

**ELTE Társadalomtudományi Kutatóközpont**



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**MTA Law Working Papers  
2025/17**

**Research on Legal Consciousness in Hungarian  
Sociology of Law After the Regime Change**

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**ISSN 2064-4515**

<http://jog.tk.mta.hu/mtalwp>

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## RESEARCH ON LEGAL CONSCIOUSNESS IN HUNGARIAN SOCIOLOGY OF LAW AFTER THE REGIME CHANGE

**Abstract.** The aim of the study is to review the results of sociological research in this field after 1989, as part of a research program examining the theoretical and methodological issues of legal consciousness research in Hungary. The introduction seeks to explore the reasons for the decline in the field of legal studies after the change of regime, and the analysis then follows the research decade by decade. In the 1990s, the study of legal socialization established a thematic link with the previous era, while political sociology and legal anthropology provided the impetus for theoretical and methodological renewal. In the decade following the turn of the millennium, the use of legal language and the application of administrative law emerged as new areas of research. The last decade has seen a second flowering of legal studies, with a remarkable increase in the intensity, thematic and methodological diversity of research. In 2010, the first nationally representative questionnaire survey was conducted after the regime change, followed by several other surveys using similar methods. In addition, a series of qualitative surveys were carried out on topics related to the phenomenon of legal consciousness, such as the perception of law and the legal profession among lay people, law students and lawyers. This decade also saw the first empirical comparative research, mainly aimed at assessing the Hungarian rights consciousness in an international context. The summary of the study, in addition to taking stock of the theoretical and methodological implications of the research, also provides a brief synthesis of its content. In this context, the paper draws attention to the fact that in the thirty years following the regime change, Hungarian legal culture and the legal consciousness of the Hungarian population have changed only to a minor extent.

### 1. Introduction

The following study is part of a research program entitled *Theoretical and Methodological Issues of Hungarian Legal Consciousness Research*, which was launched in 2020 with the support of the National University of Public Service and in cooperation with its Information Society Research Institute. The first phase of the research was an overview of the history of Hungarian legal consciousness research in the period from 1967 – as a symbolic beginning<sup>1</sup> – to the present day, which was itself divided into two phases, separating the period before the change of regime<sup>2</sup> and the period from then until the present day. The present paper will attempt to describe the research on legal consciousness in the latter period, from the democratic turn to 2020.

In my earlier study on the socialist era, in the context of periodizing the history of legal studies in Hungary,<sup>3</sup> I have already mentioned some of the changes that occurred in the subject of knowledge with the regime change, i.e. in the structure of Hungarian society, including the Hungarian legal system and the ideas of society and lawyers that emerged as a result of these changes. Emphasis was placed on the accelerating transformation of the values of society, the widening of the public social sphere because of the explosive changes in the technical

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<sup>1</sup> Cf. Balázs FEKETE: Socio-Legal Studies in Contemporary Hungarian Legal Scholarship: Successes and Challenges. In: Christian BOULANGER – Naomi CREUTZFELDT – Jennifer HENDRY (eds.): *Socio-Legal Trajectories Across Europe. Comparative Perspective*. (Oñati International Series in Law and Society). London, Bloomsbury Publishing, 2025. 39–59. 50–53.

<sup>2</sup> Balázs FEKETE – István H. SZILÁGYI: Knowledge and Opinion about Law (KOL) Research in the Socialist Hungary.” 58 *Acta Juridica Hungarica. Hungarian Journal of Legal Studies* (2017) 3. 326–358.

<sup>3</sup> István H. SZILÁGYI: Jogtudat-kutatások a magyar jogszociológiában a rendszerváltás előtt [Legal consciousness research in Hungarian sociology of law before the regime change]. 17 *Iustum Aequum Salutare* (2021) 1. 27–62.

conditions of freedom of speech and of the press and mass media, and the changes in the educational system, which obviously affected the functioning of socialization and, through it, of legal socialization. Of course, such an account of the different aspects of regime change can only be exemplary, since the whole “system” has changed, and thus all the structural elements of the system have been transformed in conjunction with each other. The purpose of expanding the list is therefore to highlight some of these relationships, which are more directly relevant to the subject of our study.

Pluralist representative democracy based on a multi-party system has obviously gone hand in hand with the development of a democratic civic culture and the spread of institutions and values based on the rule of law. A system of government based on the separation of powers brought with it the creation of new institutions and had a significant impact on citizens’ attitudes towards the state and its functioning. The transformation of the economic order, the decline of the planned economy based on state regulation and the emergence of the market economy have had equally far-reaching consequences, not only in terms of social structure and differentiation. The transformation of the economic system has also interacted with changes in the “entrepreneurial ethos”, in notions of private property and work, and through them with changes in social attitudes to justice and equality.

There have also been some changes in the sociology of science background of social science research on legal knowledge. In the ideological field, the granting of freedom of research went hand in hand with the liberation from the octroiated hegemony of Marxism and, partly consequently, the emergence of new social science disciplines. The restructuring of university education and the expansion of its capacity have been accompanied by an increase in the number of social science research institutions. However, it should be noted that, for example, while in the 1990s there was a significant increase in the number of private research firms specializing in political opinion polling and economic market research, basic empirical social science research was facing a significant lack of resources.

We must also bear in mind that values, culture, and the political and economic system were not transformed all at once and definitively at the time of the regime change but have undergone further significant changes over the past thirty years. This is the reason why the following overview of the history of ideas attempts to reconstruct the development of the Hungarian population's legal consciousness and the related academic reflections on it, broken down roughly over a period of decades.<sup>4</sup> It is worth noting that some of the social science research included in the review – due to the complexity of the research subject – cannot necessarily be classified as “sociology of law” from a scientific-sociological point of view, but I have rather taken the arbitrariness of a broader immersion for the sake of completeness.

Before we start a detailed presentation of the various studies, we should first look for an answer to the question of what explains the temporary decline in the study of legal consciousness in the two decades following the change of regime, in the period 1990–2010.

First, there have been changes in the research personnel. Some of the scholars previously involved in legal consciousness research have been absorbed by politics (e.g. Kálmán Kulcsár), others have moved to foreign research posts (e.g. András Sajó), and at the same time there has been a generational change. This younger group of legal sociologists, however, found itself in a special situation, as the explosive growth of legal education in the 1990s - four new law faculties were founded or re-launched within a few years in the middle of the decade - and the fall of former ideological barriers both put the task of curriculum development in the foreground instead of basic research. The need to modernize the curriculum and the possibility of study abroad trips in the TEMPUS programs of the 1990s turned this period into a theoretical preparation for later empirical research.

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<sup>4</sup> As there is sometimes a longer time lag between empirical data collection and publication of research results, the decade boundaries are only approximate.

Secondly, researchers have naturally focused their attention on the primary effects of the changes in the political system, the state organization and the legal system that took place after the democratic transition. It is no coincidence, therefore, that the first important research topic of the period, which is by now considered a “classic” in the history of the sociology of law, to be investigated using empirical methods, was the functioning of the judicial system.<sup>5</sup>

## 2. New topics, new methods: research in the sociology of law in the 1990s

The ‘90s were thus a period of theoretical building, with the introduction of new methods and theoretical frameworks for the study of previously established topics. One interesting development was the emergence of interest in legal socialization. Its origins go back to the mid-1980s, to the research of Pál Léderer, András Sajó, Antal Visegrády and Mária Schadt.<sup>6</sup> After the change of regime, it evolved in two directions: on the one hand, legal education of secondary school students and younger generations,<sup>7</sup> and on the other, the study of law students’ legal consciousness. Later, the studies among law students – mainly through the work of László Kelemen<sup>8</sup> and Mihály Fónai<sup>9</sup> – were combined with investigations among different groups of the legal profession (judges, lawyers). The study of legal socialization naturally increased the socio-psychological “import” of the legal consciousness research.

A similar influence was exerted by political science, free from the shackles of “scientific socialism”, which also embraced political sociology and psychology. The first empirical studies of this field, important for the research on the legal consciousness, were carried out by György Csepeli and Antal Örkény.<sup>10</sup>

The most original theoretical and methodological undertaking of the decade was certainly the attempt to establish legal anthropology in Hungary, which remained isolated in its later development, mainly due to the failure of cultural anthropology to become institutionalized in the Hungarian academic system,<sup>11</sup> but at the end of the decade it produced significant results in the field of empirical research among the Hungarian Roma.<sup>12</sup>

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<sup>5</sup> Attila BADÓ: L'enquete sociologique des juristes hongrois suite au changement de régime. 1 *Jogelméleti Szemle* 12 (2000) Paper: bado2.html. Zoltán FLECK: Judicial Independence and its Environment In: Jiri PRIBAN – Pauline ROBERTS – James YOUNG (eds.): *Systems of Justice in Transition*. Aldershot, Ashgate Publishing, 2003. 121–140. BENCZE Máttyás – BADÓ Attila: Reforming the Hungarian Lay Justice System. In CSERNE Péter et al. (szerk.): *Theatrum Legale Mundi: Symbola Cs. Varga Oblata*. Budapest, Szent István Társulat, 2007. 1–13.

<sup>6</sup> Cf. FEKETE – H. SZILÁGYI (2017) *op. cit.* 345–348.

<sup>7</sup> Ibolya VARI-SZILÁGYI: Socialisation juridique des adolescents et attitudes à l'égard de la responsabilité publique et privée en Hongrie. In: Chantal KOURILSKY-AUGEVEN (ed.): *Socialisation juridique et la conscience du droit : Attitudes individuelles, modèles culturels et changement social*. Paris, France: LGDJ, Maison des sciences de l'homme, Réseau Européen Droit et Société, 1997. 83–114.

<sup>8</sup> László KELEMEN: *Joghallgatók a jogról* [Law students on the law]. Budapest, Sprinter, 2009. László KELEMEN: *Miként vélekedünk a jogról?* [How do we think about the law?] Budapest, Line Design, 2010. László KELEMEN – Miklós HOLLÁN: *Joghallgatók a jogról II*. Budapest – Pécs, Dialóg Campus, 2013.

<sup>9</sup> Mihály FÓNAI: *Joghallgatók. Honnan jönnek és hová tartanak?* [Law students. Where do they come from and where are they going?] Debrecen, DE ÁJK – DELA Könyvkiadó Kft, 2014.

<sup>10</sup> György CSEPELI – Antal ÖRKÉNY: Jogtudat és előítélet Magyarországon [Legal consciousness and prejudice in Hungary]. 31 *Világosság* (1990) 8–9. 678–683.

<sup>11</sup> Balázs FEKETE: Legal Ethnology and Legal Anthropology in Hungary. In: Marie-Claire FOBLET – Mark GOODALE – Maria SAPIGNOLI – Olaf ZENKER (eds.): *The Oxford Handbook of Law and Anthropology*. Oxford, Oxford University Press, 2020. 243–261.

<sup>12</sup> H. SZILÁGYI István: The Roma Way. In: Anne WAGNER & Vijay K. BHATIA (eds.): *Diversity and Tolerance in Socio Legal Context: Explorations in the Semiotics of Law*. Aldershot: Ashgate, 2009, 65–80. H. SZILÁGYI István: The Legal Anthropological Study of the Hungarian Roma Minority. 54 *Acta Juridica Hungarica* (2013) 2, 156–163.

The aim of a survey conducted by György Csepeli and Antal Örkény in the spring of 1989 was to investigate the views of certain groups of Hungarian intellectuals on the death penalty and discrimination against minorities and their relationship with liberal ideas.<sup>13</sup> A sample of 694 people was drawn from a group of writers, lawyers, mathematicians, high school teachers, corporate managers, elite skilled workers in large industry, tax inspectors, police officers and political-economic cadres prominent in the 1950s. In the case of the death penalty, two logically contradictory items were used to exclude inconsistent answers.

Analysis of opinions on the death penalty showed that about 70 percent of responses were consistent, i.e. assessable, and more than half of all respondents disapproved of the view that “the only way for society to defend itself against incorrigible criminals is to maintain the death penalty.” The degree of opposition to the death penalty increased with education and varied by occupational group. The most opposed were writers, lawyers and mathematicians. To a medium degree, high school teachers (only those with consistent liberal values), corporate managers and entrepreneurs. Supporters of the death penalty were higher among elite skilled workers in large industry, tax officials and police officers.

To measure the separation between humanism and tolerance, respondents were divided into four subgroups, distinguishing between intolerant (yes to death penalty, yes to discrimination), tolerant (no to death penalty, no to discrimination), inconsistent tolerant (yes to death penalty, no to discrimination) and pseudo-tolerant (no to death penalty, yes to discrimination). In the latter group, the researchers assumed that respondents in this group were only sincere in their views on the death penalty.<sup>14</sup> Pseudo-tolerance was highest among police officers (67%) and former cadres (48%).

In summarizing their findings, the researchers stressed that the results show that liberal values – characterized by the co-presence of humanism (rejection of the death penalty) and tolerance (rejection of discrimination against Jews and Gypsies) – are not consistently present behind opinions, and that the “confounding” effect of ethnocentric national attachment is significant.

The research has had a further impact in two respects. On the one hand, the study of attitudes towards the death penalty remained an important indicator of changes in the demand for punishment, and it bridged the gap between earlier research on this subject, before the change of regime, and that of the later period. On the other hand, it was the first research to clearly link the study of legal consciousness with the examination of political culture, which has received increasing attention in subsequent research.

Moving chronologically, after a longer break of several years, we arrive at the research of Antal Visegrády and Mária Schadt among university students,<sup>15</sup> the background of which has already been mentioned above. To longitudinally develop the 1984 survey, they conducted in-depth interviews in the spring of 1996 and interviewed 30 students in the autumn of the following year with a pilot questionnaire. Based on this experience, the previous questionnaire was revised, adapted to the socio-political conditions that had changed in the meantime, and some new items were added. The sample of 500 students was selected from the five faculties of the Janus Pannonius University of Pécs, Hungary, in the autumn semester of the 1998/1999 academic year. The aim of the research was to find out how different groups of future intellectuals perceive the importance of legal knowledge (in relation to the rules that are

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<sup>13</sup> CSEPELI – ÖRKÉNY (1990) *op. cit.*

<sup>14</sup> It should be noted that this suggests that the researchers were unable to imagine a consistent set of values in which a yes to the death penalty could be associated with tolerance of minorities or “otherness”. The problem would obviously require far-reaching moral philosophical explorations, yet it seems a little simplistic to assume the insincerity of “pseudo-tolerant” persons.

