



## Dominance of female judges in the courts of Hungary – a different path to the development of women's equality

Prevalencia de juezas en los tribunales de Hungría. Un camino diferente para el desarrollo de la igualdad de las mujeres

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**Abstract:** The starting point of the study is the experience that female judges are in the majority compared to men in Hungarian courts. In the essay, the authors will examine the reasons of this fact which is a different situation from most parts of the world. First the study will approach the question from a historical point of view i.e. whether the forty years of communism has something to do with the fact that there are a lot more women than men in Hungarian public administration and in the courts. In the following we will examine the ways and possibilities the current legal and social situation has to offer for a woman who wants to become a judge. The proportion of women in the leadership of the courts compared to the one in the courts in total is a subject to a separate examination. To a certain extent of a comparative approach the study will also refer to the differences in the gender composition of judges in other European countries. The challenges a working woman has to face i.e. financial and family-related issues obviously have their effects on the career choice. Therefore, although none of the authors have a degree in sociology, one also cannot avoid the interpretation of some social phenomenon regarding this subject. The methods of the study include both qualitative and quantitative approaches, the processing of the literature available regarding the subject, interviews with judges and analysis of statistics.

**Keywords:** female judges, historical reasons, family vs job, women's equality, Eastern-European specifics

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Resumen: El punto inicial de la investigación es la experiencia que las juezas son mayoritarias en comparación con los hombres en los tribunales húngaros. En el artículo, los autores examinarán las razones de este hecho que es una situación diferente a la de la mayor parte del mundo. Primero, la investigación tratará la pregunta desde un punto de vista histórico para saber si los cuarenta años de comunismo tienen algo que ver con el hecho de que hay mucho más mujeres que hombres en la administración y en los tribunales húngaros. Luego, examinaremos los sentidos y posibilidades que la situación legal y social actual ofrece a una mujer quien quiere ser jueza. La proporción de las mujeres en el liderazgo de los tribunales en comparación con la proporción en los tribunales en total será el tema para una investigación distinta. A modo de aproximación comparativa con otros países europeos, nuestra investigación aludirá también a las diferencias en la composición de los sexos de los jueces. Los desafíos que una mujer trabajadora tiene que enfrentar, como por ejemplo, problemas financieros y /o familiares, obviamente, repercuten en la elección de carrera. Por lo tanto, aunque ninguna de las autoras tiene grado en sociología, no pueden evitar la interpretación de unos fenómenos con respecto a este tema. Los métodos de la investigación incluyen ambos planteamientos cuantitativos y cualitativos, revisión de la literatura disponible con respecto al tema, entrevistas con jueces y análisis de estadística.

Palabras clave: juezas, razones históricas, familia vs trabajo, igualdad de las mujeres, Europa del Este detalles

## Introduction

The starting point of the present study is the experience that in Hungarian courts female judges are in the majority compared to men. The authors wish to examine the reasons and the circumstances that led to the large number of female judges in Hungary and our aim is to prove that this phenomenon - different from many parts of the world - is fundamentally due to historical and sociological reasons. The fight for women's equality had different path depending on the area, the landscape, the social traditions and could win in very unexpected places. According to the present paper we will see that the often and deservedly criticized Central and Eastern European socialist state structures had various side effects and one of the consequences that still affects today is the rise of the number of working women in areas where occupation in the so-called 'free world' was achieved by a long and arduous battle - if at all it is achieved.

## Graduated women before and since World War II

In Hungary, as in the rest of Europe, during the 19th and 20th centuries, slowly, in small steps, it became generally possible for women to participate in a higher educational level than the elementary school and especially to gain a profession through university graduation. As usually, the desperate fight of a few determined pioneers opened the doors, through which an increasing number of women entered most of whom were considered, in the beginning, deviant and at the end of a long process it became generally accepted that women were just as capable of embracing higher levels of scientific knowledge as men, what is more: studying is not a mere passion of women, but they are also able to succeed in their professions.

The steps of the road to women's participation in higher education can be summarised as follows:

The higher schooling of women was still not mentioned in the *Ratio Educationis*<sup>3</sup>, an important education decree issued in 1777 by Austrian Empress Mary Theresa, which essentially issued the introduction of a unified school system in Hungary and ordered the state supervision in the administration of schools. Later, when the University of Nagyszombat in 1777 moved to Buda and in 1784 to Pest, still the same regulations were followed. The first organisation who fought for the emancipation of women and undertook the advocacy of women working in intellectual careers (teachers, clerks, nurses) was the Maria Dorothea Association founded in 1885 (Péter, 2018).

