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Reforming the Hungarian lay justice system

In Hungary, like almost anywhere in the world, lay justice is a constantly recurring topic in the reflections on the judiciary. Since some regard administering justice as a profession, there has been a continuous discussion whether lay participation is needed in addition to or instead of professional courts. The present study does not aim at taking part in the academic debate on the necessity of lay participation. One of the reasons for this is that, in our view, no legal institution can be judged taken out from the particular historical context, legal system or structure of jurisdiction. For instance, it might prove to be difficult to argue against the jury if it plays an important political role in the independence movement of a nation and defies the repressive power through its verdicts. However, it might prove to be difficult to argue for the jury if it functions primarily as a means of repressing ethnic minorities in a certain era.

We will discuss a particular form of lay justice, which is present also in Hungary, by scrutinizing the dysfunction due to the peculiarities of the Hungarian society and jurisdiction. The reason for this investigation is that, in our opinion, in Hungary there is a large gap between the intention expressed by the law and the everyday practice concerning this institution, established in other countries as well. We would like to emphasize, however, that we would like to avoid any statements that could be interpreted as the general critique of this type of lay participation. We are convinced that under the same rules, but in a different social setting, and under different implementation of law, the same institution could very well function efficiently. We also claim that there is an urgent need for the reform of the Hungarian lay justice system.

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1. Historical precedents

In Hungary, it was already in the 19th century that the juries were established and those debates took place which, with a certain of emphasis, enumerated the most common arguments for and against the necessity of the lay judges.

Those who know the history of Hungary will not find at all curious that at this time (and as it will be discussed later on, also at the beginning of the 1990s) it was the political role of the jury that became the focus of the contemporary discourse. Similarly to Tocquville's[1] or Justice Black's[2] arguments, the main reasons for supporting this institution were the following: first, the importance of creating a counter-balance to the ruling power; second, the popularization of the implementation of law.[3]

The system of juries was introduced temporarily during the 1848 Hungarian revolution against the Habsburg dynasty, and re-introduced after the fall of the revolution, following the forced compromise (1867) with the Austrians. (Although juries were introduced during the revolution concerning cases related to the press, they were quickly abolished in 1852, under the open Austrian dictatorship.) It is therefore not surprising that, similarly to American settlers in former times, the jury could be regarded as a peculiar symbol also by the supporters of the independence of Hungary. Furthermore, at the time when the development of the bourgeoisie, though with a certain delay, finally started and the bourgeoisie wanted to participate more actively in the administration of public affairs, the jury could prove to be an excellent place for achieving this objective.

The ephemeral jury system in Hungary was based on the French jury system imported through the Germans. The similarity is demonstrated mostly by the composition of the jury and the selection of jurors. The jury consisted of three professional judges and 12 jurors, but after the random selection of jurors the prosecution and the defense could drop out disfavored persons in equal numbers. It was the population on which the selection was based that differed from the contemporary French system, as the number of those who could be selected for jury service was more restricted than it was in the contemporary France.[4]

2. Lay judges during the period of the one-party system

The Hungarian jury system was swept away by the First World War, as after World War I it did not serve the interests of the Horthy-regime to have a court which could be the source of conflicts, since this court might even disregard the laws if something offended against its sense of justice.

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[1] *Alexis de Tocqueville: A demokrácia Amerikában. (Democracy in America) Gondolat Kiadó, Budapest, 1983.*

[2] *Justice Black in his dissenting opinion in Green v.U.S., 356 U.S. 165., 215-216. 1958.*

[3] *Bónis- Degré- Varga: A magyar bírósági szervezet és perjog 2. Bővített kiadás. A kiegészítő jegyzeteket írta: Dr. Béli Gábor. Zalaegerszeg 1996*

[4] *Badó Attila: A francia esküdtszékkel kapcsolatos dilemmák In: Acta Juridica et Politica, Szeged, 1999*

After the Second World War, however, lay judges began to play an important role again. The transformation of the Hungarian judiciary started even before the communist takeover, and had as a consequence that this field, which was earlier relatively depoliticized, became an ideological battleground and, with respect to jurisdiction, the participation of people's representatives as lay judges was considered by the Communist Party as one of the most efficient weapons in the ideological struggle. After the war, lay participation was realized, on the one hand, in the People's Tribunals, established for the investigation of war crimes, and on the other hand, in the traditional courts in the frame of a lay assessor system.

