

Development of Hungarian Press Regulations in the XIXth and XXth Centuries

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ABSTRACT

The issue of press freedom always held outstanding importance in the political sphere, as the press has the power to form public opinion, besides simply conveying information. Current constitutions of the Central European region declare the freedom of speech, opinion, and press with few limitations; however, especially in the case of Hungary, there was a long series of ups and downs until the legal framework provided the establishment of a genuinely free press and media pluralism in the 1990s. The importance of this research topic lies in it contributing to a better understanding of press-related problems in various historical contexts.

KEYWORDS

freedom of the press, press law, censorship, press crimes, press jury, Hungary

Dezvoltarea reglementărilor presei maghiare în secolele XIX și XX

REZUMAT

Problema libertății presei a avut întotdeauna o importanță deosebită în sfera politică, deoarece presa are puterea de a forma opinia publică, pe lângă rolul de a transmite pur și simplu informații. Constituțiile actuale ale regiunii Europei Centrale declară libertatea de exprimare, de opinie și de presă cu puține limitări; cu toate acestea, mai ales în cazul Ungariei, a existat o serie lungă de suișuri și coborâșuri până când cadrul legal a asigurat formarea unei presei cu adevărat libere și a unui pluralism mass-media în anii 1990. Importanța acestui subiect de cercetare constă în faptul că contribuie la o mai bună înțelegere a problemelor legate de presă în diverse contexte istorice.

CUVINTE CHEIE

libertatea presei, legea presei, cenzura, infracțiunile de presă, juriul presei, Ungaria

I. INTRODUCTION

This paper provides a brief overview of the regulation of the press' freedom in Hungary. The initial focus of the analysis is the beginning of the XIXth century, as the development curve of such regulations is tangible and coherent from this point

onwards. Moreover, as the use of the Hungarian language increasingly spread in all levels of society during this period, the need for an independent Hungarian press without censorship grew ever stronger. Certain acts, however, are given greater emphasis—either because of the length of being in force, or because of the novelty that the law introduced.

While the article is organized by historical period, it should be noted that although there were one or two significant laws that were in force for a considerably long time in the XIXth century, in the XXth century, especially after World War II, several laws (acts, decrees, etc.) were adopted for a shorter time. This was owing to the political framework fundamentally changing after the communist takeover, and a radically different approach to the concept of the press was introduced that did not follow the previous regulatory path. The analysis of the current regulation exceeds the limits of the present paper; therefore, the study ends with an introduction of the freedom of the press that was established by the end of the 1980s, which was based on a more modern interpretation of the concept of the freedom of the press.

II. THE ESTABLISHMENT OF THE FREEDOM OF THE PRESS AND ITS AFTERMATH IN THE DUALIST ERA

1. Reformist attempts for the adoption of Act XVIII of 1848

The origin of censorship in Hungary dates back to the mid-XVIIth century. It was originally established to support the interest of the church in hindering the publication of heretical and misinterpreted ecclesiastical ideas and beliefs. Over the centuries, it slowly became a political tool of the Habsburg Emperor for restricting discussions of the enlightened concept of freedom of thought. Consequently, by the turn of the XVIII–XIXth century, the leeway of the press was decidedly limited: The publication of news and pieces of information that infringed the respect, fidelity, and authority of the Emperor or the government, and reports on “provocative” parliamentary speeches were prohibited. Moreover, the Emperor issued a list of foreign newspapers that could be released within the Empire, and any not on the list were banned. Such foreign papers and print materials were, for instance, those that gave information about the French Revolution. Therefore, it is clear that the reason for the strict censorship of such papers was their potential of spreading revolutionary ideas within the Empire: Such information was suppressed to repress any movements or riots against the Dynasty.¹ Furthermore, press censorship at the dawn of the XIXth century was rather a police matter, and during the period of 1794–1803, for example, no political newspaper was allowed to be established and the publication of the already operating ones was hindered. Consequently, owing to the strict censorship of political and

¹ József Ferenczy (1887): *A magyar hírlapirodalom története 1780-tól 1867-ig [History of the Hungarian Newspaper Literature from 1780 to 1867]*, Laufer Vilmos Könyvkiadó, Budapest, pp. 92–98.

foreign papers, Hungarian journalism was limited to the linguistic, literary, and cultural spheres.²

Regarding linguistic issues, it is important to note that the creation of a free press in Hungary is strongly interrelated with the evolution of the Hungarian literary language: Even though there had been certain attempts to establish Hungarian newspapers in the XVIIIth century, owing to the hegemony of German and Latin languages and the slow development of the Hungarian literary language, these attempts yielded sparse results. Some of the earliest newspapers in Hungarian language were *Magyar Hírmondó* (*Hungarian Herald*) and *Magyar Merkurius* (*Hungarian Mercury*), published in the 1780s. However, they only lasted for a few years.³ In my opinion, a strong and independent national press can only be established in the national language, which is one of the most important attributions of a nation or an ethnicity; however, the use of Hungarian language was not at all evident at the various levels of language use at that time: legislative acts and scientific papers, for instance, were all written in Latin.⁴ Due to the efforts of Hungarian litterateurs in the first decades of the XIXth century, our language evidenced a fast and significant development. As a result of which, Hungarian became a suitable language for science, literature, politics, and legislation. The first recognition of the language was set out in Act III of 1836 as *one* of the official languages in the country, and within a decade, Hungarian was declared the *only* official language by Act II of 1844, thereby displacing the Latin language from preeminence.

This literary development certainly established the framework for the creation of the freedom of the press, which by that time had become a crucial issue in the political sphere as well: Ferenc Deák—the “Wise Man of the Nation,” who later played a key role in the Austro-Hungarian compromise—drew attention to the importance of the abolition of censorship during the first “reformist” national assembly of 1836. He referred to Western European examples where the “press culture” opened the path for a true dialogue within the society, as all “shades” of opinions could gain representation, resulting in the purification of public opinion. Convinced by his arguments, the national assembly drafted a bill on the freedom of the press; however, due to strong political resistance from the Emperor, it was adopted neither in 1836 nor in 1839/40, during the next national assembly.⁵

The issue of the creation of a free press came to the fore again in 1848: The fact that the demand for an independent press was at the top of the revolutionists’ twelve

2 György KóKay (ed.) (1979): *A magyar sajtó története I. 1705–1848* [History of the Hungarian Press I. 1705–1848], Akadémiai Kiadó, Budapest, pp. 44–46.

3 Réka Lengyel (2019): The Newspaper as a Medium for Developing National Language, Literature, and Science. Mátyás Rát and the Magyar Hírmondó between 1780 and 1782 in Ágnes Dóbék, Gábor Mészáros, Gábor Vaderna (eds.): *Media and Literature in Multilingual Hungary, 1770–1820*, Reciti, Budapest, pp. 87–89; Ferenczy (1887): pp. 54–55.

4 Ferenczy (1887): pp. 21–26.

5 Mihály T. Révész: Deák Ferenc sajtópolitikája a reformkorban és a negyvennyolcas forradalom napjaiban [The Press Policy of Ferenc Deák in the Reform Era and in the Days of the Revolution of ’48], *Jogtörténeti Szemle*, 2003/1, pp. 19–20.

demands demonstrates the particular importance of the issue.⁶ “De facto” freedom of the press was established during the revolution and it was soon promulgated by Emperor Ferdinand V in April 1848. Act XVIII of 1848 was drafted by Prime Minister Bertalan Szemere, based on French and Belgian examples.⁷ The so-called “Press Law” (“*Sajtótörvény*”) was the first legal measure that declared the freedom of the press in Hungary. Article 1 stated that everyone was free to communicate and disseminate their thoughts through the press. According to the law, press release included all communications—either in words or in images—by printing, lithography, or engraving, of which the distribution had already begun.

