Keresztes-Fischer appointed him to be the administrative president of the National Social Directorate (‘Országos Szociális Felügyelőség’). The job of the Directorate was to monitor and advise the policies of the Countrywide Fund for the Protection of the Nation and the Family (‘Országos Nép- és Családvédelmi Alap’) or ONCSA.<sup>37</sup> While the ONCSA provided an

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<sup>31</sup> Turda, M. (2013)

<sup>32</sup> Ungváry, K. (2016): 237-238; Magyary 1941: 173.

<sup>33</sup> Esztergár, L. (1939/a)

<sup>34</sup> Berey, K. (1981): 358; Somogyi, F. (1941): 171.

<sup>35</sup> Dunántúl, February. 24, 1940, 2.

<sup>36</sup> Raposa, V. K. (2020)

<sup>37</sup> HU-MNL-OL K27\_19401003 1940.10.03. p 68 (available online at [eleveltar.hu](http://eleveltar.hu))

important boost to many poor and middle-class Hungarians, it decidedly favored those of Hungarian nationality. Between 1940 and 1945 it provided interest-free loans for the building of single-family homes in rural areas to “deserving” needy families. About 12,000 homes, that is, one third of all new houses built in these years, were built with help from ONCSA.<sup>38</sup> County administrators decided who was deserving and who was not. As Cora notes, the Christian-conservative social policy benefits provided by the ONCSA were not available to Jews, Gypsies or national minorities.<sup>39</sup> In 1941, Somogyi, the Turul leader, explained that naturally only those of Hungarian race “deserved” ONCSA housing.<sup>40</sup>

Esztergár’s brief involvement with ONCSA came to an abrupt end in February 1941, probably as a result of infighting among the Directorate. His resignation from the Directorate allowed him to concentrate on his other job as mayor of Pécs.

### **The Legal and Political Environment of the Trials**

Those supporting the memorialization of Esztergár stressed his role as a social policy reformer and either ignored his involvement in the deportations or allayed their doubts through the well-publicized argument of András Rozs, namely that the People’s Court had examined his case and cleared him of all charges. However, as the renown historian of the Holocaust and collaboration Michael Marrus reminds us, “we must not and should not expect the trials to do the work of the historian, or to teach us history.”<sup>41</sup> This is because they are also products of their times and have their own judicial, political, and social constraints. We shall heed Marrus’ advice while looking critically at the trials (more precisely, the first one). At the same time, we shall follow the structure of the trial to narrate Esztergár’s involvement in the deportations, realizing that this may not be the full story.

Before looking at Esztergár’s trial, let us look at how Esztergár’s life changed in the period between October 15, 1944 and mid-1945. In these months when one era of horrors passed through its death throes and another one, with its own problems, began, Esztergár’s first mayoralty ended, Hungary passed from German to Allied (primarily Russian) control, and the laws under which Esztergár would be judged were established.

The Russians were already in Northern Transylvania (territory that Hungary had recovered from Romania in 1940) when, on October 15, 1944, Admiral Horthy tried to pivot and surrender Hungary to the Russians. The Hungarian Army for the most part refused to follow his lead. Horthy was arrested by the Germans who then put the fascist Arrow Cross, under László Szálasi, in power. The Arrow Cross also took over Pécs. They arrested Esztergár, interned him in the nearby city of Nagykanizsa, and forced him to resign as mayor. He was arrested because he could not be trusted to support the new German and Arrow-Cross regime. (Esztergár’s supporters in the 1990s stressed this arrest to show that Esztergár was not a fascist. This is true.

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<sup>38</sup> Egresi, K. (2008): 324.

<sup>39</sup> Cora, Z. (2015). 116.

<sup>40</sup> Ferge, Zs. (1986): 144, quoting Somogyi Ferenc.

<sup>41</sup> Marrus, M. R. (2005): 623.

But it does not mean that he was innocent of crimes against the Jews. The deportations had ended months earlier. Pécs was legally “Judenrein.”)

Pécs was liberated by the Russians on November 29, 1944 by which time Esztergár, who had escaped his Arrow Cross captors, returned to Pécs, regained his position and offered his services to the Russians. They welcomed his support.

After serving again as mayor until June 14, 1945, Esztergár was arrested on June 26, this time on the instructions of the Russian-dominated Hungarian government’s people’s prosecutor.<sup>42</sup> An investigation had been started by the local verification committee (‘igazoló bizottság’).<sup>43</sup> (See the article in this volume by Csaba Dénes entitled “Accusations against Lajos Esztergár by Pécs Residents before the Post-World War II Verification Committee”). These bodies had been set up by the new regime for the task of vetting all former public servants. If a committee found possible grounds for a charge of war crimes or crimes against the people (which we shall describe below), it would pass the case on to the people’s prosecutor. If the prosecutor also found evidence for such crimes, he would draw up an indictment and the case would go before one of the councils of the newly set up People’s Court, as it did for Esztergár.

Esztergár’s first trial before the People’s Court in Pécs took place between December 18-22, 1945. It ended in his acquittal. The prosecutor appealed the case to the National Council of the People’s courts (‘*Népbíróságok Országos Tanácsa*’, abbreviated as *NOT*), sitting in Budapest, the second and highest level of the system. The NOT invalidated the first trial for technical reasons on May 6, 1946 and ordered a retrial. The second trial was held again in Pécs between November 5-27, 1946, before the same judge and mostly the same lay judges (what we might think of as a permanent jury) though with a different prosecutor. Esztergár was again acquitted. The case was appealed once more but not dealt with until 1949 by the NOT, when it was dismissed.<sup>44</sup>

Using the evidence of the trials is complicated by the relative paucity of records found so far in the archives when compared to other war crimes trials. Of the many documents that were generated in this process in Esztergár’s two trials we only have the indictment from the first trial and the verdicts from the first and second trials. The verdicts of both the first and second trials are about 22 pages each. These were written by People’s Judge Mihály Kocsis. They summarize the testimony of the witnesses and interpret the testimony for the lay judges. The second verdict is almost verbatim the same as the first. Apparently, the judge had not heard enough new evidence in the second trial to warrant rewriting the verdict. We don’t have the files of the preliminary investigations or the transcript of either trial. Thus, we are missing the testimonies of the witnesses and the details of the votes of the lay judges. Since the lay judges were not legal professionals, the people’s judge, who *was* professionally trained, could often, and in this case probably did, sway them to approve his judgment.<sup>45</sup>

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<sup>42</sup> Új Dunántúl, June 28, 1945, 2; HU-MNL-OL-XX-1-b 2414/1945, Esztergár Lajos vádirat (hereafter Indictment), p. 1; See “The Laws” section below for system of people’s courts.

