

Synopsis of PhD Dissertation

**Development of the Constitution Between China and
the Visegrad States During the Communist Period:
A Comparative Perspective**

By

DA Lu

Supervisor:

Dr. Norbert VARGA, PhD.
Associate professor

Faculty of Law and Political Sciences

Graduate School

University of Szeged

Szeged, Hungary

2018

I. Background of the Dissertation

1. Abstract

Constitutional law, or fundamental law in some countries, usually regulates the ultimate rules and general principles in each state. Even in socialist states, followed the Soviet model, fundamental rights of citizens, the competences of each constitutional institutes were regulated in the Constitution and adopted by the highest organ of state power in the socialist states usually.

In this PhD dissertation, the author payed his focus on the development of Constitution between China and Visegrad states, that is Hungary, Czech Republic, Slovakia and Poland. It is a legal history study, the author looked back to the communist period, examined the establishment of the communist regime in China and Visegrad states. It is easy to notice that China and the Visegrad countries shared a common history of socialist experiences and social system since the late 1940s. However, the history of communist party in each state which will be presented in this dissertation is much longer than the history of these socialist states. Therefore, after the introduction part, the author presents a detailed introduction of the communist party in each state and focuses on China and Hungary, since at that moment, the communist party had a very valuable experience of the soviet republic, even the provisional constitutional documents had been introduced to public. Even though both constitutional documents never entered into force.

The author spent time and space on the dissertation of the first communist Constitution in each state, the structure and important provisions in each Constitution were examined. Meanwhile, the constitution-making process also introduced by the author, in the last part, the author employed a comparative analysis method.

During the reform period, socialist system was established in each state. The author examined the important constitutional amendments in each state. Since it is a legal study, even though the famous Hungarian 1956 Revolution, Poznan protest in the same year in Poland, Prague Spring in former Czechoslovakia and Cultural Revolution happened in the reform period, the author exercised restraint by not spending much time to describe and analyze these significant events. The main focus

always is on constitutional development, by examining the changes of concrete provisions in different version of Constitution in each state. In this section, a comparative work on the highest organ of state power in each State has presented.

Transform period is the next stage. The crucial point finally came in 1989, after the Revolutions of 1989, Visegrad States abandoned the socialist system and it immediately reflects on the Constitution. The socialist system has been removed from the Constitution, a western style Constitution had been established in a short period. The Revolutions of 1989 also effected China, which led to the Tiananmen incident. However, the Communist Party of China insisted the socialist system in the Constitution, and some important economic reforms have been made, and ensured in the Constitution by adopting constitutional amendment. The Constitution should not only exist on paper, it should be followed by everyone and every institution in the state. Therefore, a constitutional review system has been established in many countries. In this section, the author also gave a comparative analysis on this system.

This dissertation also conducted a comparative constitutional law approach. Three methods are employed by the author. First of all, as the title may imply, the author employed the historical method. The author reviewed the history of constitutional development in chronological order in each state. What is more, how the historical conditions influence the Constitution-making. Secondly, contextualism is used in this research. The author compared the context in the Constitution in each state. Thirdly, as most comparative scholars do, author employed functionalism in this research. The development of socialist Constitution in each state are different, especially between China and Visegrad states, which considered as a whole group. The most significant example is Revolutions of 1989. It affected every socialist state, included China and Visegrad states. However, as we all know later, Visegrad states abandoned their socialist Constitution, and Chinese socialist Constitution continue valid, even some crucial amendments had been adopted.

In conclusion, as we realize, currently, China and Visegrad states have different roads to develop, at the last part of the dissertation, the author also gives three reasons for the different choice, first is the social economic condition, second is the culture

and the last is the relationship with Soviet Union. It is hard to judge the pros and cons of the road that taken by China and Visegrad states, and declare that which one is the best. However, there is still some conclusions could be made. Firstly, a prosperous country can't exist without a Constitution. Secondly, a Constitution must be respect and fully enforced, a constitutional review system should be established. Last but not least, there are some common grounds in the Constitution around the world. However, it is harder to say that there is a model Constitution which every country can be followed, the Constitution in each state should reflect its own condition.

