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Extended Essay

Transformation or transition

**The question of constitutional continuity in the case of the
change of the system of government in Hungary in 1989**

or in what ways and to what extent did the National Round-Table
Negotiations rely upon the existing Constitution to found the bases
of democracy?

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Abstract

The year of 1989 was incomparable in the history of Central and Eastern European states. Communist regimes toppled in rapid succession. Hungary – similarly to other countries in the region – sought to establish the political, institutional and economic preconditions of modern democracy. However, an entire detachment from Communism that ruled for almost half a century was impossible due to the massive impact inflicted in all senses. A sensitive balance between the two eras, the past and the future, continuity was a serious question of 1989.

This Extended Essay investigates the extent of constitutional continuity in the case of Hungary. As the essay is restricted to the general section of the Constitution, it will be proven first that a new Constitution is crucial to the establishment of the democratic order while its modifications reflect the transition from an autocratic state to a multi-party democracy. Following a discussion of the general problems of continuity, the various amendments put forward by the negotiating sides of the I/1 committee of the National Round-Table Negotiations at specialists' level are examined with the extent of continuity attained by the accepted text. The questions of the form and definition of the state, the sovereignty of the people, the transition to a multi-party democracy, international relations, economic and social issues are thoroughly inspected. It is then concluded that the new Constitution fulfilled its role of continuity in casting a feeling of certainty in the midst of fundamental reforms and ensuring a peaceful transition. It relied upon the previous constitution in maintaining legal tradition, emphasizing the sovereignty of the people, opening windows to the democratic world and taking the initial steps to a market economy while denounced it completely in defining a free and independent state, establishing the bases of a multi-party democracy and underlining the freedom of the individual.

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Introduction

„A specter is haunting communism — the specter of Europe.”ⁱ

1989 saw a previously unprecedented rearrangement of power as numerous Central and Eastern European countries threw off the Soviet yoke and sought to implement a democratic way of government. With the weakening Soviet control, many reformers, both within and outside the Communist parties of the individual countries had started to make ever-stronger efforts that would bring about the desperately needed social and economic changes. As the abuse of oppressing political power had decreased, the new gates of democracy had opened by the initiation of negotiations that would result in carrying out the intended reforms: the replacement of the centralized bureaucracy with an efficiently operating democratic body accompanied by the quick restructuring and reviving of the economy with a provision and assurance of freedom and welfare.

Hungary, one of the first Central European states to enter this field, set up its Round-Table Negotiationsⁱⁱ on 13th June 1989ⁱⁱⁱ with the participation of the MSZMP^{iv}, the association of the newly emerging democratic parties represented by the EK^v and a third partner of civic organizations (Third Side)^{vi}. Following previous reform attempts, it was immediately recognized that a deep social, ideological and cultural adjustment was needed together with severe economic reforms. However, all parties realized that no complete detachment from the previous system was possible and a continuous series of changes was to be carried out. Hence, negotiations were pursued in order to decide what changes and how they had to be undertaken. Continuity, being a means of

ⁱ The transformed version of the famous sentence from *The Communist Manifesto* of Karl Marx and Friedrich Engels to reflect upon the reforms that began within the Communist parties to approach a European model. See BEREND, T. Iván, *Terelőúton*, 1999, p282

ⁱⁱ The National Round-Table Negotiations were pursued at three distinctive levels. The uppermost level dealt with the approval of the decisions brought by the two others and was mainly of a protocolar nature. Significant negotiations were conducted at the middle and the lower, so-called specialists' level. The middle level consisted of a political and an economic committee, each with the participation of 2 people per organization. The specialists' level was subdivided into 12 workgroups, 6 dealing with political questions and 6 with economic issues. For a detailed description of the structure of the negotiations, see BOZÓKI, András (ed.), *A rendszerváltás forgatókönyve*, 1999, p15

ⁱⁱⁱ The structure of the negotiations was established on 10th June 1989. However, not until the 13th June 1989 were the negotiations officially opened.

^{iv} Abbreviation for “Magyar Szocialista Munkáspárt” (Hungarian Socialist Workers' Party). The Hungarian Socialist Workers' Party was the dominant socialist party of the country. The party itself was created after the 1956 revolution by reorganizing its predecessor, the Communist Party.

^v Abbreviation for “Ellenzéki Kerekasztal” (Opposition Round-Table Group)

^{vi} Prior to the 1990s, civic organizations were mainly tied to the ruling political system.

minimizing losses, was inevitable but the true content of the word was debatable and gave rise to serious and decisive arguments.^{vii}

The endeavor of this essay is to investigate the meaning of continuity in the case of the Hungarian Constitution. Being a significant document and a pillar of democracy, its changes reveal how the Communist regime in Hungary was gradually transformed into a multi-party democracy. Based on the modifications to the first chapter^{viii} of the 1972 Constitution^{ix} and following the sessions of the I/1 (political) committee of the NK^x negotiations at specialists' level, the essay aims to specify the extent to which continuity was fulfilled in the 1989 Constitution. However, the analysis of further sections or the social and economic effects of the modifications in the Constitution are beyond the scope of this essay and will not be dealt with.

^{vii} Hungary, compared to other transition economies of the 1990s, undertook the least dramatic transition from the former socialist system to democracy. As continuity was best pursued in this country, the essence of continuity can be investigated here the most effectively. See MEILA, Thomas O., *Magyarország*, 1994, p56

^{viii} The first chapter of the 1972 Constitution entitled "The social order of the People's Republic of Hungary" records general issues discussed later in the Constitution.

^{ix} The Parliament modified the Number XX 1949 Act, which had served as the Constitution of the country, on 19th April 1972 and accepted the modified text. This was the form of the Constitution that was in force – with slight modifications – during the National Round-Table Negotiations in 1989 until it was finally modified.

^x Abbreviation for "Nemzeti Kerekasztal" (National Round-Table)

The significance of the role of the Constitution in Hungary during the transition period

In modern Western societies, the Constitution is seen as a legal framework based on large-scale social support or the consensus of major political parties that records the legislative, executive and juridical processes that feature the system. It is of a democratic nature and contains a guarantee of the publicity of political processes accompanied by numerous civic and political rights. However, while it is open to modifications to remain flexible to being changed by the following generations, the Constitution limits irresponsible legislation by imposing difficulties of changing it or by the presence of the Constitutional Court.¹

Nevertheless, the Hungarian Constitution of 1972 possessed almost none of these qualities. Similarly to other Communist constitutions of that time, it was not implemented being in sharp contrast to the authoritarian rule established and maintained. While it contained some elements that ensured a few rights the citizens of the country were entitled to such as the freedom of scientific and artistic creative work,² religious freedom,³ the freedom of speech and the press,⁴ the right to gather and unite,⁵ these references were often used as a means of having positive public relations towards the non-Communist world and did not actually reflect upon the existing practice. Even within the Constitution, several conflicts were unresolved such as rights being tied to the fulfillment of certain obligations,⁶ not to mention the tremendous contrast between Constitutional provision of rights and reality.⁷

However, the Constitution is one of the bases that are required to adopt the fine institutional and economic framework of democracy. The Communist countries that were intending to integrate into the Western world, including Hungary, had to transform a non-operational constitution detached from reality into a fully recognized one that is capable of fulfilling its function.