<sup>15</sup> Antal VISEGRÁDY – Mária SCHADT: Egyetemi hallgatók jogtudata, jogismerete [University students' legal consciousness, legal knowledge]. 1. *Jogelméleti Szemle* (2000) 1. (<http://jesz.ajk.elte.hu/viseg1.html>).

important in everyday life, the laws governing student status and employee relations), what knowledge they have of certain legal institutions (the legal framework of private enterprise, the matrimonial property contract, inheritance tax) and how they judge them; and the legal policy issues that have attracted considerable public attention during the decade (family and marriage, the relationship between private and public property, the death penalty and euthanasia). Among the control variables, the social background of the respondents (place of residence, parents' education, occupation, job title) and the sources of their legal knowledge (media, communication within and outside the family) were also investigated.

Knowledge of the law was unanimously considered important by students, but there were significant gender and faculty differences in the knowledge and evaluation of specific legal institutions. Students were the least familiar with the legal framework of businesses and had the clearest reservations about inheritance tax, while the sample was most divided in their knowledge and appreciation of the matrimonial property contract in relation to their assessment of the institution of the family. In relation to the protection of private and public property, the authors found that attitudes towards the evaluation of acts committed against public property, which they considered to be an “unforgivable sin”, had changed little compared to the previous survey, but that the view of private property, which is essential for the functioning of the market economy, seemed to have strengthened. The proportion of people in favor of abolition of the death penalty rose from 18 to 46 per cent in the decade and a half between the two surveys, but they remain in the minority compared to those who want the death penalty reinstated. In contrast, two thirds of those surveyed were in favor of the introduction of euthanasia. With regard to the sources of legal knowledge, the results of the survey are surprising: while traditional media (radio, television, print media) were the most important source of legal information for a quarter of respondents in the survey fifteen years earlier, the 1998–99 data showed that active forms of obtaining knowledge – reading legal literature, seeking advice – were far ahead of mass media, which had slipped to eighth place in the ranking. Responses to questions about the frequency of legal communication inside and outside the family showed that both communication media have a significant focus on discussing legal issues – although it seems surprising that both humanities and economics students discuss legal issues outside the parental environment more than law students. In examining socio-demographic factors, the authors highlighted a reduction in the gender gap in legal knowledge and attitudes between respondents compared to previous years. The difference in ratings by faculty also changed, in that the previous scale between the groups of law students and medical students as poles was broken down. Finally, the researchers found that the social background of university students has become more homogeneous in terms of residence and parental status over the past fifteen years.

Almost simultaneously with this research, Ildikó Szabó and Antal Örkény conducted a nationally representative sample (N=2600) of final year high school students, vocational secondary school students and apprentices by municipality and type of school class.<sup>16</sup> The aim of the survey was to map the civic culture of young people aged 18–19. The questionnaire focused on four levels of civic culture: political knowledge, emotions, values and patterns of political action. Questions specifically related to legal culture and legal awareness were also included in the questionnaire. Thus, items on the division of power and knowledge of the Constitution and the institution of the Constitutional Court, values of the law and respect for the law, and the perception of the death penalty. However, in briefly presenting the results, we will also touch on some other issues more loosely related to our topic: political communication (news consumption and interpersonal exchange), civic activity and attitudes towards the Roma minority in the country.

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<sup>16</sup> Ildikó SZABÓ – Antal ÖRKÉNY: *Tizenévesek állampolgári kultúrája* [Civic culture of teenagers]. Budapest, Minoritás Alapítvány, 1998.

On the division of powers, the data showed that more than half of the students have adequate knowledge of only three institutions: the National Assembly, local government and ministries. More than a quarter, but less than half of young people knew the functions of the government, trade unions and the Constitutional Court. And less than a quarter were aware of the role of political parties and the courts. The distribution of knowledge by type of school and gender was not particularly surprising, with high school students having the most knowledge, followed by vocational secondary school students and finally apprentices, and boys being the most knowledgeable in all types of school. When asked about the content of the Constitution and the functions of the Constitutional Court, only 12% of students were aware of the former, while only 3% had a correct knowledge of the function of the Constitutional Court.

Although the original theme of the research included respect for the laws among its values, the authors did not present any data on this in the communication. However, students' attitudes towards the death penalty were analyzed in detail. The majority of respondents were pro-death penalty. Even 64% of high school students were in favour - a 10% higher proportion than in Pécs - but 79% of boys in vocational secondary schools. The authors also investigated the correlation between a pro-death penalty stance and anti-social attitudes, rejection of politics as a value and opposition to abortion. Their thought-provoking conclusions are summarized below:

“The opposition to abortion, by accepting, even affirming, the death penalty, is presented here as a conservative view that is at once a counterpoint to the modern liberal worldview and to traditional conservative views that are open to social issues and sensitive to inequalities. The outlines of a closed, pre-modern, hostile and negative conservative worldview are revealed in this view of life. It is not only ambiguous but also dismissive of politics and the political.”<sup>17</sup>

To measure news consumption, the researchers used the frequency of viewing television news programs. On average, the young people in the sample watched such programs every other day – 13–14 days a month, depending on the type of school. In their analysis, the authors used a regression model to examine the role of news consumption in young people's political interest. The analysis showed that for high school and vocational school students, political knowledge and emotions are stronger factors, while for apprentices political emotions predominate over news consumption and knowledge. The analysis of the thematic structure of interpersonal communication revealed that moral issues are most often discussed in this way, while political issues are discussed to a slightly lesser extent, although it is the high school boys who mentioned this group of topics most often. On average, the lowest proportion of mentions of communication links was for topics related to minorities.

Civic activity was assessed by three sets of questions: willingness to join an organization, activism in the form of participation in signature collection, and, in the case of a school conflict, readiness to intervene in the conflict and the different forms of participation. Of these forms of political activism, participation in organizations is the most popular, and surprisingly girls were more open than boys to almost all types of organization listed (charity, human rights, sports, student council, traditional, anti-racist, religious, party organization - in order of frequency of mention). Joining an organization to collect signatures was found to be a less attractive form of activity. For example, about 10% more people would join an anti-racist organization than would join a petition initiated by a Roma organization. The least willingness to get active was in intervention in school conflicts. The overall picture is more telling, however, when indifference and refusal are compared with activity: half of the students did not want to

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<sup>17</sup> SZABÓ-ÖRKÉNY, op. cit. 155.

participate in the work of any organization, half were not interested in or explicitly refused to participate in any petition campaign, and almost half would have chosen silence in a school conflict.

The study of attitudes towards minorities in Hungary made it clear that anti-Gypsyism is deeply rooted among young people. 60% of secondary school students, regardless of school type, said that they would not like to work with a Gypsy or sit in the same desks.

The research series led by Ibolya Vari-Szilágyi extended the study of legal socialization to even younger age groups. In the first cycle of the series, a questionnaire survey was conducted on a sample of 6th, 8th primary and 2nd grade high school students.<sup>18</sup> The aim of the project was to go beyond teenagers' knowledge of the law to examine their individually motivated representations of legal sensitivity, or possible lack thereof. To this end, the researchers focused primarily on exploring the meanings and values they attribute to key legal concepts and their attitudes towards the elements and functioning of the legal system.<sup>19</sup>

In this phase of the research, Vari-Szilágyi focused on two issues: the presence and meaning of responsibility in the legal sensitivity of teenagers, and the role of age in the development of legal sensitivity and interest. In the former problem, an interesting finding of the analysis was that teenagers generally have a positive emotional attitude towards the concept of "responsibility" – they perceive it as an activity that they would like to experience, to take responsibility for something. However, high school students mentioned it more often in the context of self-esteem and self-actualization. Also, older students were more inclined to distinguish "responsibility" from "obligation". An examination of the perception of "responsibility" through selective associations revealed that as young people get older, they associate it more and more with the concept of "Civic", while the concept of "Citizen" gradually fades into the background and is less strongly associated with it in high school students. However, regardless of age, there is a pattern of young people attributing more responsibility to individuals than to institutions. And the analysis of the role of age in the development of legal sensitivity showed that a significant jump occurs at the age of 13 – at least based on the analysis of the Hungarian sample – which partly confirmed and partly clarified the researchers' preliminary assumption about the prominence of adolescence.

The research team was joined by András Sajó, who, working on the same database, investigated the aspect of the primary perception of law.<sup>20</sup> The data from the survey confirmed the preliminary assumption that people in the Central and Eastern European regions perceive law primarily in its criminal law function, and thus also the young age group surveyed. In his analysis, Sajó drew attention to the fact that the normative expectations of Hungarian adolescents remained predominantly within the relatively formal authoritarian perception of

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<sup>18</sup> The research was carried out in collaboration with the French Centre national de la recherche scientifique (CNRS) Institute of Comparative Law, where the partner research team was led by Chantal Kourilsky-Augeven. Ibolya VARI-SZILAGYI: Socialisation juridique des adolescents et attitudes à l'égard de la responsabilité publique et privée en Hongrie. In: Chantal KOURILSKY-AUGEVEN (ed.): *Socialisation juridique et la conscience du droit : Attitudes individuelles, modèles culturels et changement social*. Paris, France: LGDJ, Maison des sciences de l'homme, Réseau Européen Droit et Société, 1997. 83–114. Ibolya VARI-SZILAGYI: Gender and Legal Socialization. Different Attitudes in Reasoning about the Law among Young Hungarians? 45 *Droit et culture* (2004), Special issue, 147–164.

<sup>19</sup> There were 43 concepts on the list of free association. These included concepts directly related to law (e.g. Law) or indirectly (e.g. Mayor), concepts common to everyday life and private law (e.g. Family) and 10 value-relevant categories (e.g. Responsibility). And for the selective association test, 23 concepts were selected from the previous list, for which students had to dichotomously indicate which of the 10 value-relevant concepts - all or none - could be associated with them. VARI-SZILAGYI (1997) *op. cit.*

<sup>20</sup> András SAJÓ: Droit positif et représentations individuelles du système juridique chez les jeunes hongrois. In: Chantal KOURILSKY-AUGEVEN (ed.): *Socialisation juridique et la conscience du droit : Attitudes individuelles, modèles culturels et changement social*. Paris, France: LGDJ, Maison des sciences de l'homme, Réseau Européen Droit et Société, 1997. 153–161.



law, and few of them associated the concept of the “Judge” with the function of conflict resolution, for example. On the other hand, it also seemed to be a positive phenomenon that the perception of a breach of judicial impartiality, for example in the form of corruption, remained relatively low.

Ibolya Vari-Szilágyi supplemented the questionnaire survey conducted between 1995–‘97 with a qualitative study based on it in 1997–‘99.<sup>21</sup> In this second phase of the project, the analysis focused on gender differences in young people's legal sensitivity and the relationship of legal views to social trust and solidarity. To investigate both topics, the researchers first conducted a second analysis of the results of the previous quantitative data collection, complemented by focus group interviews with student volunteers (91 students) who participated in the questionnaire survey. The topics of the interviews, conducted in groups of 6–8 people, were selected from 12 imaginary stories constructed from the questionnaire responses. The interviews were recorded on tape and subjected to content analysis.

The results of the research on gender differences in the legal sensitivity of young people were broadly in line with previous findings in international literature. In general, boys tended to be more concerned with rationally accounting for the consequences of actions in the wider social context, while girls tended to focus more on helping the person directly at risk in the situation. What was not expected from the study, and what emerged from the focus group discussions, was that solidarity among young people – of course, mainly age solidarity – is much more prevalent than the questionnaire data would have suggested. On the other hand, however, it also emerged that young people's legal awareness is still very limited, even in the areas of social life that concern them most directly – student rights, drugs, AIDS.

Gender differences were also reflected in perceptions of trust and solidarity, according to the survey data. In the selective association, girls more often associated the concept of “Trust” with concepts and values representing privacy (“Citizen”, “Family”, “Social Security”). In contrast, boys tended to associate it with the concepts of “Citizen”, “Adulthood” or “Contract”, indicating that trust is more often understood in more impersonal, less intimate spheres. However, the latter are also closely linked to the concepts of legal certainty and trust in the law. Considering the results of contemporary international research, the author concludes that the young Hungarians surveyed have a generally satisfactory understanding of the functioning of the legal system and that the level of trust in its institutions and actors was “encouragingly positive” among them, at least at the time of the research.

As mentioned above, the research on the legal culture of Hungarian Roma, which started in the late 1990s, was conducted in the framework of methodological and theoretical renewal. The starting point of these was a study carried out between 1997 and 1999 in a municipal court of first instance in the county of Borsod-Abaúj-Zemplén.<sup>22</sup> The research originally sought to answer the question of whether Roma people have specific cultural patterns that influence their attitudes towards the law. During the study, around 50 cases were followed up using participant observation. Throughout the trials, observers attempted to make a “dense description” and record with meticulous precision the behavior of the litigants – in terms of dress, appearance, body language, linguistic communication, emotional intensity and similar formal aspects – and their interactions. A comparative analysis of the observed trials revealed several interesting formal features of the “Gypsy trial”, the most important of which is its “speed”, i.e. once the necessary persons for the trial appear, everything “goes like clockwork”.

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<sup>21</sup> VÁRINÉ SZILÁGYI Ibolya: *A jogtudatról – alulnézetben. Tizenévesek jogtudata és jogi érzékenysége* [On legal consciousness - in a perspective from below. Teenagers' legal consciousness and legal sensitivity]. Budapest, L'Harmattan, 2010.

<sup>22</sup> Sándor LOSS – István H. SZILÁGYI: A cigány per [The Gypsy trial]. 6 *Beszélő* (2001) 4. 94–100. H. SZILÁGYI (2009) *op. cit.*

The researchers concluded that the description of the formal features of the “Gypsy trial” is not sufficient to capture the essence of the phenomenon, which can be summarized as “Gypsy trial” is not a trial, but a ritual. More specifically, in relation to the “Gypsy trial”, this means that there is no real dispute on the substantive legal issue between the procedural forms of the accusatorial trial. The fact that rite has no meaning in itself does not mean that it cannot serve some specific social function. This function in the case of the “Gypsy trial”, in the researchers’ opinion, resulted in the maintenance of mutual prejudices between the majority society and the Roma minority, and thus in the reinforcement of the exclusion of the Roma minority at the time of the research.

The specific behavioral patterns (dress, speech culture, emotional behavior, etc.) that emerged in the formal analysis of the “Gypsy trial” were in fact of secondary importance to the sociological factors determining the life chances of the Roma and the discriminatory attitudes towards them. The presence of these formal characteristics could therefore only have facilitated the emergence of the phenomenon of the “Gypsy trial”, but did not necessarily in itself trigger it. From this, the researchers concluded that, on the one hand, not all Roma trials resulted in a “Gypsy trial”, and, on the other hand, that in fact, there could be “Gypsy trials” against non-Roma.

