

A CONCISE HISTORY OF THE FACULTY OF LAW OF EÖTVÖS LORÁND UNIVERSITY (1667-2010)¹

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The Faculty of Law of Eötvös Loránd University is the oldest law school of Hungary.² It was founded in Nagyszombat³ in 1667 in the framework of the university, established by Cardinal Péter Pázmány, archbishop of Esztergom in 1635. The University of Nagyszombat had in the beginning only two faculties, namely those of theology and of philosophy. It was already Pázmány's immediate successor, archbishop I. Lósy who in 1642 demised in his will 15,000 guildens for the foundation of a law school. Since this sum was not enough for the maintenance of a faculty, the following archbishop, Gy. Lippay did not accomplish Lósy's will immediately. In his own will of 1665 he demised the double amount, 30,000 guildens for the foundation of a law school. Lippay died on 30 January 1666. On 2 January 1667 the executors of his will – among them L. Vid, rector of the university – signed an agreement, which can be regarded as the deed of foundation of the Faculty of Law. The agreement stipulated that four chairs be established, namely those of church law, Roman law, Hungarian substantive law and Hungarian procedural law.

It was prescribed that the *ius patrium* be taught with continuous reference to church law and Roman law so that the shortcomings of it can be filled, as far as possible, by the rules of church law and Roman law. We can conclude that the founders expected the professors both to teach and develop Hungarian law. The deed of foundation provided that the professor of church law as well as that of Roman law deliver a one-hour-long lecture per day (i.e. six hours per week), while the two professors of *ius patrium* deliver their lectures changing each other, i.e. they deliver together six-hour-long lectures per week. This difference was perhaps a

¹ This article has been written on the basis of a kind invitation by the editor-in-chief of this yearbook, Prof. Márta Dezső. It was not possible to carry out thorough research. The present article relies to a large extent on F. ECKHART, *A Jog- és Allamtudományi Kar története* (A History of the Faculty of Law), 1936, 728 pp., which is the best comprehensive work on the faculty's history to date. Furthermore some general works have been used as follows: I. SINKOVICS (ed.), *Az Eötvös Loránd Tudományegyetem története 1945-1970* (A History of the Eötvös Loránd University 1945-1970), [s.a.]; P. HORVÁTH (ed.), *Az Állam- és Jogtudományi Kar szerepe a magyar jogtudomány fejlődésében* (Contribution of the Faculty of Law to the Development of Hungarian Legal Science), 1985; P. HORVÁTH (ed.), *Az Eötvös Loránd Tudományegyetem Állam- és Jogtudományi Karjának története (1667-1997)* (A History of the Faculty of Law of Eötvös Loránd University (1667-1997)), 1998; L. SZÖGI (ed.), *Az Eötvös Loránd Tudományegyetem története 1635-2002* (A History of the Eötvös Loránd University 1635-2002), 2003; B. MEZEY, *Nagyszombattól Budapestig* (From Tyrnavia to Budapest), in P. TAKÁCS (ed.), *A jogászképzés múltja, jelene, jövője* (Past, Present and Future of Legal Education), 2003; L. SZÖGI (ed.), *Az Eötvös Loránd Tudományegyetem története képekben/The Illustrated History of the Eötvös Loránd University*, 2010. Unless otherwise specified, the place of edition of the works quoted is Budapest.

² The beginnings of legal education at university level in Hungary go back to the University of Pécs founded by King Louis the Great in 1367. It is probable that besides church law also Roman law was taught there. This university existed, however, only a few years as it happened also in the case of further universities founded in medieval Hungary (in Óbuda [Altofen] was founded a university by King Sigismund of Luxemburg in 1389, in Pozsony [Pressburg, Bratislava] in 1467 by King Matthias). The first university of Hungary having a continuous existence until now has been that established in Nagyszombat, which is the predecessor of the Eötvös Loránd University of Budapest.

³ Nagyszombat was named in Latin Tyrnavia, in German Tyrnau, while today it is known as Trnava in Slovakia.

consequence of the fact that the professors of Hungarian law needed more time for preparation since their task was more complex than that of their colleagues teaching church law and Roman law respectively. The timetable of the classes laid down in the deed of foundation was not quite usual. The lectures of the Faculty of Law had to be delivered in the early morning hours and in lunch time. This arrangement was due to the low number of classrooms whereby the lectures of theology were preferred.

The foundation of the faculty in 1667 was well prepared. Already on 16 January 1667 (Sunday) the solemn opening of the faculty took place. The senate of the university, led by the rector L. Vid, proceeded in formal dress with the maces, accompanied by students from the building of the university to the church of St. Nicholas. A holy mass was celebrated in the presence of the archbishop of Esztergom, Gy. Szelepcsényi and the palatine of Hungary, F. Wesselényi. After the mass the professor of Roman law Á. Textor (Takács) delivered a lecture appreciating the value and the significance of Roman law. On the following day, on 17 January the lectures started.

A law school with not more than four professors was not unusual at that time. There were four professors of law also at the University of Vienna. In Nagyszombat the number of professors could only be raised to four, as had been scheduled by the founders, by 1696. Because of financial difficulties the education of *ius patrium* could not start earlier than in 1672 and even then with one professor only. Still it is remarkable that teaching *ius patrium* at the University of Nagyszombat began at that time as such a subject was not taught at the majority of European universities yet. The first chair of French law was established in Paris in 1679, while education of *ius hodiernum* was introduced at the University of Leyden in 1688. The first chairs of German law were established only in the first decades of the 18th century. Spanish law was taught at Spanish universities since 1741. This comparison is not quite correct since *ius commune* did not prevail in Hungary. In this respect it is more appropriate to refer to the fact that civil law was exclusively taught even at the universities of Oxford and Cambridge until 1753 and 1800 respectively, in spite of the well-known predominance of common law in England.⁴

The first professor of church law was P. F. Preyschaff, that of Roman law was, as already mentioned, Takács. The first professor of *ius patrium*, M. Dvornikovics had to teach, in spite of the founders' provision, alone. The first professor teaching for a longer period, namely from 1687 until 1720, was F. Koller, who taught *ius patrium*. He is also the first professor of whom we possess manuscripts. Koller had a major impact both in his own time and on the following generations. Also the first public debates were held under his chairmanship. As an important professor of this early period E. F. Someting taught Roman law from 1691 to 1695. He left Nagyszombat for a chair at the University of Salzburg. The first public disputations in Roman law were held under his supervision. The first professor having an impact on public life was M. Bencsik. He taught *ius patrium* and also Roman law. He is the author of one of the first books published by a professor of the faculty.⁵ The first professor publishing several

⁴ Cp. P. STEIN, *Roman Law in European History*, Cambridge 1999, 106.

⁵ BENCSIK, *Novissima diaeta nobilissima principis, statuumque, et ordinum incltyti regni Hungariae, partiumque eidem annexarum sive Propositiones academicae lege nobilitares*, Tyrnaviae 1722, 190 pp. Cp. ECKHART (1936), 14.

books was J. J. Rendek reading Roman law from 1733 until 1748. His works show a higher scientific level than the average legal works at that time. An outstanding professor of church law of the time was J. Szegedi. His works deal mainly with Werboczy's *Tripartitum*. He was the very scholar to divide the articles of the *Tripartitum* into paragraphs.

The curriculum endured two years. During the first 90 years the timetable of classes followed the provisions laid down in the deed of foundation. The lectures meant in fact a slow dictation which was necessary because of the lack of written material. The dictation could embrace however only a part of the total material. The professors held also private lectures, "exercitations" and disputations so that the students could understand the material better or could acquire more profound knowledge.

A new period began during the reign of Maria Theresa. The reform of the University of Vienna in 1753 had an indirect impact also on the University of Nagyszombat. In 1760 the Chapter of Esztergom as trustee of the foundation of the faculty issued a regulation which made education more intensive. The method of dictation was discontinued. The students had to take examinations twice in an academic year. In the same year the queen issued a decree introducing further rules in order to raise the level of education. As a new task the teaching of natural law⁶ was imposed upon the professor of Roman law, whose salary was raised on this occasion to 800 guildens per year (the salary of professors of *ius patrium* was fixed in 500 guildens per year). In connection with the more favourable level of their salaries the number of lectures was raised and the professors were forbidden of activities hindering their scholarly work.⁷ The queen ordered furthermore that textbooks be published by the professors. Hungarian law had to be taught for two years. Until then students had to take examinations in Roman law and natural law only. Thereafter the studies lasted for three years.

The introduction of natural law as a new subject and the task of publishing textbooks were not welcome and the new provisions were implemented only in part. It is characteristic that in 1766 the successful textbook of I. Huszty, professor of the bishopric academy of Eger, was published in Nagyszombat in the absence of a local textbook on *ius patrium*. After repeated consultations in 1769 the queen issued a new decree in which she ordered the establishment of a new chair for natural law and universal public law (i.e. for philosophy of law, foreign public laws and international law). Teaching criminal law was assigned to professors of Hungarian law. From that time the faculty had thus five professors. The salaries were raised to 1,200 guildens. In 1770 the queen appointed Gy. Zs. Lakits (alias Lakics)⁸ professor of church law and H. van der Hayden professor of natural law. M. Szedmáky was confirmed as professor of Roman law and J. Zelenay and G. Nitray as professors of Hungarian law. Both Lakics and van der Hayden were trained in Vienna. Earlier Lakics had taught church law in Innsbruck.

⁶ The textbook of PH. R. VITRIARIUS (*Institutiones iuris naturalis*) had to be used, see ECKHART (1936), 41

⁷ Salaries in Nagyszombat were much lower than in Vienna despite the reform. In Vienna they ranged between 2,000 and 4,000 guildens. It is to be added however that it was less expensive to live in Nagyszombat than in Vienna. See ECKHART (1936), 31.

⁸ See ECKHART (1936), 65. As for Lakits's eminent scholarly accomplishments, see D. KOSÁRY, *Művelődés a XVIII. századi Magyarországon* (Culture in Hungary in the 18th Century), Budapest 1996³, 597.

The reproachable behaviour of the students (especially the law students) was among the factors that prompted the queen to issue, in 1770, a *Norma studiorum* for the University of Nagyszombat, in which a separate chapter dealt with the Faculty of Law. The professors had to deliver two hours of lecture every day, i.e. they had normally twelve hours a week. They were not allowed to assume other duties. The academic year began on 4 November and ended on 8 September. Huszty's textbook was declared as compulsory material as long as no better work would be published. Practical lessons were prescribed where students had to take part, among other things, in moot courts. During every lecture professors had to put questions to two or three students from the material of the previous lecture.

In 1773 Maria Theresa promulgated the papal bull "Dominus ac Redemptor noster", issued by Pope Clement XIV in the same year dissolving the Society of Jesus. In Hungary the assets of that order were expropriated by the Hungarian Chamber by using them to set up a "Studies Fund". In 1774 the university was thus made a royal institution, which received the assets of the Jesuit monastery of Nagyszombat. In 1775 the queen issued a regulation, entitled *Planum iuridicae facultatis*, which was patterned on that of the Faculty of Law of Vienna. According to the *Planum*, a director was appointed as the head of the faculty, while the dean became a kind of deputy director. The duties of the five professors of the faculty were regulated as follows: (i) the same professor had to deliver the lectures on natural law (two hours per day) and the history and institutes of Roman law; (ii) there was another professor of Roman law being responsible for lectures on the Digest, who also had to teach criminal law and international law; (iii) the professor of church law had to give a systematic introduction to the public church law as well as to the *Decretales*; (iv) one of the professors of Hungarian law had to teach substantive law, while the other had to teach both procedural law and the statistics of the European states⁹, including the principles of public law. By contrast to the curriculum prescribed for the Faculty of Law of Vienna envisaging five years, the *Planum* fixed a three-year-curriculum only. In the first year natural law, history and the institutes of Roman law had to be taught, in the second year international law, Digest, Hungarian private and criminal law, and in the third year church law and public law.