2.1 People's Tribunals

The people's tribunals and their institution for appeal, the National Council of People's Tribunals, were set up on 25 January, 1945, before the end of the war by the Provisional Government. Hungary was obliged by the Truce of Moscow to establish people's tribunals and this obligation was reinforced by the Treaty of Paris, which ended World War II. People's tribunals were organized at the seats of law-courts. The leaders of the councils were appointed by the Minister of Justice from among practicing lawyers and the six lay assessors were proposed by the five parties composing the so-called Independence Front and by the trade unions. The judges of the people's tribunals had a three-month-long mandate, which was renewable. The first judgments were passed without legal authority. Later on, the authority of the people's tribunals was extended to cases concerning the threat to peace. The new institution was intended to be a provisional one, and according to the first act on people's tribunals, these courts would operate only until the restoration of the juries. The operation of the people's tribunals marked the beginning of making mockery of justice.[5] The sheer fact that in this period the people's tribunals had to deal with an incredible number of cases compared with similar courts established in other countries, revealed that besides punishing the war

[5] *Before the people's tribunal, the prosecution was represented by the people's prosecutor nominated by the Minister of Justice. These were in many cases non-qualified lawyers who made serious mistakes concerning both the classification and the evidences. Their rhetoric was based on the pretentious slogans of the contemporary press. The strong position of the prosecution against the defense was striking. The words of the intimidated or party-loyal counsels resembled rather the speech of the prosecution than the speech of the defense. When the counsels represented too strongly the interests of the defendant, they were either reprimanded by the prosecutor or the judge or deprived of the right to represent the defense. Even the question whether the defendant had the right to choose his/her counsel was a matter for debate. The Bar of Budapest, on the pretext of conforming to public opinion, decided that the defense of war criminals was to be represented only by an appointed counsel. At the time when one could choose one's counsel there were still courageous counsels for the defense. However, after the introduction of the system of appointed counsels it became possible to select the counsels on a political basis. The president of the people's tribunal, who initially did not have the right to vote, was basically responsible for the instruction of laypersons and for the leading of the court hearing. However, the president had a large influence on the outcome of the cases. It was him who informed the lay judges about the law as it applied to the case, and about the possible sanctions. Consequently, it was not irrelevant for the Communist Party who held this position.*

criminals these institutions served other objectives as well, namely the enforcement of party interests and the removal of political opponents. [6] On the pretext of the punishment of war criminals which was required by the Western powers, the Communist Party led by Rákosi Mátyás began the elimination of the other parties with the help of these tribunals. All of a sudden more and more seditious elements were discovered among the members of the victorious political parties through the proceedings of people's tribunals, mostly on the basis of false accusations. As a consequence, the members of the democratic parties either joined the Communist Party or left the political scene in order to avoid retaliation. Looking back it is quite difficult to understand how Rákosi and his party managed to control the institution of people's tribunals to such an extent, while the people's judges were delegated by five parties. This can be partially explained by the fact that the Communist Party aided by the Soviets had filled the positions of council's leaders and those of people's prosecutors by their party members before the democratic parties could react. Furthermore, the communists got some of their party members to join various democratic parties and asked them to weaken these parties from inside. Finally, they had control over a considerable number of judges, who were intimidated by the threat that their past would be revealed. Such illegal practices were either planned by the communists led by Rákosi or executed under the explicit orders of the soviet leadership. The proceedings of people's tribunals therefore disregarded the proclaimed ideological objectives and instead of fascists it was often the members of the victorious democratic parties who were accused. After 1949 the people's tribunals began to lose their importance, since their role was taken on by traditional courts. It was only after the 1956 revolution that they became significant political means again, when the conviction of revolutionaries had to be hidden behind the mask of "the people" to legitimize the regime. [7]

