



Transition and Democratization: The History, Context, and Interpretation of the Constitutional Revolution of 1989 in Hungary

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Transitions and Interpretations

1989—in the witty words of Klaus von Beyme—was a “black Friday” for social sciences.¹ It was the year of political system changes in Eastern Central Europe. There were several social science theories on the fate of state socialist systems in the era of 1945–1989, but none of them was able to precisely predict the system change in the Eastern Central European countries. Most of these theories, like the convergence theory, seemed to be disproved by the subsequent social, economic, and political processes. The academic transitological literature following the period of 1989/1990 provided post-descriptions, explanations on the fall of socialist systems while interpreting the transition itself. Some works emphasized the diplomatic constellations; others focused on the analysis of the state socialist systems and traced the causes of the fall back to domestic affairs or failures of the system. The collapse of the system through the lenses of socialist elites, social resistance, and opposition movements were also studied. The explanations of political transition to democracy and the economic transition to capitalism often created contradictory interpretations. The terminology of transitology is not coherent either; just to mention some examples of the best known definitions here—“*negotiated revolution*,”² “*recovery revolution*” (*nachholende Rev-*

olution),³ “*velvet revolution*,”⁴ and “*coordinated transition*.”⁵ When tackling the history of the political system changes we should not forget about the incomplete state of the past—the relation between memory, history, identity, and politics. How the ‘parlance’ of reminiscences as well as the retrospection into our past have changed after 1989 and how they still influence the interpretation of the period 1989–1990 are still hotly debated.

At the beginning, transitology was designed to examine and explain the political and societal transitions of Southern Europe and Latin America. Due to this fact, the concepts, theories, and methodology were born before the collapse of the socialist system in Central and Eastern Europe took place. The attention of transitology turned to this region and its processes at the end of the 1980s following the fall of the regime. (Nowadays, the focus of transitology is rather the analysis of the political and social progress in the Broader Middle East.) One of the most relevant debates with ongoing impact in the discipline deals with the interpretations of democracy. It is an open question whether we can talk about democracy as a universal concept, whether the functioning of democratic institutions depends on the level of civilization, and, most importantly, whether the “Western democratic models” can be adapted to different geographical and cultural contexts.

As a consequence of the complexity and the various approaches in the field, transitology uses interdisciplinary and comparative perspectives. Today, transitology is rather a collective noun for discourses in the social sciences that intend to understand, describe, and explain the system changes brought about by violent or peaceful means.⁶

Transitions in South European and Latin-American regimes are comprehensively interpreted by Guillermo O'Donnell, Philippe Schmitter, and Laurence Whitehead in their work titled *Transitions from Authoritarian Rule*. The terminology created by these authors differentiates between *transition*, *liberalization*, and *democratization*. These terms, besides other ones, can be adapted to analyze Eastern Central European political system changes thus making the transition's phenomena comprehensive and comparable in their international context. According to the study, transition was defined as a transitory change between two political systems that did not necessarily lead to the establishment of democracy. Liberalization was given the label of a collection of human rights that, in itself, was insufficient to produce any influence over any political decisions. Democracy was described as the most comprehensive process of all. According to the definition, in a democratic state, citizens are granted the same rights in order to make decisions involving the public. In turn, they are liable for accepting and complying with these decisions. The authors made distinctions between three types of democratization process: when the rights and obligations of citizens replace other, already existing forms of social norms; when the proportion of population involved in the decision-making process (along with accompanying rights and obligations) increases compared to past practice; or when the number of institutions that are established as a consequence of the rights and obligations of citizens increases. O'Donnell and Schmitter gave particular attention to the broader effects of the democratization process, namely the second transition or socialization. They distinguished two different forms of it—the first being when, beyond the political scenario, private institutions also adopt this democratic civics approach, while in the second case political equality carries a broader, economic sense.⁷

"Peaceful Transition" and "Constitutional Revolution" in Hungary

Several studies have dealt with the issue of the effects of the various institutions evolving during the period of the political system changes in Central Eastern Europe on the development of democracy. The political changes in Hungary provide an excellent opportunity for analyzing this process as a model since the changes were peaceful and practically all its stages occurred within the constitutional framework. Therefore, the history of the system changes can be described through the process of constitutionalization, the remodeling of the legal system, as well as the operation of the Constitutional Court.

