

## *A Brief History of the Hungarian Legal History Science with a Special Attention to the Publication Possibilities*

### Abstract

The article includes a comprehensive and accurate picture of the development and hardships of the Science of Legal History from the second half of the 20<sup>th</sup> century. It is impossible to give a systematic representation of the science of legal history in Hungary; the author's aim is use snapshots of different problems in order to give a feeling for the changes legal history went through due to the political events of the 20<sup>th</sup> century. To sum up, it can be said that publication opportunities were affected by both subjective and objective factors in Hungary. It is a happy fact that the number of researchers in the field of legal history constantly increased. The structure of university education and the changes in international relations also affected the transformation of possibilities for publication. After the era of Socialism, the publication of research results in the field of Hungarian law, more specifically, the field of legal history, changed significantly. One must not forget that with the broadening of international relations, further options became available for foreign colleagues to become familiar with the works of Hungarian legal historians.

**Key words:** legal history, Hungarian law, source edition, legal historical source, methodology of edition, Hungarian journal, legal history publication

**Słowa kluczowe:** historia prawa, prawo węgierskie, źródło prawa, źródło historyczno-prawne, metodologia edycji, czasopismo węgierskie, publikacja historycznoprawna

After the end of World War II and the lapse of the German occupation, not to mention the end of the Fascist system in Hungary, the nation's legal historians began their research under the "spell" of Marxist ideologies. We can consider the period between the liberation from German occupation (1945) and 1956 as a sort of transitional period. The spread of the Marxist view on history was a specific characteristic feature of this era, which can be seen in the contemporaneous works of historical scholarship as well.

World War II did not only shake and destroy the Hungarian nation from a financial or cultural point of view, but also had harmful effects in the field of academic endeavours. Legal history can be divided into three bigger periods in the years after the liberation:

the period from 1945 to 1956, the period from 1956 to 1989,<sup>1</sup> and the most recent period, which started in 1989 and lasts up to the present day. In the first period, important texts in the field of legal history were written, for example, by Ferenc Eckhart (a professor at Eötvös University in Budapest)<sup>2</sup> and György Bónis (a professor who first worked in Kolozsvár, i.e. today's Cluj-Napoca, then in Szeged).<sup>3</sup> Of course, we must not forget that historians also wrote essays in the field of legal history. We can observe an upsurge in this field from 1953, as legal historians began to publish more and more in the field of legal history.<sup>4</sup>

A generational shift can be observed during the second period, which saw the following legal historians reach leading positions: Andor Csizmadia (a professor at the University of Pécs), Ödön Both (a professor at the University of Szeged), Kálmán Kovács<sup>5</sup> and Pál Horváth<sup>6</sup> (professors at Eötvös University).<sup>7</sup> Beside the group of highly esteemed legal scholars of this generation, several other prominent researchers emerged in this field. The development of legal history was briefly held back by the revolution of 1956, when several researchers had to abandon their jobs at the universities because of their real or supposed involvement in the events of the revolution.<sup>8</sup> One of these professors was Alajos Degré of the University of Pécs,<sup>9</sup> who was not allowed to teach after the revolution of 1956, but could only work in the archives of Zala County. Only after his retirement in 1977 could he return to his position of university professor at the Department of Historical Auxiliary Sciences at the Eötvös Lóránd University (Budapest), Faculty of Arts.<sup>10</sup> György Bónis had a similar fate, for he had to leave the University of Szeged after the revolution of 1956, after which he worked at the National Archives of the capital city.<sup>11</sup>

<sup>1</sup> M.T. Révész, *A jogtörténet jelene és jövője*, "Jogtörténeti Szemle" 1990, vol. 3, p. 98.

<sup>2</sup> F. Eckhart, *Jog és alkotmánytörténet* [in:] *A magyar történetírás új útjai*, ed. B. Hóman, Budapest 1931; *idem*, *Vita a magyar történetírás új útjairól*, "Budapesti Hírlap", 10.03.1931; *idem*, *A magyar alkotmányfejlődés Válasz Tomcsányi Móricz és Molnár Kálmán bírálatára*, "Magyar Jogi Szemle" 1931 – Magyar jogi Szemle Könyvtára 36, 1931; *idem*, *Sztálin tanítása és a magyar állam – és jogtörténet*, "Jogtudományi Közlöny" 1951, p. 751–755.

<sup>3</sup> G. Bónis, *Jogtörténet és művelődéstörténet*, Budapest 1943.

<sup>4</sup> Ö. Both, *Tudományos kutatási irányok a Magyar jogtörténet terén (1945–1969)* [in:] *Acta Univ. Szeged. Jur. Pol.* 1994, ed. K. Tóth, t. 45, fasc. 3, p. 3–13.

<sup>5</sup> K. Kovács, *A magyar jogtörténeti kutatások néhány jellemző vonása és további feladatai* [in:] *Az állam – és jogtudományok fejlődése*, ed. K. Molnár, Budapest 1975.

<sup>6</sup> P. Horváth, *A dualizmus kori jogtörténetírásunk főbb irányai* [in:] *Acta Fac. Pol. et Jur. Univ. Scient. ELTE*, Budapest 1968; *idem*, *A magyar jogi historizmus fejlődésének problémái az újabb tudománytörténeti kutatások fényében* [in:] *Jogtörténeti Tanulmányok IV*, ed. P. Horváth, Budapest 1986; *idem*, *A kelet – és közép-európai népek jogfejlődésének főbb irányai*, Budapest 1968.

