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Local Governments and System Change.
The Case of a Regional Centre

**CENTRE FOR REGIONAL STUDIES
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**Local Governments and System Change.
The Case of a Regional Centre**

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INTRODUCTION

In autumn 1990 – shortly after the parliamentary elections – through the election of the municipal representatives the establishment of the local government system in Hungary began. The present transitory period, in which the elements of the old and the new system still mingle, is accompanied by opposite views of politicians and academic experts. The latter ones in the interrelation of the change of regime, power and elite generally regard the present parties as mere transitory parties, in the existence and activity of which the paralysation of the society's interests is expressed, on the other hand, the change of power, which took place in 1990, only started the process of the change of regime, the real test of which will be the opposition coming into power in the future. Finally it is not of minor importance that the change of the elite which took place in 1989–1990 only created the elite of the transition, so the appearance of professional politicians is still to be expected.¹

All these elements with the characteristic feature of politics dominating the events, even in the field of the economy, have their imprint on the urban and rural local governments' activity which are being formed presently. It is a fact that in the process of creating the constitutional state, the dictatorial state was replaced by a pluralistic power structure, but it also should be noticed that the change of power and elite failed to be complete because of the very results of the local government elections. That is, the majority of the local municipal representative bodies is liberal, that is oppositionist as contrasted to the parties of the governing coalition, or independent in smaller communities. Thus about half a year after the parliamentary elections the governing parties had to suffer a severe defeat on local level. It can be put in another point of view as well: the division of power occurred in a particular form, not in the separation of state powers, but in a broader, political sense.

M. Bihari rightly stated about the governing coalition after the local authority elections that it started an attack against the whole society, including public administration, culture, mass media and young people.² It seems that the government wants the local governments to get into a subordinate position.

After this general survey this paper undertakes the task of describing the new Hungarian local government system taking into account the problems of public administration and also local politics through an empirical research which was mainly held in a large town. The approach is

definitely that of with public administrative and legal aspect in view, which, however, makes it possible to analyse the circumstances in a broader sense as well.

The empirical survey about the large town was carried out within the framework of the research financed by the *Hungarian Institute of Public Administration*.

After forty years of a centralised public administrative structure, the two cornerstones in the formation of the new Hungarian local governments are the local authority law and the electoral law, each of which is the result of a political compromise.

The electoral law regulates two systems which are independent of each other. In towns and villages with less than 10,000 inhabitants the members of the municipal representative body had to be elected from a list on which all the candidates were indicated, and the ones who obtained most votes got into the body. The mayor in this case took his position through direct election. In contrast with it in communities with more than 10,000 inhabitants which are in fact towns, half the members of the local governments got their seat in individual constituencies, while the other half were elected on a list base, where the seats of representatives are proportionally divided between the different lists. In this category of towns the mayor is elected by the municipal representative body itself.

As it is clear from the outlined facts this voting system does not at all guarantee the local government to be controlled by town-councillors who can work together harmoniously, or a political majority to be developed. It needs no explanation either that the legal regulation distinctly determined the party-based composition of the municipal representative bodies in the towns with more than 10,000 inhabitants. It is supported by the results of the election, as barely 8% of all the elected representatives do not belong to parties, while in small communities the representatives are preponderantly independent (71%).

In theoretical aspect the local level restructuring process was party-spirited to a greater extent than in other East-European countries. A further characteristic is that the establishment of party-pluralism and the development of the local government system were linked together. Though western democracies as examples to follow are distinctly recognisable when defining the elements of the new-type local governments, other social organisations of the locality, which are very common there, are still missing in Hungary. This circumstance encouraged the parties to definitely undertake the values of self-government. The result of it did not fail to come about, as the Hungarian parties try to appear as the only factor of

macropolitics, and they do this on the level of locality as well. Many people think that the civil society have not become so active as it was expected after the change of regime, in fact it has stiffened in paralysation as compared to the last years of the so-called party-state: „... the former „defensive society” changed into a „defenceless society”, as all the institutions and forms of activity which have been developed in the fight against state socialism were made a complete write-off by the new regime, the cadres and energy were drew off, and it tried to forcefully subordinate the civil society.”³

THE FIRST STAGE OF THE RESTRUCTURING PROCESS: THE LOCAL GOVERNMENT ELECTIONS

The characteristics and problems mentioned in the introduction are set in a true light if we give details and analyse then through particular events. It obviously appears an arbitrary choice to analyse a particular town which is large in Hungarian relation when considering the entire local authority system. But in addition to the fact that with the help of this method we can get a reply to the nature of the common dysfunctions in the local governments mainly deriving from the legal regulation or absence of regulation, we also have to deal with an urban category which makes it possible to learn about party-like local government activity, on which level formalised mechanism cannot be replaced by interpersonal relations. (Though complete ousting of the latter ones are certainly unthinkable.)

The Hungarian self-government law which took effect in 1990 institutionalised a somewhat contradictory local government structure, which definitely resulted from the rejection of the previous council system.⁴ On one hand, the legislators sustained the previous two-level public administration by placing the official second instance to a deconcentrated unit with legality supervisory, that is general jurisdiction, which has no roots in Hungary, thus taking it out from the local governments' scope of authority. On the other hand, the law recognises only one type of self-government, namely the local government, as a consequence of which all the regional constitutional bodies are equal. There is no hierarchical relation between the community, the town, the capital city and its surrounding (suburban) zone and the county's local government, though this latter one is a historical category, which is more than a 1000 years old, and which is also a pillar of the state regional division according to the constitution.

Legislators themselves were compelled to solve this contradictory situation. They stated that the local governments of towns, villages and counties may have different duties and scopes of authority. In fact, the county was regulated as services providing, the *differentia specifica* of which is that it is obliged to do all the duties which are prescribed by the law and which cannot be done by the local governments of towns and villages because of their limited capacity.

This short detour was necessary because the object of our empirical examination is a Hungarian town which is also a county centre and a city with regional functions. The expression *large town* is proper in the Hun-

garian situation, as it is a town with nearly 170,000 inhabitants. Our town has the law of county (it is so-called *city with county status*), which can be given by the Parliament after judging separately to towns with more than 50,000 inhabitants. These latter ones though declared as local governments by statute, they are taken out from the whole of the local authority system. It casts the county's scope of duties and authority which occur in their area to their own scope of authority. This fundamental regulatory principle is advantageous in the sense that the city with county status which has high-level services organisation function becomes equal with its own county, but it is disadvantageous when independence takes the shape of isolation.

