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INTRODUCTION A L'ETUDE DU DROIT HONGROIS (La Formation Historique du Droit Civil). By Imre Zajtay. Paris: Recueil Sirey, 1953

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BOOK REVIEWS

INTRODUCTION A L'ETUDE DU DROIT HONGROIS (La Formation Historique du Droit Civil). By Imre Zajtay. Paris: Recueil Sirey, 1953. pp. iii, 211.

A late arrival from the East in the great migration of nations, the Hungarian people emerged in Central Europe at the end of the IX century. In the year 1000, a Christian constitutional monarchy was established which was to endure for nearly nine and a half centuries, most of it spent struggling against invading armies from the East (Tartars and Turks) and expansionist powers from the West (mainly Germany and Austria).

This history largely explains why Hungarian law is far from being homogenous. A considerable part of the law is rooted in custom. In addition, Hungary developed a special monarchical doctrine: that the "Holy Crown of Hungary" is Overlord (*i.e.*, not the King). Not only was this concept largely responsible for the development of constitutional law, but it also brought about a specific type of feudalism. Old Hungarian legal doctrines, however, are by no means the overwhelming part of Hungarian law. Although officially never adopted, Roman law played a very important part. Canon law, also, found its channels of influence into a country where not only was the population predominantly Roman Catholic, but where, in addition, the Catholic Church enjoyed special privileges. However, much of later Hungarian law is German- and Austrian-tainted. Not only did Roman law come to Hungary through the melting pot of German Pandect law, but Germany and Austria, in their efforts to establish political control over Hungary, and as the authors of masterful codifications in the XIX century, contributed substantially to recent developments.

This multiplicity of influences and their consolidation in the law could have but one result: a system of law which, in many of its features, resembles the laws of other nations, but which, in its entirety, is distinctly characteristic, and is unlike the body of law of any other nation.

Dr. Imre Zajtay's recent study is a reliable guide to this complex problem. Published by the Institute for Comparative Law of the University of Paris as the third volume of a series entitled: "Les Systemes de Droit Contemporains," the work presents a comprehensive survey of the history of Hungarian law, leading the reader in concise, terse chapters from the establishment of the State of Hungary and from the earliest stages of its

law, through the development of its Constitution, its private law, its judicial organization, to the status of Hungarian law in our times.

The treatise serves a dual purpose. It is a history of law for those interested in legal history generally. It is also a useful tool for anyone who wishes to understand the whole or any part of Hungarian law, and whose understanding will never be complete without a proper historical introduction. There is one important reason why it seems to the author that such an historical approach is the proper method. Though Hungarian jurisprudence strongly relies on statutes, the overwhelming portion of Hungarian law is still not statutory. It consists rather of a great body of case law which, much like common law, reflects customs and usage. Three important authorities cited in opinions are the following comprehensive legal works, all of which were milestones in the development of Hungarian law, and none of which was ever to receive statutory enactment, though their fertilizing impact at least equalled that of any code: (1) a legislative preparatory work by an eminent jurist of the early XVI century, (2) rules established as measuring rods for the courts by a special committee of justices, nearly a century ago, and (3) the Bill of a Hungarian Civil Code, which has had several drafts, and which has been cited time and time again without ever technically becoming the law of the land.

Undoubtedly, the author is eminently qualified to present this work. His book reveals him to be an experienced scholar in his field, exemplary in his clarity, conciseness, sense of proportion, and his striving for perfection: a masterfully balanced exposition.

ANDREW FRIEDMANN

MEMBER OF BUDAPEST BAR

EUROPEAN PEACE TREATIES AFTER WORLD WAR II. By Amelia C. Leiss and Raynold Dennett. Boston: World Peace Foundation, 1954. Pp. 341. \$4.75.

Published as a supplement to the series "Documents on American Foreign Relations", the book contains a carefully summarized account of what happened at the Paris Peace Conference, followed by a comparative analysis of the main features of these treaties. The first part of the volume is devoted to the treaty with Italy (pp. 16-79). Then the remaining treaties with Bulgaria, Hungary and Rumania are presented as a unit (pp. 80-152) while the treaty with Finland, for obvious reasons, is given less attention (pp. 153-159). The second half of the book contains the complete texts of these treaties.

The chief purpose of the publication, to present the procedures and issues as well as the solutions reached, has been achieved by the authors. Written in a concise and lucid way, the book makes easy reading and offers a reliable introduction to research. The authors rely largely on the Depart-