The *Ratio educationis*, issued in 1777 (elaborated mostly by the progressive-minded senior administrator J. Urmenyi), envisaged the education of the history of Hungarian law, European history and politico-cameral sciences. In the same year the university was transferred to Buda by a decree of the queen. At Buda the faculty had six professors: Gy. Zsigmond Lakics (church law), G. Nitray (Hungarian law), J. Stur (Roman law, criminal law),¹⁰ F. Gyurkovics (politico-cameral sciences),¹¹ J. Petrovics (natural law, international law, Hungarian public law), B. A. Barics (alias Barits)¹² (statistics and history). In 1780 the queen issued the *Diploma inaugurate* (or *Privilegium magnum*) confirming the privileges of the *Universitas Budensis*. The diploma granted to the university and its faculties new coats of arms too. The

⁹ See ECKHART (1936), 96. At that time statistics mostly meant the description of political (including public law), demographic and economic characteristics of the most important states of Europe, as explained by G. Achenwall.

¹⁰ J. Stur was professor of natural law until 1777. See ECKHART (1936), 115.

¹¹ Gyurkovics taught politico-cameral sciences until 1777 at the faculty of philosophy. See ECKHART (1936), 115.

¹² Works by BARICS include his *Dissertatio statistica de potestate exsequente regis Angliae, s. l., 1790; Conspectus regiminis formae regnorum Angliae et Hungariae, s. l., 1790*. See ECKHART (1936), 208ff.

coat of arms of the Faculty of Law displayed, among other things, two female figures symbolizing reason and justice.

In 1779 the curriculum was modified as proposed by the faculty. In the first semester natural law (alongside universal public law and international law) and world history were taught. In the second semester the lectures of Hungarian public law and of politico-cameral sciences had to be delivered. In the programme of the third semester there were lectures of history and institutes of Roman law as well as of politico-cameral sciences. In the fourth semester the history and institutes of Hungarian law and statistics were taught. In the fifth semester Hungarian law and church law, while in the sixth semester criminal law and church law had to be studied. In the following years the number of students was about 100.¹³ Most of them came from the nobility but there were some with a serf family background. As tuition fee was only introduced by Emperor Joseph II in 1785, the overrepresentation of the nobility was due to other factors. Note that as early as the time of Maria Theresa the doctor's degree could in exceptional cases be obtained "sub auspiciis Regis". In the beginning however that honour was conferred to acknowledge the merits of the father.

The Latin language maintained its dominant position in education even under Joseph II, although German was made Hungary's official language.¹⁴ It is characteristic that in 1781 the professor of politico-cameral sciences, Gyurkovics, proposed the translation of the work of Sonnenfels to Latin to have an appropriate textbook.¹⁵ J. Urmenyi proposed to translate into Latin Achenwall's textbook. Also Petrovics's textbook on public law, which was published by the order of Joseph II in Vienna in 1790, was written in Latin.¹⁶ The various reforms introduced by Joseph II had varying effects. It was a useful decision when in 1784 the emperor abolished the office of the "director of faculty".¹⁷ It was less favourable when in the same year a decree of the Governing Council ordered that the curriculum cover four academic years.¹⁸ In the first year natural law, universal public law and international law had to be taught (by Demjén), in the second year Roman law and criminal law (by Stur), in the third year Hungarian law (by Nitray) and church law (by Markovics), in the fourth year politico-cameral sciences (by Markovics) and statistics (by Barics). The new curriculum was not favourable in several respects. The number of lectures was too low; consequently the prolongation of the curriculum was hardly justifiable.

At first adherence to the new curriculum was difficult. The harmonization with the curriculum of Vienna certainly had the impact that many students preferred to obtain the doctoral degree at the university of Pest rather than in Vienna. The tendency was due, first, to the fact that in

¹³ See ECKHART (1936), 132. The figure of 409 suggested by SZÖGI (2003) needs checking.

¹⁴ As for the efforts to teach also German legal language at the Faculty of Law of Pest, see ECKHART (1936), 166f.

¹⁵ Cp. I. ARCZT, A „politika tudományok” oktatása a budapesti egyetem (ELTE) jogi karán és elődintézményeiben (A History of the Education of Political Sciences at the Faculty of Law of the University of Budapest [ELTE] and its Predecessors), 2004, 42.

¹⁶ PETROVICH, *Introductio in ius publicum Regni Hungariae*, Viennae 1790. As from 1790 efforts were made to introduce the education of Hungarian language at the Faculty of Law but the faculty resisted arguing that it was outside its remit. See ECKHART (1936), 151f.

¹⁷ Note the emperor's explanation: "This position has to be abolished as experience shows that the directors of the faculties are the strongest opponents to the progress of science." Quotation from ECKHART (1936), 157.

¹⁸ This measure constituted an example of convergence between the curricula of the universities of Vienna and Pest since the curriculum in Vienna had been reduced from five years to four years before. Cp. ECKHART (1936), 159.

Austria it was required that lawyers have a doctoral degree, second, it was widely held that one could obtain the degree in Pest easier than in Vienna and, third, the cost of living was certainly cheaper in Pest than in the imperial capital. The imperial authorities monitored work at the Pest university in terms of the methods of instruction, the timetable of the academic year, the introduction of tuition fee and scholarships and even the moral education of the students.

As for the relationship of the university and the so-called academies in this era, those located, for instance, in Zagreb, Pozsony (Pressburg, Bratislava), Kassa (Kaschau, Kosice), Győr (Raab), Pécs (Fünfkirchen), Eger (Erlau), Nagyvárád (Grosswardein, Oradea), were regarded as “daughters of the university”.¹⁹ The Governing Council decided all the questions concerning legal education in accordance with the opinion of the council of the Faculty of Law. Joseph II ordered that the government offices (which until then were in Pozsony) and the Supreme Court (“Royal Curia”) of Hungary (seated in Pest until then) be transferred to the Buda Castle. That is why the university had to move from Buda to Pest at the end of 1783. (As from 1777 it had been in the Buda Castle.) The Faculty of Law received four classrooms in the building of the Royal Curia in front of a church and monastery of the Franciscan Order.

After the death of Joseph II the era of nationalist reaction came. There were many debates at the faculty about the changes to be carried out.²⁰ As it turned out, only less radical changes took place. The tuition fee was abolished already in 1790, however, the system of scholarships for poor students survived. As a consequence, the number of students rose on average to 150 in those years. The system of examinations was modified and it was made public. The following marks could be given: *eminens*, *prima*, *secunda* and *tertia classis*. Those having only a *tertia* had to repeat the examination at the end of the academic year and unless they obtained at least a *secunda*, they had to stay in that form (class) for another year. As for the professors of this era, I. Kelemen was appointed to the chair of Hungarian law in 1793. He was a conservative scholar, who wrote valuable and comprehensive textbooks, especially about Hungarian private law.²¹ J. Reviczky was a more modern and progressive professor. He was the one appointed to the chair of politico-cameral sciences in 1794.²² Further significant professors of the beginning of the 19th century were M. Sax (politico-cameral sciences), Á. Brezanóczy (church law) and M. Hirsch (natural law). M. Vuchetich was an outstanding scholar, the first to excel in criminal law in Hungary. His *Institutiones juris criminalis*, published in 1819, has recently been translated into Hungarian by Professor

¹⁹ The academies were run either by the State (e.g. in Zagreb, Pozsony and Győr) or by the Church (e.g. in Eger and Pécs). At those academies the curriculum of legal studies covered two years only. As regards the share of the university of Pest in the total number of law students in Hungary, in the first half of the 19th century it was approximately 20 per cent. Cp. ECKHART (1936), 183f.

²⁰ It was proposed to reduce the curriculum to three years. Critics of that proposal argued that in that case three different lectures would be delivered on the same days and the students would be overburdened. It was also proposed to drop from the curriculum church law, Roman law and statistics. Opponents of that idea argued that the sponsors of such proposals knew little of the character of those disciplines. See ECKHART (1936), 186ff.

²¹ KELEMEN, *Institutiones juris Hungarici privati*, Pestini I-III, 1814; *Historia juris Hungarici privati*, Pestini 1818. Cp. ECKHART (1936), 222ff.

²² REVICZKY's works including e.g. *Introductio ad politicam regni Hungariae* (1790) show Sonnenfels's influence. As Reviczky's assumed “radicalism” raised brows, the king transferred him to the royal regional high court in 1805. See ECKHART (1936), 213ff.

T. Király.²³ P. Hajnik also has to be mentioned. He was a professor of statistics and his main work describes the history of Hungarian law by means of skilfully structured tables that are reminiscent of the methods of medieval scholastics.²⁴

In 1806 the second *Ratio educationis* was issued. In many ways it undid the achievements of the first *Ratio educationis* of 1777. The curriculum was reduced to three academic years. The professors were not allowed to hold private lectures on their main subject. To its credit, the decree introduced new subjects like Hungarian public law, commercial law, the law of the bills of exchange, feudal law and the law of mining. However new chairs and further lectures were not allocated to the new subjects. As a consequence of the new rules, the difference between the Faculty of Law and the academies decreased. In other words, the standards of university education fell due to the second *Ratio educationis*. Let us add that the difference between the standards of the faculties of law of Vienna and Pest became more significant.

The king decreed in 1818 that the dean should not be a professor. (The rule was in force until the end of 1835.) In 1820 the office of directors was re-established to control the faculties more intensively. It was feared that the directors would misuse their broad bureaucratic authority. It was a promising sign that the president of the university, Ürményi proposed old professors for that office who did not misuse their power. The elderly directors could not maintain the standards of education. The quality of tuition fell. Instructors were underpaid and the missing textbooks were replaced by students' notes from dictation. Fortunately, there were professors that retained a certain, acceptable level of the education. We have to refer to M. Szibenliszt (Roman law, criminal law, feudal law), A. Virozsil (natural law, Hungarian public law) and P. Tipula (politico-cameral sciences).

As far as the curriculum was concerned, the timetable of the Faculty of Law specified in the academic year 1835-56 the programmes as follows. In the first semester the lectures of natural law, universal public law and international law had to be delivered between 8 and 9 a.m. and between 2 and 3 p.m. by Virozsil on the basis of Martini's textbook. The lectures of statistics of the Austrian Empire and of Hungary had to be delivered between 9 and 10 a.m. and between 3 and 4 p.m. by Jurjevich on the basis of a manuscript. For the second semester a similar programme was envisaged but Virozsil had to teach also Hungarian public law (on the basis of a manuscript), while Jurjevich had to teach the statistics of Europe and of other continents, furthermore the law of mining. In the third semester the politico-cameral sciences had to be taught by Tipula on the basis of Sax's textbook (which followed Sonnenfels). Roman law was taught by a temporary reader on the basis of a manuscript.²⁵ During the fourth semester the lectures of politico-cameral sciences continued, while instead of Roman law, criminal law as well as feudal law were taught by a temporary reader on the basis of

²³ VUCHETICH, *Institutiones juris criminalis Hungarici in usum academiaram regni Hungariae*, Budae 1819. A Hungarian translation is by T. Király, vol. II, 2008, vol. I, 2010.

²⁴ P. HAJNIK, *Historia juris Hungarici*, 1807. Cp. ECKHART (1936), 267f.

²⁵ As late as the 1830s, Roman law was taught from P. J. WALDECK's *Institutiones iuris civilis Heineccianae emendatae et reformatae* (2nd ed. Gottingen 1794). See ECKHART (1936), 353. The fact that this textbook - going back to HEINECCIUS' one-hundred-year-old classical work (first published in 1725) - was still used shows how slowly the German historical school could invade legal education in Hungary. Since 1829, PUCHTA's *Institutes* could have been used as textbook. Until 1862 (when the translation of PUCHTA's *Pandekten* was published by E. RECSI), the Hungarian textbooks of Roman law were based upon out-of-date German and Austrian works.