2. Identification of the Research Tasks

2.1 Brief Introduction of Comparative Constitutional Law

It is easy to notice that this is a research paper on comparative law, more specific, comparative constitutional law. In this part, brief literature review of comparative constitutional law shall be presented. Specifically, the author will introduce the history of comparative constitutional law, the concept of comparative constitutional law and why should we compare the constitutional law.

2.1.1 The History of Comparative Constitutional Law

In Michel Rosenfeld and Andras Sajó's edited book *The Oxford Handbook of Comparative Constitution Law*, it described comparative constitutional law as the subfield of comparative law and even only rates a small proportion in the field of comparative law. Comparative law, in an academic sense, appeared in 1900. However, the discipline of comparative constitutional law established much later, since in the very beginning, the comparative study is much more focused on private law field. It is believed that the existence of comparative constitutional law was an academic discipline after the Second World War in Europe. In United States, the Supreme Court also played an important role during the establishment of comparative constitutional law. Later, this discipline is gradually integrated into the legal education system in US and Europe.

In Ran Hirschl's introduction at his book *Comparative Matters: The Renaissance of Comparative Constitutional Law*, several books on comparative constitutional law

were published in the late of 19th century in the United States. However, at that time, the narrative of this topic was given only in the political domain. Meanwhile, shared the similar idea with Rosenfeld and Sajo, Hirschl also agreed that after the Second World War, especially the establishment of communist regime, which brought different type of Constitution in the world. A comparative constitutional inquiry appeared and it finally revived in the middle of 1980s.

In Dixon and Ginsburg's edited handbook, it clearly introduced the development of comparative constitutional law. Comparative constitutional studies could be traced back to Aristotle's Politics. However, as a discipline in education system, especially in the United States, it suddenly became a heated topic in the early of 1950s, late the development in social science and newly constitutional design in several states greatly enriched the studies of comparative constitutional law.

Frankenberg argued that the studies of comparative constitutional law may trace back to Aristotle's comparison work, Politics. Nevertheless, comparative constitutional law as an academic discipline still not established, and it remained as a department of comparative law. Even the discipline standard of the comparative constitutional law has not been established yet, recently development of this topic is more and more notable.

In conclusion, the studies of comparative constitutional law have a long history, at least it could be traced back to the ancient Greece. Aristotle's comparative works, especially his book politics presented different constitutional systems in different political systems. Notwithstanding, most scholars agreed that the comparative law as an academic discipline appeared in the beginning of 20th century and it mainly focused on the private law. In 1940s and 1950s, comparative constitutional law as a discipline was recognized in Europe and United States, in 1950s, numerous comparative constitutional law courses were provided in the law school in US. Until now, this subject is still developing and becoming more and more popular.

2.1.2 Concept of Comparative Constitutional Law

Relatively, comparative constitutional law is still a very new subject even in the legal field. What is the meaning of comparative constitutional law and how is the

scope of this subject is still under debate.

It is difficult to find a simple definition of comparative constitutional law. However, as the name of topic implies, it is a subfield of comparative law, and specifically related to constitutional law. In Meuwese and Versteeg's article "Quantitative Methods for Comparative Constitutional Law", it refers the comparative constitutional law as the "comparative study of constitutional law" and the new trend of the development of comparative constitutional law is so called "quantitative constitutional comparison", which by employing statistical method to numerous constitutional documents. In Harding and Leyland's article, it emphasized that "Comparative constitutional law is the branch of comparative law that studies constitutions as legal phenomena..." What's more, the authors also introduced comparative politics, since there is no clear boundary between these two subjects. In their opinion, the main scopes of comparative constitutional law are constitution-making, constitutional reform and constitutional adjudication. Frankenberg argued that comparative constitutional law is still not form a discipline, it "oscillated" among several disciplines, like political science, philosophy and comparative law. And he also agreed that comparative constitutional law is a subfield of comparative law, rather than an independent discipline. In Dixon and Ginsburg's introduction to their handbook of comparative constitutional law, several phrases are employed by authors to describe this subject, "interdisciplinary interest", "institutionalized". Comparative constitutional study is a maturing field, as Dixon and Ginsburg's introduction mentioned. Therefore, it is a difficult to give a clear and comprehensive concept.