Approximately 125 years ago, on November 18 in 1895, women for the first time were allowed to be admitted to certain universities in Hungary and today, there are roughly as many women attending universities as men are admitted. Thanks to the growing movement of women from 1840 onwards - as a result of the activity of Blanka Teleki, Teréz Karacs, Pálné Veres, the first female school head mistresses and pioneers in women's education in the 19<sup>th</sup> century - Hungarian girls were also able to attend secondary schools and vocational training institutions. The importance of women's studies and their participation in academic life was first raised in the 1830s. The first Hungarian woman, who received a medical degree in 1879 at a Swiss university, was Vilma Hugonnai, but the recognition of her degree in Hungary took a long time. But no wonder, because women were only officially granted the right to

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<sup>3</sup> Ratio Educationis totiusque Rei Literariae per Regnum Hungariae et Provincias eidem adnexas. Tomus I. Vindobonae. Typis Joan. Thom. Nob. de Trattnern. MDCCLXXVII.

study at universities in 1895 and they still had to apply for admission, which means that they were not accepted automatically.

We can see that women's journey to college or to university was long, as they couldn't even go to high school in the early 1800s. After more than 60 years of debates, in possession of the "supreme resolution" of Franz Joseph and its royal transcript issued on November 18, 1895, Gyula Wlassics, Minister of Religion and Public Education, accepted on December 19, in 1895 that women should be admitted to the medical, human sciences and pharmaceutical courses of universities. The original draft would have opened all secular faculties and technical universities to women, but in the end, women were only allowed to study in higher education in the above mentioned three areas, and they still had to apply for admission. In Hungary, the first university degree was issued on November 3, in 1900 to Sarolta Steinberger, an obstetrician-gynecologist doctor.

The enforcement of women's rights was helped by the International Federation of University Women (IFUW), founded in 1919 (Péter, 2018). The organization was established with the purpose to promote lifelong education for women and girls, to advocate for the advancement of their status and to achieve that universities around the world secure the same conditions of education for women as for men. In Hungary all university faculties were opened only in 1948.

In the present, the Hungarian trend of the proportion of women and men graduating is similar to the trends of the Western world: in 2001, the proportion of Hungarian women aged 18 and over having at least a high school degree was 40,2%, and the proportion of women aged 25 and over with a university degree was 11,6%, respectively by 2016 these rates had increased to 57,9% and 23,9%. In 2005, 14,3% of women aged 25 and over had a university degree, in 2011 these rates changed to 19,7% regarding women and it was only the 18,2% of men having a university degree. For example, according to data from 2016, except for the 60-year-old or older people, the proportion of women with a degree in all age groups exceeded the proportions of men with a university degree. The biggest difference was in 25-39-year-old age group, where the proportion of women with a degree was 37,8%, compared to 25,9% of men.

In 2019, the highest proportion, 76,3% of women in the full-time work schedule of higher educational institutions was in the faculties of teaching and educational science. We can set that health, social care and human sciences are the most popular university and college faculties and courses between Hungarian women; two years ago the former had a female student rate of 65,7% and the latter had 64,7%. Perhaps it is not a surprise that the lowest female participation rate was recorded in the higher educational courses of computer sciences, where only 15,8% of the students were women<sup>4</sup>.

Regarding the opportunities of women having a university degree in the labour market the Hungarian journal 'Magyar Szemle' with the help of the Statistical Yearbook in 1938 examined the situation of women with a higher educational degree living in Budapest and wrote that:

there are 5434 women who have graduated from universities or colleges in Budapest at this time (there are 8200 in the whole country). Of the 5434 women, employed, independent, earning women are 3024, 520 have a pension, and 1290 are

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<sup>4</sup> Index - Gazdaság - Tényleg több nő szerez itthon diplomát, mint férfi?, Index - Gazdaság - Tényleg több nő szerez itthon diplomát, mint férfi?

supported by their husband, father or brother. It is joyful that only 600 of the five and a half thousand women graduates in Budapest are unemployed. If we discount from this number those who have not been able to get a job simply because of their youth, then we have to say that a woman who has graduated from a Hungarian university or college, whether at work or in the family, is a valued and a wanted member of Hungarian society, since out of 5500 women 1300 are married and 3000 have been able to find a job (Szemle, 1938:44-51).