<sup>7</sup> M.T. Révész, *A jogtörténet...*, p. 99–100.

<sup>8</sup> Ö. Both, *Tudományos kutatási irányok...*, p. 13.

<sup>9</sup> A. Degré, *A magyar jogtörténetírás keletkezése és fejlődése a dualizmus korában*, Budapest 1968; *idem*, *Magyar jogtörténetírás a Horthy-korszakban*, "Gazdaság és jogtudomány" 1969, vol. 1/2.

<sup>10</sup> G. Máthé, *In memoriam Degré Alajos (1909–1984)* [in:] *Degré Alajos Emlékkönyv*, eds. G. Máthé, J. Zlinszky, Budapest 1995, p. 12.

<sup>11</sup> M.T. Révész, *Bónis György (1914–1985)*, "Levéltári Szemle" 1986, t. 36, vol. 2, p. 105–107; *Bónis György jogtörténeti munkássága*, ed. P. Stauber, Budapest 2001; A. Horváth, *Bónis György (1914–1985)*, "Jogtörténeti Szemle" 1990, t. 5, vol. 3, p. 127–129; J. Ruzsoly, *Bónis György: Pályám emlékezete 1983*, Szeged 2007, p. 101–148; K. Nagyné Szegvári, *Bónis György (1914–1985)* [in:] *Magyar jogtudósok*, vol. 1, ed. G. Hamza, Budapest 1999, p. 155–168; J. Ruzsoly, *Egy élet a jogtörténetért. Bónis György pályafutásáról*

Apart from the objective hardships of the development of legal history described above, there were also several problems on a subjective level.<sup>12</sup> Béla Iványi, professor of legal history at the University of Szeged stressed that there were only a handful of legal historians who made actual scholarly contributions in this field, even before Trianon. In his opinion, the main reason behind this was that there were only a few researchers who actually dealt with legal history.<sup>13</sup> What made research and the development of legal history even harder was that there were limited opportunities to publish, so it was difficult to find a printing press or a publishing house where the essays could appear.

The pursuit of sources, which was a typical research method of the 18<sup>th</sup> century, together with a romanticized viewpoint and legal positivism, made a great impression on thinking in the field of legal history.<sup>14</sup> The methods of the history of ideas only appeared in the research of legal history during the first half of the 20<sup>th</sup> century.

During the period between 1957 and 1969, the publication of papers in the field of legal history was constant. We can separate the following research fields in the aforementioned period. For the most part, the processing of the history of the Era of Estates was basically the purview of historians (rather than legal historians) in this era.<sup>15</sup> Nor has the legal history of the Turkish occupation (1526–1686) been dealt with by many experts. This period is, in general, painfully neglected in Hungarian history, and like the previous era, it is mostly the area of historians. The processing of the revolution and the war of independence in 1848 shows a more mixed image, if one looks at it from the point of view of the academic achievements of legal historians and historians. They also adapted several theories of different important politicians of the Reform Era. This research direction managed to remain “fashionable” among today’s historians. But one cannot state that the legal historians of our time would not look at the career of one of the important legal experts or politicians. Experts considered research on the revolution and the war of independence in 1848 to be extremely important. Many papers also dealt with the constitutional history of the period lasting from 1918 to 1919, especially the state and legal system of the Council of Republic of Hungary, 1919, just like in the case discussed in the previous point.

It must be especially stressed that a part of the research in the field of legal history consisted of processing sources on local history, apart from the national research on political topics and legal institutions. The reason behind this research method is that because of the legal separations during the Era of Estates, the only way to accurately map the traditions in the field of legal history is to process local sources.<sup>16</sup>

All in all, it can be said that from the 1950s several topics came into the limelight which had not been dealt with by a significant number of expert before. We can agree

---

[in:] *Jurisprudentia splendidissima. Tanulmányok Nagyné Szegvári Katalin tiszteletére*, Budapest 2010, p. 191–203.

<sup>12</sup> G. Vargyai, *Jogtörténetírás Magyarországon (1969–1971)* [in:] *Jogtörténeti tanulmányok III*, ed. A. Csizmadia, Budapest 1974, p. 281.

<sup>13</sup> B. Iványi, *Király János: Fejezetek Szent István törvényhozása köréből*, “Századok” 1930, t. 64, vol. 1–3, p. 522; G. Bónis, *Jogtörténet...*, p. 6.

<sup>14</sup> E. Mályusz, *Az Eckhart-vita*, “Századok” 1931, t. 65, vol. 9–10, p. 412; G. Bónis, *Jogtörténet...*, p. 9.

<sup>15</sup> Ö. Both, *Tudományos kutatási irányok...*, p. 13–18.