Notwithstanding, as most scholars agreed that comparative constitutional law is the subfield of comparative law, and in Zweigert and Kotz's book, *Introduction to Comparative Law*, a simple enough concept has been given. In a more internationalism sense, "Comparative law is the comparison of the different legal systems of the world." Therefore, it may be possible to consider that comparative constitutional law is the comparison of the constitution in different legal systems of the world.

2.1.3 Why We Need to Compare the Constitutional Law

It is worth to inquire why should we compare the constitutional law, what is the meaning to compare the constitution in different country. This is the question which constitutional comparatist can't avoid.

In Dorsen, Rosenfeld, Sajo and Baer's book, *Comparative Constitutionalism: Cases and Materials*, they gave us reasons why should we compare constitutional law. Firstly, our curiosity pushes us to compare, and recently, with the development of communication, it is much easier to access the constitutional materials in different countries. Secondly, the world has become "smaller", Constitutions in different states are much more interdependent, and Constitution may cross the national boundaries, that means there are more similarities among the Constitutions in each state. Meanwhile, each state has its own social condition and history background, even the Constitution may beyond the boundaries, there are still some unique characters in each Constitution. Thirdly, more and more Constitutional materials are available, since almost every country has its own Constitution. Basu provides a new perspective for this question in his book *Comparative Constitutional Law*. Referring to the domestic sphere, comparing the former Constitutions is also very important for the Constitution-making.

Bring this question to the author's PhD research, which is to compare the development of Constitution between China and Visegrad states during the communist period on the text level, since it will much more complicated to compare the text in the Constitution but also in the real life.

3. Reasons for the Research Topic

Until now, the comparative topic on Chinese and Visegrad States' Constitution during the communist period has never touched upon by the scholars neither from China nor in the Visegrad States.

According to the Dixon and Ginsburg mentioned in their edited handbook, "...90% of comparative work in English language covers the same ten countries..." It is true that most research works in comparative field are focus on these "important country".

Another reason why there is little research scholarship on this topic is that Countries in Visegrad region have their own language. For Chinese, Hungarian, Czech, Slovakia and Polish are not familiar at all. The same situation for scholars who live in Visegrad states, Chinese is also a very exotic language. What make the situation even worse is these languages are not easy to learn, the language difficulty ranking which provided by Foreign Service Institute made five categories for each language, Chinese belongs to Category Five, languages in Visegrad states are ranked in Category Four.

Therefore, here the author brings the first reason to answer the question why the author conducts his PhD research. There is little scholarship on this topic, the author hopes his work may contribute to the comparative research in both sides. The author did a quick research to figure out is there any studies on this topic, the result is somehow shocking. There is no single research work that only focuses on the constitutional development between China and Visegrad states. Even the monograph of Constitution of People's Republic of China to foreigners also rare, the most notable work recently is Zhang's 'The Constitution of China: A Contextual Analysis'. Therefore, this work will also offer a comprehensive picture of the Chinese Constitutional development in the text level.

In reality, with the cooperation between China and Visegrad states are strengthening, especially the "Road and Belt Initiative" is proposed by the Chinese government. It is worth to make the comparative work on the development of Constitution between both sides.

Also, both sides experienced a similar system. After the Second World War, China and Visegrad states entered the communist period, and established a socialist system in the Constitution. However, each country has its own conditions. Therefore, the similarities and differences are provided in the development of Constitution period.

4. Methodology

It is still difficult to find a standard methodology for comparative legal research. As an academic discipline, some general concerns need be fully discussed. Referring to

comparative constitutional law, it is still “maturing”. Therefore, there is no well recognized methodology for comparative constitutional law. In Hoecke’s article, it provides several methods for comparative legal research, namely, the functional method, the structural method, the analytical method, the law-in-context method, the historical method, the common-core method.

More specific methodologies for comparative constitutional law were introduced by Jackson and Venter. In Jackson’s article, the following methods are presented. Classificatory work, historical work, universalist research, functionalism and contextualism. Venter provided his view on methodology of comparative constitutional law. He concluded the following five methods: functionalism and neo-functionalism, transplantation, dialogical interpretation, contextualism and the observance of difference.

