

## **.SIAK-Journal – Zeitschrift für Polizeiwissenschaft und polizeiliche Praxis**



Korinek, László (2006):

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SIAC-Journal – Zeitschrift für  
Polizeiwissenschaft und polizeiliche Praxis  
(4), 61-71.

doi: 10.7396/2006\_4\_G

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Korinek, László (2006). Party control over the police (1956-1989), SIAC-Journal – Zeitschrift für Polizeiwissenschaft und polizeiliche Praxis (4), 61-71, Online: [http://dx.doi.org/10.7396/2006\\_4\\_G](http://dx.doi.org/10.7396/2006_4_G).

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Hinweis: Die gedruckte Ausgabe des Artikels ist in der Print-Version des SIAC-Journals im Verlag NWV (<http://nwv.at>) erschienen.

Online publiziert: 4/2014

## Party control over the police (1956-1989)

The 50 years which have passed since the struggle for freedom and the revolution of 1956 were hopefully long enough to see clear and to appreciate and understand the values of the struggle for freedom, the revolution, the news of a future of a bold struggle. If anywhere, then in the former Ministry of the Interior, things have happened which could be important experiences for the experts of police and justice. The nature of revolution is that it turns against the power institutions of the system with all its anger. The nature of a put-down revolution is that the task of punishment has to be done by policemen. If it is possible to put down a revolt with the help of a foreign power, then the police have to follow the orders of this foreign-armed power. The formula is more complex in this part of Europe. Amongst the heroes of 1956 were numerous policemen, as a part of the armed forces and amongst those policemen were also the ones who caused the wrath of the people. We have to remember the innocent victims, the mindless dying, which could be found on both sides of the barricades. 50 years ago, it was the only one year before freed Austria that helped Hungary the most. It is interesting to get to know, after the release of the secret archives, how the machinery of punishment worked.

The Constitution of the Republic of Hungary states that: "Political parties may not exercise public power directly. Accordingly, no single party may exercise exclusive control of a government body"<sup>1</sup>. Other countries' constitutions do not include such a clear prohibitive clause, even if the countries themselves arrived at the era of democratic transition in 1990 from authoritative single-party system states similar to our own.

According to the constitution of the Czech Republic, "the political system shall be based on the free and voluntary presence and competition of political parties which respect basic democratic principles and reject violence as a means of enforcing their interests"<sup>2</sup>.

The constitution of Poland provides as follows: "The Republic of Poland shall assure the free foundation and operation of political parties. Political parties may be founded in accordance with the principles of voluntary participation and of the equality of the Polish people, with a view to shaping the state by democratic political means"<sup>3</sup>.

The constitution of Estonia includes the following rule: "It shall be forbidden to operate associations, organizations, or political parties the aims or activities of which

focus on changing the Estonian constitutional order through violence ..."<sup>4</sup>.

The Slovakian constitution declares that: "Political parties, movements, or societies and associations shall operate separately from the state"<sup>5</sup>.

The selection of the constitutional solutions presented here indicate that modern civic societies cannot do without political movements that are capable of expressing the often highly diverse relations of interests. It is also natural that parties which gain governmental power as a result of democratic elections would like to enforce in practice their views on the operation of the state. The rule of the law, the principle of dividing the branches of power, the system of checks and balances, and the guarantees protecting individual rights ensure that the militant methods of expressing people's views would be clearly differentiated from the decisions enforceable by law during the realization of the party aims. There are no such guarantees in a dictatorship.

**Endeavours at the time of the change of regime: law enforcement as special administration.** The authors of the 1989 Constitution of the Republic of Hungary found that, based on the experiences of

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The publication of these ideas in the professional journal of the Ministry of the Interior is related to the fact that the most direct form of party control in dictatorships could be experienced precisely in the management of the armed forces.

Approaching the political change, those voices which demanded the separation of political control from professional administration in the field of governance concerning interior affairs gained further in strength.

the previous forty years, in addition to declaring the principles of the democratic constitutional state, the Constitution should also separate political activities from the operation of the state as a prohibition addressed to the parties. This ambition had some antecedents.

