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Legal Philosophising in mid-XXth Century Hungary (Julius Moór and István Losonczy)

Moór

The cataclysms and disasters of 20th century hardly spared anyone who had taken their professions seriously, thus dedicating themselves to the public and their nation as a whole. For anyone who opts for reason as an ultimate guide in the conflict between values and very material coercions is bound to be crushed by tyranny and wiped out by injustice.

The university years in Kolozsvár of Julius Moór,¹ originating from a Lutheran archdeacon's family in Brassó, coincide with the period of the Great War. He gained lifetime experience as a volunteer artilleryman at the front. Felix Somló, a pioneering mind both in legal philosophy and sociology in Hungary at the turn of the century² was his master and later his fatherly friend. It was just at the end of the war when Somló, once resoundingly celebrated by progressive liberal circles in this country, was to arrive at a dead end in his life and career. Once carrying him shoulder-high, his former comrades, by now intoxicated with ideas incited by, and patterned on, those of the Russian Revolution were busy agitating discharged soldiers only to hustle them into the Leftist "Aster Revolution" (getting under way on 31 October, 1918 with Count Mihály Károlyi becoming prime minister) while Somló was having to witness the disintegration of his country and was also seriously concerned about the fate of his beloved Transylvania, already threatened by advancing Romanian troops. With his proud faith in the positivity of law, the controllability of events, the reconcilability of reason and social existence shattered, he turned to the ancient classics, seeking asylum in Platonian ideas, St Augustine's suspirations and St Thomas Aquinas' hard realism. It was in Kolozsvár's legendary Házsongárd cemetery, the gem of that city, the pantheon of Transylvania and of the whole of Hungary, too that

he committed suicide, bequeathing what remained of his assets to the League of Motherland Protection, an organization intransigently resisting the peace dictate of Trianon, which had truncated the country, allocating two-thirds of its territories to artificially created successor states. This is the spiritual heritage (over and above Somló's magnificent library) that was to launch dr Vitéz³ Julius Moór on his career as a professor in Szeged, Hungary.

He started where Somló had left off. Shifting from what had been Somló's German and Anglo-American orientation (a combination regarded as unusual at the time), he followed the traditional German-French-Italian schools of thought, contacting as fastidiously as his master had earlier, the greatest in the field. He became both an adherent to, and a critic of, the Vienna school of legal positivism, a theory of law in Continental Europe holding sway ever since. Sharing the line of thought of its founder, Hans Kelsen, he accepted the separation of normative ought propositions from existential statements as a starting point in law. As a critic, however, he was no longer contented either with value relativism or with the reduction of values to mere formal abstractions (e.g., in conceiving of justness as nothing more than equal treatment). He started searching for fixed points of reference, which he came to find more and more (in terms of the entire legal setup) in natural law and (in respect of particular legal arrangements already in operation) in the need to develop and ceaselessly accommodate deliberately value-controlled legal policies.⁴

Soon he became a celebrated professor of the prestigious Pázmány Péter University of Budapest, the teacher of generations⁵ and, on account of his books and papers,⁶ one of the most responsible intellects in Hungary to shape sociological thinking. Most demanding as a teacher and, as an academic author, characterized by clarity and beauty of style, he was committed to ceaselessly building bridges between law and other fields of humanities. He treated with strong reservations the legal philosophies of, and jurisdictional developments in, both the red and the brown dishonourable neighbourhoods, i.e., those of bolshevism and national socialism. He wrote a stern critique of the legal philosophy (published in Berlin during the war) of Béla Tuka, one-time teacher at the Episcopalian high school of law in Pécs, Southern Hungary, who was to become a Slovakian nationalist only to be executed later as the interior minister of the nationalist puppet state, the Slovak Republic.⁷ All along, Moór corresponded with one of Hitler's first scholarly victims, the philosopher of law Gustav Radbruch, who, after having been removed from his post as rector of Heidelberg University, took spiritual refuge in the study of history and in that of

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the doctrinal history of German criminal law. Being unswervingly humanist and value-oriented, Moór lived to personally attest to the then already waning virtue of transforming his scholarly interests into genuine human understanding.