Without prejudging we would like to state here, that there is no institutional relation between the county as an regional level and the city which is its centre and the authority of which covers the whole county, even exceeds it.

Not moving away from the general concerns of the Hungarian self-government system, it is worth dwelling at the municipal elections, which are the first step in the restructuring process. In autumn 1990 in addition to 7 parties six social organisations figured publicly in our town, as they set up candidates in the local government elections. As we know, legal regulations favoured the parties, each of them had lists as well, while two of the six civil organisations were able to set up only individual candidates.

Civil society presented a hopeful picture at that time. For example, the chamber gathering librarians' and adult educators' associations stepped forward with the program of a civilised society on the basis of the town's cultural traditions; another group aimed at complex social, cultural and youth policy, while the local greens set the objective of environment protection. All of them are strongly marked election programs in contrast to parties which had no programs. The canvassing of the latter ones mainly relied on the general program of the national party-centre, which obviously was inadequate concerning the fate of the local governments, and they only outlined their point of view in some town issues which they thought were topical.

And the voters voted, though it was not clear what in fact they would get in return for their vote, since on the eve of the change of elite even the names of the candidates sounded unfamiliar to them. It is undeniable that disappointment of people in national politics and in the change of the regime, the experience of catharsis which failed to come about also cast a shadow on the local government elections. Because of the low

turnout there were two turns of municipal elections in every town with more than 10,000 inhabitants. In „N” (let’s call our town like that) participation was 30.2% in the first turn. At the second time there was even less interest among the citizens, however, according to the electoral law, this turn was valid.

In „N” everything happened like in most Hungarian towns, and the new municipal body is made up of city-councillors, who are without exception members of a party, or supported by a party. The parties of the governing coalition suffered a defeat here too, while the two liberal parties (the Free Democrats and the Young Democrats) obtained majority by winning 59% of the seats. Finally, the successors of the state-party which was divided into two obtained two and one seats, respectively.

What happened could also be called a party coup, as from among the 172 candidates the 25 independent candidates’ efforts were unsuccessful, neither they nor the candidates of the civil organisations had the voters’ confidence, though they were not less talented or ill-equipped or less positioned than the ones who were elected. It can be explained by the fact that over a certain size of towns (definitely in the case of a large town) knowing somebody personally does not influence the voters’ behaviour. Thus, in the case of missing direct information the party the candidates belong to and the political colour provide essential footing. In Hungarian relation, the results of the parliamentary elections which were held half a year earlier and well-remembered by people as well as the performance of the parties served as information in the course of the local government elections.

CHARACTERISTIC FEATURES OF THE ACTIVITY OF REPRESENTATIVE BODY BASED ON PARTY-POLICY

In the case of the Hungarian local governments the establishment of local government institutions and the definition of the policies of party-like activity were interlinked.

In „N” the mayor and the deputy mayors were elected as well as the special committees formed already at the statutory meeting. The mayor obtained his post as the candidate of the Party of Free Democrats which had most seats, but he was not elected from the body members, but making use of the opportunity provided by the local authority law he was delegated from outside. Thus with him the number of liberal town-councillors increased automatically by one.

The Hungarian local government system – following the pattern of western democracies and breaking with the legacy of the former socialist council system – stresses the importance of the work done in the committees. The municipal body defines its own committee organisation meeting in fact one restriction. That is, it is obligatory to form a financial supervisory committee in each town with more than 2,000 inhabitants. Experience proves that spontaneous control prevails in this type of committee, that is why it is under the influence of the opposition within the committee.

There have been no acts passed yet which would prescribe setting up further committees compulsorily. In our town the following committees started to work in the spirit of freedom ensured by law concerning the setting up of organisations:

- legal and steering committee,
- health committee,
- economic and enterprise committee,
- environmental and urban planning committee,
- transport and communal services committee,
- educational and sport committee,
- cultural committee.

Unfortunately, this structure of the committees does not match the organisational proportions of the apparatus set up later and which would be essential in efficient co-operation. On the other hand, the division of labour between the committees is not clear, though there is some overlapping indicated from the outline, and there is also a missing committee which would co-ordinate the others' work.

This lack of organisation cannot obviously be put down exclusively to the newly elected elite's account who are not yet experienced enough in public administration. Experts agree that legislators who defined regulatory enactments were too liberal in many respects, which, on one hand, can be understood as a counter-effect of the dictatorship, but, on the other hand, it keeps local governments in the state of uncertainty in many aspects.

Neither the section of the Constitution dealing with local governments, nor the local government law itself mention parties. So when regulating the party-policy activity the councillors can do as they think best. In this aspect it seems natural that Hungarian local governments took over the parliamentary model, they set up their rules and regulations as standing orders. This method itself cannot be disapproved because international special literature recognises for example the local government committees as representative organs, which can derive their rights from an organ which is a representative body too, in our case from the body of the members of the Parliament. And it is also added that this definition is taken from the parliamentary law. But it is assailable that the institution of the committee as well as the whole local government activity is subordinated to party-policy interests without any counterbalancing guarantees (for example the protection of minorities).

In „N”, and in other towns as well the individuals forming a committee reflect the parties' power relations, particularly the allotment of chairman's posts in the committees was very important. In our sample the opposition got the leading post in the Health Committee which is of minor importance in the present situation. Anyway, it is not common in Hungary that the mayor holds the post of chairman in a committee.

With regard to other countries' practice, that legal proposition is not a novelty according to which: „It is reasonable to elect into the committee the representatives of significant organisations which run relevant services and the delegates of social organisations, and other electors who use the services.”⁵

A restriction is applied to it: the chairman and more than half of the committee members should be elected of councillors, and this can be approved of. But this rule is applied in a considerable number of local governments in such a manner that the committee members who are not town-councillors do not possess equal rights, as they are present in an advisory and not voting capacity. It is the case notwithstanding the fact that the committees make use of the opportunity to invite outside experts, but they do everything that interests and values which threaten the domi-

nance of party interests could not in the end appear in the local government decisions. In it one of the methods which can alienate the local agent and local government activity is recognised, though the renewing legitimacy of the municipal body can be expected from it from time to time. It is enough to turn for explanation to our sample.

