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Administrative child protection in Hungary at the crossroads of legal history and law and literature during the Austro-Hungarian Monarchy and the interwar period

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Abstract: Following the legal modernization after the Austro-Hungarian Compromise, administrative child protection gradually separated from the broader field of poverty relief and became part of social policy within the narrower framework of child welfare. In this domain, abandoned children—those declared abandoned for material reasons, and from 1925 onward, also for moral reasons—were placed under the care of state-run children's shelters, thereby acquiring the right to state support. These children were often placed with foster families, which could serve their best interests but also created opportunities for abuse. This study explores such abuses through the literary works of Zsigmond Móricz using the perspective of law and literature within legal-historical context. After reviewing the role of civil-led child protection, the novel Árvácska is analyzed from a legal-historical context to examine the practice of administrative child protection during interwar period. The paper highlights the growing tension between legal norms and their societal enforcement, as reflected in contemporary legal consciousness.

Keywords: abandoned children, administrative child protection, law and literature, state-led child protection

Introduction

One possible approach to the relationship between law and literature is the examination of the presence of law in literary works.[1] According to István H. Szilágyi, "The depiction of law in literary works can also be used as a source for legal history and the history of ideas."[2] Literary works can also serve as historical sketches, as they convey the atmosphere of a given era through the subjective impressions of their authors.[3] They can reveal the legal norms that prevailed at the time, whether these were state-enacted laws or unwritten rules emerging from and sustained within the community.

This study explores the practice of administrative child protection in early 20th-century Hungary from a legal-historical context, with a focus on the literary works of Zsigmond Móricz. In several of his writings, Móricz addresses the plight of impoverished children and the shortcomings of child protection policies. His unique perspective was shaped by his legal education, experience in public administration, and firsthand encounters with rural life during

1 István H. Szilágyi, "Jog és irodalom," *Iustum Aequum Salutare* 6, No. 1 (2010): 5.
2 Szilágyi, "Jog és irodalom," 10.
3 Balázs Fekete, "A századforduló szellemi körképe a Varázshegyről. Esszé a 'jog és irodalom' köréből," *Iustum Aequum Salutare* 3, No. 2 (2007): 20.

his folk poetry collection journeys. "The young man, who set out to collect songs and tales, was led by the experiences of his last journeys to social realizations: the singing people are also suffering people, life produces the bloody ballads."[4] These insights not only informed his literary output but also provide valuable commentary on the socio-legal conditions of the time.

Zsigmond Móricz's short stories and his influential novel *Árvácska [Orphalina]*[5] provide a sensitive and critical portrayal of administrative child protection in civil-era Hungary. The novel was based on conversations Móricz held with his foster daughter, Erzsébet Litkei, whose life experiences provided the foundation of the narrative. At the same time, the plot construction and the fictional death of the protagonist Árvácska reveal the presence of invention alongside documentary elements. With this short novel, Móricz's aim was not only to sensitize society to the plight of orphans but also to draw political and social attention to the broader issue of child welfare.[6] Through individual fates, Móricz exposes the systemic deficiencies of state intervention and the harsh consequences of a dysfunctional protective apparatus, with the abandoned child emerging as its most vulnerable victim.

The first chapter of the study conceptualizes the definitions of state-led and administrative child protection from legal historical and theoretical perspectives. The second chapter examines the issue of child poverty through Móricz's short stories, exploring the tensions between community-led and state-led child protection and the consequences of inadequate oversight of abandoned children. The third chapter examines the conflicting interests and practical shortcomings in the field of administrative child protection. The fourth chapter turns to *Árvácska* to illustrate how a child's experience within the state care system reflects the broader incapacity of institutions to fulfill their intended protective roles.

Conceptualizing Administrative Child Protection

Following the Austro-Hungarian Compromise (1867), child protection emerged as part of the poor relief administration, primarily in connection with measures aimed at alleviating

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4 Mihály Czine, *Móricz Zsigmond (1879–1942)*, in *A Magyar Irodalom Története V.*, ed. Miklós Szabolcsi (Budapest: Akadémiai Kiadó, 1965).

5 The title Árvácska refers not only to the orphan status of the child protagonist but also evokes the Hungarian name of a flower (Viola tricolor, pansy in English). In the novel, the girl's official name is "Állami Árvácska," literally "State Orphan." In the English translation by Virginia L. Lewis, published by Library Cat Publishing in 2020, the title appears as Orphalia. In the following discussion, the child will be referred to by her original Hungarian name, Árvácska.