The Hungarian Academy of Sciences' Programme Office for Political Science Research had been in operation since the 1970s, with legal theoreticians and economic experts working on how to strengthen the characteristics of the constitutional state within the framework provided by an authoritative power structure. Belügyi Szemle (Interior Review) published an interview with Géza Kilényi, head of the Programme Office, in 1987. Kilényi claimed that the situation should be arrived within the framework of the one-party system that the party's sphere of competence should only include political questions. He went on to state that Parliament's role should be strengthened, and raised the importance of the status of paid, professional parliamentary representatives. He highlighted that the number of session and the duration of the discussions should be increased. He voiced criticism, arguing that a parliament that discusses and approves complicated and long laws in one day cannot be considered as a serious legislative power. He urged that the government be given real governmental power. He brought up the issue of re-establishing the legislative power to check the executive, among other things by reviving the institution of the motion of censure and of the right of interpellation. It should be achieved, he added, that party control be limited only to the political tools of persuasion.<sup>6</sup>

The publication of these ideas in the professional journal of the Ministry of the Interior is related to the fact that the most direct form of party control in dictatorships could be experienced precisely in the management of the armed forces. According to István Szikinger, the fundamental reason

for this was that, while a constitutional state applies a self-restrictive technique for exercising power, a technique which is governed by the rule of law and limits the powers of the legislator, dictatorships require unlimited power. Such power is based on force rather than on law. Szikinger raised another problem in this article. If we withdraw the police from the effect of legal regulations in order to provide unlimited power, there still remains the risk that the organization will itself become a centre of power, or, as the author puts it, "it will itself determine the common good," for the assurance of which it will then consider all means acceptable.<sup>7</sup>

Approaching the political change, those voices which demanded the separation of political control from professional administration in the field of governance concerning interior affairs – based on legal arguments – gained further in strength. Imre Verebélyi saw an institutional guarantee for this in the fact that "... the highest levels of command in the police should be separated from the level of ministerial control"<sup>8</sup>.

In line with this, the directorship of the police announced new operational principles and a new human relations policy which meant a complete break with the principles required under a proletarian dictatorship. "The police should be independent from party political discussions. We must achieve a situation whereby people with ideologies which differ from the policy of the MSZMP (the Hungarian Socialist Workers' Party) and who have religious convictions are able to apply for acceptance to the professional cadre"<sup>9</sup>.

While the process described by the Constitutional Court as "constitutional revolution" was emerging, the mechanisms which aimed at preserving the monolithic method of the exercise of power continued to operate. This is what the lessons of the so-called Duna-gate case – the news of which broke in January 1990 – indicated. The scandal justified certain bodies of the

state security service – primarily the BM III/III department, responsible for internal security – continuing conducting observations of opposition parties by employing security service methods even after the constitutional recognition of the operation of opposition parties. The Minister of the Interior charged a committee with the investigation of the case. The committee's report concluded: "... the internal security service gathered information about the activities of the SZDSZ (Alliance of Free Democrats), Fidesz (Alliance of Young Democrats), other political parties, organizations, and individuals by employing operative forces and tools until the end of 1989. The head of the service and the officers in charge under his leadership practically admitted this fact. According to their view, (...) one of the aims of the investigations controlled and conducted by them was the protection of the opposition parties. At the same time, the information in the daily reports does not prove that they would have served to protect the opposition's leading figures; on the contrary, they prove that the investigations resulted in uncovering these individuals' activities, relations, and plans".<sup>10</sup> It should be added that at that time there were no party organizations within the Ministry of the Interior either. The amended constitution of the republic, which entered into force on 23 October 1989, anticipated the solution which is currently in effect, which forbids political activities on the part of the professional personnel of the army, the police, and the civil national security services.

**Vocabulary:**

*antecedents = Bezugsselement, Vorgeschichte*  
*to revive sth = etw wiederbeleben*  
*monolithic = monumental, aus einem Guss*  
*conducting = leitend*  
*promulgated = verkünden, veröffentlichen*  
*infringement = Rechtsverletzung*  
*allowed for = berücksichtigt*  
*to reside = bleiben, wohnen*

**Party control over law enforcement.**

One of the reasons why the documents of the – often contradictory – stage of democratic transition are worth studying is that they give us an insight into the whole mechanism of party control over law enforcement. We shall now summarize the conclusions that may be drawn.

Law enforcement was part of the state mechanism of proletarian dictatorship; therefore, it shared its defenselessness before the monolithic power centre. The professional autonomy of the administration of internal affairs could not be enforced even in a limited way at a place, where even Parliament and the government proved to be ineffective vis-à-vis the party bureaucracy.