We have also indicated above that research on the attorney profession also began in the late 1990s. In the pilot research carried out by Helga Török and Attila Badó, 45 business leaders from Csongrád County were selected using a snowball method and asked about their perceptions of attorneys in semi-structured interviews.<sup>23</sup> The results of the study showed that in the mid-1990s, clients - the interviewed business leaders of Csongrád County – were generally satisfied with the services provided by lawyers, although the ideally formulated expectations – high level of professional knowledge, reliability, decisiveness, quick response, accuracy – were obviously not evaluated in terms of the actual performance of lawyers. At the same time, interviewees already perceived the growing internal differentiation of the attorneys’ profession, the overload of successful attorneys – and the resulting constant lack of time and confusion about meeting deadlines – and the laxity of the professional ethos in keeping business secrets and in maintaining a cultured relationship with clients.

We should mention here the sociological research project that was most closely linked to the study of the attorney profession. The research group led by Ágnes Utasi, in line with the sociological research on the stratification of Hungarian society, the social mobility of the middle class and the intellectuals, aimed at a comprehensive analysis of the professional group of the bar. The research project was based on data collection from two representative samples: in 1998, a sample (N=1293), weighted by county and gender, was interviewed by means of a self-completion questionnaire sent by post.<sup>24</sup> A decade and a half later, in 2015, the data received on-line from a county-weighted sample (N=1076) were compared with the previous data, using the same questionnaire. Longitudinal comparative analyses have provided a comprehensive and accurate picture of changes in the demographic characteristics, social status, relational capital, political orientation and the division of labor position of the Hungarian attorneys among the legal professions.<sup>25</sup> However, the results of this research will be presented below, when we look at developments over the past decade.

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<sup>23</sup> Helga TÖRÖK – Attila BADÓ: Ügyvédkép a Csongrád megyei gazdasági vezetők körében [Attorney image among the economic leaders of Csongrád county]. 7 *Bírák Lapja* (1997) 104–111.

<sup>24</sup> For a presentation of the results of the first phase of the research, see Ágnes UTASI (ed.): *Az ügyvédek hivatásrendje* [Attorneys' Professional Order]. Budapest, Új Mandátum, 1999.

<sup>25</sup> Ágnes UTASI (ed.): *Ügyvédek a gyorsuló időben (1998–2015)* [Attorneys in an accelerating time (1998–2015)]. Szeged, Belvedere Meridionale, 2016.

### 3. The take-off (2000-2010)

Looking at the research themes of the decade after the turn of the millennium, we can see that the study of the legal anthropological research of the Roma minority has been on the decline since the middle of the decade, after the tragic death of the leading researcher in the field, Sándor Loss, in 2004. Continuity was mainly represented by the topic of legal socialization, along with the sociolinguistic analysis of legal language use related to the problem of legal communication, and the sociological analysis of the application of administrative law as new issues.

In the field of Roma research, the first study to be mentioned is the one based on six months fieldwork starting in the autumn of 2000, which was conducted among a Roma family of scavengers living in an industrial town in north-eastern Hungary.<sup>26</sup> The aim of the research was not directly to study legal anthropological problems – although there were interesting legal aspects to the research material – but rather an anthropological analysis of the lifestyle of the family of three. The theoretical background of the research was based on three components. On the one hand, the researchers based their concept of the way of life on the classical sociological tradition, and with this in mind, they broke down the family's life into different aspects and dimensions, which at the same time determined the main lines of investigation: the description of the living environment, subsistence, the relationship to work, health and hygiene customs, and alcohol consumption habits. On the other hand, to study the relationship between this micro-world and the wider social environment, in particular the police and other state institutions, researchers have also drawn on theoretical concepts from legal anthropology, in particular the theoretical findings from the study of the structure and functioning of semi-autonomous social fields. Thirdly, they also drew on the recent literature in the field of cultural anthropology, which has emerged from research on traditional Roma communities, to analyze issues of subsistence, identity and marginality. Here again, the technique of participant observation played a crucial role in data collection, in this case carried out by two trained anthropologists, with a thoroughness that approached the classical standards of cultural anthropology (and ranged from common pub crawls to participation in garbage cruises).

As mentioned, the research also had explicitly legal aspects. From the outset, the contact with the family took place in the context of an investigation into a case of discrimination: the local municipality had banned the scavenging by decree and made it an offence – presumably under pressure from the local “public cleaner” – so that the scavengers, most of whom were Roma, were prosecuted and fined. In this case, the family became a client of the National and Ethnic Minority Rights Protection Office, where one of the members of the research team worked. This antecedent led the researchers to pay special attention to the relations with the police when analyzing the relationship between the family and the majority society.

The police officers on patrol met the family members daily, knew them by name and, given the circumstances, had a rather nuanced picture of them (more nuanced than the staff of other public or civil society organizations run by the majority society, who know them by their official function). Perhaps because of these frequent encounters, other types of “useful relationship” between family members and the police have developed beyond the formal procedures for dealing with offences. In exchange for information, the detectives offered them small sums of money (once a junk bicycle). Conversations with family members gave the impression that they were not afraid of the police at all, for example, they never ran away from the bins when they saw a policeman. Another significant aspect of the relationship with the police, apart from the trash collection, was the inability of the homeless to settle their rather frequent conflicts between themselves, and therefore they often “blew the whistle” on each

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<sup>26</sup> Anita CSAJBÓK, Edit KELEMEN, István H. SZILÁGYI, Attila BAKSA: *Among Roma*. Miskolc, 2002.

other, preferably sending the other party to prison. This clearly demonstrated that there were no mechanisms or authority for settling disputes among the homeless as there were in some of the traditional Gypsy communities at the time of the research (as Sándor Loss's research has shown), as there was no real sense of community. The researchers concluded that the family's relationship with the majority society, in terms of institutions, was perhaps the most intensive with the police – without themselves being criminals.

Sándor Loss's six-month fieldwork among the Mašar (one of the ethnic groups of the Oláh Roma) gypsies in South Békés in 2001 proved to be significant in two respects.<sup>27</sup> Firstly, it demonstrated that the Romani kris, an institution similar in function to a conflict resolution and dispute settlement institution and in organization to an arbitration court, is still in function in some traditional Roma communities. This needed to be proven because, contrary to the international literature, Hungarian legal ethnography and sociology had not mentioned it since Kamil Erdős' publication in the late 1950s. According to the scholarly consensus of the time, the Romani kris ceased to exist because of the modernization that took place during the socialist era and the consequent disintegration of traditional Gypsy communities. On the other hand, the existence and functioning of the kris partly explained the phenomenon, observed by others earlier, of the under-representation of Roma in civil litigation compared to the majority society.

Turning now to the subject of legal socialization, we see that the first study of the decade, which was carried out by György Ligeti and Izabella Márton, was closely linked to the Ildikó Szabó – Antal Örkény study.<sup>28</sup> From a methodological point of view, it is noteworthy that the researchers used a complex method in which data collection using quantitative methods was combined with qualitative methods – participant observation, interviews and content analysis.

From the answers to the questions on legal knowledge, students were most aware of the rights of student government and least knowledgeable about the function and separation of powers. In the latter respect, the results were similar to those of the Szabó – Örkény survey, with just over a quarter of students answering at least two of the three questions on the topic correctly – especially if we consider that the sample included students under 18 years old. Students' views on the death penalty have also not changed much in the half-decade between the two surveys: 67.2% of students surveyed would have reinstated the death penalty. The picture was also unchanged as regards the level of prejudice against Roma. Excluding those who answered, "do not know" (14.9%), 74.7% of respondents said that they "would not like to be friends with a young person they considered to be a Gypsy". However, while the type of school played a significant role in the development of legal knowledge – high school students' legal knowledge was generally higher than that of vocational and technical school students – the analysts found no significant correlation between opinions on the reinstatement of the death penalty, the permission of homosexual marriage, the ban on abortion, and the attitude towards gypsies and the type of school. The analysts explained the latter phenomenon by a lack of communication between the class teacher (usually teachers) and the students. The conclusion of the study is that the family background – cultural and economic – of young people (the family as a socializing agent) is much more important than the educational influence of school in relation to these moral issues.

Following the chronological order, we come to the research project led, organised and funded by László Kelemen, which in its first phase targeted law students.<sup>29</sup> The first data

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<sup>27</sup> Sándor LOSS: Romani kris a dél-békési oláh cigányoknál [Romani kris among the South-Békés Oláh gypsy]. In: Miklós SZABÓ (ed.): *Ius Humanum Az ember alkotta jog. Műhelytanulmányok*. Miskolc, Bíbor Kiadó, 2001. 9–22.

<sup>28</sup> György LIGETI – Izabella MÁRTON: *Diákjogok és pedagógusok az iskolában. Kutatási beszámoló* [Student rights and teachers in schools. Research report]. (2001) [www.oktbiztos.hu/kutatasok/diakjog/dj.rtf](http://www.oktbiztos.hu/kutatasok/diakjog/dj.rtf) The research was carried out by the Kurt Lewin Foundation on behalf of the Office of the Commissioner for Education Rights, Ministry of Education, during the teaching year 2000/2001.

<sup>29</sup> László KELEMEN: *Joghallgatók a jogról* [Law students on the law]. Budapest, Sprinter, 2009.

collection for the research project was carried out in 2007. The sample included law students from two universities in Budapest – Eötvös Lóránd University (ELTE) and Károli Gáspár Reformed Church University (KGRE). 150 first-year students and 100 fifth-year students. The structure of the questionnaire followed the logic of progression from general to specific. It focused first on public awareness, then on political attitudes, and then on issues that better reflect professional knowledge, such as justice, crime and crime prevention, and finally on ideas for future careers. From the results of the analysis of the data collected, the most important finding for moving forward seemed to be that, at this transitional stage in the development of the “expert” legal perspective, the increase in legal knowledge in the strict sense did not significantly affect the general perceptions of law of the new generations entering the legal profession. Conversely, their political values, civic awareness and financial situation had a much more significant impact on respondents’ views on the law.

In the overview of the thematic issues of the decade following the turn of the millennium, we have already indicated that this was the beginning of sociolinguistic research on the use of legal language, which – like legal anthropology – opened a completely new field for Hungarian legal sociological research. The project was initiated by Miklós Szabó and Edina Vinnai at the Department of Legal Philosophy and Sociology of Law, Faculty of Law and Political Sciences, University of Miskolc. The first phase of empirical research was carried out between 2000 and 2003, involving two linguists in addition to the two sociologists.<sup>30</sup> The second phase of empirical data collection started in 2014. Vinnai summarized the results of the research in a monograph,<sup>31</sup> and the results of the research cycle concluded in 2018 were presented in a separate volume.<sup>32</sup> Given that the phases of the research are closely linked in terms of their theoretical foundations and methodology, it seems worthwhile to go beyond the chronological periodization we have proposed and to take stock of the results of the two studies together.

In the first phase of the empirical research, which focused on language use in criminal proceedings, more than eighteen hours of audio recordings were taken – fourteen hours of police interviews and four hours of court hearings. The audio material was transcribed using a method that allows both legal and linguistic analysis. (The proportion of police and court material is not accidental. It is well known among Hungarian legal sociologists that, at the turn of the millennium, the judiciary leadership sought to remove the courts not only from political influence but also from public opinion and professional, academic scrutiny, often placing obstacles in the way of social science investigations.) In the second phase of the research, ten years later, the researchers also investigated the linguistic aspects of due process in the context of criminal proceedings, and this time they managed to obtain some forty hours of audio recordings of court hearings, while the police declined to participate.

This empirical material has been analysed by researchers in the framework of the theory formulated by Miklós Szabó, which describes criminal procedure – and the application of law in general – as a series of translations within the language (intralingual). This sequence of “translations” transforms the narratives of participants (plaintiff, defendant, witness, suspect, accused, etc.) who are unacquainted with the law – the “lay narrative” – into a legal text that approximates the abstract language of the legal norm.<sup>33</sup>

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<sup>30</sup> Miklós SZABÓ (ed.): *Nyelvében a jog. Nyelvhasználat a jogi eljárásban* [Law lives in its language. Use of language in legal proceedings]. Miskolc, Bíbor Kiadó, 2010.

<sup>31</sup> Edina VINNAI: *Jog és nyelv határán. A jogi nyelvhasználat nemzetközi és hazai kutatása* [On the border of law and language. International and Hungarian research on the use of legal language]. Budapest, Gondolat Kiadó, 2017.

<sup>32</sup> Miklós SZABÓ – Edina VINNAI (eds.): *A törvény szavai* [Words of the law]. Miskolc, Bíbor Kiadó, 2018.

<sup>33</sup> Miklós SZABÓ: *Jogeset születik* [A case is being brought]. In: Miklós SZABÓ Miklós (ed.): *Nyelvében a jog. Nyelvhasználat a jogi eljárásban*. Miskolc, Bíbor Kiadó, 2010. 261–286.

Vinnai's summarizing work examines the phases of this metamorphosis, with great care dissecting the rules of confession and record keeping, considering the changes in the rules of criminal procedure between the two research cycles, and the development of the actual practice in both the police and the courts, based on empirical material. The comparison between the legislation and the practice of law enforcement naturally gives the author grounds for several criticisms.

“As we have repeatedly stated, a procedure cannot be legally fair [...] if it is not correct from a linguistic and communicative point of view. If there are problems, gaps, distortions in the interactions between lay people and legal professionals, this will have a significant impact on the fact-finding process and ultimately on the outcome of the proceedings, the judgment.”<sup>34</sup>

Now we are again forced to jump back in time, as we should not forget Tamás Gyekiczky's research on language use, which was carried out between 1994 and '96 on behalf of the Institute of Sociology of Eötvös Lóránd University (ELTE), but the summary of the results was presented only in 2003,<sup>35</sup> during the first wave of the Szabó-Vinnai research. The point of departure was the sociological definition of the legal elite: this elite group constituted the group of those actively involved in the legislative process within the legal profession in general.

From a methodological point of view, the research was definitely innovative at the time of the study. The researchers performed a computer-based text analysis of text samples selected from legislation, legislative preparatory documents, explanatory memoranda and academic works from 1985 and 1992. For both dates, 150 pages of legal texts and the same number of economic texts were selected. The comparative study was thus based on the analysis of a total of around 600 pages of material, the first step of which was to identify the vocabulary, followed by the conceptual structure of the texts on the basis of frequency series, and finally, using statistical methods, to measure the strength of the conceptual links between the samples from the two different dates. With the help of the conceptual map thus obtained, the researchers attempted to reconstruct the ideas and interpretations of the legal elite's views of politics and economics at the two points in time. Only a few aspects of this highly thoughtful analysis are highlighted below: details on law, the state and paternalism.

