



The Legal Genealogy of Whistleblowing in Hungarian and Anglo-Saxon Traditions

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Abstract

Aim: Whistleblowing – the disclosure of wrongdoing in the public interest – has evolved from a moral duty into a formalized element of compliance and integrity management. This study offers a legal genealogical contribution to contemporary compliance theory by demonstrating that whistleblowing is not a twentieth-century regulatory innovation but a persistent moral-legal structure embedded in European governance traditions. By integrating medieval legal history, comparative public law, and modern compliance governance the paper advances a diachronic model of integrity in which disclosure functions as a trans-epochal normative constant rather than a purely managerial instrument.

Methodology: The study applies a genealogical approach grounded in legal-historical and moral-philosophical analysis. It reconstructs three parallel trajectories:

(1) the Anglo-Saxon lineage from King Wihtred's *Leges Wihtredi* (695 AD) through the Misprision of Felony doctrine to the False Claims Act (1863), the Whistleblower Protection Act (1989), and the Dodd–Frank Act (2010);

(2) the Hungarian lineage from Saint Stephen's *Decreta I–II* (1000–1038) through Werbőczy's *Tripartitum* (1514) and the Csemegi Criminal Code (1878 Act V) to the socialist-era Act I of 1977 and finally Act XXV of 2023; and

(3) a comparative synthesis identifying shared ethical constants and implications for contemporary compliance theory.

Consistent with the perspective of Pokol (2020), legal norms are interpreted not merely as positive rules but as expressions of moral order within social structures.

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Findings: The research reveals that the duty of disclosure constitutes an enduring moral-legal archetype of governance. Both Anglo-Saxon and Hungarian traditions converge on the principle that truth is a civic obligation and the foundation of legitimate authority. While the Anglo-Saxon tradition evolved from moral theology to individual rights, the Hungarian path developed from hierarchical legitimacy to civic responsibility. Across thirteen centuries, Hungarian law maintained the triad of truth, justice, and community – from divine command to administrative integrity – demonstrating that whistleblowing is an ethical constant predating modern compliance frameworks.

Value: The study contributes to compliance scholarship by linking moral anthropology to administrative ethics. It reframes whistleblowing as a civilizational mechanism of moral maintenance rather than a managerial innovation, showing that protecting truth-tellers revives a thousand-year-old principle of Hungarian and European legal consciousness. In doing so, it bridges ethical genealogy and modern governance, highlighting that integrity systems are not imported constructs but continuations of deeply rooted moral traditions.

Keywords: compliance, common good, legal genealogy, public ethics

Anglo-Saxon Legal Genealogy

The *Leges Wihtredi*, promulgated around 695 AD in the Kingdom of Kent, represents the first written articulation of what may be called a proto-whistleblowing norm. Issued after the Council of Canterbury, the code unified secular and ecclesiastical discipline under royal authority. Among its provisions were explicit injunctions that wrongdoing be revealed, not hidden; concealment of sacrilege or theft was itself an offence punishable both in this world and the next (Attenborough, 1922).

In this early moral-legal order, reporting a violation was a duty of peacekeeping. The “king’s peace” (*pax regis*) was not simply public order but a theological construct: to break the peace was to offend divine justice, and to remain silent about such offences was complicity in sin. This dual moral and legal accountability created the foundation for a compliance logic long before bureaucratic states emerged.

Wihtred’s laws thus mark the earliest identifiable codification of moral compliance: individual conscience transformed into collective responsibility. Truth-telling became a civic act of faith and loyalty, anticipating later doctrines in which disclosure protected not merely the monarch but the moral coherence of the realm.

By the thirteenth and fourteenth centuries, this moral imperative had matured into the common-law doctrine of Misprision of Felony – the offence of failing to disclose known serious crimes. Its formulation in early plea rolls and in the writings of Bracton, Fortescue, and later common-law commentators reveals a gradual shift from theological to juridical reasoning: silence in the face of crime was construed as obstruction of royal justice (Baker, 2002).

The misprision doctrine retained the same normative logic as Wihtréd's code, namely the unity of truth, justice, and royal peace (Baker, 2002). Its enforcement made every subject a potential guardian of legality by imposing a general duty to disclose serious crimes to royal authorities (Holdsworth, 1924). The doctrine survived well into the eighteenth century and exerted a measurable influence on colonial jurisprudence and early American legal thought, before gradually yielding to statutory disclosure duties associated with public office and administrative accountability (Langbein, 2003; Hall, Ely, Grossman, & Wiecek, 2014).

