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Brief Report on the Scientific Events of Legal and Constitutional History in Hungary 2016

Abstract

The purpose of this report is to present the previous year of Hungarian legal history. I concentrated on the scholars and departments of the Hungarian Legal History and the European Legal History only, and I left the scholars and departments of Roman Law out of consideration. This study focuses on the habilitations of the legal historians and the doctoral procedure of Ph.D. students. This report also presents scholarly works in legal history published in Hungary, as well as the important legal history conferences in Hungary.

Keywords: scholarly events, Hungary, legal and constitutional history, academic degrees, conferences

Słowa kluczowe: wydarzenia naukowe, Węgry, historia państwa i prawa, stopnie naukowe, konferencje

Academic degrees

1. Levente Völgyesi, member of the Department of History of Law in Pázmány Péter Catholic University and the Department of Hungarian Legal and Political History in Eötvös Lóránd University, held his lectures of habilitation on 6th December, 2016. In his lecture he spoke to the students about the self-government from 1848 to 1950. The second, lecture's topic for the expert public was the history of legal regulation of the protection of historic buildings and architecture in modern era. According to the votes of jury (Gábor Hamza, professor; Mária Homoki-Nagy, professor; István Stipta, professor; Tamás Mezős, associate professor; and Miklós Imre, associate professor) and the students, the habilitation was successful. Levente Völgyesi was appointed associate professor as a result of his habilitation in 2017.
2. Dénes Legeza, the professional advisor of the Hungarian Intellectual Property Office, held his preliminary presentation of his LL.D. thesis University of Szeged. The title of his dissertation was *“Egyszer mindenkorra és örökáron”*. *A szerzői jog és forga-*

lomképessége Magyarországon a reformkortól 1952-ig ('Once and for all'. Copyright and its transferability in Hungary from the Reform Era to 1952). Legeza is the Ph.D. Student of the Department of Hungarian Legal History in University of Szeged and his supervisors are Mária Homoki-Nagy, professor and Norbert Varga, associate professor. His reviewers were Csabáné Herger, associate professor and Gábor Faludi, associate professor and they recommended the LL.D. thesis for public defense.

3. Talabos Dávidné Lukács Nikolett, LL.D. Student of the Department of History of Law at the University of Debrecen, made her preliminary presentation of her LL.D. thesis. The title of her dissertation was *A clausula rebus sic stantibus továbbélése, különös tekintettel a magyar jogfejlődésre* (The principle of clausula rebus sic stantibus with special regard to Hungarian legal development). Her supervisor was Béla Szabó, professor and head of the Chair of History of Law at the University of Debrecen. Her reviewers were Csabáné Herger, associate professor, and Kinga Bódiné Beliznai, senior lecturer and they recommended her LL.D. thesis for public defense.

Scholarly works

Tamás Antal (LL.D., Dr. Habil.), the associate professor of the Department of the European Legal History at the University of Szeged, wrote a new monograph about the life of Dezső Szilágyi,¹ who was a prominent figure in Hungary in the 19th century. Dezső Szilágyi was a member of the National Assembly and the university professor, as well as Minister of Justice and Chairman of the House of Representatives of the National Assembly. As a minister of Justice from 1889 to 1895 he reformed the Hungarian jurisdictional organisation. In the first part of the monograph, the author presented the biography and the views on public law and policy of Szilágyi. The author relied on the minutes of the National Assembly. Tamás Antal emphasized the work of Dezső Szilágyi as a Minister of Justice and a university professor and a scientist as well. The second part of the monograph contained the text of Dezső Szilágyi's lectures on criminal law, on the formal part of government policy and on constitutional law. The readers are able to become acquainted with legal frame of mind of Dezső Szilágyi. Tamás Antal made a stop-gap work about one of the most important persons of the Hungarian legal history.

The book series entitled *Bibliotheca Curiae* began to come out in 2014. Its purpose was to present the biographies of the presidents of the Hungarian Supreme Court.² The fourth volume was published in 2016 and included life stories of six presidents of the Hungarian Royal Curia (Magyar Királyi Kúria, until 1949) or the Hungarian Supreme Court (Legfelsőbb Bíróság, 1949–2011). The editor and the author of several chapters is Kinga Bódiné Beliznai who is the senior lecturer of the Department of History of Hungarian State and Law in Eötvös Lóránd University, Budapest (ELTE). On occasion of writing the book she cooperated with two archivists of the National Archives of

¹ T. Antal, *Szilágyi Dezső és műve* (Dezső Szilágyi and his achievements), Iurisperitus Kiadó, Szeged, 2016, pp. 556.

² *A Kúria és elnökei* (The Curia and its presidents), ed. K.B. Beliznai, vol. IV, Budapest, 2016, pp. 152.

