

Introduction

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The present legal historical textbook was written primarily for PhD students of law. The purpose of PhD training is for the student to develop the ability to function as an independent scientific researcher. Since every legal system is a result of historical development, it is impossible to cultivate high-quality jurisprudence without adequate knowledge of legal history. No legal scholar can ignore Sir William Blackstone's (1723–1780) advice:

*It is well if the mass of mankind will obey the laws when made, without scrutinizing too nicely into the reason for making them. But, when law is to be considered not only as a matter of practice, but also as a rational science, it cannot be improper or useless to examine more deeply the rudiments and grounds of these positive constitutions of society.*¹

The book can, of course, also be used for the benefit of law students in undergraduate training. Lawyers with historical knowledge have a broader perspective and a better understanding of the context of the legal system, as Sir Walter Scott (1771–1832), a famous Scottish poet and novelist who studied law and originally worked as a lawyer following his father's example, already recognized. One of Scott's characters, Paulus Pleydell, an excellent Edinburgh advocate, says the following as he points to the books surrounding him in his well-proportioned study: "*These [...] are my tools of trade. A lawyer without history or literature is a mechanic, a mere working mason; if he possesses some knowledge of these, he may venture to call himself an architect.*"² There is much truth in this opinion.

Legal history education was severely attacked in the second half of the 20th century. During this era, the positivist view that historical and theoretical disciplines would be useless to the lawyers of the future was strengthened. Legal historians have made a number of arguments against these processes. Calvin Woodard, for example, drew attention to the following:

1 Blackstone, 1775, vol. II, p. 2.

2 Scott, 1917, p. 331.

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*All teachers, including law professors, should endeavor to impart to their students wisdom as well as learning, in order to help them become ‘complete men’ aware of their duties or responsibilities to society, as well as merely skilled craftsmen and technicians.*³

Woodard pointed out that teaching legal history can go a long way toward achieving these noble goals. As he writes, “[...] *the ultimate justification for Legal History as a part of legal training is its ‘humanizing’ attributes: attributes that help transform legal technicians into wise lawgivers, groveling pettifogs into enlightened philosophers.*”⁴

David W. Raack also stressed that “*Legal education should provide students not only with skills of immediate practical application, but also with a thorough understanding of legal processes and legal institutions.*”⁵ According to him, legal history studies greatly promote this understanding. As he writes, legal history

*can effectively aid students in understanding the present legal system. There are several ways legal history can do this. One way is by illustrating the forces, interests, and traditions in our legal system, [...] which are of enduring force and vitality. [...] By highlighting these enduring forces, legal history helps to show which aspects of the law are transitory and which are more permanent. [...] legal history can reveal the relativity or historical contingency of the present legal order. By this meant the fact that the present form of our legal system is neither inevitable nor immutable, as is sometimes supposed, but is constantly influenced by historical and cultural forces. [...] Legal history can also expose the fact that although the law must change, there is a perennial tension between change and stability in the legal system. [...] There are changes in society which exert pressure for change in the law, and yet at the same time there are enduring forces which exert pressure for continuity and stability in the law. Legal history can help to reveal this tension between change and stability.*⁶

Tendencies to relegate historical and theoretical legal disciplines to the background have also emerged in Europe. As Mišo Dokmanović properly states, “*This approach culminated with the Bologna process in Europe during the 1990s, a process that called for skill-based, market-ready legal education.*”⁷ Practitioners of legal history clearly disapprove of these intensifying processes. It Judith von Schmädel’s warning words are worth quoting:

A legal education that omits fundamental subjects such as legal history and legal philosophy can scarcely be called ‘academic’. It lacks a solid foundation and runs the

3 Woodard, 1967, p. 92.

4 Woodard, 1967, p. 92. Woodard’s arguments were later summarized and supplemented by Stephen M. Fuller. See Fuller, 1974, pp. 576–582.

5 Raack, 1988, p. 907.

6 Raack, 1988, pp. 908–911.

7 Dokmanović, 2016, p. 80. See also Posch, 2005, pp. 207–211.

*risk of giving birth to lawyers who may have learned the law, but do not grasp its deeper meaning.*⁸

In an essay published in 2008, Michael Stolleis outlined European legal historians' future roles. He emphasized that European legal history must become a comparative legal history, that in addition to the history of private law, the history of public law must be addressed, and that research must be extended to the eastern parts of Europe in addition to the western regions.⁹ I think we can say that the present textbook meets all these requirements: It focuses on the legal development of East Central Europe, comparing the region's different legal systems and paying attention to both private and public law issues.