As a tragic reminder, Moór preserved the documents of the theoretical-legal efforts made during the Hungarian Republic of Councils, which was brought about by POWs-turned-Leninist revolutionaries. What is more, communists in illegality in between the two world wars regularly dropped their leaflets in the mailbox of his flat in Váci street. His authority, as buttressed by the unconditional trust of the Regent, Admiral Horthy, and his Upper House membership afforded him the opportunity to intervene on behalf of a lesser-known Szeged colleague,⁸ who was threatened deportation owing to his Jewish origin. (Ironically, less than half a decade on, the same colleague, who had become a neophyte communist and a satrap of Stalinist legal ideas, took revenge on everything that might have borne a faint resemblance of the burgherly past which had elevated him.) Moór remained steadfastly committed to reason all through the bloodbath of the 2nd World War. It is of symbolic import that he became the first post-war rector of the Pázmány Péter University and, temporarily, also the president of the Hungarian Academy of Sciences. He was also shortlisted number one for the ambassadorial post in Moscow, which he declined, as he was convinced that upcoming fights should be fought at home in Hungary.

After the war, he started publishing with renewed vigour, criticising fascism and national socialism, touching upon the relationship between Christianity and socialism and on democracy,⁹ and went on working as long as he had the faintest hope in the power of reason and the written word. It was in the Hungarian Independence Party that, for the first time ever, he took a directly political role. It was indicative of the fateful onus of the post-war times that this elevated representative of the Hungarian upper middle class did not refrain from applying himself even to petty tasks in the face of threatening communist advances. With the date of the Paris Peace Treaty approaching and the justification for the Soviet military occupation also coming to an end, the imminent threat of a communist takeover made him take a firm stand. And that he did with dignity befitting his stature in two grandiose addresses to parliament.¹⁰ The communists, who kept heckling him all through, were keenly aware of the purport of his address. Their response was commensurate. At the age of nearly 59, he is full professor and head of department, but in consequence of the retort by the Szeged-rooted ethnographer-strayed-“fellow

traveller”-turned-minister of education at the time, he was simply banned from entering university premises the following day. Was it the agents of the Soviet occupation force? Was it collaborators or hired thugs? Whoever it was, he had his flat burglarized and turned upside down.

Press campaigns, scandal-mongering, political demonstrations targeting him personally, and continuing parliamentary interpellations stigmatising him as a “traitorous, fascistic ideologue-in-chief” were to be his share, dealt out only to hide the naked truth that the communists were exactly like he had described them, and acted in a way that amply justified his fears for Hungary’s future. As a matter of course, he was pensioned off “at his own request,” quoth they, in the middle of the year he had turned 60. And all that was given the plain nod by the Faculty and University Boards. Not long ago the president of the Hungarian Academy of Sciences, he also had his membership quashed. We are used to taking our lives seriously. He certainly did. There is no knowing whether he regarded it as deliverance, but his slowly manifesting throat complaints were eventually diagnosed as cancer of the larynx, which rapidly killed him.

His successors raged on in the terrain freed of him. No professionals socialized in the old era (i.e., the ones who could have restrained the primitive neophyte ruthlessness of the crudely adopted Marxist-Leninist-Stalinist theories of state and law) were to be left in position at any of the universities in this country. Within a few years’ time, Julius Moór’s legal philosophy, after having been labelled reactionary, was to be, so-to-say, “theoretically surpassed” in a Faculty Board session to the effect that his ideas, which had animated generations, were to survive only underground.¹¹

As repositories of the new Muscovite rule, those who triumphed after his death (which was precipitated by the communist takeover) criticised him as an eclectic and an opportunist alike. As an eclectic, because he preferred the golden tree of life and also the faith in its mouldability into something more sensible and therefore more humane, to chiselled facades, angularity and the dead branches of ratiocination. And as an opportunist, simply because he was born to live and work there and then, i.e., in Hungary, between the two world wars and also under the shadow of the Third Reich and the Soviet-Russian Third Rome and, because his endeavours had been both officially and unofficially recognized in his time. They claimed to have surpassed him, but were unable to furnish better or theoretically sounder interpretations than he had been, for collaborationists, rallying after the invasion by the Red Army, were able to wangle

