

KRE-DIt 2022/2 Abstracts

Abstracts in theological studies

Dániel Tóth-Gyóllai: Online survey research on pastoral competencies and areas of service

In March 2022, the Presidium of the Synod of the Reformed Church in Hungary launched an online quantitative survey among reformed pastors. The aim of the research was to inquire about the competencies that define pastoral service (i.e., according to the MKKR descriptors: the skills, abilities, attitudes, responsibility, and autonomy, as well as knowledge), and the main areas of pastoral service, and at the same time to discover new routes of developing the reformed theological education in Hungary. The purpose of the above work, which was prepared by summarizing the answers of more than 300 pastors who filled the questionnaire consisting of 6 question-groups, was primarily to map the information that could serve as a basis for an upcoming evaluation of data. The results presented in this publication, even in its merely informal form, can provide fields of dispute for all the participants, for the church members, and for the church leadership too. In the study, we focused on the level of comprehension when preparing various lists in relation to the pastor's competencies and areas of service. These were extracted based on the opinions of the pastors approaching from the perspective of their service experience. The actual data behind these representative tables and charts will be made available to all interested parties upon request.

Keywords: survey, online research, competencies, pastoral service, Reformed Church in Hungary, quantitative

Abstracts of legal science studies

Csaba Cservák: Historical constitutionalism and the office of „főispán”

Historical constitutions are also known as unwritten constitutions, as opposed to written constitutions, which are the other major category. In the first group, the constitution is not a single piece of document. Its norms are partly customary. They are raised to the level of

constitutional status by the agreement of the people. Regarding this, the Hungarian constitution is similar to the historical constitution of Great Britain.

The Historical Constitution also contains moral principles of reasoning, linked to the common sense of the people. These stand as a limitation on future legislation.

The idea of the continuity of law is also intertwined with the Theory of the Holy Crown. In other words, existing legislation can only be continually amended in accordance with existing rules.

The Crown is not primarily a symbol of the sovereign, but of statehood. In constitutional monarchies, the monarch has much less political weight than a president in a presidential system.

Recently, parliament restored the title of reeve for the government commissioners of the county. The office of reeve – called „ispan” in Hungarian -, was one of the most important functions under the Historical Constitution. It was held by many of our great persons in history (e.g. János Hunyadi, the Rákóczi, Miklós Bercsényi, Gyula Andrássy.) In today's terminology, that person was the man of the central government. As head of the offices responsible for executing the law & order he was appointed by the king and then – after the Compromise- by the government.

Keywords: főispán, representative of the government, historical constitution, continuity of law, Holy Crown of Hungary

Csaba Cservák: The justice role of the Constitutional Court

Can adjudication by Constitutional Courts serve as a form of Justice? What we need to do is to analyse the concepts of justice and court. According to some approaches, justice is kind of an activity that is carried out by the courts. Looking at it from the other way around, bodies that carry out judicial activities are considered to be courts. From the above, it is at least clear that there is a 'close equivalence' between judging and judiciary. Under the Constitution, courts have judicial functions.

The judiciary has a monopoly on the restoration of a violated legal order. There is a function that can be called quasi-justice. Certain thinkers interpret the concept of the rule of law as they see fit. The institution of genuine constitutional complaints has pushed the

Constitutional Court to the judicial side.

András Zs. Varga puts forward serious arguments about the constitutional nature of the complaint.

The most fundamental moral norms are absorbed into law mainly through fundamental constitutional rights. This is why constitutional adjudication is related to morality.

Keywords: constitutional review, justice, court, constitutional complaint, morality

György Tamás Farkas: Provisions on minorities in the German electoral system at federal and Land level

The study examines special electoral regulations for minorities in Germany's electoral law. In addition to the Bundestag elections, the study also examines the electoral regulations of the German federal states' electoral law that have special electoral regulations for minorities. The study describes the electoral rules directly on the basis of the relevant German law, analyzes them and draws conclusions.