<sup>43</sup> Papp, Gy. (2009): 170.

<sup>44</sup> Vörös, I. K. (2020), fn 38.

<sup>45</sup> Barna, I – Pető, A. (2015). 17-19. Generally, a panel similar to a jury consisting of six lay judges, each of whom represented one of the five parties of the government coalition and one who represented the National

## The Laws on War Crimes and Crimes against the People

The terms of surrender to the Allies, which Hungary signed in Moscow on January 20, 1945, required Hungary to apprehend and punish those who committed war crimes.<sup>46</sup> Battles were still being waged in western Hungary when Prime Ministerial Decree 81/1945 “On the People’s Courts” was published in February 1945. Its initial laxness may have been meant to convince Hungarian soldiers still fighting alongside the Germans to lay down their arms. The decree defined two categories of crimes: war crimes and crimes against the people. In neither case was the word “deportation” used. The section by which Esztergár was judged (§ 11.5) defined a war criminal as someone:

*who in a serious way violated the international laws of war in the occupied territories in the treatment of prisoners of war, or who abusing the authority vested in him, committed cruelties with regard to the population of the annexed territories, or anyone who in general rounded up, carried out or participated in the illegal murder or torture of people.*

On May 1, 1945, only after the Arrow Cross government and its German patrons were driven out of the country, did Prime Ministerial Decree 1440/1945, § 6 add the words “whether domestically or abroad” to clarify that such acts performed within Hungary were also crimes.

Crimes against the People were defined by Prime Ministerial Decree 81/1945, § 15.2 as committed by someone:

*who ... in the course of carrying out his official duties in connection with the laws and regulations directed against certain layers of the people, exceeded the prescribed actions and performed acts that endangered or damaged someone’s personal freedom or physical integrity, or contributed to the financial ruin of certain people.*

Prime Ministerial Regulation 1440/1945 17. § 1 tightened the definition by adding:

*A person is also guilty of crimes against the people if for the actions specified in §15.2, they did not try to prevent such actions, though their legal authority would have allowed them to do so.*

It is beyond the scope of this paper to place the Hungarian laws punishing war crimes within the European context, but we might note that the treatment of collaboration in deportations of minorities by officials at the local level varied from country to country. Belgium, for example, did not punish (with a very exceptions) those who participated at any level in the deportation

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Trade Union Council, would vote upon the summary of evidence drawn up by a professional judge. The communist party, believing wrongly that it could win control democratically, did not fully take over formal control of Hungary immediately after the war. For three years, a gradually narrowing coalition of parties ruled, with close supervision by the Russians.

<sup>46</sup> Barna, I. – Pető, A. (2015): 14.

of the Jews. One of the explanations historian Nico Wouters gives is that the Belgian government wanted to reestablish its legitimacy in the eyes of the people and punishing those who collaborated with the deportations of Jews would not have helped that.<sup>47</sup> In the Netherlands, the Purge Act “was applied to mayors who were *too* cooperative in the persecution of Jews.”<sup>48</sup>

Some jurisdictions did define collaboration in the deportations as a crime, but these were the exceptions. The International Military Tribunal that published its charter in Nuremberg in August 1945 specified “that deportation conducted before or during the war, or persecution on political, racial or religious grounds” was a crime against humanity. In France, the Provisional Government mandated in 1944 that the “handing over or informing on *résistants* or others sought by the Germans and Vichy must be ‘interpreted’ as an act ‘harmful to the national defense’ under § 83 of the Penal Code.”<sup>49</sup> Yet, the French officials who carried out the infamous Velodrome d’Hiver round-up of Jews in Paris in 1942 went unpunished. President Jacques Chirac delivered an apology for this fact in 1995.<sup>50</sup> Political considerations played a restraining role on the punishment of local collaborators throughout Europe, as they did in Hungary.

If Hungary was not exceptional in its treatment of those involved in deportations, how did Pécs compare to other Hungarian cities? There was remarkable consistency among Hungarian cities in conviction rates of completed cases of all types before the people’s courts, indicating perhaps that there was an expectation for such rates from the Ministry of Justice.

*Table 1: Rate of convictions in cases before the people’s courts in various cities in Hungary*<sup>51</sup>

City	Completed Cases	Convicted	%
Budapest	23536	11884	50
Sopron	1413	700	50
Szeged	4097	1863	45
Pécs	3627	1803	50

By another measure, which includes incomplete cases as well, Pécs comes out 7<sup>th</sup> lowest of the 24 people’s courts in the country. This might indicate a somewhat more lenient attitude on the part of the Pécs judges and juries than in other cities.<sup>52</sup>

<sup>47</sup> Wouters, N. (2010): 228-229.

<sup>48</sup> Romjin, P. (2000): 189.

<sup>49</sup> Novick, P. (1968): 143.

<sup>50</sup> Rosbottom, R. C. (2014): 375, 378, also <https://encyclopedia.ushmm.org/content/en/article/the-velodrome-dhiver-vel-dhiv-roundup>, accessed 12/12/2023.

<sup>51</sup> Zinner, T. (1985): 139.

<sup>52</sup> Zinner, T. (1985): 134.

## The Political Climate

The remaining strength of antisemitism affected the courts in their judgments of locally popular defendants like Esztergár. The leaders of the Communist and the Social Democratic Parties, many of whom were of Jewish origins – feared that if the people’s courts showed severity in such cases, the parties would lose votes in elections. In 1945 and 1946 the Communist leaders around Mátyás Rákosi nurtured the illusion that the Marxist parties could achieve victory in free elections. Even after their shocking defeat in the first (and fair) parliamentary elections of November 4, 1945, the Communists continued to pursue political rather than strong-arm means towards power until the end of the second half of 1946.<sup>53</sup>

Antisemitism had certainly survived the end of the war and was often directed against the new authorities.<sup>54</sup> Pécs was no exception. The trial of Béla Horváth, the commander of a forced labor battalion, was accompanied by violent protests in June and July 1945. Horváth was charged with torturing and beating forced laborers under his command in the Ukraine, reducing their rations, profiting from the sale of the food, and causing the deaths of several laborers under his command. At the end of the trial on July 26, his supporters invaded the courtroom and the jury postponed giving its verdict. The next day People’s Judge Kocsis Mihály pronounced a verdict of three years imprisonment and explained that the sentence had been reduced because Horváth’s harsh behavior had been uncharacteristic for him and had been influenced by the difficult conditions at the front. He also pointed out that the accused had several children to support and that his father enjoyed great respect in the city. Despite the reduced sentence, a riot ensued again outside the courthouse.<sup>55</sup> The communist *Szabad Nép* reported that crowds numbering around 200 people each demonstrated in different parts of the city, shouting slogans such as “Hang the Jews” and “Down with the People’s Court.” The courtroom had to be emptied with the help of a Soviet patrol. Interestingly, although the incident was reported by the *Új Dunántúl* in Pécs over several days and was picked up by the national *Szabad Nép*,<sup>56</sup> no mention was made of the incident in the transcript of the trial.<sup>57</sup> That the event actually occurred is corroborated by the memoirs of Mihály Nikolits, who explains that the courts, having learned from the Horváth trial, scheduled his own trial in a smaller room.<sup>58</sup>