but a materialistic, ideological wasteland in place of spirituality and the diversity of life worth living within its scope. It is still the vestiges of the so called socialist normativism that have been thriving on the ruins of socialism in the entire region. Although the past never repeats itself directly, the history of ideas bears witness to the fact that methodological debates over some basic choices have got to be engaged in again and again. Conducted with devious bypasses and often hidden in postmodernist disguise, there are still disputes to be faced that look very much like the fundamental ones Somló and Moór had to undertake, e.g., on how to protect law from the ravages of dictatorship and from the staggering eventualities resulting from purely abstract ratiocination.

It was his friend and one-time fellow-professor Sándor Sík, famous poet and provost of the Piarist Order¹² who preserved his immensely valuable library until he himself died. After a host of vicissitudes, but thanks to the generosity of his family, it was donated to the Library of Parliament to further enhance the best jurisprudential collection of this country.¹³ Now books are being written about Moór,¹⁴ who, in turn, speaks to today's generations through the reprints of his books and articles.¹⁵ As he himself was aware, theoretical propositions may get dated. We can, however, preserve the ethos of, and the commitment to, human values through our sincere quest for humane solutions. That is why this sadly maltreated teacher, thinker and social philosopher shall always remain with us in our present-day cares and concerns.

Losonczy

István Losonczy¹⁶ was born under a star lucky and unlucky at the same time. Lucky was the star, for inspired by his alma mater, attracted by his teachers and spurred on by a good few of outstanding fellow students, he enjoyed the company of his peers and paragons at an all-round university, and was happy to face the intellectual and moral challenges arising from the urge of getting well-versed in as diverse disciplines as literature, music, fine arts, sciences, theology, humanities, law, economics, minority research in a humbling, but at the same time inspiring spirit of continuous intellectual fermentation, rejuvenation and overachieving. He was born in a happy epoch.

Although in his formative years he may have witnessed his country's drifting into the Great War, the shame of its occupation and bolshevization, the perfidy disguised as ruthlessly spiteful pinko republicanism-turned-doctrinarism in the Baranya

county triangle, his country's truncation followed by a difficult restart in the early, and the American-born Great Depression in the late, twenties. He also lived to see the rapturous times which followed in less than a decade after the post-war restart. Beholding the city of Pécs from the vantage point of our generation, we cannot help noticing the unprecedented intellectual effervescence and resurgence at the time. There is reason to believe that there was indeed faith and will at work there, intent on defying and turning round the country's bad fate. Tradition, morale and transcendence applied themselves in the spiritual and intellectual rebirth, going hand in hand with *avantgarde*, the creative query. Their sallying forth was tempered by negation with the fury of innovation being embarked upon. Searching for roots and the joy of rediscovering them in the columns of university journals and scholarly series were also to go hand in hand with the pleasure of keeping one's eyes peeled for the future and taking responsibility for it, too, accompanied by conscious preparations for the future and the desire to take a responsible role could manifest themselves. In brief, the man of intellect was welcomed in Pécs,¹⁷ at its university, seminars, in the cool of its library rooms, its editorial offices, ateliers, and in its spacious churches and theatres.

In this alienated world of ours, a *curriculum vitae* cannot be but a dry set of data. As lone exhibitors capable of partial results only, we know, of course, that past and present are subsumed in all our deeds and inducements, which in turn, encompass all the efforts and clashes of our masters and peers, all the preserved memories of others' lives, desires, values, quests for meaning and means of self-expression. Happy is the man who has not been ruined but elevated by his epoch. Surely, it was thanks to his lucky star again that during the hard times of recovery from the economic crisis in Hungary, István Losonczy, despite the scarcity of university positions in the post-Depression era, was appointed assistant professor within less than one and a half years' time after his graduation. He then spent two semesters at the Vienna University and only following a stint at the ministry of education did he habilitate (thus opting for a law-school career) at the age of twenty-nine, only to be appointed (eight years after his graduation with Regent's Ring honours) at thirty-two, associate professor and head of the *Institutum philosophiae iuris* at the Royal Hungarian Elisabeth University of Pécs. From early on in his jurisprudential career he had had two irons in the fire (odd as it may have seemed only in this country, hardly unusual, however, in German-speaking countries or elsewhere), studying both what he was appointed to: philosophy of law and criminal law he had habilitated in, giving lec-

tures in place of his distinguished but ailing master, Albert Irk, eminent in both fields.