What distinguished misprision from mere informant behaviour was its ethical reciprocity: it imposed a duty, not a right, to speak. Modern whistleblowing inherits this paradoxical heritage – balancing civic obligation with personal conscience, legal duty with moral risk.

The False Claims Act (1863), enacted during the U.S. Civil War, institutionalised the medieval logic of *qui tam* actions (“he who sues in this matter for the king as well as for himself”). Private citizens could litigate on behalf of the government against fraudulent contractors and receive a share of any recovered funds. This mechanism reframed moral duty as incentivised legal participation – transforming ethical disclosure into structured governance.

Later statutes, such as the Civil Service Reform Act (1978), the Whistleblower Protection Act (1989), and the Dodd–Frank Act (2010), extended this protection to public servants and corporate employees. Each represents a stage in the secularisation of the moral duty to truth. The once-religious obligation became an administrative right: the state's interest in truth merged with the citizen's right to integrity.

Finally, the ISO 37002:2021 Whistleblowing Management Systems standard globalised this principle as a soft-law and quasi-normative governance instrument. It codified procedural fairness, confidentiality, and non-retaliation – universalising what began as Wihtréd's local moral edict. The genealogy of Anglo-Saxon whistleblowing thus charts a 1,300-year evolution from theological peacekeeping to transnational compliance infrastructure.

Hungarian Legal Genealogy

In the early eleventh century, King Saint Stephen established the Hungarian Kingdom's legal order through two books of laws (Decreta I and II). As Hantos (1930) emphasized, the early Hungarian concept of *rex iustus* integrated Christian moral order with state legitimacy – a continuity later evident in Saint Stephen's Decreta.

Like Wihtréd's code, they fused moral theology with governance. Decr. I. 12 is commonly interpreted in Hungarian legal historiography as imposing a duty to report witnessed wrongdoing to the judge or *ispán*, rather than permitting its concealment. Decr. II. 16 treats concealment and false testimony as punishable offences (Mezey, 2011).

Here, the duty of disclosure appears as both a religious obligation and a form of civic loyalty. Reporting evil was participation in divine justice; failure to report signified a rupture of communal integrity. The Hungarian *rex iustus* ideal mirrored the Anglo-Saxon king's peace: authority derived legitimacy from moral order, not coercion. Thus, the *bejelentési kötelesség* – the duty to disclose – became a founding norm of Hungarian statehood.

The medieval continuity of this norm is preserved in István Werbőczy's *Tripartitum Opus Iuris Consuetudinarii Regni Hungariae* (1514). Book II, Title 39 defines the *panasztevő* (complainant) as a lawful petitioner entitled to denounce violations before the palatine or the king (Bónis, 1972). Although embedded in a feudal hierarchy, the provision institutionalised citizens' moral agency within legal procedure.

The *Tripartitum* thereby institutionalised an early petition-based disclosure logic through which grievances and violations could be lawfully brought before royal authority. Its *panaszjog* translated ethical discontent into lawful speech, reflecting a shared European evolution in which justice required the participation of the governed. In contrast to Anglo-Saxon jury-based disclosure, the Hungarian model framed reporting as a petition – a respectful appeal to restore royal justice rather than an adversarial accusation. Both models, however, rested on the same theological anthropology: silence in the face of injustice corrupts the body politic.

The nineteenth century transformed moral duties into codified legal obligations. The Csemegi Criminal Code (Act V of 1878), Hungary's first modern penal code, explicitly penalised *bűnpártolás* (aiding and concealing crime) under § 278 and *hamis tanúzás* (false testimony) under §§ 221–223. While framed as criminal offences, these provisions preserved the ancient normative logic according to which truth-telling constitutes a foundational condition of legal order (Mezey, 2011).

At the same time, the Commercial Code (1875 XXVII) introduced transparency obligations in corporate governance, anticipating later compliance rules. Both statutes reflect a broader nineteenth-century transition from personal loyalty to institutional responsibility. The state no longer relied solely on its subjects' moral conscience. Still, it sought to codify conscience into procedural law – a juridification of ethics consistent with the global rise of bureaucratic rationality (Weber, 1922/1978).