Leaders of „N” city give reasons about the application of this organisational principle, saying that only in this way the balance of political forces within the committees can be ensured, that is, if the outside members possessed full rights then a devastating fight would start so that each party put the experts who are committed to them into the committees.

Such means of minority protection – which among other countries – works pretty well in the Federal Republic of Germany evidently does not fit into the above mentioned conception. According to it those factions which because they are few in numbers cannot delegate members into a committee, have the right to delegate an assistant member with advisory right into the relevant committee. This rule makes it obvious that Hungarian legal practice in contrast to the positive discrimination in western democracies is still inclined to negative discrimination against the political opposition.

It is common knowledge that local level committees have the primary role of releasing the municipal body and quickening the decision-making process. This latter function which covers the examination of considerations which should be taken into account in the course of municipal decisions and the presentation of propositions essential to the decision is in principle realised in Hungary, as most of the agenda is set before the municipal sessions by the committees and it only rarely falls to the apparatus.

The distinction „in principle” is necessary to make because as I have mentioned the towns’ municipal representative bodies act as „small parliaments”. Thanks to the Legal and Steering Orders Committee an agenda proposition is prepared for every body session, still the topics of the session are made up incidentally, as it is common to have speeches taking a long time before proceeding to the agenda and to real work. Moreover, at such times almost without exception the town-councillors have to cope with motions which are submitted as urgent.

The trouble is that institutions borrowed from the parliament and also found in the organisational and operational rules are alien from the locality. Let’s consider the notion of self-government, or communal policy as it is called in the German-speaking countries. *H-G. Wehling* puts it that communal policy is essentially social policy, and through this it forms

human co-existence, which – though in different ways and intensity in the different communities – directly reacts to social claims. Its political character can be grasped at that we always deal with politics if decision must be made between alternatives alongside particular interests. In short, it is not the construction of roads in general sense that is decided about in the city hall, but a precisely defined road-building project.⁶

Since in this field different individual and group interests are concerned no local government can decide about urgent motions of individual representatives which are put forward in speech and which lack the careful preparation by the committees and the apparatus linked to them. However, these *ad hoc* constrained decisions in practice often oust the professionally and politically well-founded agenda.

Back to our clue we must state that in Hungarian relation it is only partially true that the committees release the municipal representative body, though its legal conditions are given. It means, on one hand, according to relevant orders that the committees in addition to the preparation of decisions also organise and control their execution. On the other hand, with respect to jurisdiction which cannot be relegated, the municipal representative body is entitled to give the right of decision to its committees and state an official scope of authority for them.

Surprisingly, in „N” there was no shift in any direction. Leaders of the town, first of all the mayor and the two deputy mayors, shoulder an unbelievable burden of work in order to preserve the power extensively concentrated. Its ideological basis is the misunderstood interpretation of the theory on the division of powers.

It is common knowledge that in the local government systems, in which committees work actively the legislative and the executive roles of the local constitutional representative body cannot distinctly be separated. It is confirmed by the model of the strong mayor in the Hungarian system, according to which the first leader is not only the chairman of the representative body but also the head of the apparatus. Contrary to the outlined facts in our town the committees and through them the members as well are excluded from the executive and supervisory activity, though in the organisational rules the framework of it is given. The position of the alderman unfortunately does not work in practice, which would give the opportunity for the committee chairmen to supervise the work of the official organisational unit in their venue, thus guaranteeing the quality execution of the decisions.

So, at this point the character of the parliamentary and the local government work is distinctly separated, since the latter one differently

from the legislative power allows to influence public administration directly. In contrast to it in the site of our examination a strange approach prevails, according to which the spheres of the committees and the apparatus with regard to execution cannot mingle, only one of the officials can be the link between them. That is, the chairmen of the committees cannot hold a *quasi* official organisational unit leader's position.

It needs no explanation that in this case the classical theory of the division of powers was adapted to local government relations, although in this field separation of the responsibility for decisions and execution is impossible. The direct consequence of the misinterpretation is that apart from the mandatory place and role which the municipal representative body has, every part of the activity: work in the committees, entire supervision of the apparatus, execution and its supervision, etc. definitely concentrates in the hands of the three leading officials (the mayor and the two deputy mayors). All these arouse the feeling of absolute centralisation.

The conclusion of *Pálné Kovács, I.* may be right here, in it the opinion of many people is expressed: „After the local government elections – since the parliamentary results do not reflect the parliamentary power relations – the fight between the government and the opposition parties extended to the local government activity as well. So no party can indulge in the luxury of letting their local organisations completely free, or not to have high political ambitions.”⁷

Though the party-policy character of the local government has not yet been examined, I think all the enumerated anomalies indirectly originate in this focus which is a stiffened conflict.

Another tool of releasing the municipal representative body and also the quickening of the decision-making procedure – for the citizens – is the delegation of part of the decisions to the committees. It can be done with regard to other countries' practice in single assignments, or by means of a general clause but under different conditions. At some places only over a certain population it is allowed to transfer rights, at other places only the most important committee can be delegated with authority. Further guarantees can be built in, by means of which the committee decisions and the whole of the local government policy can subsequently be coordinated if necessary. Decisions can be changed or annulled until they infringe the acquired rights of third persons.

In Hungarian relation apart from the scopes of authority which are defined one by one in the law and cannot be transferred nothing sets limits for our local governments to divide labour. In spite of the fact that the

municipal representative bodies often cannot work because of their over-operativeness they rigidly stick to all of their authority. The committees, however, initiated in several cases the transfer of decision competence in our town too, but all the time they met rigid refusal. On the whole two committees, the Economic and Enterprise Committee and the Cultural Committee managed to acquire the right of decision in some issues.

FACTIONS IN THE LOCALITY

Supposedly there is a fear in the refusal of decentralisation that decisions made in the committees do not completely reflect the parties' power relations which characterise the general assembly. At the same time the speeches of the members in the assembly reveal the judgement on the relation of factions and the different committees. In short, the member of a committee represents his whole faction, so if he expresses his private opinion there is no sense in the work of the committee. That is, representatives of factions take part in the sessions so that they could inform the parties about the happenings.