Specific to this research, there are mainly three methods used. Firstly, as the title may imply, the author employed the historical method. During the communist period, China and Visegrad states witnessed the development of socialist Constitutions in each state. The author reviewed the history of constitutional development in chronological order in each state. What’s more, how the historical conditions influenced the Constitution-making.

Secondly, contextualism is used in this research. The author compared the context in the Constitution in each state. For instance, the first communist Constitution in each state are strongly influenced by 1936 Soviet Union Constitution if we examined the context of the Constitution, it is easy to make this conclusion.

Thirdly, as most comparative scholars did, the author employed functionalism in this research. The development of socialist Constitution in each state are different, especially between China and Visegrad states, which considered as a whole group. The most significant example is Revolutions of 1989. It affected every socialist state, included China and Visegrad states. However, as we all know later, Visegrad states abandoned their socialist Constitution, and Chinese socialist Constitution continue valid, even some crucial amendments had been adopted.

5. Terminology

In this part, the author will explicitly address what is the meaning of the term of Visegrad states in this research work and the same terminologies used in the Constitution in different countries may functioned in a different way.

5.1 The Brief Introduction of Visegrad and Visegrad Group

Visegrad is a historical town in north Hungary, nowadays this name is famous of Visegrad Group, which consisted of four countries currently, namely Hungary, Czech Republic, Slovak Republic and Republic of Poland. This organization formed in February 1991, three states leaders had a meeting in Visegrad, and inspired by the historical meeting of three Kings in this area in 1335. Since 1993, Czechoslovakia split into two states, Czech Republic and Slovak Republic, both successor countries kept their membership in the Group.

5.2 Different Names for This Region in Academic Sense

In this research, the author mainly focuses on two parts, the first part is People's Republic of China and the second one is Hungary, Czechoslovakia before 1993 and Republic of Poland. How to give an accurate general name for these three countries is not easy. Since from geography to political geography, several words were used to describe this region. For example, in the official introduction of Visegrad Group, this area is considered as Central Europe. However, if we examine the location of these countries with a political geography perspective during the communist period, many literatures prefer to describe they are as Eastern Europe. Besides, countries in this region in many occasions belong to this political geography concept, East Central Europe or Central and Eastern Europe. Numerous scholars present their comparative studies and not only the Visegrad countries, but also several former socialist states belong to this group.

5.3 The Definition of Visegrad States in the Research Work

As mentioned in the last part, no matter the term Central Europe or Eastern Europe or East Central Europe, it is hard to make this conclusion that these terms mentioned above are explicitly refer to Hungary, Czech Republic, Slovak Republic and Republic of Poland. In order to make a more accurately narrative of the country in this region,

the author defined the meaning of Visegrad states. More specifically, in this work, Visegrad states means Hungary, Czechoslovakia and Poland during the communist period.

5.4 Same terminologies in Constitutional text, different conducts in practice

It is needed to be well-informed that some terminologies used in the Visegrad Constitutions and the Chinese Constitution during the Communist period, may operate by its own Government in a different way in reality. Take “election” as an example, in the 1954 Constitution of PRC, the detailed regulations of election of different levels Deputy to the People’s Congress were presented in the Electoral Law of the People's Republic of China for the National People's Congress and Local People's Congresses in 1953 (Thereafter 1953 Electoral Law).

Compared with the Deputy election in the Visegrad states during the Communist period, the first impression of the Deputy election in China at most of its time is the whole election procedure was conducted in an unprofessional way. In some elections, approval by acclamation even became the main election procedure.

Then, the secret ballot was restored with a thoughtless approach. In practice, the city level and higher level’s Deputy election were operated in an indirect way. The Deputy was elected by the lower level People’s Congress, during the election, each Deputy will receive a ballot ticket. If the Deputy dissent from the candidate, then a “x” mark should be marked, an abstention should mark a “√”, for an affirmative vote, the Deputy do not need to mark any sign in the ballot ticket. This thoughtless procedure led a fact, it violated the value of secret ballot. It will be very obvious to show your abstention or dissent to the public, since you need to use a pen to mark in the ballot ticket and for an affirmative vote, there is no need to use a pen.

Besides, some other Constitutional terminologies, like “legislation” and “Judiciary” institutions functioned in a different way. As mentioned in the very beginning of the Dissertation, People’s Republic of China neglected the role of law for a long period, the first Criminal Law of People’s Republic of China adopted until 1979, thirty years after the People’s Republic’s establishment. The first General Principles of Civil Law even adopted until 1987.