The law regulated different issues related to the press: The first part dealt with press crimes (including violating public and religious morals, public order, high treason against the Emperor, and slander) and their punishment. The second part concerned the related judicial proceedings. All the press crimes had to be brought before a jury either by the public prosecutor or by the party concerned: As the nature of the crime was decisive in this matter, the act listed the crimes that were pursuable by the public prosecutor. It is worth noting that the establishment of the so-called “press-juries” was the idea of Deák and was set out in his famous draft criminal code of 1843, which—similarly to several reformist attempts before 1848—did not come into force.⁸ The idea of introducing the institution of juries was inspired by foreign examples, as it was a common practice in several countries in Western Europe, including Belgium, England, France, Portugal, Spain, and Sweden. However, owing to the failure to adopt the above-mentioned draft of the criminal code, the jury system was not implemented in all areas of criminal law. Rather, it was implemented only in the case of press crimes. The establishment of press juries, therefore, corresponded with the international tendencies of the time.⁹

The third chapter regulated periodicals, their operating conditions, and the registration procedure. Its scope extended to newspapers that were issued at least twice a month and that partly or fully dealt with political issues. The law set out four conditions for the publication of these papers: 1) The name and address of the publisher/editor and printing house where the paper was to be printed were reported to the local authority, who reported the data to the Ministry; 2) a certain deposit had to be paid, depending on the frequency of the publication (10,000 forints for a daily paper and 5,000 forints for a less frequently published paper); 3) in case of conviction for

6 András Koltay: The Regulation of Social Media Platforms in Hungary, in: Marcin Wielec (ed.): *The Impact of Digital Platforms and Social Media on the Freedom of Expression and Pluralism—Analysis on Central European Countries*, Ferenc Mádl Institute of Comparative Law—Central European Academic Publishing, Budapest—Miskolc, 2021, p. 81.

7 András Koltay (2009): *A szólásszabadság alapvonalai—magyar, angol, amerikai és európai összehasonlításban* [*The Basics of the Freedom of Speech—in Hungarian, English, American, and European Comparison*], Századvég Kiadó, Budapest, p. 64.

8 Révész (2003): p. 21.

9 Tamás Antal: A sajtóesküdtisékek és működésük szabályozása Magyarországon (1867–1896) [Press Juries and The Regulation of their Functioning in Hungary (1867–1896)], *Acta Universitatis Szegediensis Acta Juridica et Politica, Publicationes Doctorandorum Juridicorum. Tomus II. Fasciculus*, 2003/2, pp. 8–9.

press crime, the punishment had to be extracted from the deposit; and 4) one copy of the newspaper had to be sent to the president of the assigned local authority. The fourth and last chapter dealt with printing houses and booksellers. These institutions had to be registered and to pay a deposit of 4,000 forints in the capital or 2,000 forints elsewhere in the country.

The literature emphasizes that the penalties specified in the act were relatively high, as was the deposit that the publisher or the owner of the paper had to pay.¹⁰ Moreover, the press law was also criticized because of its outdated approach. However, it is important to emphasize that at this point, the press law that entered into force did not necessarily reflect the revolutionaries' ideas, as they had envisaged a more democratic and progressive act;¹¹ the political reality of the time did not allow them to entirely fulfill this dream. Moreover, we should take into consideration that it was drafted within a very short time and was thus a political compromise between liberals and conservatives.¹² It should also be noted that the Press Law of 1848 was rather symbolic, at least for this period, as—owing to the difficult political atmosphere of the revolution and the war of independence in 1848–1849—its provisions could not be fully implemented in reality: The juries were not established due to a lack of time, and the long-awaited freedom of the press was soon subject to restrictions, as set out in Ministerial Decree no. 344/1849 issued by Bertalan Szemere (then Minister of the Interior).¹³ Nevertheless, the undeniable importance of the act lies in the fact that it established the legal framework for free press and the abolition of censorship for the first time in Hungarian history.

2. The neo-absolutist “Pressordnung” and the revival of Act XVIII of 1848 in the Dualist Era

The surrender of the Hungarian Army that ended the war of independence in 1849 brought about several changes in the Austro-Hungarian relations: the Habsburgs aimed at restoring the order in the Empire by imposing restrictions in a wide range of issues, including press regulation. The post-war period was named after the Minister of the Interior of the Empire, Alexander Bach, who established centralized political control in the 1850s. This decade is also often referred to as the neo-absolutist era. The press law that came into force in 1852 (the so-called “*Pressordnung*”)

10 Mihály T. Révész (2013): A magyar sajtószabályozás kezdetei és hőskora [The Beginnings and the Heroic Age of Hungarian Press Regulation] in Gábor Máthé, Mihály T. Révész, Gergely Gosztonyi (eds.): *Jogtörténeti parerga: ünnepi tanulmányok Mezey Barna 60. születésnapja tiszteletére* [Legal History Parerga: Festive Studies in Honour of Barna Mezey's 60th Birthday], ELTE Eötvös Kiadó, Budapest, pp. 304–305.

11 Domokos Kosáry (1985): A forradalom és a szabadságharc sajtója, 1848–1849 [The Press of the Civic Revolution and War of Independence], in Domokos Kosáry–Béla G. Németh (eds.): *A magyar sajtó története II./1. 1848–1867* [History of the Hungarian Press II/1. 1848–1867], Akadémiai Kiadó, Budapest, p. 50.

12 Koltay (2009): pp. 69–71.

13 László Feleký: A 48-iki sajtótörvény és sajtószabadság [The Press Law and Press Freedom of '48], *Magyar Figyelő*, 1913/4, pp. 253–254.

imposed a strict system of press regulation: First, the scope of the law extended not only to the products of the printed press but to any copied forms of fine arts and thoughts as well. The scope of press crimes were less defined and concrete: If the newspaper constantly published content against the throne, the monarchical form, the unity and integrity of the Empire, the monarchical principle, religion, public morals, public order, and similar material, the authority could impose a ban on the further publication of the paper (Art. 22). As the infringement of the above-mentioned concepts and institutions was not clear, the law thus left a broad area of leeway for the authorities in deciding the culpability of a paper.

The law also declared the deposit amount that had to be paid upon the establishment of a newspaper, although, it was only applicable in the case of print materials dealing with political issues: It is particularly important to highlight that the deposit could have been paid back to the editor/owner six months after the termination of publication only if the paper had not been found guilty of any press crime previously.¹⁴

Another significant regulation of the period was the introduction of the stamp tax in 1857, which was imposed on papers with the obligation to pay a deposit and papers that published advertisements. The tax was relatively high and the journalists of the time pointed out that the editors could not cover the tax solely from their profits.¹⁵ Despite the discouraging legal framework and the understandable fear of setback, most papers could increase the frequency of publication of the issues, possibly owing to the growing interest of Hungarians in national culture and education.¹⁶

In reality, total control of the press was not implemented; the importance of the press gradually increased and it slowly became a platform for political publicity. Thus, the famous Easter article of Deák was published within the legal framework established by the Pressordnung. This famous article was published on Easter Sunday, April 16, 1865, in the *Pesti Napló* (*Diary of Pest*), which was one of the most influential and important political newspapers of the time.¹⁷ The article provoked a heated political dialogue in the press which aimed at reconsidering the political relations and resuming the negotiations with Vienna.¹⁸ Instead of insisting on the endeavors of the Revolution of 1848, Deák drew attention to the importance of collaborating with the Habsburgs. The efforts of Deák resulted in the Austro-Hungarian Compromise

14 Géza Buzinkay: A magyar irodalom és sajtó irányítása a Bach-korszakban (1849–1860) [The Direction of the Hungarian Literature and Press in the Bach Era (1849–1860)], *Magyar Könyvszemle*, 1974/1–4, pp. 270–271.