Hungary (Zoltán Garadnai, László Sándor Németh) and an ex-president of the Hungarian Supreme Court (Pál Solt).

The second piece of the book series entitled *Jogi Kultúrtörténeti, Jogi Néprajzi Kiskönyvtár* (Legal Culture-historical and Legal Ethnographical Book Collection) was published in 2016.³ This was produced by Ernő Tárkány Szücs Legal Culture-Historical and Legal Ethnographical Research Group whose 10 members are legal historians. This book is based on the text of lectures delivered at the *Tárkány Szücs Ernő Jogi Kultúrtörténeti és Jogi Néprajzi Interdiszciplináris Konferencia* (Tárkány Szücs Ernő Legal Culture-Historical and Legal Ethnographical Interdisciplinary Conference) which was held on 2nd–3rd October 2014 in Szekszárd.⁴ The volume included the studies of Szilvia Bató, Gábor Béli, Kinga Bódiné Beliznai, Csabáné Herger, Mária Homoki-Nagy, Károly Kisteleki, Barna Mezey, Janka Teodóra Nagy, László Nánási and Levente Völgyesi. This book tries to draw the researchers' attention to the importance of cooperation between various disciplines of research.

In this year there was published the material of the conference which was held on 23rd May 2014 in Budapest by Pázmány Péter Catholic University.⁵ The provisional arrangements' period lasted in Hungary from 1920 to 1944 because the King of Hungary lost his power in 1920 and Miklós Horthy became the Regent of the Kingdom. The form of the state was that of „kingdom without king”. The studies focus on certain legal questions of the thus introduced this system. Historians and legal historians (Tamás Antal, György Képes, Gábor Schweitzer, István Szabó, Norbert Varga and Levente Völgyesi) published their papers in this volume.

József Ruzsoly is a legal historian and professor emeritus of University of Szeged. He was born in Bagamér, Bihar County, therefore he has made research on history of Bagamér for many years. Bagamér was a large village, which was a division within the administrative system, from 1871 to 1952. In 2016, the author published about the body of representatives, who were involved in the functioning of self-government in a large village.⁶ Thanks to this publication the readers are able to obtain an insight into the life of a small settlement near the Romanina border between the two world wars.

István Kajtár is a professor emeritus of the Chair of History of Law in Pécs and mainly makes research on the public administration history. Professor Kajtár's 65th birthday was celebrated by the legal historians and colleagues from Pécs on 30th September 2016. His 'Liber amicorum' consists of 30 studies produced by Hungarian and German legal historians.⁷

³ *Szokásjog és jogszokás* (Customary law and legal traditions), ed. J.T. Nagy, vol. I–II, Szekszárd 2016, pp. 407.

⁴ T. Kecskés, M. Pétervári, *Tárkány Szücs Ernő Jogi Kultúrtörténet és Jogi Néprajzi Interdiszciplináris Konferencia – Disputa a néprajz és a jog kapcsolatáról* (Tárkány Szücs Ernő Legal Culture-historical and Legal Ethnographical Interdisciplinary Conference – dispute about the relation of the law and ethnography), „Jogtörténeti Szemle” 2014, no. 3, pp. 51–53.

⁵ G. Schweitzer, I. Szabó (ed.), *A közjogi provizórium (1920–1944) időszakának alkotmányos berendezkedése* (The constitutional system of the provisional arrangements' period), vol. I, Budapest 2016, pp. 198.

⁶ J. Ruzsoly, *Község és közönség. Bagamér nagyközség képviselő-testülete a Horthy korszakban* (Village and public: Body of representatives of Bagamér large village in the Horthy era), Szeged 2016, pp. 122.

⁷ G. Béli, K.K. Delacasse, C. Herger, *Ut juris ordo exigit. Ünnepi tanulmányok Kajtár István 65. születésnapja tiszteletére* (Ut juris ordo exigit. Festive studies in honour of 65. birthday of István Kajtár), Pécs

The Kartel-jogtörténeti Kutatócsoport (Research Group of Cartel's History) was formed in 2015 with the cooperation of the Department of History of Law in Pázmány Péter Catholic University and Department of Hungarian Legal History of the University of Szeged. This project is supported by the Hungarian Competition Authority. While relying on the archival materials the Research Group examined the Act 20 of 1931 which was the first Hungarian Cartel Act. The Cartel Court and the Cartel Committee were established on the basis of this Act. The aim of the Cartel Committee was to provide expert opinions on questions raised by the application of the Act. The Cartel Court was organised as a special court – within the Royal Curia – to proceed in the case of any infringements of the provisions of the Act. The Research Group analysed the formation and the function of these two bodies. The members of the Research Group were: Pál Szilágyi, András Tóth,⁸ György Kovács,⁹ Mária Homoki-Nagy,¹⁰ István Stipta,¹¹ István Szabó,¹² Norbert Varga¹³ and Katalin Gombos.¹⁴ Bence Krusóczki and Máté Pétervári participated in the collection of material in libraries and archives. The results of the research were published in a special issue of *Versenytükkör*, the journal of the Hungarian Competition Authority.¹⁵