6 Norbert Baranyai, *"...Valóságból táplálkozik s mégis költészet." Az önéletrajzi (újra)olvasás lehetőségei Móricz Zsigmond regényeiben* (PhD diss., Debreceni Egyetem, 2007), 157–159.

poverty. The system of Hungarian administrative child protection, following the Compromise, was built primarily on Hungarian traditions and a French model. Covert emulation of the Austrian model can be observed in the case of Hungarian state-run children's shelters. While the Austrian solution is presented here for reference, it should be noted that the territorial applicability of the relevant legislation did not cover Hungary.

As part of this, Emperor Joseph II founded the first state-run foundling hospital in Vienna in 1784. A distinctive feature of the Austrian solution was that it established a link between the foundling hospitals and maternity homes, requiring women admitted to maternity homes to serve as nurses in the institution for four months.[7] Hungarian citizens also gave birth to their children in these foundling hospitals, and the Josephinist foundling homes continued to operate even during the years of the Dual Monarchy.[8]

The Austrian Civil Code (ABGB) of 1811 placed children (up to the age of seven), minors (between the ages of seven and fourteen), and young persons (up to the age of twenty-four) under special protection and also defined parental obligations.[9] During the period under study, the upbringing and care of poor children were generally regulated by provincial poor relief laws, as well as by the Reichsheimatgesetz of 1863.[10] According to the latter, foundlings were to be sent to the locality where they had been born or where they had been found. In the case of children already in the care of state foundling homes, whose place of birth or discovery was unknown, they were transported to the municipality where the foundling hospital was located.[11] Municipalities were obliged not only to provide maintenance but also education for needy children, if a legally responsible third party was unable to do so. From 1901, provincial orphan funds had to be used for the care and upbringing of orphans, neglected and abandoned children until the age of eighteen. The legislation specified who was to be regarded as an orphan or an abandoned child.[12]

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7 Leopold Hueber und Leopold Moll, "Österreich," in *Säuglingsfürsorge und Kinderschutz in den europäischen Staaten*, ed. Arthur Keller und Chr. J. Klumker (Heidelberg: Springer-Verlag Berlin Heidelberg GmbH, 1912), 587–613.

8 Sándor Karsai, "A gyermekvédelem multjából," *A Gyermekvédelem Lapja* 2, no. 2 (1926): 4–5.

9 Allgemeines bürgerliches Gesetzbuch für die gesammten deutschen Erbländer der Oesterreichischen Monarchie. StF: JGS Nr. 946/1811. 137–186. §.

10 Gesetz vom December 1863, betreffend die Regelung der Heimatverhältnisse. Elérhető: https://alex.onb.ac.at/cgi-content/alex?aid=rgb&datum=1863&page=396&size=45.

11 Leopold Hueber und Leopold Moll, "Österreich," in *Säuglingsfürsorge und Kinderschutz in den europäischen Staaten*, ed. Arthur Keller und Chr. J. Klumker (Heidelberg: Springer-Verlag Berlin Heidelberg GmbH, 1912), 587–613.

12 Gesetz vom 29. Januar 1902. wirksam für das Erzherzogthum Ößterreich ob der Enns, womit nähere Bestimmungen über die Bewerbung der dem Lande Oberößtrreich in Gemäßigkeit des Gesetzes vom 3. Juni 1901 überwiesenen Theile der Gebarungsüberschüffe der gemeinschaftlichen Waifencaffen erlassen werden. Elérhető: ÖNB-ALEX – Landesgesetzblatt OÖ 1819–1995 (onb.ac.at).

Based on a decree issued on 11 May 1901, criminal courts were obliged to inform guardianship authorities (guardianship courts) and child protection associations about cases of child abuse.[13] Under the decree, in instances of certain crimes committed against minors—such as the torture, neglect, or exploitation of children for begging or immoral purposes—criminal courts were required, after the conclusion of proceedings, to refer the case to the guardianship courts. This applied even if the defendant was acquitted, whenever doubts arose about the proper care of the child.[14]

In the spirit of transforming the Vienna foundling hospital into a child protection office, a proposal was prepared for the 1907 Child Protection Congress. This proposal, based on Josephinist foundations, aimed to further develop the child protection system so that legitimate—i.e., not illegitimate—children could also receive state protection if their mother was unable to care for them.[15]

In Hungary, a significant change occurred in 1898 when the state assumed the financial burden of caring for and educating children under the age of seven who had been declared abandoned because of material reasons. This action reinforced its role in ensuring the welfare of this vulnerable group of children.[16]

The child protection laws of 1901, along with the 1903 ministerial circular, established the normative foundation for the operation of Hungarian state-led children's shelters. These regulations not only extended the age limits for the care of abandoned children but also significantly broadened the scope of state involvement in child welfare.[17] During this period, state interventions aimed at protecting abandoned children were commonly referred to as "state-led child protection," a term that likely gained widespread usage following the enactment of the 1901 child protection laws and the issuance of the 1903 ministerial circular. However, this terminological usage can be seen as somewhat misleading. The concept of state-led child protection extended beyond the care of children in state-run shelters, encompassing a broader range of interventions and responsibilities aimed at safeguarding vulnerable children.[18] Following the Austro-Hungarian Compromise, the term *state-led child protection* referred to an evolving, multi-branch legal and administrative framework aimed at safeguarding children.