Summarizing the use of legal terminology in the 1985 texts, the author writes:

“In the ideological system describing political reality, law does not play a decisive role, since the most elementary norms of constitution-making are not considered legal norms (the concepts of power and party dominate in this context) [...] In terms of its place among social institutions, its normative content, its internal structure and its social function, we find a meaningless, empty (but valuable in itself) concept of law.”<sup>36</sup>

The problem, highlighted by the author, is that the internal structure of the texts from 1992 showed a high degree of similarity with that of '85: the law was still only closely related to the constitution, while the concepts of “statute”, “rule” or “power” hardly appeared in the conceptual context. But the 1992 concept of the state is similarly empty:

“The state is therefore – first of all – a state that derives its legitimacy from the constitution and interacts with society on the plane of morality. It is a floating state, not

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<sup>34</sup> VINNAI (2017) *op. cit.* 213.

<sup>35</sup> Tamás GYEKICZKY: *A jogászok joga* [The law of lawyers]. Budapest, Gondolat, 2003.

<sup>36</sup> *Ibid.* 61.

even in contact with its own institutions, let alone with the democratic institutions of the political system that is being built up.”<sup>37</sup>

Almost the only definite feature of this “floating state”, as is clear from the texts analyzed, is that it wants to “give”. Just like “power”, “politics” or “government”. The individual, the citizen, is placed in the context of these concepts as a partner of this caring, paternalistic state and political system, presumably in need of care (a minor).

The continued existence of the paternalistic state and social organization of the late Kádár era, with all its dysfunctions, was also the focus of András Sajó’s influential study published in 2008.<sup>38</sup> As far as the empirical basis of the analysis is concerned, this time the author worked from “brought material”, in that, in addition to the data from the *European Social Survey* of 2002 and 2004, he relied primarily on contemporary Hungarian political and economic-sociological research, referring only to one of his own earlier work, *The Study of the Rights Consciousness*.<sup>39</sup>

One of the striking weaknesses of the theoretical foundation is that the concept of the welfare state has remained undeveloped. Sajó contrasts a redistributive system based on need – in Gøsta Esping-Andersen’s terminology, the “liberal type” welfare state – with “universalizing” distributive systems that provide benefits as a subjective right (“social democratic” or Scandinavian type welfare states), forgetting what Esping-Andersen calls the “corporative” or conservative type welfare state.<sup>40</sup> On the other hand, the inherent contradiction of Sajó’s line of thought is that he does not make it clear that the implementation of a universalizing welfare system – in Hungary or in any other country – is not limited exclusively or even primarily by the material resources available to the state, but by the historical traditions of social organization and politics. Although it is precisely the latter constraints that he explores with ruthless precision in his analysis. What is more, with unusual vehemence for the author, he castigates the lack of professionalism of the regime-changing elite. Despite all this, why should the study be considered “highly influential”? First and foremost, because it identified the most important thematic knots in the study of legal consciousness in Hungarian society, around which later research was organized and on which research today can focus. To identify these problems, however, it is worth following the author’s discussion.

The theoretical premise of the arguments is that the dysfunctions of the state are in fact the result of contradictions in social organization. From here, the author opens the horizon of analysis in the direction of a presentation of the socio-political legacy of the late Kádár era (“trajectory dependence”) on the one hand, and an account of the consequences on the other. As regards the former, the starting point is to shed light on the “messiness” of the “overly distributive” socialist system and the dysfunctions of state-administrative and legal regulation that developed under the conditions of a deficit economy. The next step is to explore the aspects of the link between social disturbances and the dysfunctions of the state, the “interweaving”, i.e. the politicization of the spheres of social life and the effects of political life on social organization. The main field of this re-politicization and interweaving is precisely the field of welfare services, where a paternalistic political attitude is being developed, on the one hand, which is embedded in the role of the welfare state in terms of the position of the government. On the other, a corresponding mentality of the role of the “subordinate”, infantile, dependent individual – on the part of society. The result is an orderly organizational functioning of the

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<sup>37</sup> Ibid. 69. [Emphasis in the original.]

<sup>38</sup> András SAJÓ: Az állam működési zavarainak társadalmi újratermelése [The social reproduction of state dysfunction]. 55 *Közgazdasági Szemle* (2008) 7–8. 690–711.

<sup>39</sup> András SAJÓ: *A jogosultság-tudat vizsgálata* [The study of rights consciousness]. Budapest, MTA ÁJTI, 1988.

<sup>40</sup> Cf. Gøsta ESPING-ANDERSEN: *The Three Worlds of Capitalism*. Princeton, Princeton University Press, 19–34.

state, destructive of both social cohesion and economic efficiency, and fundamentally supported by the narcissistic, egotistical, infantile mental state of society.

Looking at this in the historical movement of regime change, the author highlights the transformation of the schizophrenia of rule-following, typical of the socialist era, into a kind of “hypocritical parasitic” behaviour pattern, as well as the falsification and circumvention of rule-of-law values and institutions, leading to the “dirty cohabitation” of state and society. From the point of view of legal regulation, this means that the massive, everyday violation of state norms becomes part of the functioning of the state: the violation of norms on the part of the recipients becomes inevitable, and the state bodies themselves assist in this.

In the remainder of the reflection, Sajó takes stock of the possible motives for norm-observance, analyzing one by one how they are eroded by the “whirl of anomie”. To conclude the discussion, the author offers the legislator – or rather the political elite – a very cautious “minimal programme”, given the circumstances. If the effectiveness of legislation is to be increased – and thus the “disorder” at the societal level reduced – it is necessary to make the functioning of the state, its decisions and their implementation transparent (i); to involve stakeholders with sufficient insight in the decision-making process (ii); and to create guarantees of institutional stability and permanence (iii). These are the minimum conditions for restoring confidence in the state, without which it is impossible to escape the negative cycles.

*There should be order.* The title of György Gajduschek’s work<sup>41</sup> already clearly indicates the connection with Sajó’s line of thought outlined above. This connection is twofold: on the one hand, it contributes to the analysis of the control and sanctioning activities (CSA) of public authorities, which sheds light on how public authorities assist mass lawbreaking; on the other hand, it shows how the exaggeration of the rule of law forms a brake on effective administration. The research led by Gajduschek is, however, noteworthy not only from a substantive but also from a methodological point of view.

This is because the data was collected using a combination of different methods. Firstly, case studies were carried out in the selected administrative areas between June 2006 and July 2007 by the research participants based on the prior guidance of the research manager. Gajduschek checked and supplemented these with interviews with professionals working in each administrative area. In addition, the researchers collected statistical data on the effectiveness of the CSA in certain areas (e.g. consumer protection) and carried out coding, statistical and computer-aided content analysis of administrative legislation and relevant articles in two influential journals.

The data, not surprisingly in retrospect, showed the low efficiency of CSA in Hungarian public administrations. This led the author to analyze in depth the social, political and environmental context of CSA. As far as the social context is concerned, Gajduschek is forced to make only a few assumptions, citing the lack of relevant empirical research, rightly highlighting the potential importance of sociology of law in this area. First, that suspicion against the state is traditional and general in Hungary. Secondly, after the regime change, citizens’ behavior is less and less characterized by voluntary compliance with the law than before. Finally, the social situation after the regime change has polarized society: the poorest and the richest are equally untouched by the CSA. The latter hypothesis, however, leads to the analysis of the political environment, since polarization may be part of the repugnant gestures of the political elite, which act to corrupt society in the “dirty cohabitation” of state and society. “You little ones can steal, cheat and evade the law just like us big ones.” Only, of course, while the “poor” (Gypsies) steal firewood or bicycles, the “big” steal billions.

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<sup>41</sup> György GAJDUSCHEK: *Rendnek lennie kellene. Tények és elemzések a közigazgatás ellenőrzési és bírságolási tevékenységéről* [There should be order. Facts and analysis on the control and sanctioning activities of the public administration]. Budapest, KSzK ROP 3.1.1. Programigazgatóság, 2008.



According to Gajduschek, three – more or less explicit – values have influenced the evolution of the political environment of the CSA after the regime change. On the political side: the weakening of the state as a value (i); on the legal side: the “hyper-rule of law”, i.e. the taking of the institutions of the rule of law, individual civil rights and guarantees to the maximum (ii); on the economic side: the birth of a new capitalist stratum for the construction of capitalist relations, “however it comes into being” (iii). The list compiled by the author, taking stock of the failures of the political elite to make the CSA effective, is very instructive. *“It is politics that is the ultimate cause of the ineffectiveness of CSA in almost all cases”*,<sup>42</sup> the author concludes.

However, it is the impact of the legal environment on CSA that is analyzed in most depth. In doing so, the author first takes stock of how the legal perspective has overshadowed the professional knowledge needed for the efficient and effective functioning of public administration in the fields of science, education and training of professionals. The existence of these trends is supported by data from interviews, empirical studies of previous research and statistical analysis of literature databases. The author then examines the specificities of legal thinking, paying particular attention to the phenomenon of “hyper-rule of law” that emerged after the regime change. This is the over-emphasis on individual rights at the expense of social interests, which is supported by the excessive formalism and lack of realism of legal thinking. From the point of view of public administration, this “hyper-rule of law” approach leads to an over-legalization of public administration, which eclipses its practical, social functions and ignores the technical feasibility of regulations. In a “hyper-rule of law” perspective, the public administration – which does not exclusively perform legal work and legal functions – will be the last in the hierarchy of powers.

Finally, Gajduschek examines how hyper-rule of law affects the mentality of civil servants. As a result of the overemphasis on the legal approach, the social role of administrative work is pushed into the background and almost disappears from the minds of civil servants. The increased importance of legal knowledge does not help but rather unsettles and paralyzes administrators. The persistence of a situation in which the expanded and strengthened guarantees of individual rights make effective administrative work and the achievement of social goals impossible leads, after a while, to the development of a defeatist attitude among civil servants: “Don’t even try to follow the law!” – because it is hopeless anyway. This experience is reinforced by a series of social and organizational factors, which make officials realize that it takes much less energy to “look the other way” and carry out control and fining activities at the level of (legal) appearance. Moreover, with time, the psychological conflict – cognitive dissonance – arising from the ineffectiveness and meaninglessness of their profession and administrative work is resolved by a well-known attitude based on false logic, a resigned self-justification that “it’s all right this way.” Gajduschek aptly sums up the paradox of hyper-rule of law:

*“[...] the law – whether as a science, a philosophy, written law, or practice – is not a means of enforcing the law in Hungary, but rather an obstacle to it. In short, the law itself is the main obstacle to the enforcement of law; the law is not the solution to the problem, but the problem itself. More generally, this means that there is a hyper-rule of law on paper, while in practice legal certainty and equality before the law is a vain illusion.”*<sup>43</sup>

This brings us to the last decade after the turn of the millennium, which also marks the beginning of a new chapter in the history of legal consciousness research: the second cycle of

<sup>42</sup> GAJDUSCHEK (2008) 212 [Emphasis in the original].

<sup>43</sup> Ibid. 137 [Emphasis in the original].

the project led by László Kelemen (the previous cycle was described above), which took place in 2010 and significantly changed the objectives of earlier studies.<sup>44</sup> Although one aspect of interest remains the comparison between lay and professional legal perspectives, the opinions of law students, which formed a transition between the two, have now been replaced by a comparison of the views of “real” lay people – insofar as the political and public awareness, family and existential backgrounds of first-year law students already differed from the average for their age group – and “real” lawyers. At the same time, since the sample of 150 law students representing lay people was replaced by a nationally representative sample, it became possible to comprehensively explore the opinions of Hungarian society on certain socially controversial issues related to law. The sample of fifth-year law students, who were considered “semi-experts” in previous studies, was replaced by a sample of 100 lawyers on the other side of the comparison.

The revised questionnaire, which is similar in structure to the previous one, omits questions that objectively measure legal knowledge and political awareness. These have been replaced by a few new questions that seek to explore the social and individual psychological embeddedness of views on the law. In line with an international research project, questions focusing on the aspects of globalization and parochialism were added as new perspectives alongside the previous questions examining political attitudes. In addition to these, items related to information gathering (media consumption) and the administration of justice, crime, and crime prevention continued to be included.

In line with these changes in content, the focus of theoretical orientation also shifted to the theoretical problems of social psychology and "social representation." From a methodological point of view, the significance of the research is underlined by the fact that it was the first legal consciousness survey conducted on a sample representing the entire Hungarian population after the change of regime. However, given that Kelemen developed the study into a longitudinal one with data collection in 2018, it is worth comparing the results of the 2010 research cycle with those of later years in terms of content.

#### **4. The second flowering of legal consciousness research (the 2010s)**

Over the past decade, we have witnessed a welcomed revival of interest in the study of legal consciousness. However, this has not been reflected primarily in a thematic expansion of research on the complex issue of legal awareness, but rather in an increase in the intensity, methodological diversity, and professionalism of research, as well as in the more organic interconnection and integration of individual projects.

As regards the research topics of the decade, among the subjects examined previously, legal socialization, and within that, research focusing primarily on law students and the examination of the legal profession, ensured continuity with the research traditions of the two decades following the change of regime. And, of course, we must not forget the second wave of “law and language” research in this decade, the results of which we have already summarized above, jumping ahead in time. However, following the example of Kelemen’s 2010 study, the thematic basis for renewal was undoubtedly provided by survey-type research representative of the entire Hungarian population. These studies created a database that made it possible to conduct secondary analyses from a wide variety of perspectives and to carry out further studies that could be developed into longitudinal studies. Previous studies of lay social legal consciousness have primarily focused on the relationship between legal consciousness and

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<sup>44</sup> László KELEMEN: *Miként vélekedünk a jogról?* [How do we think about the law?]. Budapest, Line Design, 2010.

political culture and political psychology, thus encouraging cooperation between legal sociology, political sociology, and social psychology.

In the following, we will present the most important research projects and how they build on each other, keeping the threads of the topic separate and proceeding in chronological order, as we have done previously.

#### *4.1. Surveys conducted among law students*

Looking at research on law students, we should first mention the project organized by Zoltán Fleck at the Department of Sociology of Law at ELTE, which aimed to examine the transmission of the values of the rule of law in legal education and police training.<sup>45</sup> In fact, the empirical part of the research – primarily the work of Ferenc Krémer<sup>46</sup> – focused specifically on the equality among the values of the rule of law, or more precisely, the development of discriminatory prejudices that contradict it, and how law students evaluate university education in terms of raising awareness of the values of the rule of law.

Krémer first examined the relationship of the majority of law students in the sample to power, then looked at various dimensions of social equality – legal protection, access to public goods, active and passive solidarity, and social relations in the private sphere – with regard to gender (women, homosexuals), religion (Jews, Krishna devotees) and ethnicity (Germans, Slovaks, Chinese, Roma) minorities. All this was done by comparing the averages of the entire sample of prospective police officers and law students, and within the latter, the averages of first-year and fourth-year students, supplemented by cluster analysis.

