

ABSTRACTS

Margit Balogh

■ ***The Trial of Mindszenty***

Keywords: *József Mindszenty, Communist regime, Catholic Church, show trials*

On December 26, 1948, Cardinal Mindszenty, Archbishop of Esztergom and Prince-Primate of Hungary, was arrested by the Communist government. He was sentenced to life imprisonment, deprivation of political rights and confiscation of all personal property on February 8, 1949. His trial and condemnation were meant to send multiple messages: the exclusion of Catholics from public life and the political isolation of the Catholic Church; the issuing of a threat to the priests of Hungary and other Eastern-European countries; the general demonstration of the fact that no ecclesiastical establishment or member of the clergy is safe from Communist power; to disclaim the moral authority of the US and the West by showing that the beneficiaries of political power can violate religious freedom with impunity, they can ignore public opinion and infringe upon the rights of citizens.

György Földes

■ ***Arcs and Breakpoints in the Political Career of János Kádár (1912–1989)***

Keywords: *social consensus, peace, economy, intellectuals, political freedom, Hungarian minority, dictatorial measures*

On his 70th birthday, Kádár could count social consensus among the achievements, yet only because he was aware of the fact that time began to erode social peace, which has been so difficultly realized. The reasons for this erosion were twofold. For one, the economy has stagnated for years. For a large part of the intellectual community, the status quo and the levelling social politics associated with it began to seem unsatisfactory, because it limited them in the actualization of their full potential. These groups were increasingly cramped by the inhibition of private initiative and by the lack of political freedom. On the other hand, the contrast between the situation of Hungarians within and beyond the borders also increased. The public opinion of intellectuals urged the Hungarian government to take action against the oppression of Hungarian minorities living abroad, yet the government remained cautious. The regime of Kádár did not take violent measures against the civic opposition during its process of formation, because the recourse to dictatorial measures would have signi-

fied an admission of the crisis. Hungary, as well as Kádár himself, could not take the step back to a practice already transcended, and neither Hungarian society, nor the international public opinion would have tolerated it.

András Kovács

■ ***The Batthyaneum from Alba Iulia (Gyulafehérvár)***

Keywords: *Ignác Batthyány, Alba Iulia (Gyulafehérvár), Batthyaneum, Roman Catholicism, science, nationalization*

Count Ignác Batthyány (1741-1798) was the Bishop of Transylvania from 1780 until his death. Before his death, he had made a foundation for the custody, the conservation and further administration of the so-called 'Batthyaneum'; an institution he had established himself, which was comprised of a library, natural history and antique collections, an astronomical observatory and a printing press. He stipulated that the Batthyaneum should be open for people interested in science, regardless of their religion. According to his last will, the institution serving his church and his 'province' was to be directed by the subsequent Bishops, the Chapter of Transylvania and the Roman Catholic Status. Batthyány also stipulated that so long as the governor (Gubernator) of the Great Principality of Transylvania would be a person of Roman Catholic religion, he should have the control over the institution as well. The bishop's final wish was respected until 1948, when the Batthyaneum was nationalized. The institution was put under the state's administration without taking into consideration the fact that it functioned as the library of the Institute of Catholic Theology, it was part of its building, and that it was meanwhile enriched with many episcopal and canonical legacies. Today, the Batthyaneum is a section of the Romanian National Library (Biblioteca Națională a României, Bucharest).

G. M. Tamás

■ ***It's All Over Now, Baby Blue: Anticommunism Today***

Keywords: *anticommunism, real socialism, communist theory, leftism, statism*

The secret of today's anticommunism consists in the confusion between the theory of real socialism and communist theory, readily, albeit involuntarily, assisted by Stalinists and their unconscious heirs. The (mostly liberal) anticommunism of the Cold War period has not been like this, as it showed that communist (allegedly "utopic")