15 *Politikai Újdonságok*, 1857/3, p. 317.

16 Domokos Kosáry (1985): Az abszolutizmus első szakaszának sajtója, 1849–1859 [Press of the First Period of Absolutism, 1849–1859], in Domokos Kosáry–Béla G. Németh (eds.): *A magyar sajtó története II/1. 1848–1867* [History of the Hungarian Press II/1. 1848–1867], Akadémiai Kiadó, Budapest, p. 293.

17 Géza Buzinkay (1993): Kis magyar sajtótörténet [Brief History of the Press]. Available at MEK-OSZK (Hungarian Electronic Library of the National Széchényi Library), <https://mek.oszk.hu/03100/03157/03157.htm> (Accessed on 1 December 2021)

18 Koltay (2009): pp. 75–76.

and the creation of the dualist monarchy of Austria-Hungary in 1867. During the negotiations, both parties sought to find a compromise on the issue of the press as well: Even though the Hungarian delegation was aware of certain imperfections of the April Law, such as the problematics of press juries¹⁹ or the rigid regulation of the system of penalties for press crimes, Vienna was more in favor of keeping the *Presordnung* in force.²⁰ In this politically sensitive situation—similarly to the reformist attempts of the 1830s—the legislators had to find a compromise within the frames of political reality. Taking into consideration that the relatively short transitional period from absolutism to dualism did not allow the legislators to elaborate a new concept of press freedom and the only alternative of the regulation of press was the Austrian law,²¹ the insistence upon the April Law represented the continuity of the reformist ideology of the revolutionaries. Therefore, on March 17, 1867, Act XVIII of 1848 entered into force again.

However, some modifications had to be implemented in the April Law to address the challenges that emerged in the new political ambience. The re-regulation of press juries was one of the major novelties of the Dualist Era: contrary to the solution of 1848, which allowed all jurisdictions to establish press juries, from 1867, these could only operate in five cities (Pest, Debrecen, Eperjes/Presov, Nagyszombat/Trnava, and Kőszeg). It is worth noting that the regulation on press juries entered into force in 1871 in Transylvania,²² and a press jury was established in Marosvásárhely/Targu Mures.²³ The *Pressordnung*, however, was not overruled until 1900.²⁴ The main reason for the different regulations was the legal and administrative independence stemming from the geographical and historical division of Hungary and Transylvania.²⁵

On the one hand, this establishment of press juries simplified the tasks of the courts, as it was unrealistic and illusory to maintain a press jury in every city; on the other hand, it centralized press jurisdiction because the government had direct contact with the press juries, as their members were appointed by the

19 The problematics of press juries will be presented below. At this point, it is worth noting that the establishment of press juries would have introduced a completely different system of judicature rather alien to the Hungarian legal system. Moreover, the failure to adopt the draft of the criminal code of 1843 resulted in further inconsistencies in the criminal court system.

20 Mihály T. Révész: A sajtószabadság „örömnünnepe” 1867 Magyarországon [“Jubilation” of Press Freedom in Hungary of 1867], *In Medias Res*, 2017/1, pp. 95–101.

21 Mihály T. Révész: Sajtójog a dualista Magyarország első esztendeiben [Press Law in the First Years of the Dualist Hungary], *A budapesti Eötvös Loránd Tudományegyetem Állam- és Jogtudományi Karának actái*, 1978/21, p. 300.

22 By Decree of the Minister of the Interior and Minister of Justice no. 1498 of 14 May 1871

23 Antal (2003): p. 19.

24 Vince Paál (2019): *Tanulmányok a magyar sajtószabadság történetéhez 1867–1944* [Studies on the History of the Hungarian Press Freedom 1867–1944], Médiatudományi Intézet, Budapest, p. 10.

25 Edit Bakó: Az erdélyi sajtó „szabadsága” a kiegyezést követő években [The “Liberty” of the Press in Transylvania after the Austro-Hungarian Compromise], *ME.DOK*, 2015/1, pp. 109–110.

government.²⁶ Appeal was only possible on legal questions, and retrial could be initiated on facts only. The changes that the new regulation brought for the jurisdiction of press juries have rather theoretical importance, as there was only one case that was adjudicated on the basis of the April Law.²⁷ The law set out the age and property census for the members of the jury: Men aged 24 to 60 with a yearly income of not less than 200 forints, or acknowledged attorneys, engineers, doctors, and teachers could be elected to the jury. The press jury decided the facts and guilt, and the judicial council was bound to its decision and could only rule on the punishment.²⁸ Regulations on the press could also be found in the criminal code of 1875 (*“Code Csemegi”*), which set out certain limits to the freedom of expression by defining several press crimes, such as inter alia, offence against the Emperor (Art. 140), incitement against the constitution, the law, the authorities (Art. 171–174), crimes against religion (Art. 190–192), and libel and slander (Art. 258–277). The wording of the regulation and more generally the fact that press crimes were set out in the criminal code as well, represented a legislative concept according to which the crime was not different merely because it was committed through the press.²⁹ The Criminal Procedure Code of 1896 effectuated further refinements in the rules concerning press crimes: The law designated the press court of the territory where the print was made as the competent authority (Art. 562), and it introduced the possibility of confiscation of prints if the court considered it necessary (Art. 567). The regulation of the Code did not introduce any novelties into the liability system, only in press crimes and their punishments, and thus modified the Press Law of 1848 in these matters.

As can be concluded from the above, the regulation of the press was quite diversified in the second half of the XIXth century: Apart from Act XVIII of 1848, several other legal sources were connected to the issue of the press, mainly procedural and criminal rules. Even though the Press Law was drafted in the 1840s, the latter rules rather reflected the new circumstances of the Dualist Era and thus influenced the interpretation of the frame rules of the April Law. However, it should be taken into account that the April Law was strongly criticized even at the time it (re)entered into force, as it did not live up to the expectations of certain political groups that aimed at establishing a liberal press. Therefore, the overall press regulation of the last decades of the XIXth century could rather be regarded as a compromise solution somewhere between ideological illusions and political reality.

²⁶ Antal (2003): pp. 11–12.

²⁷ Zsuzsanna Ablonczy: A laikus bírászkodás problémájának bemutatása a magyarországi esküdtszéki ítélkezés történetén keresztül [Presentation of the Problematics of Laic Jurisdiction through the History of the Jurisdiction of Press Juries in Hungary], *Iustum Aequum Salutare*, 2009/4, p. 169.

²⁸ Antal (2003): pp. 19–28.

²⁹ Paál (2019): pp. 13–14.