After 1949, the socialist legal system reframed the notion of public interest within a collectivist ideology. Nevertheless, the Act I of 1977 on Public-Interest Reports, Proposals and Complaints preserved the core idea of citizen participation in the administration of justice. It authorised any individual to report misconduct to state organs and obliged authorities to investigate. Although operating within a constrained political context, the act represented the first explicit codification of citizens' rights and duties to submit public-interest reports within an administrative framework – a structural echo of both Saint Stephen's moral imperative and the False Claims Act's citizen suits (Ambrus & Farkas, 2019).

While politically instrumentalised, the 1977 law introduced procedural safeguards (written acknowledgement, reply obligation) that later informed democratic complaint legislation. It demonstrated the resilience of Hungary's disclosure ethos: even under authoritarianism, the legal system retained fragments of the ancient belief that truth serves the common good.

Over nearly a millennium, Hungarian law preserved the essential triad of truth, justice, and community.

- In Decreta I–II, silence is sin.
- In the Tripartitum, lawful petition is a moral duty.
- In the Csemegi Code, concealment becomes a criminal act.
- In the 1977 Act, disclosure becomes a civic right.

This continuity parallels the Anglo-Saxon trajectory while maintaining distinctive characteristics: moral authority grounded in Christianity, legal articulation through royal and later administrative hierarchy, and a persistent emphasis on collective rather than individual interest. Where Anglo-Saxon law valorised adversarial truth, Hungarian law sacralised cooperative integrity. Both traditions, however, converge on one fundamental principle of modern compliance: truthfulness as the precondition of legitimate governance.

Post-1989 Democratic Reconfiguration

Following the democratic transition of 1989–1990, the Hungarian legal system underwent a profound constitutional transformation with the adoption of the Constitution of the Republic of Hungary (Act XX of 1949, as comprehensively amended in 1989) (Alkotmány), and later the Fundamental Law of Hungary (Alaptörvény, 2011). These constitutional instruments redefined the relationship between citizen and state through the principles of legality, transparency, and the protection of human dignity (Alaptörvény, Articles B, II, and R). Within this constitutional framework, integrity emerged as an unifying concept linking legality, ethics, and professional accountability. During the 1990s and early 2000s, administrative reforms introduced internal control mechanisms, audit units, and codes of ethics to restore public trust. Government Decree 370/2011 (XII.31.) on internal control systems in public sector organisations formalised integrity management by requiring the establishment of ethical norms, systematic risk assessment, and the designation of officials responsible for integrity and corruption prevention (§§ 3–6, 10). These regulatory developments marked the institutional birth of Hungary’s Integrity System (Integritás-rendszer), which may be interpreted as the administrative descendant of the historically rooted *bejelentési köteleesség*.

In this new environment, the act of disclosure ceased to be merely moral or procedural; it became a professional duty embedded in organisational culture. This approach aligned Hungarian governance with global compliance trends, integrating historically embedded moral principles into modern administrative rationality. The European Union’s Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law – commonly known as the Whistleblowing Directive – represented a paradigm shift in the continental approach to whistleblower protection by requiring Member States to establish secure internal and external reporting channels (Articles 8–12), ensure the confidentiality of the reporting person’s identity (Article 16), and prohibit all forms of retaliation against reporters acting in good faith (Articles 19–21). Hungary transposed the directive through Act XXV of 2023 on the Protection of Whistleblowers, which entered into force in 2024. The Act institutionalised internal reporting mechanisms within organisations (§§ 18–22) and external reporting channels (§§ 23–26), and designated the Commissioner for Fundamental Rights (Alapvető Jogok Biztosa) as the central authority responsible for operating and supervising the external reporting system (§§ 27–28). It further integrated reporting obligations applicable to both public-sector bodies and private undertakings (§§ 1–2, 16–17), thereby extending whistleblower protection beyond governmental boundaries.

This codification process should also be read in light of the decisive impact of EU law since Act XXV of 2023 primarily implements the mandatory framework of Directive (EU) 2019/1937 (Articles 8–12 16 19–21). At the same time it may be argued that the Act resonates with a longer Hungarian normative tradition ranging from early medieval duties of disclosure to petitionary forms of grievance yet this continuity should be treated as an interpretive genealogy rather than as proof of legislative intent (Act XXV of 2023 §§ 18–28). Accordingly the 2023 Act can be understood as a hybrid EU-driven procedural architecture combined with domestically familiar moral vocabulary about truth, responsibility and the protection of the common good.