Similar events occurred throughout the country. In Budapest, in February 1945 two gendarme officers, Péter Rotyits and Sándor Szívós were hanged from a lamppost after being found guilty by the people’s court of the murder of over 100 forced laborers under their command. They were the first war criminals to be executed in the country. The spectacle caused such an outcry that later executions were moved to a less public place. The judge in the above case, Ákos

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<sup>53</sup> Gyarmati, Gy. (2013): 58, 97.

<sup>54</sup> For example, Pelle, J. (2020); Apor, P. (2021); Veszprémy, L. B. (2023); See also the compilation by Csósz László of events quoted in Veszprémy, L. B. (2023): 39: [http://konfliktuskutato.hu/index.php?option=com\\_content&view=article&id=140:antiszemita-zavargasok-pogromok-es-vervadak-1945-1948&catid=16:esetek](http://konfliktuskutato.hu/index.php?option=com_content&view=article&id=140:antiszemita-zavargasok-pogromok-es-vervadak-1945-1948&catid=16:esetek) (Accessed January 2, 2024).

<sup>55</sup> *Új Dunántúl* July 7, 3; July 26, 1945, 3; July 27, 1945, 3

<sup>56</sup> *Szabad Nép*, July 27, 1945, 3.

<sup>57</sup> HU-MNL-BaVL XXV.8 Nb. 47/1945-8.

<sup>58</sup> HU-MNL-BaVL-XV.51. Kézirattár 2113, p. 44. (I thank the now retired Pécs archivist Nagy Imre Gábor for calling this document to my attention.)

Major, who had been a military judge under the Horthy regime, began to get letters and anonymous phone calls calling him a “bloody communist judge, a hireling of the Jews, or a rotten Jew.”<sup>59</sup> Expressions of antisemitism were not limited to the activities of the people’s courts. A blood libel began to circulate in Kaposvár in November 1945.<sup>60</sup> In Kunmadaras there was a pogrom that combined dissatisfaction with hyperinflation, which was blamed on the Jews, and the verdict of the People’s Court in a local case.<sup>61</sup> The examples could be multiplied. Esztergár’s trial took place in a politically charged environment hostile to the people’s courts.

### **The Judge, the Prosecutor, and Codefendants**

The presiding judge at Esztergár’s trial was Mihály Kocsis. Before the German occupation of Hungary, Kocsis had been the clerk of the presiding judge of the appellate court in Pécs and a professor of law, thus a colleague and no doubt an acquaintance of the former mayor.<sup>62</sup>

The “people’s prosecutor” who drew up the indictment against Esztergár was a lawyer from Pécs, Dr. István Hilfreich. He had been disbarred along with other Jewish lawyers in May 1944. An anonymous letter-writer asked the mayor’s office to have the nameplates of the disbarred lawyers removed; a request with which the mayor’s office promptly complied.<sup>63</sup> This incident is also mentioned among the charges against Esztergár, though without mentioning that the prosecutor was one of its victims. Nikolits, who was also interviewed and indicted by Hilfreich characterizes the prosecutor in his memoirs as a correct, polite and a knowledgeable socialist.<sup>64</sup>

Esztergár’s case was combined presumably by Hilfreich with that of three other defendants. Two of them, László Kiss and Károly Szabó, were gendarme officers in charge of the internment of the Jews at the Lakits transit camp. The third was József Lajos, a city councilor assigned by Esztergár with the task of feeding the deportees in the transit camp and packing food for their fateful journey. Three other officials whose inclusion would have made for a more revealing trial could not be located at the time of the trial. Interestingly, László Kiss could also not be produced, but for some reason he was included in the case and found guilty *in absentia*. The missing members of the deportation team were: Elemér Várnagy, a city councilor whom Esztergár had put in charge of Jewish affairs after the German occupation, Chief Lieutenant Captain Jenő Borbola and his subordinate, Police Clerk László Németh, the leaders of the local police in charge of the ghetto.<sup>65</sup> In separate, later trials, all three were found guilty. Várnagy was condemned, though not for his role in the deportations, but because he was an active member of a fascist political party.<sup>66</sup> All were given sentences of 20 months prison or less by

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<sup>59</sup> Major, Á. (1988): 130.

<sup>60</sup> Veszprémy, L. B. (2023): 39.

<sup>61</sup> Apor, P. (2021). 41-44, 225-228.

<sup>62</sup> Magyarország tiszti cím- és névtára (1943): 487 (accessed through [adt.arcanum.com](http://adt.arcanum.com) January 7, 2024).

<sup>63</sup> Dunántúl, 1944, May 11, 2; Hábel, J. (2014): 149.

<sup>64</sup> HU-MNL-BaVL-XV.51. Kézirattár 2113, 43.

<sup>65</sup> Vörös, I. K. (2020): fn 11. For Németh, see Molnár, J. (2012): 478. For Borbola, Dunántúli Napló, October 24, 1950, 4.

<sup>66</sup> Niklai, P. D. – Horváth, M. (2018): 106; HU-MNL-BaVL XXV.8 862/1945 (Várnagy Elemér)

the first instance courts, but for Németh, the NOT changed the sentence to ten years. Esztergár, as we have mentioned, was found innocent, as was József Lajos.