All of the activities of public administration and justice were also defined by legal regulations in the party state. However, the socialist interpretation of the law itself promulgated the primacy of political will, although in the 1980s some careful ideas appeared requesting some space for the relative autonomy of the law.<sup>11</sup> The administration of law enforcement, however, was successfully removed from the rule of the law as thus interpreted. No law was passed concerning the police or state security. The procedural rules of numerous measures limiting basic human rights were only determined by secret internal orders. The orders also ensured that, should a case of infringement arise against individuals holding leadership positions in the party, no procedures could be instigated against them unless an authorization was given to this end by the competent bodies of the party. This system allowed for the direct use of criminal law for the purposes of removing political opponents. The "scripts" of the show trials were written during the preliminary proceeding. Judicial bodies had no control whatsoever over such investigations. András Szabó was right to argue in one of his studies about the era that "... the falsity of facts resides in a

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It was also part of the technology that there were party organizations in the law enforcement bodies and at the ministries responsible for them.

sphere beyond legal judgment, uncontrollable by law"<sup>12</sup>.

The legitimacy of party control was provided by an ideology which intended to be exclusive and which stated that no adequate professional work could be done without accepting the only theory which was right. Therefore, documents about party control over the Ministry of the Interior continuously declared war against "views and practices different from the party's policy," arguing that "only actions based on the party's programme will result in progress".<sup>13</sup>

Concerning the armed forces, the tools of party control did not differ from the methods used in state administration. Party decisions had the strength of legal norms, and individual party orders were carried out according to the principle of unconditional obedience. Precisely because of these reasons, however, such a competence of party administration was placed very high. "Party control and supervision of the Ministry of the Interior shall be carried out by the central committee through the political committee, the secretary of the central committee, and the public administration and the administrative departments of the central committee"<sup>14</sup>. It is not difficult to conclude from this set up that party control often meant the chief secretary's personal decision. It was also part of the technology that there were party organizations in the law enforcement bodies and at the ministries responsible for them. The members of these party organizations were required to perform their professional tasks in full compliance with the party's decisions by which they were bound. Therefore, it was necessary that the vast majority (in some posts even 90%) of the personnel should be members of the party and that nobody would be able to have a position in the upper echelons without being a party member. The party expected that the leaders "...would strengthen the personnel's political-moral strength and readiness for

war. Emphasis should still be placed on the understanding and uniform interpretation of the party's policy and on the utilization in practice thereof. Party organizations and commanders should consistently take measures against views and practices which differ from the party's policy"<sup>15</sup>.

When studying the documents of party control, we can find some contradictions which characterize the whole of the Kádár era. One of the dilemmas concerned the tension between the command of the armed forces and the institutional nature of party organizations. At times this forced the central apparatus to draw attention to the protection of the authority of the command; at other times, however, they encouraged the party members to withdraw their trust from those leaders who were considered to be unworthy. Yet the contradiction is fictitious, since the MSZMP did not function as a democratic party but as an institution under the management of a single person, exactly like the armed forces that it controlled.

Real antagonism emerged, however, between the information monopoly of law enforcement and the omnipotence of the state party. It is not by accident that one of the most important documents regarding control, the decision of the central committee dated 28th November 1969 on evaluating the work of the Ministry of the Interior, quoted above, considered the following as a virtue: "It is a great merit of the party organizations, commanders, and party membership that, in the aftermath of the counter-revolution, they managed to combat the aspirations to control everything – avant-gardism"<sup>16</sup>. With an awareness of the era's encrypted messages, this praise may be even read as a threat: the monopoly of law enforcement may only prevail if it does not contradict the intentions of the party centre. It was a recurrent requirement to respect socialist constitutionality and to prevent the investigation services from using their capacities against the party (Party

decisions often promised that the infringements of the 1950s would not be repeated; yet the same documents considered that the cruel repression of the revolution, including the execution of Imre Nagy and his companions, was right).

Finally, it may be stated that it was sometimes difficult to reconcile the voluntarism of the party state with the professional side of policemen, i.e., that the protection of public order, law enforcement, and pursuit of criminals constitute a profession which is learned and, consequently, that professional expertise is able to counterbalance an authoritative hierarchy.

The methodology of party control characterizing the Kádár era developed at the time, when, following the repression of the Hungarian revolution with Russian arms, the party elite assigned by the presidium of Moscow started to reorganize its own police.