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13 Arthur Károly Szilágyi, "Kiskorúak gyermekvédelme Ausztriában," *Ügyvédek Lapja* 42, no. 42 (1905): 2.

14 "Nemzetközi Szemle," *Jogtudományi Közlöny* 24, no. 24 (1901): 196.

15 "Gyermekvédelmi hivatal," *Gyermekvédelmi Lap* 7, no. 7 (1906): 88–89.

16 Act XXI of 1898 on the Coverage of the Costs of Public Health Care § 3 d).

17 Act VIII of 1901 on State-led Children's Shelters; Act XXI of 1901 on the Care of Children over the Age of Seven in Need of Public Assistance; Circular No. 1 of the Minister of the Interior from the year 1903, addressed to all municipal authorities—with the exception of Fiume—concerning the issuance of regulations on the protection of abandoned children.

18 Sándor Szana, *Az állami gyermekvédelem fejlesztéséről* (Temesvár: Uhrmann Henrik Könyvnyomdája, 1903).

This framework sought to coordinate the activities of authorities (including national, municipal, and local administrative bodies), in implementing child protection measures.

In a broader sense, child protection during this period encompassed all state and societal actions directed toward children, including nursery care, public education, maternal and infant health programs, pediatric healthcare, and protections against child labor. More specifically, child protection in its narrower sense focused on children deemed endangered—either due to material deprivation or because of criminal behavior, moral decline, or neglect. Within this limited scope, administrative child protection were central components, particularly the care of abandoned children.

Administrative child protection gradually emerged from the broader framework of poor relief administration and became an integral part of early social policy. It encompassed all tasks, activities, and legal regulations under administrative authority, carried out by state and municipal institutions to safeguard children deemed legally abandoned. While the term itself appeared in professional debates and in the contemporary press during the years of the Austro-Hungarian Monarchy, it was never formally defined as a scientific or legal concept.[19] In the interwar period, the term continued to describe the system of state care for abandoned children, reflecting its ongoing relevance in state welfare discourse.[20] Some scholars identified child protection as a subfield of poor relief—alongside general assistance to the poor and medical care—[21] while others classified the care of abandoned children within poor relief, but considered child protection in a broader sense to fall under the general domain of social policy.[22] This study aligns more closely with the views expressed by representatives of criminal law scholars of the period, and later by Andor Csizmadia, who regarded administrative child protection as an integral part of social policy.[23] The system of administrative child protection

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19 "Gyermekvédelem Magyarországon," *Népszava*, 1906, No. 201, 9–10.; Zoltán Rónai, "Jegyzetek a magyar büntetőjog reformjához," *Huszadik Század*, 1908, No. 1, 59.; "A fiatalkorúak bíráiról és a fiatalkorúak bűnügyeiben követendő eljárásról szóló törvény-javaslat. Vita a Magyar Jogászegylet Büntetőjogi Bizottságának 1912. évi december hó 21-én és február hó 1-én tartott ülésein," *Magyar Jogászegyleti Értekezések*, új folyam, 7. köt., 1913, No. 50, 123.; Zsigmond Engel, "Felperesség Apasági Perben," *Ügyvédek Lapja*, 1909, No. 18, 5–6.; Miklós Berend, "A csecsemőhalandóság elleni küzdelem Magyarországon," *Magyar Figyelő*, 1914, No. 2, 361.

20 Kálmán Csorna, *Gyámsági jog és jogszolgáltatás* (Budapest: Budapest Székesfőváros Házinyomdája, 1935), 193.

21 Tivadar Forbáth, *Adatok a magyar szegényügy rendezéséhez* (Budapest: Márkus Samu könyvnyomdája, 1908), 44.; Rezső Hilscher, *Bevezetés a szociálpolitikába* (Budapest: MEKDSz Szövétnek-Kiadás, 1928), 15.