Vuchetich's textbooks. In the fifth semester public church law was taught by Vízkelety on the basis of Pehem's textbook, and there were also lectures on Hungarian private law to be delivered by Frank on the basis of J. Markovits's textbook. In the course of the sixth semester the same programme continued with the difference that, instead of public church law, private church law had to be taught.

The president of the university strictly controlled the observance of the timetable, which was otherwise approved each year by the *Staatsrat* in Vienna and was published in a printed form. The rigour – which also covered the exact time of the beginning of the lectures – was justified among other things by the requirement that law students had to have access to certain important courses of other faculties.

In the first decades of the 19th century the number of law students rose on average to 200, sometimes it reached 300. However, neither their knowledge nor their behaviour were satisfactory. Law students repeatedly committed violent crimes against passers-by, misbehaved in the theatre and committed other mischief. As the university enjoyed autonomy, the students that committed minor offences were not prosecuted but were incarcerated on university premises. One of the measures to control the students more strictly was the government decision of 1828 whereby the system of evaluation was modified in a way that only those students could proceed to their subsequent curricular year who obtained the assessment of *prima (classis)* in every subject. (Earlier the qualification of *secunda* was sufficient to earn the right to continue the studies at a regular pace.)

After decades of low educational standards, it was a sign of change that in 1827, I. Frank was appointed professor of Hungarian private law. That post had been vacant as from I. Kelemen's retirement in 1817. It was at first in Frank's works – including *Specimen elaborandarum institutionum iuris civilis Hungarici* (1823), *Principia iuris civilis Hungarici* (1829) and his *magnum opus* in Hungarian about Hungarian private law (1845) – that the impact of the German historical school manifested itself in Hungary.²⁶ Frank dealt also with philosophy of law and with criminal law. He had considerable part in the creation of Hungarian legal language. Frank was also an active and successful participant in the public life of the university. In the 1830s he was vice director of the faculty for several years. As late as 1832-33 he was rector of the university. It was an official acknowledgment of Frank's outstanding scholarly merits when in 1847 he was elected corresponding member of the Hungarian Academy of Sciences (hereinafter: HAS). He was the first professor of the faculty to be elected as a member of the HAS, which had been founded in 1825. During the first two decades of the HAS, the Faculty of Law of the university of Pest was not represented among

²⁶ See P. HORVÁTH, *Frank Ignác*, 1993, especially 62. See also the sceptical view of E. PÓLAY, *A pandektisztika és hatása a magyar magánjog tudományára* (Pandectistics and its impact on the science of Hungarian private law), Szeged 1976, 104ff.

its members.²⁷ It is regrettable especially because there have never been so many jurists elected among the members of the HAS as in the period between 1825 and 1849.²⁸

In 1844 Hungarian became the official language of the country. The relevant law: Act II of 1844 did not however bring about any noteworthy change in legal education. Some of the lectures were held in Hungarian also before 1844 and some other ones were conducted in Latin even after that date. Some of the professors did not speak Hungarian, neither was the Hungarian legal terminology sufficiently elaborate at the time. The educational authorities did not accept proposals of the faculty to modify the educational programme. After the revolution of 15 March 1848, in which law students as well as students of other faculties had excelled, important changes could have taken place. The general aim should have been ensuring the freedom of studies, as laid down by Act XIX of 1848, adopted during the days of the revolution. But history took another course. Numerous law students served in the Hungarian defence force during the war of independence. After the liberation efforts failed, the reforms were turned down, and even the very existence of the university was under threat. Neither was it a propitious development that on 20 June 1849 Frank was appointed rector of the university by the competent minister. Frank could not stabilise the operation of the university and became the target of attacks.

After the war of independence had been lost, some of the professors and readers of the faculty were dismissed. In 1850 Frank committed suicide in Vienna. Apparently he could not cooperate with the Austrian authorities. However, there were some favourable developments. T. Pauler was allowed to teach natural law and Hungarian public law also after 1849 as a temporary reader. E. Récsi was appointed temporary reader of administrative and financial law in 1850. Á. Karvasy was invited to teach the politico-cameral sciences. Later they became ordinary professors of the faculty. It was a further and not less significant development that in 1850 G. Wenzel, professor of the *Theresianum* of Vienna was appointed to the chair of private law which became vacant due to Frank's death.

In spite of the proposals made by the faculty, the regulation issued earlier for the Austrian universities was put into force by a royal decision published in 1849. By virtue of these rules the freedom of studies was established and the system of state examinations was introduced. The following lectures were envisaged: "encyclopaedia of legal sciences" (in German by Virozsil), institutes of Roman law (in Latin by Henfner), church law (in Latin by Vizkelety), Hungarian private law (in Hungarian by Wenzel), Austrian law (in German by Némethy), criminal law and philosophy of law (in Hungarian by Pauler), law of mining (in German by Wenzel), law of bills of exchange (in German by private professor Elischer), comparative law (in Hungarian by Wenzel), political sciences (in German by Karvasy), administrative law (in Hungarian by Récsi), statistics (in Hungarian by Láner), international law (in Hungarian by Pauler) and financial law (in German by extraordinary professor Degen). Due to the new

²⁷ In 1845 Pauler and in 1846 Wenzel were elected corresponding members of the HAS but at that time they were not professors of the faculty yet.

²⁸ In the first period (until 1849), 37 jurists were elected as members of the HAS. In the course of the following 25 years (1850-1874), 13 jurists were elected corresponding members, and among them there were three professors of the faculty (Hajnik, Hoffmann and Récsi). Thereafter a golden period came for the faculty when (from 1875 to 1899) 20 new members were elected and 12 of them were professors of the faculty.

appointments, there were nine ordinary professors at the faculty as from 1852. Since 1851 there were also private professors there. Tuition fee was introduced and the money thus collected constituted the income of the professors.

In 1853 the system of *rigorosa* was regulated by a ministerial decree. There were three *rigorosa* prescribed. In the framework of the first *rigorosum* political sciences, in the second *rigorosum* Roman law, church law and Hungarian private law as well as historical subjects, while in the third *rigorosum* Austrian criminal law and criminal procedure, Austrian private law and civil procedure as well as commercial law including the law of bills of exchange were tested. At every *rigorosa* six professors had to be present. In 1855 a new imperial decree was issued, which unified the legal curriculum at every university of the Habsburg Empire.²⁹ An obvious priority was given to a thorough knowledge of positive (especially of Austrian) law based upon profound historical knowledge. The preference given to the historical studies can be attributed to the impact of the German historical school and of the so-called historicism. The era of natural law ended definitely. The new regulation assured priority to the education of Austrian law, Roman law and of political sciences. By contrast, the education of philosophy of law as well as of administrative and financial law was reduced or deleted. The abolition of administrative and financial law as compulsory subjects was motivated by the argument that, instead of learning the continuously changing rules, it is more useful to deal with more general studies.

The duration of studies was extended from three to four years. In the first year the history of the German Empire, history of law and Roman law (history, Institutes, Pandects) had to be taught, all these subjects during two semesters. In the third semester general German private law, in the fourth semester “encyclopaedia of legal sciences” and philosophy of law were in order. During the second year also church law had to be studied for one or for two semesters. In the third year Austrian civil law and political sciences were in the curriculum during two semesters. Austrian criminal law followed in the fifth semester while Austrian criminal procedure in the sixth semester. The fourth year saw Austrian procedural law. The seventh semester covered Austrian commercial law including the law of bills of exchange, while in the eighth semester the statistics of Austria had to be studied.

The number of hours was exactly regulated. As for the lectures on Roman law, in the first semester the lectures on history and the institutes of Roman law had eight hours per week, in the second semester twelve (*sic!*). The decree gave a certain freedom to the professors to elaborate the details of the programme. The education of further subjects was also strongly recommended. It is worth mentioning in this respect that as from 1855, G. Wenzel delivered lectures on comparative law as well. It was also strongly recommended that the students attend lectures of other faculties and that they attend lectures normally to the extent of 20 hours per week. The system of *rigorosa* was also modified in 1855. In order to obtain the doctoral degree, one had to take the following *rigorosa*: (i) Roman law, German law, feudal

²⁹ At that time the politician in charge of the imperial cultural policy was Leo Thun Hohenstein. He thought that one of the sources of revolutionary ideas was natural law. He thought in this connection that consolidation could be favoured among others by strengthening the education of legal history. See W. OGRIS, “Die historische Schule der österreichischen Zivilistik”, in G. Hamza (ed.): *Studien zum römisches Recht in Europa*, 1992, 243.

law, church law; (ii) international law, economics, philosophy of law³⁰; (iii) Austrian private and criminal law (including the respective procedures). As regards the subjects of positive law, their rigorosa had to be taken in German as from 1853.

In the course of the 1850s the problem of language remained controversial. The dominance of the German language was due to the government policy but the public connected it to a considerable extent to A. Virozsil, professor of public law (rector in 1849/1860). The majority of students would have liked the lectures delivered in Hungarian instead of German or (in the case of church law and Roman law) in Latin. Some professors (especially Pauler, Récsi, Wenzel and Konek) supported that request. The drive for Hungarian as the language of tuition only won due to political changes, which began in 1860 (provoked by military failures of the Austrian Empire in Italy). First the autonomy of the university was restored and in October of the same year – in connection with the publication of the so-called *Oktoberdiplom* restoring the Hungarian as official language of administration – the sovereign permitted that the lectures be delivered in Hungarian. Some professors (Harum, Schuster, Virozsil, Steiner) declared that they were not in a position to deliver lectures in Hungarian. The lectures they had held in German were not dropped from the curriculum. Instead, corresponding lectures were held in Hungarian by other professors and readers (Hoffmann, Wenzel, Karvasy, Kautz, Konek, Arányi). The lectures in Latin (to be held by Schwach, Kotter and Virozsil) could not be delivered any more since the students did not attend them. As from 1861 only the private professors were entitled to deliver lectures in languages other than Hungarian. That position was held by Dean T. Pauler and others. (The opposite view was expounded by Karvasy, whose mother tongue was Hungarian.) Since that view was approved also by the sovereign, professors who could not deliver lectures in Hungarian had to quit. (Harum moved to Innsbruck and later to Vienna, Schwach to Prague, while Schuster and Virozsil to Vienna. All of them became professors there.)

Education of Hungarian public law was introduced at that time in the hope of the restitution of the former Hungarian constitution but further proposals of the faculty were not accepted by the Governing Council. At that time, namely in the first half of the 1860s, the following professors were appointed: J. Baintner (Austrian law and civil procedure, 1862; he returned to the faculty from state administration), E. Récsi (Roman law, 1862; until that time he was a professor of public law), Gy. Kautz (public and financial law, 1863), L. Cherny (church law, 1863), P. Hoffmann (Roman law, 1865). As for the students' behaviour, after the revolution disorderly conduct became less frequent than in the first half of the 19th century. True, the attendance of lectures remained unsatisfactory. Interestingly, the parents of students put the blame for non-attendance to the Faculty of Law. The faculty claimed that the problem was not as grave as stated and attributed it to the higher number of students (being by no means in proportion with the size of the classrooms) and to the freedom of studies. In the first half of the 19th century the number of students ranged between 200 and 300, and it rose to double that figure during the 1860s. Thereafter it rose to a thousand.

³⁰ As regards the rigorosum in philosophy of law, special emphasis was laid on the history of theories. See ECKHART (1936), 427.