Looking at the results, it is hardly surprising that discriminatory attitudes towards Roma are strongest in all aspects of prejudice examined. The hierarchical segmentation between the “Hungarian majority” and other social groups also corresponds to our general expectations: “majority Hungarians”, women – homosexuals, Germans, Jews – Slovaks, Krishna devotees, Chinese – Roma (significantly behind the previous three segments). However, there are some noteworthy findings. For example, law students are generally quite tolerant of homosexuals, except in the context of family relationships, where homophobia just slightly exceeds the level of rejection toward Roma. Or that, in 2012, future lawyers would have been most likely to restrict Roma access to the labor market and university studies, while they were more generous toward them in healthcare. The comparative results of the law classes showed that, in general, the strength of students' prejudices decreased in all respects during their studies. The authors did not consider this to be particularly significant. Based on the results of the cluster analysis, the researchers considered the 3–5% change in the proportions of the three identified groups – exclusionists, inconsistent, and tolerant –, which they attributed entirely to the acquisition of professional ethos, to be insufficient, citing it as evidence of the poor performance of legal education in transmitting the values of the rule of law.<sup>47</sup>

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<sup>45</sup> Zoltán FLECK – Ferenc KRÉMER – Szonja NAVRATIL – Erik USZKIEWICZ: *Technika vagy érték a jogállam? A jogállami értékek átadása és az előítéletek csökkentése a jogászok és rendőrtisztek képzésében* [Is the rule of law a technique or a value? Transmitting the values of the rule of law and reducing prejudice in the training of lawyers and police officers]. Budapest, L'Harmattan, 2012.

<sup>46</sup> Ferenc KRÉMER: Cultural patterns of prejudice and discrimination among law students and prospective police officers. Ibid. 42–90. The analyses were based on data collected in 2004 using a similar questionnaire among police officers (N=356) and data collected in 2011 from a sample of students from the country's seven law faculties, selected roughly in proportion to their national representation (N=719), as well as 52 police cadets. Among the law students, the researchers attempted to form a first-year (N=253) and a fourth-year (N=231) subsample, but about one-third of the students did not indicate which year they were in when completing the questionnaire, so significantly fewer students could be classified into the two subsamples.

<sup>47</sup> For my part, I cannot agree with this, especially when we consider the well-known observation in social psychology that very strong social influences and a great deal of real individual experience are needed to mitigate such prejudices in adulthood. Paradoxically, this was also confirmed by the evaluation of the teaching method by

Next, we should mention the third phase of Kelemen's project, which luckily coincided with the research done by the ELTE research group, and was based on the first phase of the project, conducted among law students in 2007,<sup>48</sup> in that it represented a more methodologically rigorous execution of the longitudinal study that had already been planned and partially implemented at that time.<sup>49</sup> The three samples – first-year students at ELTE in 2007, the first-year students in 2012, and the fifth-year students in 2012 – revealed not only the changes that had taken place over the past five years in terms of socio-demographic factors, public awareness, political attitudes, their views on the justice system, crime and crime prevention, and their ideas about their future careers. In addition, it was also possible to examine the impact of legal education on the development of these views, which was a pioneering approach in the history of Hungarian research.

The results of the study generally confirmed the continuing impact of trends already observed in the analysis of 2007 data. In terms of the social background of students, for example, the proportion of women in the years of study examined rose from two-thirds to nearly three-quarters. Law students generally come from high-income families and their parents have higher education degrees – although the research hypothesis that in most or a large proportion of families at least one of the parents is a lawyer themselves was not confirmed. In 2012, students generally considered themselves to be interested in public life, even more so than in 2007. However, analyses showed that this was not so much due to legal education as to general changes in the direction of the information society. There was a significant increase in the “career-consciousness” of students entering the program, with only half (51%) of first-year students in 2007 being certain that they wanted to become lawyers, compared to nearly three-quarters (73%) of freshmen in 2012. The impact of legal education on shaping legal consciousness was naturally more pronounced in the assessment of the administration of justice and in the formation of opinions on crime and crime prevention. In the former case, the results of the study showed that students' confidence in the functioning of the courts increased somewhat during their university studies, although fifth-year students preferred out-of-court settlements to court enforcement to a greater extent than first-year students. When it came to crime (crime prevention), law students gave a balanced assessment of the reasons behind criminal behavior, considering both personal circumstances and social influences. At the top of their list were difficult childhoods, socialization problems, and poverty. Interestingly, the students generally attributed little significance to the influence of the media in inducing crime. Overall, the impact of legal education was manifested in the fact that students became more dismissive of the idea that crime is genetically determined and increasingly recognized that crime is a necessary part of society. The study found that two-thirds of first-year students rejected this thesis, while nearly two-thirds of graduating students accepted it.

Finally, a noteworthy finding of the study was that legal education reinforced the acceptance of liberal political views among students in several respects. Law students expressed relatively strong liberal attitudes toward the impact of prison sentences on crime, as well as toward abortion and the death penalty. In contrast, they were strongly conservative in their views on the impact of increasing social benefits on crime and on the issue of legalizing

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grade, which showed that as they approached graduation, students became increasingly dissatisfied with all aspects of raising awareness of the values of the rule of law.

<sup>48</sup> KELEMEN (2009) *op. cit.*

<sup>49</sup> László KELEMEN – Miklós HOLLÁN: *Joghallgatók a jogról II* [Law students on law II]. Budapest – Pécs, Dialóg Campus, 2013. Five years later, in 2012, data collection was carried out using a questionnaire that was practically identical to the previous one. Both sub-samples – 141 first-year and 132 fifth-year law students – were selected from ELTE, while the 2007 sub-sample from KGRE was excluded from the analysis. This was a fortunate solution from a methodological point of view because, as subsequent research confirmed, the recruitment bases of the two institutions are different, so the differences in the social status of students entering education would have distorted the comparison from the outset.

marijuana consumption. Based on their responses, a slightly conservative attitude was observed among them regarding the deterrent effect of more severe court sentences. Overall, in terms of political attitudes, law students in 2012 held slightly liberal views, but this type of thinking was even more pronounced among fifth-year students. The initially conservative attitude of the year group participating in the follow-up study shifted significantly towards liberalism during the five years of education. However, this shift was not evident in the students' self-assessment, but was apparent from the summary of opinions on politically sensitive issues. Some of these issues were also significant from a professional point of view (the ban on abortion, the reinstatement of the death penalty), in which case the more liberal attitude seemed to be attributable to the knowledge acquired during legal education. The effects of legal education were also partly evident in the assessment of the deterrent effect of more severe court sentences, as the decline in agreement with this view was more pronounced among fifth-year students. In contrast, it was not education but rather other social factors that led to a significantly higher proportion of law students in 2012 rejecting the idea that increasing social benefits would reduce crime, and being more permissive towards the legalization of marijuana use.

The research of Mihály Fónay, who examined the recruitment and career orientation of law students at the beginning of the decade, is related to the issue of career awareness among law students. These studies dealt with legal education research as part of sociological studies on stratification and mobility in Hungarian society, and in recent years they have gained considerable momentum with the nationwide implementation of the graduate career tracking system.<sup>50</sup> Two findings from the research results are worth highlighting. One concerns the family background of law students:

“[...] law students come from the ‘middle class’, even if it is difficult to define the middle class or middle classes. And where are they headed? To a prestigious group within the middle class, or more precisely, to different but generally prestigious groups within it.”<sup>51</sup>

Another interesting result relates to the prestige of legal professions: while law students generally rated the judgeship as the most prestigious, followed by the attorney's profession – then the ranking continues with the public prosecutor's office and public administration – the majority of recent graduates find employment in public administration, and the second largest group finds employment in law firms. The attorney profession is therefore certainly one of the high-prestige groups that law students aspire to, both in terms of desired prestige and actual opportunities.

This finding was supported, among other things, by the last significant survey conducted among law students in the past decade, led by Attila Badó with the involvement of colleagues from the Institute of Comparative Law at the University of Szeged Faculty of Law.<sup>52</sup> The

<sup>50</sup> Mihály FÓNAI: *Joghallgatók. Honnan jönnek és hová tartanak?* [Law students. Where do they come from and where are they going?]. Debrecen, DE ÁJK – DELA Könyvkiadó Kft. 2014.

<sup>51</sup> Ibid. 123.

<sup>52</sup> For the results of the inquiry, see: Attila BADÓ – Gábor FELEKY – János LŐRINCZI– Zsófia PATYI : Összehasonlító motivációs vizsgálat a szegedi joghallgatók körében [Comparative motivational study among law students in Szeged]. In: Attila BADÓ (ed.): *Jogszociológiai alapismeretek* [Basic knowledge of legal sociology]. Szeged, Pro Talentis Universitatis Alapítvány, 2020. 245–279. Attila BADÓ – János LŐRINCZI – Zsófia PATYI : A magyar joghallgatók motivációi, céljai, életstratégiái egy empirikus vizsgálat alapján [The motivations, goals, and life strategies of Hungarian law students based on an empirical study]. 8 *Forum. Acta Juridica et Politica* (2018) 2, 35–63. [(2018a)] Attila BADÓ – János LŐRINCZI – Zsófia PATYI: A magyar joghallgatók preferenciáinak empirikus vizsgálata. Előzetes eredmények. [Empirical study of Hungarian law students' preferences. Preliminary results.] 2 *Comparative Law Working Papers* (2018) 3. [https://www.ojji.u-szeged.hu/images/dokumentumok/CLWP/joghallg\\_pref.pdf](https://www.ojji.u-szeged.hu/images/dokumentumok/CLWP/joghallg_pref.pdf) [(2018b)]. Attila BADÓ – Gábor FELEKY – Zsófia PATYI: A joghallgatók helyi önkormányzatokkal kapcsolatos jogtudat vizsgálatának táblázatos eredményei. 2

researchers carefully drew attention to changes in legal education – in 2012, a government decision minimized the number of state-funded places – which drastically affected applicants’ interest and preparedness. As a result, the declining number of applicants were able to enter the program with significantly lower admission scores than in previous years, making it methodologically questionable to compare the results with previous data.

Interestingly, however, these changes did not significantly alter law students’ previously formed perceptions of legal education and the legal profession. The findings of Kelemen’s and Fónay’s studies, described above, are returned in the results of the data collection. For example, students ranked the prestige of the legal profession second only to medicine among intellectual professions, and within the legal profession, they ranked judges highest, followed by prosecutors and attorneys in third place. At the same time, the majority of them (47.6%) still planned to pursue a career as an attorney, while 14.5 % planned to become prosecutors and only 12.1% planned to become judges. The ranking of students’ aspirations for the future is hardly surprising, with a successful professional career and above-average wealth at the top of the list, and a political career at the bottom. However, from our point of view, the items in the questionnaire that are more noteworthy are those with which the researchers sought to explore law students’ knowledge of the Fundamental Law, their attitudes toward it, and their preferences regarding the values expressed in the Fundamental Law. Unfortunately, at this point, the researchers have only released preliminary results, which include the basic distribution of responses to nine closed questions on the topic, as well as responses to seven open questions (without stylization). It is thought-provoking – as revealed in Kelemen’s study – that law students’ political views are shifting rapidly to the right, as evidenced by the fact that nearly three-quarters (74.4%) believe that the Fundamental Law should give priority to values that are important to Hungarians over values that strengthen European unity. Perhaps it is no coincidence that among the answers to the open question “If you could amend the Fundamental Law, what other fundamental obligations would you include in it?” we can read: *Let’s stop Brussels!*<sup>53</sup>

The future analysis of the responses to the nine closed questions in the questionnaire, which aimed to explore law students’ legal awareness of local governments, appears to be equally interesting. Only two of the raw data are worth highlighting here, as they clearly indicate how law students assess the degree of independence of local communities from the state. More than half of the respondents (52.2%) believed that the state plays a significant role in the daily life of municipalities, and more than nine-tenths (90.1%) thought that the development of a municipality is influenced by whether its mayor belongs to the ruling party.<sup>54</sup>

#### 4.2. Examination of the attorney’s profession

In our review of legal consciousness research in the 1990s, we already mentioned the study conducted by Ágnes Utasi among attorneys in 1998, which she developed into a longitudinal study with data collected in 2015.<sup>55</sup> As regards the social status of the attorneys, the proportion

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*Comparative Law Working Papers* (2018) 3. [https://www.ojji.u-szeged.hu/images/dokumentumok/CLWP/joghallg\\_jogtud.pdf](https://www.ojji.u-szeged.hu/images/dokumentumok/CLWP/joghallg_jogtud.pdf) [(2018c)]. The research was preceded by a study conducted in 1996–‘97 among law students at the universities of Szeged and Göttingen, which sought to assess the circumstances of entering the profession and ideas about professional careers. The data collection carried out in 2017–‘18 was based on the experiences of this earlier study, but this time it was conducted on a large sample (N=1150) selected from students at eight educational institutions in Hungary. The sample was divided into first-year (N=679) and fourth-year (N=379) sub-samples, and the questionnaire was completed in a group self-completion format with the assistance of a coordinator, usually during a university lecture in an institutional setting.

<sup>53</sup> BADÓ – LÖRINCZI – PATYI (2018b) *op. cit.* 4.

<sup>54</sup> BADÓ – FELEKY – PATYI (2018c) *op. cit.* 28. Table No. 2.31.

<sup>55</sup> UTASI (2016) *op. cit.*

of women among them has increased from 38.9% to 45.6% during the period examined. The proportion of single or divorced women attorneys is three times higher than that of men. Homophily in relationships based on education is present and has even strengthened since 1998, meaning that lawyers choose partners with a similar social status and occupation. The middle-class family background has become more dominant: the proportion of middle-class parents has increased from three-quarters to four-fifths, indicating that children from lower classes have fewer opportunities to enter the profession. Professionals are concentrated in cities, with the result that three-quarters of attorneys now live in the capital or other large cities.

The researchers used cluster analysis to reveal the internal stratification of the attorneys' profession. Based on three factors – foreign language practice, average locally or nationally influential connections, and participation in elite sports – three clusters appeared to be distinguishable in the two samples: (1) elite upper, (2) middle, and (3) lower-middle strata. The proportion of the elite upper class fell from 39% to 28% during the period under review, while the proportion of the lower-middle class remained similar, indicating that the proportion of the middle class (2) increased. At the same time, income differences between clusters also underwent restructuring: while in 1998 there was no significant difference between the elite upper class (1) and the middle class (2), in 2015 the income of the elite upper class (1) was exceptionally high compared to the middle class (2) and the lower-middle class (3), while the difference between the latter two decreased. The increase in the proportion of the middle class (2) and the convergence of the income of the middle class (2) with that of the lower-middle class (3) suggest a trend toward downward leveling.