During the period of the political changes, public opinion identified the constitutional state as being well functioning, efficient, and desirable. The term *rule of law* (Rechtsstaat) meant for most people the pluralist democracies evolved in the second half of the twentieth century, while the concept of "rule of law" bore a value content that went beyond the practice of the formal constitutional state. Only a revolution could have created a totally new legitimacy. However the political changes in 1989–1990 were totally lacking in any revolutionary features. Therefore, the old regime, the old rule of law, was changed and the new regime was established through a series of reforms. The new political power evangelized the new constitutional state and its legitimacy. In fact, the conditions for the existence of the new system were founded on these grounds. In the state socialist phase, the democratic opposition—taking the Western countries as their example—based its strategy on trying to make the ruling power comply with the existing regulations as well as trying to force them to transform and democratize the legal system. The political changes in 1989–1990 were a peaceful transition; the politicians taking part in the establishment of a democratic state purposefully insisted on the continuity of the existing legal system.

The signs of the decay of the system had become conspicuous by the mid-1980s in Hungary. Following the modification of the act on

enfranchise vote, 1985 was the first year when, in theory, candidates who accepted the program of the People's Front but were not supported by it or the party could enter the general elections. There were two independent representatives who managed to get a mandate, respectively. There were several other MPs who went their own independent way in non-political issues and from time to time voted independently. Discussion forums supported by the People's Front⁸ as well as civil organizations, university clubs, special college events, student camps, and the renewed people's college movement made their presence felt more and more. This was the period of active organizational life.

In June 1987, the editors of the regular samisdat (clandestine) publication *Beszélő* published a special issue called *Social Contract* (subtitled *Conditions of the Political Changes*) written and edited by János Kis, Ferenc Kőszeg, and Otilia Solt. The program contained a famous assertion namely that "Kádár has to leave!" This political pamphlet not only diagnosed the problems with the regime, but rejected the system itself. In September the same year, some intellectuals and men of letters set up the Hungarian Democratic Forum in Lakitelek. The desire of the various, loosely organized political, social, intellectual, and civic groupings to organize themselves into tighter organizations sped up beginning in spring 1988.⁹ 1989 was the year of the dress rehearsal for the transition into a multi-party system. In March 1989, the political organizations set up by this time—Hungarian Democratic Forum, Alliance of Free Democrats, League of Young Democrats, Social Democratic Party of Hungary, Independent Small Holder's Party, Hungarian People's Party, Party of Christian Democrats, and some other quazi-party organizations—established the Round Table opposition initiated by the Independent Jurist Forum. The organizations belonging to the Round Table commenced to conciliate their programs and initiated negotiations with the Socialist Labor Party of Hungary in April in order to come to an understanding about the most important issues of political system change.

From 1988 onwards, the demand of the democratic opposition forces for a total change to the legal framework of the state was becoming more and more vigorous. As a consequence,

1989 became the year of continuous amendments of law. Most of the new acts simply overwrote those which the Constitution enacted in 1949, modeled after the Soviet one-party system. It was the Parliament of the state-party established back in 1985 that later established acts changing the political system. The Parliament decided on the introduction of the Constitutional Court,¹⁰ the Right of Association,¹¹ and it amended the right of assembly in compliance with international covenant.¹² These can be considered the most important acts of the political transition era, which provided a brand new approach in the field of human and civil rights. These acts consider the rights of association and assembly as fundamental; they are not granted by the state; in fact, they derive from the sovereignty of the people and therefore they apply to all humans without any distinctions and conditions. One more example of the expansion of the civic right was the regulation of the Right of Strike for the first time.¹³ The Parliament introduced the constructive vote of no confidence in 1989.¹⁴ According to this act one-fifth of the members of the Parliament could hand in a written proposal of no confidence for the Council of Ministers or for any member of it. Later on, the right of general elections and the most important rules of civil case initiations were enacted.¹⁵ The regulation of the Constitution, which provided legal guarantees, could not be postponed any more, but the establishment of such a significant regulation could not be done without inviting social and political groups outside the Parliament.