Grand economic changes required a constitution that would oversee the transformation from a centrally planned to a market economy. Prior to the 1990s, Hungarian economy was dominated by the state sector that provided the majority of production and employment. While the private sector of individual workers and smaller firms was gaining importance, they were not part of the legal formal sector and insufficient in size and value produced to make up for the increasing loss of the inefficient public sector. Here, an immediate change was demanded as the economy was accumulating an unacceptably high level of foreign debt. A public-oriented view had to be transformed into a market one, in which the Constitution would play a crucial part.

Institutional changes needed an elaborate constitution too as power suddenly shifted to a new group of people. The political system was entirely altered, a high level of vertically dependent units pursuing inefficient communication with one another were replaced by horizontally-aligned bodies of equal legal standing.^{xi}

Civil organizations were no longer subordinate to the political system and became independent. Cultural breakage was large with a growing concern for the new aspect of inequality. The potential losers of the political and economic changes had to be compensated and a new social viewpoint was required to be formed.

These preconditions established a dire need for a new, or at least revised Constitution.

^{xi} Horizontal relations are a feature of democratic states. Here, the different players are capable of decision-making and possess freedom. No player is able to enforce his arbitrary will upon the rest; the aims that are targeted are the results of the collective and individual decisions of the participants. On the other hand, vertical dependence is a distinctive mark of socialist states. Players are subordinated to one another. Their relation is highly asymmetric: those in leadership are far more powerful than those they control. Leaders are appointed, not elected. Through this hierarchy, instructions propagate in the form of commands from the uppermost layer to the lowermost. See BARA, Zoltán—SZABÓ, Katalin (ed.), *Összehasonlító gazdaságtan*, 1997, pp373-74

General problems of constitutional continuity in Hungary

Continuity, though realized as the only way to transform the previously Communist states into modern democracies, posed several problems for the individual countries both at a theoretical and a practical level. These dubious issues must be dealt with in order to understand the significance of constitutional continuity and the means by which it was achieved in Hungary.

The greatest problems of continuity lie in the forceful establishment of Central European Communist countries. Hungary, similarly to other states enforced to join the Communist bloc, had no intention of its own applying the system of Communism. Therefore, throughout the entire existence of Hungary as a socialist country, no legitimate power resided, legitimacy was based upon promises of higher standard of living and a provision of a minimal quantity of consumption goods.⁸ Thus, the true meaning of legitimacy was completely lost.

Hence, a severe problem is encountered when building upon a constitution that can be considered a product of the system. When the Communist Constitution was introduced, the political and legal tradition that had existed earlier was broken and discontinued. Therefore, the illegitimate Constitution of 1949^{xii} cannot be built upon when creating a new as no tradition developed during the communist rule whose authority is not publicly accepted. Nonetheless, the restoration of the pre-Communist Constitution is neither possible due to the long time elapse and great changes that have taken place since the Communist takeover in Hungary. The value of a compromise between these can hardly be overvalued.⁹

This was fully understood by the participants of the NK negotiations in 1989. The use of constitutional modifications as a solution was the means that was rigorously acted upon by all sides. Hence, as a compromise between the existing and the new aspects, the modification rules of the inherited constitution were applied to create a virtually new one, which would pave the way for the final version^{xiii} to be accepted by the democratically elected Parliament. By a series of amendments and changes to the original text, violence and widespread violation of law was prevented by eliminating the otherwise destructive period of lawless situation. Meanwhile, legal continuity

^{xii} The Constitution of 1949 was the first socialist constitution of the country. See *(A) Magyar Népköztársaság Alkotmánya*, 1973, p5

^{xiii} Hungary still does not have an entirely new Constitution. The document that is currently in force at the time of this essay is the completely revised version of the Number XX 1949 Act with numerous modifications. Thus, few aspects of the original version can be recognized.

“announces to the population that their rulers themselves are always under law, and cannot simply impose their arbitrary will,”¹⁰ thereby increasing certainty considerably during the transformation. A continuous transition was assured in which the old order was gradually transformed into the new. Hence, the legitimacy of the new constitution may not be easily questioned as it stems from the existing constitution being based upon it but it also satisfies the basic needs for a country with a democratic orientation.¹¹

The analysis of the level of continuity attained in the new Constitution

The form and definition of the state

One of the most important aspects in the Constitution of a country is the definition of the form of state it runs. Hungary, prior to 1989, was defined as People's Republic.¹² While being different from the later accepted form of Republic in a single word only¹³, the new form of state conveyed a largely changed message compared to the Communist era. Not only does it detach from the previous system in a greater extent but is entirely different in its whole by connecting more strongly to the rest of democratic Europe, eliminating the socialist connotations associated with the word.^{xiv} Artificially maintained equality and an emphasis of the working class are two ideas that had become strongly tied to the word *socialist*.¹⁴ Moreover, we should not fail to realize that the word Republic already contains a reference to *the people*, the further expansion emphasizes the significance of the citizens as a group to an overly extent.^{xv}

Based on these arguments, the EK, one of the negotiators, saw shortening the old form of *People's Republic* to *Republic* as a key to democratic transition during the discussions. It stressed that the two-word expression connects to a historical period "getting rid of [whose] symbols is also [desirable] as it affects the political forces fighting for the democratic transformation encouragingly."¹⁵ On the contrary, the MSZMP argued that the question is of a political nature and any changes regarding this matter are to be made by the newly elected Parliament in the future. This latter argument was supported by the Third Side, too.¹⁶

This debate is in close connection with the disagreement concerning the specification of the type of state that exists in Hungary. The MSZMP and the Third Side supported the former Constitution claiming that the applied definition of *socialist state* "does not concern the regulations necessary for elaborating the democratic political transition"¹⁷ and further legal framework supporting the multi-party system to be created will prevent the restraint of emerging parties. Nonetheless, the EK argued that the term *socialist* prefers the residing system, "puts parties not standing on the bases of socialism into a disadvantageous situation"¹⁸ and specifies an orientation that is unnecessary,

^{xiv} Most Communist countries had forms of state of People's Republic and Democratic People's Republic, which is rare in the case of Western societies.

