



János Zlinszky †

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The doyen of Hungarian Romanistics, Professor Emeritus János Zlinszky, the founding dean of the Faculty of Law and Political Sciences of the Pázmány Péter Catholic University, the former judge of the Constitutional Court of the Republic of Hungary, the corresponding member of the Academy of Sciences of Austria died on 18 June 2015, in the eighty-eighth year of his life.

János Zlinszky was born on 7 March 1928 in Budapest. He pursued his grammar school studies from 1938 to 1946 at the Piarist Grammar School of Budapest; from 1947 to 1951, he continued his studies at the Faculty of Law and Political Sciences of the Pázmány Péter University and – owing to the change of name in 1950 – of the Eötvös Loránd University Budapest. Practising the legal profession can be considered traditional in his family: his father, two grandfathers, and three great-grandfathers were also jurists. He took an interest in Roman law during his university studies already, which was noticed by Géza Marton, Professor of Roman law, and he worked as a library assistant – demonstrator beside him from the autumn of 1948 at the Department of Roman Law.

During the period of the dictatorship, in May 1951 – a few months before completing his studies –, on the basis of a show trial conducted on trumped-up charges, he was expelled from all of the universities of the country, and in June he and his family were deported to a compulsory domicile in the village of Zsáka. After that, he was ordered to do labour service for a year by right of military service. After taking the skilled worker examination made compulsory for carpenters, for several years, he was compelled to work as a construction worker. He was able to get back to Budapest only in 1956 by way of getting married with art historian Mária Sternegg-Günther, with whom he had three children later on.

Six years after a forced interruption of his university studies, in 1957, he was permitted to complete his studies: he obtained a degree in law (Dr jur.) in March in that year. From 1957 to 1968, he worked at state-owned companies as an employed jurist. From 1968 to 1983, he worked as a lawyer in the provinces, in Dunaújváros – the regime did not only exclude him from holding

a university chair but did not allow him either to act even as a lawyer at his domicile, in the capital.

The opportunity to teach at a university presented itself at the age of 55: from 1983, he lectured on Roman law as an assistant professor at the Institute for Legal Theory and Legal History of the University of Miskolc. In 1984, he obtained the degree of Candidate of Jurisprudence (C.Sc.), at which he had made several attempts earlier but had been prevented by competent bodies for reasons that could not be deemed as professional. From 1985, he worked as a head of an institution and associate professor in Miskolc.

The change of regime, which befell him over the age of 60, brought a turn in his career. In 1990, he obtained the degree of Academic Doctor of Law and Political Sciences (D.Sc.), and in the same year he was appointed university professor and the Head of the Doctors' School of the Faculty of Law and Political Sciences of Miskolc. In 1991, owing to his organization, the SIHDA congress was organized in Miskolc.

In the autumn of 1989, the Parliament elected him a constitutional court judge; he held this office until he turned 70 in March 1998.

He took upon himself the bulk of founding the Faculty of Law and Political Sciences of the Pázmány Péter Catholic University from the summer of 1994 as head of the organizing committee. He worked here first as a teacher of Roman law and Head of the Institute for Legal History, and then as the dean of the faculty from May 1995 to June 2000.

In 1993, the Academy of Sciences of Austria elected him a corresponding member. From 1992 to 1998, he acted as the Hungarian delegate in the law commission (Venice Commission) of the Council of Europe. He retired in December 2002 and, at the same time, Pázmány Péter Catholic University awarded him with the title of Professor Emeritus.

In the last third of his life, his academic achievements were recognized by numerous official honours and prizes conferred upon him – among others, by the decoration *Order of Merit of the Republic of Hungary Medium Cross with the Star*, the papal decoration *Knight Commander of the Equestrian Order of St Gregory the Great*, the order of merit *Pro Ecclesia Catholica Hungariae*, the *Academic Prize of the Hungarian Academy of Sciences*, the *Deák Ferenc degree of the order of merit Pro Cultura Hungariae*, the *Order of Merit of the President of the Republic*, the *Pro Facultate Diploma*, the prize *Iuris Consulto Excellentissimo*, etc.