22 Zsigmond Engel, *A gyermekvédelem alapkérdései*, (Budapest: Magyar Jogászegylet, 1905), 5–6.

23 Andor Csizmadia, *A szociális gondoskodás változásai Magyarországon* (Budapest: Magyar Tudományos Akadémia Állam- és Jogtudományi Intézet, 1977), 12.

during the era of Dual Monarchy remained fundamentally unchanged in the interwar period, with the exception of the brief period of the Hungarian Soviet Republic.[24]

In administrative child protection, the official decision declaring a child abandoned played a central role. With the entry into force of the 1903 ministerial circular, two significant changes occurred in the procedures concerning the declaration of abandonment: firstly, the legislator modified the conditions required for such a declaration, secondly, jurisdiction over the proceedings was assigned to the court of wards (árvaszék).[25]

Community-led Child Protection in Móricz's Novels on Child Poverty

Zsigmond Móricz achieved his long-sought literary breakthrough with the novella *Hét krajcár* (*Seven Farthings*), a work that signaled his decisive departure from a conservative worldview and opened the path toward a more socially engaged perspective.

In *Riport a pesti gyermekről* (*Report on the Child of Pest*), Móricz offers a sobering account of the conditions faced by impoverished children in the capital. The piece is framed as a dialogue with a secretary, through which the bleak realities of urban child welfare are gradually revealed. Institutional child protection in the first half of the 20th century was grounded in the coordinated efforts of state institutions and social organizations. This system had several drawbacks: care for sick children was not fully addressed, children's homes imposed impossible requirements for admitting such children. The writer's conclusion was that child poverty could not be eradicated through social associations alone.

In his work *Ami megérthetetlen* (*What Is Incomprehensible*), Móricz portrays the social tension between poor and wealthy families. The piece also highlights the contradictions that can be raised against private charity, which are also discussed in the standpoint of lawyer and social politician Hilscher Rezső in the monthly publication *Szegényügy* (Poverty Affairs).[26] A key question regarding charity is whether it truly stems from selfless action. Móricz's novel aligns with Hilscher's perspective, depicting a poor little girl whose meal is provided in exchange for the nobleman expecting the girl's day laborer father to settle the debt through

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[24] Andor Csizmadia, "Szociálpolitikai törekvések a Magyar Tanácsköztársaságban," in *A tanácshatalom jogpolitikája 1919-ben*, ed. Kálmán Kovács (Budapest: Magyar Jogász Szövetség, 1979), 103–104, 106–107.; Gyula Gayer, "Kármán Elemér (Egy elfelejtett magyar bíró portréja)," *Valóság* 4 (1973): 72–73; Katalin Petrák, "A szocialista gyermekvédelem kialakítása a Magyar Tanácsköztársaság idején," *Párttörténeti Közlemények* 4 (1961): 109–158.

[25] Mihály Kiss, "A szegényügy és a gyámhatóságok," *Magyar Közigazgatás*, 1899, No. 29, 2–3.

[26] Rezső Hilscher, "Szociálpolitika, szegényügy és jótékonyság," *Szegényügy*, 1917, No. 1, 1–3.

woodcutting. In this story charity is not entirely voluntary, as it is at the request of the teacher that the impoverished girl is invited to dine with her classmate.

Private charity in its organized form was present within the framework of community-led child protection during the examined period, which remained significant alongside state-led child protection. Community-led child protection refers to the activities carried out by civil organizations—typically associations—and religious denominations aimed at protecting children. These efforts supported and supplemented state child protection or fulfilled tasks entrusted by the government in this area. In Western European countries, similarly to Hungary, until the second half of the 19th century, the protection of children was primarily handled by churches and various forms of civil society organizations. The role of society remained important during the legal modernization that followed the Compromise of 1867, and the state also considered various organizations as partners, as seen in the case of the National Child Protection League and the Stefánia Association. From the perspective of legal regulation, the achievements of community-led child protection are worth evaluating due to their exemplary nature. The establishment of kindergartens or the care of abandoned children by social organizations were good practices upon which the state relied.[27] Therefore, domestic national-level regulation was built not only on foreign models but also on effective practices realized and demonstrated on a micro-level by domestic social organizations.[28]

The National Child Protection League, which is mentioned in the short novel *Árvácska*, a prominent body of social child protection, was founded on February 25, 1906. Count Edelsheim-Gyulai Lipót and Sándor Karsai played significant roles in its establishment.[29] The organization maintained a close relationship with the state while fulfilling its duties, effectively serving as a bridge between state and social child protection. It assumed responsibility for child welfare tasks that fell outside the scope of direct state intervention—tasks that were nevertheless essential for safeguarding children.[30]

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27 Zoltán Pálóczi Horváth, "Társadalmi feladatok és intézmények a gyermekvédelem területén," *Gyermekvédelmi Lap*, 1907, No. 11, 153.

28 "Országos Gyermekvédő Liga," *Gyermekvédelmi Lap*, 1906, No. 3, 42.