When God closes one door, He opens another one. For István Losonczy's career as a philosophy of law scholar was to come to an abrupt halt a decade after he got his tenure, when Hungary was already drifting into the World War II with rampant abuse of power by a German-imposed puppet-government, following her occupation by her Teutonic ally. Vanquished again, then ransacked by the Red Army and having experienced a short-lived period of pseudo-democracy, this country was to be reduced to a state of Muscovite Stalinism for decades to come. Ironically, and also as a stroke of good luck in the country's fate, the deterioration took years to materialise, during which time the foundational components of Losonczy's oeuvre (which later research may still prove to be weightier than its latter parts) were being laid down.

His wide-ranging interest encompassed fields ranging from poetry to music, literary theories, medicine, contemporary philosophy, matters of life and death of his nation with his scholarly ties extending to Vienna and Rome, and his friendly ones reaching out to the capital and Szeged. It was the company he kept with men of letters like Sándor Weöres,¹⁸ musicians like the violinist Vilmos Tátrai,¹⁹ theologians like the Graz, Rome and Fribourg Dominican professor of natural law Alexander Horváth,²⁰ philosophers like Tibor Hanák who was to become one of the most outstanding figures of the Catholic anti-Communist emigration in Vienna,²¹ life scientists from the medical faculty and his library-like study in his home that energized him. Professionally he is known to have kept in touch with Professor Barna Horváth²² and the latter's disciples István Bibó and József Szabó²³ at Szeged University. In such an inspiring environment and at a time of a national revival, it is still his apparent solitude that strikes the eye. Or, alternatively, it may have been but his dogged perseverance in, and prospect of, finding a path of his own, or his compulsion to assert himself that made him appear that way. At any rate, the research theme of his choice was not to bring him any closer to the high-minded Julius Moór, the number one philosopher of law of the age, sitting on his university chair in Budapest, or to Barna Horváth, building his school of disciples involving Bibó, J. Szabó and Tibor Vas²⁴ in Szeged. Losonczy certainly did not draw upon mainstream topics of jurisprudence either, when he discoursed upon the ontological problem of the causality of non-action,²⁵ or when (inspired by neo-Kantianism) he considered the feasibility of functional concept-formation in jurisprudence.²⁶ However, the drift of his cogitation appears to indicate his attempt to find

(despite its particularity) what is unprecedented and unique, and what is suitable not only for exercising his mental acuity but also for forging of what only seems to be ephemeral: an Archimedean fulcrum to lift European scholarship out of its Kantian complacency. The ethos the two works have in common is based on his aspiration to root out false presumptions and fundamental theoretical assumptions left unchallenged. Asserting itself at this point was the same dry logic of iron ratiocination which had been hinted at with a modicum of aversion by Irk on the occasion of his disciple's habilitation,²⁷ and which was to appear in a manuscript summary of 1948 as one that takes cognisance of values but ousts any kind of reliance on attachment to transcendence or faith-based conviction from theorisation. It appears as though he had set about drawing up the outlines of a "realist" philosophy of law²⁸ as early as very first writings. Anyhow, he embarked upon his career in legal philosophy by raising an issue in the theory of science on a prestigious international forum,²⁹ and wound it up in an unfinished book-size series of lecture-outlines,³⁰ which, due to the irony of fate, were never to mature into a full-blown textbook.

A promising start with an eccentric detour, a career which, though rooted in the period between the two world wars, was to inevitably terminate in soberly and logically organised, unassuming and "realistic" orderliness.³¹ Over and above the enigma of his solitude, there emerges the puzzle of what path or line of study he would have supposedly taken, judging by the thrust of his infrequent publications or by the considered but fragmentary analyses in his extant Manuscript Summary.