6. Structure of the PhD Dissertation

The whole PhD research work consists of six chapters. Chapter one is a brief introduction and literature review of the research work. The last chapter is the conclusion of the research topic, and some comments also presented in this part. The remaining parts of this research work are the main part of the topic, namely the comparative work of the development of Constitution between China and Visegrad states during the communist period.

The first chapter is the introduction part, more specifically, it included four parts. The first part is the literature review of the comparative constitutional law, the history of this subfield discipline, and the definition of the comparative constitutional law. The second part is the methodology of this research work. The third part is terminology in this article and the last part in this chapter introduced the structure of this article.

The second chapter is the early exercise of communist party and the soviet Constitution between China and Visegrad states. There are four parts in this chapter. First part examined the birth of the Chinese Communist Party and its early exercise. Soviet Republic established in China in 1930s and outline of soviet Constitution also provided. However, this regime sooner lost its ruling power. The second part examined Bela Kun's Communist Party and the only 133 days Soviet Republic in 1919 in Hungary. The third part is the introduction of the early exercises of communist party in Czechoslovakia and Poland. The fourth part is the comparative part.

The third chapter is the first communist Constitution between China and Visegrad states. As we all know, after the Second World War, communist system was established in Visegrad region and China. People's Republic of China adopted its first communist Constitution in 1954, a very detailed examining of the text and the structure of the Constitution was included in this part. What's more, the Constitution-making process of the 1954 Constitution was introduced. In this chapter, the author also examined the 1949 Hungarian Constitution, 1948 Czechoslovakia Constitution and 1952 Polish Constitution one by one. The third part made a

comparative work of the first communist Constitution in each state, which mainly focused on text and structure of Constitution between China and Visegrad states. The fourth part is the conclusion of this chapter.

Chapter four mainly focuses on the development of Constitution between People's Republic of China and Visegrad states during the reform period. In this article, reform period started from the middle of 1950s to 1980s. In the Chinese case, three different versions of Constitution were adopted by the National People's Congress. Among the constitutions, the first two Constitutions were strongly influenced by Cultural Revolution, the current Constitution adopted in 1982 and restored many provisions of 1954 Constitution. The second part introduced the constitutional development in Visegrad states. In the Hungarian case, the author paid a special attention on 1972 Constitutional Amendment. In Czechoslovakia case, two constitutional documents were examined. 1960 Constitution announced Czechoslovakia became a socialist state, 1968 Constitution declared Czechoslovakia is federal state. In the Polish case, several important constitutional amendments were introduced. The third part compared the development of Constitution between China and Visegrad states during the reform period. The last part in this chapter examined the supreme organ of the state power in each state and a comparative analysis approach was employed.

Chapter five introduces the development of Constitution between China and Visegrad states during the transform period. After the Revolutions of 1989, socialist system was abandoned in Visegrad states, in this part, the author focused on this vital point, even though the communist Constitution in each state didn't desert immediately, the crucial amendments were adopted by the legislature body in each state in Visegrad region. In the Chinese case, Revolutions of 1989 also affected the ruling of the Chinese Communist Party, therefore, several constitutional amendments were adopted by National People's Congress, economic reform was reflected in the context of current Constitution. The third part compared the constitutional development in each state during the transform period. The last part in this chapter, the author studied the constitutional review system in each state.

In the last chapter, the author made a conclusion of this research work. In the first

part, a brief review of the development of Constitution in each state during the communist period. Why after the Revolutions of 1989, People's Republic of China and Visegrad states chose different roads to develop their country, the reasons also given by the author. In the conclusion of the research work a presentation is offered.

II. New Scientific Results

In this part, the author will address the following three sessions. The first session is a comprehensive review of the whole research work. The second session mainly focuses on the different conditions in each state and how it led to a different road in each state. The third one is a brief conclusion of this research work.

1. Brief Review

After the Second World War, numerous countries regained their independence, countries in Visegrad region also “liberated” by Allies military, especially the Soviet Union’s Red Army. Therefore, the communist party in each state established the communist regime, newly communist Constitution adopted one by one.