### **The First Trial**

Hilfreich's case against Esztergár was based on three claims: 1) the location of the ghetto in Pécs; 2) Esztergár's failure to try to prevent the cruelty of the deportations, the execution of which went beyond what was ordered by the national authorities; 3) Esztergár caused financial harm to the deportees by a number of specified actions. Together, these three charges violated § 11.5 (war crimes) and §15.2 (crimes against the people) of the laws described above. We shall look at each charge in turn as they are described in the succinct indictment and the verdict, which summarizes and interprets the testimonies in the trial.<sup>67</sup>

### **The Location of the Ghetto**

Hilfreich, in his verdict, contended that Esztergár played a role in designating the location of the ghetto on May 17. This location, consisting of the National Railroad (MÁV) apartment building and other nearby smaller houses in the vicinity of the railroad station, subjected the Jews to feelings of anxiety, since that it was in the greatest danger of aerial bombardment from the Allies.<sup>68</sup> Esztergár argued in his defense that the decision was forced on him by the local head of the German Gestapo, Josef Auringer, who threatened to lock him up if he hesitated any longer to make a decision.<sup>69</sup> Auringer was shown this site by his translator and Pécs city employee, Aladár Weber.<sup>70</sup> The judge and jury accepted the argument that Esztergár was forced into the decision by Auringer. Esztergár was, in fact, known to be afraid of being arrested by Auringer.<sup>71</sup> The verdict also explored in a separate justification section the question of whether Esztergár should have resigned at this or a later point. The verdict claimed that his resignation would not have improved on the situation of the Jews. We will assess this question later.

### **Esztergár's Passivity to Local Abuses**

Hilfreich contended that Esztergár was aware that the ways in which the deportations were being carried out in Pécs went beyond the instructions given at the planning session organized

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<sup>67</sup> Indictment, 6 (page numbers as typed on page).

<sup>68</sup> HU-MNL- OL-XX-1-b, 732/1945/11 Esztergár Lajos ítélet (hereafter Verdict), 2.

<sup>69</sup> *ibid.* Note that the two documents give different dates for the decision. The verdict's date, May 6th, must be more accurate since the Jews were already moved in by the middle of May.

<sup>70</sup> In his own trial in 1946 and in which Esztergár testified, Weber was found innocent. Új Dunántúl, 1946. November 7, 3.

<sup>71</sup> Hajnácskőy testimony, made independently of Esztergár's trial after Hajnácskőy was brought back from Germany. BFL\_XXV\_1\_a\_2\_1946\_2218\_00104.jpg in Hajnácskőy kihallgatásáról jegyzőkönyv (1945. november 12. 16:00, Budapest, p. 10).



by the national leaders of the gendarmery in Siófok on June 22, yet Esztergár did nothing to reduce the excesses.

To understand this charge, we will describe some of the brutalities to which the Jews of Pécs were subjected as they were moved from the ghetto on June 29-30 to the transfer camp at the Lakits Barracks where they were locked up for four days and then moved again to the railroad for entrainment to Auschwitz.

### **The Planning of the Deportations at Siófok**

Both documents give details of the planning meeting that took place on June 22 at Siófok (a city on Lake Balaton) convened by Gendarme Lieutenant Colonel László Ferenczy, the Hungarian government's liaison to the Eichmann commando, as well as by László Baky and László Endre, two state secretaries of the ministry of interior. These three men were the main Hungarian coordinators of the deportations. The meeting was called to arrange for the details of the deportation from Pécs and its surroundings. Esztergár and the leader of the local police, Jenő Borbola, were instructed to attend. (The police came under the supervision of the central government and not of the local mayor.) Similar meetings had been held in sequence around Hungary as the deportations proceeded around the country, gendarme district by gendarme district. Pécs was the last provincial district to be purged before the Jews of Budapest and its surroundings were scheduled for deportation. Initially, the meeting had been planned to take place earlier in Pécs, but the local prefect, Nikolits, in an act of defiance, refused to hold it there. In fact, he handed in his resignation (again), refused to attend the Siófok meeting, or to carry out any duties in regard to the deportations. His resignation was not accepted by Minister of the Interior Andor Jaross. Nor was he punished. Esztergár could have followed his example and that of the chief mayor of Budapest, Tivadar Homonnay, or the mayor of Szeged, József Pálffy, who also were left alone.<sup>72</sup> In general, officials who refused to cooperate with the deportations were removed from their office.<sup>73</sup>

The instructions given at Siófok were inconsistent. According to a testimony heard at Esztergár's trial and reported in the verdict (without attribution), Ferenczy, who spoke first, gave harsher (*súlyosabb*) instructions than those given later by state secretaries Baky and Endre.<sup>74</sup> The verdict reports that the difference was understood by "most people" to mean that the instructions to be followed were the stricter ones while the more lenient speeches, which stressed humane treatment, were meant "to throw dust into the eyes of international opinion."<sup>75</sup>

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<sup>72</sup> Veszprémy, L. B. (2023): 133; Molnár, J. (1995): 39.

<sup>73</sup> Kovács, T. (2014): 40-82.

<sup>74</sup> When interviewed separately, after Esztergár's trial by the military police, Hajnácskőy also noted that there were differences on how roughly the Jews should be treated (how many could be put in a wagon, whether to exempt those in mixed marriages or those who had converted.) However, he remembered the differences to have been between Baky and Endre, not between Ferenczy and the others. He claims that Baky said, "brutalities must be avoided." See BFL XXV 1 a 2 1946 2218 00104.jpg (= p. 104).

<sup>75</sup> Verdict, 4.

One wonders what international opinion those who reported this (probably Esztergár) had in mind.

It is worthwhile at this point to consider the discussions happening in Budapest and around the world with respect to the deportations from Hungary. The reference to international opinion mentioned above indicates that “most people” in the Siófok audience were somewhat aware of the complaints being raised by diplomats in Budapest and newspapers abroad against the deportations. They might have sensed from the inconsistent instructions given at Siófok that some of those in positions of authority in Budapest were concerned by the international reaction, even if they were not aware of the details.

We now know that Admiral Horthy and a minority of the Sztójay government (especially the acting foreign minister, Jungerth-Arnóthy) were, by the time of the Siófok conference, seriously concerned about the pressure under which Hungary was coming from foreign governments – neutral ones as well as the United States and Great Britain --, from the Vatican, and from leaders of the catholic and protestant churches in Hungary. On June 21, a day before the Siófok meeting, there had been an extraordinary prime ministerial council. Sztójay introduced its purpose:

*to gain clarification about the reported complaints that have been raised relative to the Jewish deportations and the atrocities committed in connection with these.*<sup>76</sup>

State secretaries Baky and Endre were called on the carpet by the ministers, as was Gábor Faragho, the inspector general of the gendarmes, whose job it was to investigate complaints of irregularities lodged against members of the gendarmerie. The three men denied or minimized the existence of irregularities. Referring to the deportations from Kassa and Kolozsvár, which he claimed to have investigated, Baky stated, “There was nothing inhumane in the treatment. All the Jews were provided with roofs over their heads. Water was given to them. The provisions were good. It all happened in a Christian spirit.”<sup>77</sup>

The meeting concluded with Prime Minister Sztójay saying that, indeed, atrocities had occurred and he instructed Minister of the Interior Jaross and the state secretaries to ensure that the intentions of the government were carried out. “The treatment must be humane and abuses must be punished.”<sup>78</sup>

Of course, the implicit claim that deportations to Auschwitz could be done humanely, “in a Christian manner” is rather absurd. It was based on the pretense that the ministers did not know that the Jews were being sent for extermination, a claim that was hard to maintain after the publication of evidence in the Western press and news pouring in through the diplomatic corps.<sup>79</sup> Even in the prime ministerial meeting on June 21, Jungerth-Arnóthy informed the council that “several foreign newspapers are claiming that the [deported] Jews are being put to

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<sup>76</sup> Karsai, L. – Molnár, J. (2004): 748.