When examining the development of attorneys' social capital, researchers found that the majority of attorneys do not have a large, distinct network of friends, and that this had not changed between the two studies. Members of their circle of friends are also of similar social status, and it is rare for them to befriend people of lower social status. The social network of attorneys has become more heterogeneous, with people from other professions appearing more frequently at social events, and their social life has become more intense and complex. Over the past decade and a half, attorneys' participation in civil society organizations has increased significantly: in 2015, three-quarters of them were active, drawing a U-shaped curve along the background status hierarchy – with those socialized in families with the highest and lowest status showing exceptionally high levels of activity. The direction and resource value of attorneys' social connections remained diverse and exceptionally high in 2015, although the number of attorneys with connections in almost all influential positions (local or national power brokers) decreased slightly, but even so, 40–50% still have such connections. However, the extent, complexity, and direction-based heterogeneity of relationship systems decreased. In 2015, the proportion of those with simple relationship systems increased to 35%, while those with highly complex relationship systems decreased to 25%.

The researchers also examined attorneys' social engagement and political attitudes. The results showed that they rarely undertake to provide regular *pro bono* services based on the principle of social solidarity, which would arise from the conception of the profession as a public service. However, this is somewhat compensated for by their increased activity in civil society organizations, as mentioned above. Services provided to friends and relatives are common, but these are also elements of social capital conversion due to the homophily of relationships. Identity linked to profession is prominent among them, which may indicate an attitude toward corporatism. During the analysis of the 2015 sample, attorneys could be classified into three groups based on their political orientation: (1) right-wing conservative traditional 22%, (2) centrist inter/intranational 25.7%, (3) left-wing-liberal-non-traditional 45.4%, but political activity proved to be inversely proportional to the size of each cluster. In other words, it was the members of the largest group, those with left-wing-liberal-non-traditional attitudes, who were the most politically passive.

The results concerning the analysis of the division of labor within the legal profession were important for further research. During the study, the 2015 sample was divided into three clusters based on five factors (representation of foreign companies; practice of financial, commercial, and international private law; representation in international legal matters; number of areas of law practiced; number of corporate assignments): (1) a group in the capital city dealing with foreign clients and profitable areas of expertise, (2) a group working in regional centers, with multiple areas of expertise and higher-status clients, (3) a group in an uncertain existential situation, working in fewer areas of expertise and with more difficult access to larger cases. According to analysts, the conditions for classic professional practice are given for groups (1) and (2).

The researchers paid particular attention to analyzing the trend toward de-professionalization threatening the legal profession, the symptoms of which had already been noticed by sociologists in the 1970s. They identified a number of contributing factors in this process: the dissolution of the monopoly on knowledge, the decline in authority and trust,<sup>56</sup> the massification of higher education, the greater number of professionals resulting in competition in the services market, and the consolidation of large service organizations, which may bring the managerial strata to the fore over the professionals. At the same time, the decline in the professional prestige of attorneys and the trust placed in them is also transforming the attorney-client relationship. Attorneys' work is becoming increasingly clichéd amid oversupply and price competition, and the proliferation of administrative tasks is giving rise to the figure of the "administrative attorney". The information technology revolution is opening new channels and methods for laypeople to obtain legal advice, which poses new challenges for the profession.

#### 4.3. Examination of the legal consciousness of the Hungarian population

In Hungarian legal sociology, among the empirical legal consciousness studies conducted after 2010 on the Hungarian population, the first one we should mention is the study conducted by Róbert Richard Kiss and Ágnes Zsidai in 2013,<sup>57</sup> which was linked to ELTE in terms of its institutional background. The researchers collected data on a nearly representative sample (N=973) using a 65-item questionnaire. The topics examined covered numerous aspects of legal consciousness, including respondents' views on the nature of law, the relationship between the state and the law, legal certainty and state institutions – including courts, local governments, tax authorities, judges, prosecutors, and attorneys – their knowledge of the ways of resolving conflicts (legal knowledge), their ideas and attitudes (sense of justice). In our opinion, the items formulated for certain topics in the questionnaire – particularly "the nature of law" and "the relationship between the state and law" – often appear to be overly cognitively embedded and reflect scientific theories rather than everyday thinking. Although there are undoubtedly some interesting solutions from a questioning technique perspective, such as combining questions examining attitudes toward the death penalty with questions aimed at knowledge of the regulations.<sup>58</sup>

Secondly, we can mention the study conducted by the research group led by Zoltán Fleck,<sup>59</sup> also formed at ELTE, which is of outstanding importance from our point of view due to its methodological novelty, insofar as it was based on content analysis of life course

<sup>56</sup> Cf. John PRATT: *Penal Populism*. London & New York, Routledge, 2007. 55–90.

<sup>57</sup> Róbert Richard KISS – Ágnes ZSIDAI: *Társadalom és jog* [Society and law]. Budapest, GloboBook Kiadó, 2016.

<sup>58</sup> Question: "Is there capital punishment in Hungary?" Answer options: yes, it is fine (0.8%); yes, but it shouldn't be (0.6%); no, it's fine as it is (44.1%); no, but it should be (51.9%); don't know/no answer (2.5%). The percentage distribution of respondents choosing the given alternative is shown in parentheses. Ibid. 90–91. [The death penalty was abolished in Hungary in 1990 by the Constitutional Court.]

<sup>59</sup> Zoltán FLECK – Valéria KISS – Fruzsina TÓTH – László NEUMANN – Anikó KENÉZ – Dávid BAJNOK: *A jogtudat narratív elemzése*. [A narrative analysis of legal consciousness]. Budapest, ELTE Eötvös Publishing House, 2017.



interviews. Interestingly, the development of this qualitative method was also based in part on the theory of social representations and considerations of narrative psychology, just like Kelemen's research. The approximately forty life story interviews were recorded between September 2014 and May 2015, and the data were organized into three thematic groups – “historical context and identity,” “vulnerable identities,” and “legal awareness and worker behavior in the workplace” – in the volume presenting the results. From our point of view, the outcome of the analyses – which, overall, fell somewhat short of the authors' somewhat exaggerated expectations based on their methodology – can be summarized as follows: on the one hand, they contribute to a better understanding of how narrative coherence works, and on the other hand, they shed light on the specific structure of alienation from the law and distrust of the law in the everyday thinking of ordinary Hungarians.

Probably the most productive research program of the decade was the project organized by György Gajduschek's research group,<sup>60</sup> which began in 2012 and ended in 2018. During the study, researchers collected data in several waves and using various methods to analyze various aspects of the Hungarian population's legal knowledge and consciousness.<sup>61</sup> First, data collection was carried out to measure legal knowledge in a so-called omnibus survey conducted on a representative sample. Subsequently, a separate questionnaire was used to conduct a survey on various aspects of legal consciousness, also on a representative sample. This material was supplemented by focus group interviews in the final phase of the project. For a comparative study of the rights consciousness, data was obtained from a series of items extended to a representative sample in Serbia and the Netherlands, as well as from the European Social Survey and Eurobarometer databases.

György Gajduschek and Balázs Fekete conducted a longitudinal study based on data recorded during legal knowledge research carried out by Kálmán Kulcsár in 1965.<sup>62</sup> In the course of their analysis, the researchers sought to correct not only the changes that had occurred in the meantime in social structure and legislation, but also the distortions in the original data collection. The data from comparative analyses clearly show that the general level of legal knowledge has increased significantly, perhaps by as much as a third overall, over the past half-century, but this is mainly due to the general increase in the level of education of the population over the past half-century, i.e. the explosive growth in the capacity of public education and, following the change of regime, higher education – the emergence of “mass education”. In fact, growth is only entirely clear in the case of constitutional law knowledge: here, it can be said with certainty that the socio-political effects of the regime change are behind this fact. To answer the question of what ultimately determines the level of legal knowledge, the possibilities for analysis were only given in the case of the 2013 data. Nowadays, the role of educational qualifications is dominant, and the apparent influence of almost all other factors can presumably be traced back to this.

István H. Szilágyi and György Gajduschek examined the relationship between the principles of child-rearing and the Hungarian population's demand for punishment,<sup>63</sup> seeking

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<sup>60</sup> The members of the research group – Zsolt Boda, Balázs Fekete, György Gajduschek, István H. Szilágyi, and Péter Róbert – were recruited from among the members of the Interdisciplinary Legal Research Group operating within the Institute of Legal Studies of the Hungarian Academy of Sciences, the Institute of Political Science, and the Legal Sociology Research Group affiliated with the Department of Legal Philosophy at Pázmány Péter Catholic University.

<sup>61</sup> For the results, see: István H. SZILÁGYI (ed.): *Jogtudat-kutatások Magyarországon 1967–2017* [Legal consciousness research in Hungary 1967–2017]. Budapest, Pázmány Press, 2018.

<sup>62</sup> György GAJDUSCHEK & Balázs FEKETE: Changes in the knowledge about the law in Hungary in the past half century. *Sociologija* (2015) 4. 620–636.

<sup>63</sup> István H. SZILÁGYI – György GAJDUSCHEK: Nevelés és büntetés [Parenting and punishment]. In: István H. SZILÁGYI (ed.): *Jogtudat-kutatások Magyarországon 1967–2017* [Legal consciousness research in Hungary 1967–2017]. Budapest, Pázmány Press, 2018. 221–238.

answers to three questions. First, whether principles of child-rearing really do influence the demand for punishment; second, how the demand for punishment has changed from the mid-1980s to the present day; and third, to what extent the demand for punishment among the Hungarian population can be considered high in comparison with other European countries. As regards the first question, analysis of the research data suggests that although family upbringing principles are demonstrably linked to the demand for punishment, we must reject the assumption that the high demand for punishment can be explained by a specific authoritarian, strict discipline-emphasizing, “traditional” parenting model that results in the development of an authoritarian personality. Hence, parenting principles may contribute to the development of a high demand for punishment, but they do not explain it on their own, as this demand has remained high regardless of changes in parenting principles over time. This observation implicitly answers the second question as well: the Hungarian population’s demand for punishment has hardly changed compared to previous decades, including the trend in support for the death penalty, which is considered a standard indicator of the demand for punishment. As regards the relative magnitude of the demand for punishment, a European comparison shows that the rate recorded among the Hungarian population is extremely high by international standards, approximately twice the European average based on the survey data.

Balázs Fekete and Péter Róbert undertook an analysis of Hungarian legal attitudes in the context of international results, based on a 1996 publication by James L. Gibson and Gregory A. Caldeira.<sup>64</sup> The latter sought to capture the general characteristics of Western European legal attitudes using the results of a survey conducted by Eurobarometer in the member states of the European Economic Community at the time, applying a three-element factor structure expressing the values of the rule of law, legal neutrality, and individual freedom. In 2015, the questionnaire developed by the authors was used again in a data collection conducted on a representative sample of the Hungarian population. Analyzing the data, the researchers pointed out that, contrary to the results of previous international studies, the legal attitudes of the Hungarian population can be adequately interpreted in a structure consisting of four factors. This showed that the demand for predictability and paternalism is stronger in Hungarian legal attitudes than in Western European ones, while the value placed on individual freedom is lower. These differences also influence the structure of legal values. Overall, however, the results did not show any significant differences compared to Western characteristics, especially considering that the latter could also be divided into further subgroups.<sup>65</sup>

In his study, Zsolt Boda drew on Tom R. Tyler’s theory<sup>66</sup> to clarify the conceptual relationship between trust, legitimacy, and law-abidingness, and then, using data from the European Social Survey, he showed how institutional and interpersonal trust changed in Hungary between 2002 and 2012 in respect of the legal system, the police, parliament, politicians, and political parties. An interesting finding of the study is that during this period, trust in the police proved to be greater than trust in the courts. The database also allowed for international comparison, which shows that, on average, institutional trust is lower in Central and Eastern European countries than in Western countries, and that it decreases steadily from

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<sup>64</sup> James L. GIBSON – Gregory A. CALDEIRA: The Legal Cultures of Europe. 30 *Law and Society Review* (1996) 1, 55–86.

<sup>65</sup> Cf. Balázs FEKETE – Péter RÓBERT: A magyar jogi attitűdök tipizálása nemzetközi kontextusban [Understanding Hungarian Attitudes Toward Law in an International Context]. In: István H. SZILÁGYI (ed.): *Jogtudat-kutatók Magyarországon 1967–2017* [Legal consciousness research in Hungary 1967–2017]. Budapest, Pázmány Press, 2018. 239–254. FEKETE, Balázs and ROBERT, Peter: Understanding Hungarian Attitudes Toward Law in an International Context (February 9, 2018). SSRN: <https://ssrn.com/abstract=3120933> or <http://dx.doi.org/10.2139/ssrn.3120933>

<sup>66</sup> See Tom R. TYLER: *Why People Cooperate? The Role of Social Motivations*. Princeton, Princeton University Press, 2010. Tom R. TYLER: *Why People Obey the Law?* Princeton, Princeton University Press, 2006.

west to east. This is explained by the fact that trust is closely related to certain macro-level variables, such as per capita income or the general level of trust. Hungarian data fits into this trend, but institutional trust is slightly higher in Hungary than in other countries in the region. In view of all this, the study warns against pessimistic assessments of the dramatic picture of a “legal system lacking in trust” that has repeatedly emerged in Hungarian legal sociology since the late 1980s.<sup>67</sup>

The research conducted by Péter Róbert and Balázs Fekete dealt with a specific aspect of institutional trust in the law, namely “litigation trust”.<sup>68</sup> The researchers examined how people in Hungary today view their chances of winning a lawsuit if they believe they are entitled to it. The analysis was based on data from a survey conducted in 2015 on a representative sample of the Hungarian population, in which respondents were asked their opinion on how they would assess their chances of winning a lawsuit in seven hypothetical cases (litigation with a neighbor, a workplace manager, a bank, the police, the tax office, a wealthy entrepreneur, and a politician) and asked respondents to assess their chances of success. Analysis of the data showed that the assessment of the chances of begging was statistically correlated with, among other things, educational qualifications, income level, place of residence, religiosity, contentment, and trust in institutions. According to the researchers, these correlations are fundamentally based on cultural factors (the lack of a “rights culture”) and historical factors (the questionable legitimacy of the state and its role in serving authoritarian regimes).

In a study based on focus group interviews conducted in 2015, the present author sought to explore the formation of a specific ethos that justifies norm violation in everyday situations and in personal communications about them.<sup>69</sup>

The next noteworthy study is again linked to György Gajduschek, who, in a paper co-authored with András Jakab, highlighted the lack of a “rights culture” characteristic of the Hungarian population’s legal consciousness and the problem of alienation from the law by comparing data from Serbia and the Netherlands.<sup>70</sup> The author’s line of thought starts from the premise that the rule of law has been gradually eroded in Hungary over the past decade. This can be seen in the development of substantive law, but even more so in legal and political practices that have emptied the institutions of the rule of law of their substance. The question is, if all this is true, why did Hungarian society not show stronger resistance to this process? First, the analysis examines two contradictory narratives that are often expressed in political debates. According to the first view, which is generally espoused by the current political opposition, the reason for the lack of resistance is that Hungarian society does not have sufficient historical experience of democracy and the rule of law. The other version – often communicated by the political forces currently in power – emphasizes the contradictory, negative experiences of the first decade of transition to the rule of law following the change of regime. However, empirical data do not support either version.