In China, Chinese won the Second Sino-Japan War, then four years of civil war broke out in the same year. In 1949, the Chinese Communist Party established People’s Republic of China, Common Program was adopted in the same year. Five years later, Constitution of People’s Republic of China adopted by the National People’s Congress in 1954, it was a hybrid of Chinese Common Program and 1936 Soviet Union Constitution. In the comparative part of this period between China and Visegrad states, it is worth to draw attention the context and structure of the Constitution in each state. The contexts of the Constitution in each state were similar, since all the Constitutions were strongly influenced by the 1936 Soviet Union Constitution. Three parts of the context are compared in this part, the preamble of the Constitution, the fundamental rights and duties of the citizens and the supreme organ of the state power.

It should be noted that the communist party in Visegrad states and China did not exist out of thin air. Therefore, the author gave a detailed examination on the birth of communist party in each state. After the first communist regime established in the world in 1917, especially the operation of Communist International in Moscow, more and more people got the communist ideology and dispatched to the world.

Among these communist comrades, Bela Kun, the Hungarian communist member

was sent back to Hungary, and after his return in Hungary, he soon gained an opportunity to establish a soviet Republic in March 1919, even a provisional soviet Constitution was drafted by the communist party. Nevertheless, this soviet experiment only lasted over 100 days.

In China, the communist party formed in 1921. In 1930s, Mao Zedong operated a soviet experiment in communist-controlled area in Jiangxi Province, an Outline of Constitution of Soviet Republic of China was drafted. However, it never came into force.

When we examine the development of the Constitution between China and Visegrad states, a crucial point of the constitutional development should not be avoided. That is, the declaration of the establishment of socialist state in the Constitution. This is examined in the reform period in this thesis.

The 1954 Constitution in China basically reflected the conditions in China at that time. However, this Constitution soon was abandoned by the leadership, a rule of man policy was employed by the governor and later a ten-year Cultural Revolution movement initiated by the leader of the Party. Under such circumstances, 1975 Constitution announced the socialist system was fully established in People's Republic of China.

However, when we look back to check this announcement now, it is more like an affirmation of the Cultural Revolution. States in Visegrad region also announced the socialist system established in their constitutional documents. In Hungary, it announced Hungarian People's Republic is a socialist state in 1972. Czechoslovakia did the similar announcement much earlier. The socialist system fully established in Czechoslovakia in 1960. Polish People's Republic had the 1976 Amendment to 1952 Constitution, in this amendment, Poland became a socialist state.

The next vital moment for the development of Constitution between China and Visegrad states happened in 1989. Revolutions broke through firstly in this region, later spread in other socialist states. After the Revolutions of 1989, even though the socialist Constitution was not out of validity immediately, several crucial constitutional amendments were adopted by the legislature in Visegrad states. The

most dramatic change was these countries abandoned the socialist system, the provisions which related to the socialist system in the Constitution were modified. Constitutional review system (re)established in the Visegrad states. In China, Tiananmen Incident happened, however Chinese Communist Party didn't lose its rulership, several amendments were adopted by the National People's Congress. The reform mainly focused on the economic field, meanwhile, a so-called socialist with Chinese characteristics was ensured in the Constitution.

2. Reasons for Different Road

It is also interesting to inquire why socialist states chose different roads to develop the Constitution. In this part, after the study of the development of Constitution between China and Visegrad states, there are three reasons may cause such a different choice was chosen by China and Visegrad states.

2.1 Social Economic Condition

Carl Marx had a very famous speech on economy and superstructure. Economic changes sooner or later will transform the superstructure. Therefore, it is important to study the social-economic condition in each state. In this part, the author will analyze the economy development during the communist period between China and Visegrad states.

It goes without saying, at the point of establishment of communist states between China and Visegrad states, the economic conditions in Visegrad states were much better than China's one.

Here is the brief introduction of economy in Visegrad states. After the First World War, Czechoslovakia and Poland as newly established countries in Visegrad region, Czechoslovakia inherited most industry of the former Austro-Hungarian Monarchy, Poland also gained large territory and population in the region. Spulber divided these countries, according to the economic development level, into three categories: Czechoslovakia was the only industrial country, Hungary and Poland belonged to the second categories, which is the agricultural countries with relatively significant processing facilities.