<sup>16</sup> *Ibidem*, p. 19–29.

with this quotation from Ödön Both, legal historian from Szeged, if we look at the methods with which topics were processed:

[...] the Hungarian legal historians were more keen on dealing with constitutional or administrative history than on looking into the histories of private, criminal or litigation law.<sup>17</sup>

It is a good example to depict the “planning” if we take into account that there were some legal branches where the research projects were pushed forward.<sup>18</sup> The so-called research “blind spots” were present even in the case of the aforementioned specific fields of law.<sup>19</sup>

The ethos of Marxism and Leninism became more and more prominent in the development of legal history after the liberation, and indeed, the “honest need for their usage” was proposed.<sup>20</sup>

This transformation of viewpoints, ideologies and methodological transformation, to which a great deal was added by the input coming from the experiences of the Soviet research projects in the field of legal history, caused a change in quality in how we conduct our scholarship today.<sup>21</sup>

However, in my opinion, the Soviet legal scholarship delayed the development of Hungarian legal development for a period of time, for basically it cut all ties with the research conventions established by legal scholarship in the 19<sup>th</sup> century. With this ideological shift came a nationalistic methodology in legal history during the “capitalist era.”

After the revolution of 1956, newly uncovered research topics surfaced from the preceding 100 years. According to Kálmán Kovács, “weight shifts” occurred in the research fields of legal history, and this idea was supported by the government decree of 1962.<sup>22</sup>

The continuity of the research in the field of legal history did not break after the Regime Change of 1989, for political viewpoints did not play any part in the selection of research topics from the 1980s. The idea of stretching the time boundaries of research up to the present day came into the limelight more and more strongly with the passing of time. The professors and researchers of the present day, those who deal with the law currently in effect find that the need to deal with and research the legal system of the Socialist Era repeatedly arises.<sup>23</sup>

<sup>17</sup> *Ibidem*, p. 29.

<sup>18</sup> The statement of Ödön Both was also supported by K. Kovács, *A magyar jogtörténeti...*, p. 39.

<sup>19</sup> This notion was particularly present in the fields of criminal law, civil law and procedure law. *Ibidem*, p. 41.

<sup>20</sup> *Ibidem*, p. 31.

<sup>21</sup> *Ibidem*.

<sup>22</sup> The 2.007/1962. /III.6. decree of the Worker-Peasant Government of the Hungarian Revolution. For more, see: *ibidem*, p. 32. The preparation of this plan was controlled by the vice president of the Council of Sciences and Higher Education, Tibor Erdey-Grúz.

<sup>23</sup> I. Stipta, *A hazai jogtörténet-tudomány helyzetének áttekintése (1975–2000)*, “Jogtörténeti Szemle” 2003, vol. 1, p. 25. See: *idem*, *The Main Tendencies of Hungarian Legal History in the 20<sup>th</sup> Century and Its Present Situation*, “Journal on European History of Law” 2011, t. 2, vol. 1, pp. 72–79; *idem*, *Die ungarische Rechtsgeschichte in den letzten zwanzig Jahren: (Tendenzen, und die wichtigsten Werke)* [in:] *Das Wesen der Rechtsgeschichte: Werner Ogris zum 75. Geburtstag*, eds. G. Máthé, B. Mezey, Budapest 2010, p. 99–130; *idem*, *Jogtörténet-tudomány* [in:] *Bevezetés a társadalomtörténetbe: Hagyományok, irányzatok, módszerek*, eds. Z. Bódy, J.Ö. Kovács, Budapest 2003, p. 622–637.

During this era, the number of research projects based on local data has continued to drop, while the number of those based on archival data has strongly increased.<sup>24</sup> Even professor Lajos Hajdú drew the attention of researchers to the importance of using data coming from archives and records.<sup>25</sup>

If we consider changes in the approaches towards research topics, we can see that these brought about several transformations in research methodology.<sup>26</sup>

Legal history should get rid of the pressure of Socialist ideology, which appeared throughout several studies. Without the proper ideological and political “background,” books and publications did not even have a chance to be published. This thought is well described in the introduction to a set of essays by professor Alajos Degré’s (professor of legal history, Pécs): “The legal scholarship of the bourgeoisie fighting for the establishment of capitalist economy gave birth to legal history.” The mediation of the official political point of view could not be omitted; however, the watchful researcher can read the legal historian’s true message if he or she can read between the lines.

As a branch of the legal scholarship, it appeared only in the Bourgeois Era, however, its elements were formed in the legal scholarship and the historical scholarship of the Feudal Era.<sup>27</sup>

These short excerpts aside, the study still manages to give one of the most detailed pictures of legal history up to this day. Present-day researchers have to peel off the ideological frameworks of the Socialist Era in order to find the true message of the researcher in both shorter studies and books.

To cite an example, we can observe in a text written by Ödön Both, legal historian professor of Szeged and one of the creators of criminal law history in Hungary, that the obligatory part which fits the political ideologies of that era always breaks the structure of the study. At the selection of the research era, he writes:

[...] we have taken the enterprise of processing the source materials of such decades [...] when the conflicts between the classes were so tense [...] and the parturient Hungarian society sped toward a civilian revolution with ever-gaining speed, for the sprouts and seedlings of the classes of the new, Bourgeois social order grew stronger and stronger, limited by the boundaries of the old Feudalism. But in this era that’s about to be examined, not only the elements of class relations made way for themselves, but also the political and legal viewpoints which were to serve the needs of the new structures of the class society.<sup>28</sup>

Legal history had to fight for its right to survive among the several branches of legal scholarships. This process is not limited to the field of legal scholarship, but is also true from the point of view of history. To cite one of the comments of Kálmán Kovács, which remains valid even to this day: *Coeca sine historia jurisprudentia*, which means “legal scholarship is blind without history, historical viewpoints.”<sup>29</sup> We can agree with these ob-

<sup>24</sup> *Ibidem*, p. 24–25.