Two source books on history of law came out in this year. Ádám Farkas, doctoral candidate of the Department of History of Law at the Széchenyi István University, and Roland Kelemen, LL.D. Student of the Department of History of Law at the Széchenyi István University, published sources of the military penal law from 1945 to 1949.¹⁶ Gábor Bathó, the doctoral candidate of the Department of History of Law at the Pázmány Péter University, and Eszter Losonczi, LL.D. Student of the Department of Hungarian Legal

2016, pp. 326.

⁸ P. Szilágyi, A. Tóth, *A kartellszabályozás történeti fejlődése* (Historical developments of cartel regulation), *Versenytükkör*, vol. XII, Különszám, pp. 4–13.

⁹ G. Kovács, *A kartellkérdés és – szabályozás gazdaságelméleti és gazdaságpolitikai háttere a két világháború közötti közgondolkodásban* (The cartel problem and its regulation in the public economic thinking between the two world wars), *Versenytükkör*, vol. XII, Különszám, pp. 14–38.

¹⁰ M. Homoki-Nagy, *Megjegyzések a kartellmagánjog történetéhez* (Observations on the History of the Cartel Private Law), *Versenytükkör*, vol. XII, Különszám, pp. 39–52.

¹¹ I. Stipta, *A gazdasági versenyt szabályozó megállapodásokról szóló 1931. évi XX. tc. hazai előzményei* (The Hungarian antecedents of Act No. XX of 1931 on the arrangements concerning the regulation of economic competition), *Versenytükkör*, vol. XII, Különszám, pp. 53–63.

¹² I. Szabó, *A kartellfelügyelet szervezete és hatásköre az 1931. XX. törvénycikk alapján* (The Organisation and Competency Antitrust Supervision Authority in Accordance with Act 20 of 1931), *Versenytükkör*, vol. XII, Különszám, pp. 64–83.

¹³ N. Varga, *Kartelleljárásjog szabályozása és gyakorlata, különös tekintettel a Kartelbíróóság működésére* (The regulation and the practice, especially the function of Cartel Court), *Versenytükkör*, vol. XII, Különszám, pp. 84–95.

¹⁴ K. Gombos, *A Kartelbíróóság és a Kartelbizottság tagjainak élete* (The life of the members of the cartel court and the cartel commission), *Versenytükkör*, vol. XII, Különszám, pp. 96–105.

¹⁵ *Tanulmányok a 85 éve elfogadott 1931. évi XX. törvénycikkről és létrejöttének körülményeiről* (Studies about 85 years ago passed Act 20 of 1931 and its circumstance of creation), *Versenytükkör*, vol. XII, Különszám (special issue), p. 105.

¹⁶ *Válogatás a modern magyar honvéd-katonai büntető jogtörténet forrásaiból (1945–1949)* (Selection from the history of penal law's sources of the modern Hungarian soldier-military (1945–1949)), ed. Á. Farkas, R. Kelemen, vol. II, Győr 2016, pp. 211.

and Political History at the Eötvös Lóránd University, scholarly compiled a collection of important books of a certain branch of law from 1560 to 1860.¹⁷

Distinctions and nominations

On 26th August, 2016 Mária Homoki-Nagy, professor and head of the Department of Hungarian Legal History at the University of Szeged, was awarded Order of Merit of the Hungary, Officer's Cross by László Trócsányi, Minister of Justice.

The University of Presov conferred the *Doctor Honoris Causa* title on Barna Mezey, a professor and head of the Department of Hungarian Legal and Political History at the Eötvös Lóránd University, thereby of honoring his role in the scientific and educational relationships' development.

On 21st November, 2016 the Hungarian National Assembly elected Attila Horváth, associate professor of the Chair of Department of Hungarian Legal and Political History in Eötvös Lóránd University, Judge of the Constitutional Court.

Conferences

On 9th March, 2016 the Hungarian Competition Authority and the Research Centre of Competition Law organised a workshop on the history of regulation of the Hungarian Cartel Law in the 20th century. The workshop was held in the Pope John Paul II Hall at the Pázmány Péter Catholic University. The members of Kartel-jogtörténeti Kutatócsoport (Research Group of Cartel's History) delivered lectures on the above-mentioned topic. The presentations were supplemented by poster exhibition to which the Hungarian Competition Authority contributed.