III. PRESS REGULATION OF THE TWO WORLD WARS AND THE INTERWAR PERIOD

1. New concepts at the dawn of the XXth century: The adoption of Act XIV of 1914

Despite the fact that Act XVIII of 1848 was originally meant to regulate the press temporarily, it was in force for more than half a century: The issue of re-regulation arose only around the turn of the XIXth–XXth centuries. It is interesting to highlight that most of the acts adopted during the Revolution of 1848 were overturned all over Europe, with the exception of Italy³⁰ and Hungary. According to the literature, one of the reasons for this insistence upon the April Law could be due to the legislators' respect for the ideas of the revolutionaries. Therefore, the lawmakers of the dualist period opted for amendments and additional acts instead of adopting a new press law. However, by 1900, 23 of the 45 articles of the Act were no longer in force. Due to the political changes of the 1900s and the obvious fact that the existing press regulation became obsolete in face of the challenges of the new century (including the technological developments that allowed the establishment of a great number of papers that soon gained increasing influence),³¹ debates on the adoption of a new press law arose. Several issues were subject to discussion, such as the question of further necessity of press juries, the maintenance of the deposit system, the regulation of gradual liability, and the repression of abuse by the obligation to rectification instead of compensation for non-material damage.³² The new concept of the press was debated for more than a decade; however, it was strongly politicized: Press law experts intended to adopt a detailed regulation, while journalists emphasized the autonomy and the self-regulatory nature of the press.³³

Act XIV of 1914 brought several changes that aimed to tackle the challenges of the new century. First, the material scope of the act took into account the technical developments, as the rules were applicable to the reproduction of musical pieces and the expression of thoughts through phonographs or other devices (Art. 2). The amount of deposit was raised from 10 thousand koronas to 50 thousand koronas in case of political newspapers that were published at least five times a week in Budapest and 20 thousand koronas (previously 10 thousand koronas) in the rest of the country. This provision was the most debated and the most criticized novelty of the new law, especially because the deposit system had already been abolished throughout Europe

30 Géza Kenedi: A sajtó problémái [Problems of the Press], *Magyar Figyelő*, 1911/1, p. 229.

31 Vince Paál: Az 1914. évi sajtótörvény-javaslat képviselőházi vitája [The Debate on the Press Law Draft of 1914 in the House of Representatives], *In Medias Res*, 2017/1, p. 6.

32 Géza Buzinkay (2012): Harc a sajtóreform körül, 1914 [Fights around the Press Reform, 1914], in Bertalan Pusztai (szerk.): Médiumok, történetek, használatok—*Ünnepi tanulmánykötet a 60 éves Szajbély Mihály tiszteletére* [Festive Studies in Honour of 60-Year-Old Mihály Szajbély], Szeged, Szegedi Tudományegyetem Kommunikáció- és Médiatudományi Tanszék, különnyomat, pp. 282–284.

33 Géza Buzinkay: Sajtóreform 1914-ben [Press Reform in 1914], *In Medias Res*, 2013/1, p. 1.

by this time except in the case of Croatia, where the highest deposit was fixed at 8 thousand koronas.³⁴

In addition, the right (and obligation) to rectification was introduced: If the paper directly or indirectly communicated false information or displayed true facts in a false way, the person or authority concerned could ask for rectification. The law set out certain criteria on how the rectification was to be implemented. First, the editor had to publish the corrected statement in the next issue after the date of receipt of the petition, in the same place on the page, with the same type of print as the false information (Art. 20). The statement in question could be challenged for one month after publication. The institution of rectification was perceived as a protective measure in favor of the public (persons and institutions), as the press had the power to spread defamatory information.³⁵

Furthermore, the system of liability was modified: Previously, the editor had been responsible for crimes committed through the press, but under the new regulation it was the author who was responsible for the content published under his name. If the author could not be held liable for the crime, the liability was transferred to the publisher, similar to cases where the article in question was ordered by the publisher (Arts. 33–36). Moreover, a person who contributed by any means to the publication of the content that constituted the crime was also liable. The contribution might be in the form of instruction, investigation, data provision, or drafting. This solution is considered a gradual liability system; however, in the case of the 1914 law, it did not prevail in a pure form but rather drifted toward the criminal liability system.³⁶

A further novelty of the new act was the introduction of compensation for non-material damages, a measure based on equity. It would have been applicable even in cases where the communication of the paper did not claim that a crime had been committed (Art. 39). The legal relationship between the publisher and the members of the editorial board was set out with special attention to the interest of the journalists. The relation between these parties had previously been regulated under the Industrial Code.³⁷ As a result of the new law, journalism leveled up to an intellectual job from an industrial one. The legislator thus intended to win journalists over with the clarification and regulation of their legal status.³⁸

By 1914, the press had outstanding importance not only in informing the public about the international political tensions, but also in shaping public opinion during the upcoming years.³⁹ This situation fundamentally changed with the outbreak of World War I: The legislator had previously adopted Act LXIII of 1912 on exceptional measures in case of war, which set out stricter provisions and censorship during wartime. The Press Law of 1914, therefore, was in force for not longer than a few

34 Paál (2017): p. 27.

35 Paál (2017): p. 25.

36 Paál (2017): p. 5.

37 See Act XVII of 1884 on the Industrial Code

38 Paál (2017): pp. 4–6, 37.

39 György Litván: A sajtó áthangolódása 1914 őszén [Changes of the Press in Autumn 1914], *Századok*, 2004/6, p. 1462.

months and, unlike the April Law of 1848, it was never fully implemented later,⁴⁰ despite the fact that it was not meant to be a provisional solution; at this time, the legislator intended to regulate the press permanently. Even though there is a substantial body of scholarly research on the circumstances of the creation of the law, its long-term impact cannot be measured, nor can a relevant case law be found. Therefore, Act XIV of 1914 has rather theoretical importance in the history of freedom of the press, as the regulations of the upcoming years did not follow the regulatory path and achievements of the Press Laws of 1848 and 1914.

2. The introduction of censorship during World War I and its aftermath

As it has been mentioned earlier, World War I brought about several radical changes in the legal order of Hungary regarding private law relations, criminal law, procedural rules, the freedom of assembly, and relations between the state and citizens. Act LXIII of 1912 also introduced prior restraint, in order to stop the distribution of papers that violated the national interest in wartime (Art. 11). Prior restraint was not new in Hungarian regulation, as it had been ordered by the Pressordnung during the Bach era as well. In practice, prior restraint, however, was not generally implemented in this period: The government opted for two other measures. First, the Minister of Justice set out certain prohibited topics, such as internal political tensions, problems of food shortage, labor movements, peace initiatives, and discouraging news about external relations.⁴¹ Second, so-called confidential notices were sent directly to the editors, politely asking them not to publish certain content.⁴²

Ministerial decrees—such as no. 5.484/1914 and no. 12.001/1914/I.—banned the publication of certain foreign (hostile) papers, especially those printed in Serbia or the translation of Serbian papers. Later—after Russia entered the war on Serbia's side—the ban was extended to Russian papers and, in 1915, to all papers of the hostile states. Books and smaller print works were subject to individual examination. However, the government acted in favor of the publication of patriotic Hungarian newspapers that could influence the people's opinion in favor of the war and that reported news from the battlefield: The shipping costs were annulled and their paper supply was facilitated.⁴³ It can be concluded that Hungarian papers were less likely to

40 Buzinkay (2013): p. 20.

41 Viktória M. Kondor: Adalékok az első világháború alatti sajtó és cenzúra történetéhez. Törvények és cenzúra [Additions to the History of the Press and Censorship during World War I. Laws and Censorship], *Magyar Könyvszemle*, 1975/1, pp. 81–82.