A really successful era began after the Austro-Hungarian Compromise of 1867 both for the whole country and for the faculty. The minister of education, J. Eötvös, listened to the proposals of the faculty, although he had his own priorities. He approved of the faculty-prompted principle that every compulsory subject had to be covered by two professors. It was his idea to declare national economy a university subject. It took time to implement the reforms. After Eötvös had died, a professor of the faculty, T. Pauler was appointed minister of education in 1871. A new system of examinations was introduced by a ministerial decree in 1874. In order to promote continuous learning the decree ordered that both at the end of the first and the second academic years “basic examinations” be passed. The subjects of the first basic examination were history of law and Roman law; those of the second were philosophy of law, public law and economics. These examinations could be passed in the former system also later and this is why many students preferred to carry out non-scholarly activities in the first academic years rather than to attend the lectures regularly and to learn with devotion.

In January 1875 a new order of doctoral degree entered into force by a royal decree. The new regulation was published on the basis of the proposal made by the faculty although some details of the proposal were modified. This regulation created the so-called bifurcation, namely legal and political studies were distinguished from each other as from that time. The doctoral rigorosum in legal science included (i) philosophy of law with international law, Roman law, church law; (ii) Hungarian public law, Hungarian private law, Austrian civil law; (iii) criminal law and procedure, commercial law, Hungarian civil procedure. The doctoral rigorosum in political science included (i) philosophy of law, Hungarian public law, politics; (ii) economics, fiscal studies, statistics of Hungary and Austria; Hungarian administrative and financial law. It was furthermore laid down that the singular rigorosa could be passed only in the sequence fixed by the decree; they had to be public and had the duration of two hours. The examination panel consisted of the full professors of the subjects concerned and its chairman was the dean. The candidate had to present a dissertation in one of the subjects. The doctoral rigorosum served as a substitute for the corresponding state examination. Already in the previous year it was ordered by an Act of the Hungarian Parliament that the doctoral rigorosum be a precondition to attorneys’ examinations.³¹ Some years later the strict rules of the examination had to be modified because of the increasing number of rigorosa.

As early as in 1873 the minister of education, A. Trefort asked the faculty to send two professors to Vienna in order to study how the seminars work there. The seminars envisaged by Trefort had the function, among other things, to provide the opportunity for intensive scholarly programmes with smaller groups of students. The experiences Professors Hoffmann and Schnierer collected in Vienna were not entirely favourable. Furthermore it was also clear that the lack of books was an essential obstacle to successful seminar programmes. In view of the circumstances, the faculty turned down the idea establishing seminars. The government of the time promoted the development of the university with considerable financial support. In 1875, curious of the corresponding achievements, Trefort requested a report from every faculty. The Faculty of Law, like some other faculties, could proudly report about a long list

³¹ See Act XXXIV of 1874. Such a rule was effective on the basis of an imperial letter patent between 1852 and 1861; see ECKHART (1936), 584.

of results, namely the growth of the number of professors, students, lectures, doctoral promotions, books published as well as the increasing number of professors' memberships in scholarly societies. At the same time student non-attendance of lectures was a chronic problem and roll-calls were not an efficient method to handle it.

As from 1876 the academic year began in September and ended in June, in order to be in accordance with the beginning of the school year and with regard to sultry weather in July and August. Many professors criticized that solution arguing that it did not correspond to the timetable of foreign universities and stating that it collided with international congresses that tend to be held in September. A graver problem was the insufficient number and size of educational premises. Until 1874, when a wing of the university on Szerb Street was completed, the faculty only had three classrooms and one room for the professors. It was difficult to secure a separate room even for the dean because most of the complex in Egyetem Square was occupied by the faculty of philosophy, including the chairs of natural sciences. The latter had major collections (zoological, mineralogical etc.). As from 1874 the faculty had eleven classrooms (including the rooms for examinations) and four rooms for other purposes but the capacity of the classrooms was enough for 1,000 students only while their number mounted up 1,500 to 1,600. The professors had only one common room also in the 1880s, thus the meaning of the professor's chair could have equalled the literal meaning of the word, apart from the fact that in the tiny professors' room all the professors could not sit down at the same time.

Between 1900 and 1911 (to a considerable extent in 1905) the faculty of philosophy moved to the buildings in Múzeum Avenue. Those buildings had been owned by the Technical University before. Thus the Faculty of Law could obtain the whole complex in Egyetem Square and Szerb Street including a brand new main front looking on the square. In those years the number of students exceeded 3,000, thus the almost exclusive possession of the building complex obtained by the Faculty of Law was absolutely justified. In 1883 a new order of studies was approved by the king. It was not entirely in accordance with the desires of the faculty. In vain did the faculty propose that the students should attend lectures on their main subjects for more than one semester. It was not an effective rule that every main subject had to have five hours per week, except Roman law, which had eight hours per week.

After the Austro-Hungarian Compromise of 1867, new professors were appointed and some new chairs were established. In 1868 K. Kerkápoly, a member of the HAS, was appointed to the chair of political science (replacing Karvasy, who had retired). In 1869 Á. Lechner was appointed the new chair of public and administrative law. In 1870, I. Apáthy,³² M. Herczegh and Gy. Sággy were appointed to the chairs of commercial law, civil procedure and Austrian civil law respectively. Baintner's former chair was thereby expanded by "multiplication". In 1872 A. Schnierer was appointed to the chair of philosophy of law, while I. Hajnik, a member of the HAS, became the professor of legal history. In 1873 the first chair was established exclusively for criminal law (A. Schnierer). In 1874 T. Vécsey was appointed extraordinary

³² See ECKHART (1936), 527. Apáthy was the drafter of the Act of Commerce, adopted by the Parliament in 1875. His role in legislation was eminent but not quite exceptional since at that time the government often asked the opinion of the faculty on current issues.

professor of Roman law. A year later he became an ordinary professor. In the same year the first independent chair of “constitutional and administrative policy” was established (D. Szilágyi). In 1875 Á. Pulszky was appointed to the chair of philosophy of law,³³ in 1888 Gy. Kováts to the chair of church law. As a result of the above appointments, the number of ordinary professors rose to 17. That was a significant development in the history of the faculty. In 1881 a further chair was established in terms of the duplication of Baintner’s chair. (He died in the previous year.) S. Plósz became professor of civil procedure and commercial law,³⁴ while Gy. Antal became that of Austrian civil law. Konek’s chair was duplicated after his death in 1882, when L. Láng and B. Földes became professors of statistics.

As a further development, the establishment of seminars is to be mentioned. The aim of the seminars was to offer an introduction to scholarly research and strengthen the practical knowledge of the students. A seminar of Roman law, one of the first ones, opened in 1887. Its first director was T. Vécsey. He was an eminent scholar and an advocate of educational reform. He stressed the importance of practical programmes. In the following years the seminars of criminal law and statistics commenced and worked successfully under the direction of L. Fayer and B. Földes respectively.³⁵ Trefort supported the establishment of seminars and granted considerable funds to create major libraries for the seminars.³⁶ In 1889 Vécsey could state with justified pride that jurists trained by the faculty were better qualified than in the previous period and that was due to reforms after 1867. Vécsey observed that a third of the students studied very diligently, another third of them learned less but earned money and only one third of them was lazy. He added that it was unjust to judge the students only with reference to the third group. The average Hungarian students were not inferior to their German peers, he stated.³⁷

That having said, other professors (as for instance Plósz) and esteemed legal practitioners criticized the system of education. They urged a considerable modification of the proportion of the single subjects. It was also claimed that the requirement of doctoral degree for the attorneys had not resulted in a decrease in their number but rather a decrease in the standard of the doctoral examination. It was proposed to restore the scholarly character of the legal doctorate. In subsequent years, namely in the last two decades of the 19th century and also afterwards there were debates on the relationship of the doctorate and the state examinations, on that of the universities and the so-called academies (i.e. law schools run by the state or by various Churches).³⁸ A further problematic issue was the introduction of colloquia that would have been disadvantageous as regards the professors’ literary activity as well as the

³³ See ECKHART (1936), 534. PULSZKY’s works include his *The Theory of Civil Law and Society*, London, 1888.

³⁴ See ECKHART (1936), 540. PLOSZ’s works include his *Zwei Vorträge aus dem ungarischen Zivilprozeßrechte*, Berlin 1917.

³⁵ Later on the seminars of statistics (1905, L. Láng) and philosophy of law (1906, Gy. Pikler) were launched. Further seminars (those of civil procedure, private law, church law and administrative law) could be founded only after the faculty of philosophy moved definitely to the buildings in Múzeum Avenue in 1911. See ECKHART (1936), 559ff.

³⁶ The library of the faculty was founded in 1904. Between the two world wars its role was assumed by the seminar libraries. The faculty library was re-established in 1957. Its premises were enlarged and modernized in the 1990s. The departments could maintain and enrich their collections also after 1957. The old books preserved nowadays in the department libraries derive mostly from the collections of the old seminars.

³⁷ VÉCSEY, *A jogi szakoktatás reformjáról* (On the Reform of Legal Education), in: *Jogászegyleti Értekezések* 5 (1889), 7, quoted by ECKHART (1936), 567.

³⁸ The debate was especially sensitive as regards the status of the academies run by the Churches in connection with anxiety concerning the scientific and professional quality of education at these institutions. Cp. ECKHART (1936), 578ff.

attendance of the lectures by the students. Several reform projects were elaborated in this period but their adoption failed. In vain was it proposed by Schwarz – with well-founded arguments – that compulsory seminars be introduced besides every main subject.³⁹ It was only in 1911 that a royal decision was issued on the system of studies and examinations at the universities and academies. A third basic examination was introduced to be passed at the end of the sixth semester in Hungarian private law, Hungarian criminal law and Hungarian criminal procedure. The debates continued but they did not result in further modifications for a long time.

As for the chairs and the professors, the following developments have to be stressed in the period between 1890 and 1918. In 1890 one of the greatest Hungarian jurists of all times, B. Grosschmid (called in a certain period Zsögöd) was appointed professor of Hungarian private law, obtaining Wenzel's chair who retired.⁴⁰ In the same year Gy. Wlassics became professor of criminal law, while F. Nagy⁴¹ was appointed to the chair of commercial law having become vacant because of Apáthy's death. Still in 1890 a new chair was established for the history of Hungarian constitution and law (Á. Timon). In 1891 V. Mariska was appointed to a new chair of financial science and law. After Kerkápoly's death in 1891 it was Gy. Concha who was appointed professor of politics in 1892. In the same year Földes was transferred to the chair of economics and financial science as that post had become vacant after Kautz went into retirement. In 1893 Hoffmann, the professor of Roman law retired. Schwarz and M. Szentmiklósi were appointed ordinary and extraordinary professors respectively, to serve as his successors. From this time Roman law had three professors temporarily (including Vécsey). Also legal history obtained a third chair by the appointment of J. Király in 1894. In 1893 L. Fayer was invited by the faculty and appointed by the king to be professor of criminal law. In 1896 Gy. Pikler⁴² and J. Csarada were appointed professors of philosophy of law and international law as well as of "encyclopaedia of legal sciences". In 1896 K. Kmety was appointed extraordinary professor of administrative law. After Schnierer's death, in 1900, J. Balogh was appointed professor of criminal law.

By the turn of the 19th and 20th centuries – as a result of the changes outlined above – there were fifteen ordinary and five extraordinary professors at the faculty, moreover, there were five vacant chairs⁴³ and one more extraordinary professorship. The majority of the vacant chairs found their professors in reasonable time. In 1903 M. Katona was appointed professor

³⁹ See SZÁSZY-SCHWARZ, *Parerga*, 1912, 273ff. The introduction of compulsory seminars could not be achieved between the two world wars either. Szászy-Schwarz held famous practical courses, in which especially cases from the *Digest* were dealt with.

⁴⁰ See ECKHART (1936), 599. Cp. V. PESCHKA, "Theoretische Grundlagen der ungarischen Privatrechtswissenschaft im Zeitalter des Dualismus", in: *Die Entwicklung des Zivilrechts im Mitteleuropa 1848–1944* (ed. A. Cszizmadia-K. Kovács), 1970, 6ff.