**The decisions of the MSZMP's provisional management bodies regarding the police.** The Hungarian revolution was the first serious warning indicating that society cannot be controlled in the name of false ideologies, by rejecting human values and relying solely on violence. Such systems are necessarily doomed to destruction even if various means allow for the painful assurance of their existence for a long time. Restoration is often only possible through the intervention of foreign armed forces and by developing oppressive internal apparatuses – which is the way things happened in Hungary in 1956.

The revolution also proved how fragile power without controls can be, and how it can collapse virtually within hours. This experience also had an impact on the proletarian dictatorship created as a result of the Soviet intervention. The MSZMP's provisional management bodies dealt with the situation of the police recurrently in November and December 1956. They concluded that the police performed badly, i.e.,

it refused to participate in the repression of the people's fight for freedom. Lajos Czi-nege, former minister of defense, for instance, objected during the meeting of the MSZMP's provisional action committee, on 21 November 1956, that "...policemen, among whom the degree of disintegration was the highest..."<sup>17</sup>, did not have to sign an officer's declaration. He was referring to the declaration of allegiance that had to be signed by those army officers intending to remain in service. They took rapid measures to organize the Special Forces and the worker's militia which functioned exclusively as party forces, arguing that the police "cannot in most places be used for the purposes of the government"<sup>18</sup>. At the same time, they also understood that the party police cannot replace the professional law enforcement agencies. Ferenc Münich, minister of the armed forces in the first Kádár government, described the police as having recruited "scattered units, passive subordinates, and supporters of the revolutionaries."<sup>19</sup> He added: "The organization of the police is progressing slowly and tardily. (...). This can be explained by the irregular party work, the political confusion dominating the whole of the people and also manifesting in the police, and finally the grave financial situation, the low salaries. The 10% rise promised as of December is not sufficient. Every state pays the police and cares about them, since the police cannot be stabilized exclusively on ideological grounds: you cannot direct workers and party workers there"<sup>20</sup>.

The Hungarian revolution was the first serious warning indicating that society cannot be controlled in the name of false ideologies, by rejecting human values and relying solely on violence.

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**Vocabulary:**

*obedience = Abhängigkeit, Gehorsam*  
*virtue = Tugend*  
*aftermath = Folgen, Nachwirkungen*  
*prevail = vorherrschen, durchsetzen*  
*to reconcile = abgleichen, aussöhnen*  
*to counterbalance = ausgleichen*  
*oppressive = gewaltsam, unterdrückend*  
*allegiance = Treuepflicht des Beamten*

How is it possible to operate law enforcement as the "party's armed forces", while public order should also be protected.

The oppressive mechanisms were always inventive in their use of the armed forces as police and their police as armed forces, depending on the needs of the exclusive ownership of power.

The contradiction which creates a dilemma in every power requiring exclusiveness could be also seen in the discussions about the police: how is it possible to operate law enforcement as the "party's armed forces", while public order should also be protected, which requires more than loyalty to the party, i.e., for which professional expertise is also needed? István Tömpe, who at the time was a party commissioner responsible for the police, stated that it was a mistake that the police were too slow to capture the leaders of the revolution; however, he recognized that "there is hardly any looting or attack against individuals in Budapest"<sup>21</sup>. The leaders of the party recurrently complained that policemen "do not wish to deal with political issues"<sup>22</sup>. At the same time, when organizing the political police, they could not do without the officers of the former ÁVH (State Protection Authority), who, however, "were only good", at the beginning of the fifties, "at persecuting the communists"<sup>23</sup>. The cleaning out of the police – what means no less than arresting a number of police officers, who supported the revolution – has been pushed very intensely. Ferenc Münnich added: "In my opinion, the most important thing to do regarding the police is to check and reorganize the commissioned personnel, and to build the political apparatus as soon as possible so that it may carry out its work without any wavering. The best professionals must be brought into the political apparatus."<sup>24</sup> In this context, by "political apparatus" we should understand the political investigation bodies, which later became the state security services. The solution which later came to be general thus started to develop: the intention was to merge the political and professional requirements in the party control over the political (state security) police by turning the best professionals at the highest management levels into party officers, and by training the most trustworthy party workers as policeman.