In the Chinese case, the economic condition was much worse than Visegrad states. The development of industry in China at the point of establishment of People's Republic of China was still relatively low, at that moment, China was a primarily agricultural economy, even though the industrialization was slowly increased, the two huge wars heavily damaged the economy of China.

Another proof could be found in Maddison Project's database. In 1950, the GDP per capita in Czechoslovakia was highest, it reached 3501, Hungary and Poland were more or less in the same place, around 2400, and People's Republic of China only reached 448. The economic position in each state didn't change during the whole communist period. In 1988, the eve of collapse of socialist system in Visegrad states, Czechoslovakia reached 8709, Hungary was the second place, 7031, Poland was 5789. However, People's Republic of China still much worse, it was only 1830. Therefore, during the nearly 40 years economic development, the economic condition in Visegrad states were much better than China's one.

2.2 Culture

There is no doubt that Visegrad states belong to the Continent of Europe. Before 1918, Czechoslovakia and Hungary and large territory in Poland belonged to Austro-Hungarian Monarchy, which is considered as a constitutional monarchy. In Hungary, the noble-led liberalism was more successful than the Monarchy's Slavic provinces in practice from German's perspective. However, at that time, the goal of building a bourgeois society appeared. "Free press, free association and better education", such bourgeois slogans were spread in the territory of the Monarchy. Meanwhile, in Czech territory, the liberalism was much more popular than other Slavic lands, the Tabor movement which happened in 1868-70 was supported by over one million masses.

In the Chinese case, it should be noted the influence of Confucianism. As mentioned in the last Chapter, the legal system in ancient China is a hybrid of Legalism, Confucianism and Taoism. Especially the Confucianism required the masses shall loyalty to the governor, and governor shall take care of his subjects. During the period of 1960s and 1970s, the whole society was fully sunk into the

political enthusiasm, several political movements, especially Cultural Revolution dramatically damaged the civil society in China.

2.3 International Relationship with Soviet Union

Except the internal reasons, the external reason also should to be studied. The relationship between socialist states and Soviet Union especially need to pay extra attention.

The rising of the communist regime in Visegrad region, as the most Constitutions in Visegrad states stated that thanks to the help of Soviet Union's liberation.

Before the communist party seized the state power in each state, the local communists had already operated their activities with the support of the Soviet Union, even in the Nazi controlled period, communists had participated in the anti-Nazi movement. In the end of Second World War, Red Army was sent to Visegrad region and helped locals to defeat the German army.

In Hungary, as mentioned early, the Soviet experiment had been performed in 1919 which led by Bela Kun, the founder of the Hungarian communist party. Even though this experiment soon failed, Hungarian communists still operated locally with a low profile. After the Second World War, communists in Hungary used the so called "salami tactics" and gradually came into power.

In Czechoslovakia, communist party played an important role in the coalition government, and kept the crucial post in the government, like the minister of internal affairs. Finally, communists in Czechoslovakia launched the coup d'état in February 1948, and controlled the whole country.

In Poland, Stalin asked the local communist to "move gradually toward socialism by exploiting elements of the bourgeois democratic order such as the parliament and other institutions". After the establishment of communist regime in Visegrad region. Local people tried to change the socialist regime and the Constitution, however, such efforts, like Hungarian Revolution of 1956, Poznan protest in the same year in Poland and late the Solidarity Movement in 1979 and 1980, the Prague Spring in Czechoslovakia in 1968, went in vain, because of the suppress of Soviet Army or the military of Warsaw Pact.

The Soviet army is also credited with the establishment of People's Republic of China, and Soviet helped China to establish its own industry in 1950s. However, the honeymoon between the two countries didn't last too long time. The Sino-Soviet split finally happened in 1960, the open disputes between China and Soviet Union caused the international tensions, in the beginning of 1960, China criticized the ideology of Soviet Union in public. Soviet also reacted to China, such as the withdrawal of the Soviet experts from China.

3. Conclusion

As the very beginning of the chapter mentioned, there are two roads, and only one road shall to be taken. After the Revolutions of 1989, People's Republic of China continued the socialist roads and kept the socialist Constitution. In contrast, countries in Visegrad region chose other roads, and abandoned their socialist Constitutions.