<sup>25</sup> L. Hajdú, *Büntett és büntetés Magyarországon a XVIII. század utolsó harmadában*, Budapest 1985.

<sup>26</sup> M.T. Révész, *A jogtörténet...*, p. 102.

<sup>27</sup> A. Degré, *A magyar jogtörténetírás keletkezése...*, p. 285.

<sup>28</sup> Ö. Both, *A hazai reformkori büntetőjog-történet kutatásának szükségessége és lehetőségei* [in:] *Emlékkönyv Dr. Ruzsoly József egyetemi tanár 70. születésnapjára*, eds. E. Balogh, M. Homoki-Nagy, Szeged 2010, p. 219.

<sup>29</sup> K. Kovács, *A magyar jogtörténeti...*, p. 29.

servations even today, especially because of a viewpoint spreading throughout European legal education and thinking which questions the validity of legal history.

However, it must be stated that one cannot look into the future without taking a look in the past:

[...] the present is basically the most terminal corner of an enormous wave, and in this tidal wave, on the one hand, each current depends on its neighbouring waves, [...] but also on the ones behind it.<sup>30</sup>

In interpreting these words of Marc Bloch, one can state that legal scholarships were always influenced by the legal development of the neighbouring countries, and this can be observed even today, by checking the backgrounds of legal reforms. But this legal development cannot be examined without a proper historical background. Of course, this is true the other way around, too, for a legal historian also has to take the recent breakthroughs in legal scholarships into account. By examining the role of legal history, one can say that the experts must conclude research which does not provide information connected to a certain legal institution to only a small number of professional audience, but also gives useful information to the legal practitioners of the present day concerning the legal reforms of the 21<sup>st</sup> century.

The scholarly disagreement between legal historians and historians must be mentioned as a separate matter, for it depicts the relationship between these two disciplines even today. The Hungarian legal history, which was well-known on an international level, did not take the achievements of historical research projects into account after legal historian Imre Hajnik.<sup>31</sup> The comment of historian Gyula Szekfű is not ill-founded, but the situation has changed somewhat in the present day. György Bónis thought that the “chasm” between the legal practitioners and the historians basically stems from the differences in the training and knowledge base they have received from their respective university faculties. The problem lies within the fact that

[...] a legal practitioner and a historian judges the same historical facts completely differently, without even a chance to consider one of the correct and the other one incorrect.<sup>32</sup>

However, research in the field of legal history basically follows the paths of historical research, for it is a “causal exact science, it belongs to the realm of historical sciences.”<sup>33</sup>

And indeed, there are a growing number of researchers in the field of legal history who also possess a degree in both history and law,<sup>34</sup> or a doctorate in history and a doctorate in legal scholarships.

In the Hungarian universities of the Socialist Era, legal history served as a primer course. Besides the research tendencies fitting for the directions of that era, new organization and management solutions appeared. The management solutions which appeared

<sup>30</sup> M. Bloch, *A történelem vádelmében*, transl. L. Makkai, P. Pál, Budapest 1974, p. 41. See also: K. Kovács, *A magyar jogtörténeti...*, p. 29.

<sup>31</sup> Gyula Szekfű wrote on this topic: *Magyar történet*, t. 2, p. 648. G. Bónis, *Jogtörténet...*, p. 7–8.

<sup>32</sup> G. Bónis, *Jogtörténet...*, p. 8–9; J. Ruber, *Történeti és jogi szemlélet*, “Athenaeum” 1929, vol. 1–2, p. 60–73.

<sup>33</sup> G. Bónis, *Jogtörténet...*, p. 14.

<sup>34</sup> I. Stipta, *A hazai jogtörténet-tudomány...*, p. 25.

in Hungary were similar to the ones which were formed in the Soviet Union and other socialist countries. This basically meant that research in the field of legal history was carried out in the faculties of the universities, using the frameworks provided by the faculties. The number of researchers and instructors was fairly limited, which meant that hardships had to be taken into account in the fields of education and tutoring alike.<sup>35</sup> Because of the basic fallacies of history education in the high schools, the education of legal history encountered hardships – and it still does, even today. The instructor of legal history not only has to provide a sufficient amount of historical background, but also has the duty to explain the legal institutions. Because of the fact that this course must be attended in the first semester, it was really hard to find students who were dedicated enough to commit to research in legal history. The personal influence of the tutor plays a primary role in this. The practical and theoretical fulfilment of theorised legal courses can also have official and material benefits, which makes this situation even more difficult.<sup>36</sup> Legal history still has to deal with these issues, even nowadays.