The MSZMP's Provisional Action Committee made a decision, on 14 January 1957, which stated the following: "In order to improve the quality of investigative work, former state security professionals who were not condemned in the show trials (sic!) should be brought into the political apparatus"<sup>25</sup>. The loose wording here should be interpreted as a reference to those who were not condemned due to their participation in the show trials. We may add that these "professionals" actively participated in the procedures which had been launched against the revolutionaries and which resulted in the formulation of hundreds of death penalties, including the preliminary investigation of Imre Nagy's proceeding.

The oppressive mechanisms were always inventive in their use of the armed forces as police and their police as armed forces, depending on the needs of the exclusive ownership of power. Such totalitarian forms of violence, however, cannot be maintained for a long time, for after a while they become counter-productive. This is what the leaders of the MSZMP recognized when they decided, in February 1957, to reorganize the Ministry of the Interior, to carry out the organizational separation of the tasks of the police and of the armed forces, and to subordinate the special forces to the Ministry of the Interior. They provided for continuing the cleaning out of the police, in order to get "a clear picture of the process of treason"<sup>26</sup>, i.e., the process during which most of the policemen sided with the rebellious people. The majority of the police's commissioned personnel should come from the Special Forces, declared the decision.<sup>27</sup> In order to increase the efficiency of party control, a uniform police force was established within the organization of interior affairs, within which the state security apparatus started to develop with considerable independence whilst being concealed from the outside world. The party leadership consid-

ered that this would ensure, on the one hand, that the police would be in the service of politics with more resolution than previously and, on the other hand, that state security would not become in itself an independent power factor which could be used in intra-party struggles to repress opponents (This was one of the major lessons of the Rákosi era. We should not forget that the majority of the communist leaders, who worked on the repression of the revolution, including János Kádár, had experienced the prisons of the proletarian dictatorship at the beginning of the fifties.).

It was primarily in the years of soft dictatorship that the rather apologetic view was formed according to which in fact the police of the socialist era acted lawfully, in the spirit of the then-current legal regulations. The judge in the proceeding against Imre Nagy, who lived to an old age, argued in a radio interview at the time of the change of regime that the proceeding was purely a legal procedure, and that he made his decision based on his conviction as a lawyer. However, had he studied the documents of the investigation more thoroughly, he would have noticed, among other things, that the management of the proceeding, including the smallest details thereof, was in the hands of the Hungarian commissioners of the Soviet security bodies. This is why it was necessary for a Russian translation to be made of all the documents, from interrogation reports to the decisions ordering involuntary measures, and a large translation team assisted the investigation day and night. If the principle of national legal authority is infringed to such an extent in a criminal proceeding, then the proceeding itself cannot be called "legally correct".

The aforementioned minutes of the meeting of the MSZMP's governing bodies clearly prove that party control intervened during this period in decisions about who to arrest and when. At the beginning of 1957, János Kádár considered that arresting four to five hundred people would be sufficient

as a reprisal. Deputy Minister of the Interior László Földes thought it would be necessary to arrest several thousand people.<sup>28</sup> The reality exceeded both estimations by far.

The view according to which party control means that all decisions related to the police are made in the party centre is an exaggeration. This is clearly impossible, and irrational even for such an unrestricted power. The ideological grounding of law enforcement served precisely the aim that decisions by the authorities are made in accordance with the directives of the communist party even if there is no direct political intervention in decision-making. For this, however, law enforcement had to follow the principle whereby they believed only in violence. At the meeting of the provisional central committee on 26th February 1957, János Kádár complained that "we have to tell the political police all the time that somebody should be arrested here or there. It may seem frightening but a police force is normal if it wants to arrest everybody"<sup>29</sup>. The idea that it is not the myth of violence that makes the police "normal" has become accepted only in the last decades, even in constitutional state.

The grip of party control also reached judicial institutions at the beginning of 1957. To quote János Kádár again: "Having considered the issue for a long time, we concluded that the performance in this area may be efficiently improved if we assign a minister of the interior and a minister of defense, and if we replace the head

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**Vocabulary:**

*looting = Plünderung, Erbeutung*  
*commissioned = bevollmächtigt*  
*to subordinate = unterwerfen, unterordnen*  
*treason = Landesverrat*  
*struggles = Kämpfe*  
*sufficient = ausreichend*  
*reprisal = Repressalie, Vergeltungsmaßnahme*  
*grip = Gewalt, Griff*



of the political department of the police – which has already been done – and if comrade Münnich were now to expand his supervision over the judicial bodies...<sup>30</sup>.