^{xv} *The American Heritage Dictionary* defines republic as "a political order in which the supreme power lies in a body of citizens who are entitled to vote for officers and representatives responsible to them." in *Microsoft Bookshelf 2000*,

narrowing the range of options.¹⁹ On the other hand, Debreczeni, József^{xvi} mentions that another argument on behalf of the MSZMP was that other, Western European constitutions contain similar declarations of their countries being socialist, such as Portugal. However, he reminds that these countries transformed from right-wing dictatorships to democracies, which is why they needed a left-wing orientation in their constitution. As of Hungary, the case is opposite, thus maintaining the clause would not have the desired effects.²⁰ While the aforementioned arguments are unquestionably valid, care must be exercised when drawing conclusions. The political orientation of the negotiators is significant, which greatly influences their opinion on issues strongly tied to politics.

Thus, in the question of the form of state, the NK denounced the former definition of *People's Republic* and excluded the term *socialist* from the Constitution of 1989, though it preserved a reference to Hungary utilizing the values of “democratic socialism,” thereby maintaining a pinch of continuity.

The sovereignty of the people

Unlike the issues concerning the form of state, large-scale agreement was experienced between the various sides as far as the sovereignty of the people is concerned. The former Constitution of 1972 declared, “In the People's Republic of Hungary, all the power belongs to the working people.”²¹ Although slightly altered by deleting the adjective “working,”²² which carried Communist connotations, this was unanimously accepted by the representatives of the EK, MSZMP and the Third Side.²³ The reason has to be sought in the intent to eliminate any future violent action to seize power during the change of the system of government or thereafter. As seen in the following paragraph of the new Constitution stating that “The activity of none of the organizations of society, none of the official bodies or none of the citizens of the state may be directed at the violent seizure or exercise of power,”²⁴ it is apparent that a large emphasis was put upon ensuring a democratic way of government with the right and responsibility to act against those who wish to establish a despotic rule.^{xvii} As clearly visible in the differences between the development of Hungary^{xviii} and

definition *republic* 2 (a).

^{xvi} Debreczeni, József was a parliamentary representative during the National Round-Table Negotiations. After the retirement of six MSZMP representatives, intermediate elections were held to fill these positions. As a result of an increased pressure of the opposition, a regulation never applied before was utilized. Debreczeni was one of the first four freely elected candidates to become representative. See MEILA, Thomas O., *Magyarország*, 1994, pp64-65 and DEBRECZENI, József, *A miniszterelnök*, 1998, p61

^{xvii} So important was this aim that a separate committee was set up during the National Round-Table Negotiations that dealt with the guarantee of a safe, gradual and non-violent transition.

^{xviii} Hungary is often seen as the perfect model of democratic transition.

Romania, assuring a peaceful transition in the former and causing a general violation of law and human rights in the latter,²⁵ this issue is vital to the transition.²⁶ Hungarian NK negotiators did not fail to realize this essential point when facilitating a completely continuous transition as far as the sovereignty of people was concerned by almost fully relying upon the Constitution of 1972.

The transition to a multi-party democracy

Another essential feature that characterized socialist states was the dominance of a single socialist party. Thus, such continuity as attained in the case of the sovereignty of the people could not be achieved. While it was realized that the paragraph of “The Marxist–Leninist party of the working class is the leading force of the society” as stated in the former Constitution²⁷ could not be upheld, different opinions were formed regarding how a new way of operation should be formulated.²⁸ Even though negotiations were conducted to define the concept of party, their role in the new democracies, their definition as a group in society and the positions that cannot be held by party members, continuity, unlike at other points throughout the NK negotiations, could not be pursued due to the inherently different nature of the two eras and the essential changes to take place on this field when transforming from a single-party state into a multi-party democracy.

International relations

The Constitution of 1972 states important principles concerning the international relations of Hungary as a state. Parallel to Hungary belonging to the Communist bloc, it highlights “The People’s Republic of Hungary,” which, “as part of the socialist world order, develops and strengthens its friendship with the socialist countries.”²⁹ Nevertheless, while containing guidelines that tie the country strongly to the socialist states, the Constitution of 1972 mentions important aspects such as the protection of the independence of the country, striving for peace and a co-operation with all the countries and peoples of the world.³⁰

Besides an agreement on the democratic aspects of foreign policy listed in the Constitution of 1972, the question of continuity is debatable in the case of the other guidelines. According to the MSZMP, modifying the paragraph on the belonging of Hungary to the socialist world order was unnecessary to the transition as “the regulation of these questions belongs to the sphere of influence of a new constitution.”³¹ On the contrary, the EK saw leaving the paragraph unchanged as endangering the transition because several parties and civic institutions questioned whether Hungary should remain part of the socialist world order. Such a longer-term narrowing of the

nation's status quo would be undesirable for a transforming country.³² While the question may be seen from a political perspective, a clear denial of Hungary's belonging to the Communist bloc during the transition period^{xix} was undoubtedly a decisive move that may have won the approval of Western Europeans. This was highly beneficial to the country as it sought to integrate into this group, which is the probable reason behind accepting a paragraph not containing the former socialist type of foreign orientation.

In addition to the issues of independence, the denial of war and the co-operation with all the countries and peoples of the world, several other points were included in the new Constitution that were not part of the former. These show the expansion of international scope and the redefining of Hungary as a member of the European and international community against its former socialist membership. The responsibility felt for Hungarians outside the nation's borders and the acknowledgement of the generally accepted rules of international law are aspects that were formerly not included in the Constitution.³³ As a subset of the latter, an entirely new consideration, the respect and protection of basic human rights also became part of the new document.³⁴ While this did not appear in the former Constitution, human rights formed the basis of transnational resistance against the Soviet oppression after the acceptance of the Helsinki agreement in 1975 that discussed cultural and humanitarian questions and that of human rights.^{xx} The inclusion of these issues into the new Constitution was one of the best ways to ensure a democratic transition.

Continuity was hence partially fulfilled in the case of international issues. Universal references to the international diplomacy such as worldwide co-operation and striving for peace remained untouched, while the expressions carrying Communist connotations were deleted from the text.

The level of economic continuity

Unlike other transitions to democracy throughout the world, those in Central and Eastern Europe not only involved a political change but also an economic transformation. While in Southern Europe and a few Latin American states, the transition they underwent was solely of a political

^{xix} The GKI Rt. (Economic Research Institute) declared in 1998 that the transition period had ended. Transition can hence be defined to have taken place between 1989 and 1998.

