
ABSTRACTS

KULCSÁR, KÁLMÁN

THE RULE OF LAW ON EASTERN PERIPHERY OF EUROPE

One of the constitutional principles which was accepted during the transition of political systems in East Central Europe (and more or less in East Europe): the principle of the Rule of Law. For comparison, the paper is shortly dealing with the modern interpretations of Rule of Law in context of the recent British constitutional development. This is to have a kind of basis for approaching the present problems of and debates on Rule of Law in the new democratic countries, particularly in Hungary. In Hungary, there has been the constitutionality an important principles for centuries, but it was living without formal institutions for its defense. By October 1989 in Hungary the newly established Constitutional Court has got this role, and the paper is trying to analyze the conception of this role by the Court itself and the realization of the principle of Rule of Law in its practice. The Court, though definitely rejected to be involved in politics and has been using only legal arguments in its decisions could be considered taking an „activist” role, and using the principles of a „shadow” constitution consisting of the accepted principles of democratic constitutional development in Europe or more generally saying in the Atlantic community. By this the Constitutional Court has been playing a rather important role in the present political context to maintain the constitutionality in Hungary.

HALMAI, GÁBOR

PARTY, STATE, LAW

In the development of Hungary in the last four decades, legal regulation of the only party was never discussed. The first such attempt was made when the concept of the so-called constitutional one-party system was worked out in the late 80s.

The process of establishing the rule of law in 1989 began with the recodification of the right of association and with the new codification of the parties.

The study evaluates the Hungarian party-law passed in October 1989 and the regulation of the modified Constitution on the parties, which was passed at the same time. The Hungarian regulation follows some of the constitution regulations in Western Europe where the detailed norms of the parties to separate laws. Thus separate laws on the parties were enacted in these states, special historical situations, in most cases fascism, made those regulations necessary as a guarantee against dictatorship by a party. The 1989 Law No. XXXIII on the parties contains the rules and regulations regarding the operation, dissolution, assets, management and supervision of the parties.

POKOL, BÉLA

THE PROFESSIONAL POLITICIAN

The paper analyses the mechanisms of the recruitment and socialization of the professional politicians in the Western democracies. In the first part it is outlined some typologies of the politicians based on the components of this role and on the styles of the everyday working of the professional politicians. In the second part the characteristics of the career in this field is analysed. There is a difference between the career within the organization of parties and the one of outside of parties. For example the last is important in the political life of the contemporary France but in England this is very infrequent. In the last part the emergence of the figure of the professional politician in Hungary is analysed and some typical careers are summarized.

GYÓRIVÁNYI, GÁBOR

THE GAMES OF THE SYSTEM CHANGE

The game theory concerns interdependent decision-making and is especially useful when analyzing political processes. This paper studies the change in Hungary's political system in 1989-90, applying this methodology.

Its first model analyzes a two person noncooperative game — playing by both the former communist party (MSZMP) and the newborn opposition. The equilibrium, as logical result of this game, is the formation of the multi-party system.

The new democratic parties and the MSZMP formed the institutions of change during a series of „round table” discussions. At this time the democratic parties behaved quite differently than would be expected, because they were trapped in the „free rider” predicament. In this game two new parties (SZDSZ and FIDESZ) had the dominant strategy of desertion. The later election winner, Hungarian Democratic Forum, was in a so called „chicken-dilemma” while the traditional historical parties found themselves in a „prisoner's dilemma”.

After sketching the game theoretic models of party identifications and elections, the paper analyzes the government formation as a cooperative game. It demonstrates the correlation between the different game-theoretical solutions (Shapley-value, Core, Kernel, Bargaining-set) and the reality.

Finally the long-term games of Hungary's political change are examined as a cooperative bargaining game between the government and the new and old bureaucracy.

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