The journal specifically mentioned female leaders and reported important achievements in the field of education:

In Budapest, out of 12 state or municipal girls' secondary schools 6 have a female director, and 2 female teachers have the title of director without the authority of a director. In the countryside there is a total of 14 girls' grammar schools and 5 of them have female principals. Out of the 20 girls' lyceums in Hungary (Budapest 8, countryside 12) 6 have female directors. The statistics of female high school principals are upgraded by ecclesiastical or nun-led girls' schools, where men generally have difficulties to find placement' (Szemle,1938:44-51).

## Women in the labour market – then and now

In Hungary the Act VIII of 1945 granted universal, equal and secret right to vote to women and men who had reached the age of 20. The Constitution of 1949 stipulated that '*women enjoy equal rights with men*', and this was confirmed by the constitutional amendment in 1972. In addition, from 1945 the single-earner family model essentially ceased to exist, and families could no longer survive without the earnings of women, and because of this, during the communist period women were practically forced into the world of work. At the same time, however, the communist state took a series of measures to protect the health of working women and juveniles, even pregnant mothers and their children.

The state provided 12 weeks of maternity leave for expectant mothers, there was pregnancy, maternity and after-birth support, and family allowances were also introduced. Homes were established for single mothers and their children, the network of health visitors was renewed and expanded. Institutions providing supervision of children from nursery and kindergartens to school day care centres served to relieve the burden on working women. The state helped families with public catering too. In 1967, childcare allowance was introduced to support childbearing, which allowed mothers to stay at home until the age of three, while receiving a monthly state allowance (Schmidt, 2021).

In Hungary the above-mentioned social contributions to families are still a priority of the current government. Mothers are still allowed to stay at home until the age of 3 of their children and families receive *family allowance* until the age of 18, *child care allowance* until the age of 3, or in the case of twins, until the end of the first year of compulsory schooling or in the case of chronically ill or seriously disabled child, until the age of 10, and *child care fee* until the age of 2, which amounts to 70% of the daily average gross earnings of a period (before birth) specified in law. Families raising three or more minor children in their households receive more benefits from the state.

There is a family tax allowance as well, which is deductible from the taxpayer's tax base if he or she has one or more dependent children in the household. From 1 January 2020 all mothers who are currently raising at least four children, or who have raised four or more children during their lifetime are completely exempt from paying personal income tax<sup>5</sup>. There is still a very large number of free, public (state-run) nurseries, daycare institutions, who accept children from 20 weeks of age and public schools in Hungary, almost every small town or village in the countryside has one. But, regarding salary, it is very common in Hungary that generally women can expect lower salaries in the labour market. The present study does not cover a deeper examination of this phenomenon, so we refer to it only briefly:

According to a recent OECD publication, we have the largest gender pay gap among graduated people between the 26 European OECD countries. In 2016 in Hungary, the salary of women working in a full-time job and having a higher education degree is only the two-third (66,9 %) of the amount what men receive with a university or college degree. The situation is similar to Hungary in many countries in the region, the salaries of highly qualified women are significantly lower than the salary of men; for example, in Slovakia, Estonia and the Czech Republic the average salary of graduated women is 70% less than the salary of men. One of the typical reasons of this, is that the highest-paying fields (engineering, IT or economics) are male workers predominated, while women dominate in the less payed fields (social and human sciences). However, the gender pay gap is even more affected by having children, even in most of the Western countries too, because most of the tasks regarding children fall on women, who are therefore generally unable to pursue a similar career path as highly educated men.<sup>6</sup>

Gross and net earnings of women as a percentage of men's earnings in Hungary (%)

	Gross wage			Net wage		
	Physical	Intellectual	All	Physical	Intellectual	All
1998	<b>72,8</b>	<b>62,7</b>	<b>82,3</b>	<b>78,7</b>	<b>67,8</b>	<b>85,7</b>
2000	<b>73,3</b>	<b>60,1</b>	<b>80,5</b>	<b>78,2</b>	<b>64,4</b>	<b>83,8</b>
2002	<b>76,9</b>	<b>64,0</b>	<b>85,0</b>	<b>82,6</b>	<b>67,2</b>	<b>87,1</b>
2004	<b>76,8</b>	<b>65,4</b>	<b>86,3</b>	<b>83,5</b>	<b>71,3</b>	<b>89,4</b>

Source: KSH 2006b

## Reconciling work and private life

It sounds such a cliché that reconciling work and private life is still more difficult for women than for men. This is particularly true in the case of those who see their work as a profession, for example medical doctors or judges, then in the case of those who work only for their salary and their employment plays a significantly smaller role in shaping their identity. However, as a result of the increasing number