^{xx} By accepting the Helsinki agreement, Brezhnev wanted to stabilize and legalize the status quo established after the 2nd World War, attaching the Eastern and Central European countries to the Soviet sphere of influence with a Western recognition of the borders and balance of power. However, such an agreement could only be made by means of a compromise. Besides settling defense policy questions, a "third basket" of issues was attached to the agreement, which guaranteed Western interference into Soviet politics if violating personal freedom or human rights through state or party action. This opened up new frontiers for Central European states that strived for greater independence and closer relations with the West. The erosion of the Communist system started. See BEREND, T. Iván, *Terelőúton*, 1999, pp278-283 for more details.

nature as the countries had operated some form of a free market economy prior to the changes that took place, the former Communist countries in Central and Eastern Europe possessed an economic structure that required harsh reforms to adapt to the rest of the developed world.³⁵ Hungary, accompanied by several states, had to devise a method through which an inefficient centrally planned economy would evolve into a laissez-faire mixed economy. These abrupt changes required a wide-scale political and social support in addition to the legal protection that would be given to the new forms of economy that would appear.^{xxi}

In order to avoid the collapse of Hungarian economy at the beginning of the 1990s, radical economic reforms were needed. A general openness to the world, a decrease in the role of state in the economy, an introduction of market economy institutions, an increase of incentives, financial reform, the reform of the banking sector, convertibility and structural reform were among the most serious issues.³⁶ Without a constitutional support to these changes, their effects could have been greatly weakened through uncertainty. The role of the Constitution here is essential.

The Constitution of 1972 mirrored the dominance of a centrally planned economy. Statements as the “People’s Republic of Hungary [...] fights against all forms of exploitation of man by man,”³⁷ and “In the People’s Republic of Hungary, with the elimination of the exploiting classes, the socialist means of production have become dominant”³⁸ are common throughout the text. Even though it was stated with an undisputed consensus between the EK, the MSZMP and the Third Side that the need for a market economy is essential in the change of the system of government,³⁹ disagreements were encountered as to how such extracts should be handled. The MSZMP, accompanied by the Third Side saw changing these sections as superfluous actions, separating the political and economic changes that were to take place, while the EK stood up for implementing the modifications as statements like these might repel the desired influx of foreign investment and the new forms of enterprise.⁴⁰

^{xxi} Prior to the 1980s, the indebtedness of Hungary rose sharply, which – with the keen intention of reformers within the MSZMP – gave way to economic changes. With worsening terms of trade, the regime could not choose but to turn to other forms of economic production besides that of the public sector to balance the growing negative values appearing on the current account. The proportion and importance of the private sector increased dramatically: approximately half of the residents, three quarters of the active workforce were employed in the privately or partially privately owned “second economy” firms during the 1980s. Nonetheless, in spite of the success of the reforms of the New Economic Mechanism pursued 1968 onwards, Hungary could not create a flexible market economy, and unpopular decisions to restructure the public sector contributing to 92.9% of the total output (1988 data in BARA, Zoltán—SZABÓ, Katalin (ed.), *Összehasonlító gazdaságtan*, 1997, p368) were postponed by the government. Bankruptcies and the appearance of open unemployment were regarded as unacceptable, which was avoided by a continued subsidy of companies making huge losses. Any drop in the standard of living due to the 1983 liquidity crisis was balanced by subsidizing consumption goods. These could only be balanced by a large tax levied on successful firms on one hand, which however decreased their incentives, and a number of foreign loans on the other, which led to a further indebtedness of the country. See BEREND, T. Iván, *Terelőúton*, 1999, pp316-317, HORN, Gyula, *Cölöpök*, 1991, p17, HERBER, Attila—MARTOS, Ida—MOSS, László—TISZA, László, *Történelem 6.*, 1998, pp357-59 for more details.

Different opinions were formed concerning the proportion, treatment and preference of public and private ownership. The Third Side regarded the maintenance of the significance of public ownership as an important aspect of the new Constitution, especially in the transitional period.⁴¹ The EK claimed that ownership “will practically be impossible to follow, especially if a stock exchange is created.”⁴² Similarly, the EK criticized the suggestion of the two other sides saying that “the economy of Hungary is a market economy influenced by planning.”⁴³

However, besides the controversy on the supremacy of planning, agreement was settled regarding the neutrality of competition, the right of entrepreneurship and the freedom of competition.⁴⁴ Parallel to the inclusion of these new issues into the Constitution of 1989, the role of planning was significantly lessened though not eliminated, and the dominance of the public sector was rejected.

Even though few elements of the former constitution are apparent in the new version, several elements of continuity can be discovered. The features of planning as a beneficial technique to the growth of the economy were preserved in the Constitution.⁴⁵ The protection of all types of ownership is present in both the old and the new Constitution, with an emphasis of private ownership in the latter.⁴⁶ Smaller entrepreneurship was already promoted in the former Constitution, which was now extended to the whole economy.⁴⁷ While these are only seeds of the market economy sown in the socialist era, continuity based upon them can be distinctly identified. Here, with a strong constitutional basis on questions of ownership, serious legal gaps were filled.

Social issues

The level of social continuity achieved between the old and the new Constitution was highly related to the number of elements in the text of the 1972 document referring to the governing, overseeing role of the state. Dependency, a very distinctive feature of Communist countries,⁴⁸ was a feature that was well reflected in the Constitution. The state, which supervised all forms of personal fulfillment, appeared in the 1972 text of the Constitution in the sections dealing with work, the younger generation, scientific work, art and education.⁴⁹

The extent of continuity in these issues gave rise to fierce arguments. The MSZMP, with the support of the Third Side, emphasized that the sections coping with the above issues were not essential to the transition and should be left intact. On the contrary, the EK claimed that statements as “The People’s Republic of Hungary takes special care of the development and socialist nurture of the youth,”⁵⁰ and it “organizes and supports scientific work that encourages the development of the society,” and “[...] arts that serve progress”⁵¹ are unacceptable even in the transition period. Not

only do they limit freedom but they also give particular significance to the role of the state. Also, they give opportunities to discriminate and act against certain types of education, scientific work or arts.⁵² Hence, as part of the transition to democracy, these regulations were omitted from the new Constitution.

The paragraph dealing with work aroused a hot debate. Here, the importance of the concept as a pillar of the socialist centrally planned economy was not negligible. Communism built heavily upon the expansion of workforce and working potential to increase its productivity.⁵³ Besides, work became a symbol for central planning. When there is a desire to encourage private enterprise and attract foreign capital stating “The basis of the social order of the People’s Republic of Hungary is work”⁵⁴ could have disastrous results, the EK claimed. Though the MSZMP stood up for its case, considering the question insignificant for the transition,⁵⁵ this section was entirely removed from the Constitution.

Therefore, little continuity can be observed in the case of social issues. The inherently different social characteristics of the two eras are reflected in the discontinuity between the Constitution of 1972 and 1989.