2.2 The lay assessor system

In the course of 1948-1949 a turning-point came about when the communist takeover of the power inaugurated the era of a governing system based on the Soviet example. At this time the new system required more definitely the reorganization of jurisdiction, and this marked the beginning of the epoch of socialist legislation. The process of legislation started with the reform of substantive and procedural law on the basis of the Soviet example. The modern codes having come into existence under the Austro-Hungarian regime were gradually replaced. We can also observe the commencement of the disintegration of the highly complex four-level jurisdiction system with the objective that a new jurisdiction system be created in accordance with the party organization and the administrative system. Act XI. of 1949, which limited the possibilities of appeal in the case of criminal proceedings, also ruled on the initiation

[6] *Between 1945 and 1950, about 10000 people were accused in Austria, 17000 in Belgium, less than 20000 in Czechoslovakia, and almost 70000 in Hungary*

[7] *FLECK Zoltán: Jog a diktatúrában. Jogszolgáltató mechanizmusok a totális és poszt-totális politikai rendszerekben. Budapest, 1999. Doktori Disszertáció; RÉV István: A koncepciós színjáték. Rubicon, 1993/3.*

of the lay assessor system, the authority of which was extended to other fields of law later on. This meant that the professional judges formed judicial councils together with the so-called lay assessors on various levels of the court system, in a way that the judges had equal rights within the council generally composed of one professional judge and two lay assessors.[8]

This system was practically the adaptation of mixed tribunals, present in Germany and other European countries, to the Hungarian legal system. It is interesting to note that this frequently criticized institution proved to be more persistent than anyone would have expected, given the fact that it is still in existence substantially in the same form. According the first act on lay assessors, this form of administration of justice was initiated on the one hand to ensure that the opinion, the sound view of life, and the natural sense of justice of the working people play a role during court hearings and in the passing of judgments, and on the other hand to make possible the democratic control of the judge. Taking into consideration the particular political context, it is not difficult to realize the objective of the latter function of people's tribunals. The aim was by no means to supervise the impartiality or the incorruptibility of the judge, but to have control over the judges socialized in the former system. After the communist takeover of the power the judges appointed under the former regime were progressively intimidated and removed. This could happen by assigning lay judges efficiently trained by the party leadership, who were to work with the professional judge, and had to report on his activity and obstruct his work. This was made possible by the new law which from the very beginning gave equal rights to the lay assessor and the professional judge. That is to say, if the law ordained the participation of the lay assessor, professional judges and lay assessors had to administer justice strictly together in every phase of the procedure from the determination of issues of fact and law to the passing of the judgment.

After the Stalinist era, however, this institution gradually lost its political significance, and the dominance of professional judges became more and more manifest. In other words, from the 1960s, the stabilization of the communist regime and the considerable changes in the composition of the judicial society made it unnecessary to use lay judges for political reasons. With the emergence of loyal judges with a more and more technocratic view, the lay persons lost their importance.

Previous research from the perspective of the sociology of law carried out by Kulcsár Kálmán[9] at the beginning of the 1970s already demonstrated this trend. The results of these studies show that the participation of lay assessors is quite low, their contribution to the making of the judgment is exceptional. Although numerous reasons of this dysfunction were revealed by the researchers, the most important one proved to be the selective process, which made it possible that usually elderly, retired people be "selected", who would not "disturb" the work of the professional judge.

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[8] *ZINNER Tibor: Háborús bűnösök, népbíróságok. História, 1982: IV. évf.. 2. sz.*

[9] *Kulcsár Kálmán: A népi ülnök a bíróságon. (Lay assessors in court) Akadémiai Kiadó, Budapest 1971.*

3. Lay assessor system after the change of the political system

It becomes obvious from the above discussion that in Hungary lay participation cannot be regarded as a great success of the 20th century. What is most surprising is the fact that while most institutions discredited in a similar way were abolished or transformed, the lay assessor system is still in existence although it is widely known that this system does not work properly and that the recrutation of the necessary number of lay assessors causes constant problem.