<sup>77</sup> *ibid*, 750.

<sup>78</sup> *ibid*, 751

<sup>79</sup> For a recent summary of the news about Auschwitz leaking out to the West and its impact, see Baron, F.

death by gas and their bodies incinerated in Poland.”<sup>80</sup> (“German atrocities” were also discussed in Siófok at a meeting of the more senior attendees on June 22nd but after people of lower authority like Esztergár had left.)<sup>81</sup>

In our own judgment of Esztergár, we should keep in mind that in the two weeks following the above-described ministerial conference and the meeting happening incidentally a day later in Siófok, at the end of which period the Jews of Pécs were sent to Auschwitz, intensive discussions were taking place within the government. There was a split between those who wanted to end or at least suspend the deportations and those who wished to complete them. Had Esztergár conveyed to Budapest the concerns that he claimed at his trial to have had for the treatment of the Jews, he could have strengthened the hand of those who wanted to halt the deportations, or at least of those, who wished to make them more “humane” in order to diminish the pressure on Hungary. This, too, could have saved some lives. It is not clear if he had a conduit to those to whom this information might have been important, such as Horthy. He could however have discussed this with Nikolits, whom he knew to be in opposition and well connected. At his trial, there is no evidence that he had such a discussion.

But let us return to what Esztergár heard at the Siófok meeting on June 22nd as reported in the verdict. The Jews had to be moved into a transit camp from the ghetto, (where they had been crowded together since the middle of May.) The location of the transit camp was to be chosen by a committee consisting of Esztergár, László Hajnácskőy, the commandant in charge of the local Gendarmerie District IV (Pécs), and Borbola. However, Hajnácskőy interrupted this discussion and informed the others that he had already arranged with the head of the local Army district, Meszlényi, that the Lakits Cavalry (*huszár*) Barracks would be used for this purpose. Here is where, in the opinion of People’s Attorney Hilfreich (and ours) Esztergár should have insisted on participating in the decision. At the trial Esztergár explained that he was afraid to do so lest he be accused of being a lackey of the Jews.<sup>82</sup> If he was not ready to do his job as mayor of all the inhabitants of Pécs, he should have resigned. At the minimum, Esztergár should have insisted on his right to examine the condition of the Lakits Barracks. Had he done so, he could have had a say in where within the barracks the Jews were to be housed and on the living conditions into which the barracks should be readied.

It would have been reasonable to ask why the Jews had to be moved from the ghetto to the Lakits at all, since it was farther from the tracks where the entrainment took place than was the ghetto. A survivor, Sándor Krassó sees, with good reason, one of the main motives to have been that it made the searches for valuables easier.<sup>83</sup> The economic motive appears at nearly every turn. This is so even if the Hungarian gendarmes claimed to be following German suggestions to make the deportations more efficient by setting up transit camps, as the gendarme liaison to the Gestapo, Ferenczy, reported to his superiors on May 29, 1944.<sup>84</sup>

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<sup>80</sup> Karsai, L. – Molnár, J. (2004): 754; Braham, R. (1997): II, 830.

<sup>81</sup> Hajnácskőy reported this at his hearing in late 1945. BFL XXV\_1\_a\_2\_1946\_2218\_00104.jpg.

<sup>82</sup> Verdict, 5.

<sup>83</sup> Krassó. S. (1994): 122.

<sup>84</sup> Molnár, J. (2014): 243.

The mayor was also given the responsibility at Siófok for the alimentation of the deportees on their journey. Each deportee was to take a fourteen-day supply of their own food with them from the ghetto and as this dwindled, the mayor was supposed to replace it so that a fourteen-day supply would be taken on the trains.<sup>85</sup> When the attendees returned to Pécs, Borbola, the local head of the police, ordered that no food was to be taken from the ghetto. He was convinced that the Jews would hide valuables in their food.<sup>86</sup> Here, too, as we shall see, Esztergár complied with this order rather than raising the issue with the planners of the deportation.

### **The Actual Deportations in Pécs**

In general, back in Pécs the Jews were subjected to a more severe treatment than what had been discussed at Siófok. Contrary to the Siófok plans, Borbola ordered that the Jews be searched before leaving the ghetto. Anyone caught trying to take valuables (money, jewels, furs, feather bedding, etc.) with them would be beaten. Women were searched by midwives or their midwife trainees. The searchers often failed to wash their gloves (if they had any) between searches in the body cavities of the women (including young girls and elderly ladies) or as they went from one woman to the next.<sup>87</sup>

The move of the approximately three thousand people from the Pécs ghetto to the Lakits Barracks began early in the morning on June 29th and was completed at the end of the next day.

A large part of both the indictment and the verdict deals with the behavior of Gendarmerie Major Károly Szabó, the more junior of the two gendarmes who were put in charge of the Lakits Barracks. His commanding officer, Major László Tóth, who could not be located at the time of the trial, was seen less by the Jewish witnesses during their ordeals and so he earned much less mention at the trial. He received a punishment-free sentence with his guilty verdict in absentia. Szabó's behavior was described by most of the Jewish witnesses as brutal while others pointed out actions that were favorable to some Jews, even kind and brave.<sup>88</sup> We can corroborate some of these positive actions from other sources, including his saving the life of a beautiful young girl whom he ended up marrying.<sup>89</sup> He also saved the lives of others including that of his future mother-in-law. His story could be material for a movie, showing how a 25-year-old, trained for brutality, becomes a hero who saves perhaps dozens of Jewish lives. These actions were mentioned at his trial, though his most heroic ones occurred after the Pécs deportations, under the Arrow Cross regime in Budapest.<sup>90</sup> (Of course, further research might reveal a less redeeming story.) In any case, much of the responsibility for the suffering of the Jews in the Lakits Barracks was attributed to Szabó. (He was punished with one year of prison and three

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<sup>85</sup> This scheme, fraught with possibilities of abuse, was also prompted, according to a report by Ferenczy, by the Gestapo. See Molnár, J. (2014): 296, where the Germans insist on a 5-day supply of food for the journey. It is not clear by what steps this became a 14-day supply.