⁴¹ See ECKHART (1936), 601. F. NAGY's works include his *Über die Rechtsverhältnisse Ungarns und den engeren Zusammenschluß der mitteleuropäischen Rechtsbeziehungen*, 1916.

⁴² Pikler was a progressive jurist, sociologist and psychologist. He was a member of the *Institut international de sociologie*. In 1901 conservative students, incited by some radical newspapers, aggressively protested against him in the classroom. Although not sharing Pikler's modern views, Concha defended him as well as the freedom of science during the subsequent discussions. The aggressive students were punished by the Senate. See ECKHART (1936), 644f.

⁴³ In 1901 the vacant chairs included those of public and administrative law (due to the death of Lechner), European and Hungarian legal history (due to the retirement [and subsequent death] of Hajnik), private law, civil procedure and commercial law. See ECKHART (1936), 612f.

of private law, G. Magyary professor of civil procedure.⁴⁴ In 1907 A. Doleschall was appointed professor of criminal law, obtaining Fayer's chair, who had died in the previous year. In 1912, replacing their predecessors (professors J. Balogh and Gy. Antal), P. Angyal and A. Notter were appointed to the chairs of criminal law and church law respectively. In the same year E. Nagy was appointed professor of public and administrative law. After Vécsey's death in 1912 his successor was G. Schwarz (by that time called already G. Szászy-Schwarz), who also held the chair of commercial law,⁴⁵ having been formerly professor of Roman law. However, Szászy-Schwarz, being one of the greatest Hungarian Romanists and civil law expert of all times, known also as the "Hungarian Jhering"⁴⁶ – since he used to be one of the best pupils of Jhering in Gottingen – did not want to change positions and thus K. Helle was appointed professor of Roman law in 1913. In 1917 K. Szladits was appointed professor of private law (after M. Katona's retirement). In the same year J. Illés and B. Kenéz were appointed professors of legal history and statistics respectively. In August 1918 the king appointed Á. Navratil and K. Balázs professors of economics.

A brief description of the short and chaotic period between 1918 and 1919 will fit the bill here. It is open to debate whether or not the government measures of this time (especially those passed during the Communist dictatorship known as the Hungarian Councils Republic) were legitimate. Let us note that some excellent jurists were appointed professors during the Communist rule (e. g. E. Balogh and R. Vámbéry). Of the appointments of the short republican period and Communist dictatorship, it was only that of the prominent professor of the University of Kolozsvár (Cluj-Napoca), B. Somló to the chair of philosophy of law in December 1918 that was subsequently recognized as legitimate. Somló could not enjoy that decision for long since in September 1920 he committed suicide.⁴⁷ In the same year other eminent professors died, too (G. Szászy-Schwarz, K. Helle, E. Nagy). Between the two world wars the system of studies did not change considerably, but the appointment of new professors needs to be stressed. In 1922 M. Tomcsányi became professor of public and administrative law. Many important appointments took place between 1928 and 1930 which maintained and even improved standards of education and scholarly research for the following two decades. In 1928 B. Kolosváry was appointed professor of private law, O. Kuncz professor of commercial law, P. Szandtner professor of politics and Gy. Moór professor of philosophy of law.⁴⁸ In 1929 F. Eckhart was appointed to the chair of Hungarian legal history, while in 1930 Z. Magyary to that of administrative and financial law.⁴⁹

In 1931 Magyary founded his famous "Hungarian Institute of Public Administration" which became a centre of intensive and valuable research. The success of the Institute was in

⁴⁴ See ECKHART (1936), 617. G. MAGYARY's works include his *La jurisdiction de la Cour permanente de justice internationale*, Paris 1938.

⁴⁵ Schwarz obtained the chair of commercial law in 1900, when it was temporarily vacant due to F. Nagy's appointment to secretary of state in the Ministry of Commerce. After his return, Schwarz insisted to maintain his new position. Cp. ECKHART (1936), 607, 612, 622f.

⁴⁶ Cp. PESCHKA (1970), 13f.; J. ZLINSZKY in O. BEHRENDTS, *Rudolf von Jhering. Beiträge und Zeugnisse*, second ed., Göttingen 1992, 57f.

⁴⁷ See ECKHART (1936), 651. SOMLÓ's main work was his *Juristische Grundlehre*, second ed., Leipzig 1927.

⁴⁸ See ECKHART (1936), 656. Moór's work include e. g. his *Zum ewigen Frieden*, Leipzig 1930.

⁴⁹ See ECKHART (1936), 661. Z. Magyary's works include e. g. his *Rationalization of Hungarian Public Administration*, 1932.

connection among others with the fact that Magyary – just like his colleague, Szladits mentioned above – was a great master having a number of excellent disciples.⁵⁰ Some eminent professors joined the faculty in the 1930s. In 1936 L. Gajzágó was appointed professor of international law, in 1937 G. Marton professor of Roman law.⁵¹ In 1938 E. Nizsalovszky obtained the chair of civil procedure and next year his mandate was extended to private law. E. Heller became professor of criminal law in 1944.

We know little of the damage the faculty suffered during World War II. An excellent private professor of private law, L. Villányi (Fürst) was killed in the Holocaust and presumably so were a number of law students of Jewish origin.⁵² The building of the faculty – except the destruction of the dome – suffered little damage during the war. After World War II a transitional period began in Hungary, lasting until 1948. The political system was still more or less democratic; however, the Communist Party had a strong influence due to the presence of the Soviet Red Army. That influence determined the conditions at the faculty. As from 1945, numerous professors were forced to retire: M. Tomcsányi, professor of public law, a member of the HAS (hereinafter: MHAS) was released from his position in 1945 and K. Balás, MHAS (economics) in 1946. In 1948 a number of professors were deprived of their chair. If they were members of the Academy, they lost as a rule that membership. They were as follows: J. Baranyay (church law),⁵³ D. Laky, MHAS (statistics), K. Molnár, MHAS (public law), Gy. Moór, MHAS (philosophy of law), Á. Navratil, MHAS (economics), P. Szandtner (public law). In 1949 L. Gajzágó, MHAS (international law), E. Heller, MHAS (criminal law), and Ö. Kuncz, MHAS (commercial law), in 1950 I. Szászy, MHAS (private law) were released of their positions.⁵⁴ The new professors were recruited from among left-wing attorneys and other jurists, who were well qualified or even highly qualified. Often the newcomers replaced the former professors but sometimes their old colleagues could stay. The old professors could maintain their positions provided they were ready to adjust. Under such conditions Eckhart, Marton and Nizsalovszky could work as professors until 1957. The first two died in that year, while Nizsalovszky was released of his position because of his “counterrevolutionary conduct”.

The Communist authorities reduced the intensity of scholarly research at universities. Indeed research could continue mainly at those institutes of the HAS that were established in 1949 or later. The authorities were afraid that scholarly research could endanger the Communist indoctrination of students. The universities were to some extent degraded to schools for adult education, in which the new Hungarian Communist (or at least loyal) “intelligentsia” could be

⁵⁰ As for Magyary’s Institute and his disciples (among them Gy. Bónis, J. Martonyi and I. Meznerics), see e.g. J. SZANISZLÓ, *A Magyary-iskola és háború utáni sorsa* (= Magyary’s school and its subsequent fate after the war), 1993. As for the school of Szladits, L. Villányi (Fürst), M. Világgy, Gy. Csanádi, Gy. Eörsi and T. L. Asztalos are especially to be mentioned.

⁵¹ See e.g. MARTON, *Les fondements de la responsabilité civile. Révision de la doctrine. Essai d’un système unitaire*, Paris 1938.

⁵² As to the empathetic and brave behaviour of E. Nizsalovszky with regard to students who were forced to wear the yellow star in 1944, see F. MÁDL, in: *Nizsalovszky Endre Emlékkönyv* (ed. F. Mádl-L. Vékás), 1994, 14.

⁵³ Baranyay was arrested in connection with criminal proceedings against the Archbishop of Esztergom, Cardinal J. Mindszenty on 24 December 1948.

⁵⁴ In 1949 the title of “private professor” was abolished. Few private professors could continue delivering lectures or obtaining any of the new scientific degrees, which were introduced in 1951 on a Soviet pattern.

trained.⁵⁵ Some measures of this era were useful or at least could have been useful. The faculty admitted female students as from 1945.⁵⁶ In 1946 the system of bifurcation was abolished and uniform legal education was introduced.⁵⁷ In 1950 the system of compulsory seminars was introduced. The students had the duty to attend these small group courses, which were attached to each main subject. The lectures were delivered by the professors; however the seminars were conducted mostly by their assistants. The aim of compulsory seminars was not to study the methods of scholarly research unlike in the case of former seminars. Mostly they served as courses for repetition and consultation. Ideally they offered opportunities for the discussion of legal cases.

As from 1951 it was a favourable development that four weeks (later longer) work experience was required.⁵⁸ It was also a reasonable measure that – on the occasion of the abolition of the university doctorate – the automatic doctoral degree of jurists was abolished in 1951.⁵⁹ As young jurists lost a competitive edge as compared to senior colleagues who held the doctoral title, the system of automatic doctorate was restored in 1956.⁶⁰ This privilege of the jurists (granted in Hungary also to physicians) is still in force. The system of “basic examinations” was abolished in 1948-49 and the system of colloquia and rigorosa has been introduced which is in force nowadays as well. The rigorosum ceased to mean the doctoral examination; it has assumed the meaning of a high-ranking examination in which the material of more than one semester is tested.⁶¹ The introduction of the new system of examinations meant in fact that the students had to take much more examinations than before (several examinations at the end of each semester). The new system did not ensure, however, any increase in the practical knowledge of students.

The didactic function of the compulsory seminars was of crucial importance at that time since, between 1948 and 1955, many of the students were recruited from special preparatory courses

⁵⁵ The autonomy of universities was explicitly abolished by a government decree (No. 274/1950). As regards the direction and management of universities, the professors' role was minimized. The position of the rector and of the deans became stronger but their role was controlled by representatives of the Communist Party and other social[ist] organizations taking an active part in direction.

⁵⁶ See decree No. 6.660/1945 VKM of the minister of public education. Women were admitted by the faculty for the first time in the academic year of 1918-1919, but after 1919 that policy was discontinued. One of the first female students at the faculty was E. Weiss, who became professor of civil law and a noted expert on family law.

⁵⁷ See decree No. 60.000/1946 VKM of the minister of public education. That having said, the system of bifurcation returned for a certain period (lasting until 1954), when in 1948 the course of public administration was transferred from the Technical University to the faculties of law. The name of the faculty was changed from “Faculty of Legal and Political Sciences” to “Faculty of Law and Administration”. Since 1950 the faculty has been called “Faculty of Political and Legal Sciences”, stressing the priority of the “*Staatswissenschaften*”. In 1951 the name of the university was changed from “Pázmány Péter” to “Eötvös Loránd”.

⁵⁸ See government decree No. 150/1951 MT.

⁵⁹ See law decree No. 26 of 1951, issued by the Presidential Council.

⁶⁰ See law decree No. 26 of 1956, issued by the Presidential Council. Since the jurists obtained the doctoral degree automatically, it was not necessary (and perhaps not even possible) to obtain a real doctoral degree in legal sciences. This contradiction was resolved only by the law decree 24 of 1983, which introduced the title “dr. univ.”, being the direct predecessor of the PhD degree, which in turn was introduced by the Act on Higher Education of 1993.