29 Albrecht kir. herceg, "Gyermekvédő Liga (Országos)," in *Pedagógiai Lexikon*, ed. Ernő Finászy, Gyula Kornis, and Ferenc Kemény (Budapest: Révai Irodalmi Intézet Nyomdája, 1936), 776–777.; Fülöp Rottenbiller, *Az Országos Gyermekvédő Liga harminc évi működése, 1906–1936* (Budapest: Fővárosi Nyomda Részvénytársaság, 1936), 9–12.

30 Fülöp Rottenbiller, *Az országos Gyermekvédő Liga harminc évi működése 1906–1936* (Budapest: Fővárosi Nyomda Részvénytársaság, 1936), 9–11. o.

Balancing Interests: State, Local Authorities, and the Care of Abandoned Children

In domestic scholarly thought, the right to upbringing was derived from the supervisory rights over minor children held by the parents or, in their absence, by the guardian in the discussed period. Therefore, it was not considered part of paternal authority. The right to upbringing was also an obligation. As a right, it was not seen as unlimited, parents or guardians who failed to fulfill this obligation could have it revoked. [31] According to guardianship law, supervision over the minor was exercised by the parents, or in their absence, by the guardian, who had the right to enforce domestic discipline.[32]

In addition to those set out in the guardianship law, wider social norms and informal laws governing children's lives have also played a crucial role in shaping the image of child-rearing. This is where Móricz's literary works become significant. Through Móricz's literary works, the peasant life of the past century can be studied, revealing the "laws of the village"—laws not created by parliament, but ones that originated within the village and governed the lives of its inhabitants for many years. These village laws dictated the order of everyday life, as demonstrated in his work *Életem regénye* (*The Novel of My Life*). "The law of the village is a strict law. There is no escaping the law of the village." This statement can also be considered true in terms of the implementation of regulations aimed at child protection.

The strength of the customs is important to emphasize, especially since the question of financing administrative child protection was raised numerous times in the legislative body. In administrative child protection, three interests had to be reconciled by the directors overseeing the state-run children's shelters: the interest of the children in need of protection, the financial interests of the state, and the financial interests of the local municipality.[33] Children declared abandoned upon reaching their seventh year—if their relatives were not financially responsible for their care—remained within the frame of state-run children's shelters at the expense of the local municipality (the placement of abandoned children in state-run shelters primarily involved transferring them to families, while institutional placement was more common in cases of illness or misbehavior). The practice showed that some local authorities sought to avoid these costs. They did so by either not requesting the declaration of abandonment for children eligible for care or by requesting the release of the child from the orphanage, to

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31 Arthur Károly Szilágyi, "Oly szülőtől, ki a gyermek kellő ápolásáról és neveléséről nem gondoskodik, vagy a kinél a gyermek erkölcsileg veszélyeztetve van, fenálló törvényeink és kormányhatósági rendeleteink alapján elvehető-e a gyermek és elhelyezhető-e egy állami gyermekmenhelybe?" *Gyermekvédelmi Lap*, 1907, No. 4, 57–58.

32 Act XX of 1877 on the settlement of guardianship and custody matters §§ 10, 57.

33 Dezső Barsi, "Reformkérdések az állami gyermekmenhelyek belszervezetében," *Gyermekvédelmi Lap*, 1906, No. 9, 126.

provide care for the child more cheaply.[34] This also exemplifies the conflict between state and local governmental interests in administrative child protection.

The state-run children's shelters fulfilled multiple functions, including overseeing child protection authorities and ensuring the presence of official agents, participating in public health tasks, and serving as "child depots"—places for the surrender of children.[35] The normative definition of the state-led children's shelter was defined by the ministerial circular as "an institution in which the state cares for all abandoned children until they reach their 15th birthday."[36]

The 1901 Act No. VIII aimed to place healthy children outside of the orphanages. The directors of children's shelters were required to ensure that the provisions of the law on kindergarten attendance for children[37] and the law on public elementary education for children aged six and older[38] were applied.[39] Therefore, healthy children were primarily to be placed outside the institutions, with foster parents. The placement followed the family system. Becoming a foster parent was possible based on an official certificate issued by the local community. In the practice of the children's shelter in Temesvár, this was supplemented by the support of the settlement committee. In Temesvár's practice, the regularized ceremonial placement was intended to strengthen the moral commitment of the foster parents and emphasize the importance of their task. The foster parents were compensated in exchange for caring for and raising the child.[40]

The adoption of the family system entailed the establishment of strict conditions for supervision. This task was carried out by a doctor who supervised the children placed to foster families (or children's settlements) and, where established, by the settlement committees.[41] The settlement committees primarily aimed to coordinate the activities of the settlements, municipalities, and cities with the work of social organizations within the scope of administrative child protection, while also performing important supervisory and inspection duties concerning

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34 Miklós Kormos, "A gyermekvédelem és a hatóságok," *Gyermekvédelmi Lap*, 1905, No. 3, 49–51.; Pál Ruffy, "Gyermekvédelmi rendszerünk reformja," *Gyermekvédelmi Lap*, 1905, No. 4, 61–65.; "Az elhagyott gyermekek illetősége," *Gyermekvédelmi Lap*, 1905, No. 4, 67.