The evaluation of the success of continuity

Even though the Constitution created throughout the NK negotiations was temporary – as it defined itself – and was to be modified by the government to be freely elected the following year, it entirely fulfilled the role of a transitional constitution. It projected further changes that would follow while casting a feeling of certainty in the midst of fundamental reforms. Being a single part of the chain in a series of modifications to take place, it laid the cornerstone of a controlled, peaceful transition democratic in its nature. It defined a free and independent state that is unquestionably in the hands of its residents. It denounced the rule of a single party and established the bases of a multi-party democracy. It opened windows to the democratic world. It extended property rights as an initial step to a market economy. It assured freedom in a social sense and underlined the independence of the individual. Meanwhile, it did not discontinue the legal tradition during the years of Communism. It declared the sovereignty of the people as its predecessor. It remained opened towards the entire world, including Communist countries. It utilized the benefits of planning. Hence, the new Constitution forged the advantages of building on tradition and destroying the negative political connotations and drawbacks of the socialist system into a flexible alloy. Full continuity at the most fundamental points, partial continuity where resolvable conflicts between the two eras appeared while complete discontinuity where such a compromise was unattainable made the Constitution of 1989 function effectively.

However, several open questions still remain. A constitution cannot be detached from the society in and for which it is created. As the 1989 Constitution was formulated by the participants of the NK negotiations and accepted by a Parliament not called for by a general social support, the legitimacy of the Constitution, despite its continuity and legality, may remain dubious. Also, the question of whether to set up the Constitutional Court is significant. If the constitution modification process is not supported and supervised by an official body during the transition period, its aims to suit the needs of democracy in a greater extent may be lessened in value due to loss of authenticity. Cultural and social support is equally essential. Without a widespread agreement regarding the significance of the document and an acceptance thereof, its provisions can hardly be kept. Furthermore, cultural breakage is harder to bear and public view is slower to adapt. Reaching a final Constitution that is in harmony with the social need may take several years.

References

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- ⁷ ARATÓ, András, *Alkotmány és folytonosság a kelet-európai rendszerváltás során*, 1999, p185
- ⁸ ALBRIGHT, Madeleine, *1989 dicsőséges forradalmi*, 1994, p23
- ⁹ ARATÓ, András, *Alkotmány és folytonosság a kelet-európai rendszerváltás során*, 1999, p182
- ¹⁰ ARATÓ, Andrew, *Forms of Constitution Making and Theories of Democracy*, 1999, p320
- ¹¹ ARATÓ, András, *Alkotmány és folytonosság a kelet-európai rendszerváltás során*, 1999, p183
- ¹² (A) *Magyar Népköztársaság Alkotmánya*, 1§, 1973, p21
- ¹³ The new temporary Constitution defined Hungary as a Republic. See (A) *Magyar Köztársaság Alkotmánya*, 1§, 1989, p3
- ¹⁴ ARATÓ, András, *Alkotmány és folytonosság a kelet-európai rendszerváltás során*, 1999, p185
- ¹⁵ Translated by the author. Original quotation (session of July 7 1989): “a kompromittálódott jelképektől való megszabadulás is [kívánatos], mivel ez bátorítólag hat a demokratikus átalakulásért küzdő politikai erőkre” in BOZÓKI, András (ed.), *A rendszerváltás forgatókönyve*, 1999, p33
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- ²⁰ DEBRECZENI, József, *A miniszterelnök*, 1998, p56
- ²¹ (A) *Magyar Népköztársaság Alkotmánya*, 2§ (2), 1973, p21
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- ²³ Session of the National Round-Table Negotiations on July 7 1989 in BOZÓKI, András (ed.), *A rendszerváltás forgatókönyve*, 1999, p34
- ²⁴ (A) *Magyar Köztársaság Alkotmánya*, 2§ (3), 1989, p3
- ²⁵ BEREND, T. Iván, *Terelőúton*, 1999, pp333-335 and VITORINO, Antonio, *Modellek az átmenetre*, 1994, p200
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- ²⁹ (A) *Magyar Népköztársaság Alkotmánya*, 5§ (2), 1973, p22
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- ³² Session of the National Round-Table Negotiations on July 13 1989 in BOZÓKI, András (ed.), *A rendszerváltás forgatókönyve*, 1999, pp50-51
- ³³ Compare (A) *Magyar Népköztársaság Alkotmánya*, 5§ (2), 1973, p22 and (A) *Magyar Köztársaság Alkotmánya*, 5§, 6§ (1-3), 7§, 8§ (1-3), 1989, pp4-5
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- ³⁵ VITORINO, Antonio, *Modellek az átmenetre*, 1994, p200
- ³⁶ BEREND, T. Iván (ed.), *A Gazdasági Reformbizottság programjavaslata 1990-1992*, 1989, p12 and p23
- ³⁷ (A) *Magyar Népköztársaság Alkotmánya*, 5§ (1), 1973, pp21-22
- ³⁸ (A) *Magyar Népköztársaság Alkotmánya*, 6§ (1), 1973, p22
- ³⁹ Session of the National Round-Table Negotiations on July 13 1989 in BOZÓKI, András (ed.), *A rendszerváltás forgatókönyve*, 1999, p53

⁴⁰ Session of the National Round-Table Negotiations on July 13 1989 in BOZÓKI, András (ed.), *A rendszerváltás forgatókönyve*, 1999, p50

⁴¹ Session of the National Round-Table Negotiations on July 13 1989 and August 22 1989 in BOZÓKI, András (ed.), *A rendszerváltás forgatókönyve*, 1999, pp52-53 and p128 (in respective order)

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⁴³ Session of the National Round-Table Negotiations on August 22 1989 in BOZÓKI, András (ed.), *A rendszerváltás forgatókönyve*, 1999, p128

⁴⁴ Session of the National Round-Table Negotiations on August 22 1989 in BOZÓKI, András (ed.), *A rendszerváltás forgatókönyve*, 1999, p128

⁴⁵ Compare (A) *Magyar Köztársaság Alkotmánya*, 9§ (1), 1989, p5 and (A) *Magyar Népköztársaság Alkotmánya*, 7§, 1973, p22

⁴⁶ Compare (A) *Magyar Köztársaság Alkotmánya*, 9§ (1) and 13§, 1989, p5 and (A) *Magyar Népköztársaság Alkotmánya*, 6§ (2), 1973, p22

⁴⁷ Compare (A) *Magyar Köztársaság Alkotmánya*, 9§ (1), 1989, p5 and (A) *Magyar Népköztársaság Alkotmánya*, 12§, 1973, p23

⁴⁸ BARA, Zoltán—SZABÓ, Katalin (ed.), *Összehasonlító gazdaságtan*, 1997, p373

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⁵⁰ (A) *Magyar Népköztársaság Alkotmánya*, 16§, 1973, p24

⁵¹ (A) *Magyar Népköztársaság Alkotmánya*, 18§, 1973, p24

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⁵³ BARA, Zoltán—SZABÓ, Katalin (ed.), *Összehasonlító gazdaságtan*, 1997, p426

⁵⁴ (A) *Magyar Népköztársaság Alkotmánya*, 14§ (1), 1973, p24

⁵⁵ Session of the National Round-Table Negotiations on July 17 1989 in BOZÓKI, András (ed.), *A rendszerváltás forgatókönyve*, 1999, pp61-62