⁶¹ The doctoral rigorosa were abolished by a resolution of the government (No. 1032/1952 MT), by which the state examinations were also introduced. This system prevails also nowadays. However, since 1993, the state examinations have been called final examinations. The state examinations included constitutional law, administrative law, criminal law, civil law, theory of state and law. In the 1980s civil procedure and criminal procedure related to the corresponding substantive laws were also among the examination items.

without having a normal secondary school degree (school-leaving examination).⁶² These students were ideologically loyal to the regime but tended to have poor educational performance. It goes without saying that a one-year preparatory course could not substitute secondary-school studies. As from 1952, the preparatory course lasted for two years. Also Latin was among the subjects taught. In addition to attending the repetition courses, considering of the needs of these students the system of such oral examinations has been introduced, where the students could choose questions from three sets.⁶³ A considerable part of the seminars was devoted to preparing for the examinations.

The introduction of compulsory seminars made it necessary to reform the structure of chairs becoming in this period departments. The histories of Hungarian universities tend to disregard the transformation of the notion “chair” during the Stalinist era. In Hungary the earlier structure of the chairs followed the German-Austrian *Lehrstuhl* model. In 1951 the Soviet *kafedra* system was introduced in Hungary. Since that time in Hungary as well as in a number of Eastern European countries, the term “chair” has not meant the *Lehrstuhl* of one professor, instead, an institute of limited size (hereinafter named “department”) in which there can be more than one professor. Comparing the two categories, it is noteworthy that the head of a department did not have to be professor. Associate professors also could hold that post. (The same applies today.) From another point of view, the birth of departments in 1951 can be described as a result of the merger of old chairs and old seminars.

As from 1954, the lack of the old seminars was partly compensated for when the so-called “students’ scientific circles” were established. The circles were attached to (almost each of) the departments and operated under the supervision of a senior instructor. These student circles are still active. Participation in them is voluntarily. The circles regularly hold conferences and the best conference papers are awarded and printed (and/or distributed in an electronic form). The scholarly activities of some of the student circles (e. g. the one covering civil law) are at par with the standards of old seminars. Since the 1950s the average number of lectures of a single subject has decreased from five to two and the curriculum became fragmented in terms of extreme diversification. This trend was due to two factors: the introduction of compulsory seminars and new compulsory subjects. (Besides, those factors have favourable aspects.) The new subjects introduced included the so-called Marxist subjects (philosophy and scientific socialism), furthermore, agrarian law, labour law, ethics, sociology etc.⁶⁴ Some of the new subjects were cancelled in subsequent years (to resurface later), but most of them are still in the curriculum (often under a new title). The extreme diversification of the curriculum could not be appropriately reduced by the extension of the duration of studies to four and a half years (in the 1960s) and then to five years (in the 1980s).

⁶² See decree No. 51.600/1948 VKM of the minister of public education. Let us also mention evening courses organized for workers between 1945 and 1947. That form of encouraging social mobility was abolished in 1956. They were re-launched in 1976 but only for a few years.

⁶³ The sets consisted exclusively of questions announced in the beginning of each semester. After choosing the questions, the students normally got half an hour for thinking. During this time they could make a written draft. To obtain the lowest acceptable mark, it was sometimes enough to read out that draft. Under such conditions the quality of education could hardly be ensured.

⁶⁴ A dramatic decrease in the number of lectures occurred in 1961. Note that rhetoric and psychology never became compulsory subjects.

In 1951 all the traditional titles (ordinary and extraordinary professor) were abolished and new ranks were introduced on Soviet pattern (professor, associate professor [*Dozent*], assistant professor, lecturer). This model is still in place. In the same year the university lost the right to grant habilitation or doctorates. Thereafter scientific degrees of candidate and doctor of sciences – shaped according to the Soviet pattern – could only be granted by the HAS. The right of granting doctoral degrees was restored in 1956, the right of habilitation only in 1993.⁶⁵ In 1951 it was a controversial development when the so-called “corresponding course” was introduced. At that course only three or four consultations were held during each semester. The government supported the idea of such a course because workers could attend on the side. Small wonder, standards at that course were low.⁶⁶ In 1950 the department of Soviet law was established (headed by L. Névai).⁶⁷ Several Soviet textbooks were translated into Hungarian and the Soviet legal literature served as a basis for the Hungarian authors at the time. After 1956 the education of Soviet law discontinued.

Numerous instructors and students of the faculty took an active part in the 1956 revolution and were subject to strict punishment thereafter.⁶⁸ After 1956 the reforms that had begun upon Stalin’s death continued. In the first half of the 1960s several new subjects appeared in the curriculum (e. g. criminalistics, criminology, sociology, theory of organizations). Attendance of some “special colleges” was required from every student. Higher expectations were laid down also as regards scholarly research done by the departments.

In the 1960s some modern methods of education appeared (e.g. demonstration tools), but this development has been very slow until today. Let us mention among the favourable post-1956 developments the foundation of two reviews (in 1959). The *Annales* carries articles in world languages and *Acta* in Hungarian.⁶⁹ As for the structure of the departments, it was the result of a gradual development that the principle of “one discipline, one department” became predominant.⁷⁰ That is why considerable differences emerged as regards the size of the various departments. In 1968 the number of professors and readers in a department ranged between two (Roman law) and eight (departments of civil law and that of criminal law). In that year there were 18 departments at the faculty.⁷¹ In 1968 there were 87 professors and

⁶⁵ The solution laid down by the Act on Higher Education of 1993 caused some confusion of the notions and at least a peculiar coexistence of various degrees of German, Anglo-Saxon and Soviet origin.

⁶⁶ Correspondence courses are still organized.

⁶⁷ SINKOVICS/ASZTALOS (cit.), 333.

⁶⁸ See SZÖGI (2003), 346ff.

⁶⁹ The complete titles of these reviews are as follows: *Annales Universitatis Scientiarum Budapestinensis de Rolando Eötvös Nominatae, Sectio Iuridica* (edited currently by M. Dezső); *Acta Facultatis Politico-iuridicae Universitatis Scientiarum Budapestinensis de Rolando Eötvös Nominatae* (edited currently by A. Földi).

⁷⁰ Traditionally the principle “*quot cathedrae, tot professores*” prevailed, and it was really not exceptional that one discipline had more than one chair at the same time. In the 1950s there were still two departments for theory of state and law, civil law and criminal law. Nowadays it is only the history of law which has two departments but there is a division of labour between them since the history of Hungarian law is being taught separately from the universal history of law.

⁷¹ In 1968 the departments included those of the history of Hungarian state and law, the universal history of state and law, Roman law, constitutional law, administrative law, financial law, statistics, international law, criminal law, criminal procedure, civil law, civil procedure, labour law, agrarian law, philosophy and political economy. Add to this the department of foreign languages. See SINKOVICS/J. VIGH (cit.), 216. All these departments exist today-some of them under a modified title-except that of statistics, which has been united with that of economics. As to the departments established later on, see the information in the text. Subsequent governments have urged the faculty to establish large

readers employed in full time, and 42.5 per cent of them had scientific qualification. The system of advancement became increasingly stricter. From the middle of the 1970s the principle prevailed that the doctorate of the HAS (DSc) has to be a precondition for the appointment of professors, while as regards the associate professors, the degree “candidate of sciences” (CSc) was strictly required from that time. It is not possible here to offer a comprehensive description of the numerous changes in the structure and staff of the departments that have taken place since 1945. I will focus on the main points. My summary will also touch upon the key developments that have occurred since the change of the political system in 1989-1990.

As far as the chair of philosophy of law is concerned, until 1948 it was held by Gy. Moór. After his removal, the education of the Marxist theory of state and law was ensured by the appointment of I. Szabó and T. Vas. For a time I. Szabó had served as a vice president of the HAS and he was also well-known as a powerful director of the Institute of Legal Sciences of the HAS for an extended period. A highly qualified scholar as well as a committed representative of Marxism, Szabó exerted an influence on the development of Hungarian legal science during the decades of socialism.⁷² As from the 1960s, the department was headed by M. Samu, and then he was followed by P. Szilágyi in that position. Nowadays the department is headed by Á. Zsidai. The education of sociology as a compulsory subject began in the framework of the department of theory of state and law in 1965. The independent department of sociology of law was founded by K. Kulcsár, MHAS in 1987.⁷³ Nowadays the department is headed by Z. Fleck.

The two departments of history of law, namely that for the history of Hungarian law and that for the universal history of law were organized in 1949. Eckhart could maintain his chair as head of department of history of Hungarian state and law. After Eckhart’s death (1957), his department was headed by K. Kovács for a long time. He was succeeded by T. M. Révész and then B. Mezey. Being head of department also nowadays, Professor Mezey was elected Rector magnificus of the university in 2010. As for the department of the universal history of law, its heads were in the 1950s E. Bolgár and M. Sarlós. They were perhaps no legal historians *ex asse* but highly qualified jurists who tried to develop the cultivation of that discipline with impressive energy especially regarding their high age. They were followed by P. Horváth, who headed the department for a long time. The names of L. Hajdu as well as of K. Nagyné Szegvári also have to be mentioned in view of their valuable accomplishments. Nowadays the department is headed by L. Rácz.

The department of Roman law was headed by G. Marton until his death (1957). His successors were M. Móra⁷⁴ and R. Brósz. Trained also at the university “La Sapienza” in

departments but the faculty has consistently resisted. In 1978 “institutes” were established, which included at least three departments (e.g. Institute of Private Law [*Civilistics*], Institute of Criminal Sciences). That arrangement remained rather formal and was discontinued at the end of the 1980s. The department of foreign languages was founded in 1957 and it has provided the education of the language of law in several languages, including Latin.

⁷² See e.g. I. SZABO, *Les fondements de la théorie du droit*, 1973.

⁷³ See e.g. KULCSAR, *Contemporary Hungarian Society*, 1984.

⁷⁴ The peculiar career of Móra was determined to a large extent by the turns of history. Being originally a private professor of church law, he became a professor of civil procedure in 1949, in 1952 that of criminal procedure and, finally, that of Roman law.

Rome, Brósz was a Romanist *ex asse* as well as an eminent teacher. The present-day head of department, G. Hamza, is a member of the HAS.⁷⁵ We have to refer also to Gy. Diószdi (died untimely in 1973) who was an outstanding scholar of Roman law.⁷⁶

The name of the department of constitutional law changed several times (public law, state law). The last holder of the chair of constitutional law was K. Molnár, MHAS (1945-1949). After his removal, the department was headed by J. Beér, a well qualified jurist – at the same time an influential person of his era – until 1966. He was followed by I. Takács, P. Schmidt and I. Kukorelli. Both Schmidt and Kukorelli served as justices of the Constitutional Court. Nowadays the department is headed by M. Dezső.

Until 1960 the department of administrative law was headed by K. Mártonffy. He was appointed professor of public employment at the Technical University of Budapest as early as in 1941. He became a professor at our faculty in 1945. That way he provided a certain continuity of education of administrative law throughout historical periods. He was followed by S. Berényi and L. Ficzer. Nowadays the department is headed by M. Fazekas.

Although there were precursors, the department of financial law in its present form was only established in 1965. It was headed by T. Nagy for a long time and then by G. Földes, who died untimely in 2003. Presently the head of department is I. Simon.

As one of the oldest departments of the faculty, that of statistics was traditionally regarded as cultivating a discipline belonging to the political sciences in terms of public law. There was a trend already in the first half of the 20th century that professors of statistics were no jurists *ex asse* any more.⁷⁷ The last jurist to head that department was J. Kovacsics (until 1988). If we consider the growing importance of the application of higher mathematics, criminal statistics and legal informatics, it is no wonder that after Kovacsics's retirement the department was headed by a mathematician (K. Kovacsicsné Nagy) and thereafter by an economist (T. Katona). The name of the department was changed to "Statistics and Legal Informatics" in 1990. The department of statistics ceased to be an independent unit and merged with the department of economics in 2007. That development was regrettable if we consider that the history of the department of statistics went back to 1777.