35 Zsigmond Engel, *A gyermekvédelem alapkérdései*, (Budapest: Magyar Jogászegylet, 1905), 18–21.

36 Circular No. 1 of the Minister of the Interior from the year 1903, addressed to all municipal authorities—with the exception of Fiume—concerning the issuance of regulations on the protection of abandoned children §12.

37 Act XV of 1891 on Early Childhood Care.

38 Act XXXVIII of 1868 on Public Education.

39 Act VIII of 1901 on State-led Children's Shelters §§ 1–3.

40 Sándor Szana, "A nevelőszülők kiválasztása s a gyermekeknek telepre való kihelyezése körüli eljárás a temesvári állami gyermekmenhelyben," *Gyermekvédelmi Lap*, 1906, No. 2, 27–29.

41 88.868 Vc./1903. B. M. Circular of the Ministry of the Interior on the Establishment of a Child Protection Committee.

the upbringing, care, and supervision of children placed in external care.[42] Since by 1909 the national system of officials ensuring supervision had not been established, professional circles advocated for the widespread employment of female child welfare supervisors.[43] The children's shelter of Temesvár was the first to employ such supervisors, and from 1909, training of settlement supervisors began at Budapest.[44]

Administrative Child Protection Between the Two World Wars—*Árvácska*: A Short Novel Derived from a Harrowing and Brutal Reality[45]

Móricz's writings examine the social inequalities that persist despite the existence of formal legal equality, drawing the reader's attention to these discrepancies.[46] Following the end of World War, the administrative child protection system was fundamentally based on the laws enacted during the era of the Dual Monarchy.

Árvácska is set in post-World War Hungary, in the rural settlements of the Great Plain, and serves as a sad reflection of the pitfalls of the history of the state-led child protection system. The novel's protagonist, Árvácska, is an orphaned young girl placed with foster families as part of the administrative child protection system. The foster families keep the abandoned child alongside the animals for her own benefit, as the state pays her eight pengős[47] each month and provides clothing for the child every six months. The novel immediately reveals in its first chapter the rural drivers behind the placement of abandoned children (often referred to as "foundlings" in the common parlance of the time) outside of institutional care: the money received for child maintenance and the clothing provided for the child.

The issue of state child protection is a complex area, which encompasses social, health, and legal aspects that must be understood in both theory and practice. These points are also reflected in *Árvácska*, although with some variation depending on the social environment in which the child placed with foster parents is raised within the administrative child protection system. The degree of social care for the child varies among the rural peasant, the wealthy

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42 Circular No. 1 of the Minister of the Interior from the year 1903, addressed to all municipal authorities—except for Fiume—concerning the issuance of regulations on the protection of abandoned children § 65.

43 Sándor Szana, "A telepfelügyelői tanfolyam a budapesti állami gyermekmenhelyben," *Gyermekvédelmi Lap*, 1909, No. 4, 49–51.

44 Szemle. *Gyermekvédelmi Lap* 3 (1909): 42.

45 Móricz himself made this statement about the novel. Imre Bori, "Tényregény az 1930-as évek magyar epikájában," in *Szintézis nélküli évek*, ed. Lóránt Kabdebó and Zoltán Kulcsár-Szabó (Pécs: Janus Pannonius Egyetemi Kiadó, 1993), 389.

46 "Társadalom, nevelés, mozgalom, 1919–1945," *História*, 1997, No. 5–6, 44.

47 Official currency of Hungary from 1927.

landowner, and the artisan middle class, but in no case is the child treated in a humane manner. Perhaps the most deprived is the child in the peasant family of the Dudás, considering both the amount of food and the fact that the child is made to walk around naked. None of the fostering families take responsibility for the child's education; no one sends the school-age child to school. The fulfillment of school attendance is monitored by the state,[48] but the caregivers in Árvácska evade this obligation. Ultimately, the child is transferred to another family from the home of Dudás, due to the violation of the school attendance obligation, yet no official procedure is initiated as a result.

From a legal sociological perspective, it is interesting to examine, based on the novel, how rural and village people related to the laws and what correlations can be drawn between legal consciousness and actual human behavior. The dialogue in Árvácska exposes the stark realities of state oversight and social neglect, particularly in the realm of child protection within rural communities. One scene depicts an authority figure reprimanding the foster mother, Dudásné, for failing to send her foster child to school. This moment underscores the gap between legal mandates and the grim realities of life for such children. Dudásné's defensive replies—admitting to the neglect yet offering no genuine justification—reflect the deeper social and economic hardships she endures. The official's tone reflects not only the regulatory focus of the state but also the punitive nature of the system, emphasizing personal responsibility. The foster mother, Dudásné, tries to excuse herself, claiming—in line with the official's assumptions—that the child was always sick and underdeveloped.