<sup>86</sup> Verdict, 6.

<sup>87</sup> Verdict, 5.

<sup>88</sup> Verdict, 11, 12.

<sup>89</sup> László, K. (1995): 226-229.

<sup>90</sup> Verdict, 21-22.

years loss of political rights. Given the narrow dispersal of conviction rates between cities that we saw above, one wonders if Szabó was not convicted so that Esztergár could be cleared.)

Returning to the fate of the deportees, the local police marched them, laden with their packs, in groups of fifty from the ghetto halfway to the transit camp at the barracks. At the midpoint of their one-kilometer trek they were handed over to the gendarmes under Szabó. Survivors accused Szabó of hastening them on with loud, antisemitic, sexually coarse curses and threats and urging his men to strike the Jews with their rifle butts. An elderly woman was forced off a carriage and broke her thigh bone.<sup>91</sup>

Upon arriving at the barracks, bodily searches were performed again under even worse conditions than at the ghetto, with gendarmes looking on as the women were examined.

Only a part of the enclosed Lakits Barracks were allocated to the deportees, mostly the parts normally used for the horses. Although Kiss and Szabó had visited the barracks days before the arrival of the Jews, the stables had not been cleaned of horse manure. The “city government” (Esztergár?) had straw sent to be used for bedding.<sup>92</sup> Szabó claimed to have remarked to Kiss during their initial visit that the space was insufficient for the six thousand deportees who would have to stay there, but his objections were overridden by Kiss. At Kiss’ insistence, when the deportees arrived, the men were separated from the women, thus family groups were broken up. After soaking in the rain in the yard, the women were driven into to the horse stables at night, with 10 to 16 in a box that was meant for one horse. They could not lie down, not only because of the manure on the ground but because of the crowding. An elderly woman broke her arm and wailed all night. Her daughter, in another stall, was unable to help her. Several people committed suicide. The women were not allowed to go out to the latrines. They had to use a feeding trough, in groups of 14, to relieve themselves. Latrines, or rather long pits, were only dug the next day, and people were taken there in groups of twenty. Since the guards were always looking, women tried to defer their needs for days.

The men were assigned to the riding hall, also with crowded, filthy conditions. Another room, where horses were normally saddled and that had a cement, somewhat cleaner floor, was used as the infirmary. On the second day, the inmates of the ghetto from Bonyhád arrived, numbering around 1,300 people.<sup>93</sup> Among them were children with contagious diseases like scarlet fever and measles. Szabó showed some concern for these and he conferred with the doctor who had come with them. These children were given mattresses the next day. But their room was adjacent to a room where those who had committed suicide or had attempted to do so were placed. Visitors to the dead and the dying had to go through the room with the contagious sick. When a Jewish doctor tried to warn Kiss about the dangers this entailed, he was told to first stand at attention.

The separation of the men from the women was not mandated at Siófok. It was a decision made by Kiss. When a German officer arrived at the camp along with the deportees from Bonyhád,

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<sup>91</sup> Verdict, 8.

<sup>92</sup> Verdict, 9.

<sup>93</sup> For the number arriving from Bonyhád, see <https://www.jewishvirtuallibrary.org/bonyhad>. Accessed 2023. 12. 21.

he ordered that families be reunited.<sup>94</sup> He made a comment about “ungarischer Schlamperei,” promising the Jews that things would be better in Germany.<sup>95</sup> While the statement was a cynical lie, it does show that the brutality of the Pécs deportations was not the policy of the Germans. They, in general, preferred a more misleading treatment to avoid resistance. Resistance however, was unlikely from the inmates of the Pécs transit camp. They were mostly women, children, the elderly and the infirm. Jewish inmates of a mental hospital from Szekszárd were also brought to the barracks. They were made to stand in the sun all day. For the night they were crowded into a shed too small to allow them to lie down.<sup>96</sup>

### **The Food of the Deportees**

One of the major charges discussed during the trial related to the alimentation of the deportees during their confinement in the barracks and for their journey to Auschwitz. As we mentioned, contrary to the instructions given at Siófok, the Jews of Pécs were not allowed to bring their own food with them from the ghetto, though this had been allowed in other cities. Instead, in Pécs they were to be given blood sausages, much of it unsuitable for consumption by the time it was distributed.

The idea of blood sausages originated with Jenő Náray, the assistant commandant of the local gendarmerie district. He called a meeting on June 26 and gave instructions for the provisioning of the transit camp. The meeting was attended by Borbola (who, as we saw, claimed that the Jews would hide their wealth in the food if allowed to take it from the ghetto), Esztergár, and József Lajos, who had been appointed by Esztergár to manage the provisioning. Náray, like his superior, Hajnácskőy, seems to have been motivated by sheer hatred of the Jews.<sup>97</sup> Both men would serve the Arrow Cross loyally when that party came to power and followed them west as the Allies pushed the Germans out of Hungary. Náray ordered the city to have the food prepared and brought to the transit camp, as well as to prepare the food for the journey. Esztergár objected that these tasks would stress the resources of the city and asked that the food be cooked in the camp with Army equipment. He said that the city would supply some of the raw materials, including vegetables, (which had not been on the “menu”). Náray insisted upon his original order.<sup>98</sup> No vegetables were served. Esztergár deferred not to the Germans or to Hungarian authorities at the national level, but to local leaders of the gendarmery and the police.

The food was delivered to the camp each morning but only served at six o'clock in the evenings. The bread was stored on the floor of an enclosed horse feed room, with warm loaves stacked one on top of the other, where, in the hot and smelly room, they melted into each other and grew

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<sup>94</sup> Verdict, 9.

<sup>95</sup> Indictment 3.

<sup>96</sup> Indictment, 3.

<sup>97</sup> He was probably also motivated by peculation. See BFL XXV 1 a 2 1946\_2218\_00105.jpg in which his supervisor, Hajnácskőy, claims to have reported him for acquiring a Jewish home and furnishings without having reported them.