After Gajzágó's removal in 1949 (apart from temporary personnel solutions), Gy. Hajdu was appointed professor of international law. He was not a worthy successor to Gajzágó. International law regained its earlier prestige later, when the department was headed by Gy. Haraszti⁷⁸ and then L. Valki.⁷⁹ The department is nowadays headed by G. Kardos. While the department of international law was connected with that of the philosophy of law,⁸⁰ the department of international law is nowadays regarded as cultivating public law in a wider

⁷⁵ See e.g. HAMZA, *Entstehung und Entwicklung der modernen Privatrechtsordnungen und die römischrechtliche Tradition*, 2009.

⁷⁶ DIÓSDI's main work (*Ownership in Ancient and Preclassical Roman Law*, 1970) was awarded in Italy, and it is often quoted in the international literature (also in Japan).

⁷⁷ B. Kenéz and D. Laky had the degree of dr. polit., however I. Varga MHAS and E. Theiss, MHAS, were economists.

⁷⁸ See e.g. HARASZTI, *Treaties and the Fundamental Change of Circumstances*, Leyden 1976.

⁷⁹ See e.g. VALKI et al., *Changing Threat Perceptions and Military Doctrines*, London 1992.

⁸⁰ Gajzágó delivered lectures on the philosophy of law instead of Moór in 1947-48. See J. SZABADFALVI, Gyula Moór, 2001, 16.

sense. That department is responsible also for the education of European public law and policies.

The chair of criminal law became vacant in 1948 when E. Heller was transferred to the chair of church law, which was soon to be closed. In 1948 two well qualified jurists, M. Kádár (being attorney until that time) and I. Ries (minister of justice delegated by the Social Democratic Party) were appointed readers of criminal law. As a victim of the regime, Ries died under tragic circumstances in prison in 1950. It was Kádár, an outstanding representative of his generation, to become a professor soon after that and to head the department until his death in 1971. I. Békés, who was head of department between 1982 and 1996, is remembered as an esteemed and popular professor of criminal law. He was followed by A. I. Wiener, a respected researcher of criminal law. More recently the department was headed by K. Bárd,⁸¹ B. J. Gellér and B. Busch. For many years the department of criminal law provided also for the education of criminalistics (taught for many years by Professor J. Molnár), later that task was assumed by the department of criminal procedure.

Until 1961 criminal procedure was educated in the framework of the department of criminal law. The department was headed for some years by T. Király, MHAS having been in two periods also dean of the faculty.⁸² Besides him T. Szabóné Nagy,⁸³ F. Kratochwill and Á. Erdei have to be mentioned as former heads of the department being headed nowadays by Cs. Kabódi. The department provides also for the education of the law of execution of criminal sentences, which became a compulsory subject in 1993. The education of criminology as a compulsory subject goes back to 1965, while the independent department of criminology was founded in 1979 by J. Vigh. The department was headed later by I. Tauber, who died untimely in 2003. A professor of this department, K. Gönczöl was the first parliamentary commissioner for human rights (“ombudsman general”) of Hungary. The department is headed nowadays by M. Lévy, who is also a justice of the Constitutional Court.

In 1945 there were three chairs of private law. One of them was that of B. Kolosváry, the other was held by the excellent civilist, E. Nizsalovszky, who was at the same time director of the seminar. The third chair was established in 1945 with the title “Institute of Comparative Private Law and Private International Law” for I. Szászy.⁸⁴ Furthermore there were independent chairs both for commercial law (Ö. Kuncz) and for civil procedure (A. Sárffy). The structural changes of subsequent years cannot be reviewed in detail here. New subjects were introduced (economic law, labour law, law of cooperatives), new readers – becoming professors soon – were appointed (S. Beck, M. Világhy, A. Weltner), excellent professors were released of their posts (Kuncz, Sárffy, Szászy, S. K. Tury) within a short period. Realizing that the notion of economic law was not welcome in the Soviet Union, its education was soon discontinued and instead of it the law of agriculture was introduced, including both land law and the law of cooperatives. The education of commercial law – regarded as an

⁸¹ See e.g. BÁRD, *Fairness in Criminal Proceedings*, 2008.

⁸² KIRÁLY's works include his *Criminal Procedure, Truth and Probability*, 1979.

⁸³ SZABÓNÉ's monograph has been published also in English (*The Unification and Differentiation in Socialist Criminal Justice*, 1978).

⁸⁴ SZÁSZY's numerous works published in world languages include also his less known *Droit international privé comparé. Traité de législation comparée avec référence spéciale au droit égyptien et musulman* (préf. É. Lambert), Alexandrie 1940.

expression of capitalism – was terminated (although some elements of it were salvaged in the framework of the education of civil law). The name “private law” itself was also regarded as too capitalistic and was changed to “civil law”.

In spite of the politically motivated changes, there have always been a number of excellent professors and readers at the department of civil law (connected for some years with that of civil procedure). For a long time two great professors, M. Világhy, MHAS⁸⁵ and Gy. Eörsi, MHAS⁸⁶ dominated not only the department but also the entire scholarship of Hungarian civil law. As from 1978, the department was headed by L. Vékás, MHAS. He is an expert both on civil law and private international law.⁸⁷ As from 1999 he chaired the codification committee of the new Hungarian Civil Code.⁸⁸ More recently the department was headed by A. Kisfaludi, who in turn was followed by A. Menyhárd. Other outstanding professors of civil law were/are L. Asztalos,⁸⁹ E. Weiss, I. Sárándi, E. Lontai⁹⁰ and A. Harmathy, MHAS.⁹¹ In certain periods also F. Mádl, MHAS and L. Sólyom, MHAS – both of them having been Presidents of the Republic – used to be professors of this department. For many decades it was a peculiar feature of the staff that eminent experts of philosophy of law taught civil law as professors of that department (V. Peschka, MHAS, A. Sajó, MHAS). Világhy and Vékás were rectors of the university.

The department of civil procedure (which became an independent organizational unit in 1960) was headed by S. Beck in the 1950s. He was followed by L. Névai and J. Németh. Prior to World War II, Beck worked as an excellent attorney and published valuable works. Albeit he was a legal scholar with immense knowledge and extreme intellectual originality, he preferred dealing with cases to study theory. J. Németh was president of the Constitutional Court. Nowadays the department is headed by I. Varga.

It was in 1951 that the department of labour law as well as that of the law of agriculture were established. The first head of the department of labour law was A. Weltner, MHAS, followed by Mrs. I. Hágelmayer and Cs. Lehoczkyné Kollonay. Former heads of the department of the law of agriculture were I. Földes, I. Seres and Mrs. Gy. Domé. Nowadays the department – named currently that of agrarian law – is headed by J. Vass.

An independent department for private international law was founded by F. Mádl in 1987. Earlier the education of that subject was a task of the department of civil law. An expert both of civil law and private international law and not less of the law of international economic

⁸⁵ For some years Világhy taught labour law, agrarian law and private international law. He was both an eminent expert of private law and an outstanding educator. He and EÖRSI are the authors of the latest comprehensive textbook of Hungarian civil law (*Magyar polgári jog* [Hungarian Civil Law], I-II, 1962).

⁸⁶ EÖRSI was an internationally well-known authority on comparative law. His main work, entitled *Comparative Civil (Private) Law*, was published in Hungarian in 1975, in English in 1979.

⁸⁷ See e.g. VÉKÁS, *Landmarks in the Development of the Contractual System*, 1986; VÉKÁS et al., *Europäisches Recht im ungarischen Privat- und Wirtschaftsrecht*, Münster 2004.

⁸⁸ When the committee came into being in 1998, its chairman was Harmathy, who resigned in the next year when he was elected a justice of the Constitutional Court. Harmathy has also served as a vice-president of the HAS.

⁸⁹ Asztalos dealt thoroughly also with the history of private law as well as of the faculty, see e.g. his *A civilisztika oktatásának és tudományának fejlődése a budapesti egyetemen 1945-1970* (Development of the Teaching and Study of Private Law at the University of Budapest) 1973.

⁹⁰ See e.g. LONTAI, *Research Contracts*, Leyden-Budapest 1977.

⁹¹ See e.g. HARMATHY (ed.), *Binding Force of Contracts*, 1991.

relations as well as of European economic law, Mádl was President of the Republic from 2000 to 2005.⁹² At the head of the department he was followed by L. Burián. Presently the department is headed by M. Király, being also dean of the faculty since 2008.

For many decades the department of national economy used to be the number one scientific centre of economics in Hungary. The last representative of this great past, Á. Navratil, was “held back” from education as early as in 1947, and in the following year he was sent into retirement. The central department for Marxism and Leninism of the university was established in 1950. It provided for the education of Marxist philosophy, Marxist political economy and scientific socialism. Separate departments for the education of political economy came into being in 1956 and in that way the department of economics of the faculty could be revived. A well-known head of that department was A. Sipos, MHAS. Later the department was headed by popular associate professors (P. Kozma, I. Szakács). Nowadays the head of department is J. Steiger.

Until 1965 the education of philosophy was provided by the central department for dialectical and historical materialism. The faculty group of the central department became independent in 1965 (first under the name “department of dialectical and historical materialism”). The head of department was for a long time T. Földesi, followed by A. Karácsony. Nowadays the department is headed by L. Cs. Kiss. For many years the department of philosophy provided also for education of logic, which used to be a compulsory subject. The department also provides for the education of ethics.

The department of scientific socialism⁹³ was established in the early 1970s when it was separated from the related central department. Its head, Gy. Magyar was by no means a highly qualified person but he encouraged the efforts of reform Communists as from 1980. In 1990 that department disappeared by merging with the department of political science. The department of political science was founded by M. Bihari in 1989 on the basis of a group for political science belonging to the department of theory of state and law. The group itself was founded by Bihari in 1984. For some years Bihari’s was the only department of its kind in Hungary as not being derived from a former department of scientific socialism. From the beginning Bihari and his colleagues endeavoured to cultivate modern political science being totally different from scientific socialism. In 2001 the department obtained the rank of an institute. The higher rank is not connected with the size of the department only but also with the fact that in 1997 the department launched an independent course in political science. Bihari was president of the Constitutional Court and is presently a justice of the Constitutional Court. The second director of the institute was M. Szabó who is working also as the parliamentary commissioner for human rights (“ombudsman general”).⁹⁴ Since 2010 the institute has been directed by S. Pesti.

After 1956 the number of students in the day course increased slowly but continuously, while the number of students in the evening and corresponding courses decreased. Between 1956

⁹² See e.g. MADL, *From Europe Agreement to a Member Status in the EU*, Baden-Baden 1996.

⁹³ The term “scientific socialism” was introduced in 1957 replacing the former term of “history of the [Communist] party”.

⁹⁴ See e.g. M. SZABÓ, *Ungarn auf dem Weg zur Demokratie*, Mainz 1994.

and 1968 the total number of students decreased from 2,250 to 1,600. In the beginning of the 1980s the number of students decreased more steeply as the evening and corresponding courses were closed when a law school began operation in Miskolc. In the beginning of the 1970s a certain kind of “trifurcation” was introduced for some years with specialization for judicature, economic law and administrative law.⁹⁵ This model was however proved to be disadvantageous and was abolished a few years later. As for post-graduate education, in 1967 the Institute for Post-graduate Legal Studies was founded as an independent unit of the university. The institute offers various courses both for jurists and for other graduate professionals (e. g. economists, engineers). The first director of the institute was I. Sárándi, followed by R. Hársfalvi and recently by L. Székely.

The political changes of 1989-1990 - in which also a number of professors, readers, students as well as alumni of the faculty had an outstanding role⁹⁶ - produced a number of significant developments as regards education. Ideological ingredients were deleted from the teaching materials. Earlier textbooks were revised or, more often, supplanted by new ones. In the new textbooks methods of the comparative study of law are applied, especially by means of references to the West European legal systems. Both the private and public law of the European Union constitute independent compulsory subjects.