The passage underscores the tension between societal expectations, legal obligations, and the dire realities of poverty that Móricz often sought to portray.[49] In the novel, we can see how the state-appointed foster families break the legal obligations set forth in the law, and how the workers of the state child protection system or the school teacher assist in this.[50] Even in the second foster family, with the rural landowning Szennyes family, the situation regarding school attendance remains unchanged.

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48 Act XXXVIII of 1868 on Public Education regulated the legal consequences of withholding compulsory education from school-age children.

49 Zsigmond Móricz, *Árvácska* (Budapest: Athenaeum Kiadó, 1941), 28.

50 According to Section 1 of Act XXX of 1921 on the Enforcement of School Attendance, every child's guardian is obligated to provide public school education to the child for nine academic years following the child's sixth birthday. Exceptions to this obligation were outlined in Sections 6 and 7. The 1926 Act VII, on the establishment and maintenance of elementary schools serving the interests of the rural population, aimed to facilitate the education of children living in rural areas.

> "And soon after that she sent the girl to school. She had to go there with a basket, the basket held curd cheese, and she carried a couple of nice chickens under her arms. The teacher took chickens and the curd cheese, said to send her regards to auntie Szennyes, and allowed the child to come into the school for a bit. She saw all the children, but looked in vain for the Dudás kids.
> She didn't set foot in the school again that year.
> But when the second year passed and it was again September, Mári Zsaba once again sent her to the teacher with a basket, and this time too she brought a couple of nice chickens, but it wasn't curd cheese that was in the basket, but rather eggs, lots of eggs, fifty of them."[51]

The child does not socialize, and no one is concerned with teaching her, she knows and understands as much as her childlike intellect can independently grasp. School becomes a cardinal issue, and Árvácska knows that she should be attending school, and that the caregivers should be sending her there.

The children's health condition was also subject to official supervision. According to the law, those caring for or looking after children under the age of seven were required to ensure that the children received medical care.[52] Árvácska suffers several injuries that raise the need for medical attention. One of these injuries was caused by Kadarcs (István Kadarcs, neighbour of the Dudás family), and later, its criminal legal implications will be discussed in more detail. At Dudás' home, domestic discipline is exercised in a way that harms the minor's health.[53] One only needs to think of the punishment for "stealing" the melon, after that burning hot embers were placed on the little girl's hand.

The question of the state's role and the necessity of state intervention also appears in the lines of the work.

> "Dear old uncle, I'm a lot like Jesus, because the State gives me wounds on my hands and my behind, because the State gave me over to Mári Zsaba, so she could beat me."
> "My child," the old man replied, "whoever has the State as his nursemaid should think twice whether he wants to be born. Why were you even brought into the world to be a burden to the State, you little fool."[54]

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51 Zsigmond Móricz, *Orphalina* (Library Cat, 2020), translated by Virginia L. Lewis, 144.
52 Act XIV of 1876 on Public Health, §§ 19, 20.
53 Act XX of 1877 on on the settlement of guardianship and custody matters § 10, states: "Domestic discipline may only be exercised in a manner that is harmless to the health of the minor."
54 Zsigmond Móricz, *Orphalina* (Library Cat, 2020), translated by Virginia L. Lewis, 153–154.

The Uncle's, a man named Csomor, fate is somewhat similar to Árvácska's, he was also an abandoned child, but in his case, there was an opportunity to learn the trade of weaving, so until the World War, he was able to live relatively decently from his work. With this, Móricz does not illustrate that boys raised by the state had it easier.

> "That's why I say, little girl, that whoever has the State for a nursemaid should think twice whether he wants to be born into this world, for the State seeks the good, but it has no voice, it needs an advocate, the State is powerful, but its hand does not caress; woe is he who lands in the hands of the bureaucrats, no good comes from them, only bother, vexation, and harm." [55]

In Uncle Csomor's opinion, Móricz gives voice to his criticism of administrative child protection and state care. Csomor treats the little girl kindly, like a child—he is the only one who attempts to educate her and is also the one who reports that Dudás (the head of the Dudás family) likely committed the crime of seduction against her.[56] The novel does not describe in detail what happened between Dudás and the little girl. Nevertheless, Szennyesné's reaction allows the reader to infer that Dudás sexually abused the child. Móricz illustrates the contempt and disgust shown by Szennyesné toward the girl after Dudás's actions come to light. The shocking reaction to the crime committed against the child, and the fact that Árvácska is a fact-based novel, makes the account more harrowing—especially considering the reality that such acts often went unpunished in the first half of the 20th century.