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July 10 1989, record number 3, volume 6, pp40-48

July 13 1989, record number 4, volume 6, pp49-58

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Appendix A

The Constitution of the People's Republic of Hungary

26th April 1972

English translation of the original document

Chapter One

The social order of the People's Republic of Hungary

1. § Hungary: a People's Republic.
2. §
 - (1) The People's Republic of Hungary is a socialist state.
 - (2) In the People's Republic of Hungary, all the power belongs to the working people.
 - (3) In the People's Republic of Hungary, the leading class of society is the working class, which exercises power in alliance with the peasantry gathered in co-operatives and together with the intelligentsia and the other working layers of society.
 - (4) The workers of the cities and villages exercise their power through elected representatives responsible to the people.
 - (5) The citizens of the state participate in conducting public affairs at their workplace and place of residence directly also.
3. § The Marxist–Leninist party of the working class is the leading force of society.
4. §
 - (1) The People's Republic of Hungary ensures the participation of civic organizations in the constructive socialist work.
 - (2) The Patriotic Popular Front convenes the forces of society to the entire building-up of socialism, to solving political, economic and cultural problems, assists in the election and work of the representative bodies of the people.
 - (3) The trade unions protect and strengthen the power of the people, protect and represent the interests of the workers.
5. §
 - (1) The state of the People's Republic of Hungary protects the freedom and power of the working people, the independence of the country, it fights against all forms of exploitation of man by man, it organizes the forces of society to the entire building-up of socialism.
 - (2) The People's Republic of Hungary, as part of the socialist world order, develops and strengthens its friendship with the socialist countries; in the interests of peace and human progress it strives to co-operate with all the peoples and countries of the world.
6. §
 - (1) In the People's Republic of Hungary, with the elimination of the exploiting classes, the socialist means of production have become dominant. The basis of the economic order is the social ownership of the means of production.
 - (2) The People's Republic of Hungary develops and protects all forms of social property.
7. § The economic life of the People's Republic of Hungary is determined by the state plan of the people's economy. The state, relying upon the companies, the co-operatives and the institutions in social ownership, directs and supervises the people's economy in order to develop the means of production, to increase social property, to continually increase the material and educational standard of the citizens of the state and to intensify the defensive force of the country.

8. § (1) Social property is the wealth of the entire people.
(2) The properties of the state preceding all others are: the treasures of the womb of the earth, the land areas belonging the state, the natural resources, the significant factories and mines, the railroad system, the public roads, naval routes and air lanes, the banks, the post office, the telegraph and the telephone network, the radio and television broadcasting services.
(3) The sphere of state property and that of the exclusive economic activities of the state are defined by the law.
9. § The state companies and public bodies pursuing economic activities make independent economic decisions concerning the wealth given to their care in the way and with the responsibility specified by the law in order to serve the general interests of society.
10. § (1) The co-operatives are parts of the socialist social order; in accordance with the social and economic aims of the socialist state, they serve the interests of their members..
(2) The state supports the co-operative movement of the workers based on a voluntary association and the development of the socialist co-operative property, it ensures the independence of the co-operatives, and supervises their activity in order to assert the socialist co-operative principles.
(3) The People's Republic of Hungary takes special care of the agricultural productive co-operatives of the peasantry. It protects and develops the co-operative–socialist ownership of the land.
11. § The People's Republic of Hungary acknowledges and protects private property.
12. § The state acknowledges the socially useful economic activity of the small-scale commodity producers. However, private ownership and private initiative may not violate the interests of the public.
13. § The Constitution ensures the right of inheritance.
14. § (1) The basis of the social order of the People's Republic of Hungary is work.
(2) To work according to their abilities is the right and obligation of all the citizens of the state who are able to work.
(3) The citizens of the state serve the cause of socialist construction with their work, their participation in working competitions, the intensification of the discipline of work and the perfection of working methods.
(4) The People's Republic of Hungary strives to systematically fulfill the socialist principle "Let everyone work according to their abilities, let everyone receive according to their work."
15. § The People's Republic of Hungary protects the institutions of marriage and the family.
16. § The People's Republic of Hungary takes special care of the development and socialist nurture of the youth; it protects the interests of the youth.
17. § The People's Republic of Hungary protects the life, bodily inviolability and the health of the citizens of the state, and supports them in case of illness, working inability and elderliness.
18. § The People's Republic of Hungary organizes and supports scientific work that encourages the development of the society, helps arts that serve progress, ensures the constant enhancement of the qualifications and education of the citizens of state.

Appendix B

The Constitution of the Republic of Hungary

23rd October 1989

English translation of the original document

The Constitution of the Republic of Hungary

The text of the Number XX Year 1949 Act on the Constitution of the Republic of Hungary complete with modifications, enclosed in structure

In order to facilitate the peaceful political transition to the state that realizes a multi-party system, a parliamentary democracy and a social market economy, the Parliament – until the acceptance of the new constitution of our nation – affirms the text of the Constitution of Hungary as follows:

Chapter One

General dispositions

1. § Hungary: a Republic
2. § (1) The Republic of Hungary is an independent, democratic state, in which the values of civic democracy and democratic socialism are equally valid.
(2) In the Republic of Hungary, all the power belongs to the people, which exercises the sovereignty of the people directly or through its elected representatives.
(3) The activity of none of the organizations of society, none of the official bodies or none of the citizens of the state may be directed at the violent seizure or exercise of power, or the exclusive possession thereof. Against such aspirations everyone is not only authorized by legal means but also obliged to act.
3. § (1) In the Republic of Hungary, parties may freely form and function provided that the Constitution and the constitutional regulations are respected.
(2) Parties play a role in the formation and declaration of the people's will.
(3) Parties may not directly exercise public power. Accordingly, none of the parties may direct any official body. In order to separate parties and public power law specifies those positions and public offices that may not be filled by party members or party officials.
4. § The trade unions and other bodies that represent interests protect and represent the interests of the employees, the members of the co-operatives and and the entrepreneurs.
5. § The state of the Republic of Hungary protects the freedom and power of the people, the independence and territorial inviolability of the country, and its borders as recorded in international treaties.
6. § (1) The Republic of Hungary rejects war as a tool to solve disputes between nations, and restrains from applying violence directed against the independence or territorial inviolability of other nations, or from threatening with it.
(2) The Republic of Hungary strives to co-operation with all the people and countries of the world.
(3) The Republic of Hungary feels responsibility for the fate of the Hungarians living outside its borders, and encourages the maintenance of their relationship with Hungary.

