

Zoltán SZENTE – Fanni MANDÁK

Zsuzsanna FEJES (eds.)

Challenges and Pitfalls in the Recent Hungarian Constitutional Development – Discussing the New Fundamental Law in Hungary

Paris: L'Harmattan 2015, 352 pages.
 ISBN 978-234-3055-30-5

The book has an intended purpose to present the complexity of the development of the Hungarian historical constitutionalizing. The preamble – the National Avowal – has been analyzed as well. Both Italian and Hungarian authors made a commitment to support the efforts to enlighten the Hungarian Fundamental Law which entered into force on 18 April 2011.

Balázs Fekete: The National Avowal: More than a Conventional Preamble to a Constitution

The author has introduced the Preamble of the new Hungarian Constitution (Magyarország Alaptörvénye), the National Avowal. An "invisible constitution" can play an important role and has had a strong influence over the society and the legal education during the last twenty-five years. He correctly pointed out the coherence and the fine relationship to the plane text.

Zsuzsanna Fejes: Identity and Historical Constitution Clause in the Hungarian Fundamental Law and its Effects on Constitutional Interpretation

The author is presenting the Constitutional identity and its effects on Constitutional interpretation. She stressed the role of the Christianity in the continuity and the strong relation between the nation and the Fundamental Law. Nevertheless she emphasized the importance of the Holy Crown and constitutional tradition. The Holy Crown is representing the separation of power. There is the question in focus of discussion whether the National Avowal is legally binding or not? The new Fundamental Law has built on strong pillars and it feeds from the spirit, soul and morality of the nation.

Giuseppe Franco Ferrari: The Controversial Definition of Hungarian Identity: from the Preamble to the Role of the New Constitutional Court

The author highlighted the coherent set of values and the full equivalency of rights of citizens. He means that the pivotal role of the new Hungarian Fundamental Law is more ideologically orientated. The author perfect enlightened this fact because as an Italian scientist he can observe the new Fundamental Law from outside.

András L. Pap: Who are "We are the people"? Biases and preferences

The author underlined the paternalistic state which is represented by the Hungarian Nation and the members of the Hungarian Nation. He thought very important that the "Holy State" has been highlighted in the text and the state recognizes the churches (by state approved). This chapter were emphasized the Christian-conservative normative preferences. The nationalities shall have the right to establish their self-government at both local and national level.

András Téglási: The protection of Fundamental Rights in this jurisprudence of the Constitutional Court of Hungary after the New Fundamental Law Entered into Force in 2012

The author focused on the jurisprudence of the Hungarian Constitutional Court. His paper enlightens from the Human Rights aspect. The so called "invisible constitution," those constitutional norms and values that are not included *expressis verbis* in the plain text of the Constitution. The other question which investigates the paper very decently the European Court of Human Rights' interpretation and its influence considered the precedent law.

Fruzsina Gárdos-Orosz: Constitutional Amendments and their Judicial Review: the Case of Hungary

The author concentrates on the controversies and solutions in foreign jurisprudence. She has concluded that in established democracies there was no particularly strong social and political need for the substantial review of constitutional amendments. Accordingly in the case this kind of review exists it can enforce the transparent legislation.

Fanni Mandák: Signs of Presidentialization in Hungarian Government Reforms – Changes after the New Fundamental Law

The author separated two different presidentialization like *de facto* and *de jure*. *De facto* leaders aspire to increase their power resources and their autonomy. This is a formally system, not personalized.

De jure leaders have political influence in the executive branch and this is with leadership-centred electoral process.

The author analyzes the institutional development in Hungary focused on Prime Minister's Office. The paper offers a clear understanding of the political consensus and the lack of the cooperation between left and right wing in historical aspect.

The recension does not consist all of the essays which are published in the book but it can give an overview about the new Hungarian Fundamental Law and its main principles. There was no aim to present the regulations in details, although it makes sense to draw the recent political apprehension.

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