The facts described in the introduction are striking, as they are some of the most significant features in the reviving of the local governments after 40 years. As we know local governments having parliamentary features is a fairly new phenomenon all over the world. Which in turn reveals that we should finish with the assumption that the community gives free scope to citizens in their relation to public administration, or that the community could be defined as a closed living community, since modern democracy manifests itself by the presence of parties. Of course there are positive and negative approaches to the process of the parties domination in the locality. The latter ones for example regard the essence of factions as gaps or insufficiency in the beneficial net of the democratic constitutional state. But others emphasise in the process of dominating parliamentarism that it prevents the communities to sink to the level of mere bureaucratic units. With the help of the parties they are enabled to preserve their democratic island-like character within the whole of the state.

Without going into details about the advantages and disadvantages of party-dominated local governments, let's survey the Hungarian practice compared to the German federal provinces. This time only practice can really be dealt with, since Hungary has only presently got into the state which western democracies underwent about 10 years ago. There are no statutory rules concerning the activity of factions, though they cannot be ignored. Due to this reason local governments set up the rules of the game, which leaves much to be desired.

The criteria of forming a faction is minimally 3 members in the town under examination. This principle which is recorded in the organisational rules automatically excludes from forming factions and the attendant rights the socialist and the communist parties, which have two

and one town-councillors, respectively. The Federal Republic of Germany sets an example with reversed values, where in several provinces two members are the minimum to form a faction. Even one-member faction is known in Hessen, Baden-Württemberg, Bavaria, Rhine-Pfalz, Bremerhaven. That is, one town-councillor can be regarded as a faction, if there is no other representative of his party or electoral group in the municipal representative body. This kind of faction status is an exception, but it is by no means anticonstitutional, as it can be derived from the tool of minority protection. The most severe requirement in this relation to be met is giving the parties equal chances, which should be extended to electoral groups, too.

The basic principle which is named as „free mandate” in the German Supreme Law has not yet been built in the Hungarian constitutional law. According to the principle it is not allowed to make the committee work of the councillors which anyway decisively rests upon the activity of the faction dependant of which party they belong to and through this allow a determinant influence of the parties on the factions and individual councillors. Consequently those who belong to factions have their own free will, too. If it was not like that then the parties through their centralised controlling mechanism would empty the local government.

Unfortunately the danger of it is quite big in Hungary, which was given voice to in „N” by the Christian Democratic councillors. The members of this party worked in the joint faction of the governing coalition parties for some months, then in the general assembly and also as an open letter in the local newspaper announced their separation in order to form an independent faction. The reasons are fairly illuminating, as the statement disapproved of the fact that the general assembly was the place where the parties fight for power, while the interests of the town are pushed into the background. The formation of the independent faction is meant to maintain the moral character of the Christian Democratic People’s Party and to ensure the freedom of representation for the representatives – the statement says.

In short, some of the councillors distinctly require the protection of minorities and the right of the freely expressed opinion. But behind this there is the widely spread misapprehension, which was put by the leader of one of the factions. According to his standpoint every party in the local government follows its own policy, since no member can change his opinion announced during the electoral campaign. Otherwise he would commit ethical offence against his constituents. As to voting he divides the issues under consideration into two categories: either the issue is not

of party-policy significance and it is possible to vote differently, or it is an issue of policies in political aspect then because of the responsibility towards the constituents it allows only uniform voting for those who belong to the same party.

The issue of belonging to parties in towns with more than 10,000 inhabitants has a distinctive role in every section of local government activity. To put it more sharply: the most determinant feature of the representatives is their belonging to a certain party or faction. In small communities where parties have gained ground in a less extent this is replaced by permanent confrontation between the new representatives and the old representatives who had been elected before the change of regime. It is proved by the institutions and structures which have already been established in this short period. It is an accepted fact that at the sessions of the local government only the decisions which are taken in a political sense are made.

Decisions which are taken in a sociological sense are made with the public not admitted, so to say behind the scenes. In decision-making aspect the discussions of the faction leaders at this point become important, the framework of which for example is given in the organisational and operational rules in „N”. This conciliation board in fact meets officially on the motion of the mayor or the chairman of the Legal and Steering Committee. In addition to this it is legally given for a professional conciliation forum to act. However, this so-called small assembly probably due to lack of claim does not exist. Though this form would guarantee the co-ordination of the activities of the mayor, the two deputy mayors, the chairmen of the standing committees, the presently non-existing aldermen, and the notaries who thus would get into permanent work contact.

A further outcome of the problem is that professionalism is definitely pushed into the background by political matters in the present Hungarian local governments. Complex propositions of great importance concerning the town are almost without exception set before the general assembly in the form of motions made by factions. That is, proposals always have the name of a party at their headings.

A concomitant sign of these faction motions is that the parties when working them out do not make use of the expertise of the apparatus, so they are discussed without professional control. A further difficulty in the sorting out of the problem is that the small groups of national parties – as a sign of their weakness – cannot rely on advisors similar to experts who help MPs with their work.

It is dangerous, because representatives often do not see the legal, economic or other limits of the issue, which can lead to unlawful resolutions.

The statements mentioned so far have already foreshadowed a not very benign phenomenon, namely, that the relationship between the apparatus and the local government office is often troublesome in the new Hungarian local governments. The town-councillors acknowledged the expertise of the apparatus extremely slowly and only gradually. There are at least two important factors in its background. On one hand, they have to work with an apparatus inherited from the dictatorial period, the expertise of which can hardly be questioned. At the same time the new town-leading elite have no skills in public administration at all, which results in facing inability, which is painful for everyone. Since the dismissal of the apparatus was out of question, as there is no other specialist staff in the present situation, conflicts have only deepened. The ambitious committees try to control the activity of the office units, while some of them do not rely on the work of the apparatus at all.

This relationship which cannot be called smooth at all have for months been burdened with the intense uncertainty, which was caused by the long delay of organisational modernisation. It is no wonder that this circumstance had an effect on the morals of the office workers and caused the turnover of highly qualified workers.

The revealed operational anomalies seem to support our hypothesis. The specific features of local government policy do not allow to apply mechanically the rules of high politics, because it causes disadvantages for the local community.