Almost immediately after the free elections in 1990, there is a demand for the reform of the lay justice system, the main objective of which was the introduction of the jury in Hungary[10]. After the dictatorship, this demand seemed to be logical for many people, and they argued by underlining only the political advantages which were proclaimed by authors from Lord Devlin[11] to the ones quoted above. The legitimacy of jurisdiction should be reinforced by increasing the role of voters in the same way as the election of members of Parliament creates the legitimacy of legislation directly, and that of the executive power indirectly. The political advantages alone could not convince those who had ambivalent feelings towards the jury in terms of competence. This is the reason why the proposals on the introduction of the jury were removed from the agenda in spite of historical traditions.

However, the arguments managed to weaken or wipe out those efforts which would have set out the future of Hungarian judiciary in the opposite direction by intending to eliminate the role of lay persons.

Finally, due to the practical problems of the selection of lay assessors, the lay assessor system was modified only to the extent that the number of cases requiring the participation of lay judges was limited and that the term "people' assessor"[12], typical for the socialist era, was replaced by the term "assessor"[13]. However, this institution remained pseudo-democratic and practically unnecessary in its present form.

3.1 Rules presently in force

One of the greatest attempts at the reform of the Hungarian judiciary was made in 1997. The alterations affect principally the court organization and the external administration of courts. (The court system became more complex and the role of the Ministry of Justice was taken over by the National Council of Jurisdiction, which is composed mostly of judges.) The reform also contained changes concerning the lay assessor system. (We claim, however, that the reform was not far-reaching enough to solve this problem of the Hungarian jurisdiction.)

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[10] *Botos Gábor: Az esküdtbíróság újbóli bevezetéséről. In: Rendészeti Szemle. A Belügyminisztérium folyóirata.2/ 1992 11.-51.*

[11] *Devlin, P.: Trial by jury. Stevens and Sons, 1956:164.*

[12] *Népi ülnök*

[13] *Ülnök*

According to the new law, the assessors work together with judges in administering justice. They obtain this position by election, based on the principle of people's sovereignty. The lower age limit to be able to become an assessor is raised from 24 to 30. This alteration is parallel with the rise in the lower age limit of becoming a judge. The selection of the assessors follows principally the former regulation. The assessors are nominated by Hungarian citizens having domicile under the jurisdiction of the court and a right to vote, by the local governments under the jurisdiction of the court and by non-governmental organizations with the exception of political parties. Depending on the level of the court which assessors will be assigned to, they are selected by various bodies of local governments. The law did not change the four-year-long mandate of the assessors. The preparation of the selection and the decision how many assessors should be selected for particular courts belong to the authority of the National Council of Judiciary. The date of the election is set by the President of the Republic. The assessors are assigned to the particular judicial councils by the president of the court. In contrast to the former regulation the new law provides in details on when and how the term of office of the assessors expires. The assessor is allowed to hold this position until the age of 70. In the judicature the assessors still have the same rights as the professional judges.[14] Furthermore, there is a raise in the inadequately low remuneration, which is thereby adjusted to the responsibility characteristic for the position of a judge.[15]

3.2 Reality and reform

As a result of the modification some positive alterations can be observed. (The upper age limit of 70, for instance, excludes the possibility that really old people incapable of following the events of a court hearing become lay assessors.) However, there is still a large gap between the pretentious rules and the reality. In our opinion, the new rules did not change essentially this institution, which thus remained dysfunctional.

Yet, we are convinced that, taking into consideration the rules of Hungarian procedural law, mixed judicature in the proper sense of the word is needed on every level of the court system. One should not be a partisan of legal realism to be aware of the risk of letting a single judge reach decisions which have a large influence on the lives of citizens, as such decisions depend highly on the actual state of mind and powers of concentration of a single person. Without the intention to take part in the debates on the necessity of lay participation, we claim that due to budgetary limits and the Hungarian court system this problem can be solved only by promoting lay participation in today's Hungary.