Within weeks, many judges and procurers, loyal to their profession, were recalled.

The issue landed "in the best hands". Within weeks, many judges and procurers, loyal to their profession, were recalled. Ferenc Nezvál, Minister of Justice, and Géza Szénási, Chief Prosecutor, explained to those who remained what they were expected to do.<sup>31</sup>

The legal evaluation should also express the notion that they were not heroes but common criminals.

The two leaders of the judicial body, who were assigned by the party centre, drew attention to the fact that the judges and prosecutors should evaluate the revolutionaries they were dealing with as confirmed enemies of the workers' power and that they should change the view which had previously led to soft judgments. The legal evaluation should also express the notion that they were not heroes but common criminals. Some judges and prosecutors clearly understood this message. This is how it became possible to interpret the law in such a way that, for instance, gunshots fired towards an attacking Soviet tank qualified as attempted homicide, and, if there were some dead among the intervening forces, then the revolutionaries fighting against them were called to account for completed homicide. This interpretation of the law made the amnesty of 1963 hypocritical, since the scope of the general amnesty did not apply to perpetrators of public crimes.

This interpretation of the law made the amnesty of 1963 hypocritical, since the scope of the general amnesty did not apply to perpetrators of public crimes.

The courts also heard cases where political interest could also determine the extent of the sentence imposed. This is what happened in the case of the infamous minister of defense of the Rákosi era, Mihály Farkas. Kádár informs the central committee about this as follows: "It seems that he had some ideological influence on the court, since he was given 6 years by means of a sentence that is neither fish nor fowl. We do not want him to sit in prison for 20 years, but it is definitely necessary for him to receive a correct sentence. This

case will have to be discussed again once we set up the people's court"<sup>32</sup>. It was set up, and the new sentence in April 1957 imposed 14 years of imprisonment (Mihály Farkas was released from prison by means of an individual amnesty in 1960). The provisional nature of the state party leadership ceased with the party meeting of June 1957, and the power structure characterizing the management of law enforcement for 33 years was established. We may consider it to be a sign of the virtuosity of party propaganda that official sources attempted to conceal the aforementioned methods of party dictatorship, and did so with considerable success for three decades. The official policy, which was supported by the use of legal arguments, represented the darkest period of Hungarian criminal justice, i.e., the years following 1965, as the era when socialist constitutionality was completely restored and further improved. The decision of the MSZMP's central committee published in August 1962 and dealing with the main reasons for and circumstances of infringements and show trials had a significant role in feeding this belief. Among the infringements of the Rákosi era, the decision raised objections only against the proceedings launched against those who participated in the "workers' movement", while it considered the reprisals following November 1956 to be "consolidation"<sup>33</sup>. At the same time it cannot be denied that these experiences were also sufficient for the formulation of views promulgating the importance of legal guarantees and the respect of the legal profession.<sup>34</sup>

**The end of an illusion. Exploring the possibilities of constitutional law enforcement.** In 1990, the professional management of the reconstructed Ministry of the Interior started its work under the government of József Antall with the conviction that the main principles of constitutionality would automatically provide a solution to

the management of law enforcement by the government. We may have not devoted sufficient attention to the conclusions of one of the most excellent representatives of police science, Robert Reiner, who made a thorough analysis of the British police model and highlighted that even the model states of civil society have to face serious difficulties when it comes to rooting democratic principles in the work of the police. He believed that "modern law enforcement meets the following requirements:

- a highly professional bureaucratic organization which adequately fits into the uniform system of public administration,
- regulation of the activities of the police by law, responsibility for the measures before the law,
- the strategy of minimal violence,
- party neutrality, unbiased enforcement of legal regulations,
- prevention-oriented presence of the police, primacy of prevention,
- performance evaluation based on assessment by local communities and on the quality of law enforcement (rejection of the statistical approach),
- police personnel reflecting the social composition of society (including the representation of minorities)"<sup>35</sup>.

It was an illusion to believe that the police forces of the young democracies would be able to meet these requirements within a short period of time. The process takes much longer, and cannot be considered to be complete even now. There are no subtle means by which the political powers in a governmental position can enforce their ideas about the reform of the state in the development of the strategy pertaining to public order and in the planning and implementation of law enforcement reforms.