Remarkable is the reserve with which he related to his colleagues in the profession and even to his predecessors. It appears as though they had been non-existent for him, or as if he had set about planning his scholarly career with extraordinary calculation from the very outset, conceiving every day of it as pre-calculated elements of something enthralling to come, whose every element was to expediently fit in a distant perspective. While being cited by peers (like István Bibó, a few years his junior) of no lesser scholarly stature than he himself was, he failed to reciprocate, making it appear as though he had been trying to find his place in a German-speaking Central Europe without wasting his time on the endeavours of the ones in the peripherics. What did he feel? Did he feel belated or determined to do pioneering work? There is no knowing. Still, it seems to be a good bet that – aware of his belatedness – he felt the need to lay the theoretical foundations of his oeuvre. Anyway, the ivory tower he wound up in appears to have been of his own construction right from the outset.

His striving for perfection as inspired by, and in methodology borrowed from, natural sciences took its cue from the philosophy of his age. And the same is true of the eminent place he secured for the conceptual prerequisite of the notion of *henid*,³² which by and large went hand in hand with *gestalt* psychology (gaining ground both in philosophy and methodology) and with his deduction of the various components of law and mechanism of its effectuation in correlation with specific ontological layers.³³ This ontological theorisation is so inexorably unambiguous that it strikes one as if it were but sheer banality. Yet, it is a revolt because, flying in the face of categorical reasoning, which is prone to logically and linguistically homogenise diverse concepts and thus misrepresent them, Losonczy set out to make theoretical “re-constructs” based on and starting from everyday facts of life. That is why (despite its unhistoricalness) the question remains: what direction would legal philosophical history have taken if Losonczy’s realism had had the opportunity to mature into a monography and thus confront theories of, and provoke discussions with, the Budapest-based Julius Moór as assisted by Kornél Scholz,³⁴ and those of the Szeged School shored up by the young and promising Vera Bolgár,³⁵ and those put forward by other authors (like Alexander Horváth or “synthetical” natural law expert József Hegedűs³⁶)?

Hardly had István Losonczy turned forty when he was compelled to make a change in direction in his professorial career. Soviet occupation, which was to ensnare this country into half a century of ill-fate, culminated in a communist takeover, physical and intellectual terror. The successors to the “Lenin-boys” of 1919 (militia notorious for committing atrocities) descending upon the University of Pécs went ahead with their cleansing (which hardly any scholar could have survived without being intimidated) with the gasping fervour befitting only mercenaries (ironically it has since assumed a kind of elegant, cosmopolitan veneer). We can only be pleased for Losonczy to have had the good luck in unlucky times to avoid being unseated by putting his better leg forward, unlike Moór, Bibó and Scholz who were removed from their positions at short notice, or as Horváth, Hanák and Bolgár, who were forced to flee the country, or József Szabó, who was imprisoned, or, to mention just some of his colleagues at Pécs, constitutional law professor István Csekey and administrative law professor József Bölöny, and associate professor of social care István Weis and others, from among his closest colleagues who were all thrust into the worst existential insecurity of the declassified.³⁷

So Losonczy shifted to criminal law. He took on the responsibility of teaching his subject and writing

textbooks,³⁸ and also that of academically steering his department and his students. He was also lucky in that he succeeded in pursuing his long-time interest, doing research (staying within the realm of philosophy of criminal law) into the purely theoretical questions of the subjective side of, and the relationship to, the deed in criminal law.³⁹ Hence, he was to integrate only into the professional communities of criminal lawyers, thereby getting hold of considerable standing both for his university and himself. He also qualified for an Academic candidate’s degree early on, and initiated interdisciplinary discussions in his Faculty and encouraged the student research circles’ activity. All the same, he remains an outsider even in this community all through, in as much as he preserves his distance from criminal law proper, from the study of particular crimes, i.e., from their doctrinal analysis in positive law.

In my memory (further accentuated though by the specific emphases one tends to attribute to youthful impressions), he appears as the *burgher* (as one characterised by Thomas Mann, among others), who was prepared to go to any length in his effort to preserve his privacy, including even the manifestations and objectifications of his values, thoughts and style – all that having been meant to demonstrate his autonomy vis à vis “them”, i.e., the then communist Establishment, even if such deportment could not have served as a norm for others to follow. His self-sequestration, shutting out the outside world and his bottled-up-ness deprived him of the warmth of an empathetic community. Yet, he served as a living symbol of an abruptly terminated past which is still holding out for the future, braving a shallow and inferior present.

