

Constitutional Changes after the Financial Crisis in the Visegrad Countries

Foreword

The National University of Public Service, Faculty of Political Sciences and Public Administration, Institute of Constitutional Law together with the Hungarian Academy of Sciences Centre for Social Sciences – The Institute for Legal Studies (Research Group of the Comparative Constitutional Law) organized an international conference called “Constitutional Changes in Central Europe after the Financial Crisis in 2008” on the 3rd June 2016. Readers can now follow some of the presentations in the form of a collection of journal articles written by both Hungarian and foreign participants. The conference had an explicit focus on the development of constitutionality after the crisis in the Visegrad countries. The collection provides general assessments on the constitution making and amending process on the relevant legislation and case law with special regard to the case law of the constitutional courts. Participants reflected on the Polish (Ewa Poplawska), Hungarian (Nóra Chronowski, Fruzsina Gárdos-Orosz, Júlia T. Kovács), Czech (Jan Kudrna) and Slovak (Tomas Lalik) constitutional changes. The purpose for the reconsideration and comparison of the constitutional situations in the neighboring countries was that the financial crisis of 2008 proposed new challenge to all of these countries. However, the Crisis has not affected equally all the states. In the first years, Hungary was shocked by the debt crisis and this occurred alongside the ongoing political crisis. This might have led to the groundbreaking results of the 2010 general parliamentary elections where the Fidesz-KDNP party coalition won a two thirds majority and gained a constituent majority.

The crises also affected the other Visegrad countries but somehow constitutional changes were as revolutionary as in Hungary – in these states, the elected politicians did not aim at adopting a new constitution. Constitutionality in this sense was undoubtedly continuous since the democratic transition. This does not mean that these states remained intact from constitutional changes. There were important amendments adopted both in the Czech Republic and in Slovakia between 2008 and 2015. These amendments changed the mandate of the representatives, the election process of the Czech president, or the operation of the judiciary in Slovakia. By 2015 in Poland, the complete constitutional system has undergone significant changes, although without formal amendments of the 1997 constitution with the rise of new political forces (PiS).

The fundamental question of the conference was if these changes in the constitutional systems of the Visegrad countries show a trend and if so, how this trend might be identified. Were there new trends in doctrine or this period just simply about solving the problems pre-dating the 2008 crisis? The discussions concluded that there are examples for both scenarios in these countries. There are certain austerity measures and their constitutional validation that might qualify as trend in doctrine, caused directly by the financial crisis. However, some constitutional changes, the emergence of conservative constitutionalism seems to be quite independent from the financial crisis. Some Visegrad countries redefine the role of the environmental protection, family, marriage or life itself on a traditional ground.

Constitutional courts and constitutional jurisprudence seems to be the most affected areas and there are serious concerns raised both in Poland and in Hungary in this regards. All of the speakers gave some attention to this problem of the constitutional adjudication.

The above mentioned topics have been discussed by the participants of the conference. The aim is now to provide the readers with a more detailed analysis of the observations. Although the authors cannot give final and definitive answers to the questions raised, the discussion surely contributes to the identification of the region related problems and understanding of the general and the specific constitutional changes going on in the Visegrad countries since 2008.

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