Keywords: Constitutional law, electoral law, minority law

Imre Juhász: The unprecedented development of Rijeka and its legal background under the mayoralty of Giovanni de Ciotta

The rich history of Rijeka has been studied from many different perspectives. Unfortunately, however, the presentation and appreciation of the Hungarian aspects of this history is not very prominent in foreign literature. The present paper focuses on the town under the leadership of Giovanni de Ciotta, highlighting the episodes of Ciotta's political career that can be associated with the Hungarian Parliament and the most important stages of the town's development during his mayoralty. In doing so, it is clear that the central decisions taken and their implementation in contemporary Hungary were based on solid legal foundations and covered almost all areas of economic and social life.

Keywords: jogtörténet, Fiume, Magyar Királyság, Hungarian-Croatian reconciliation, Giovanni de Ciotta

Edina Lajos: On the European perception of religious freedom and Christianity, with special reference to Greek specificities

Religious freedom is one of the most important human rights. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance. No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching for their children in conformity with their own religious and philosophical convictions. The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Religious freedom is one of the most important human rights. The Orthodox Church is almost a state church. Apostasy is severely punished.

Keywords: freedom of thought, conscience and religion, human rights, education, Orthodox Christianity

Edina Lajos: Legal interpretation and morality

Why is it necessary to interpret the law? Mainly because texts must be interpreted, and law is manifested in linguistic units. On the other hand, since the law is abstract, the application of the law requires a reconciliation of the legal facts with the historical facts, which also requires interpretation. In my short paper, my aim is to highlight how morality is manifested in the various methods of legal interpretation.

Drawing on the methods of legal interpretation that originated in the so-called Bielefeld circle and were further developed by Béla Pokol, Csaba Cservák and Zoltán J. Tóth, I will attempt to explore how moral norms can be incorporated, as far as possible, into the world of legal practice through legal interpretation.

Keywords: interpretation of law, application of law, morality, fundamental rights

Mónika Mercz: Constitutional identity in the Member States - and in the EU?

When we discuss the nature of constitutional identity, we must take into account the possibilities of its appearance in the context of the European Union. Article 4 (2) of the Treaty on the European Union (EU) states that “The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State.” In my article, I would like to explore the nature of constitutional identity and the manifestations of essential state functions in the Member States. My assumption is that if the constitution of the EU were to be created, we could talk about the constitutional identity of the European Union. Using a historical method, I interpreted the relevant legislation, which I tried to project onto the European Union, thus examining whether there is a chance for the European Union’s constitutional identity to develop. Although there are no concrete answers yet, the soon-to-be-started Convention on the Future of Europe will probably bring significant changes in the field, so the research on constitutional identity at the EU and member state level will remain a relevant topic for the science of constitutional law.

Keywords: constitutional identity, fundamental state functions, sovereignty, authorities, European Union

Adrienn Ronga: The application of the death penalty in today’s criminal sanctions system in an international perspective

The present study deals with the current international perception and acceptance of the death penalty within the scope of the investigation of the right to life and human dignity, which results in the collision of the right to life, as the most essential fundamental right, and the state’s criminal law requirement and social protection function. This constitutional conflict appeared as an essential and key constitutional issue in almost all countries of the world and continues to this day, which, depending on the country and era, was resolved in various ways in favor of either the right to life or the state’s criminal law needs and social protection function. The purpose of this study is to provide a global perspective on the role of the death penalty in the criminal sanction system.

Keywords: human dignity, right to life, death penalty, constitutional law, criminal law

László Schmidt: Comparison of the Hungarian civil and canon law; the new Church Law and the related decisions of the Constitutional Court and the ECHR

St Stephen's state was founded on Christianity, and Roman Catholic Christianity was for many years the only religion allowed in the country. All this would be unthinkable in today's world, where religious freedom and secularisation are fundamental. However, religion still has a very important social cohesive force, and the (Catholic) Church has many educational, cultural and social functions in cooperation with the state.

In my essay I compare the statutes of the Hungarian civil law and the Canon law, and I also present some Constitutional Court and ECHR decisions related to aforementioned statutes.