Demarcating the territory of the East Central European region is not an easy task. Narrowly, the region only includes the territories of present-day Poland, the Czech Republic, Slovakia, and Hungary. Piotr S. Wandycz uses the term 'East Central Europe' in this narrower sense.¹⁰ We found these frames to be too narrow. Other authors have written about this region in a much broader sense. Jean W. Sedlar, for example, considers the territories of present-day Romania, Bulgaria, Albania, and the former Yugoslavia to be part of East Central Europe in addition to the territories of the four countries mentioned above.¹¹ Joseph Rothschild further expands the frames by classifying the Baltic States as part of the region.¹² We found these frames to be too wide: We did not extend our studies to the whole of the Balkans and the whole of the Baltics, only to those areas that were historically more closely connected with the central areas of East Central Europe. Thus, our textbook does not deal with the legal history of today's Albania, Latvia, and Estonia. However, the territory of present-day Austria, which belongs to Western Central Europe, could not, of course, be excluded from our investigations. One chapter also deals with the legal history of the German Democratic Republic due to its close ties with the Soviet bloc.

Our textbook covers eleven topics in terms of content. In the first chapter, *Marko Petrak* highlights the fundamental role that Roman law as *ius commune* has played and continues to play in the region's legal life. Before 1848, Werbőczy's *Tripartitum* (completed in 1514 and published in 1517) was the most important law book in the Lands of the Crown of Saint Stephen. Werbőczy wanted primarily to summarize specific customary law rules that deviated from *ius commune*. Contemporary legal practice knew and applied the rules of Roman law. Issues that are not covered by the *Tripartitum* (such as, for example, the rules for the sale of movable property) were certainly decided by contemporary courts under Roman law. The rules of *ius commune* as applied by domestic courts became binding. The rules of Roman law thus became part of customary law through their judicial application. In addition, it is important

8 Schmädel, 2009, p. 59. See also Avramović, 2010, pp. 20–39.

9 Stolleis, 2008, p. 46.

10 Wandycz, 2001.

11 Sedlar, 1994.

12 Rothschild, 1974.

to note that in 1581, the Justinianic *Digest* containing the basic Roman legal principles (D. 50,17) became part of the *Corpus Iuris Hungarici*.

In 1812, the *Code Civil* came into force in all Croatian territories under French rule (except Slavonia). Later, the Austrian *Allgemeines Bürgerliches Gesetzbuch* (ABGB) came into force in all the Lands of the Crown of Saint Stephen. Whereas these civil codes were based on Roman legal foundations, the Roman legal tradition was further strengthened in the region.

In the Hungarian legal system, which was in force in 1941 in some territories of Croatia, Roman law was one of the applicable sources of law. Under a law passed in 1991, the legal rules that were in force in the present-day territory of the Republic of Croatia on April 6, 1941 are considered, with certain restrictions, to be subsidiary sources of contemporary Croatian law. It logically follows that the Roman legal rules are, in principle, still applicable in the Republic of Croatia.

The Justinianic law codes constituted the basis for the Byzantine legal system, which had a strong influence on the legal development of the Eastern and Southern Slavic states. The second chapter of our textbook, written by Srđan Šarkić, explores this effect of Byzantine law. The sources of Byzantine law are composed of secular laws (such as the Farmer's Law, the Soldier's Law, the Rhodian Sea Law, the *Ecloga*, the *Eisagoge*, the *Procheiron*, the *Basilika*, the *Novels* of Leo VI, the *Hexabiblos*, and the *Peira*) and ecclesiastical law collections (such as the *Synopsis*, the *Synagoge*, the *Syntagma*, *The Nomokanon of 50 Titles*, *The Nomokanon of 14 Titles*, the *Alphabetical Syntagma*, and *The Epitome of Canons*).