In Hungary, during the interwar period, Act V of 1878 on the Criminal Code—commonly known as the *Csemegi Code*—was in force, and thus any crimes depicted in the novel must be interpreted considering this Code. In the novel, Kadarcs "impaled the child on a stake, and she started bleeding immediately," although Árvácska was unaware of what had happened to her. Although the text never names the act directly, the atmosphere of the scene and the subsequent consequences make it tragically clear: the little girl was the victim of sexual abuse. This act corresponds to the crime of *defilement*, which under the Code was punishable when committed against a respectable girl under the age of 14. Although the Dudás parents disapprove of Kadarcs's actions, they take no concrete steps to hold him criminally responsible and nobody confronts him with his crime. Paradoxically, this event brings a sense of joy into Árvácska's life:

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55 Zsigmond Móricz, *Orphalina* (Library Cat, 2020), translated by Virginia L. Lewis, 159.
56 Act V of 1878 on criminal acts and offences § 247.

> "And she was truly proud, and she pampered her wound, which admittedly smarted. Mama dear had bandaged it with salt water, and the salt and the pain coursed through it, but she buried her small, grimy face in her little black hands, and cried inwardly, and rejoiced that she was so very fortunate to have the sort of injury that made even mama dear feel for her."[57]

At that time, the Dudás family was legally responsible for the child's care and likely knew that the event constituted a criminal offense, yet their personal moral code compelled them to keep it secret, believing that "decent people don't speak about such things".[58] This situation raises the broader question of how extensive the hidden or unreported nature (latency) of crimes committed against abandoned children might have been.[59]

The characters who harmed Árvácska were never found legally responsible for their actions, apart from Zsabamári, but they are always held accountable in some form as a result of events. The child rapist Kadarcs appears later in the novel, dressed as a ghost to frighten the children, and Dudás takes the life of the 'ghost' with a revolver. In this case, however, Dudás did not increase the latency rate, they report the incident, but he is not prosecuted. "If it weren't for these children, they would have locked me up," says Dudás, who himself probably invoked the self-defense.[60]

Conclusion

In *Árvácska*, Móricz does not focus on urban poverty but rather tells the harrowing story of an orphan girl living in the rural plains of Hungary. The novel reveals the dark sides of child protection in the first half of the 20th century. State-provided subsidies for raising foster children—and the fact that families could avoid hiring servants by taking in orphans—often led to the exploitation of these children.

Everyone attempted to shift responsibility away from themselves, particularly in matters relating to abandoned children. During the period in question, state-led protection for children was far from adequate. Foster parents often regarded children more as labor tools than as young humans in need of nurturing. This is well illustrated in the line: "Because dear mother said, you won't get any food today—you didn't work for us anymore," spoken by the Dudás family when they decided to return Árvácska.

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57 Zsigmond Móricz, *Orphalina* (Library Cat, 2020), translated by Virginia L. Lewis, 58.
58 Zsigmond Móricz, *Orphalina* (Library Cat, 2020), translated by Virginia L. Lewis, 77–78.
59 Zsigmond Móricz, *Árvácska* (Budapest: Athenaeum Kiadó, 1941), 23.
60 Zsigmond Móricz, *Orphalina* (Library Cat, 2020), translated by Virginia L. Lewis, 86.

The state delegated some the responsibility of child welfare to society and its goodwill. Its extended arms failed to carry out supervisory and monitoring duties effectively, resulting in situations like the abandoned child not attending school. Foster parents and "supervisors" became, in essence, accomplices to these legal violations.

Ultimately, the novel highlights the inhumane treatment of orphaned children and the failures of child protection systems. In Hungary, serious discussions regarding the state's and society's duties in child protection began in the latter half of the 19th century. Simultaneously, the social perception of childhood began to shift. After World War I, international legal recognition emerged that children required special, enhanced protection. At that time, children's rights were considered obligations of the state and society, rather than individual entitlements, at the same time, in the context of child protection discourse even during the era of Dual Monarchy, the child often appears as a subject of rights.

Although some progress had been made in child protection by the time the novel was published, Móricz makes it clear that it was far from sufficient. His discussed writings serve to raise social awareness and expose the glaring deficiencies in early 20th-century child welfare. These shortcomings were most apparent in inadequate legal frameworks, lack of financial support, and the extreme vulnerability of abandoned children. *Árvácska* narrates the story of state-led child protection and exposes the ineffectiveness of contemporary social policies, offering practical insights alongside historical legal elements, and thus providing a more comprehensive understanding of the issue for those interested in the topic.

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