LOCAL GOVERNMENTS AND PUBLICITY

I would like just to remind that publicity is the fundamental organising principle of a political structure, and any political power exists only through publicity. And if we regard self-government as an organising principle, then we must see that it gives great opportunity for the decision-maker to involve the interests and experience of the local community into the process of decision-making. Really it is not only an issue of freedom, but also an important tool in the renewal of legitimacy at the same time.

It is unquestionable that the main factor of local politics is the local government, but not exclusively. Many organisations of the civil society should be its alliance in addition to parties, and it is a precondition for optimal decisions. The question which must be answered is how non-party-policy interests, views, opinions are channelled into local government activity. It is a touchy point in the Hungarian local governments with party-based functioning, since in big towns the effect of „everyone knows everyone” and its information circulating influence does not work.

The parties in the local governments claim to monopolistic power which is working out very clearly in the city under examination. To put it briefly, there is no living relationship between the town and its leaders.

Civil social organisations spring up like mushrooms – to fill in the previous gap –, and as, on one hand, struggle with the difficulties of formation, and, on the other hand, representing one or two interest groups they logically get involved in the activity of the local government, they one after the other knock at the gate of the city hall. The town-councillors definitely refuse to co-operate with them or support them, so we must suppose they do not recognise their own interests. There has been no such case when any civil group could take part or have any influence on the preparatory procedure of decisions in which they are concerned. This statement is also true with the committees which do most of the preparation of decisions. For there – in the outlined way – when involving lay persons professional quality is emphasised and not the variety of interests. It is necessary to underline at least two of the harmful effects. One is the danger of decisions to be deformed, and the fact that if civil social organisations cannot fulfil their function, that is cannot influence decisions, they will surely wither away.

The direct link between the constituents and the local government hangs on two rather weak threads. One is the consulting hours of the representatives elected in individual constituencies which is held more or less

regularly, the other is public audition which was institutionalised by the self-government law. The latter one is not very popular either, not from either side. The municipal representative body of „N” has invited the citizens of the town to meet personally only once a year so far (it is the minimum regulated by the law), and only few of them have paid their respect at the session.

Unfortunately, these forms of maintaining relations themselves are not sufficient in collecting information necessary for decision-making. This situation cannot be helped by the rarely and only in important issues used tool of the local referendum or people's motion.

It is a matter of judgement whether we regard the system of relations between the municipal representative body and the citizens who make up the community as the internal affair of the local government or as something belonging to the external relational network. Apart from the sorting out of this problem the recognition of the relative independence of the part-areas of towns and villages should be attached great importance to. Towns, certain villages all over the world have such parts, resort areas, housing estates, etc. which in spite of close ties to the core area form a community which has specific features and claims to relative independence.

This statement is especially true with a large town, which in addition to reflecting the segregation of the inhabitants in the different districts, through its growth also incorporated some of the suburban villages.

The Hungarian local authority law – trying to keep up with western-European partners – allows to set up part-area self-governments of parts (districts) of towns, though the regulations are inaccurate and inconsistent. Due to this, the plans for setting up part-area self-governments in the towns are accompanied with scandals, since nobody knows how and who can found it.

It cannot be explained merely by the confused situation why the towns with county status – with exception one town – keep aloof from this self-government variant. The law states special rules for them, because it allows them to set up districts, and district offices within them. After that the municipal representative body of the town with county status is entitled to set up a district municipal body of representatives elected in the already existing district.

Unfortunately, legislators have not stated any objective legal ground or criteria concerning the setting up of part-area (district) self-governments in large towns, so the matter of district self-government is exposed to the subjective judgement of the municipal representative body which is under extreme influence of the parties. For example, the leaders of our city are not inclined to recognise the traditional partial independence of cer-

tain districts which is based on their specific interests. In the background of this behaviour there is a fear of a possible power division within the town, since the district municipal representative body is a legal entity, too, and certain decisions and financial resources have to be guaranteed to it. The setting up of a part-area self-government is most risky because it is unforeseeable which party will dominate in a particular district representative body.

The part-area self-government – which is at present surrounded by aversion because of partial interests – could be an efficient form in the exploration and handling of local problems, in getting to know the opinions of the citizens' groups, in a word to grasp interests which are outside the party sphere.

Another field concerning our topic is the relationship between the local press and the local government, since local and regional dailies are efficient tools of forming the public opinion. Perhaps it is not a single case – let's think of macropolitics, more exactly the relationship between the government and the press mentioned already in the introduction – that the relationship between the local daily and the local government has deeply worsened. The representatives often objected to the fact that the press did not or not in the expected colouring or angle show the activity of the local government to the readers, though it hardly could be denied that covers were regular and the regulations, statements concerning the residents were reported.

Finally, as a consequence upon some incomprehensible offendedness things have come to a head. The general assembly passed a resolution on the municipal representative body to make an agreement with one of the local commercial newspapers for a year on the following: it reports in about one page per paper the regulations, resolutions, other information of the local government, moreover it makes reports about individual representatives. The argument was that since every family in „N” gets this paper every week free of charge, through it wide-spread information can be guaranteed. The body of representatives seems to be satisfied with this form because the agreement has been extended from time to time.

Conclusions can be summed up in the following way: facts discussed in this chapter are also the concomitant signs of party-policy based local government activity, where party policy got the upper hand over the goals of the local government.

As experience proves such local governments do not try to get to know the opinion of the civil society and of the different interest groups, that is why they handle their task with a sort of omnipotential. They think that the confidence they received from their constituents is once and for all absolute and irrevocable.

Due to the fact that they are not in touch with the citizens they are not concerned with the development of an attitude which would handle the problems specifically to layers or districts, not to mention the drawing up of a tinged urban policy.

THE EXTERNAL RELATION NETWORK OF THE LOCAL GOVERNMENT

The local government in its existence is linked to the locality, but the intensity of the engagement in outward politics is extremely important in its life. The parties can enforce local governments' points of view, and interests not only through their national centre, but the different local government associations prove efficient channels, too. For example, in Italy they are markedly organised respectively to party affiliation. The establishment of local government interest associations did not have to be long waited for, and this was also beneficially encouraged by the local authority law.