7. § (1) The legal system of the Republic of Hungary accepts the generally approved rules of international law. Furthermore, it ensures the accordance of the accepted international legal obligations and internal law.
(2) The way of law creation is regulated by a constitutional act.
8. § (1) The Republic of Hungary acknowledges the inviolable and unalienable basic human rights, their respect and protection is the primary obligation of the state.
(2) Rules concerning basic rights and obligations may be stated exclusively by a constitutional act.
(3) The exercise of a basic right may only be infringed if and only to the extent the security of the state, the internal order, public safety, public health, public morals or the protection of the basic rights and freedom of others as stated in a constitutional act make it necessary.
(4) The basic rights stated in § 54–56, § 57 paragraph (2)–(4), § 60, § 66–69 and § 70/E may not be infringed or suspended even in times of extraordinary, necessity or emergency conditions.
9. § (1) The economy of Hungary is a market economy also utilizing the advantages of planning, in which public and private property are legally equal and enjoy equal protection.
(2) The Republic of Hungary, based on the principle of the neutrality of competition, acknowledges and supports the right of enterprise and the freedom of competition, which can only be limited by a constitutional law.
10. § (1) The property of the Hungarian state is national wealth.
(2) The sphere of exclusive state property and that of the exclusive economic activities of the state are defined by a constitutional act.
11. § The state companies and bodies pursuing economic activities make independent economic decisions in the way and with the responsibility as specified by the law.
12. § (1) The state supports the co-operative movement based on a voluntary association, and acknowledges the independence of the co-operatives.
(2) Az állam elismeri a termelői öngazgatás és önkormányzat tulajdonának létrejöttét és működését.
13. § Property may only be expropriated exceptionally and in the interests of the public, in the cases and by the means specified by the law if accompanied by an entire, unconditional and immediate compensation.
14. § The Constitution ensures the right of inheritance.
15. § The Republic of Hungary protects the institutions of marriage and the family.
16. § The Republic of Hungary takes special care of the security of the youth, their education and nurture, and protects the interests of the youth.
17. § The Republic of Hungary takes care of those in need by means of extended social measures.
18. § The Republic of Hungary acknowledges and validates the right of everyone to a healthy environment.

Appendix C

A Magyar Népköztársaság Alkotmánya

26th April 1972

The reproduction of the original document

I. fejezet

A Magyar Népköztársaság társadalmi rendje

1. § Magyarország: népköztársaság.
2. § (1) A Magyar Népköztársaság szocialista állam.
(2) A Magyar Népköztársaságban minden hatalom a dolgozó népé.
(3) A Magyar Népköztársaságban a társadalom vezető osztálya a munkásosztály, amely a hatalmat a szövetkezetekbe tömörült parasztsággal szövetségben, az értelmiséggel és a társadalom többi dolgozó rétegével együtt gyakorolja.
(4) A város és a falu dolgozói választott és a népnek felelős küldöttek által gyakorolják hatalmukat.
(5) Az állampolgárok munkahelyükön és lakóhelyükön közvetlenül is részt vesznek a közügyek intézésében.
3. § A munkásosztály marxista–leninista pártja a társadalom vezető ereje.
4. § (1) A Magyar Népköztársaság biztosítja a társadalmi szervezetek részvételét a szocialista építőmunkában.
(2) A Hazafias Népfront tömöríti a társadalom erőit a szocializmus teljes felépítésére, a politikai, gazdasági és kulturális feladatok megoldására, közreműködik a népképviselői szervek megválasztásában és munkájában.
(3) A szakszervezetek védik és erősítik a néphatalmat, védik és képviselik a dolgozók érdekeit.
5. § (1) A Magyar Népköztársaság állama védi a dolgozó nép szabadságát és hatalmát, az ország függetlenségét, harcol az ember ember általi kizsákmányolásának minden formája ellen, szervezi a társadalom erőit a szocializmus teljes felépítésére.
(2) A Magyar Népköztársaság, mint a szocialista világrenszer része, fejleszti és erősíti barátságát a szocialista országokkal; a béke és az emberi haladás érdekében együttműködésre törekszik a világ valamennyi népével és országával.
6. § (1) A Magyar Népköztársaságban a kizsákmányoló osztályok megszüntetésével uralkodóvá váltak a szocialista termelési viszonyok. A gazdasági rend alapja a termelési eszközök társadalmi tulajdona.
(2) A Magyar Népköztársaság fejleszti és védi a társadalmi tulajdon minden formáját.
7. § A Magyar Népköztársaság gazdasági életét állami népgazdasági terv határozza meg. Az állam a társadalmi tulajdonban lévő vállalatokra, szövetkezetekre és intézményekre támaszkodva irányítja és ellenőrzi a népgazdaságot a termelőerők fejlesztése, a társadalmi tulajdon növelése, az állampolgárok anyagi és műveltségi színvonalának rendszeres emelése és az ország védelmi erejének fokozása érdekében.
8. § (1) Az állami tulajdon az egész nép vagyona.
(2) Az állam tulajdona mindenkéltt: a föld méhének kincsei, az állami földterület, a

- természeti erőforrások, a jelentős üzemek és bányák, a vasút, a közutak, a vízi és légi utak, a bankok, a posta, a távíró, a távbeszélő, a rádió és a televízió.
- (3) Az állami tulajdonnak, valamint az állam kizárólagos gazdasági tevékenységének körét törvény határozza meg.
9. § Az állami vállalatok és gazdálkodó szervek a társadalom általános érdekeinek szolgálatában, a törvényben meghatározott módon és felelősséggel önállóan gazdálkodnak a rájuk bízott vagyonnal.
10. § (1) A szövetkezetek a szocialista társadalmi rend részei; a szocialista állam társadalmi és gazdasági céljaival összhangban szolgálják tagságuk érdekeit.
- (2) Az állam támogatja a dolgozók önkéntes társuláson alapuló szövetkezeti mozgalmát, a szocialista szövetkezeti tulajdon fejlesztését, biztosítja a szövetkezetek önállóságát, a szocialista szövetkezeti elvek érvényesítése érdekében felügyeletet gyakorol tevékenységük fölött.
- (3) A Magyar Népköztársaság különös gondot fordít a parasztság mezőgazdasági termelőszövetkezeteire. Védi és fejleszti a föld szövetkezeti-szocialista tulajdonát.
11. § A Magyar Népköztársaság elismeri és védi a személyi tulajdont.
12. § Az állam elismeri a kisárutermelők társadalmilag hasznos gazdasági tevékenységét. A magántulajdon és magánkezdeményezés azonban nem sértheti a köz érdekeit.
13. § Az alkotmány biztosítja az öröklési jogot.
14. § (1) A Magyar Népköztársaság társadalmi rendjének alapja a munka.
- (2) Minden munkaképes állampolgárnak joga és kötelessége, hogy képességei szerint dolgozzék.
- (3) Az állampolgárok munkájukkal, munkaversenyben való részvételükkel, a munkafegyelem fokozásával és a munkamódszerek tökéletesítésével a szocialista építés ügyét szolgálják.
- (4) A Magyar Népköztársaság a „Mindenki képessége szerint, mindenkinek munkája szerint” szocialista elv következetes megvalósítására törekszik.
15. § A Magyar Népköztársaság védi a házasság és a család intézményét.
16. § A Magyar Népköztársaság különös gondot fordít az ifjúság fejlődésére és szocialista nevelésére; védelmezi az ifjúság érdekeit.
17. § A Magyar Népköztársaság védi az állampolgárok életét, testi épségét, egészségét, és betegség, munkaképtelenség, öregség esetén támogatja őket.
18. § A Magyar Népköztársaság szervezi és támogatja a társadalom fejlődését előmozdító tudományos munkát, segíti a haladást szolgáló művészetet, biztosítja az állampolgárok képzettségének és műveltségének állandó növelését.