This structural solution can be observed at universities even today, but with the rise of the number of attendees, the number of tutors and research projects also grew larger. In the decree published by the Hungarian Academy of Sciences in 1959 (157/1959), the Department of Hungarian Legal History of Budapest (Eötvös University) was ranked as a research institution supported by the Academy. The fact that in 1969, the Legal History Working Group was formed within the Academy's Economic and Legal Department also supported the upswing in research. It was not disturbed by the sphere of the academy and the university, quite on the contrary, it aided the scholarly research. The Legal Historian Academic Section of the Society of the Legal Practitioners of Hungary, which was formed around the same time, rounded up the colleagues conducting research in the field of legal history.<sup>37</sup>

After the liberation, the legal historians basically could only stay in touch with their colleagues in the neighbouring countries.<sup>38</sup> The legal historians of the Socialist countries created the Czechoslovakian-Hungarian Legal Historian Conference in 1959 in order to share the results of their research. The first session of this conference took place in the same year, in Budapest.<sup>39</sup> The delegates had a chance to discuss thematic topics during this conference, to synthesize the research results of an era, and to create foundations to comparative legal research.

There was another option for building international relationships and for making the scholarly achievements of Hungary familiar in other countries. The biennial, German conference of *Rechtshistorikertag*, or the *Société d'Histoire de Droit*, as well as the meetings of the *Société Jean Bodin* were such forums.<sup>40</sup>

The publications on Hungarian legal history are basically connected to the legal history departments of the law faculties of Hungarian universities. One must not forget that

---

<sup>35</sup> K. Kovács, *A magyar jogtörténeti...*, p. 33–34.

<sup>36</sup> G. Bónis, *Jogtörténet...*, p. 6–7.

<sup>37</sup> K. Kovács, *A magyar jogtörténeti...*, p. 33–36.

<sup>38</sup> *Ibidem*, p. 32.

<sup>39</sup> *Jogtörténeti tanulmányok I*, ed. A.Csizmadia, Budapest 1966; K. Kovács, *A magyar jogtörténeti...*, p. 37.

<sup>40</sup> *Ibidem*, p. 38.

writings on legal history can also appear in the periodicals of the individual universities or national periodicals on legal proceedings. In my study I only wish to discuss the publications strictly on legal history in a narrower sense and leave out the ones on Roman law and history. Of course this does not mean that legal experts dealing with Roman law cannot publish their papers in such periodicals. The publishing of works in the field of legal history is strongly connected to the legal history departments of the various universities, which are the following: the Faculty of Law of the Eötvös Lóránd University, where there are departments for the Hungarian History of State and Law, for the Comparative Legal History and for Roman Law. In the Faculty of Law of the University of Szeged, there are separate departments for Hungarian Legal History, European Legal History and Roman Law. At the University of Debrecen, the University of Miskolc, the University of Pécs, Széchenyi István University and the Pázmány Péter Catholic University, the Departments of Legal History are present following the traditions of the former provincial legal departments. The Károli Gáspár University of the Reformed Church in Hungary has no separate Department of Legal History, but the subject is available through the Department of Legal History, Legal Theories and Ecclesiastical Law. The Legal History Subcommittee of the Hungarian Academy of Sciences and the Legal History Research Team of the Eötvös Lóránd University played a very significant role in the publication of papers discussing legal history. In my paper, I would like to introduce the publications which were specifically created in order to publish writings on legal history first and foremost.

The Section of Economics and Law of the Hungarian Academy of Sciences, namely the Committee of Legal and Political Sciences accepted a publication list. In this list, the professional legal periodicals and other publications were grouped into categories A, B and C based on readership, the international board of editors and the opportunity to publish in a foreign language. This classification system must be taken into account in order to accomplish academic progression (e. g. getting an academic doctorate). By looking at this sequence, one can assess category A, which refers to “Jogtörténeti Szemle” [Legal History Review], the periodical with the highest standards in Hungary. The first issue of “Jogtörténeti Szemle” was published in 1896, by the Eötvös Lóránd University’s Department of Hungarian Legal History and the Legal History Committee of the Hungarian Academy of Sciences. The editor, Mihály Révész T. said the following: “a periodical is born.” This is completely true, since this was the first professional publication at its time in Hungary. This was an attempt to make up for the absence of scholarly journals in the field of legal history. From the beginning, its purpose was to present interesting studies on the legal history and the history of Hungary to the readers, and it has lived up to this purpose. “We are opening a window to the rich goldmine of the legal and historical sciences of the world.”<sup>41</sup> In the foreword of issue No. 1, Kálmán Kulcsár, an academic legal historian, wrote that maintaining and processing our past history and the publication of research results are essential in order to understand the legal reforms of the present. Unfortunately the publication of this review was not regular (the first three issues were published in 1886, 1887 and 1890, respectively). After the fourth issue (1892), the periodical became available again in 2003, after ten years of waiting,

<sup>41</sup> M.T. Révész, *Beköszöntő*, “Jogtörténeti Szemle” 1896, No. 1.

and in this issue, results were published by legal experts, legal historians and archivists. This time it was not only Eötvös Lóránd University that aided its publication, but the universities of Győr and Miskolc also helped. The purpose of the *Jogtörténeti Szemle* was to publish texts in the following categories: studies, announcements, disputes, workshop, anniversaries, sources and documents, “try-outs”: (papers from student researcher groups), legal history portraits, literature, student researcher groups, trivia, and archives. After this, the review was published on a yearly basis, and it was received with a significant professional recognition. The participants in editing this paper also expanded with the Department of Hungarian Legal History of the University of Szeged, the Department of Legal History of the Károli Gáspár University of the Reformed Church in Hungary and the Department of Legal scholarships of the National University of Public Service. This expansion also solved the general problem with financing.