42 Roland Kelemen (2017): Sajtójog és sajtószabadság: az első világháborús kivételes hatalmi szabályozás [Press Law and Press Freedom: the Special Regulation during World War I], in Roland Kelemen (ed.): *Az első világháború sajtójogi forrásai. Sajtójog a kivételes hatalom árnyékában [Press Law Sources of World War I. Press Law in the Shadow of the Exceptional Power]*, Médiatudományi Intézet, Budapest, p. 50.

43 Mihály T. Révész: A sajtójog metamorfózisa az első világháború esztendeiben Magyarországon [The Metamorphosis of the Press Law in the Years of World War I in Hungary], *Jogtörténeti Szemle*, 2015/4, pp. 35–39.

be banned: This happened mostly in the last months of the war, mainly for political reasons.⁴⁴

Even if censorship is perceived as an obstacle to the creation of a free press, during war it is somehow inevitable⁴⁵ as the restrictive measures could be justified by the protection of the country. The government insisted on supporting patriotic papers but, owing to the ban on hostile journals, media pluralism could not be observed. It should be emphasized, however, that the introduction of censorship during the war was a common practice all over the world, for instance in the United States,⁴⁶ France,⁴⁷ and Austria.⁴⁸

Shortly after the defeat in the world war, the wartime rules were annulled and a new law, Act II of 1918, was adopted and came into force on December 7, 1918, under the governance of Mihály Károlyi. The act was relatively short, consisting of only four articles, but it entailed radical changes for the press, although, as will be presented below, for a limited time only. Prior restraint was prohibited, the restriction on the public distribution of print materials was lifted, and the deposit system was annulled (Art. 2). Furthermore, the gradual liability system, explained above, was reintroduced (Art. 3). It is worth mentioning that the provisions of this law were also applicable to motion pictures,⁴⁹ so one can conclude that the regulation intended to keep up with the technological advancements.

Despite the promising legal circumstances, the coup d'état of March 21, 1919, of the Hungarian Communists led by Béla Kun brought a different approach in press regulation. It was, unfortunately, the liberal concept of the law of 1918 that gave the green light for the publication of radical leftist ideas of the Communists that undermined the unstable governance of Károlyi. According to the constitution of the Hungarian Socialist Republic—a state that only existed for 133 days—the press could no longer represent the capitalist mentality, and the right of publication was given directly to the working class,⁵⁰ so that socialist ideas could be spread freely all over the country (Art. 8). However, the regulation of the Communist government turned out

44 Kelemen (2017): p. 57.

45 As had been pointed out by Prime Minister István Tisza in his parliamentary speech in 1910. *Képviselőházi Napló*, 1910/XXVI, p. 483.

46 Geoffrey R. Stone: Freedom of the Press in Time of War, *59 SMU Law Review* 1663, 2006, p. 1667.

47 Jérôme Coutard: Presse, censure et propagande en 1914–1918: la construction d'une culture de guerre, *Bulletin d'histoire politique*, 2000/2–3, p. 151.

48 Peter Plener: Der Medienverbund Kriegspressequartier und sein technoromantisches Abenteuer 1914–1918, *Zagreber Germanistische Beiträge*, 2016/1, pp. 258–259.

49 Paál (2019): pp. 140–141.

50 Roland Kelemen: A magyar sajtó és sajtószabadság helyzete az első világháborút követő vészhelyzetekben—a magyar sajtójog a hatalmi/legitimációs kivételes állapotok időszakában (1918–1922) [The Situation of the Hungarian Press and Press Freedom in the Emergency Period After World War I—Hungarian Press Law in the Period of Exceptional State of Power/Legitimacy (1918–1922)], in Roland Kelemen (ed.): *Sajtójogi források a kivételes hatalom árnyékában—a magyar sajtójog a hatalmi/legitimációs kivételes állapotok időszakában (1918–1922)* [Press Law Sources in the Shadow of the Exceptional Power: Hungarian Press Law in the Period of Exceptional State of Power/Legitimacy (1918–1922)], Magyar Katonai Jogi és Hadijogi Társaság, Budapest, 2018, pp. 51–52.

to be as ephemeral as the Press Law of 1918 owing to the collapse of the Socialist Republic in August 1919. The upcoming months of 1919 and 1920 brought uncertainty in internal politics: As Hungary was occupied by Czechoslovak, Romanian, and Serbian troops, the integrity and the stability of the country was challenged—circumstances that were certainly far from ideal for the establishment of a free press.

3. Attempts to adopt a new press law during the Bethlen Consolidation in the 1920s

The governance of Prime Minister István Bethlen between 1921 and 1931 brought about a consolidation of Hungarian politics after the turbulent years of war, revolution, and terrors that defined the period 1918–1921. The form of government was also clarified by this time: Hungary became a “kingdom without a king” under the rule of Regent Miklós Horthy (which is why the period between 1920 and 1946 is referred to as the Horthy era). Preliminary censorship was abolished in December 1921 by the Prime Minister Decree no. 10.501/1921, however, the Minister of Interior was still entitled to control or ban the publication of papers that threatened the public order and foreign policy of the country.⁵¹ In spite of the abolition of censorship, the power of the minister was a massive obstacle for the freedom of the press, as it practically meant that the publication of a paper could be hindered because of an article, a statement, or even a word.⁵²

The Press Law of 1914 came into force again, despite the fact that the government of Bethlen made several attempts (in 1921, 1922, 1924, and 1928) to adopt a new act. The existing law, however, only served as a framework because the details were set out in ministerial decrees, such as Decree no. 56.203 of 1922 of the Minister of the Interior on the implementation of Act XIV of 1914, or Prime Ministerial Decree no. 1.804 of 1927 on the sale of press products in public places. The bills mainly aimed at introducing a different liability system: The editor and author would jointly have been responsible, contrary to the gradual liability that had been previously put in practice. It is generally agreed that the drafts of the 1920s would have introduced stricter rules than the 1914 law. The failure to adopt a new law was also due to the lack of political support and conviction, as it was the rapporteur himself who recalled these bills even before they could have been debated in the assembly.⁵³

4. The amendment of Act XIV of 1914 in 1938 in the shadow of World War II

The first years of the 1930s did not bring fundamental novelties in the press regulation, even though there had been attempts to adopt a new law, which would have been based on a different approach to the freedom of the press. Prime Minister Gyula

51 Paál (2019): p. 178.

52 Tamás Klein: Adalékok a Horthy-korszak sajtórendészeti szabályozásához I. [Additions to the Press Regulation of the Horthy Era I.], *In Medias Res*, 2012/2, p. 189.

53 Klein (2012): p. 197.

Gömbös intended to establish a centralized and totalitarian press that was maintained only to the extent that it served the interests of the nation.⁵⁴ His attempts were not successful during his leadership, but these ideas definitely paved the way for the construction of a stricter press regime that evolved by the late 1930s.

It was only in 1938 that a new act was adopted, even though it was only the amendment to Act XIV of 1914. Act XVIII of 1938 was adopted in the shadow of the First Jewish Law (Act XV of 1938), which set out the establishment of press chambers; the number of Jewish members of the chamber was limited to 20%. The new law introduced a few changes in the system of press crimes: In the case of non-periodic papers, for instance, confiscation or even criminal proceedings could have been initiated before the distribution of the paper started (Art. 4). Moreover, the law punished the owner of the publishing house with up to one year of imprisonment, if he—deliberately or by negligence—failed to send one copy of the paper to the public prosecutor before distribution (Art. 5).