The Round Table negotiations were set off on June 13, 1989. The participants included the Hungarian Socialist Workers's Party (MSZMP), the Opposition Round Table as well as various social groups. The negotiations ended with an agreement on September 18.¹⁶ As a consequence, the Parliament amended the Constitution with far more votes than the necessary two-thirds. The Act XXXI of 1989 was formally a constitution amending law since it copied the structural form of Act XX of 1949. However, considering its content, it was a new Basic Law that declared and defined the form of the state, the republic, the parliamentary administration; the separation of the different authorities; and protection for human rights. As for its content, it was not the old socialist Constitution, and so

its continuity was valid only in the legal sense. During the Round Table negotiations the parties agreed on the most significant laws, which the Parliament later enacted, and its content was then in compliance with the agreement. The Parliament regulated the operation of the Constitutional Court; recorded its tasks and responsibilities concerning the protection of the constitution, the constitutional order, and the basic rights; and assigned its own position within the state system and outside the system of jurisdiction.¹⁷ In the implementation of the transition into a constitutional state in Hungary, one of the most important roles was assigned to the Constitutional Court. Those who created the Constitution of 1989—in order to reinforce the legitimacy of the new system—established the institution of a referendum, making it possible for each citizen to turn to the Constitutional Court. They also set up the institution of the ombudsman (parliamentary commissioners), granting it broad licenses.

Back at the beginning of 1989, the act concerning the Operation and Financial Management of Parties was modified,¹⁸ and the provisions regarding the foundation and operation of parties were aligned with the general rules of the right of assembly. The new Constitution of 1989 institutionalized a legislative body that was based on a multi-party system. Therefore, the previous act on enfranchisement had to be completely altered. The rules of the mechanism of the new enfranchisement law were drawn up and were embedded into the new act on the Election of Members of Parliament.¹⁹ Altogether, fifty-eight new laws were enacted by the Parliament in 1989, a number more than tenfold the yearly average of all the acts enacted annually between 1950 and 1985. Having established the framework of a constitutional state, the MPs of the old regime did what was absolutely necessary for the continuity of the legal system on the system change. On December 21 the abolition of the legislature was announced as from March 16, 1990.

The real essence of the transition can be well captured in the nature of the process, which was continuous and full of compromises (Round Table negotiations, modification of the Constitution, and finally the establishment of the Constitutional Court). We cannot talk

about any extraordinary events in Hungarian politics at the time. Throughout the processes of jurisdiction aimed to change the political system, the constitutional transition remained within its legal scope. In symbolic politics, however, there was an innate drive to put a sharp emphasis on the separation of the two political eras.

In order to distance itself from the evil of the system, the government enacted a so-called Reconciliation Act. On November 1, 1989, they proclaimed the first law of nullity, which stated that the sentences of all convicts for political crimes committed in the context of the people's rising between October 23, 1956, and April 4, 1963, as well as for other crimes such as killing, robbery, and violence against other people that were committed together with the previously mentioned political crimes, were void.²⁰ The next act on March 31, 1990, nullified any convictions between 1945 and 1963,²¹ whereas the third act of such kind (enacted on March 9, 1992) nullified some court sentences in certain crimes against the state or the public order between 1963 and 1989.²² In the early 1990s there was a bill passed in Parliament aimed at the punishment of crimes committed in the old regime, but this bill was not approved by the National Assembly. Perspectives on the responsibility of the sinners and the possible forms of constitutional reprisal widely differed among the parties and within the wider public. János Kornai examined this issue in his study from 2007. He looked into whether making historic justice and punishing those bearing the responsibility were necessary conditions of the change of political system. According to him, the solution to the moral issue of historic justice is not a necessary condition for proclaiming a complete system change.²³ Making justice for violations of human rights and other crimes has been scarce in Hungary—only some isolated cases have been listed.