Hungarian Academy of Sciences' Sub-committee of Legal History arranged a conference dedicated to *Állam- és jogtudomány jogtörténet nélkül?* (Law and political science without legal history?) on occasion of the Day of Hungarian Science. The conference was held on 17th November, 2016 in the building of the Hungarian Academy of Sciences. The moderator of the debate was Gábor Máthé, professor. The lecturers were Elemér Balogh, professor (University of Szeged), Béla Szabó, professor (University of Debrecen), István Szabó, professor (Pázmány Péter Catholic University), István Stipta (Károli Gáspár University), András Földi (Eötvös Lóránd University), Attila Horváth (Eötvös Lóránd University) and Barna Mezey (Eötvös Lóránd University).

On 22nd–23rd November, 2016, National University of Public Service organised a conference entitled *Pillanatképek a 20. század magyar közigazgatásának történetéből 1918–1946* (Snapshots from the history of the Hungarian Public Administration in the 20th century 1918–1946). At the conference, 7 legal historians delivered their lectures:

¹⁷ *A magyar jogtörténet válogatott bibliográfiája 1560–1860* (Selected bibliography of the Hungarian history of law 1560–1860), ed. G. Bathó, E. Losonczy, Budapest 2016, pp. 144.

Balázs Pálvölgyi, associate professor (University of Győr, Attila Barna, associate professor (University of Győr), Zsuzsanna Peres, associate professor (National University of Public Service), István Szabó, professor (Pázmány Péter Catholic University), Mária Homoki-Nagy, professor (University of Szeged), Janka Teodóra Nagy, professor (University of Pécs) and Attila Horváth, associate professor (Eötvös Lóránd University).

The academic conference dedicated to „*Fogadd a koronát...*” Ünnepek és válság, hagyományok és reformkoncepciók, múltpercepciók és jövőképek Magyarország utolsó koronázási szertartása körül (“Accept the crown” Celebration and crisis, traditions and concepts for change, perceptions of the past and visions of the future – Hungary’s last coronation) was organised by the University of Szeged, Faculty of Arts, Department of Ethnology and Cultural Anthropology, MTA-SZTE Research Group on Religious Culture, University of Szeged, Department of Hungarian Legal History and Department of European Legal History, Board of Legal Science of the Regional Committee in Szeged of the Hungarian Academy and Jewish Theological Seminary – University of Jewish Studies. The conference was on 23rd–24th November, 2016 in Szeged. By organising this conference the historians and legal historians celebrated the first centenary of coronation of Charles IV. Those who produced their legal history lectures on this occasion were Tamás Antal, associate professor (University of Szeged), Elemér Balogh, professor (University of Szeged), Szilvia Bató, Magdolna Gedeon, associate professor (University of Miskolc), Imre Képesy, professor’s assistant (Eötvös Lóránd University), György Képes, senior lecturer (Eötvös Lóránd University), István Szabó, professor (Pázmány Péter Catholic University) and Norbert Varga, associate professor (University of Szeged).

The history of courts is a particularly popular research field in Hungary. The Hungarian legislator re-established the historical system of judicature in 2012 and 2013, therefore the National Office for the Judiciary supported these researches. National Office for the Judiciary organised two conferences about the history of courts in 2016. The first conference devoted to *Bírósági történelem és hagyományápolás* (The judicial history and tradition) was held on 16th September, 2016 and Barna Mezey, professor (Eötvös Lóránd University), Mihály Révész, professor (University of Győr), István Stipta, professor (Károli Gáspár University), Tamás Antal, associate professor (University of Szeged), Kinga Bódiné Beliznai, senior lecturer (Eötvös Lóránd University), László Papp, senior lecturer (University of Debrecen), Zoltán Megyeri-Pálffi, senior lecturer (University of Debrecen), and Péter Nagy, professor’s assistant (Károli Gáspár University) participated in this event. The second workshop organised the same year was that held on 15th December 2016 in the former building of the Hungarian Royal Curia. and the representatives of all chairs of legal history gave their lectures: István Stipta, professor, Barna Mezey, professor, Gábor Máthé, professor, Mária Homoki-Nagy, professor, Gábor Béli, associate professor, Judit Balogh, associate professor, Tamás Antal, associate professor, Kinga Bódiné Beliznai, associate professor, Zoltán Megyeri-Pálffi, senior lecturer, Péter Nagy, professor’s assistant, Béla Szabó, professor, Elemér Balogh, professor, Attila Barna, associate professor, Ibolya Katalin Koncz, associate professor, István Szabó, professor and Attila Horváth, associate professor.