The oldest preserved Slavonic legal text, the *Zakon Sudnyj Ljudem*, was written based on the *Ecloga*. The first Slavonic *nomokanon* was written by Saint Methodius, who translated John Scholasticus' Greek *Synagoge* into Old Church Slavonic. In Serbia, the reception of Byzantine law commenced with the *Nomokanon of St. Sabba* (around 1219), a compilation of ecclesiastical law that also contains Basil I's entire *Procheiron*. This reception culminated with Tsar Stefan Dušan's (1331–1355) codification, the greatest work of the Serbian legal tradition. Dušan's lawyers created a special *Codex Tripartitus*, codifying both Serbian and Byzantine law. The first part of the codification was an abbreviated translation of Matheas Blastares' *Syntagma*. The abbreviations had partly ideological and partly practical reasons. All the chapters in the *Syntagma* referring to Byzantium's hegemony over the Slavic states were omitted. Since the law code was designed for use in ordinary courts, most of the ecclesiastical rules were also omitted. The second part of the codification was Justinian's Law, a compilation of articles regulating agrarian relations. The majority of these articles were taken from the Farmer's Law. The third and the most important part of the codification was Dušan's Code, which borrowed about 60 articles directly from the *Basilika*.

Byzantine law influenced the legal development of the Danubian principalities (the principalities of Moldavia and Wallachia) through several channels. Initially, the Serbian legal compilations were used in these territories. The Romanian translation of the Farmer's Law was inserted in the Moldavian law book of 1646. Later, in Moldavia, the *Hexabiblos* became the official law code, and it remained so until 1817.

Byzantine public law ideas significantly influenced the Orthodox Slavs' legal and political philosophy. Like the Byzantines, the Slavs lacked a general concept of law. They took the existence of an empire and the hierarchical order of states for granted. There was a strong conviction that the Emperor's main task was to promote the common good. The Justinianic idea that there must be harmony between the state and the church was accepted among the Slavs of the Middle Ages. Later, however, this idea was pushed into the background so that the State could intervene in the church's internal affairs. According to the Byzantine concept of the state, the existence of the empire is independent of the person and dynasty of the ruler; despite the change of emperors and dynasties, the empire always remains the same. This idea has also survived in the Serbian state theory.

In medieval Europe, ecclesiastical courts had wide competence. The third chapter of our textbook, written by *Elemér Balogh*, deals with the different models of episcopal courts and their organization and operation. In the Czech and Polish territories, the French and German-style officials were the main ecclesiastical judges, appointed specifically for this purpose, but in the Hungarian dioceses, the Italian-style *vicarii generales* performed the task of judging.

The *officialis* was often the archdeacon. He could be deputized by the *commissarii*. The judge was assisted by an *assessor* who gave him legal advice. The litigants could be represented by *procuratores*. The minutes were kept by *notarii* who took care to meet the deadlines and also issued court documents. Summonses and other court orders were forwarded by *cursores* and *nuncii*, who could also serve as official witnesses in the lawsuits.

In addition to the clergy's private law disputes and criminal cases, ecclesiastical courts acted in matrimonial lawsuits, property cases involving women, widows, and orphans, and in matters relating to wills, religious crimes, and offenses against the sacrament of marriage (sacrilege, apostasy, blasphemy, heresy, perjury, abduction of women, adultery, bigamy, incest). Episcopal court judgments could be appealed in the archbishop's court. Secular authorities could be involved in enforcing the judgment. Ecclesiastical courts used Roman law as an auxiliary law in addition to canon law. The operation of the church courts thus played a vital role in the survival of the rules of Roman law.

Customary law dominated in every legal system's early developmental stages. Several customary law collections were compiled in the East Central European region. The best known of these law books is the *Tripartitum*, which was already mentioned above. The fourth chapter of our textbook, written by *Vojtech Vladár*, deals with this collection's historical background. It describes Werbőczy's person and aims, examines the structure, content, sources and impact of his famous work, and analyzes in detail the relationship between legal custom and law.

Stephen (Hung. István) Werbőczy, who was a royal curia judge and one of the most recognized legally educated men in the Kingdom of Hungary, primarily wanted to collect and systematize living Hungarian customary law. Customary law consisted

of all the substantive and procedural rules that gained authority through judicial application, even without formal legislative sanction.

The work's prologue defines basic concepts such as justice, law, jurisprudence, judging, etc., using many Roman legal ideas. The first part deals mainly with noble private law, but the nobility's cardinal privileges are also included here. The second part contains the rules for nobles' litigation. The third part details town and serf law, as well as Transylvanians' special law.