Appendix D

A Magyar Köztársaság Alkotmánya

23rd October 1989

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*A Magyar Köztársaság Alkotmánya
A Magyar Köztársaság Alkotmányáról szóló 1949. évi XX. törvény módosításokkal egységes
szerkezetbe foglalt szövege*

A többpártrendszer, a parlamenti demokráciát és a szociális piacgazdaságot megvalósító jogállamba való békés politikai átmenet elősegítése érdekében az Országgyűlés – hazánk új alkotmányának elfogadásáig – Magyarország Alkotmányának szövegét a következők szerint állapítja meg:

I. fejezet

Általános rendelkezések

1. § Magyarország: köztársaság
2. § (1) A Magyar Köztársaság független, demokratikus jogállam, amelyben a polgári demokrácia és a demokratikus szocializmus értékei egyaránt érvényesülnek.
(2) A Magyar Köztársaságban minden hatalom a népé, amely a népszuverenitást választott képviselői útján, valamint közvetlenül gyakorolja.
(3) A társadalom egyetlen szervezetének, egyetlen állami szervnek vagy állampolgárnak a tevékenysége sem irányulhat a hatalom erőszakos megszerzésére vagy gyakorlására, illetőleg kizárólagos birtoklására. Az ilyen törekvésekkel szemben törvényes úton mindenki jogosult és egyben köteles fellépni.
3. § (1) A Magyar Köztársaságban a pártok az Alkotmány és az alkotmányos jogszabályok tiszteletben tartása mellett szabadon alakulhatnak és szabadon tevékenykedhetnek.
(2) A pártok közreműködnek a népakarat kialakításában és kinyilvánításában.
(3) A pártok közhatalmat közvetlenül nem gyakorolhatnak. Ennek megfelelően egyetlen párt sem irányíthat semmiféle állami szervet. A pártok és a közhatalom szétválasztása érdekében törvény határozza meg azokat a tisztségeket, közhivatalokat, amelyeket párt tagja vagy tisztségviselője nem tölthet be.
4. § A szakszervezetek és más érdekképviseletek védik és képviselik a munkavállalók, a szövetkezeti tagok és a vállalkozók érdekeit.
5. § A Magyar Köztársaság állama védi a nép szabadságát és hatalmát, az ország függetlenségét és területi épségét, valamint a nemzetközi szerződésekben rögzített határait.
6. § (1) A Magyar Köztársaság elutasítja a háborút, mint a nemzetek közötti viták megoldásának eszközt, és tartózkodik a más államok függetlensége vagy területi épsége ellen irányuló erőszak alkalmazásától, illetőleg az erőszakkal való fenyegetőzéstől.
(2) A Magyar Köztársaság együttműködésre törekszik a világ valamennyi népével és országával.
(3) A Magyar Köztársaság felelősséget érez a határain kívül élő magyarok sorsáért, és

- előmozdítja a Magyarországgal való kapcsolatuk ápolását.
7. § (1) A Magyar Köztársaság jogrendszere elfogadja a nemzetközi jog általánosan elismert szabályait, biztosítja továbbá a vállalt nemzetközi jogi kötelezettségek és a belső jog összhangját.
- (2) A jogalkotás rendjét alkotmányerejű törvény szabályozza.
8. § (1) A Magyar Köztársaság elismeri az ember sérthetetlen és elidegeníthetetlen alapvető jogait, ezek tiszteletben tartása és védelme az állam elsőrendű kötelessége.
- (2) Alapvető jogokra és kötelességekre vonatkozó szabályokat kizárólag alkotmányerejű törvény állapíthat meg.
- (3) Alapvető jog gyakorlása csak alkotmányerejű törvényben megállapított olyan korlátozásnak vethető alá, amely az állam biztonsága, a belső rend, a közbiztonság, a közegészség, a közérkölcös vagy mások alapvető jogainak és szabadságának a védelme érdekében szükséges.
- (4) Az 54–56. §-ban, az 57. § (2)–(4) bekezdésében, a 60. §-ban, a 66–69. §-ban és a 70/E. §-ban megállapított alapvető jogokat még rendkívüli állapot, szükségállapot vagy veszélyhelyzet idején sem lehet korlátozni vagy felfüggeszteni.
9. § (1) Magyarország gazdasága a tervezés előnyeit is felhasználó piacgazdaság, amelyben a köztulajdon és a magántulajdon egyenjogú és egyenlő védelemben részesül.
- (2) A Magyar Köztársaság a versenysemlegesség elve alapján elismeri és támogatja a vállalkozás jogát és a verseny szabadságát, amelyet csak alkotmányerejű törvény korlátozhat.
10. § (1) A magyar állam tulajdona nemzeti vagyon.
- (2) Az állam kizárólagos tulajdonának, valamint kizárólagos gazdasági tevékenységének körét alkotmányerejű törvény határozza meg.
11. § Az állami vállalatok és gazdálkodó szervek a törvényben meghatározott módon és felelősséggel önállóan gazdálkodnak.
12. § (1) Az állam támogatja az önkéntes társuláson alapuló szövetkezeti mozgalmat, elismeri a szövetkezetek önállóságát.
- (2) Az állam elismeri a termelői öngazgatás és önkormányzat tulajdonának létrejöttét és működését.
13. § Tulajdont kisajátítani csak kivételesen és közérdekből, törvényben szabályozott esetekben és módon, teljes, feltétlen és azonnali kártalanítás mellett lehet.
14. § Az Alkotmány biztosítja az öröklés jogát.
15. § A Magyar Köztársaság védi a házasság és a család intézményét.
16. § A Magyar Köztársaság különös gondot fordít az ifjúság létbiztonságára, oktatására és nevelésére, védelmezi az ifjúság érdekeit.
17. § A Magyar Köztársaság a rászorulókról kiterjedt szociális intézkedésekkel gondoskodik.
18. § A Magyar Köztársaság elismeri és érvényesíti mindenki jogát az egészséges környezethez.