The formal structure of the education has undergone less change. Several traditions are cherished, some of them going back to as early as the 19th century (e. g. historical subjects have retained their eminent introductory function). Since 2010, some significant reforms have been adopted at the faculty (the universal history of law does not serve as an introductory subject any more as it is taught during the third year of study; there are more opportunities for specialization; it is possible to choose international and European law instead of philosophy of law as one of the subjects of the final examination etc.). In 1994 two Doctoral Schools were established at the faculty, one of them for legal, the other for political sciences. Each year dozens of students are admitted for a three-year PhD training course. Since the foundation of the doctoral schools, close to a hundred dissertations have been successfully defended, and a considerable part of them have been published.⁹⁷ The founding directors of these schools were A. Harmathy (followed by K. Gönczöl) and M. Bihari.

Besides the training of jurists (running since 1995 also in the form of evening and correspondence education), the faculty has established further courses. A graduate course for political science opened in 1997 (run recently both in the form of BA and MA), a BA programme for labour relations and social insurance counsellors in 1996, and a BA programme for legal administration managers in 2006. Launching further courses is also on the carpet (MA in criminology, LLM in European and international business law). Thanks to the new courses and due to the general trend of a rising student population, the faculty has had over 4,000 students for several years (most of them are law students). That is both a blessing and a challenge. The Bologna Model was introduced at most universities and colleges in

⁹⁵ See ministerial instruction No. 108/1970 MM.

⁹⁶ See SZÖGI (2003), 375ff.

⁹⁷ Papers of students of the Doctoral School for Legal Sciences are published yearly in the series *Jogi tanulmányok* (Legal Studies) (currently edited by M. Nagy).

Hungary in 2005. Until now legal education has been exempted from the changeover (just as the education of doctors and a limited number of other professions).⁹⁸

As for scholarly research, the new political system has brought new opportunities, e. g. more intensive relations with Western universities. On the downside, the collapse of the Communist regime evolved from an economic crisis. New and unprecedented opportunities have opened for jurists to have a career in politics or business. These factors have had a disadvantageous effect on research. Under these contrasting conditions we can observe both a considerable improvement in the level of research and some regrettable signs of decadence. It is reassuring, for example, that we have a new generation of colleagues who have defended their PhD dissertations in Germany or in England.⁹⁹ It is however not welcome that nowadays thorough and profound research is often dismissed as “old school”.

In 2010 the Eötvös Loránd University, together with four other Hungarian universities, has obtained the title of “research university”, which is an official acknowledgment of the high level of scholarly research carried out by these institutions. Despite the difficulties, that can indicate that the Faculty of Law is heading towards an era of progress.

SUMMARY

A Concise History of the Faculty of Law of the Eötvös Loránd University

ANDRÁS FÖLDI

As commissioned by the Editorial Board of the *Annales* to mark the 375th anniversary of the foundation of the Jesuit University of Nagyszombat (today Trnava in Slovakia) - the predecessor of the Eötvös Loránd University - the author presents a brief history of the Faculty of Law and Political Sciences since the foundation of the Faculty in 1667 to the present. Most of the essay is based on comprehensive works rather than primary research. The author's principal source was *A History of the Faculty of Law* by Ferenc Eckhart, once a professor of the Faculty and a renowned legal historian. Published in 1936, Eckhart's work was a part of a four-volume anniversary series to present the history of the University. Eckhart wrote an ambitious and in-depth history of the then nearly three hundred years old career of the Faculty. He analysed primary sources, offered a plethora of data and his accomplishment has not been surpassed ever since. The author of the present essay also used

⁹⁸ Cp. A. FÖLDI, “Der Bologna-Prozess und die Juristenausbildung in Ungarn”, in: *Juristenausbildung in Europa zwischen Tradition und Reform*, Tübingen 2008, 145ff.

⁹⁹ See e.g. B. J. GELLER, *Legality on Trial: A Theoretical Analysis of the Legality of Substantive Criminal Norms*, Diss. Cambridge 2000; K. LIGETI, *Strafrecht und strafrechtliche Zusammenarbeit in der Europäischen Union*, Berlin 2005; I. VARGA, *Beweiserhebung in transatlantischen Schiedsverfahren*, BadenBaden-München 2006; Á. FUGLINSZKY, *Mangelfolgeschäden im deutschen und ungarischen Recht*, Tübingen 2007; P. SONNEVEND, *Eigentumsschutz und Sozialversicherung*, Berlin-New York 2008; A. VINCZE, *Die Verrechtlichung der Wirtschaftspolitik*, Diss. München, 2009.

works on the history of the Faculty and the University that have been published over the past four decades. There was only limited scope for the author to process further relevant literature.

The history of the departments of the Faculty is as a rule shown in a chronological order with reference to the scholarly accomplishments of outstanding professors. The essay presents efforts at modernizing the content and methodology of education; the evolution of curricula, the emergence of practical lessons (where, for instance, legal cases were analysed); various organizational forms that professors used throughout the centuries to acquaint students with scholarly research (early forms of seminars and student circles). The author points out the causes of the changes and he places them into historical context. Far from attempting to offer a comprehensive survey, the essay sheds light on various important aspects of the history of the Faculty, including the size and social composition of the student body, student behaviour and ethos of study, the history of the buildings that housed the Faculty, and changes in the language of tuition (Latin, German and finally Hungarian).

The Nagyszombat Faculty of Law was small in every respect and the standards of tuition and research were not high. Noteworthy progress occurred during the reign of Maria Theresa and Joseph II, when the University moved to Buda (in 1777) and then to Pest (in 1783). Standards declined during the early decades of the 19th century although some of the professors were at par with their outstanding counterparts abroad. The era of Francis Joseph witnessed rising standards. In fact that was a golden era in the history of the Faculty until that time. The number of professors and students grew and the quality of education and research reached unprecedented levels. Between the two world wars the Faculty managed to stand its ground by international comparison despite deterioration in the conditions. Although the Faculty was modernized during the Communist era after the Second World War, overall, it was pushed towards an unfavourable path. That having said, even in those decades there were outstanding professors at the Faculty who are still seen as paragons. The change of regime in 1989-1990 offered epochal opportunities but involved dangers as well. Riding on rough terrain as the Faculty has been over the last two decades, it has produced numerous fine.

Having studied the history of the Faculty, the author draws the (predictable) general conclusion that the problems the Faculty is facing today are anything but new. Ever since the Faculty's earliest steps back in Nagyszombat, it has been striving, with changing success, to keep abreast with international standards, supply modern textbooks and provide a satisfactory number of practical lessons. By contrast, there has been tangible improvement in student ethos: large as the student population has become, in recent decades the students' commitment has become stronger than ever before. That is an ideal setting for the Faculty to encourage the *cupida legum juventus* to study the scholarship and profession of law.

RESÜMEE

Kurze Geschichte der Juristischen Fakultät der Eötvös Loránd Universität

ANDRÁS FÖLDI

Der Verfasser unternahm auf Grund des Ersuchens des Redaktionskomitees anlässlich des 375. Jahrestages der Gründung des Rechtsvorgängers der Eötvös Loránd Universität, nämlich der Jesuitenuniversität in Nagyszombat (Tyrnau, heute Trnava in der Slowakei) den Versuch, auf Grund von überwiegend zusammenfassenden Werken – also nicht eigenständigen Forschungen – die Geschichte der Juristischen Fakultät von ihrer Gründung im Jahre 1667 bis heute kurz vorzustellen. Wichtigste Quelle des Verfassers ist dabei das Werk „A Jog- és Államtudományi Kar története” [Geschichte der Juristischen Fakultät] von Ferenc Eckhart, einem namhaften ehemaligen Professor für Rechtsgeschichte der Fakultät. Sein Werk war im Rahmen der vierbändigen Jubiläums-Universitätsgeschichte im Jahre 1936 erschienen und gibt einen zusammenfassenden Überblick über die damals beinahe dreihundertjährige Vergangenheit der Fakultät, der auf der Aufarbeitung von Originalquellen beruht, reich an Daten und bis zum heutigen Tag unerreicht ist. Der Verfasser zog zudem auch die in den vergangenen vier Jahrzehnten erschienenen Werke über die Geschichte der Fakultät und der Universität heran. Die Aufarbeitung der weiteren einschlägigen Fachliteratur war dem Verfasser nur eingeschränkt möglich.

Die Studie gibt – grundsätzlich chronologisch verfahren – einen Überblick über die Geschichte der Lehrstühle, wobei sie auf die wissenschaftliche Arbeit der bedeutenderen Professoren verweist. Sie stellt die Bestrebungen zur Modernisierung des Lehrstoffs und der Lehrmethoden dar, so insbesondere die Veränderungen des Lehrplans, die Einführung von praktischen Unterrichtsformen (z. B. Beschäftigung mit der Lösung von Rechtsfällen) und diejenigen Lösungen der Institution, mit denen die Professoren versuchten, die Einführung der Studenten in die wissenschaftliche Forschung zu unterstützen (Seminare alten Typs, wissenschaftliche Studentenzirkel). Der Verfasser weist auch auf die historischen Gründe und den Kontext der Veränderungen hin. Er zeigt - ohne Anspruch auf Vollständigkeit - weitere bedeutende Momente hinsichtlich der Fakultätsgeschichte auf, insbesondere Daten der zahlenmäßigen und sozialen Zusammensetzung der Studentenschaft, Erfahrungen im Zusammenhang mit dem Verhalten und dem Fleiß der Studenten, die Geschichte der Gebäude, die als Fakultätssitz dienten, und die Änderung der Unterrichtssprache (Latein, Deutsch, Ungarisch).

Die Juristische Fakultät in Nagyszombat war in jeder Hinsicht eine kleine Fakultät, und auch das Niveau des Unterrichts und der Forschung war nicht besonders hoch. Eine bedeutendere Entwicklung erfolgte zur Zeit Maria Theresias und Joseph II., als die Universität nach Buda (Ofen, 1777) und dann nach Pest (1783) zog. In den ersten Jahrzehnten des 19. Jahrhunderts kam es erneut zu einem Verfall, obwohl einige herausragende Professoren bereits ein internationales Niveau vertraten. Einen erneuten Aufschwung erlebte die Fakultät zur Zeit

von Franz Joseph: dies war die Blütezeit der bisherigen Geschichte der Fakultät. Die Zahl der Professoren und Studenten stieg an und das Niveau des Unterrichts und der Forschung erreichte nie da gewesene Höhen. In der Zwischenkriegszeit gelang es auch trotz der ungünstigeren Umstände ein Niveau zu wahren, das dem internationalen Maßstab entsprach. In der kommunistischen Ära nach dem Zweiten Weltkrieg zeigten sich trotz der Modernisierung insgesamt ungünstige Tendenzen, aber zum Glück gab es auch in diesen Jahrzehnten herausragende Professoren, die bis zum heutigen Tage als Vorbild gelten. Die Wende 1989/1990 brachte viele Chancen und neue Möglichkeiten mit sich, barg aber zugleich auch neue Gefahren. Unter diesen gemischten Umständen konnte die Fakultät in den vergangenen zwei Jahrzehnten viele schöne Ergebnisse aufzeigen.

Auf Grund des historischen Rückblicks kann die - natürlich nicht überraschende - allgemeine Lehre gezogen werden, dass die derzeitigen Probleme der Fakultät keineswegs neu sind. Das relative Zurückbleiben hinter dem internationalen Niveau, die unbefriedigende Zahl der zeitgemäßen Lehrbücher und praktischen Stunden erschien seit der Ära in Nagyszombat als ständig aktuelles Problem. Es gab dagegen eine bedeutende Verbesserung beim Verhalten der Studenten, die in den vergangenen Jahrzehnten trotz ihrer großen Zahl viel disziplinierter sind, als je zuvor. Dieser Umstand liefert eine günstige Grundlage, damit die Fakultät auch das wissenschaftlich-fachliche Interesse der *cupida legum iuventus* steigert und verstärkt.