The other series of publications dealing exclusively with studies in the field of legal history is the “*Jogtörténeti Tanulmányok*” [Studies in Legal History]. Its first volume was published in 1966. The Committee of Legal History of the Hungarian Association of Legal Experts organised several debating forums in order to display the results in the field of legal history. Apart from the national conferences, we must mention the Czechoslovakian-Hungarian Conference of Legal Historians. The editor of the volume, Andor Csizmadia, a legal historian from Pécs, stressed that they tried to

[...] give an opportunity to publish the papers of the legal historians and the next generation of legal historians; this could not have been done in periodicals of legal and historical studies due to the limitations of the two respective fields.<sup>42</sup>

The aforementioned professional periodical did not exist before, and this is why this series of books with studies was launched. Yet there is one remark by the editor which is valid even today:

Thankfully the group of legal historians and the studies in the field of legal history grew in the latter years, and there must be a forum established for them, too, for the lack of publication opportunities limits the development of legal history research.

As an international example, the editor pointed out the existence of the contemporary Czechoslovakian book of studies (“*Právněhistorické Studie*”) and the Polish professional periodical (“*Czasopismo Prawno-Historyczne*”). They did not only publish the studies of legal historians and experts of Roman law in this book, but also the presentations of legal history conferences. They planned on publishing the studies thematically: dualism, the era between the two world wars, Roman law in feudal Hungary, the Hungarian Soviet Republic, and the organisation of the state after the liberation.

It is not only the publications described above that can be connected to the various Law Departments of the universities of Hungary, but also the textbooks, monographs, other academic series, and memorial books honouring the achievements of professors and researchers in the field of legal history, available in Hungarian and foreign languages, which are all used in the education process.

---

<sup>42</sup> A. Csizmadia, *Előszó*, “*Jogtörténeti tanulmányok*” 1966, t. 1, p. 9.

The Eötvös Lóránd University publishes the following series, all discussing legal history: *Jogtörténeti Bibliográfiák* [Legal History Bibliography],<sup>43</sup> *Rechtsgeschichtliche Vorträge/Lectures on Legal History*,<sup>44</sup> *Ungarische Rechtshistoriker, Junge Ungarische Rechtshistoriker*,<sup>45</sup> edited by Barna Mezey, professor of legal history. In the periodi-

<sup>43</sup> L. Pál, *Állam- és jogtörténeti tárgyú tanulmányok a magyar jogi folyóiratokban 1945–1979*, Budapest 1981; M. Király, *A Rákóczi szabadságharcra vonatkozó közlemények három történettudományi folyóiratban*, Budapest 1982; K. Illés, L. Pomogyi, *A “Századok” című folyóiratban megjelent publikációk állam- és jogtörténeti bibliográfiája (1867–1981)*, Budapest 1982; A. Pandula, *Múzeumi évkönyvek állam- és jogtörténeti bibliográfiája (1945–1981)*, Budapest 1982; L. Pomogyi, *A magyarországi cigányság történetének válogatott bibliográfiája*, Budapest 1983; A.G. Antall, *A Levéltári Híradó, Levéltári Szemle és a Levéltári Közlemények állam és jogtörténeti tárgyú cikkei és tanulmányai*, Budapest 1983; B. Horváth, *A Rákóczi-szabadságharcra vonatkozó források a Századok című folyóiratban*, Budapest 1983; E. Ökrös, *A tudományegyetemek jogtörténeti kutatóinak és oktatóinak publikációs tevékenysége az egyetemi és kari kiadványok tükrében (1945–1983)*, Budapest 1983; A. Földi, J. Szájer, *A magyar római jogi szakirodalom bibliográfiája 1945–1984*, ed. G. Hamza, Budapest 1984; M. Szabó, *A Magyar Történelmi Társaság Történelmi Társaság Történelmi Szemle (1912–1930) jogtörténeti bibliográfiája*, Budapest 1984; A. Horváth, *A Magyar Jogászegyleti Értekezések bibliográfiája (1881–1943)* Budapest 1984; A. Földi, J. Szájer, O. Fekete, *A magyar római jogi szakirodalom bibliográfiája 1945–1985*, Budapest 1986; P. Stauber, *Bónis György jogtörténeti munkássága*, Budapest 2001; P. Tala, K. Davidovics, *Degré Alajos jogtörténeti munkássága*, Budapest 2001; B. Mezey, P. Tala, J. Tálás, *Eckhart Ferenc jogtörténeti munkássága*, Budapest 2001.