<sup>98</sup> Verdict, 12-13

moldy. The sausages, which were supposed to be distributed upon delivery, also spoiled by the evening.<sup>99</sup>

Does Esztergár bear any responsibility for the problems of feeding the Jews in the transit camp? Did he know about the conditions that prevailed there? According to the indictment, it was well known in the city that people in the camp were being fed spoilt sausages.<sup>100</sup> The indictment claims that Esztergár arranged for city personnel, including Councilor Lajos, to gain admittance to the camp after the representative of the Swedish Red Cross complained about the hunger and the spoiled, inedible food being served there.<sup>101</sup> Regrettably, the indictment makes no mention of the incident. Without a record of the trial, we do not know if it came up there or not. We do know that there was a representative of the Swedish Red Cross in Pécs at this time, the Swedish speaking city archivist, Márton Vörös, who was requested by his acquaintance, the Swedish diplomat Valdemar Langelet, to establish the Pécs office in May.<sup>102</sup> Vörös was able to communicate with Budapest through a young woman of Jewish decent, the wife of the chief doctor of the Pécs military hospital, who would take the train back and forth to the capital.<sup>103</sup> Unfortunately, Vörös was quite inept at the time of the deportations. He seems to have become more creative when the Russians took over the city and he had to hide Hungarian soldiers from them.

Meanwhile, the food situation of the Jews only worsened as they were put into wagons on July 4th. The city was supposed to supply food, to be packed in the camp and given to the Jews upon departure to the trains after a new search for valuables. This food was of higher quality, since it contained the provisions that the inmates of the Mohács ghetto had brought with them as well as canned food that had been purchased by the city from the Hangya cooperative.<sup>104</sup> However, “no one took charge of informing the Jews” that they should take a back pack of food with them to the trains.<sup>105</sup> The judge, putting the blame on the victims, mentions in the verdict that some of the Jews were involved in packing the food, implying that they should have warned the others.<sup>106</sup> A few “of the more astute” of the deportees managed to grab some packs, but the majority were entrained for the four-day journey without provisions.<sup>107</sup> One is tempted to believe that more than the incompetence of the guards was at play here, especially since the verdict mentions that some of the food ended up with the guards after the camp was evacuated. We do not know for sure what Esztergár knew about these “mistakes” at the time of the entrainment. However, he seems to have been informed about some problems. When a German officer assigned to accompanying the trains on its journey complained that there was not enough food, Esztergár interpreted that -- rightly according to the judge -- to be a complaint about food

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<sup>99</sup> Verdict, 14.

<sup>100</sup> Indictment, 10.

<sup>101</sup> Indictment, 5.

<sup>102</sup> Márton Vörös wrote an account of his activities in this role but much of it from a not very reliable memory. He does not mention his visit to the Lakits Barracks. He is not on the list of witnesses found in the indictment, which is consistent with the usual immunity of the Red Cross from testifying in such trials. Vörös, M. (1992).

<sup>103</sup> Vörös, M. (1992): 17.

<sup>104</sup> Verdict, 14.

<sup>105</sup> Verdict, 16.

<sup>106</sup> Verdict, 16.

<sup>107</sup> Verdict, 16.

for the guards and, we might note, with uncharacteristic courage, refused the German officer's demand.<sup>108 109</sup>

### **Financial Harm to the Deportees**

The third charge against Esztergár was that he caused financial harm to specific deportees. In light of the incredible physical suffering and loss of life suffered by most deportees, this charge seems trivial, but its handling at the trial illustrates an important motive behind the deportations, perhaps the one which also motivated Esztergár to participate in them. It also inadvertently revealed the antisemitism of the presiding judge.

The indictment does not list the specific charges related to the transfers of property, but they must have been presented at the trial since they are individually dealt with in the verdict. They generally involved transferring the assets confiscated from the Jews after their departure to those in the city who might in the future be harmed by the war (which had so far mostly spared the city), or who could make use of the inventory of Jewish businesses, such as an exterminator's chemicals, in their own business.<sup>110</sup> These actions were done in the spirit of the social services that Esztergár had initiated in the 1930s, only this time with money from the Jews whom he clearly expected never to return. The judge saw nothing wrong in this, because, if the Jews were to return, they could, he claimed, turn to the courts for restitution.

One particular statement of this principle is especially telling. Esztergár arranged for the cleanup and fumigation of the ghetto to be paid for with confiscated Jewish funds. The verdict failed to mention that this policy was consistent with the financing of the creation of the ghetto. When the Jews were forced to move into the ghetto in May, and others moved into their old dwellings, the Jews had to pay for the "repairs" and painting of their old dwellings as well as for increased rents in the ghetto. It was argued that because the Jews were crowding into the apartments (with only three square-meters per person on average), they would be causing more wear and tear in the apartments. They also had to pay for a fence around the ghetto, and for vegetables growing in the gardens.<sup>111</sup> It is not clear why this was not mentioned in the indictment. But in the verdict, the people's judge saw nothing wrong with Esztergár having applied the same policy for the cleaning of the ghetto after the Jews had been deported. He argued, "... the damages were caused by the Jews having been moved into the ghetto. The restitution should come, in the first place, from their resources."<sup>112</sup> It is hard to hear this without concluding that the judge retained some antisemitism even after he was an official of the new "democratic" regime.

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<sup>108</sup> Verdict, 16.

<sup>109</sup> Compare the account given by Esztergár to the Verification Committee in the spring of 1945. See the article by Csaba Dénes in this volume. Some of the claims he made earlier are absent from the summary in the verdict, indicating perhaps that they could not be substantiated. For example, Esztergár claimed earlier that he prevailed on Hajnácskőy to have the food that had been delivered to the barracks distributed to the Jews. Dénes cites ÁBTL 3.1.5. O-14943/173. This article was written too late for me to make a systematic comparison.

<sup>110</sup> Verdict, 24, 25.

<sup>111</sup> Vörös, I. K. (2020), paragraph containing fn 23-27 (online); Molnár, M. (2002): 262-263.

<sup>112</sup> Verdict, 25.



## Esztergár's Moral Responsibility

Although Esztergár was acquitted of all criminal charges, the court pointed out that he had not acted heroically.

*The People's court makes no secret of its view that it would have been more humane and for a public servant more impressive if the mayor had at the least taken a determined stand in the interests of those people in his city, the Jews, upon whom hardship had fallen and of whom he was also the mayor. But the absence of such a heroic gesture is by no means a crime.<sup>113</sup>*

This is a generous view of Esztergár's behavior. Moreover, the judge, who at the time probably knew nothing of the debates that had been going on in the Sztojay government at the end of June 1944, may well have been wrong about the effect that a determined stand could have had. Nevertheless, the above statement does point out that Esztergár was, at the least, a man lacking in moral courage at a moment when millions -- soldiers, partisans, resisters -- throughout Europe and the world were risking their lives for what they perceived as their duty. Does such a public servant deserve the one-sided recognition he is given in the city today?