The above-mentioned problem manifests itself mostly in the so-called local courts representing the lowest level of the judicial hierarchy. These courts have to deal with the majority of the cases. However, it is exactly in these courts that in many cases

[14] *However, the equal rights are not parallel with equal obligations. The assessor is allowed to be the member of a party, which is also reinforced by a decision of the Constitutional Court: (51/1992. (X.22)*

[15] *Act LXVII of 1997, §122-128*

young (30-40-year-old) and inexperienced judges pass judgments alone[16], and in more serious cases together with two lay assessors.

Furthermore, they have to deal with hundreds of cases at the same time without an adequate number of administrative assistants. Nevertheless, concerning criminal proceedings the Hungarian procedural law gives especially great power - particularly with respect to the consideration of evidences - to the judges in the courts of the first instance. (The part of their judgment related to the consideration of evidences cannot be changed in principle by the appeal court.) In such a situation it would be of paramount importance that the professional judge would not have to bear the full weight of responsibility and to decide alone on people's future. At present, lay persons are not ready to assume a role with such high responsibility. Despite the legislators' intention for them to have such a role it is obstructed by the selection process, by the survival of lay judges' behavior developed in the socialist era, and by the prejudices of the professional judges etc. As we have already mentioned, it would be possible according to law that the lay persons outnumbering the professional judges reach a decision opposed to that of the professional judge. However, there are hardly any examples in the judicial practice of the past few decades where the professional judge, disagreeing with the judgment, expressed his dissenting opinion attached to the court's decision.[17] Yet, according to the judges the lay persons might make useful remarks especially if they have better knowledge of an issue than the professional judge owing to their profession. The results of our previous study[18] show that the judges do not consider the lay persons as equal partners, they are not involved in the passing of decisions, which is not expected by the majority of assessors either. Even those assessors who initially are active to a certain extent shortly take on a passive role, adapting themselves to the traditions, and become mere observers of the events. Taking all this into consideration it is not surprising that assessors are often mockingly called 'ornaments' by the lawyers. This ironic attitude was also reinforced by the amendment of the existing law in 1995. The situation of the assessors is best characterized by the fact that their replacement has no consequence in terms of procedural law. That is to say, assessors can be changed freely during the procedure. Should the date of the court hearing not be suitable for one of the assessors, s/he can be replaced by the judge in charge of the assignment of the assessors. Knowing what happens in practice we can point out that the present form of the lay assessor system is nothing but the caricature of people's participation. This is why we find that a comprehensive reform in this respect cannot be further postponed in order to give sense to the already existing institution by acknowledging the necessity of mixed tribunals.

In our view the problem could be solved by making the assessors' service civic duty[19], by elaborating carefully the selective mechanism, and by ensuring an appropriate remuneration for the assessors. We are convinced that in order to achieve

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[16] *In criminal proceedings in case of crimes which can be sanctioned by not more than three years of imprisonment*

[17] Az ítélkezők felelőssége — Magyar Nemzet 1999. március 24. 7.p

[18] *BADÓ Attila & NAGY Zsolt: Az ülnök szerepe a bíróságon. (The role of assessors in court). Manuscript.*

[19] *Or at least it should become an activity giving such an amount of social esteem that it would become really possible to choose from the applicants*

the above-mentioned objectives the Hungarian lay assessor system should adopt of solutions used in juries and lay assessor systems in other countries.

At present those become lay assessors who would like to. This intention is usually fueled not by an insatiable desire for participating in the administration of justice but rather by the modest remuneration or by the 'appetitus societatis'. It was demonstrated by the last few assessors' selections that there are much fewer candidates for this position than it would have been necessary. [20]Even today, the overwhelming majority of the candidates are senior citizens, who represent a particular segment of society. It might sound strange considering the efforts made by other countries, and especially by the United States to enforce the 'fair cross-section requirement' and the constitutional requirement of impartiality. Although the theoretical and practical problems of the selective mechanism are known[21], it is evident that experiences from America, from France and other countries could prove to be useful. It is unacceptable that with the exception of the judge responsible for the assignment of the assessors, no one else has the right guaranteed by procedural law to make objections to the choice of the assessors. We do not intend to give work for the sociologists and psychologists[22], but we think that the "voir dire" procedure could be applied with certain restrictions in the case of assessors.