<sup>5</sup> <https://ec.europa.eu/social/main.jsp?catId=1113&langId=en&intPageId=4574>

<sup>6</sup> Education at a Glance 2018: OECD Indicators | READ online (oecd-ilibrary.org)

of educational qualifications, the proportion of people for whom work is a source of satisfaction, success and financial security is increasing too, so it is an increasingly large and significant group. While women are highly educated – and in fact, in OECD countries and in the case of the younger generations, they are clearly higher educated than men – the question arises again and again how they want and can take advantage of this. Highly qualified women are definitely a special group among women, as in knowledge-intense occupations – compared to other groups – a positive work-related identity becomes more important (Nagy Beáta-Paksi, 2015).

Sylvia Ann Hewlett, a Cambridge educated economist, also an expert on gender and workplace issues writes in her work about women with family and career, that women use a variety of strategies to find a solution. One is to choose a job where there is an opportunity to reconcile their work and private life, assuming a sharp decline in further career prospects. The other strategy is to even permanently interrupt their careers. The third is to moderate homework and household duties. While low-skilled women are frustrated by the latter, the highly educated tend to "let the thing go" more easily, not caring much if the apartment is "running" or to pay someone to help with the household duties (Hewlett, 2003).

Catherine Hakim, a British sociologist who is specialised in women's employment has a special opinion about the issue. Her main thesis is, that the position of women in the societies in the Western European countries and the United States has significantly changed since the 1960s and the importance of individual choices has also increased. For the first time in history, women can make real choices, and in understanding their situation only this is what matters now. Therefore, she called her theoretical approach a theory of preference, based on four main thesis: 1) at the end of the 20th century significant social changes happened in the situation of women 2) women are heterogeneous in terms of preferences and priorities for the family-work conflict 3) the heterogeneity of preferences and priorities causes conflict between women belonging to different groups and finally, 4) heterogeneity leads to diverse female responses to social policy initiatives (Hakim, 2006: 279–294).

For the better understanding of the situation in Central and Eastern Europe, here are some thoughts by the German Anna Kaminsky about the different development of the labour market situation of women in a divided Germany:

Women in the Federal Republic of Germany, as well as their fellow women on the east side, had to take the place of men in the economy and public life during and immediately after the war. As men returned, women were again pushed back to their former jobs and the female workforce was again less needed. In view of the persistent labour shortages in the German Democratic Republic due to the large number of people fleeing to the West, the situation was a little different. By 1961, some four million people (about 25% of the population) – often young and well-educated – had fled from the GDR. Here, women were the only labour reserve to be tapped back to and who had to be retained in the labour market at all costs.

In the West, 36.6% of women worked in 1968, most of them part-time to reconcile family life and work. Meanwhile, in the GDR to promote the active work of women, for the 60% of children aged 1-3 years and for the 80% of the children under the age of 6 was provided nursery and kindergarten education. The results could be seen in the high number of active women who were able to work: in 1968, more than 80% of women worked and only 25% had a part-time job. By 1989, the proportion of working women had risen to 92,4%. After 1989, East German women became the symbol of successful emancipation, because of their unique ability to reconcile work,

children and family life together. That's why it was said that the best side of the GDR was: its women (Kaminsky, 2019).

If we look at the impact of social welfare institutions for highly qualified women to facilitate child-bearing, we have to agree with Norwegian authors Sigtona Halrynjo and Selma Therese Lyng, that generous, or long and well-funded parental leave, which also seeks to achieve work-life balance and gender equality by reducing pressure on families, achieves a limited or even undesirable affect in occupations requiring a high professional commitment (Halrynjo; Lyng, 2009: 321-43).

## Judges in socialism and after

The question which obviously and fairly arises is that how the social esteem of the courts and judges developed before and after the regime change that took place in the first half of the 1990s. Did the socialist state structure in the so-called 'Kádár era' - named after János Kádár, the most famous figure of the communist regime between 1956 and 1988 - necessarily go hand in hand with the erosion of judicial independence?