The courts began applying the *Tripartitum*, and it became mandatory in practice, despite the fact that the king had not promulgated it as law. It was soon translated into Hungarian and Croatian. Werbőczy's work had a decisive effect on legal life for several centuries. In Czechoslovakia, the *Tripartitum* was a source of civil substantive law until 1950, when the first Czechoslovak civil code entered into force.

In addition to the *Tripartitum*, other collections of customary law, which were also compiled in the region, are also worth mentioning. The law code of Poljica is the most important historical source for the Republic of Poljica, which was an autonomous community in central Dalmatia (near modern day Omiš, Croatia). Its provisions, which were written in different times, contain norms of constitutional, criminal, civil, and procedural law and describe the social and economic relations of Poljica in the 15th through 18th centuries. The research on the customary law had an eminent representative in the humanist jurist Viktorin Kornel of Všehrad, who compiled an outstanding law book around 1500. His *Knihy devatery* (Nine books on the laws, courts, and tables of the Bohemian country) describes the Bohemian court organization and procedure, and also presents the rules of private law and partly of criminal law. The *Korektura Taszyckiego* of 1532 can be highlighted among the collections of Polish customary law.

In most cases, town laws were based on legal customs that German settlers had brought from abroad, which they could continue to use under royal privileges. Towns that were founded subsequently often took over older towns' laws, creating 'town law families.' In this system, the law court of the 'mother-town' became an appellate court for the 'daughter-towns.' We can get a detailed picture of legal life in medieval and early modern towns based on their law books. Some significant town law books from the East Central European region are the focus of the fifth chapter of our textbook, which was written by Jakub Razim and Lenka Šmídová Maládrová.

The mid-14th-century law book of Brno (or the law book of Jan the notary) was compiled for sworn men and magistrates, who were responsible for exercising judicial authority. This Latin compilation of municipal law and practice with court decisions is systematized by subject and divided into alphabetically arranged sections. The book's author, who worked as a notary in the Brno town office between 1342 and 1358, also applied Roman law, especially where local rules were absent. Use of the Brno law book spread quickly in Moravia and Bohemia, where it was abbreviated by Jan of Gelnhausen.

The author of the Buda law book (*Ofen Stadtrechtsbuch*) was probably Johannes Siebenlindner, a juror at the Buda (Germ. Ofen) town court and later a town judge,

who was obviously familiar with Magdeburg law. However, his law book, written in the early 15th century, was not only influenced by Magdeburg law, but also by the *Schwabenspiegel*. The law book describes the qualities of a just judge and outlines the town's main officials' moral duties. It contains the norms governing the relationship between the king, royal officials, and towns and the obligations of the urban population, merchants, craftsmen, and guilds. Its private and penal law rules reflect the Roman legal effect. The Buda law book served as the basis for the tavern court's jurisdiction across the seven Hungarian royal free towns.

The *Wiener Handwerksordnungsbuch* was compiled by Ulrich Hirssauer, the town scribe of Vienna, in 1430. It includes craft ordinances detailed apprentices', journey-men's, and master craftsmen's obligations. It provides much information about the urban administration and organization of marketplaces. It also contains numerous official and civic oaths.

The *Księga sądowa miasta Chełmna* is an official book, kept in Kulm (present-day Chełmno in Poland) from 1330. This town was a mother town and appellate court for Polish and Prussian towns adopting the Kulmer Recht, which was based on Magdeburg law. This town book contains rules for rental contracts, records of criminal cases decided by lay judges, and a register of outlaws, who could be caught with impunity if they failed to appear in town court voluntarily or had not reconciled with the damaged party.

The cultural and commercial center of the Transylvanian Saxons was today's Sibiu (Hung. Nagyszeben). At the end of the 15th century, Thomas Altemberger, who brought a law book with him from Vienna (or from Buda), which became known as the *Codex Altemberger*, became the town's royal judge and then its mayor. This law book, which included the Magdeburg Weichbild, the Swabian Mirror, and the Jihlava (Germ. Iglau) town and mining law, was used in court practice as a source of customary law. The continuous use of the book is indicated by the fact that the parts relating to the Virgin Mary and the Catholic saints were deleted from the text of the oaths contained therein after the adoption of the Protestant faith.