Other patterns related to the passing of judgments ensuring the responsibility and the real participation of lay persons could also be applied. For instance, secret voting on certain issues, on guilt, and on the sanctions could be made mandatory. We are convinced that through such modifications carried out following the suggestions of experts the present situation could be altered in a way that the positive effects should be felt by the professional judges as well.

In the present paper, we do not aim at giving effective suggestions concerning the reform. Our only objective was to draw attention to intolerable situation of Hungarian lay assessor system, which can discredit lay justice and which calls for an urgent solution. In order to be able to make effective suggestions, in addition to studies from the perspective of the sociology of law, there is a need to reveal and solve practical problems, which should be based on active cooperation of experts representing various fields of law. We hope that we should not wait long until the beginning of such cooperation.

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[20] Lassan befejeződik a laikus bírák választása Népszava 1997. október 30. 6. p

[21] *Mitchell S. Zuklie (1996) Rethinking the Fair Cross-Section Requirement, California Law Revies Vol. 84:101*

[22] *Sage, Wayne (1973): Psychology and the Angela Davis Jury. Human Behavior Magazine, January, 56-61.Murray SAMS, Jr. (1969) „Persuasion in the Voir Dire: The Plaintiff's Approach," in Persuasion: The key to damages 3-8 G. Holmes ed.*

REFERENCES:

Aninat, M: Les jurés (1980). Presse Univ. de France, Paris

Atiyah and Summers (1987) Form and substance in Anglo-American law. A comparative study of legal reasoning, legal theory, and legal institutions. Clarendon Press, Oxford

Allport G.W. (1977) Az előítélet. Budapest: Gondolat.

Badó Attila (2000) Laikus bíráskodás és reprezentativitás (A Fair cross section doktrína) Bérczi Imre emlékkönyv 1-11. p

Bermant, G. (1985) The psychology of evidence and trial jury procedure. Beverly Hills

Bónis- Degré- Varga (1996): A magyar bírósági szervezet és perjog 2. Bővített kiadás. A kiegészítő jegyzeteket írta: Dr. Béli Gábor. Zalaegerszeg

Botos Gábor: Az esküdtbíróság újbóli bevezetéséről. In: Rendészeti Szemle. A Belügyminisztérium folyóirata.2/ 1992 11.-51.

Botos Gábor: Az esküdtbíráskodás Magyarországon az évszázad elején. In: Magyar Jog 11/93.

Botos Gábor: A tárgyalás menete az Osztrák esküdtbíróságok előtt. In: Rendészeti Szemle 1/93.

Broeder: (1954) The functions of the jury. Facts or fictions. Chicago L. R. v 21,

Costanini, E. and King, J. (1980/1981) The partial juror: Correlates and causes of prejudgement. Law and Society Review, 15, 9-40.

Cserba Lajos (1992) Ülnökbíráskodás haszna, kára, költsége Publ. Univ. Miskolc. 3-13. p

Cserba Lajos: Elhatározás, kényszer, költség, vagy személyi összefüggések kérdése-e a magyar igazságszolgáltatás reformja Magyar Jog 1991. április 232-235.

Darrow, C. (1936) Attorney for the defense. Esquire Magazine, May 1936. Reprinted in California Trial Lawyers Journal, 1974-75.

David, Rene and Brierly, John E. C. (1985) : Major legal systems in the world today. Third edition. London. Stevens and Sons Ltd.

Dragu, Thomas (1931): Juges-citoyens ou juges de metier? Essai sociologique de legitimation du jury. Paris Rivier

E.B. Ebbesen, R. S. Wyer, Jr., D. L. Hamilton, and D. E. Carlston (1980): Person memory: the cognitive basis of social perception. Hillsdale, Erlsbaum

Forston, R. F. (1968) „The decision-making process in the American civil jury: a comparative methodological investigation." Ph.D. dissertation, University of Minnesota.

Frank, Jerome (1949): Courts on trial. Myth and reality in American justice. Princeton University Press

H. Fukarai et al (1993) Race and the jury: Racial Disenfranchisement and the search for justice,

Goebel, J.,Jr (1969) The courts and the law in colonial New York. Pp. 245-277. In D.H. Flaherty (edited) Essays in the history of early American law. Chapel Hill: University of North Carolina Press.