A crucial interpretive benchmark for European whistleblowing law is the European Court of Human Rights' judgment in *Guja v. Moldova* (Application no. 14277/04 judgment of 12 February 2008). The Court held that disclosure of information in the public interest may fall under the protection of Article 10 of the European Convention on Human Rights where a proportionality assessment is satisfied (§§ 72–78). In particular the Court examined whether the information disclosed concerned a matter of public interest (§ 72) whether it was authentic (§ 73) whether the damage caused by the disclosure outweighed the public interest in disclosure (§ 76) whether the whistleblower acted in good faith (§ 77) and whether the sanction imposed was proportionate to the legitimate aim pursued (§ 78).

These criteria represent the moral-legal synthesis of European compliance: good faith replaces obedience, proportionality replaces fear. In Hungary, the *Guja* test as articulated by the European Court of Human Rights in *Guja v. Moldova* (Application no. 14277/04 judgment of 12 February 2008 §§ 72–78) has been incorporated into administrative training materials and domestic case law, reflecting a shift from collective loyalty towards ethically grounded individual responsibility within public service.

From a genealogical standpoint, the test echoes Saint Stephen's command that silence in the face of evil is culpable. Both prescribe a balance between duty and conscience, ensuring that truth is served without undermining institutional order. Thus, the *Guja* doctrine is not a foreign imposition but a modern articulation of an ancient Hungarian moral logic.

Comparative Synthesis

When the Anglo-Saxon and Hungarian lines are placed side by side, three normative constants emerge across thirteen centuries:

Truth as a legal foundation. Both Wihred's and Stephen's systems equated truth with justice; deception or silence destabilized divine and civic order alike.

Loyalty as civic virtue. The duty to disclose wrongdoing initially expressed loyalty – to the king, to the community, or to God – rather than suspicion or betrayal.

The common good is the ultimate end. Whether under the king's peace or the Christian *bonum commune*, disclosure served to maintain social harmony and prevent corruption.

These constants suggest that whistleblowing, far from a technocratic compliance device, is a civilizational mechanism of moral maintenance. It functions as a continuous ethical dialogue between authority and conscience.

Both traditions also reveal the historical tension that persists today: disclosure must balance the duty of loyalty with the right to dissent. Anglo-Saxon jurisprudence resolved this tension through adversarial legality and the protection of individual rights; Hungarian tradition resolved it through petitionary legitimacy and the ethos of cooperation. Together they provide a dual model for European integrity management: adversarial truth-telling and cooperative moral repair.

Despite their common moral core, the institutional evolution of whistleblowing differed profoundly in the two traditions.

Anglo-Saxon path: bottom-up evolution from moral theology to common law to individual rights. Disclosure became a citizen's weapon against corruption.

Hungarian path: top-down evolution from royal decree to administrative duty to civic right. Disclosure remained embedded in hierarchical legitimacy insofar as Hungarian legal tradition consistently channelled reporting duties through vertically structured authority relations, from royal and palatinal jurisdiction in the medieval period to administrative supervision in the modern state, thereby framing disclosure as loyalty to lawful authority rather than as adversarial dissent (Bónis, 1972; Mezey; Jakab, 2008).

The outcome, however, is convergent. In both systems, the individual's act of disclosure legitimises authority rather than undermines it. The whistleblower restores integrity by realigning governance with moral order.

This convergence underpins contemporary European compliance frameworks, including ISO 37002 and the EU Directive. The modern whistleblower thus continues an ancient vocation: to speak truth for the peace of the realm.

Scientific Contribution and Theoretical Implications

The present research contributes to compliance scholarship by demonstrating that whistleblowing is not a twentieth-century innovation but a continuous

moral-legal phenomenon whose normative content persisted through successive state formations. The genealogical method reveals that both Anglo-Saxon and Hungarian legal cultures regarded disclosure not primarily as an evidentiary procedure but as a form of civic virtue.

This continuity undermines the prevailing assumption that whistleblowing emerged only in modern bureaucracies under the influence of Anglo-American administrative law. Instead, the historical record discloses an enduring principle: the state's legitimacy depends on its citizens' willingness to reveal injustice in good faith. Compliance, in this light, is not a managerial discipline but an ethical framework of truth-maintenance embedded in public law (Makkos, 2025).