Political and legal relations between the states of the East Central European region have changed many times throughout history. In the sixth chapter of our textbook, *Miroslav Lysý* describes this development in international relations. The Hungarian–Croatian personal union was established with the coronation of the Hungarian King Coloman (Hung. Kálmán) as king of Croatia and Dalmatia. This union, which lasted until 1918, later became stronger and more complex. In 1301, the son of the Czech king was crowned king of Hungary and Croatia, and in 1305, he became king of the Czechs and Poles. Hungary and Poland formed a personal union between 1370 and 1382, then again between 1440 and 1444. Sigismund of Luxembourg was, among others, king of Hungary, Croatia, and Bohemia. Albert, the first Habsburg ruler of Hungary and Croatia, was also a Czech king. His son was also a Hungarian, Croatian, and Czech king. Matthias, king of the Hungarians and Croats, also became king of the Czechs. In 1490, the Czech king, the son of the king of Poland, became the Hungarian and Croatian ruler. In 1526, Hungary was divided into three parts. After 1526, most of

the Habsburg rulers of Hungary and Croatia were also Czech kings. Between 1569 and 1795, the Polish–Lithuanian Commonwealth was one of the largest and most populous countries in Europe. This real union ended in 1795, when its territory was divided between Russia, Prussia, and Austria.

Hungary's situation within the Habsburg empire changed several times. The Austro-Hungarian Compromise of 1867 reorganized the Habsburg monarchy as a dualistic real union. The Croatian–Hungarian Settlement of 1868 governed Croatia's political status as a territory of Hungary. In 1908, Austria–Hungary annexed Bosnia and Herzegovina. The First World War ended with the disintegration of Austria–Hungary. The Kingdom of Hungary suffered a huge territorial loss. The kingdom of the Serbs, Croats, and Slovenians was created, and Romania was reorganized, acquiring vast territories. The independent country of Czechoslovakia (the First Czechoslovak Republic) was formed by the unification of the Czech, Slovak, and Carpatho-Ruthenian territories. The Second Polish Republic was established. However, this situation did not last long. The region was gradually reorganized through a series of decisions taken by the great powers (e.g., the Munich Agreement, the First and Second Vienna Awards, and the Molotov–Ribbentrop Pact). After the Second World War, the political conditions and state borders changed again, and the region's countries became part of the Soviet bloc. Between 1949 and 1991, economic cooperation between the socialist countries took place within the framework of the Council for Mutual Economic Assistance (Comecon). In 1955, the Warsaw Pact established the military organization of countries belonging to the Soviet sphere of interest, which operated until 1991. Based on this treaty, Soviet military troops could be stationed in socialist countries. The fall of communism and the disintegration of the Soviet Union brought about a significant change in the region's political and international relations.

Most European private law systems today are codified, but there are also non-codified systems (in the common law system, for example, private law is not codified). The seventh chapter of our textbook, written by *Emőd Veress*, provides us with a history and comparative analysis of private law codifications in the East Central European region. The region's private law codes were mostly influenced by the French (Napoleonic) Civil Code of 1804, the ABGB of 1811, and the German *Bürgerliches Gesetzbuch* (BGB), which entered into force in 1900. For example, the Serbian civil code of 1844 was strongly influenced by both the Austrian and French codes, the Romanian civil code of 1864 was inspired primarily by the French code, and in the case of the Polish code of 1964, the effects of the German, Austrian, and French codes can all be demonstrated. The intensity of model following varied for each code.

Our region is generally characterized by a dualistic solution, i.e., civil law in the narrower sense and commercial law are regulated by separate codes. However, there are also examples of the application of the monistic principle; the new Romanian civil code (Act 287 of 2009) and the new Hungarian civil code (Act V of 2013) switched to monistic regulation, breaking with the dualistic system (the latter code discusses the substantive rules of commercial companies among legal persons).

The codes followed political, social, and economic changes on the one hand and provided an appropriate legal basis for consolidating such changes on the other. The socialist era's private law codes were characterized by ideological content (especially in the field of property law). One of the features of socialist legislation was the separation of civil law and family law. For example, separate family law acts were passed in Poland, Romania, and Hungary. (The new Romanian and Hungarian civil codes include family law.)

Some countries followed the model of separate acts for different civil law segments instead of adopting a unitary civil code. In Croatia, for example, between 1997 and 2006, separate laws were enacted in the areas of property, family, inheritance, and contract law.