In the middle of 1990 in Hungary 16 such associations have already appeared, only half of which is linked to a certain region or geographical landscape. The rest declared for themselves to represent local government interests on a national level, which lead to inevitable parallelisms. Among other things several associations simultaneously claimed to represent urban and rural local governments against the central government. This raises serious problems when exercising the legal rights: „National interest associations of the local governments express their opinion on the statutory provisions concerning the local government and other draft state decisions. The organ making central decisions must be informed about the standpoint of the associations ”⁸

As a result of lack of the necessary co-operation and co-ordination between the associations, the government and the relevant parliamentary committee in some for the local governments important decisions failed to perform their legal duty owing to lack of the right negotiating partner. So, on one hand, the divided associations and the obscurity of regulation, on the other hand, hinder the high level utterance of local government interests. It does not turn out from the legal formulation how the associations get involved in the process of legislation, in addition to the fact that the rights which they are entitled to are rather powerless (for example, the right of the expression of their opinion).

The plentifulness of the associations does not make it evident that each local government joins one of them: about the half of local governments are out of these associations. At the general assembly in „N” it was put on the agenda to join the association of large towns, but the issue was definitely refused by the town-councillors. Due to this the town was at a disadvantage in regard to the enforcement of its interests as well as

access to essential information, because the Ministry of the Interior provided information to the different associations. This latter fact is disapproved by local leaders as well as the fact that the associations try to establish independent organisations, to create independent regulation, to swell their own apparatus. From the experience of the past period the final conclusions resulted in the reconsideration of the previous decision of the representative body, as it is undeniable that the outside position blocks the town from a possible channel of local government politics.

Like all local governments „N” also lives in a particular place, which puts the town into a specific relation network. So another segment of local government politics is given by the structure of the relations between „N” and its surroundings.

If we have a look at the map of the county – the centre of which is „N” – it turns out that there is much less freedom for planning than we would expect, as the town has a predominant role in the whole of the county. The population of this town with county status makes up 41% of the total population in the county. 16 towns and villages of the narrow ring around „N” make up a further 10%, and it can be stated about a further 40 communities that they come under the gravitation of this large town, which is the so-called outer ring. That is, the town „N” has the feature of a general centre (gravity zone, county and regional centre).

In reality, the town’s local government do not even make an attempt to influence or direct the relations which arise from provision and employment functions with the suburban towns and villages. It is enough to mention primary and secondary education, in the framework of which 1,200 children from about 70 towns and villages (among them there are some from other counties) commute to „N” to school annually. The town with county status does not have to rely on the suburban communities’ help, not even financially, since the latest financial regulations allocated the normative state subsidy to that local government which supports the school. So the town turns to the concerned local government only in particular matters and in certain cases.

In the first year – for example – the names of only two suburban villages turned up in the records. One of the requests was that the waste dump in „N” became small, so its territory needed enlargement. So the Environmental and Town Planning Committee turned to the relevant community in order to get their assent. The leaders of the community put the matter before the village assembly, where the residents gave their blessing on the matter under certain conditions to be fulfilled.

At the root of the problem is the fact that the new Hungarian local government system is built on about 3,000 autonomous units, which are not duely encouraged to integrate. Moreover, certain financial viewpoints, the unlimitedness of free undertaking of tasks directly stimulate them to obtain more and more institutions and tasks. In this way interests are completely divided. The so-called town surroundings (as units of former public administration system) which were criticised so much ceased to exist *de jure*, while the gravity zones of towns broke up *de facto* as well.⁹ For the towns and suburban villages are not made to be interested in the co-operation, in the maintenance of living relations.

Unless we regard as an incentive the legislative intention which trusting the ground up organisation of local governments' co-operation vested the municipal representative bodies with practically unlimited freedom of association, which is almost unprecedented in international comparison. As the local governments seem to have failed short of the expectations in this field, opinions from responsible quarters were revealed, according to which there is a prospect of state interference to make regional integration to be more dynamic.

In local government politics the relationship between the county and the town with county status cannot be ignored. As it was mentioned in the introduction, the legislators trying to keep the county in a completely uncertain position created the county with subsidiary function. Those tasks have to be performed by the county local governments which urban and rural local governments cannot or do not want to perform. As a result of it the scope and role of the county local government depend on to which extent urban and rural local governments of the region retained or claim to territorial provision functions from the county. Finally, the importance of the county depends on what regional and gravity zone ambitions the towns with county status have.

The relationship between the local government of a large town and the county is usually not well-balanced, mainly if the previous one has the county status. Their rivalling is not new, though it would be definitely more advantageous for the citizens if the local government units recognised their interdependence based on equality. Many rightly think that at the root of the problem is the legal regulation itself. The legislator institutionalised the conflict between the county and the town with county status.

Two potential public administrative units with regional scope of activity work isolated from each other since they are not represented in each other's bodies.

The central government's standpoint as against it seemingly supports most complete interest enforcement of local governments. In reality it is much less constructive, since it leads to interests to be divided. „In the cities interests of urban electors can be enforced, and in the counties, the villages and small towns – not subordinated to big cities – can enforce their special provision claims which are beyond their essential functions. In the county representative body of small local governments that is in the general assembly the towns with more than 50,000 inhabitants are not represented. So it is guaranteed that the regional and micro-zone interests of the big cities and the smaller settlements independently appear in the relevant local governments, not subordinating each other.”¹⁰ For the time being there is no institutionalised framework to solve the problem, but it can be a feasible arrangement if the two (i.e., county-seat municipal and county) bodies of representatives are permanently represented at each other's sessions with the goal of mutual information. However, no such co-ordination was brought about neither with regard to common interests nor to benefits given by task division between the relevant local government units.

In the town under survey we have come to the same conclusion, though here the county initiated to create such links. The leaders of the town responded with refusal, though it was already an open secret at that time, that the large town is concerned with the take-over of some public institutions which are maintained by the county but located in the town with county status and are mainly for the service of the town's inhabitants.

Legal framework for this is given, but its practical reasons deserve attention. For the goal of the large town is ousting the county from „N” referring to the following: the county local government should not have any properties or profit-making public institutions within the territory of a municipal local government which is taken out from the scope of the county authority.