Although the establishment of the legal framework of the new system was set up through a series of negotiations, the fact that great masses of people appeared on the streets during some symbolic events provided enough support for the newly emerging political organizations. The crowds could proclaim to the politicians of the old Socialist Party that

changes could be made without negotiations simply by the power of the whole society. Revolutionary symbolism maintained a high profile during the transition phase. The commemorations held on the anniversary of the Revolution of 1956 were one of the most powerful mobilizing forces. Also, the celebration of the Revolution of 1848 on March 15 mobilized more and more people. On March 15, 1989, the opposition virtually conquered the streets of the capital. Organized by the opposition, the celebration was attended by at least 100,000. The state party, the Hungarian Socialist Workers' Party, suggested the idea of a common commemoration, which was rejected by the opposition.²⁴ The celebration on March 15, brought about the symbolic victory of the opposition over the party state. June 16, 1989, was the day when the Prime Minister of the Revolution of 1956, Imre Nagy, and his fellow-martyrs, were reinterred. This event symbolized the demise of the political system that evolved after 1945. 200,000 people appeared in person on Heroes' Square in Budapest to participate in the event, while several million viewers could follow the live coverage on television.²⁵ It was there that the people could publicly announce the fact that the state socialist system had been based on violence and suppression. The symbolic significance of the Revolution of 1956 was further emphasized by the enactment of the New Constitution and the proclamation of the republic, which legally meant the abolishment of the state socialist system. On October 23, 1989—on the anniversary of the Revolution of 1956—the public was permitted for the first time to celebrate the first day of the Revolution of 1956. The huge floodlights illuminating the red star on top of the Parliament building were switched off for the first time that evening. The red star was also removed from the caps of the policemen.²⁶ In a symbolic sense, the transition came to an end.

Transition from a dictatorship to a democracy, expanding general human rights, and liberalization of the system all took place in Hungary between 1989 and 1990, as well as the process of democratization in the sense that citizens were granted the same political rights. Unlike past practices, the public was granted a

right to be involved in decision-making processes. The operation of the newly found institutions of democracy was set out in compliance with the rights and obligations of the citizens. Due to various reasons, the constitutional revolution was not able to reinforce the legitimacy of the new system and make the political decisions accepted by the wide public. The authority of collective decisions could have been more powerful had they incorporated procedures with wider public consent. Undoubtedly, the fact that the system change took place through a series of elite negotiations meant that the mobilization of the whole society was much more insignificant. Furthermore, the peaceful nature of the transition also implied that recompensation, historic justice, and punishment of politically motivated crimes were also only symbolic. These legitimacy problems were further enhanced by the feeling of many social groups that those in power regularly made decisions not in their favor and that the groups always ended up on the losers' side because the democratic state was simply incapable of ensuring the "moral membership"²⁷ for everyone.

The peaceful transition radically changed the structure of the state, hence the use of the appropriate term *constitutional revolution*. The constitutional state revolution was characterized by profound changes in its institutions. Later on, the Constitutional Court several times reaffirmed that Hungary had not been a constitutional state before the change of system adding that the constitutionality of the former jurisdiction had to be measured by the provisions of the new Constitution. This view is opposed by another standpoint that claims that there was no absolute rupture between the Kádár regime and the current, democratic constitutional state.