László Sólyom believes that Europe has witnessed the procedure of the "constitutionalization of politics". "This period saw in Europe the spread of constitutional jurisdiction and the emergence of the legisla-

tive activity of constitutional courts. The ghost of "governance by court", previously presented as a threat, became the reality of judicial legislation by the time the Hungarian constitutional court was set up. This, however, entailed the transformation of the whole political system"<sup>36</sup>. These ideas imply that an adjustment of the relationship between politics and law – at least in the Western part of Europe – is guaranteed through the practice of constitutional jurisdiction, since the decisions of the constitutional court are capable of limiting the political will whenever this will is embodied as a legal regulation which, however, does not subject itself to the unavoidable internal legitimacy of the law. Nevertheless, the author also highlighted that, while it carried out a significant mission of "constitutional development", the Hungarian Constitutional Court added hardly anything to the adequate coexistence of the law and of the constitutional requirements of politics. "The Constitutional Court did not adequately take into account the intermediating powers which are real parts of the political system. It interpreted even the unavoidable intermediate bodies, the parties, as being withdrawn in the regulations. It stated that a party is a party because it intends to enter Parliament; it recognized the separate legal status of parties, etc, but it failed to make theoretical judgments that would have expressed what is means in the Constitution by the parties not being able to exercise public authority, whereas by join-

It was an illusion to believe that the police forces of the young democracies would be able to meet these requirements within a short period of time.

László Sólyom believes that Europe has witnessed the procedure of the "constitutionalization of politics".

**Vocabulary:**

*comrade = Gefährte, Genosse*  
*procurers = Vermittler*  
*evaluate = auswerten, beurteilen*  
*attempted = versuchter*  
*homicide = Totschlag*  
*rooting = verwurzelnd*  
*unbiased = unbefangen, vorurteilslos*  
*subtle = subtil*  
*pertaining = gehörend*

The constitutional base of law enforcement bodies and the governmental structure of their management have recently undergone considerable changes.

A Hungarian law enforcement body which is shaped under such circumstances will be able to meet the EU requirements with respect to law enforcement.

ing Parliament and the government they are evidently the masters of public authority. Thus, the interpretation of the "direct" exercising of power, the filter that transforms party authority into state power, is missing<sup>37</sup>.

The constitutional base of law enforcement bodies and the governmental structure of their management have recently undergone considerable changes. These changes will achieve the desired goals of lawful and efficient law enforcement if the political powers are able to reach a consensus with a view to defending public safety, if the whole of society supports the difficult process of modernization and if the professional arguments of law enforcement bodies and the scientific research carried out in this field are taken into consideration. Such a change can really be labeled as a reform, especially if the organizational measures are to be incorporated in laws and will be linked to an increase in state budget funding to law enforcement. A Hungarian law enforcement body which is shaped under such circumstances will be able to meet the EU requirements with respect to law enforcement, particularly as our Western partners have reformed law enforcement in the last 15-20 years in a way that at present we can only hope to follow.

What should be recognized on the Revolution of 1956 in Hungary is particularly topical is the following: law enforcement as a profession will continue to be exposed to politics as long as self-limiting politics realizes that in the long run they are better off with a police which is free of politics and which is sometimes able of saying no, and as long as law enforcement is a profession, that develops self-respect and its own professional ethos.

## Zusammenfassung

**Die am Beginn des Artikels zitierten verfassungsrechtlichen Varianten veranschaulichen deutlich, dass moderne Zivilgesellschaften ohne große politische Strömungen, welche es erst ermöglichen oftmals stark divergierenden Interessen gerecht zu werden, handlungsunfähig wären. Die Legitimation zur Kontrolle durch eine Partei, wie es in Ungarn der Fall war, wurde durch eine Ideologie begründet, welcher ein totalitärer Exklusivitätsanspruch zugrunde lag – die also davon ausging, dass keinerlei adäquate Arbeit verrichtet werden könne, ohne die völlige Verinnerlichung der Parteilinie. In Anbetracht dessen wird klar, dass es einen Widerspruch in sich darstellt, einerseits den Interessen der Partei bedingungslos verpflichtet zu sein, andererseits den tatsächlichen Anforderungen des Polizeiberufs in ausreichender Form zu entsprechen.**

**Der vorliegende Beitrag untersucht die Beziehung der allmächtigen Staatspartei zu Innenministerium und Polizei unter dem Gesichtspunkt, wie der bestrafende Apparat der politischen Polizei ausgebaut, und wie die Strafverfahren vorbereitet wurden, die mit mehreren hundert Todesstrafen endeten.**