In the case of a “lack of historical experience”, it is reasonable to assume that members of the younger generation who were socialized in the 1990s are more supportive of the rule of law than their elders. However, the results of the World Value Survey (WVS) data collected in 1998 and 2008 showed that there is virtually no difference in the assessment of democracy

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<sup>67</sup> Zsolt BODA: Bizalom, legitimitás és jogkövetés [Trust, legitimacy, and compliance with the law]. In: István H. SZILÁGYI (ed.): *Jogtudat-kutatások Magyarországon 1967–2017* [Legal consciousness research in Hungary 1967–2017]. Budapest, Pázmány Press, 2018. 255–278.

<sup>68</sup> Péter RÓBERT – Balázs FEKETE: Ki ellen nyerne meg ön egy pert? [Who would you win a lawsuit against?] In: István H. SZILÁGYI (ed.): *Jogtudat-kutatások Magyarországon 1967–2017* [Legal consciousness research in Hungary 1967–2017]. Budapest, Pázmány Press, 2018. 303–322.

<sup>69</sup> István H. SZILÁGYI: Embarrassing Stories. Legal Storytelling and Sociology of Law. *MTA Law Working Papers* 2020/4. 16. <https://jog.tk.mta.hu/mtalwp/embarrassing-stories-legal-storytelling-and-sociology-of-law>

<sup>70</sup> See András JAKAB – György GAJDUSCHEK: The Rule of Law, Legal Consciousness and Compliance. In: *Hungarian Social Report 2019*. Budapest, TÁRKI, 2019. 277–294, esp. 283–294.

between different age groups.<sup>71</sup> In fact, it seems that the negative experiences of the first decade of transition to the rule of law have increased alienation from the law, as a significant part of Hungarian society considered the abuses experienced during the “primitive capital accumulation” to be unlawful and unjust. However, neither the data presented by the WVS nor the European Social Survey (ESS) studies, which measured Hungarian society's trust in the legal system between 2002 and 2014, support the argument of “initial bad experiences”. The latter results show that, apart from a decline in 2008, confidence in the legal system remained relatively stable during the period under review, albeit at a modest level.<sup>72</sup>

As a third explanation, which is more plausible than the previous two, Gajduscek introduces the consideration that the low level of support for the rule of law is related to the peculiarities of Hungarian legal culture. This is supported by the general arguments that an appropriate legal culture is a fundamental prerequisite for the functioning of the rule of law, and that legal culture is closely linked to political culture and the moral state of a given society.

The author highlights the following characteristics of Hungarian legal culture, which came to light during his research over the past decade, as described above: the widely accepted view among broad sections of Hungarian society that violating moral and legal rules is absolutely necessary for success (i); Hungarians generally consider society to be unjust, and there is a low level of system justification – that is, belief in a just world – among them (ii); while Hungarians do not trust the state, they still expect the state to solve almost every serious problem that arises in their lives (iii). Trust in the legal system, which is considered average in our region, is in fact a function of political commitment and does not apply to legal institutions that are independent of politics (courts, public prosecutors, police, administrative agencies, etc.) (iv). Hungarians’ legal consciousness is characterized by fundamental internal contradictions that prevent the development of a strong rights consciousness (v).

To illustrate these characteristics more clearly, the author presents the distribution of responses to several items from the 2015 Hungarian – Serbian – Dutch comparative data collection<sup>73</sup> that clearly demonstrate alienation from the law. First, it examines the responses to the question borrowed from the Gibson–Caldeira questionnaire – “Your interests are rarely represented in the law; the law generally reflects the interests of those who want to rule over you.” – which measured the degree of agreement among respondents on a scale of 1 to 5. Hungarians agreed most strongly with the statement (average value of 2.99), while Serbian (2.41) and, in particular, Dutch respondents agreed much less (2.24). Secondly, he examines the distribution of responses to the question “Suppose that Parliament passes a law that certain people feel is unfair and unjust. What should these people do?” which shows that a remarkably high proportion of Hungarians chose the option of circumventing the law, even if it meant bribing officials. Even the 54.0% of Hungarian respondents who chose to take action against unjust laws – which is the lowest percentage in the comparison – can be viewed with skepticism, because when asked in another part of the questionnaire whether they had ever participated in

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<sup>71</sup> The WVS item asked how much we think it is good to have a democratic political system. On a four-grade Likert scale, the average for the 18–25 age group was 3.39, while that for the entire population was 3.4 in 1998. In 2009, the average for the 18–29 age group was 3.36, for the 30–49 age group 3.33, and for those over 50 3.34. Although the data do indeed show that there are negligible differences between the opinions of the various age groups, it is nevertheless noteworthy that over the past ten years, the assessment of democracy has shifted in a negative direction. Cf. *ibid.* 284.

<sup>72</sup> The ESS measured trust in the legal system on a scale of 0–10, with higher values indicating greater trust. In 2002, this was 5.1, then fluctuated between 4.41 and 4.66 in the following years, except for 2008, when it fell to 3.78. The analysis attributes this decline to the combined effects of the opposition's political campaign and the economic crisis. See *ibid.* 285. Figure 5.

<sup>73</sup> For a more detailed presentation of the results, see: György GAJDUSCHEK: Wild East and Civilised West? Some Indicators of Legal Cultures in Hungary, Serbia and the Netherlands. An Empirical Comparative Assessment. 60 *Jahrbuch für Ostrecht* (2019), 165–184.

a public demonstration, only 7% answered in the affirmative. While nearly half of Hungarian and Serbian respondents said that if they had a serious conflict with someone, they would turn to the law, 90% of Dutch respondents would have chosen the legal route to resolve the dispute. Finally, a question was raised that researchers had taken from András Sajó's 1986 questionnaire aimed at examining rights consciousness. "In an office, if someone thinks they are right, how do you think they should behave?" Of the two possible answers offered – "Behave humbly and refer to your difficult situation." "Behave assertively and remind the official of the legal regulation." – 32.1% of Hungarian respondents chose the former, compared to 15.1% of Serbian respondents and 7.5% of Dutch respondents. It is also noteworthy, however, that the proportion of those who consider humble behavior to be purposeful has hardly changed since the 1986 survey, and has even increased slightly. This suggests that Hungarian legal culture has changed very little over the past thirty years.

Overall, the data presented clearly show that Hungarian society is even more alienated from the law than Serbian society, and that Hungarians' rights consciousness is much more fragile than that of Serbs and especially compared to that of the Dutch. All this makes it likely that one of the main reasons for the lack of social reaction to the accelerating dismantling of the rule of law is to be found in the relative immutability of the legal culture inherited from socialism. In the conclusion of the study, the authors also emphasize that the weakening of the institutions of the rule of law has not been accompanied by an increase in the efficiency of government work.

This brings us to the fourth phase of László Kelemen's project, which aimed to develop the first representative survey of the Hungarian population after the change of regime in 2010 into a longitudinal study.<sup>74</sup> Accordingly, only a few changes were made to the previous questionnaire – for example, in the items examining media consumption – and a question exploring opinions on the death penalty, developed by the research group led by György Gajdushek, was added from the 2015 questionnaire. The presentation of the survey results also provides an opportunity to compare them with previous research and thus to take stock of the changes that have taken place in the nearly ten years between the two studies. Among the various thematic clusters of the questionnaire, some were only indirectly related to the issue of legal consciousness—such as individual self-attribution in the relationship between the individual and society, or the assessment of the effects of globalization— but these socio-psychological factors also contribute to understanding the formation of attitudes towards the law.<sup>75</sup>

When examining sources of information on political and social issues and party preferences, it did not make sense to compare the data with previous data due to the transformations that took place in the media and political parties after 2010. However, the 2018 data suggest that Hungarian society is strongly divided. This is indicated, for example, by the fact that the most widely read press product, *Blikk*, topped both the list of newspapers considered most credible and those considered least credible, and that Fidesz–KDNP was simultaneously the most supported and the most rejected party.<sup>76</sup>

Researchers examined the relationship between society and the individual from several angles. First, they asked respondents about their views on the principles of income and tax distribution. More than nine-tenths of respondents indicated that they would like to live in a society where income is aligned with performance, and more than three-quarters supported the idea of progressive taxation. In light of previous research, which revealed that Hungarians' legal

<sup>74</sup> István H. SZILÁGYI – László KELEMEN – Sam Gilchrist HALL: *Changing Legal and Civic Culture in an Illiberal Democracy. A Social Psychological Survey of the Hungarian Legal System*. (Trans.: Tamás JUHÁSZ) Abingdon, Routledge, 2022.

<sup>75</sup> Ibid. 37–39.

<sup>76</sup> See ibid. 44, 46, 94.

consciousness is fraught with striking logical contradictions, it is hardly surprising that around 40% of those who support performance-based income distribution also considered equal distribution, regardless of performance, to be fair. Or that progressive taxation was opposed by those struggling with serious financial problems in almost the same proportion as those living in the best financial circumstances, contrary to their interests.<sup>77</sup>

The researchers sought to explore the aspect of individual life prospects with two sets of questions designed to examine alienation and anomie. Of the ten items on the two scales, statements referring to vulnerability, isolation, and lack of norms ranked highest in terms of the proportion of respondents who agreed with them. For example, 72% of respondents agreed with the statement that “whatever anyone says, ordinary people are getting worse off,” 69% agreed that “these days, you don't really know who you can count on”, and two-thirds shared the view that “the end justifies the means”. Statements referring to vulnerability, social isolation, and a lack of norms were identified with to a greater extent by those living in poorer financial circumstances, with less education, and in rural areas. The rather bleak picture is somewhat brightened by the fact that the largest proportion of respondents (88%) agreed with the statement that “if you try hard, you can always find friends”.<sup>78</sup>

A similar picture emerges – worrying despite a few positive features – from the analysis of responses to questions assessing social problems and the effects of globalization. Of the eight social issues listed, more than 80% of respondents considered terrorism and migration to be serious problems. At the same time, a similar proportion of respondents perceived the negative effects of globalization, the tendency toward cultural isolationism, and xenophobia. Opinions were naturally influenced by government communications in recent years, as well as by respondents’ income, education, and place of residence. In this regard, it is worth noting that although residents of smaller settlements are more prone to negative, pessimistic views of life and the world, they feel better protected from the threatening effects of globalization. At the same time, it can be considered positive that respondents considered environmental pollution and global warming to be more important than terrorism and migration, which indicates a welcome increase in environmental awareness. Social sensitivity is also reflected in the fact that the “growing gap between rich and poor” ranked fourth among social problems, with 86% of respondents perceiving it as a pressing social issue.<sup>79</sup>

The image that respondents created of themselves is also contradictory. Researchers measured self-attribution using four sets of items that examined self-esteem, thinking style, closed-mindedness, and extroversion and introversion. On the surface, the majority of respondents painted a very favorable picture of themselves—so favorable, in fact, it raises suspicions of a lack of honesty and self-criticism.<sup>80</sup> Looking at the negative aspects of the picture that emerges from the analysis of the responses, László Kelemen emphasizes in his summary that nearly one-fifth of Hungarian society has such low self-esteem due to their disadvantaged situation that there is a risk of developing “acquired inertia”.<sup>81</sup>

It is also worth adding that the responses to the questionnaire based on the famous F Scale developed by Theodor W. Adorno and his colleagues, which brings authoritarian personality traits to the surface, simultaneously confirmed the prevailing tendency toward authoritarianism among respondents and the high level of demand for submission to authority and a high level of need for paternalism among the respondents. Nearly nine-tenths of

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<sup>77</sup> Ibid. 51.

<sup>78</sup> See *ibid.* 49–52.

<sup>79</sup> Ibid. 53–55.

<sup>80</sup> Thus, 85% of respondents are “generally satisfied with themselves”, three-quarters “enjoy tasks that involve finding new solutions to problems”, two-thirds say they “have never hurt anyone’s feelings”, and more than nine-tenths consider themselves “reliable, disciplined”, and “compassionate, warm-hearted”. Cf. *ibid.* 55–61.

<sup>81</sup> Ibid. 95.

respondents believed that “it is important that one can obey commands and issue commands if need arises” and that “everyone should know his or her place in a given hierarchy.” In addition, almost four-tenths felt that “I prefer being told what to do to having to make every single decision myself.” Among the latter, a disproportionately high percentage (58%) are respondents who consider themselves to be in difficult financial circumstances.<sup>82</sup>

The fact that Hungarian society is highly receptive to authoritarian rule and paternalism sheds a peculiar light on the changes that have taken place since 2010 in terms of criticism and justification of the system. The composite indicator calculated from the averages of responses to all eight items of system criticism and all six items of system approval changed significantly over the past eight years, indicating an increase in trust in the political system. However, this development, which is otherwise considered positive, does not indicate the consolidation of a democratic political system, but rather an authoritarian one, in which the overwhelming majority of citizens (80%) expect “a strong-handed political leader to solve the problems of the country”.<sup>83</sup> This consideration also casts a shadow over data indicating growing confidence in a just world.<sup>84</sup> At the same time, we should not project this assessment onto the strengthening of trust in the legal system without further consideration, as this may have a socially stabilizing effect that is to some extent independent of politics. To explore this, however, it is worth briefly reviewing the topics most closely related to the subject of our study: perceptions of crime, ideas about the factors that cause crime, measures aimed at reducing crime, and finally, issues of acceptance of the justice system.

The fact that only a few percent fewer people reported being victims of crime compared to 2010, while the proportion of those who were no longer afraid of becoming victims of crime in 2018 increased significantly,<sup>85</sup> already indicated a strengthening of trust in the legal system.

Perceptions of the causes of crime changed during the period under review in that the assessment of individual psychological motives came to the fore somewhat, as opposed to social and external control factors. As a result, for example, the proportion of those who saw “poverty, serious financial difficulties” as the reason for becoming a criminal fell from 80% to 76%.<sup>86</sup>

There is an interesting contradiction in what measures respondents expect to reduce crime in terms of legislation and law enforcement. While at the time of the first survey they clearly believed in tougher penalties, data collected eight years later showed that hopes for the beneficial effects of leniency had grown stronger. As a result, the demand for severity and leniency became completely balanced. A similar balancing trend was observed in the case of a series of items with nearly identical themes, which examined opinions on the causes of the decline in crime.<sup>87</sup>

The decline in support for the death penalty fits into this “relaxation process”. In 2010, nearly two-thirds (67%) of the sample supported the reinstatement of the death penalty, but by 2018, just over half (54%) did. The consistency of the change process is indicated by the fact that in the 2015 Gajduschek survey, 58% of respondents supported the death penalty. As mentioned above, the set of questions targeting attitudes toward the death penalty was taken from the questionnaire used at that time and included in the 2018 survey. A comparison of the basic distributions shows that over the past three years, the proportion of those choosing the “utilitarian” argument has increased somewhat compared to those who judge the issue of capital

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<sup>82</sup> Ibid. 61–64.