We might raise the issue whether the phenomenon of political system change can be purely interpreted via the institutional structure and its operation. The other issue is the relation between the political changes and the social and economic processes. How did the "starting phase," the commencement of the democratization process, determine the outcome of democratization itself in Hungary and in the rest of the East Central European countries?

Issues of Democratization— Possible Interpretations

It is well known that many have been unable to make good use of the opportunities embedded in the freedom of the new democratic world. It is less well known, though, that such escalating problems of the new system such as poverty, discrimination, and unemployment were all present in the society during the Kádár era, too. Politics led the past regime, however, to do its utmost to veil and conceal these unpleasant phenomena. The dictatorship did not admit the existence of social inequalities and problems. At the same time, however, social solidarity appeared. The emblematic moment of this phenomenon was the establishment of the Pro-Poor Fund (SZETA). It was one of the first oppositional organs established by the Hungarian democratic opposition in 1979. The moment this organization was set up their founders began to fight not only poverty and discrimination but the party state, too. In many cases they risked losing their job. The social welfare system was shaky during the socialist times, too. In the 1990s, as the system totally collapsed, many found themselves in hopeless conditions, giving way to a series of thus far hidden social problems and tensions.

Of course, not everyone was adversely affected by these unfavorable processes, which had an impact on the atmosphere of the general public. With the emergence of the free market, certain groups could set reasonable or substantial living standards for themselves. Inequality of wealth became apparent as the privatization of the former state companies and the appearance of foreign investors took off. Most conflicts of the period stemmed from the different forms of redistribution of property ownership (privatization, compensation, establishing the proportion of state and local governmental ownership of property). The majority of social criticism publications on such issues document the survival of the elite of the old regime, thus questioning the results and the actual extent of political system change. The theory of power conversion claims that the leaders of the party state had held elite positions in the economy and were, therefore, able to position themselves in the new configurations

of power. One of the most typical ways was to privatize state properties.²⁸ During the course of privatization, the old political elite became property owners in the new political capitalism (Staniszki 1991).²⁹ Several authors—critical about both the old and the new regimes—made an attempt to analyze the history of the system change through the role of the elite, doubting that there had been any fundamental changes in politics, society, or economy at all. (According to specific sociological analyses, only a fraction of the new political and economic elite had occupied higher ranks in the old regime. The rest came from the lower ranks of the old political and bureaucratic strata, while others arrived as outsiders, not from the elite.³⁰) In view of the controversy of the economic and social transition, we can understand the origins of conceptions so frequent in the Eastern Central region of Europe, that they reject both socialism and capitalism and offer some sort of "third way" solution with their own ideas, economic myths, and internal political lines of force only.

Studying the issue of the relations between democratization and the processes of capitalization (not to mention their evaluation) would take us even further away from our original intention. Both in the West and in the East, the decades of industrialization were comprehensible as the creation of "simple modernization"; they were no more than a linear and one-dimensional process of rationalization. Seemingly, societies produced and created more and more wealth. According to Ulrich Beck, the phenomenon of "reflexive modernization" later brought on the transformation in the foundations of industrial modernity. Risk society came into existence and the ideas of rational drives behind social processes faded away. Social inequalities did not only escalate, they also individualized. The firm foundations on which political and social institutions had been built were gone. Discrimination, poverty, and segregation have all become determining factors in post-socialist societies, too. This raises the issue whether new challenges can be overcome with the help of the former institutions of the modern nation-states, or is it necessary to modify or abolish them?³¹ Beck considers the phenomenon of "reflexive modernity" as individual-centered. He believes in increased social control,

the humanization of institutions, and the self-reflection of the society, all of which are necessary for us to distance ourselves from the traditional values of modernity. This is the way to fortify our trust in the democratic institutions as well as in the state itself.

Economic and social shocks—according to the general view—can shake the foundation of the rule of law. However, social stability can enhance its capacity to set its own rules. In Germany, for example, the possibility of the emergence of a new dictatorship was stifled by establishing the social rule of law in the 1950s and 1960s (sozialer Rechtsstaat).³² It remains an open question whether the traditions of the constitutional revolution can be kept and the constitutional institutions can be strengthened in Hungary.