Goettges, Walter (1979) Die Laienbeteiligung an der Strafrechtspflege. Ihre Geschichte und heutige Bedeutung. Bonn

Hans, Valerie P. and Neil Vidmar (1986) Judging the jury. Plenum Press, New York and London.
Hyman H.M., C.M. Tarrant (1975) Aspects of American trial jury history. In: Ed. By Rita James Simon: The jury system in America. A critical overview. Sage Publications, Beverly Hills, London.
Kalven and Zeisel (1966): The American jury. Little, Brown and Company, Boston
Klausa, Ekkehard. (1972) Ehrenamtliche Richter. Ihre Auswahl und Funktion, empirisch untersucht. Frankfurt at the Main: Athenäum.
Kulcsár Kálmán (1971) A népi ülnök a bíróságon. Akadémiai Kiadó, Bp.
Lempert, Richard (1992) A jury for Japan? In: The American Journal of Comparative Law, Winter, 37-71.
Leue, F.G.: Das deutsche Schöffengericht, Leipzig 1847.
Rácz Attila: A bírósági rendszer az európai szocialista országokban Állam- és jogtudomány XVI/2. 1973. 234-267.
Révai Tibor: A polgári eljárásbeli népi ülnöki részvétel problémái Magyar Jog 1968/6. 345.
Murray Sams, Jr. (1969) „Persuasion in the Voir Dire: The Plaintiff's Approach," in Persuasion: The key to damages 3-8 G. Holmes ed.
Stodtbeck, F. L., && Hook, L. H. (1961) The social dimensions of a twelve man jury table. Sociometry, , 24., 397-415.
Silvestre C. (1995) Les principes généraux de la procédure pénale franççaise, Mémoire D.E.A, Aix-Marseille,.
Taylor, S. E. and Crocker, J. (1980) Schcematic bases of social information processing. In E.T. Higgins, C. P. Herman
Alexis de Tocqueville (1983) A demokrácia Amerikában. Gondolat Kiadó, Budapest,
Valdman E. (1996) «Pour une réforme de la Cour d'Assises»
Varga Csaba (1989): „Tény és proceduralitás a bírói ténymegállapításban" in: „Állam- és Jogtudomány, XXXI
Warner, H.C. (1959) Development of trial by jury. Tennesse Law Review 26. 459-467.
Weigend, Thomas (1986) Öffentliche Vorverurteilung und faires Strafverfahren. Eser Albin/Meyer Jörgen
Mitchell S. Zuklie (1996) Rethinking the Fair Cross-Section Requirement, California Law Review Vol. 84:101

A bíráknak partner kell. 11000 népi ülnök kerestetik. Népszava 1991. február 4. 5.p
Az ítélkezők felelőssége. Magyar Nemzet 1999. március 24. 7.p
Az ülnökök az ítélkezés pártatlanságát szolgálják. Magyar Nemzet 1999. augusztus 26. 5.p
Esküdtek vagy ülnökök? 1997. február 22. — Bencsik Réka
Esküdtek vagy ülnökök? Civil a bíróságon HVG 1991. március 9. 24. p
Kell-e nekünk népi ülnök ? Képes 7, 1989. november 18.

Lassan befejeződik a laikus bírák választása. Népszava 1997. október 30. 6. p
Magánítélkezők . 1997. november 8. HVG
Maradnak a népi ülnökök . Népszabadság 1996. január 10.
Népszerűtlen az ülnöki tisztség. Népszava 1995. április 4. 3. p

Ülnöknek lenni. ÉS, 1990. január 19. 16.p
Ülnökkereső — Az igazságszolgáltatás összeomlásától tartanak. Magyar Nemzet 1991. március 8. 5.p
Ülnököket választanak. Az önkormányzatok 1200 poszt betöltéséről döntenek. Népszava 1997. október 10. 2. p
Új bírósági ülnökök kerestetnek. Magyar Hírlap 1997. október 15. 19. p