<sup>83</sup> Ibid. 78–81, 88–90.

<sup>84</sup> Ibid. 81–82, 90–91.

<sup>85</sup> In 2010, 19% of respondents said they had been victims of crime, compared to 13% in 2018. In contrast, in 2010, the majority (58%) feared becoming victims, while eight years later, the majority (65%) stated that they did not fear this possibility. Ibid. 86–87.

<sup>86</sup> Ibid. 85–87.

<sup>87</sup> See *ibid.* 84–85.

punishment on moral grounds.<sup>88</sup> The issue is whether the decline in support for the death penalty indicates a decrease in the high demand for punishment observed among the Hungarian population in previous studies. However, only further criminological and socio-legal studies can provide an answer to this problem.

As we have seen above, both the positive changes in social psychological characteristics and the decrease in fear of victimization have, to a certain extent, made it already plausible that trust in the legal system would increase. This expectation was confirmed insofar as six of the eight items in the set of questions designed to elicit attitudes toward the administration of justice showed a shift toward increased trust during the period under review. As a result, the index calculated from the averages measured on a four-point Likert scale rose by approximately one and a half percentage points.<sup>89</sup>

The last significant research project of the second decade following the turn of the millennium was organized and led by Balázs Fekete, the results of which had only been partially published by the time the manuscript of this study was completed.<sup>90</sup> The fundamental aim of the research was to evaluate the Hungarian population's rights consciousness in an international comparison. The two theoretical and methodological cornerstones of the project were András Sajó's 1988 work<sup>91</sup> and Gajdushek's 2015 international comparative study.<sup>92</sup> The former served as the starting point for the conceptual analysis of rights consciousness, while the latter anticipated the methodology of comparison—and its scientific organizational background—insofar as Serbia and the Netherlands once again served as the points of reference for the comparative analysis.

In operationalizing the concept for empirical study, researchers identified three components of entitlement awareness: legal awareness (i), the ability to identify rights (ii), and legal mobilization (iii). Legal awareness (i) refers to citizens' ability to view certain situations from a legal perspective (as well). In other words, they can interpret a dispute or disagreement as a legal conflict. Closely related to this is the ability to identify rights (ii), which enables them to express their position in legal language in a given dispute. Legal mobilization (iii) refers to citizens' attitudes – both positive and negative – toward legal institutions and procedures, which influence whether they ultimately attempt to enforce their rights through one of the state's legal mechanisms in a dispute that is perceived and articulated as a legal one.

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<sup>88</sup> Two items referred to the utilitarian approach: “the death penalty is pointless because it is not an effective deterrent” and “the death penalty should be reinstated because this is the best way protect society against incorrigible criminals”. The possibility of moral argumentation was provided by the following two statements: “the death penalty is unacceptable because the state does not have the right to take anybody's life” and “the death penalty should be restored as a punishment to fit the most serious crimes”. While 61% of respondents chose some kind of moral argument in 2015, only 52% did so in 2018. Cf. H. SZILÁGYI – GAJDUSCHEK (2018) op. cit. 224–227; H. SZILÁGYI – KELEMEN – HALL (2022) op. cit. 69.

<sup>89</sup> See H. SZILÁGYI – KELEMEN – HALL (2022) op. cit. 88.

<sup>90</sup> For the theoretical basis of the research, see: Balázs FEKETE: Rights Consciousness in the CEE Region: Lessons from the Earlier Studies. 60 *Jahrbuch für Ostrecht* (2019), 185–202. Attila BARTHA – Balázs FEKETE – György GAJDUSCHEK: A jogosultságkultúra empirikus elemzése: elméleti és módszertani előfeltevések [Empirical analysis of rights culture: theoretical and methodological assumptions]. *JTiblog*, <https://jog.tk.hu/blog/2019/07/a-jogosultsagkultura-empirikus-elemzese-elofeltevesek> [(2019a)]. For a presentation of the empirical results of the research, see: Attila BARTHA – Balázs FEKETE – György GAJDUSCHEK: A jogosultságkultúra empirikus elemzése: a jogi éberség komponense [Empirical analysis of rights culture: the component of legal awareness]. *JTiblog*, <https://jog.tk.hu/blog/2019/07/jogi-eberseg> [(2019b)]. Attila BARTHA – Balázs FEKETE – György GAJDUSCHEK: A jogosultságkultúra empirikus elemzése: a jogok azonosításának komponense [Empirical analysis of rights culture: the component of rights identification]. *JTiblog*, <https://jog.tk.mta.hu/blog/2019/07/a-jogok-azonositasa>, July 28, 2019 [(2019c)]. Attila BARTHA – Balázs FEKETE – György GAJDUSCHEK: A jogosultságkultúra empirikus elemzése: a jogi mobilizáció komponense [Empirical analysis of rights culture: the component of legal mobilization]. *JTiblog*, <https://jog.tk.hu/blog/2020/03/a-jogi-mobilizacio-komponense>

<sup>91</sup> SAJÓ (1988) op. cit.

<sup>92</sup> GAJDUSCHEK (2019) op. cit.



During data collection, a survey-type quantitative method was combined with a semi-structured interview qualitative method. In June 2019, telephone and questionnaire-based data collection was carried out on a sample of 800 people in the three countries participating in the research, weighted according to gender, age, educational attainment, and place of residence. This material was supplemented with interviews with nine Hungarian legal experts, which were recorded in the fall of 2019. The latter were used by researchers in the subsequent analysis primarily for interpreting Hungarian data collected using quantitative methods. The questionnaire measured the level of legal awareness (i) using a five-item closed-answer scale in relation to five hypothetical conflicts,<sup>93</sup> three of which were selected at random in each survey. Also, in relation to these situations, an open question was used to examine the ability to identify rights (ii), with responses coded into four categories: “irrelevant response”, “relevant, but does not use the language of rights”, “expressly refers only to the legal rules”, and “relevant response in the language of rights/entitlements”. In the case of legal mobilization (iii), researchers used two four-item scales to explore attitudes toward the advantages (e.g., impartiality of legal decisions) and disadvantages (e.g., cost of proceedings) of legal proceedings.<sup>94</sup>

As regards the component of legal awareness (i), the data indicated, in line with preliminary expectations, that its level was relatively low. It was also clear that respondents were more inclined to take legal action in conflicts with private individuals than with institutions, least of all with the tax authorities. However, questions focusing on the “Plan B” chosen in the event of failure (e.g., personal agreement) or success (e.g., positive outcome of consultation with a legal expert) of the first chosen course of action revealed a somewhat more favorable picture: almost two-thirds (63%) of respondents were classified as having “strong legal awareness.” In the publications released so far, researchers have not yet presented the results of comparing Serbian and Dutch data in relation to the legal awareness component.<sup>95</sup>

The examination of the legal formulation of the arguments used in the debate (ii) painted a similarly promising picture. Although varying degrees in different situations, overall, nearly one-third of respondents were able to express their position explicitly or implicitly in legal language. This was least in the case of the tax authority and most so in the refusal to allow visits to the child or to seek legal representation. Among the socio-demographic variables, age – insofar as older people aged 50–65 typically had a better command of legal language than younger people – and previous involvement in court proceedings showed a strong correlation with the ability to identify rights.<sup>96</sup>

In the case of legal mobilization (iii), there is also a significant difference between younger and older age groups. The former are much more skeptical about the benefits of legal proceedings and are less confident in their impartiality and predictability than the latter. Thus, the need to seek legal recourse is much stronger among older people. Similarly, women are

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<sup>93</sup> The five hypothetical conflicts: “After a minor car accident, you verbally agree with the other person responsible for the accident that they will repair the damage to your car. The other party fails to do so.” “You are getting divorced. The court has decided that your child will live with your ex-husband/wife, and you will have visitation rights on weekends. However, your ex-spouse prevents you from seeing your child.” “Your house has been damaged by fire due to a natural disaster.” “The insurance company has decided to reimburse only a small portion of the damages.” “The tax office is demanding that you pay additional tax, but you are convinced that you do not have to pay this under current tax law.” “Your child is arrested for some reason and the police do not allow you to call a lawyer.” The possible alternative answers are: “I wouldn’t bother with it; I’d just let it go.” “I would definitely try to come to an agreement with the other party responsible for the damage.” “I would seek other solutions with the help of my influential acquaintances and friends.” “I would consult a legal expert or a friend who has experience in such matters about possible legal solutions.” “I would initiate legal proceedings myself.” BARTHA – FEKETE – GAJDUSCHEK (2019a) op. cit.

<sup>94</sup> BARTHA – FEKETE – GAJDUSCHEK (2020) op. cit.

<sup>95</sup> BARTHA – FEKETE – GAJDUSCHEK, (2019b) op. cit.

<sup>96</sup> BARTHA – FEKETE – GAJDUSCHEK, (2019c) op. cit.

more likely than men to perceive the negative aspects of legal proceedings. However, it is somewhat surprising that less educated people see the advantages of legal proceedings, while more educated people see the disadvantages, and therefore they are less willing to take legal action. The results of the international comparison are also thought-provoking, showing that not only in the Netherlands but also in Serbia, the positive aspects of legal proceedings are valued more highly than in Hungary, meaning that in both countries there is a greater demand among citizens for the resolution of conflicts through legal channels.<sup>97</sup>

## 5. Summary

Following the change of regime, our research project offers three perspectives for evaluating the results of legal consciousness research in Hungarian legal sociology presented above:<sup>98</sup> the theoretical basis for examining legal consciousness (i), questions of research methodology (ii), and a summary of the content of the research results (iii). The entire body of the history of research – including research on the socialist era – or even an assessment of the output of the three decades under discussion here from these three perspectives would require at least three separate studies. So below we will highlight only a few characteristic trends from each aspect that serve as a starting point for further analysis.

Regarding theory building (ad i), we must first recognize that, following the change of regime, there was a significant increase in the pursuit of interdisciplinary or multidisciplinary theoretical orientation. The most significant new impulses affecting the field of legal consciousness research originated in the areas of cultural and legal anthropology, social psychology, political science, and comparative law. Anthropology has enriched the conceptual discussion of legal culture, and conceptual frameworks such as the theory of semi-autonomous social fields, the interactionist approach, and the concept of legal ritual have also influenced the development of research methodology. From social psychology, narrative psychology and the theory of social representations have also found their way into our field of research, refreshing the study of the formation of individual legal consciousness. Theories of social capital, institutional trust, belief in a just world, and system justification have been introduced into legal consciousness research through political science. Comparative legal studies have also contributed to the development of the concept of legal culture, particularly through the conceptual analysis of rights culture.

If we take a look at the theoretical problem map outlined earlier regarding the phenomenon of legal awareness, we can see that research over the past three decades has touched on virtually all of the thematic nodes outlined there:<sup>99</sup> the legal socialization, the individual and social aspects of legal communication, the application of law, and the possibilities for individual legal and legally relevant action. Among the mediating elements of social structure, following the change of regime, the focus of interest shifted to the legal culture of the Roma, the examination of the legal situation of the Roma, and the legal profession, particularly the sociological study of the attorney's profession. Of course, research on this topic did not proceed at a steady pace during the period under review, nor did it cover all aspects of

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<sup>97</sup> BARTHA – FEKETE – GAJDUSCHEK (2020) op. cit.

<sup>98</sup> István H. SZILÁGYI: Kísérlet a magyar jogtudat-kutatások elméleti és módszertani kérdéseinek áttekintésére [An attempt to review the theoretical and methodological issues of Hungarian legal consciousness research]. *MTA Law Working Papers* 2020/12. 24. <https://jog.tk.mta.hu/mtalwp/kiserlet-a-magyar-jogtudat-kutatasok-elmeleti-es-modszertani-kerdeseinek-attekintesere>

<sup>99</sup> Cf. H. SZILÁGYI – KELEMEN – HALL (2022) op. cit. 6–23. István H. SZILÁGYI: Social Legal Consciousness or Legal Culture? *7 Public Governance, Administration and Finances Law Review* (2022) 2. 5–39, 9–22.

the complex issues involved. The task of filling in the “blank spots” will obviously be left to more detailed analyses in the future.

Looking at the methodology of the research (ad ii), we can say that there has been a shift from quantitative methods to qualitative methods. In the period since the change of regime, relatively few large-scale, nationally representative questionnaire surveys have been conducted, but there have been numerous attempts to apply new qualitative methods. Examples include participant observation, various linguistic (sociolinguistic) methods, focus group interviews, and life history interview analysis methods based on narrative psychology. Significant progress has also been made in the field of empirical comparative legal research, where data has been analyzed not only from international databases (ESS, WVS), but also from data collected in the context of independent projects.

As regards the intensity of legal consciousness research, following a temporary decline in the 1990s, it gradually increased until, in the last decade, it reached and even exceeded its first heyday before the change of regime (the 1970s).<sup>100</sup> At the same time, neither the topics nor the methods nor the intensity of research have changed so much since the regime change that we should seriously question the initial assumption of our research project, namely that legal consciousness research has been a continuous tradition in the history of Hungarian legal sociology.

Finally, let us see what answer we can give to the question we posed at the end of our study reviewing research on the socialist era in connection with the legal consciousness of the Hungarian population and the characterization of Hungarian legal culture (ad iii). Namely, how was Hungarian society able to cope with the oppressive legacy of the Kádár era after the democratic transformation? With a distorted relation to community life, politics, and law, characterized – following András Sajó’s critical investigations – by a weak rights culture, a demand for paternalism, hypocritical and distorted self-assessment, a primitive, egalitarian concept of equality, and a tendency toward xenophobia. A detailed description of the changes that have taken place in the three decades since the democratic transition would, of course, require a detailed analysis of the research results presented above. However, based on data collected over the past decade, it can be concluded that we have failed to overcome – or “work through” – the burdensome legacy of socialism. Despite the political battles taking place on the surface of public life and the occasionally drastic changes in political and legal institutions, our political and legal culture reproduces with surprising tenacity the old habits and everyday practices that are destructive to both the community and the individual.

However, there has been a noticeable positive shift in society’s attitude toward the law in some respects. Thus, increased legal knowledge, institutional trust, and confidence in the justice system, as well as a decline in the demand for punishment, give rise to the hope that it might be possible to generate an impulse from legal culture that would steer political culture in a favorable direction. Perhaps there is hope for what Hungarian society and the political elite missed in the 1990s, and that this time the rule of law will not be introduced “from above”, but rather that the demand for legal certainty will come “from below”, from society itself.

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<sup>100</sup> See FEKETE – H. SZILÁGYI (2017) op. cit.

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**ISSN 2064-4515**