Although the era nominally recognized and supported judicial independence, the concentration of power in the hands of the presidents of the courts led to a judicial administrative model that made ensuring independence at least doubtful. All this is exemplified by Ferenc Ürmös's description of the presidential administration built on the Soviet model and considered desirable in socialist countries:

The Soviet judicial administration was built on a clean, agreed administrative territorial system, successfully overcame the problems associated with the development of judicial administration and, returning to the construction associated with the "Soviet" system at a higher level, became a developing, stable element of the state organization. Its peculiarity is particularly evident in the fact that, although the Presidents are relieved of the burden of administration, this does not deprive him of the "presidential-judicial" powers that go hand in hand with the leadership of the judicial collective, which give completeness in content. Features of judicial administration in socialist countries are common in several respects: even with their different developmental characteristics, each country agrees that judicial administration within the organisation is based on presidents' (Ürmös, 1979:36)

According to Zoltán Fleck, a Hungarian lawyer and sociologist, the court had so-called relative independence during the Kádár era. All this may explain the fact that, although there was no purge in the courts after the change of regime, the judiciary still retained its authority. According to Fleck, this could not have happened in the case of a subjugated judiciary that had completely abandoned its independence. According to him, from the seventies it could not have happened very often, nor did it happen, that the judge would be directly influenced while hearing a certain case (if, especially in criminal cases, it was necessary for the power to exercise influence, it was done during the investigation). The judges he spoke to, who adjudicated before the change of regime, were united in their view that the very opportunity to preserve their independence was that, in the absence of financial appreciation, freedom of choice was the last thing they defended and which they renounced only



as a last resort, “judicial independence flourished behind the retreating troops of the 'soft dictatorship'” (Fleck, 1994:146).

In their study, Mátyás Bencze and Attila Badó systematically guide us through a system of conditions without the establishment of an independent and efficient judiciary cannot be released. According to them, the guarantee of the quality and effectiveness of judicial judgment can be found, on one hand, in the structural conditions and on the other hand, in the characteristics of the staff. The legislative environment (legislation on judicial proceedings, the constitutional situation of the courts, the organizational regulation of the courts, the scope and distribution of managerial and control powers), and the working conditions (for example, consolidated institutional practice, workload, personnel and material infrastructure, budget development) can be considered structural conditions. Personal conditions are described by the classical judicial virtues: professionalism, experience, wisdom, impartiality and fairness (Bencze, Badó, 2016:416).

## Women in Hungarian courts

With all this in mind, we have already arrived at the evolution of the number of female judges adjudicating in Hungarian courts. The combined effect of the above reasons was necessary for the fact that, essentially from the 70s onwards, to the present day, female judges have a numerical superiority in Hungarian courts compared to their male colleagues.

Research is made more difficult by the fact that, quite rightly, that the judicial administration does not attach particular importance to the gender of judges, and therefore detailed data on the issue is not available. In any case, the recent situation can be fixed, due to the fact that the European Commission for the Efficiency of Justice (CEPEJ) prepared its annual Evaluation Report on Judicial Systems in 2022 and it communicates a detailed report on the situation in each European country and contains data for 2012 and 2020. According to this, the gender ratio of judges working in Hungarian courts is as follows:

	Judges	Presidents of Courts	Prosecutors	Heads of Prosecutor’s Offices
2012	Female - 69 % Male - 31 %	Female - 53 % Male - 47 %	Female - 59 % Male - 41 %	Female - 38 % Male - 62 %
2020	Female - 69 % Male - 31 %	Female - 53 % Male - 47 %	Female - 60 % Male - 40 %	Female - 42 % Male - 58 %

Source: European judicial systems CEPEJ Evaluation Report (2022: 65)

These numbers show not only that female judges are still in majority but it also has to be established that among courtleaders there are far more men than it would be justified, based on their proportions among judges. This shift among prosecutors is even more significant.

There is another interesting data, that according to the 2017 Annual Report of the European Commission, Hungary is at the forefront of Europe in terms of the number of judges per 100 thousand people. According to the published bar chart, there are about 30 judges per 100 thousand Hungarians.

And, although if it doesn't give an accurate picture of the number of female judges, the proportion of women among respondents to the 2022 Survey on the Independence of Judges conducted by the European Network of Councils for the Judiciary (ENCJ) in Hungary may be informative. Judges from 29 judiciaries of 27 countries participated in the survey; in total 15,821 judges, a record number of judiciaries and record number of judges. The proportion of women was higher only in 10 countries than the Hungarian data, and on a pan-European average the proportion was roughly 55-45% in favour of women (ENCJ, 2022:20).

