

Constitutionalism under a trial?—Impact of Hungarian Constitution of 2011 (1)

Asaho Mizushima
Fumito Sato

The global financial crisis from 2007 caused serious damage to the economy of Hungary and discredited then ruling socialist party. At the parliamentary election in April 2010, a populist conservative party Fidesz—Hungarian Civic Union with his small coalition party won a two-third majority of seats (so-called “Revolution at the ballot box”) and soon after coming into power they adopted the new Constitution. This Constitution, passed on 18 April 2011, however, has been seriously criticised not only by opposition parties, but also by law-experts, civil society organizations, and European institutions like European Parliament. They condemn that this new fundamental law of Hungary breaches many crucial requirements of democratic constitutionalism. For example, it accepts the ethnical view of nation, limits the scope of review power of the Constitutional Court and so on. So it can be said that Constitutionalism in Hungary is now at risk. This article considers this Constitution to be a product of neo-conservatism, addresses some important aspects of it and examines the condition to sustain modern-constitutionalism under the neoliberal economic globalization.