<sup>44</sup> B. Mezey, *Kerker und Arrest (Anfänge der Freiheitsstrafe in Ungarn)*, Budapest 1995, 2005; K. Beliznai, *Gefängniswesen in Ungarn und Siebenbürgen im 16–18. Jahrhundert (Angaben und Quellen zur Geschichte des ungarischen Gefängniswesens)*, Budapest 1997, 2005; A. Horváth, *Die privatrechtliche und strafrechtliche Verantwortung in dem mittelalterlichen Ungarn*, Budapest 1998, 2005; A. Karácsony, *Relationship between State-, Political- and Legal Sciences in Education of Law*, “Rechtsgeschichtliche Vorträge” 2004, Bd. 20; B. Mezey, *The History of the Harmonisation of Law and the Legal Education in Hungary*, Budapest 2004; G. Föglein, *Conceptions and Ideas about National Minorities in Hungary 1945–1993*, Budapest 2004; J. Ruszoly, *István Csekey und die ungarische Verfassung*, Budapest 2004; A. Horváth, *Rechtswissenschaft in den sowjetischen Staaten*, Budapest 2004; M. Homoki-Nagy, *Die Kodifikation des ungarischen Zivilrechts im 19. Jahrhundert*, Budapest 2004; A. Karácsony, *On Legal Culture*, Budapest 2004; B. Mezey, *Vier Vorträge über den Staat in der Zeit des Rákóczi Freiheitskampfes*, Budapest 2005; Z. Szente, *The Issue of Superiority: National versus Community Legislation*, Budapest 2005; J. Szalma, *Haupttendenzen im ungarischen (Deliktrecht) Haftpflichtrecht*, Budapest 2005; G. Máthé, *Der bürgerliche Rechtsstaat in Ungarn*, Budapest 2005; V. Illés, *Die Rolle der Nationalkommissionen in der Aufstellung der Volksgerichte bis Februar 1945*, Budapest 2006; G. Máthé, *Die Bedeutung der Lehre von der Heiligen Stephanskronen für die ungarische Verfassungsentwicklung*, Budapest 2006; A. Barna, *Der wahre Diener des Staates – Verwaltungsreformen von Joseph II. in den ungarischen Komitaten*, Budapest 2006; A. Horváth, *Geschichte des Strafrechts in Ungarn während des sowjetisch geprägten Sozialismus, mit besonderem Hinblick auf die Schauprozesse*, Budapest 2006; I. Stipta, *Die Herausbildung und die Wirkung der deutschen Verwaltungsgerichtsbarkeit auf den ungarischen Verwaltungsrechtsschutz*, Budapest 2006; G. Máthé, *Moments of Making Fundamental Law in the Hungarian Parliament in the Dualistic Era*, Budapest 2006; P. Deres, *The Criminal Substantial Law’s Evaluation of Crimes Committed under the Influence of Alcohol in the Criminal Code’s General Section*, Budapest 2007; M. Szigeti, *Die Grundrechte und deren Geltung in dem sozialistischen Ungarn*, Budapest 2007; G. Béli, *Die Verjährung (praescriptio) und die Ersitzung (usucapio) im alten ungarischen Recht*, Budapest 2007; T. Nótári, *Show Trials and Lawsuits in Early-Medieval Bavaria*, Budapest 2008; M. Szigeti, *Die verfassungsrechtlichen Änderungen der politischen Wende in Ungarn*, Budapest 2008; D. Frey, *Auf anderen Wegen Konfliktbewältigungsformen bei den Zigeunern in Ungarn*, Budapest 2009; J. Szalma, *Differenzierung zwischen der zivilrechtlichen und der strafrechtlichen Haftung in der Theorie und in den Kodifikationen des 19. und 20. Jahrhunderts*, Budapest 2009; J. Lenkovics, *Implementation des IStGH-Statuts in Deutschland und in Ungarn*, Budapest 2010; B. Kiss, *Linguistic Rights and Census of Population and Housing in Hungary*, Budapest 2011.

<sup>45</sup> G. Máthé, *Die Problematik der Gewaltentrennung*, Budapest 2004; I. Stipta, *Die Vertikale Gewaltentrennung*, Budapest 2005; J. Ruszoly, *Beiträge zur neueren Verfassungsgeschichte*, Budapest 2009.

cal *Joghistoria* [Legal History] publishes studies written by members of the student researcher group of the Department of Hungarian History of State and Law. The recently published handbook called *Magyar alkotmány – és jogtörténeti kézikönyvtár* [Hungarian Constitutional and Legal History Dictionary]<sup>46</sup> by László Pomogyi, associate professor of the Department of Comparative Legal History of the Eötvös Lóránd University (the head of this department is professor András Földi) also must be mentioned. The handbook contains the definitions of legal history concepts. A thematically edited handbook on the description of Hungarian legal development will also soon be published, edited by professor Gábor Máthé. The Hungarian society of legal historians is trying to fill in a serious publication gap with these handbooks.

The Department of Hungarian Legal History (earlier it was called the Department of Legal History) of the University of Szeged organises the Legal Historian Days of Szeged every two years and this has become the only national and regular conference of legal historians in Hungary. The book of studies containing the presentations of last year was published by the organiser, professor Mária Homoki-Nagy (head of the Department of Hungarian Legal History).<sup>47</sup> The University of Pécs, Department of Legal History also publishes the presentations of the conference.<sup>48</sup>

The three-volume *Historia Facultatis Iuridicae* containing the biographies and achievements of the professors of the Faculty of Law at the University of Debrecen was published by the Department of Legal History (the head of this department is professor Béla Szabó) of said institution.<sup>49</sup>

This list of publications would not be complete without mentioning that our legal historians also publish their studies and books in the series of legal publications of the department.<sup>50</sup> But these periodicals or book series do not only describe the research achievements of legal historians, so cannot discuss this (and textbooks in legal history) in a more detailed fashion here.