Free from the shackles of the recent past, today’s scholars cannot but be sorry that, over and above his private resistance, he was prevented from also delivering content suitable for educating and edifying generations of students. It is a pity that the erudition, intensity, analytical talent, conscientiousness and perseverance which the young professor engrossed in his work, evidenced, failed to bring about (during the three decades following the rift in his career and in addition to his nationally recognised professional qualities and some of his works) the grand oeuvre, which would have pre-required unconditional trust, a sense of commission on his behalf and also human warmth to back him up.

It is sad for us to realise yet again that, as the poet Gyula Illyés says, in tyranny, there is no one who is not “a link in the chain”,⁴⁰ in an upheaval likewise, it is not only that the vanquished get destroyed, but that even those who manage to stay afloat by holding on to something in the sea of troubles get inevitably

crippled. The questions of what sanctuary one can retreat to, how much faith one has and what in (what tenacity of a Lazarus of Bethany and will to live one can muster) are bound to be left unanswered, as they are part and parcel of our innermost self, undecipherable by any sophistry by the posterity, and rarely, if at all, the business of any outsider.

Whoever was his disciple felt honoured. Whoever had a word with him may have had a taste of his gravitas, congruity, insight, and tendency toward orderliness. What the Romans used to consider “ars” (i.e., craftsmanship and art in one) he conceived of as scholarly discipline, calling for calm, modesty, reflection, learning and application. He delivered the most and the best of what could have arisen from a professor’s calling, doing all that at a time, under and despite circumstances in which his demeanour was construed as bearing all the hallmarks of a “discredited” past, branded as latently dissident, which consequently, was the least prized or conducive to, a successful career then.

He however, was to remain the symbol of staying on one’s feet by all means, of endurance, of continuity between what used to be considered a discarded past and the present. He became the champion of the university which once had been his alma mater.

As a full professor of law, he decided at the age of thirty-six to take up medicine as a day student. His focus on determinism and indeterminism and criminal ethology (themes he thrashed out philosophers, biologists, physiologists), his unrelenting interest in biology and medicine⁴¹ and also his concern with criminal causality (re-asserted at an age of sixty) appear to be indicative of his endeavour to ontologically substantiate his “realism”, within which (inspired even by childhood aspirations) he wished to specify (by separating the lifeless and the living and also further distinguishing within the latter the ontological layers verging on the specifically human⁴²) the human being as one equally responsible to its own self, its community and God, and thereby discern its intrinsic intellectual and moral qualities.

If we take his “realism” as an attempt at superseding the traditional positions of idealism versus materialism in a new synthesis,⁴³ we can appreciate it not only as valid but – as to its purport – also unsurpassed up to the present day, since the way we pose our questions still appears to be suggestive of preconceptions in our one-time acceptable patterns of thought.⁴⁴ Worse still, our social setup, political philosophy and our juridical endeavours appear more often than not to be based on insufficient and ill-defined anthropological *sine qua nons*;⁴⁵ and considering the attempts at reconciling scientific and theological visions of man, we have to realise that

not even the most comprehensive and compelling achievements and authenticity of an oeuvre cannot guarantee a valid solution.⁴⁶

Being aware that Losonczy’s era was one for attempts at synthesising legal philosophies,⁴⁷ we will instantly recognise that his concern with abstraction as validated by scientific exactitude, was motivated by a striving for the soundest groundwork available which, at the same time, was to offer a glimmer of hope for the chance of a theoretical answer favourably disposed to truthfully humane values.

Notes

¹ Gyula Moór, born on August 11, 1888 in Brassó, Transylvania, Hungary (now: Brasov, Romania), died on February 3, 1950 in Budapest. After studies in Kolozsvár (known historically also as Klausenburg, Transylvania, Hungary [now: Cluj, Romania]), he was discharged from active service in the army as a lieutenant, and following temporary teaching assignments at Eperjes, upper Hungary (now: Prešov, Slovakia) and Kolozsvár, he was appointed professor in Szeged in 1920.