Although it can be stated that the principle of *divide et impera* won, which was supposedly enforced by the legislators, nevertheless it can be recommended that the two types of local government should co-operate based on partnership even without any public law links. The reason is at least twofold. On one hand, it is to be found in the regional development, regional politics, and in provision organisation, on the other hand. While the first problem will be analysed later, with the latter one it should be taken into account that Hungarian public administration through the local government system fell into its smallest pieces, namely to towns and vil-

lages. At the same time legal statutes concerning provision-organisation are fairly liberal. The dividing lines between the authority of the towns, villages and that of the counties are obscure, that is why such setting of tasks is incomprehensible in which all the tasks that the towns' and villages' local government cannot be compelled to do lodges to the county. But this latter category is not defined or closed by the law.

Putting the question into another light: it is a widely known fact that due to the ever increasing claims of the consumer society only a rather limited range of the local government service functions can be met within the boundaries of a particular local government of town or village. But according to Hungarian legal regulations – as I have mentioned it – in a model which is being formed ground up only local governments can initiate communal co-operation, foundation of partnerships. Due to this, there is a real risk for a part of the regional-type supply organisation tasks remain unappropriated. For the time being the county and in co-operation with it the town with county status which is also a gravitation centre, with even a regional scope can have a dominant role in filling the vacuum in this field, most of all in the elimination of uneven, uneconomical and unprofessional performance of tasks.

One of the guarantees in the protection of local interests, in short in the preservation of autonomy is the mentioned „foreign affairs”. Among its elements the relationship with the central, or superior authority, the established negotiating position with it cannot be neglected. In this respect special attention should be paid in the Hungarian public administrative system to the new, non-traditional organ which was created to control legality in the local governments. The institution of the Commissioner of the Republic – taken out from its original public law environment – undeniably follows the French pattern. In the background of its introduction there is a political compromise again. In the centre of the dispute there was repeatedly the county.

Those who supported the conception of the local government to be an independent power branch, wanted to create a system which is based on the free association of urban and rural local governments, instead of the county local government. According to this the organ for exercising legality control would not have been necessary to create, it would have been possible to turn directly to court against unlawful decisions of the local governments.

The other side would have lodged the legality controlling functions and appeals against single official matters to the office of the county local government. This model as against the presently prevailing one – in

which the urban and rural local government is in the centre – would have firmly linked up the organisational role of the latter ones with the county and for the central government would have resulted in a local government system which can easily be influenced.

Finally, though the county local government remained, the regional office of the Commissioner of the Republic was organised to fulfil legality controlling functions, the second instance and other official duties. Many say that reaching this compromise was possible because it seemed that the controlling organ as to its legal status will be relatively independent. That is, the requirement against it was to fulfil a balancing role between the branches of power. This claim also can be found in the regulation itself. The local authority law orders so as the commissioner of the republic would not primarily be linked up with the government within the state organisation, that this office-bearer should be appointed on the nomination of the Prime Minister – after a parliamentary committee hearing – by the President of the republic. But it opens up a lot of contradictions, the first of which is that the law states that the government with the assistance of the Minister of the Interior through the commissioner of the republic controls legality in the local governments.

The endangered position of the local governments on the whole does not originate in the legality controlling authority, as the commissioner of the republic cannot take any real action, he can only exercise his right of initiation.

This conclusion is also supported by practice. For example, the town under survey was concerned with the legality control only twice in the first year. In the first case the local government failed to comply with the legal conditions concerning the election of an external member to a committee. It acknowledged the legality comment of the office as right, its resolution was set aside and order was restored by another voting. On the second occasion the conflict turned to be more serious, as the municipal representative body disputed the legal ground of the supervisory notice, so apart from the notification to the commissioner of the republic it did not take steps to avert the alleged legal offence. The matter which was about how the local government officials' wage is calculated, thus fell to the jurisdiction of the court.

So the Hungarian system of control over local governments has restricted means even compared to the West-European models, and it is almost exclusively restricted to asking for information and making comments on legality.¹¹ The commissioner of the republic is not entitled to special supervisory rights, he cannot act instead of the local government

or eliminate it, though these are rarely exercised in other countries, too, under normal conditions. At the same time local governments several times take it amiss that the office of the commissioner of the republic is in lack of helpful and advisory conduct. Just on the contrary, the office often refuses to create a permanent work contact between the controlling and the controlled which would prevent the infringement of law.

So legality control does not have a preventive character at all, though both in West-European and North-American local authority law a tendency of consultations based on mutual interest reconciliation and protection of local government autonomy prevails. *E. Becker* quite simply calls advising the core of communal control.¹² As Hungarian legislators have not taken a standpoint on the issue of consultation and professional help, namely if it is part of the local government control or belongs to another sphere of central-local relations, for the time being the supervisory organ decides on whether to make use of advising or not.

The reason for refusal suggests cautiousness, as among the reasons there is usually the observation of local government independence and non-interference. Anyway, there is undoubtedly something to be said for the regulation, that it is really reduces the relation to legality control.

So as to give a complete account let's have a look at further scopes of authority remitted to the competence of the commissioner of the republic. It performs certain state administrative duties which are stated in law or by the government on grounds of legal authorisation, and co-ordinates the activity of his own office and that of other state administrative organs which work in the region. So the office can be vested with state administrative authorities, which goes together with the high risk of the necessary decentralisation of public administration to fall not exclusively to the local governments, since authorities can also be located to the commissioner of the republic. Moreover, governmental authorisation is so wide that it makes the extension for the controlling organ to be vested with other state administrative authorities almost unlimited.

The process has already begun. The law concerning the duties and spheres of activity of the local governments and their organs, that of the commissioner of the republic and certain centrally subordinated organs, according to the inherited structure first of all states the spheres of activity broken down to branches. Secondly, in fields important for the local governments, for example public education, social policy, health the government has already been authorised to vest state administrative duties to the commissioner of the republic.¹³ *Zs. Balogh* rightly calls attention that there is a chance of a parallel administrative system to come into being, in

which the local government administration and the controlling office (or further deconcentrated state organs) working parallelly implement the most expensive version.¹⁴

It is to be feared that this tendency leads to the emptying of self-government, so proper constitutional guarantees are essential against the nationalisation of tasks. The negative influence on the local governments independence can only be increased by the other right of the commissioner of the republic which is alien from the fundamental legality controlling function and which is not clear in its content and means. Within the scope of this task the commissioner – according to the relevant preamble – actually with no limits co-ordinates the activity of its own office, on one hand, with that of the different deconcentrated county organs, on the other hand, with that of the municipal representative bodies of the county and the urban and rural local governments. In addition to this, it co-ordinates the activity of the local governments' offices and that of the deconcentrated organs.