The Hungarian political leadership drifted toward antisemitism in the 1930s, and soon entered World War II on the side of Nazi Germany. As for the press, shortly after the outbreak of the war, prior restraint was reintroduced by Prime Ministerial Decree no. 8140/1939.⁵⁵ Prior restraint meant, in practice, that the consent of the public prosecutor or police authority was required for the publication of all communications. The press was monitored and controlled through a press control committee ("*Sajtóellenőrző Bizottság*"), which operated as a censorship committee as well as a bridge between the press and the government, and it played a crucial role in implementing the press policy of the state.⁵⁶ The strict censorship was further strengthened by Prime Ministerial Decree no. 5555/1940, which provided the requirement of the preliminary consent of the prosecutor not only for the distribution, but also for the printing of newspapers. In practice, the introduction of censorship allowed the government to silence the opinion of those who criticized its political orientation and thus caused tensions within society. The same phenomenon could be observed during World War I—as pointed out above, intervention in the free functioning of the press was inherent to warfare to some extent. However, contrary to the practice during World War I, the government did not issue a list of prohibited topics in the early 1940s. Defamatory writings about the Regent, religion, or the nation were banned (more precisely, they were considered press crimes), but in my opinion these provisions are not comparable to the measures of World War I, as these topics were not directly related to wartime activities. The pluralism of the press was even criticized by the Germans, as, contrary to the concept of "*Gleichschaltung*" (the attempted

54 Tamás Klein: Adalékok a Horthy-korszak sajtórendészeti szabályozásához II. [Additions to the Press Regulation of the Horthy Era II.], in *Medias Res*, 2013/1, pp. 51–52.

55 Vince Paál (2013): Sajtószabályozás és sajtószabadság a Horthy-korszakban [Press Regulation and Press Freedom in the Horthy Era], in Vince Paál (ed.): *Magyar sajtószabadság és -szabályozás 1914–1989 [Hungarian Press Freedom and Regulation 1914–1989]*, Médiatudományi Intézet, Budapest, pp. 15–16.

56 Veronika Lehotay: Közjogi korlátozások Magyarországon a Horthy-korszak második felében [Public Law Restrictions in Hungary in the Second Half of the Horthy Era], *Miskolci Jogi Szemle*, 2011/2, pp. 75–76.

Nazification of all aspects of culture and society)⁵⁷ that prevailed in Nazi Germany in this period, the Hungarian government tried to strike a balance between press freedom and censorship⁵⁸ and refused the strengthened co-operation with the press department of the German Ministry of Foreign Affairs.⁵⁹ As with World War I, the situation fundamentally changed in the last year of the war: Prime Ministerial Decree no. 10600/1944 created the legal basis for the ban of certain newspapers that was justified by the danger and threat that these papers posed to the state order. The publication of several newspapers was banned, and the editors of the remaining ones were replaced.⁶⁰ By the end of 1944, fewer than 10 papers were published⁶¹ (while in 1943, the number of papers published was 23 at the national level and 40 at the local level):⁶² It can therefore be concluded that the situation of the press was more devastated than even during World War I.

IV. THE POST-WAR PERIOD AND THE INTRODUCTION OF A COMMUNIST CONCEPT OF PRESS REGULATION

1. Press regulation in the late 1940s and the Communist takeover

The political leadership of the post-war era was devoted to the re-establishment of a free press, although with the aim of excluding anti-democratic ideas and thoughts, especially national-socialist and fascist manifestations.⁶³ Act I of 1946 on the form of state set out certain natural and inalienable rights of the citizens, including personal freedom, right to life without oppression, fear, and privation, and the free expression of thoughts and opinions. This was in fact the first comprehensive declaration of human and civil rights in Hungary.⁶⁴ Act VII of 1946 on the protection of the democratic state order and the republic criminalized acts intended to overthrow the democratic order of the state, including, inter alia, incitement or provocation against

57 Timothy S. Brown (2009): *Weimar Radicals: Nazis and Communists between authenticity and performance*, Berghahn, New York/Oxford, p. 123.

58 Lehotay (2011): pp. 76–77.

59 Paál (2013): p. 17.

60 Paál (2013): pp. 17–19.

61 Mihály Révész T. (2013): *Sajtószabályozás Magyarországon (1945–1960)* [Press Regulation in Hungary (1945–1960)], in Vince Paál (ed.): *Magyar sajtószabadság és -szabályozás 1914–1989* [Hungarian Press Freedom and Regulation 1914–1989], Médiatudományi Intézet, Budapest, p. 56.

62 Paál (2013): p. 18.

63 Gábor Sz. Nagy: A koalíciós korszak sajtójogi szabályozása 1945–1949 között [Press Regulation of the Coalition Period between 1945–1949], *Múltunk*, 2017/4, pp. 192–194.

64 Mária Palasik: A szólásszabadság deklarálása és korlátainak kezdetei Magyarországon (1946–1949) [The Declaration of Freedom of Speech and the Beginnings of its Restrictions in Hungary (1946–1949)], *Századok*, 1998/3, pp. 585–586.

national and ethnic groups, or praise of those who committed war crimes. These provisions were applied to manifestations published in the press as well.

By this time, Hungary had signed the Armistice Agreement with the Allied Control Commission (*Szövetséges Ellenőrző Bizottság, SZEB*; hereafter referred to as ACC) that controlled the defeated countries of World War II. In Central-Eastern Europe, the Soviet Union had a greater influence among the winner countries, as this part of Europe was “liberated” by the Red Army. The ACC—similarly to other internal issues—intervened in press control as well, and the Hungarian government only had the right to submit proposals to the ACC. In addition, papers could only operate under the supervision of the ACC.⁶⁵ This supervision, in practice, meant that political papers could only be published by political parties that were recognized by the ACC. That being so, the competent Hungarian authorities (ministries) were only entitled to submit a list of papers to be allowed.⁶⁶ The situation changed for a short time from September 15, 1947, after the signature of the Paris Peace Treaty, when the mandate of the ACC ended. This opened the door for negotiations regarding press regulation: Government Decree no. 11.290/1947 was adopted, but despite great expectations, it introduced ministerial censorship of all papers under internal and external pressure. According to the provisions of this decree, all papers—including those that had already been published—had to request ex post approval from the competent minister (Arts. 1–3).

In 1947–48, the communist party took leadership of the country and founded a totalitarian regime that lasted until 1989. The first period (1947–1956) is often referred to as the Rákosi era, named after Mátyás Rákosi, the General Secretary of the Hungarian Communist Party. As early as in 1945, Rákosi stated that “control over press shall be seized,” and he pointed out that it could be realized through the seizure of paper supplies. Influencing the press through control over paper supplies was a specific feature of the Communist approach, and it created the possibility to shape the operation of the press on an economic and not merely political basis.⁶⁷

A constitution was soon adopted based on the Soviet Constitution of 1936. Act XX of 1949 or the Constitution of the People’s Republic of Hungary declared that freedom of expression, freedom of the press, and freedom of assembly were guaranteed “in the interest of the workers.” Moreover, the Constitution stated that the means for the exercise of this right was to be provided by the state for the workers (Art. 55). This provision introduced a completely new conception of press regulation, as it practically sanctified state intervention in such matters. The state reserved the right to determine what the interest of the workers was, and all means of expressing

65 Nagy (2017): p. 196.

66 Gábor Sz. Nagy: A papírválság mint politikai fegyver a koalíciós időszakban [Paper Crisis as a Political Weapon in the Coalition Period (1945–1948)], *Médiakutató*, 2021/3–4, pp. 117–118.

