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CSINK, Lóránt; TRÓCSÁNYI, László (2022, eds.). *Comparative Constitutionalism in Central Europe*. Miskolc-Budapest: Central European Publishing. ISBN 978-615-6474-02-5.

RECENZE ATTILY VINCZEHO  
REVIEW FROM ATTILA VINCZE

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**CSINK, Lóránt; TRÓCSÁNYI, László (2022, eds.). *Comparative Constitutionalism in Central Europe*. Miskolc-Budapest: Central European Publishing. ISBN 978-615-6474-02-5.**

The recently published volume aims to contribute to comparative constitutional law in Central and Eastern Europe and to analyze several countries of the region. This kind of comparison does not target the usual suspects but aims to portray an “unchartered European territory”, as the editors put it, and deserves a closer look.

The book itself is divided into two parts: the first is a rather historical one, describing the constitutional development of the region since the disintegration of the Habsburg Monarchy, whereas the second scrutinizes 12 aspects of constitutionalism in this area, within constitution-making, sources of law, the branches of power, the constitutional adjudication or the status of the national minorities. The topics are very broad and each could be suitable for a single monograph.

Central and Eastern Europe is however not as unchartered as the editors claim it to be. During the past decade, several outstanding monographs were devoted to comparative constitutionalism in this region, let just mention Küppper’s *Einführung in die Verfassungssysteme Südosteuropas*, Ismayr’s *Die politischen Systeme Osteuropas* or the edited volume *Constitutional Politics in Central and Eastern Europe*, which have already set a standard but are not reflected upon by Csink and Trócsányi.

Although the editors do not provide a full methodical introduction, and do not reflect the modern comparative literature of the past three decades or more, they promise to embed the analysis “within the social and economic context”, which at least sounds ambitious, but these expectations are unfortunately rarely met. The chapters often don’t go further than collecting and citing legal provisions; they don’t reflect even the most influential textbooks from a given country (see e.g. the chapter from Köbel or

Lukács), the case-law is cited sporadically, not very systematically and often only superficially, which is especially annoying if several issues are well-known and debated in Europe (e.g. conflicts between EU and national law, which received only a very shallow description from Lukács; see pp. 268-269). The authors use predominantly Hungarian sources; reliable textbooks or commentaries in original languages rarely appear, which raises the question of how familiar the authors are with the legal systems they actually scrutinize and compare. The chapter on the separation of powers offers rather a disappointingly short and superficial overview of the development of the principle, with very few actual connections to the region or its debates. A few chapters offer some actual comparison (e.g., Szakály on constitution making, Horváth on executive power, or Csink on the Presidents), which are basically charts pinpointing differences and similarities. So, apart from very few chapters (e.g., Szakály), the second part of the monograph is rather poorly drafted, as it seldomly meets the international standards of comparative methodology. The text-based comparisons – without presenting (or probably knowing) the literature, case-law and the debates of the given country – are meagre for such a worthy enterprise, and overall have very little added value. This is sad because the topic of the monograph would require a thorough investigation.

The monograph was published as part of a book series, *Legal Studies on Central Europe*, which is a quite recent enterprise of the Budapest-based Ferenc Mádl Institute of Comparative Law. The Institute is less an independent academic research organization that a think-tank financed and supported by the Hungarian Ministry of Justice. The publisher is the Central European

Academy (CEA), which, according to its own self-description, is “committed to supporting comparative law in Central Europe”, and is part of the University of Miskolc, which again is governed by a trust and the board of trustees is chaired by the Minister of Justice. The majority of editors of the book series happen to be governmental high-flyers with strong connections to the University of Miskolc, the alma mater of the present Minister of Justice, which is probably more than a simple coincidence. A book review is not a proper place for investigative journalism, but the abovementioned circumstances hopefully show that scholarly undertaking has strong ties to the Hungarian government, and it can be most properly described as governmental scholactivism, where the Ministry of Justice directly or indirectly finances projects aiming to address legal questions of political

impact, influencing the debate and provide scholarly arguments for public discussion. It is no secret that the Hungarian government has aimed to highlight the exceptionality and distinctiveness of the Central European region, which has been also part of the a strategy to present a unique constitutional identity built on a kind of transnational regional consensus as bulwark against the supranational law.

Nonetheless, such activities would be also much more effective and persuasive if the published monographs would excel themselves through academic rigor, methodological thoroughness, insightfulness and excellent linguistic skills. Most of these merits are lacking in the present book, which sets a very dangerous precedence for a new publishing house.

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