Keywords: freedom of religion, secularisation, Catholic Church, Canon law, civil law

Abstracts in historical studies

Attila Balogh: Fight Against Fire – The Fire Department and the Ministry of the Interior Led by Ferenc Keresztes-Fischer (1931–1935)

To date, the topic has contained many white spots in the field of history. The objective was to achieve new scientific results that would provide better understanding of how this policy worked in these years. Based on the sources (archival sources, legal sources, contemporary articles, etc.), it can be said that some of the problems were solved by the Ministry of the Interior, and the reason why the rest of the problems remained unsolved was mainly the lack of money and time, as well as the overload of the Ministry of the Interior. Firefighter training achieved one of the most notable results. Considerable progress was also made in the area of resolving the competence problems between fire brigades and other authorities.

Keywords: Fire Department, firefighter, Ministry of Interior, Great Depression, Ferenc Keresztes-Fischer

Krisztián Bödő: „The border of the plain is wide and particularly fertile” – Besnyő, one of the land of the manor in Ercsi

From the end of the 18th century, Baron Lilien developed his manor in Ercsi based on rational principles. In addition to many lands (*puszta*), Besnyő was part of the major from the middle of the 17th century. What is the history of this land? How has the function of this land changed? In the first half of the 18th century, only sheep were kept on this land and the tenants paid low rent. In the second half of the century, the tenants were already farming according to plan, growing crops in addition to keeping animals. Besnyő was divided into two parts and Lilien integrated both parts into the rest of the manor in the first half of the 19th century. Crop cultivation became intensive: cereals were grown on the outer part of the land, forage on the inner part. The landlord's employees also appeared on this lands, whose task was to guard the fields and the harvested crops.

Keywords: agriculture, agricultural reform, farming, animal husbandry, manor

Eszter Juhász: Oswald József Oslay OFM, The eger norm and the foundation of the congregation of the carers of the poor franciscan sisters

Following the defeat of the World War I, the Aster Revolution and the Hungarian Soviet Republic, the Treaty of Trianon, the territorial, economical, demographical damages resulted fundamental social and economical changes in Hungary. Probably because of all these events the social thinking/care started developing. The social policy was born in this era, this was the first time the State started playing a role in the poor-relief not just in Hungary but in whole Europe. The Eger Norm which was developed by Oswald Oslay OFM in Eger, became the cooperation of the local society, the Catholic Church and the State. For the great task a new Congregation was founded by Oslay, the Congregation of the Carers of the Poor Franciscan Sisters. This study is to highlight the background, the need, the formation of the Eger Norm and the formation of a new Congregation whose main purpose was serving the poor.

Keywords: social policy, poor-relief, Hungarian Catholic Church, Eger Norm, Congregation of the Carers of the Poor Franciscan Sisters

Kristóf Keller-Deák: The Hungarian military attachés operating secretly in Czechoslovakia 1920–1928

Due to the restrictions of the Trianon Peace Treaty, Hungary did not officially send military

attachés to other countries. During this time, the military attachés, given the rank of diplomats, mainly carried out their intelligence activities in secret. In the case of Czechoslovakia, three Hungarian secret military attachés served until 1928. Their intelligence activities, although they did not always remain hidden from the Czechoslovak counter-espionage, tried to obtain all information about the forces, military industry and military-related news of the given country according to the assigned task.

Keywords: military attaché, Czechoslovakia, intelligence, counter-espionage

Veronika Luca Kovács: A Central European Survivor Game from the Perspective of Hungarian Regime Change

The aim of this concise study is to take a holistic approach to the networks, trends, structures and processes of the Hungarian regime change in Central Europe, which were created by the world and geopolitical situations of the Hungarian People's Republic between 1989 and 1991, i.e. the factors to which Hungarian diplomacy had to adapt in the context of security policy. In addition to the above mentioned, the thesis tries to conceptually outline the democratic value systems that make it possible to define the political value system of the period and its issues.

Keywords: security policy, Central-Europe, regime change