**Der Artikel stellt den Mythos, den die Kádár-Konsolidation über sich selbst verbreitete, in Frage, der besagt, dass diese in der Struktur eines Rechtsstaates betrieben wurde. Im Gegenteil dazu blieb die straffe Parteikontrolle eben auf diesem Gebiet bis zu der Wende 1989 am Leben.**

## Literaturhinweise

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- <sup>2</sup> Trócsányi, L./Badó, A. (Ed) (2005). National Constitutions in the European Union, Budapest, 220.
- <sup>3</sup> Ibid. 524.
- <sup>4</sup> Ibid. 324.
- <sup>5</sup> Ibid. 1007.
- <sup>6</sup> Kilényi, G. (1987). Interview on the development of the political system of institutions. *Belügyi Szemle* (9).
- <sup>7</sup> Szikinger, I. (1988). Police and Politics, *Belügyi Szemle* (7).
- <sup>8</sup> Verebélyi, I. (1989). Reforming Domestic Administration, *Belügyi Szemle* (5), 13.
- <sup>9</sup> Diczig, I. (1989). On the Place and Role of the Ministry of the Interior, *Interior Review* (5), 20.
- <sup>10</sup> Ministry of the Interior 85-70/90 (1990). Report of the Diczig Committee.
- <sup>11</sup> Constitutionality may not be interpreted as solely a political momentum, and it would also be a mistake to state that it corresponds to law. In fact, socialist constitutionality in neither exclusively a political, nor completely a legal momentum – it is the close, inseparable union of these two, in which of course the political element is decisive, in: Markója, I. et al. (1985) *Law and Constitutionality*, 35.
- <sup>12</sup> Szabó, A. (1975). The Lawyers' Changed Social Role. *Szociológia* (4), 504.
- <sup>13</sup> Task Plan of the MSZMP's Committee at the Ministry of the Interior for the Implementation of the Central Committee's Position (1987). 51-1/6. Confidential.
- <sup>14</sup> Decision of the Central Committee on the Party Control and Supervision of the Bodies of the Ministry of the Interior and on the Rights and Scope of Authority of the Party Organisations Functioning at the Interior Bodies. November 14, 1967.
- <sup>15</sup> Decision of the Central Committee on the Tasks of the Ministry of the Interior. November 28, 1969.
- <sup>16</sup> Ibid.
- <sup>17</sup> Meeting of the MSZMP's provisional Action Committee, November 21, 1956.
- <sup>18</sup> Minutes of Meeting of the Provisional Management Bodies of the Hungarian Socialist Labor Party Vol. I. (1993), Budapest, 74.
- <sup>19</sup> Ibid. 71.
- <sup>20</sup> Ibid.
- <sup>21</sup> Ibid. 170.
- <sup>22</sup> Ibid. 308.
- <sup>23</sup> Ibid. 170.
- <sup>24</sup> Ibid. 308.
- <sup>25</sup> Ibid. 320.
- <sup>26</sup> Minutes of Meeting of the Provisional Management Bodies of the Hungarian Socialist Labor Party Vol. II, Budapest, 126.
- <sup>27</sup> Minutes of Meeting on the Action Committee's meeting. Vol. II (1957), 126.
- <sup>28</sup> Cp. *ibid.*, 169.
- <sup>29</sup> Ibid, 217.
- <sup>30</sup> Ibid, 163.
- <sup>31</sup> Nezvál, F. (1957). Current Tasks of Our Courts. *Magyar Jog* (2); Szénási, G. (1957). The Tasks of the Prosecutor's Office after the Repression of the Counter-Revolution (2).
- <sup>32</sup> Minutes of Meeting of the Provisional Management Bodies of the Hungarian Socialist Labor Party Vol. III, Budapest, 44.
- <sup>33</sup> Markója, I. et al. (1985). *Law and Constitutionality*, 40-41.
- <sup>34</sup> Cp. Király, T. (1962). *Defense and Defender in Criminal Cases*, Budapest.
- <sup>35</sup> Finszter, G. Operational Models of Law Enforcement, in: Gönczöl, K./Korinek, L./ Lévai, M. (1996). *Criminology Studies, Crime, and Controlling Crime*. University Textbook, Budapest, 347-348.
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- <sup>37</sup> Ibid, 17.