In the aspect of external interferences it should be added that the office of the municipal representative body is the organ of the municipal local government's body.

The outlined characteristic features of the institution exercising legality control over the local governments make the analyst finish with the illusion of independence. Our final doubts are dispelled by the section of the local authority law, according to which the Minister of the Interior controls the activity of the Commissioners of the Republic.¹⁵ So this organ can be defined as a deconcentrated organ with general scope of activity, the development line of which is not at all unambiguous.

At the same time more and more people consider the future role of the fact that the commissioners of the republic work in regions, the capital city and its districts. Since the Hungarian public administrative system has not been divided into regions until recently, the Parliament had to order in a separate resolution about the regions which serve as the basis for the commissioner's competency.

Do the germs of a new regional administration appear hidden in the form of a controlling organ? In the opinion of Gy. Enyedi – that can be considered as competent thinks – it is possible that the office of the commissioner of the republic will become the basis of the Hungarian regional government. But there would be severe conditions of it, as the union of the counties comprising the regions in certain cases can really be considered as regions, but in other cases they give the impression of improvisation and groundlessness in the aspect of regional relations.¹⁶

CONCLUSIONS

In the closing lines of the study I am trying to outline general correspondences instead of summarising some operational anomalies. The creation of the new local governments in Hungary – in spite of its numerous deficiencies – is considered to be a landmark in the establishment of the system of democratic institutions. It can be rightly stated that the legally ensured freedom and independence of local public legal representative bodies is outstanding even compared to European standards.

It is another matter that in this field the process of foundational legislation has not yet been closed which for the time being makes the tendency in the development of the local government structure unpredictable.

The lack of legal regulations, the inexperience of the new leading elite and the traditional distrust all make it difficult for the local governments to function. In relation to distrust I would like to mention that this factor has played not a minor role in that there is no regional government presently in Hungary. The former county which had a middle-level controlling function lost such rights, because as the redistributor of material resources it became the embodiment of the centralisation in the state socialism. The desire to be freed from the county which was branded as the extended arm of the ex party-state perhaps unduly set the towns and villages into the limelight. The intention of creating local governments with a wide-ranging independence took the attention off the fact that there was no proper counterweight of the government on regional level which would primarily protect regional interests. Moreover, it also happened that a great share of the former county scopes of activity went into the deconcentrated organs which were founded by the ministries in large numbers. The direct result of it is the growth of the government's significance, that is *centralisation*.

In the background of the happenings there is the frittering away of the Hungarian public administration, which is just the opposite of the international tendency. In Hungary, at the time of state socialism – not insignificant coincidence with similar phenomena in western democracies – the fusion of the public administrative units was accomplished within the council system. This regional integration was and is attributed to party-state distortions and centralising efforts, though in its intensity it was more moderate than in the west. Though it is undeniable that the country in its infrastructure was not prepared for the provision of the newly set up regions, which caused disadvantages to quite a number of small villages.

Due to the accumulated aversion, in 1990 almost every village elected its own municipal representative body. Thus the number of the local governments doubled, increased from 1,500 to approximately 3,000.

There is no strategy presently to cope with the disintegration in public administration. There are only germs of the system of ground up associations which was proposed by the local authority law. And what is even more serious is that as an organical concomitant of the drafted process the regional information system has been broken up, nobody cares about regional planning and regional interest protection, finally there is no co-ordinated regional development. It is necessary to find a way out from this chaotic state as soon as possible.

NOTES

- ¹ ÁGH, A. 1991b., p. 117.
- ² BIHARI, M. 1990.
- ³ ÁGH, A. 1991a.
- ⁴ 1990. évi LXV. törvény a helyi önkormányzatokról (Act LXV on the Local Governments)
- ⁵ 1990. évi LXV. törvény 24. szakasz (2) bekezdés (Act LXV Section 24, Paragraph 2)
- ⁶ WEHLING, H-G. 1986.
- ⁷ PÁLNÉ KOVÁCS, I. 1991., p. 1025.
- ⁸ 1990. évi LXV törvény 102. szakasz (2) bekezdés (Act LXV Section 102, Paragraph 2)
- ⁹ In Hungary the regional administrative model of the so-called town surroundings (suburban zones) existed from 1971, so for about two decades. Although the established mutually close social, economic, supply, employment, geographical and transport relations had to be taken into account when the town surroundings were created, in reality they were primarily organised in an administration-centred way. The professional apparatus of the towns (centres) regularly performed the public duties which needed high qualification in the whole of the town surroundings. Co-ordinated development of the linked region was pushed into the background. The compulsorily raised town surrounding fund served the purpose of hidden financial support for the communities, mostly financing separate and not jointly implemented projects. However, it has something to be said for the co-ordination committees of the town surroundings, for they maintained living relations and a dialogue between the towns and villages of a region which were connected in some way.
- ¹⁰ VEREBÉLYI, I. 1991. p. 773.
- ¹¹ Within the scope of legality control over the local governments the commissioner of the republic has the following means: setting a deadline he calls upon the municipal representative body to stop law infringement. If the municipal representative body did not take measures to stop infringement in the given period, then the the commissioner of the republic can exercise his right of initiation. This latter right has three lines.

He can ask the review and annulment of illegal decrees of the local government at the Constitutional Court, and that of illegal resolutions at the court. He can also initiate the convocation of the municipal representative body in order to stop infringement, and state the body official's responsibility. None of the measures taken by the the commissioner of the republic has a delaying force upon the contested legal act.

¹² BECKER, E. 1965.

¹³ 1991. évi XX. törvény A helyi önkormányzatok és szerveik, a köztársasági megbízottak, valamint egyes centrális alárendeltségű szervek feladat- és hatásköreiről (Act XX on the Scopes of Duties and Authorities of the Local Governments and their Organs, that of the Commissioners of the Republic and Certain Centrally Subordinated Organs)

¹⁴ BALOGH, ZS. 1991.

¹⁵ 1990. évi LXV. törvény 96. szakasz (e) pont (Act LXV, Section 96, Point (e))

¹⁶ ENYEDI, GY. 1991.

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