We described generally in the previous part of our study the reasons for the high number and high proportion of women in the courts due to Hungary's recent history, which have a fundamental impact on women's employment. In the opinion of historian Mária Palasik Phd. dr. habil. (Historical Archives of the Hungarian State Security), women graduates have always been able to enter those careers where there is a smaller salary, because men simply withdraw from poorly paid areas. For example, among primary and secondary school teachers, there are only a few men, almost only those are on the field who are seriously dedicated. Among law graduates, most women work in the judicial field. Judges can only take second jobs in a very narrow area, and their salaries have been low for a long time. The situation improved since the salary of judges were settled in several steps in the mid-1990s, since then the proportion of men has risen in the courts (Férfias pályák, 2008.). Recently, in 2019 the Hungarian Minister of Justice announced that judges' wages will increase by more than 60% in three phases. In the first phase, the average increase for judges will be 32% from the 1 January 2020, to followed by an additional 12 and 13% increase in the upcoming years<sup>7</sup>. The bill on the remuneration was approved by the Parliament and the salary of judges increased in the past three years with the promised amounts.

The above-mentioned author refers to the low salary as a reason of the larger number of women in the Hungarian judicial system than men, but we would like to emphasize that Hungarian judges are having the possibility of the so called 'home office' for decades now; they are allowed to work home and be in the court building only on trial days, practically two days a week. This possibility helps women to organise their family life and household duties in a more flexible way.

## What have women to say about this?

During the preparation of the study, the authors conducted detailed interviews with three female judges. The conversations drew the opinions of colleagues who described the outstanding career arc from the last 50 years, based on personal experience. The memories, facts and trends they provided helped us to process the topic with valuable information.

Dr. Mária Orbán dr. Havasine served as a judge from 1980 to 2016. After the change of regime, she first became president of the Győr-Sopron County Court, then she was president of the Regional Court of Appeal of Győr from its foundation, in 2004, until her retirement. Regarding the situation of female court leaders, she said that when she was appointed in 1992, 8-9 courts were headed by women. Moreover, in Győr at that time the only candidate against whom she ran was also a woman. She herself began her career in consolidated socialism, the so-called Kádár era. At that time, there were far more women than men working on the field. She clearly identified the reason for this in the fact that salaries were extremely low compared to the

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<sup>7</sup> [www.birosag.hu](http://www.birosag.hu)

income available in other legal careers or related areas. She also mentioned that judicial work is necessarily office-to-desk, has bureaucratic elements and fitting into the organization is inevitable. In her experience, women are stronger in this, while for men it is often important to live freer and to work more independently. In addition, predictable working hours, leave and sick pay are more important for women raising children.

In the face of the changes in salaries after the change of regime and the uncertainties of the newly emerging entrepreneurial life, a stable career path has steered more and more men towards the judicial profession. Dr. Mária Orbán strongly believes that it is best for the organization if the gender ratio is roughly even. Although she could not particularly influence the judicial appointments, since they were decided by tender and the appointment was ultimately the competence of the President of the Republic, but as head of administration she endeavoured not to predominate either sex in departments. When the regional court of appeals were set up, she also mobilized her slightly larger margin of manoeuvre she had at the time, to improve the ratio. In her opinion, today judicial salaries are considered competitive, so the gender ratio will also change slowly, and she expects the rise of the number of men, but not the fact that the majority will be taken over from women in the near future.

When asked whether, in her opinion, there is a difference in sentencing between female and male judges, Dr. Mária Orbán's answer is definite: she has never seen a difference in the quality of work. As a leader herself, she also never felt that her femininity in the acceptance of her decisions or in judging her leadership performance, was either a disadvantage or an advantage. The situation is not so clear when we look at the perception of society. According to her, generally, the esteem of the judicial profession has never reached the level that would be desirable. There are many reasons for this, the most important of which is the relationship of the respective powers to the courts.

The extent to which a female judge can get herself or her decision accepted in a courtroom depends on the individual and not a question of gender. However, it is doubtful that in some cases the predominance of female judges can make a wrong impression. As an example, she cites family law jurisprudence, where for decades you can hardly find a male judge even with a magnifying glass. If, in a child custody lawsuit, a panel of three women decides in favor of the mother, it's hard to brush off the accusation that their gender played a role in the decision.

Dr. Ágnes Frech judged from 1974 to 2012 and has an outstanding professional career. She heard criminal cases first in a district court, and then, from 1983, in the Metropolitan Court of Budapest. From 2000 to 2012, she was the Head of the Criminal Department of the Metropolitan Court, which is Hungary's largest such body, where, in addition, the most serious cases are heard, taking into account its central location. Nothing shows her professional reputation better than the fact that she was involved as a consultant in the codification of the new Code of Criminal Procedure for six years after her retirement. Dr. Frech told us that by the 70s the judicial profession had basically become feminised, which she clearly attributed to financial reasons and a lack of financial esteem. Interestingly, all this, according to her, did not entail a lack of social esteem. In other words: she perceived a greater acceptance from society during the period of socialism than at present. As they ironically said at the time, "Whoever has the financial support of a husband, can afford to work at the top of the track." From the 90s, following the change of regime, the proportion of people in the Hungarian courts increased, but women remained in the majority.