² Cf., as Bódog Somló’s magisterial work, Felix Somló *Juristische Grundlehre* (Leipzig: Meiner 1917, ²1927 [reprint Aalen: Scientia 1973]) x + 556 pp.; as posthumous philosophical re-foundation, Felix Somló *Gedanken zu einer Ersten Philosophie* hrsg. Julius Moór (Berlin & Leipzig: de Gruyter 1926) 107 pp.; and for papers collected, Felix Somló *Schriften zur Rechtsphilosophie* hrsg. Csaba Varga (Budapest: Akadémiai Kiadó 1999) xx + 114 pp. [Philosophiae Iuris: Excerpta Historica Philosophiae Hungaricae Iuris] & <<http://drsabavarga.wordpress.com/2012/12/24/felix-somlo-schriften-zur-rechtsphilosophie-hrsg-csaba-varga-1999/>>. For the latest assessment, cf. Andreas Funke ‘Felix Somló’s Legal Philosophy: Contents, Critique, Counterparts’ in *Standing Tall Hommages à Csaba Varga*, ed. Bjarne Melkevik (Budapest: Pázmány Press 2012) 487 pp. [Xenia], pp. 153–163 & <<http://drsabavarga.wordpress.com/2012/12/21/standing-tall-hommagesacsabavarga-bp-2012/>>.

³ Member of the knightly order of war heroes, inaugurated by Admiral Miklós Horthy as regent of Hungary in 1920.

⁴ By Julius Moór, *Stammler “Helyes jogról szóló tana”* [Stammler’s “Theory of correct law”] (Budapest: Pfeifer 1911) 87 pp. [Magyar Jogászegyleti Értekezések III/25] and *Bevezetés a jogfilozófiába* [Introduction to legal philosophy] (Budapest: Pfeifer 1923) 356 pp. [Filozófiai kiskönyvtár III].

⁵ He served as a dean several times; became a member of the Hungarian Academy of Sciences (a corresponding one in 1925 and an ordinary one in 1942), a deputy member of the Upper House of the Parliament of Hungary, representing his university (from 1937 on, elected for ten years in principle).

⁶ By Julius Moór, *Zum ewigen Frieden Grundriss einer Philosophie des Pazifismus und des Anarchismus* (Leipzig 1930) 101 pp., *A jogi személyek elmélete* [Theory of legal persons] (Budapest: Magyar Tudományos Akadémia 1931) 379 pp. [A Jogtudományi Bizottság kiadványsorozata 2], *Szociológia és jogbölcsélet* [Sociology and legal philosophy] (Budapest: Királyi Magyar Egyetemi Nyomda 1934) 59 pp. [Filozófiai értekezések 5], and *A szabad akarat problémája* [The problem of free will] (Budapest: Magyar Tudományos Akadémia 1943) 149 pp. [Értekezések VI/1].

⁷ See Vojtech Tuka *Die Rechtssysteme Grundriß einer Rechtsphilosophie* (Berlin, etc.: Limbach 1941) 273 pp. [Archiv für Rechts- und Sozialphilosophie, Beiheft 37] & Julius Moór ‘Tuka’s Rechtsphilosophie’ *Zeitschrift für öffentliches Recht* XXII (1943) 4–5, pp. 370–382, respectively.

⁸ Tibor Vas (1911–1983), a gifted author of *Die Bedeutung der transzendentalen Logik in der Rechtsphilosophie* (Szeged:

Szeged Városi Nyomda 1935) 94 pp. (& *Senkenteki hotetsugaku* (Tokyo: Yufukanshobo 1941) 133 pp.), before he entered a typical Stalinist career marshalled by the Communists' cause. Cf. *Die Schule von Szeged Rechtsphilosophische Aufsätze von István Bibó, József Szabó und Tibor Vas*, hrsg. Csaba Varga (Budapest: Szent István Társulat 2006) 246 pp. [Philosophiae Iuris: Excerpta Historica Philosophiae Hungaricae] <<http://drsabavarga.wordpress.com/2012/12/26/die-schule-von-szeged-rechtsphilosophische-aufsätze-von-istvan-bibo-jozsef-szabo-und-tibor-vas-hrsg-csaba-varga-2006/>>, especially at pp. 137-139.