Why China and Visegrad states chose different road? There are three reasons given by the author, the first one is the social-economic condition in each state are different. The statistics present above showed that the living standard between China and Visegrad states are so different, education, entertainment in Visegrad states is much higher than China, it is easier to form a civil society in Visegrad region.

The second reason, culture in each state also played a very important role, the influence of Confucianism made Chinese citizens much easier to accept the centralized government.

The third reason, international relationship with Soviet Union also needed to be considered. Hungary, Czechoslovakia and Poland joined the Warsaw Pact and formed so called Eastern Bloc. The Soviet Union definitely need to be considered as the exclusive leadership in the organization, and Soviet troop also stationed in these countries, for normal citizens, the fear of Soviet Union kept in their mind and indelible. Therefore, when Revolutions of 1989 broke out, Visegrad states immediately split with the Soviet Union. In Chinese case, the Sino-Soviet relationship is more equal, the establishment of socialist state was more like chosen by Chinese themselves.

The Chinese old saying “The history mirrors both thriving and calamity”. To study the development of Constitution between China and Visegrad states also remind us the importance of rule of law and respect of the fundamental rights, especially in the Chinese case, the disaster of Great Leap Forward and Cultural Revolution also warn us the importance of the implementation of Constitution and the fully enforcement of laws.

It is difficult to make a conclusion that what is the best way to develop the Constitution since each state has its own conditions. However, some lessons and experiences may learn from this research study by comparing the development of Constitution between China and Visegrad states.

Firstly, a prosperous country can't exist without a Constitution. Secondly, the Constitution must be respected and fully enforced, a constitutional review system should be established. Last but not least, there are some common grounds in the Constitution around the world, however, it is harder to say that there is a model Constitution which every country can follow, the Constitution in each state should reflect its own conditions.

III. List of the Candidate's Publications Written Within the Topic of the Dissertation

1. *Road to Success: The Legal and Economic Reforms in China*. In: Haffner Tamás, Kis Kelemen Bence, Kovács Áron (eds.) II. Fiatalok Európában Konferencia, Sopianae Kulturális Egyesület, Pécs, 2016. p. 60-68;

2. *The Difference Way to Communist States: The First National Legislative Election between China and Hungary*. In: Ács Kamilla et al. (eds.), 5th Interdisciplinary Doctoral Conference 2016 Conference Book, Doctoral Student Association of the University of Pécs, Pécs, 2016. p. 78-86;

3. *Jus Sanguinis – The Basic Principle in Citizenship Law, Comparative Analysis of First Citizenship Law between Visegrad Four and China*. Journal on European History of Law, Vol. 7, No. 2, London, 2016. p. 123-129;

4. *Rule of Law: Constitutional Interpretation in China*. Studia Juridica et Politica Jaurinensis, No.2, Győr, 2016. p. 38-46;

5. *The Birth of Communist Party and Its Early Exercises between China and Hungary*. In: Kekesi Tamas (ed.) Doktoranduszok Forumá in Miskolc University, Conference Book, Miskolci Egyetem sokszorosító üzeme, Miskolc, 2017. p. 63-67;

6. *First Communist Constitution in China and Its Exercise in Practice*. In: Ács Kamilla et al. (eds.), 6th Interdisciplinary Doctoral Conference 2017 Conference Book, Doctoral Student Association of the University of Pécs, Pécs, 2017. p. 179-189;

7. *The Birth of Communist Party and Soviet Constitution between China and Hungary*. Journal on European History of Law, Vol. 8, No. 2, London, 2017. p. 87-99;

8. *The Development of Constitution of China: The Hierarchy of National and Transnational Legal Sources*. In Andreja Katancevic et al. (eds.), History of Legal Sources: The Changing Structure of Law, University of Belgrade, Belgrade, 2018. p. 95-101;

9. *How to Become a Socialist State - A Comparative Work on the First Socialist Constitution between China and Hungary*. In: Adam Jarosz and Katarzyna Kačka (eds.) Models of European Civil Societies: Transnational Perspectives on Forming of Modern Societies in Central Europe, CGS Studies, vol. 7, Newcastle upon Tyne, Cambridge Scholars Publishing, accepted for publication, in process, 2018.