Dr. Frech, in response to our question, said that she herself had never experienced the disadvantage of being a woman working in the of judiciary. Moreover, she often felt that her confidence and decisive action were appreciated not only by her colleagues, but also by the parties, so it was never difficult for her to gain prestige in the courtroom. In her opinion, if a judge struggles with this, it is by no means because of the gender, more likely there would be the personality that causes the problem. She also said that in some cases she encountered the phenomenon of the accused resenting the fact that a female judge was judging her case, but she was always able to deal with such situations. This mostly happened in the trials of sexually motivated crimes.

For a long time, she worked as a manager, moreover, as the head of the largest professional body in the country. Like Dr. Mária Orbán, Dr. Havasiné, she did not experience that being a woman made her relationship with her subordinates difficult or mattered at all. Overall, her opinion is that in Hungary the gender of judges does not play any role either in the adjudication of cases, nor in the development of individual career paths, or at the level of the organization's administration. For her part, she has always considered unfounded speculations the statements about the fact that certain groups of cases are more for women or more for men, or that certain typical female or male qualities can influence professional qualities.

Dr. Ágnes Galajda, a criminal judge of the Metropolitan Court of Budapest, is the president of the Association of Hungarian Women Judges. She herself worked as a court leader and, in agreement with our other two interviewees, reported that neither in her judicial work nor as a leader, she never experienced any disadvantages of being a woman while dealing with difficult criminal cases or leading a community of both men and women. Speaking about her association, she said that the organization, as the Hungarian branch of the International Organization of Women Judges, works to ensure that the enforcement of human rights, including children's rights, permeates the functioning of the judicial system. Among others, they cooperate with the UNICEF Hungarian Committee, for example in the field of child-friendly justice.

According to its objective, the association primarily, but not exclusively, provides women judges the opportunity to research the different international practices related to human rights, especially the rights of children and women, and provides the possibility of cooperation with others organizations. It also promotes the human rights and equal rights of disadvantaged citizens, women and children, and educates the public about justice for the application of law that promote women's human rights. We asked Dr. Galajda about the achievement of all these noble goals, who sadly shared her experience, that at the moment, in addition to their day-to-day work, only few people can and want to participate in additional activities, so the effective operation of the association is now experiencing difficulties.

Although our interviewee was modest and did not mention, but it is important to note that in 2010, Judge Agnes Galajda received the International Award for Courageous Women from the State Department, which was established in 2007, on the occasion of International Women's Day, by the then Secretary of the United States, Condoleezza Rice. The award recognizes the judge's outstanding courage, leadership ability, strong commitment to transform the attitude of the Hungarian judiciary, and her work on the issue of domestic violence.

As a next step we sent an online survey questionnaire to some of our women colleagues to obtain information about their experiences as female judges through their judicial career. We know that comparing to the absolute number of Hungarian judges the number of our survey respondents, 43 women judges, are not

representative, but we could still collect this way some information regarding the situation of female judges in Hungary. The target group of our survey were the Hungarian female judges but because of our time limit we sent the survey to a group of colleagues who we personally know. We both used open and closed-ended questions and we designed them to move from general questions into the direction of questions related to personal experiences regarding the respondents professional and private life experiences during their judicial career.

The survey contained altogether 20 questions, divided into four sections. In the first section there are 5 general questions regarding the age of the respondents, since when the respondents work as a judge, on which level of the judiciary and geographically where. The 5 questions of the second section are related to the office and to the reasons why the respondents choose to be a judge, the 3 questions of the third section of the survey questions is titled 'Work and family' and the title of the last 7 questions of the fourth section is 'Women in the chair'. In the following we are examining the results of the survey by analysing the answers of the survey respondents.

The age of the 58,1 % of the respondents are between 40 and 49 years, 32,6 % are from 50 to 59 years old, and 9,3 % is 60-64 years old. The time since the respondents work as a judge shows a large dispersion, the largest part of the respondents (30,2%) work as a judge for more than 25 years, the 20,9 % for more than 11 years but less than 15 years, 16,3% between 16 and 20 years, 18,6% more than 21 years but less than 25 years and 9,3% between 6 and 10 years and a few respondents has less than 5 years of work experience as a judge. More than 50 % of the respondents are regional court judges, approximately 30 % are district court judges and a little bit less than 10% are judges on an appellate court. The major part (81,6%) of our respondents work at the Metropolitan Court of Budapest, which is the largest court of Hungary, most of them are not court principal, only 16,3 % work as a principal and 11,6 % was a principal earlier and most of the respondents (79,1%) works in the court system since the university law degree.