67 Gábor Sz. Nagy: Az 1945. júliusi papírbotrány reprezentációja a korabeli politikai sajtóban [The Representation of the Paper Scandal of July 1945 in the Contemporary Political Press], *Médiakutató*, 2014/2, p. 105.

this interest were in the state's hands.⁶⁸ Consequently, the freedom of establishment of newspapers and thus media pluralism were completely eliminated: Publishing houses and paper supplies were publicly owned, so there was no possibility for papers to operate officially without state supervision.⁶⁹ It can be seen that the Constitution reflected Rákosi's idea proclaimed in 1945: The paper supply was in the hands of the state and the state granted it to the working people; therefore, the communist leadership managed to take control over the press, among other factors, through control and management of the paper supply.⁷⁰ In practice, a centralized censorship was established: Voices that criticized the Communist regime were silenced. The number of papers was radically reduced: Of 134, only 8 papers were allowed to be published in the countryside.⁷¹ All foreign reporters of Hungarian citizenship were arrested and most of the journalists of foreign citizenship were expelled; only those who worked in accordance with the Party were allowed to stay.⁷² The Communist ideology of prioritizing workers over intellectuals in all levels of governance was implemented in the press as well: In case of weekly prints, for instance, only 25% of the employers had a degree in higher education; in central and regional papers their number did not reach one third.⁷³ Moreover, journalists had to take courses on Marxist-Leninist ideology and their instruction was organized in co-ordination with universities operating in the Soviet Union.⁷⁴

It can be concluded that the Rákosi era was one of the darkest periods for the Hungarian press: In the absence of laws and clear normative and procedural regulations, cases were ruled only in an administrative manner.⁷⁵ The press, therefore, was not regulated by laws but functioned on the basis of directives. The need for the adoption of a press law did not emerge until the Revolution of 1956.

68 Géza Buzinkay (1993): *Kis magyar sajtótörténet* (Brief History of Press). Available at MEK-OSZK (Hungarian Electronic Library of the National Széchényi Library), <https://mek.oszk.hu/03100/03157/03157.htm> (Accessed on 1 December 2021)

69 Róbert Takács (2013): A "szocialista sajtószabadság" vitái Magyarországon Sztálin halálától Helsinkiig (1953–1975) [The Debates on the "Socialist Press Freedom" in Hungary from the Death of Stalin until Helsinki (1953–1975)], in Vince Paál (ed.): *Magyar sajtószabadság és -szabályozás 1914–1989* [Hungarian Press Freedom and Regulation 1914–1989], Médiatudományi Intézet, Budapest, p. 70.

70 Sz. Nagy (2017): pp. 212–213.

71 It is worth noting that during World War II, in 1943, 70 local papers were allowed to be published in the countryside, as pointed out in Section 2.4.

72 Attila Horváth (2013): *A magyar sajtó története a szovjet típusú diktatúra idején* [History of the Hungarian Press during the Soviet-Type Dictatorship], Médiatudományi Intézet, Budapest, pp. 33–34.

73 Róbert Takács (2012): *Politikai újságírás a Kádár-korban* [Political Journalism in the Kádár Era], Napvilág, Budapest, p. 266.

74 Hortváth (2013): p. 34.

75 Rezső Bányász: *Sajtó és sajtószabadság Magyarországon* [Press and Press Freedom in Hungary], *Külpolitika*, 1986/4, p. 38.

2. The wind of change: 1956 and 1986, and the collapse of the Communist regime

The revolution of October 23, 1956, against the Communist leadership brought important changes in the regulation of the press and generally for freedom of expression. The post-revolutionary period is embedded in the second period of communism, the so-called Kádár era (1956–1988), named after General Secretary János Kádár. The negotiations started in early 1958, and the draft on the situation and tasks of the press was adopted in 1959.⁷⁶ Government Decree no. 26/1959 aimed at providing regulation that was adaptable to actual social circumstances. The Decree overruled all previous acts related to the press (except the constitutional provision, of course) and introduced novelties in various issues.

First of all, the scope of press products was broadened: Apart from writings, illustrations, and musical pieces, the provisions were applicable to thoughts transmitted through radio, television, films, discs, and tape recorders (Art. 1).⁷⁷ Press products were only allowed to be published upon permission of certain entities—such as the Information Office of the Government, the Ministry of Education, and the Ministry of the Interior—listed in the law (Arts. 4 and 5). The decree regulated rectification as well: Compared to Act XIV of 1914 that introduced this legal institution, the new regulation provided a broader scope of possible applicants. Apart from authorities and natural persons, state, economic, and social organizations, as well as the competent minister were entitled to ask for rectification (Art. 13). The procedural rules (deadlines, publication of the rectification, remedy) were based on the Press Law of 1914. The Decree, however, brought a major change regarding the competencies of the court: Unlike the Act of 1914, courts were competent to clarify the facts of the case, taking into consideration all the relevant information about the truthfulness and validity of the statement in question. In the previous regulation, however, the court was only entitled to rule on the fact whether the editor had fulfilled his obligation to publish the rectification or not.⁷⁸

It is important to highlight the placement of rules regarding rectification: Since its introduction in 1914, it was rather considered to relate to criminal law instead of civil law. It was during the 1970s that the codifiers started to incorporate this right in

⁷⁶ Révész (2013): p. 58.

⁷⁷ It is worth noting that the first act that aimed at providing a comprehensive regulation of radio was Ministerial Decree no. 85.463/1924 of the Minister of Commerce, which was soon replaced by Ministerial Decree no. 32.250/1925 of the Minister of Commerce. Television broadcasting, however, only started in the 1950s. See: Tamás Klein: Az elektronikus sajtó szabályozásának kezdetei Magyarországon—A rádiójog genezise [Beginning of the Regulation of the Electronic Press in Hungary—The Genesis of Radio Law], in: Paál (2019): pp. 23–24.; István Kollega Tarsoly (ed.): *Magyarország a XX. században III. (Kultúra, művészet, sport és szórakozás) [Hungary in the XXth Century III. (Culture, Arts, Sports and Entertainment)]*, Babits Kiadó, Szekszárd, 1996, pp. 459–460.

⁷⁸ Aurél Benárd: A sajtójog újraszabályozása a gyakorlatban [Re-regulation of the Press in Practice], *Állam és Igazgatás*, 1960/7, p. 453.

the civil code and perceive it as the infringement of rights relating to personality.⁷⁹ In the period when the Decree was in force, however, rectification was more closely interrelated with criminal law. According to the literature of the time, the Decree established the socialist perception of rectification, as it was introduced as a protective measure for the rights of the citizens;⁸⁰ however, it functioned rather as a tool for the state to sanction inappropriate manifestations.