“goals” are incompatible with the practice of real socialism, and may be impossible to attain, consequently the political leaders of the real socialist (Soviet and Chinese) block are lying. According to the anticommunism of today, the essence of the communist theory consists in state property and in complete nationalization (as opposed to the market and private property; the annihilation of civil society and of publicity), consequently real socialism represents and adequate implementation of the communist theory, and consequently – according to the anticommunists of today – Stalin has spoken the truth. As one can see, the actual target of today’s anticommunism is not the real socialist regime, which has become a thing of the past, i.e. the Soviet regime, but the welfare state, which nationalizes, levels and redistributes, as well as the (ideologically) “civic left”, the social democracy of today. That is also the reason why the present-day Eastern-European media labels as “communist” or “socialist” measures any modest raising of wages or progressive taxing, which is simply laughable from a historical, as well as from a theoretical perspective. In fact, statism does not really have any specifically communist element, but only represents one of the possibilities or directions of capitalist society, which has become historically the weaker one today, yet has been dominant in the 20th century.

Zoltán Tibori Szabó

■ ***The Communist and the Count: The Relationship between Ernő Gáll and Ernő Teleki in the Light of the Securitate Documents and Other Sources***

Keywords: *Ernő Gáll, Ernő Teleki, Communism, aristocracy, Securitate, Hungarian minority in Romania*

A study about the friendship developed in the 1970’s between Professor Ernő Gáll, a left-oriented intellectual and former Editor-in-Chief of Korunk, and Count Ernő Teleki, a prominent representative of the Transylvanian aristocracy, as reflected by the files kept by the Securitate, the Communist secret service of Romania. The two men were situated in opposite positions during the Communist regime, still, they had an honest relationship, and from time to time they discussed on subjects of mutual interest. Surrounded by an entire army of Securitate officers and agents, Ernő Gáll tried to find a solution for the problems of

the Hungarian minority living in Romania, mainly based on the documents of the Helsinki and Belgrade Conferences.

Attila Varga

■ ***From Justice to Jurisdiction: Rights and Publicity in Romanian Jurisdiction***

Keywords: *jurisdiction, justice, fair trial, public hearing, constitution, state of law, human rights*

The study aims to answer the cardinal questions of whether the judicial branch of the state is a truly independent branch, what are its characteristics, and how does it relate to the legislature and the executive branches. The second part of the study investigates the overriding principles of a quality jurisdiction, namely the right to a fair trial and public hearing. The analysis follows the development and transformations of these principles within the given constitutional framework. The major conclusion of the study is that the state must ensure, through the supporting legislation and the judicial branch, the delivery of a correct, fair, effective and predictable jurisdiction.

Emőd Veress

■ ***“Obligated to Fulfill Their Obligations”: On the New Romanian Civil Code***

Keywords: *Romanian Civil Code, modernization, judicial reform, European Union, binding obligations, commercial impracticability*

The first day of October 2011 marks the entering into force of the new Romanian Civil Code. The main subject of this article is the binding effect of the contract. The rights and obligations created through the contract must be respected and performed accurately. The binding character of the contract is mandatory for the judges as well, the judge cannot amend the contract; eventually, through interpretation, he establishes the precise content of the not so clear clauses. However, the new Civil Code introduced a new regulation regarding the judicial amendment of contracts in case of frustration of contract (commercial impracticability). These new rules expressly create – if the conditionality, inspired by the text of the Draft Common Frame of Reference (DCFR), is met – the possibility for the judges to suspend, modify or cease the contract, and this is an exception from the binding effect of the contract, respectively a strong intervention into the private autonomy of persons.

SZÁMUNK SZERZŐI

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MAGYAR KULTÚRA Alap



Primăria și Consiliul Local Cluj-Napoca



VISIT CLUJ
The Heart of Romania



ADMINISTRAȚIA FONDULUI CULTURAL NAȚIONAL

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Nagy hatású műve elején John Rawls ezeket mondja az igazságosság szerepéről: „Ahogy a gondolatrendszernek az igazság, a társadalmi intézményeknek az igazságosság a legfontosabb erőnye. Bármilyen kifinomult vagy jól felépített egy elmélet, ha nem igaz, el kell vetnünk, vagy meg kell változtatnunk. Hasonlóképpen van ez a törvényekkel és az intézményekkel is: nem számít, mennyire hatékonyak vagy mennyire fejlettek, meg kell reformálnunk vagy el kell törölnünk azokat, ha igazságtalanok.”

(Varga Attila)

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