After the Second World War, the countries comprising our region came under the political influence of the Soviet Union, based on the great powers' decisions. The communists, after taking power through electoral fraud and violence, immediately began to build dictatorships upon instructions from Moscow. The eighth chapter of our textbook, written by *Ewa Kozerska* and *Tomasz Scheffler*, presents the radical changes that took place in the fields of state and criminal law in the East Central European communist dictatorships. In addition to the socialist legal systems of Czechoslovakia, Romania, Hungary, Poland and Bulgaria, the chapter also analyzes the German Democratic Republic's state and criminal law due to the significant similarities that prevailed throughout the Soviet bloc.

During the drafting of the socialist constitutions, the 1936 Constitution of the Soviet Union was considered to be a model. They introduced the one-party system and, emphasizing the Communist Party's leading role, declared that state power belonged to the working people. A centralized, hierarchically structured state organization was established, in which the bodies of the only political party were closely intertwined with the state bodies. After the nationalization of the means of production, a centrally planned economic system was introduced. They developed the personal cult of the party's top leader.

Civil rights were declared, but there was no legal guarantee to enforce these rights. Freedom of speech and of the press did not exist, and freedom of assembly and of religion were severely restricted. The Communist Party ruled society through violence and intimidation. The people were constantly monitored by state police and the whistleblower network.

State power was not really divided. Parliaments only functioned formally, but they did not control the government or the state budget. Significant issues were regulated by lower-level legal norms based on party decisions. Local governments were liquidated.

In the dictatorial system, the courts were not independent either. Criminal judiciary and prosecutorial academies were set up, where new judicial cadres were trained in a short time. Criminal law was considered as a means of class struggle. Danger to society became a conceptual element of crime, and all behavior that threatened the political system was considered dangerous to society. In judicial practice, guilt and

political unreliability became synonymous. Conceptual lawsuits were launched to intimidate society. Detainees were brutally abused, and confessions were often forcibly elicited. Although this cruelty was greatly alleviated over time, decisive changes were only brought about in the bloc countries due to the Soviet Union's economic crisis and the weakening of its political power.

In the East Central European countries forced to follow the Soviet political and economic model after the Second World War, ownership relations were radically changed. Another significant change in these relations was brought about by the fall of the communist dictatorships. The ninth chapter of our textbook, written by *Emőd Veress*, provides an in-depth analysis of these legal processes.

In Soviet-type political systems, private property was seen as a means of exploitation, and therefore, efforts were made to eliminate or at least severely restrict it. The means of production, factories, commercial companies, and banks were taken into state ownership. This Soviet-type nationalization took place in a completely different way from that typical of capitalist systems (e.g., nationalization was based on administrative decisions without parliamentary authority and judicial scrutiny; it was universal, affecting the economy as a whole; and there was generally no compensation for the nationalized goods).

In the case of agricultural land, collectivization took place instead of nationalization. Collectivization was theoretically based on the voluntary accession of peasants, but in practice, it took place by force; those who refused to join collective farms were persecuted and severely punished. Cooperative land ownership was a form of 'socialist property.' Members of the agricultural production cooperatives had a theoretical right to dispose of the collective property, but in reality, such a right of disposal did not exist.

Marxist civil law, instead of using the notion of private property, introduced the notion of personal property. The objects of personal property could be consumer goods; personal property rights over immovables were severely restricted. The transformation of private property into the mystical property of the whole people has largely contributed to the bankruptcy of the socialist economic model.

The possibility of reprivatization (that is, the return of nationalized property to its previous owner or their successor) was debated during the period of regime change. In Romania, the restitution of agricultural lands took place gradually. In most countries, limited and complicated compensation has been chosen instead of reprivatization (justified by public debt and the anti-investment nature of reprivatization). State-owned enterprises were privatized. As the population did not have adequate capital, various methods were used to facilitate privatization (e.g., employees and former management were given discounts on purchases, and in several countries, the population received coupons that could be sold or acquired for shares in the company). Many abuses took place during privatization, and many valuable state assets were squandered.