In practice, several papers were designed for every social class and age group: The most popular political newspapers were *Népszabadság* (*Liberty of the People*) and *Népszava* (*People's Voice*). For women, *Nők Lapja* (*Women's Magazine*), for young people *Magyar Ifjúság* (*Hungarian Youth*), *Pajtás* (*Mate*), and *Kisdobos* (*Little Drummer*), and for the countryside *Szabad Föld* (*Free Land*) are worth mentioning.⁸¹

The constitutional amendment of 1972 (provided by Act I of 1972) modified the provisions regarding the press: Instead of the previous concept of “interest of the workers,” freedom of expression, freedom of the press, and freedom of assembly were guaranteed “in the interest of socialism and the people” (Art. 64), and the provision whereby the means for the exercise of these rights are provided by the state was eliminated. Meanwhile, a new press law was being drafted, but was only adopted in 1986. Act II of 1986 did not bring radical changes; instead, it rather confirmed the previous press system. The freedom of the press was guaranteed so long as the manifestations were in accordance with the constitutional order of the People's Republic. The Preamble referred to the Constitution, which declared the freedom of the press; however, based on the above-mentioned constitutional provision of 1972, it was still based on the Communist approach. It is worth noting that the Act declared the right to access information, which had to be guaranteed through the press (Art. 2). However, this right was rather interpreted as a right to be informed about the development of socialism, including the experiences, best methods, and new solutions to serve the construction of a socialist society.⁸² Therefore, despite the beautiful and sonorous wording of the Act, it was still a restrictive embodiment of socialist ideology. The aim of the new regulation was rather to clarify the legal status and relationship of journalists and the press. It regulated the establishment of papers (Art. 7); permission was still required. The grounds for the refusal of giving permission were not clarified: The competent authority could easily refuse publication by referring to the lack of personnel and material resources, that is, the lack of paper supplies.⁸³ This solution allowed the authorities to avoid reference to political opinions.

79 Tamás Kisbán: A sajtó-helyreigazítás “újrakodifikálásának” kritikája [The Criticism of the Recodification of Rectification], *In Medias Res*, 2014/2, pp. 374–375.

80 Révész (2013): pp. 64–65.

81 Hortváth (2013): p. 73.

82 Antal Ádám: Az 1986. évi magyar sajtótörvényről [On the Hungarian Press Law of 1986], *Jogtudományi Közlöny*, 1987/1, pp. 4–5.

83 László Lengyel: Háttéranyagok (IV. Javaslat a nyilvánosság és a tömegkommunikáció reformjára) [Working Papers (Proposal no. IV on the Reform of Public and Mass Communication)], *Medvetánc*, 1987/2. Annex, pp. 123–125.

At this point, it is important to mention that the publication of the so-called samizdats started to flourish in the 1970s and 1980s. Samizdat⁸⁴ was a type of publication or paper that was illegally published under the Soviet dictatorship in the Soviet Union, as well as in other countries, including Hungary. These papers became increasingly popular in the 1980s and provided information on topics that were banned, such as the Revolution of 1956⁸⁵ or the Polish Solidarity movement of 1980. Among the most significant samizdat papers, *Kelet-európai Figyelő* (*Eastern European Observer*), *Beszélő* (*Speaker*), and *Szféra* (*Sphere*) could be highlighted. Publication without permission was originally regulated by the Criminal Code.⁸⁶ However, since the adoption of Government Decree no. 21/1983 MT, this matter belonged to the police and instead of the previous practice of confiscation of the illegal prints, the punishment was rather the obligation to pay a certain amount in fines (up to ten thousand forints).⁸⁷

In my opinion, the re-regulation of the illegal printing of papers in 1983 could be considered as a measure of relief, as, despite the fast increase in the number of samizdats within a short time, the lawmaker did not make a significant step toward the effective reduction or repression of the spread of these illegal papers: Scholars have pointed out that these print materials had outstanding importance in the formation of an anti-Communist opposition and thus in the preparations for the regime change at the end of the 1980s.⁸⁸ Shortly after the adoption of the above-mentioned government decree, the authors of *Beszélő* pointed out that the multiplication of the regulation on punishment of publishers was not an efficient answer for the ever stronger prevalence of illegal papers, and therefore—as a consequence of the negligence of prohibitive rules—it undermined the credibility of the Constitution. Thus, according to them, a new approach and the modification of the press law in general would have been a solution for this phenomenon.⁸⁹

To sum up, it can be concluded that during the Communist era, the press was strictly controlled; its functioning was not regulated in detail, but control rather operated in an arbitrary manner. The real change was brought by the collapse of the regime and the establishment of the Republic of Hungary in 1989, which resulted in the modification of the Constitution by Act XXXI of 1989, and the adoption of Act XI of

84 The word originates in the Russian expression “самсебяиздат” (*samsebyaizdat*), which means “published for oneself,” and it was presumably first used by Russian poet Nikolay Glazkov. See: Yevgeniy Popov: A samizdat emlékére [In Memoriam Samizdat], *Magyar Lettre Internationale*, 2000/Autumn, p. 47.

85 Including the publication of a famous poem on tyranny (*Egymondat a zsarnokságról—A sentence on tyranny*) by Gyula Illyés, which expressed strong criticism of the Soviet regime of the 1950s. See: Horváth (2013): pp. 91–92.

86 Statutory Rule 28 of 1971

87 Horváth (2013): pp. 91–93.

88 Alessandro Marengo: A magyar politikai szamizdat [The Hungarian Political Samizdat], *Rendszerváltó Archivum*, 2017/2, pp. 50–55.

89 Miklós Haraszti—János Kis—Ferenc Kőszeg—Bálint Nagy—György Petri: Javaslat a sajtójog szabályozásának elveire [Proposal on the Principles of the Regulation of Press Law], *Beszélő*, 1984 February, Vol. 1., No. 7., pp. 126–129.

1990 on the modification of the Press Law of 1986. This fundamental political change paved the way for the construction of a modern, Western type of press regulation in conformity with international conventions and the values of the European Union.

V. CONCLUSION

The present paper aimed at delineating the development path of press regulation from its establishment in 1848 until the fall of the Communist regime in 1989. As can be concluded from the above, the regulation of the press had always been influenced by the political environment. On the one hand, (neo)absolutist and totalitarian regimes intended to keep a close eye on the functioning of the press and silence the voices that would formulate criticism against them. On the other hand, in the Dualist and democratic periods, a more liberal concept of press was reflected in the regulation. It is impossible, however, to discuss all the legislation that was relevant for the press; this paper instead highlights the most important acts that determined the functioning of the press.

The need for the abolition of censorship emerged in the first decades of the XIXth century, but it was only the Revolution of 1848 that created the possibility of the adoption of a law that provided the framework of a free press. This law was in force for the rest of the century, even during the period of Dualism, with the exception of the neo-absolutist era when censorship was re-introduced. The so-called April Law of 1848 was strongly criticized even at the time it was adopted, mainly because of its temporary nature. The political situation allowed the drafting of a more up-to-date law in 1914, but owing to the outbreak of World War I, it was not in force for a long time. Regulation was somewhat similar during the two world wars: The laws set out prior restraint and the prohibition of the publication of foreign and hostile papers. The adoption of a new press law was attempted numerous times, especially during the 1920s, but owing to political tensions, only a modification of the Press Law of 1914 was adopted in 1938. After the turbulent years of World War II, the press was subordinated to the state and could only represent the ideology of the state, that is, Communism. The most significant piece of legislation from this period is Government Decree no. 26/1959, codifying the totalitarian concept of the press. The issue of the re-regulation of the press did not emerge in this period; the press had continued to function on the basis of the same regulation for decades. The collapse of the Communist regime was the breakthrough at the end of the 1980s that introduced a liberal concept of press regulation, though only temporarily: The modification of the Press Law (Act XI of 1990) remained in force until the adoption of the current press law, Act CIV of 2010. This Act completely breaks the continuity of the previous regulation: It takes into account the circumstances of the XXIst century, with special reference to compliance with EU and international regulations.