In my opinion, the literature of transitology is unable to draw up a comprehensive assessment of the political system changes in Eastern Central Europe and come up with a steady picture of the results of democratization, just as it was incapable of prognosticating the fall of the state socialist countries before 1989. A researcher might strive to examine the past on its own (detached from the present) if he feels strong enough to break away from the issue of how the past is reflected in the present (i.e., how the past lives on now). In this case we can assume that what we write about is an "objective" story, reality as it was. By contrast, memory (revealing personal recollections) always creates links between the mental frames of past and present.³³ The places of memory, according to Pierre Nora, are points where memory, living traditions, and history meet.³⁴ That is when a created image of the past can be attached to a genuine, existing tradition. Social conflicts and experienced inequalities in a society might generate such concepts of history when the problems of the past seem to be lingering on, whereas current problems are rooted in the past. This image is making the history of our political system change as well as our notions about the transition, liberalization, and democratization more and more blurred. Our departure from this image can only be credible if our experiences—both individual and collective—keep contradicting this social observation.

Endnotes

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2. Tóké, Rudolf L. 1996. *Hungary's Negotiated Revolution: Economic Reforms, Social Change and Political Succession, 1957–1990*. Cambridge: Cambridge University Press.
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4. Wolchik, Sharon L. 1990. "Czechoslovakia's 'Velvet Revolution.'" *Current History* 89: 413–416 and 435–437.
5. Kis, János. 1998. Between Reform and Revolution. *East European Politics and Societies* (Spring): 304.
6. Rustow, Dankwart A. 1970. "Transitions to Democracy: Toward a Dynamic Model." *Comparative Politics* 2 (3): 337–363; Dahl, Robert A. 1971. *Polyarchy, Participation and Opposition*. New Haven: Yale University Press.
7. O'Donnell, Guillermo, and Philippe Schmitter. 1986. *Tentative Conclusions about Uncertain Democracies*. In *Transitions from Authoritarian Rule: Prospects for Democracy*, vol 4, 4–6., eds. Guillermo O'Donnell, Philippe Schmitter, and Laurence Whitehead. Baltimore: The John Hopkins University Press; Critics of the approach: Adam Przeworski. 1991. *Democracy and the market: political and economic reforms in Eastern Europe and Latin America*. Cambridge: Cambridge University Press, p. 91.
8. People's Front was a peculiar party state organization between 1954–1990 with the aim to "join all the social classes and strata of Hungary." It joined each element of the political system of the time including the state party, the mass organizations as well as social and cultural organizations.
9. On 17 March 1988, a call was published to establish the Network of Free Initiatives. As a successor to this organization the Alliance of Free Democrats (SZDSZ) was set up on November 13, 1988. At the end of the month 37 university students and young graduates established the League of Young Democrats (FIDESZ). In this

party-prolific period the most various organizations were set up ranging from the National Association of Entrepreneurs and Employers through the new trade unions—the first of them being the Trade Union of Scientific Workers with 1028 founding members in mid-May—to the Committee for Historical Justice, Publicity Club or the New March Front which had some reform socialist members and some other reform circles.

10. Act I of 1989.
11. Act II of 1989.
12. Act III of 1989.
13. Act VII of 1989.
14. Act VIII of 1989.
15. Act XVII of 1989.
16. National Archives of Hungary. (NAH) P 2117.
17. Act XXXII of 1989.
18. The Act XXXIII of 1989 modified the Act II of 1989.
19. Act XXXIV of 1989.
20. Act XXXVI of 1989.
21. Act XXVI of 1990.
22. Act XI of 1992.
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25. HA 1.12.2. 8.
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33. Halbwachs, Maurice. 1950. *La Mémoire Collective*. Paris: Presses Universitaires de Frances.
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