As the population of the states of East Central Europe has never been ethnically homogeneous, the regulation of minorities' position has a long history. The tenth

chapter of our textbook, written by *Iván Halász*, presents the history of the legal protection of national and ethnic minorities. The protection of religious minorities first appeared in Europe. In the first half of the 19th century, national and ethnic minorities were granted territorial autonomy in some states. The Austrian December Constitution of 1867 declared the complete equality of nations in the monarchy. The Croatian–Hungarian Settlement of 1868 guaranteed territorial and limited legislative autonomy for Croats. However, the dualistic state structure did not correspond to the monarchy’s ethnic composition. The Hungarian Nationality Law of 1868 declared the rights of minorities but failed to recognize several nationalities’ political identity, and in practice, the Hungarian government sought to assimilate non-Hungarians. Therefore, it was no wonder that the national minorities sought to disintegrate the Austro-Hungarian monarchy.

After the First World War, efforts were made to regulate national and ethnic minorities’ position at the international level. The rights of minorities were enshrined in peace treaties, and in case of violation of the rules contained in the treaties, it was possible to file a complaint with the Council of the League of Nations. Minority rights were regulated at the national level in several countries. However, the minority protection system the League of Nations controlled was not effective in practice.

The Slovak constitution of 1939 granted language, cultural, and political rights to national minority groups. During the years of the Second World War, the influence of Nazi Germany grew stronger in the region. Nationalism increased; national minorities were subjected to atrocities. Some minorities (primarily the Jews) became completely disenfranchised; the situation of other minorities was determined by bilateral relations, which operated on the basis of the principle of reciprocity. As a result of aggressive German kin-politics, German minorities found themselves in a privileged position in several states of the region.

After the Second World War, attempts were made to establish ethnic homogeneity in several countries through population exchange, displacement, and the application of national discrimination. Ethnic purges took place in some areas, and many people were forced to relinquish their national identities. The communist takeover resulted in a significant improvement in minorities’ situation. Following the Soviet model, the constitutions of the Soviet bloc countries banned national and ethnic discrimination. Operation of minority institutions (schools, cultural organizations) was allowed, and proportional representation of minorities in state, political, and administrative bodies was ensured. In Romania, a Hungarian autonomous province existed between 1952 and 1968. However, with the decline of Soviet influence in the 1970s and 1980s, during Nicolae Ceaușescu’s dictatorship, Hungarians’ position in Romania became much worse. Czechoslovakia was reorganized as a federation in 1968, when the rights of minorities were significantly expanded. Socialist Yugoslavia also functioned as a federal state; the Yugoslav constitution of 1974 granted Kosovo and Voivodina broad autonomy.

The fall of the East Central European region under Soviet influence and the subsequent communist takeover resulted in a tragic change in the life of the churches.

The last chapter of our book, authored by *Ewa Kozerska*, analyzes the legal situation of the churches in the period between 1945 and 1989 in relation to Czechoslovakia, the German Democratic Republic, Hungary, and Poland. Although the socialist constitutions declared freedom of religion, in reality, the holders of political power did everything to spread the atheistic worldview and suppress religious life. Church properties were confiscated, church schools were nationalized, religious education was abolished, and monastic orders and religious associations were dissolved. The activities of the churches were significantly restricted and placed under strict state supervision. The holding of clerical positions (mainly episcopal appointments) was subject to a state license. Catholic priests were forced to join movements loyal to political power, the papal envoys were expelled, and contact with the Vatican was hindered. Resisting priests and monks were imprisoned, and show trials were often held for political purposes. Secret service agents prepared detailed reports on all manifestations of religious life. Churchgoers suffered many disadvantages. Religious life thus took place in an atmosphere of constant fear. It is no coincidence that Karol Wojtyła emphasized these words in his first Mass after his election as Pope: “Do not be afraid.” The activities of the Holy Pope, who showed direction and gave spiritual strength, contributed significantly to the political changes of 1989.

This textbook is the fruit of successful international cooperation. The creator and director of this joint work was my dear colleague, head of the Ferenc Mádl Institute of Comparative Law, János Ede Szilágyi, to whom I am very grateful for his principled guidance. I received useful advice from Emőd Veress in defining specific topics, for which I am also grateful. Of course, I am very grateful to the authors of the chapters for participating in our joint project and doing careful, high-quality work. Thanks are also due to the reviewers for their helpful comments.

Historical maps are very important for studying legal history. The fourteen maps in our textbook are the work of Zsombor Bartos-Elekes, who, as a cartographer, also commented on the maps and compiled a list of the names of the cities on them. Special thanks to him for his precise work.

We hope that our textbook will enrich many students with knowledge. It is our sincere hope that by studying the history of law, our readers become better suited to practice their chosen profession.

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