### Motives

The job of the historian is not only to provide an account of what happened but to try to identify and perhaps to understand the motives of the key actors. For Esztergár's actions during the deportations we have much contradictory information. Our judgment about his motives must remain tentative, until more information is found, such as the transcripts of his trials, and his private correspondence. But in the meantime, we can try to judge his motives for not resigning in 1944 by using the evidence of his official actions in the three periods (a) as the tide of antisemitic laws and regulations rose during the war from 1940 (when he became mayor) until the deportations, (b) during the deportations and (c) in the final months of the Horthy regime before the Arrow Cross coup of October 15, 1944. We shall cite three actions of Esztergár's, one from each of these periods. They show a consistent pattern of asset confiscation from Jewish owners with the stated intention of using them to accomplish his long-term social policy goals.

Our example for the pre-German-invasion period comes from 1942, when Law XV of that year was passed.<sup>114</sup> Sometimes referred to as the Fourth Jewish Law, it attempted to reduce Jewish landholdings. It required that Jews sell their lands to the government at cut rate prices. Jews who had the means fought these laws in the courts and could often find ways to get around them. This is what Mrs. Gyula Tsuk attempted. She was the daughter of Deutsch Zsigmond,

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<sup>113</sup> Verdict, 22-23

<sup>114</sup> [http://www.holokausztmagyarorszagon.hu/index.php?section=1&chapter=3\\_1\\_5&type=content](http://www.holokausztmagyarorszagon.hu/index.php?section=1&chapter=3_1_5&type=content). Accessed 2023.12.26; also <https://net.jogtar.hu/ezer-ev-torveny?docid=94200015.TVI&searchUrl=/ezer-ev-torvenyei%3Fpagenum%3D51>

one of Pécs's wealthiest Jewish industrialists. Esztergár was determined to obtain her land on the slopes of the Mecsek hills above Pécs, for the city. He had been fighting her for several years in court, and finally saw a chance to win in May 1944. He explained in a letter written to Nikolits that he “wanted to build a housing estate for municipal workers on that land.”<sup>115</sup> This may have been a commendable goal consistent with Esztergár's interests in helping the educated but low earning Hungarian middle-class (the base for his and the Horthy regime's power), though less commendable was that it took advantage of the racial laws of the time.<sup>116</sup>

We have already seen examples from the time of the deportations and the weeks that immediately followed it of Esztergár's use of Jewish funds to prepare the ghetto for Jewish occupation as well as to repair it afterwards. István Károly Vörös and János Hábel have given numerous other examples. Vörös quotes a letter that Esztergár sent to Minister of the Interior Andor Jaross on May 15, as the Jews were being moved into the ghetto:

*I request that some of the ... wealth taken from the Jews in the form of real estate be used by the cities for the establishment of communal institutions and for urban development or for other important purposes that serve the public interest, and that the cities acquire those financial securities and corporate stocks owned by Jews which pertain to local industrial and commercial institutions.*<sup>117</sup>

The pattern can also be seen in the months after the Jews had been expelled from the city and seemingly forgotten. Esztergár wrote an article entitled “The Post-War City,” which appeared in the September issue of *Our Fate* (*Sorsunk*), the city's preeminent literary magazine. The only mention that might be a reference to the deportations in the entire issue appears in Esztergár's article, though obliquely. Esztergár forecasts that city governments will have a greater role to play in society after the war than they had in the past. For this, they will need to employ more staff. Unlike in the past, coming up with the funds for this will not be a problem, because “we have at our disposal income from the war.”<sup>118</sup> It is hard to imagine what war-time income Esztergár could have had in mind other than the assets left behind by the Jews. After all, whatever nominal increases there were in tax revenues were negated by the already high rate of inflation.<sup>119</sup>

If indeed, as seems likely, Esztergár was motivated to realize his social welfare goals with expropriated Jewish wealth, he was not alone in Hungary, or in Europe. A study by the Swedish historian Anders E. B. Blomquist illustrates this through a detailed history of the Holocaust in Szatmárnémeti (today Satu Mare, Romania). The Hungarian mayor and other leaders of that city, from which 13,000 Jews were deported, expected to turn the expropriated Jewish assets

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<sup>115</sup> HU-MNL-BaVL, 51/1944 Pécs Polg. biz., p. 1.

<sup>116</sup> For further examples of how the city of Pécs, including the mayor's office handled the Jewish laws to exclude Jews, both poor and rich, from economic participation, see Karsai, L. (2004): 1291-1294

<sup>117</sup> Vörös, I. K. (2020): 6.

<sup>118</sup> Esztergár, L. (1944): 506. The relevant text is: “A városok vezetőire váró feladatok a háború után még fokozódni fognak. A háborús közigazgatás deformálta, és irányából eltérítette a városok munkáját. Megnövekedtek a tennivalók. A háborús feladatok ellátására új munkaerőket kell alkalmazni. Alkalmazásuk háztartási szempontból nem jelent problémát, mert háborús bevételek állanak rendelkezésre.”

<sup>119</sup> I owe the information about taxes and inflation to Zoltán Kaposi in a personal communication.

into social welfare programs and thus political capital for themselves.<sup>120</sup> These attempts failed in Szatmárnémeti, as they did elsewhere, because they destroyed more human capital than what they expropriated. And even the remaining assets were looted at the end of the war by the Germans, the Soviets, Romanians, and by the Hungarian “mob” that ransacked the city during the anarchic interregnum at the end of the war.

In summary, a close look at Esztergár’s first trial and its environment reveals the shadow of the past on the laws, on the judge, and on some of the people of the city at the time of the trial in late 1945. Along with the additional data we have examined, the trial sheds light on a rather timid but ambitious man, one with moral failings, to which even the judge who exonerated him alluded. The Holocaust in Hungary was the result of collaboration by people with various levels of biases, motivations, and position of power. Esztergár may not have been a rabid anti-Semite like Hajnácskőy, Ferenczy, Baky, Endre, or even Esztergár’s codefendants, the gendarmes Kiss and the rather confused and young Szabó, or the police chiefs in charge of the ghetto, Borbola and Németh. But by remaining passive, even though he was in a leadership role, Esztergár became a perpetrator. He failed to set a principled moral example, which he could have done by resigning. Or, since he chose to remain in power, he could have played a more positive role taking pragmatic steps to stem the genocide. He may not have known about the debates within the castle in Budapest. But, by informing the right people in power in Budapest that officials in Pécs were sadistically overstepping the rules set forth at Siófok, he could have strengthened the resolve ultimately of Horthy to halt the deportations, not only as he did on July 6th in Budapest but, perhaps a few days prior in the few places in the provinces (like Pécs) where Hungarian citizens considered Jews still existed. This is why those who aspire to be leaders, indeed all of us, should strive to do the right thing. The chances of success may be greater than we think. If we are to have heroes in modern Hungary, they should be people who stood up at times of crisis for all who called Hungary their home.

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