The findings expand the theoretical foundations of compliance science in two directions. First, they integrate moral anthropology into legal-institutional analysis, acknowledging conscience as a regulatory force. Second, they establish a diachronic model of integrity, in which every stage – royal, feudal, bureaucratic, or democratic – translates moral truth into procedural form.

From a legal-historical standpoint, this study bridges three fields often examined separately:

- 1) Early medieval ecclesiastical and royal legislation;
- 2) Modern codification and administrative ethics; and
- 3) Contemporary compliance governance.

By unifying them, it constructs a comprehensive genealogy of the “duty of disclosure” as a trans-epochal legal archetype.

The approach aligns with the methodological legacy of Hungarian legal historians such as Bónis (1972) and Mezey (2011), who emphasised moral order as the basis of law. At the same time, it dialogues with global compliance theorists – Deming, Juran, Crosby, and contemporary ISO developers – by situating their rational systems within a millennial moral continuum. The theoretical implication is that integrity systems are historically contingent expressions of an ancient ethical grammar.

Practical Implications and Policy Reflections

In practical terms, recognising the historical genealogy of whistleblowing enhances the cultural depth of integrity management. Training programmes for Hungarian public officials typically emphasise procedural correctness; yet without historical consciousness, compliance risks become purely formalistic. Integrating Saint Stephen's decrees and the Tripartitum into educational

curricula would strengthen the perception that honesty and disclosure are national traditions rather than imported obligations.

Such contextualisation may also reinforce moral motivation, as officials who perceive whistleblowing as part of Hungary's state-building heritage are more likely to internalise ethical standards. In this respect, the Integritás Képzési Program operated by the State Audit Office of Hungary (Állami Számvevőszék) within the national integrity management framework for public sector officials (State Audit Office of Hungary, 2013; Government Decree 370/2011 (XII.31.) §§ 3–6) could incorporate short historical modules tracing these continuities and linking historically rooted moral duties of disclosure with contemporary principles of good faith fairness and confidentiality as reflected in ISO 37002 as a non-binding soft law standard.

Institutionally, each integrity or compliance unit within ministries and municipalities could adopt a “moral-historical code” summarising national precedents for ethical reporting. This would contextualise modern reporting channels as extensions of traditional *panaszjog* rather than foreign impositions.

Furthermore, internal policies could explicitly reference the ethical maxim shared by Wihtréd and Saint Stephen – that concealing evil is to partake in it – as a symbolic anchor, reinforcing legal texts with moral legitimacy.

By bridging normative history and operational practice, Hungarian integrity management can project itself as both European and authentically national, thereby increasing cultural acceptance of whistleblower protections. The study supports several concrete recommendations:

- 1) Cultural embedding. Frame whistleblowing within Hungary's constitutional identity as part of a millennium-long tradition of lawful truth.
- 2) Education and leadership. Incorporate historical ethics into leadership training, highlighting loyalty as responsibility, not silence.
- 3) Institutional design. Strengthen external oversight – particularly the Commissioner for Fundamental Rights – by integrating historical legitimacy arguments into public communication, fostering trust rather than fear.
- 4) International alignment. Use Hungary's historical narrative as a unique contribution to European compliance discourse, demonstrating that moral and legal integrity are convergent civilisational goals.

Through these measures, the whistleblower ceases to be perceived as an informer and becomes what both Wihtréd and Saint Stephen envisaged: the guardian of public peace and divine justice.

Conclusions

The genealogy reconstructed here demonstrates that whistleblowing is the oldest modern virtue. From Wihtred's Kentish code through Saint Stephen's Decreta and Werbőczy's Tripartitum to Hungary's 2023 Whistleblower Protection Act, the duty of disclosure has served as the moral backbone of lawful governance.

Both the Anglo-Saxon and Hungarian traditions show that truthfulness legitimises power. When individuals disclose wrongdoing for the sake of the common good, they reaffirm the ethical contract.

Modern compliance and integrity systems thus inherit a thousand-year lineage of moral responsibility.

Understanding this heritage transforms contemporary policy: compliance officers become moral custodians, and whistleblowers become agents of justice rather than adversaries of authority. In this sense, the Hungarian integrity system does not imitate Western models – it re-awakens its own historical conscience.

The paper's findings invite further interdisciplinary research on the interaction between moral genealogy and administrative design, particularly within Central European legal cultures. Future comparative studies could explore how similar continuities operate in Polish, Czech, or Austrian law, completing the regional map of Europe's ethical-legal heritage.

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