He started his academic activities as a university student under the leadership of Géza Marton. The subject in the centre of his interest was the Twelve Table Law, of which he later on made the bilingual text edition and translation supplied with explanations.¹ It was within this scope that he made his academic doctor's

1 Zlinszky, J.: *A tizenkéttáblás törvény töredékei (Fragments of the XII Table Law)*. Budapest, 1991.

dissertation four decades later, which was published as a monograph.² He treated numerous details of the law of the archaic age in independent studies, which were published in foreign languages as well.³

In the period when he was compelled to work as a building industry worker, he devoted his free time to research: in 1954, upon the proposal of Endre Ferenczy, historian of the antiquity, he was entrusted by the Commission on Latin Literature of the Hungarian Academy of Sciences with preparing the edition of János Baranyai Decsi's *História*, supplemented with an introduction and comments. This subject also recurred in his numerous later works.⁴

His first larger work in German discussed the issue of presumption of death in Roman law, which was favourably received internationally,⁵ just as his studies treating the beginnings of *praetor's* law.⁶ While preparing Géza Marton's life-work for the press, he published his work on the study of liability,⁷ which subject he dealt with in several of his papers.⁸ His works analysing the problems of the continuing impact of Roman law, the various ways it was received in Hungary, and the various aspects of this process in the history of science explored these areas of the history of law of Hungary in the Middle Ages and the modern age by filling a gap in this field.⁹

- 2 Zlinszky, J.: *Állam és jog az ősi Rómában (State and Law in Archaic Rome)*. Budapest, 1996.
- 3 Zlinszky, J.: Staat und Recht im archaischen Rom. *Helikon Universitas* 1988. 169–182; Familia pecuniaque. *Index* 1988. 32–42; Gedanken zur legis actio sacramento in rem. *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung* 1989. 106–151; Punitio á Rome avant les XII Tables. *Publicationes Universitatis Miskolciensis, Series Juridica et Politica* 1990. 97–115; Consorts et domina – filiae loco: la famille romaine archaïque. In: Ganghofer, R. (ed.): *Le droit de la famille en Europe. Son évolution depuis l'Antiquité jusqu'à nos jours*. Strasbourg, 1992. 233–240.
- 4 Zlinszky, J.: Legal Studies and Works of János Baranyai Decsi. *Acta Ethnographica Hungarica* 2000. 327–336; Legal Studies and Works of János Baranyai Decsi. In: Barna, G.–Stemler, Á.–Voigt, V. (eds): *Igniculi Sapientiae. Symposium und Ausstellung zum 400. Jahrestag des Erscheinens der Adagia von János Baranyai Decsi in der Széchényi Nationalbibliothek, 1998*. Budapest, 2004. 104–118.
- 5 Zlinszky, J.: Zur Frage der Verschollenheit im römischen Recht. *Acta Antiqua Academiae Scientiarum Hungaricae* 1960. 95–132.
- 6 Zlinszky, J.: Die Anfänge des praetorischen Rechts. *Acta Antiqua Academiae Scientiarum Hungaricae* 2005. 35–44; Die frühe Schicht des Edictum praetoris. In: Hamza, G.–Kajtár, I.–Pókecz Kovács, A.–Zlinszky, J. (eds): *Iura antiqua – iura moderna. Festschrift für Ferenc Benedek zum 75. Geburtstag*. Pécs, 2001. 277–283.
- 7 Marton, G.: *A polgári jogi felelősség (Liability in Private Law)*. Budapest, 1992.
- 8 Zlinszky, J.: Nichtvermögensschaden im ungarischen Recht. In: *Bericht über den fünfzehnten österreichischen Historikertag in Salzburg*. Wien, 1984. 1230–1241; Haftung für immateriellen Nichtvermögens-Schaden im ungarischen Recht. *Acta Juridica Hungarica* 1983. 207–221.
- 9 Zlinszky, J.: Die Krone als Symbol der Freiheit – Die Freiheit als Sinn des Rechts. In: H. Szilágyi, I.–Paksy, M. (eds): *Ius unum, lex multiplex. Liber Amicorum – Studia Z. Péteri dedicata*. Budapest, 2005. 437–453; Römisches Recht in Ungarn. In: Rainer, M. J.–Schermaier, M. J.–Winkel, L. C. (eds): *Iurisprudentia universalis. Festschrift für Theo Mayer-Maly zum 70. Geburtstag*. Köln–Weimar–Wien, 2002. 945–963; L'expropriation dans le droit médiéval de la Hongrie. In: Harouel, J.-L. (ed.): *L'expropriation, II. Moyen Âge et temps modernes*. Paris, 2000.