According to 83,7% of the answers, at the beginning of their career in their workplace, the number of female judges in the judicial system was more than the number of male judges; only 14% of the respondents said that this number was equal. Approximately 50% said that with time, this number hasn't changed and 23,3% experienced than in the past years the number of female judges increased in the judicial system, but still 18,6 % answered that the number of male judges is more than a few years ago. Almost all the respondents had or has a female principal in her workplace.

An 86,4% of the respondents had or has minor children since working as a judge and a large number thinks that raising children is more compatible with court work than any other jobs, but still 26,3 % thinks it is more difficult and 28,9% said that it is not relevant.

In the 'Family and work' section the last question was the following: do you agree with the following: lots of women work as a judge because the time management conditions of judicial work are favourable from the perspective of organising family life? The major part (46,5%) of the respondents thinks that this point of view has relevance, but it is not the primary angle, the opinion of 23,3 % of the respondents is that it is not a relevant point, 18,6% absolutely do not agree and 11,6% absolutely agrees.

In the last, the 'Woman in the chair' section almost 80% of the respondents said that being a woman does not have any relevance in judicial work and 47,6% never

experienced in the courtroom any disadvantages of being a woman. Only a small part (21,4%) of the respondent colleagues thinks that being a woman is a disadvantage in this work and 52,4% experienced in the courtroom that because of her sex the judicial decision was less accepted by the parties, but they all said that it was still manageable.

We asked if anyone has ever experienced that her principal values her work or professional opinion differently because of her sex. 76,2% never experienced anything like this, only 19% occasionally had this experience. To the respondents who work as court principles never happened that the judges below her did not accept her decisions because of her sex. In the opinion of the majority of our colleagues' women in the judicial system has similar career opportunities as men, 45,2% thinks that these opportunities are less for women. The last question was a comparative one regarding to other European countries, and almost 70% of the respondents answered that in Hungary there are more female judges comparing to other European countries.

In conclusion, based on the answers of women judges from different age groups and with different lengths of judicial practice we can affirm that in the Hungarian judicial system traditionally there are more women than men. For women family life often has relevance in the decision of choosing judicial career. In the professional life of Hungarian judges any type of gender based discrimination is not identifiable.

Finally, we have to mention that the authors themselves are judges in Hungary who work in the Hungarian judicial system for a long time and our own experiences correspond with the results of our research made for the present study. All of our examined sources proved the fact that in the Hungarian justice system there are traditionally more women than men and any type of gender based discrimination has never been experienced in the system. In the base of our research, we set out that the reason of the large number of women working in the Hungarian judicial system has historical reasons derive from the economical, social and cultural traditions of the communist regime in the 20<sup>th</sup> century.

Before World War II the possibility for women to study at universities was new and still not commonly reachable. After the war, when women started to have more educational and career possibilities, for approximately 40 years the communist philosophy generally did not support the culture of free and critical thinking of people, which was true to the judicial system too. Judges traditionally thought of themselves more as having professional administrative functions than as free, independent thinkers, they were not educated and trained regarding the spirit of the importance of judicial independence.

This kind of bureaucratic way of thinking and working traditionally seemed to suit women more than men. We have to add to this the benefit of the flexible home office working hours in a time when it was absolutely not usual, the summer and winter closure of courts, plus taking into account as a disadvantage the low salaries of judges, and we can understand why was becoming a judge more attractive for educated women than men.

## Conclusion

In this paper the authors tried to search the causes that led to the fact: in a Hungarian courtroom it is much more likely one meets a woman at the podium than a man. We found a wide scale of reasons, with social and historical roots. We were examining the topic from the point of view of these judges, too. The final statements relating gender-equality are all very positive. One would think that Hungary is way

beyond the prejudices women have to face day-to-day in other parts of the world. Is this really the case after all?

To answer the question whether having female judges hearing their case ever had any significance for the clients, let us tell a short story which happened right before finishing this essay. One of the authors has a case concerning sexual harassment and human trafficking. The male defendant's mother made a request to the court, asking that the case should be given to a male judge because she is worried that this judge, being a woman herself would not be able to be impartial in the case. And nothing more needs to be said....

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