To sum up, it can be said that publication opportunities were affected by both subjective and objective factors in Hungary. It is a joyful fact that the number of researchers in the field of legal history has constantly increased. Compared to the second half of the 20<sup>th</sup> century, we could witness significant changes in research topics, too. The structure of university education and the changes in international relations also left their marks in the transformation of publication possibilities. After the era of Socialism, the publication of

<sup>46</sup> L. Pomogyi, *Magyar alkotmány – és jogtörténeti kézikönyvtár*, Budapest 2008.

<sup>47</sup> For example: *V. Szegedi Jogtörténeti Napok, Konferencia a bírói hatalomról és az állampolgárságról*, ed. M. Homoki-Nagy, Szeged 2011; *V. Szegedi Jogtörténeti Napok, A polgári peres eljárás történeti fejlődése Magyarországon*, ed. eadem, Szeged 2013.

<sup>48</sup> *Institutions of Legal History with special regard to Legal Culture and History*, eds. G. Béli, D. Duchonová, A. Fundarková, I. Kajtár, Z. Peres, Pécs–Bratislava 2011.

<sup>49</sup> *A Debreceni Tudományegyetem Jogász Rektorai (1915–1947)*, ed. B.P. Szabó; S. Madai [in:] *Historia Facultatis Iuridicae I*, eds. J. Balogh, B.P. Szabó, Debrecen 2002; *A Debreceni Tudományegyetem Jogtanárai (1914–1949) I*, ed. B.P. Szabó; S. Madai [in:] *Historia Facultatis Iuridicae II*, eds. J. Balogh, B.P. Szabó, Debrecen 2004; *A Debreceni Tudományegyetem Jogtanárai (1915–1947) II*, ed. B.P. Szabó [in:] *Historia Facultatis Iuridicae I*, eds. J. Balogh, B.P. Szabó, Debrecen 2006.

<sup>50</sup> Pázmány Péter Catholic University, Department of Legal History: I. Szabó, *Ausztria Államszervezete 1918–1955*, Budapest 2010; University of Debrecen: I. Babják, *Barbárság vagy Germánság? Árucsera Európa hajnalán*, Budapest 2011; Széchenyi István University, Faculty of Law: the Department of Legal History has an e-periodical: “Jogtörté-net – jogtörténeti adattár”: [www.jogtortenet.sze.hu](http://www.jogtortenet.sze.hu)

research results in the field of Hungarian law, more specifically, the field of legal history has significantly changed. One must not forget that with the broadening of international relations, further options became available for foreign colleagues to become familiar with the results of Hungarian legal historians. The statement of Kálmán Kovács still stands, “with us, the past has a future!”<sup>51</sup>

## Streszczenie

### Krótką historią węgierskiej nauki historii prawa (ze szczególnym uwzględnieniem publikacji)

Artykuł zawiera rozważania na temat nauk historyczno-prawnych na Węgrzech po II wojnie światowej. Autor podzielił dzieje powojennej nauki węgierskiej na trzy okresy. Pierwszy obejmuje czasy po zakończeniu niemieckiej okupacji i przejęciu władzy przez komunistów (1945–1956), a drugi lata po powstaniu węgierskim 1956 r. aż do upadku reżimu socjalistycznego (1956–1989). Trzeci to współczesność, liczona od 1989 r. Z racji rozległości tematu Autor ograniczył się do skrótowego przedstawienia kilku problemów ważnych dla tejże dziedziny nauki w powojennych Węgrzech. Istotny wpływ na naukę historii prawa miały czynniki ideologiczne i polityczne, związane przede wszystkim z marksizmem i węgierskim reżimem socjalistycznym. Te zjawiska, zdaniem Autora, przyczyniły się do zahamowania rozwoju nauki prawa przez odcięcie od tradycji XIX-wiecznych. Część dziejów Węgier (np. okres okupacji tureckiej) pozostały domeną głównie historyków, podczas gdy okres po 1848 r. cieszy się do dziś niesłabnącą popularnością wśród historyków prawa. Istotną rolę odgrywały również badania nad historią regionalną. Jednocześnie wart jest podkreślenia fakt, że liczba publikacji i osób zajmujących się historią prawa, pomimo wielu przeciwności, ciągle wzrastała. Jednocześnie zachodziła wymiana pokoleniowa, zmieniały się również pola badawcze. Po upadku socjalistycznych Węgier przedmiot zainteresowań historyków prawa uległ zmianom. Coraz więcej badaczy zaczęło zwracać uwagę na system prawny socjalistycznych Węgier jako przedmiot historii prawa. Otwarcie granic umożliwiło znaczne rozszerzenie wymiany naukowej i rozwoju kontaktów międzynarodowych, a równocześnie udostępniło wyniki badań węgierskich historyków prawa szerszemu gremium badaczy. Zdaniem Autora historia prawa odgrywa ważną rolę w nauce prawa. Ponadto pozostaje odrębna od nauk historycznych z racji innych metod badawczych.

---

<sup>51</sup> K. Kovács, *A magyar jogtörténeti...*, p. 43.