In monographic works with an individual approach, which can be used excellently in university training as textbooks, he treated the material of *ius publicum*,¹⁰ *ius privatum*,¹¹ and Roman criminal law.¹² He examined and emphasized the issue of Roman rule of law and the significance of instructing *ius publicum* as public law *propaedeuticum* in several papers.¹³

His colleagues paid their respect to him by the ceremonial volume entitled *Iustum, aequum, salutare*¹⁴ on his seventieth birthday and *Sapienti iniuria fieri non potest*¹⁵ on his eightieth birthday. Also on the occasion of his 80th birthday, the volume entitled *Durch das römische Recht, aber über dasselbe hinaus* was published,¹⁶ which provided a representative selection of the celebrated person's works, instead of his colleagues, on Roman law, history of law, and constitutional law.

His life-work, personality, strength of character, and helpfulness made him an unquestionable authority not only of the Hungarian and international scholars of Roman law and legal history but also of the whole community of jurists, which can be characterized the most appropriately by his own words that he said about the jurist and human ideal desired to be achieved – and certainly implemented by him – on the occasion of taking over the prize of *Iuris Consulto Excellentissimo* at the Institute for Jurisprudence of the Research Centre for Social Sciences of the Hungarian Academy of Sciences on 28 November 2013:¹⁷ *vir bonus, dicendi peritus, amicus certus, consors fidelis, dator hilaris*.

297–301; *Wissenschaft und Gerichtsbarkeit. Quellen und Literatur der Privatrechtsgeschichte Ungarns im 19. Jahrhundert*. (= Studien zur europäischen Rechtsgeschichte, Veröffentlichungen des Max-Planck-Instituts für Europäische Rechtsgeschichte 91) Frankfurt am Main, 1997; Two Questions about the Adaptation of Juridical Models: The XII Tables and Hungarian Reception. *Acta Juridica Hungarica* 1991. 39–56; Die historische Rechtsschule und die Gestaltung des ungarischen Privatrechts im 19. Jahrhundert. In: Both, Ö. (ed.): *Studia in honorem Velimirii Pólay Septuagenarii*. Szeged, 1985. 1–31; Ein Versuch zur Rezeption des römischen Rechts in Ungarn. In: Horak, F.–Waldstein, W. (eds): *Festgabe für Arnold Herdlitzka zu seinem 75. Geburtstag*. München, 1972. 315–326.

10 Zlinszky, J.: *Ius publicum*. Budapest, 1996.

11 Zlinszky, J.: *Ius privatum*. Budapest, 1998.

12 Zlinszky, J.: *Római büntetőjog (Römisches Strafrecht)*. Miskolc, 1992.

13 Zlinszky, J.: Rechtsstaat Rom. In: Schermaier, M. J.–Végh, Z. (eds): *Ars boni et aequi. Festschrift für Wolfgang Waldstein zum 65. Geburtstag*. Stuttgart, 1993. 471–480; Römisches Recht. Beispielsammlung für Rechtsphilosophie und Staatskunde, In: *Theatrum legale mundi. Symbola Cs. Varga oblata*. Budapest, 2007. 599–608.

14 Bánrévy, G.–Jobbágyi, G.–Varga, Cs. (eds): *Iustum, aequum, salutare*. Budapest, 1998.

15 Horváth, A.–Koltay, A.–Máthé, G. (eds): *Sapienti iniuria fieri non potest*. Budapest, 2009.

16 El Beheiri, N. (ed.): *Durch das römische Recht, aber über dasselbe hinaus*. Budapest, 2008.

17 Zlinszky, J.: Életművem? – díjazva! *Iustum, Aequum, Salutare* 2015/2. 7.