

Knowledge of law by citizens as a precondition for effective governance. A half-century historical comparison among Hungarian citizens.

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Abstract

“Ignorantia iuris non excusat” is an ancient legal principle stating that, from the point of view of law enforcement (more generally: applying the laws), it is irrelevant if one knows or not the laws she should follow. From the point of view of the social effectiveness of the legal system, this is a highly relevant issue. People cannot – rather: cannot be required to - follow regulations that they are not aware of.

The paper analyses the change of legal knowledge in Hungary from a historical perspective. Relying on questions applied in an empirical study in the mid-sixties we run a representative questionnaire survey some half a century later. Most of the questions probed respondents’ knowledge of hypothetical situations. (E.g. “K. Z. inherits furniture during their marriage. Who owns the furniture?”; or “Is a testamentary valid if it is handwritten but no witnesses sign it?” Altogether 19 questions.)

We examined two main issues: First, how has legal knowledge (measured in this way) has changed in the past five decades, a period including the collapse of communism? We investigate the issue generally but also separately in various legal fields (civil, criminal, public law; 6-6 questions, and the procedural legal questions were also included). Second, what are the factors influencing the level of knowledge, and how has that changed during the past half-century. Most of all we consider the role of age, gender, education level, type of settlement (village, town, city), social stratification. We also reflect on the relative historical change in the role of influencing factors.

We concluded that (a) the level of legal knowledge has highly increased. However, (b) this is due mainly to the increase in overall education level. (c) The only exception is public law, especially constitutional law, where the knowledge increase is much higher than in other legal fields.