⁹ By Gyula Moór, *A jogbölcselet problémái* [Problems of legal philosophy] (Budapest: Magyar Szemle Társaság 1945) 81 pp. [Magyar Szemle Kincsestára 80], *Jogfilozófia* [Legal philosophy] (Budapest: Magyar Élet 1936, 1947) 287 pp. [Jog- és államtudományi jegyzetek 3], as well as *Tegnap és holnap között Tanulmányok* [Between yesterday and tomorrow, Essays] (Budapest: Révai 1947) 172 pp.

¹⁰ His MP-speeches before the new National Assembly on July 23 and October 8, 1947 were interpellated by Emília Weil, representative of the Hungarian Communist Party on December 10, the response to which came from Gyula Ortutay, once ethnographer of a reforming spirit at Szeged and then Minister of Public Education and Religious Affairs, a Communist agent under a social democratic guise, on March 4, 1948.

¹¹ All his life his most unyielding critic was Imre Szabó, cf. his *A burzsoá állam- és jogbölcselet Magyarországon* [Bourgeois theory of the state and law in Hungary] (Budapest: Akadémiai Kiadó 1955) 533 pp., 2nd updated ed. (1980) 471 pp. For the minutes of a Faculty Board meeting, see '»A Horthy-fasizmus állam- és jogbölcselete« Az ELTE ÁJK tanácsülésén 1955. január 29-én rendezett vita Szabó Imre készülő könyvének IX. fejezetéről' [»Philosophy of state and law during the Horthy-fascism«: Debate at the Faculty of Law of Eötvös Loránd University on January 29, 1955 on ch. 9 of Imre Szabó's forthcoming book] ed. Csaba Varga in *Jogelméleti Szemle* 2004/3 <<http://jesz.ajk.elte.hu/varga19.html>>.

¹² Sándor Sík (1889–1963), professor of aesthetics.

¹³ In acknowledgement to the present author for the care of having saved the remnants of this collection of some five thousand titles, cf. Károly Jónás 'A Moór-Somló-hagyaték' in Károly Jónás & Katalin Veredy *Az Országgyűlési Könyvtár története 1870-1995* (Budapest: [Magyar Országgyűlés] 1995), ch. 5.39, pp. 205–206 & <<http://www.ogyk.hu/e-konyvt/pdf-konyv/konyv05.pdf>>.

¹⁴ As a present-day re-evaluation, see József Szabadfalvi *Moór Gyula Egy XX. századi magyar jogfilozófus pályaképe* [Julius Moór: The oeuvre of a 20th-century legal philosopher in Hungary] (Budapest: Osiris-Századvég 1994) 199 pp. [Summary, pp. 189-192; Zusammenfassung, pp. 193-197] [Jogtörténet]; *Moór Gyula* ed. József Szabadfalvi (Budapest: Új Mandátum 2001) 241 pp. [Magyar panteon 13]. Cf. also Csaba Varga 'Documents de Kelsen en Hongrie: Hans Kelsen et Julius Moór' *Droit et Société* (1987), No. 7, pp. 337-352 & <<http://www.reds.msh-paris.fr/publications/revue/pdf/ds07/007-03.pdf>> as well as József Szabadfalvi 'Wesen und Problematik der Rechtsphilosophie: Die Rechtsphilosophie von Gyula Moór' *Rechtstheorie* 30 (1999) 3, pp. 329-353.

¹⁵ In addition to a number of reprints and re-editions from his oeuvre in Hungarian, cf. *Aus dem Nachlaß von Julius Moór* [Moór Gyula hagyatékából] hrsg. Csaba Varga (Budapest: ELTE "Comparative Legal Cultures" Project 1995) xvi + 158 pp. [Philosophiae Iuris] & <<http://philosophyoflaw.wordpress.com/>> and, as a late reprint of his papers in mostly German, some in Italian or French, Julius Moór *Schriften zur Rechtsphilosophie* hrsg. Csaba Varga (Budapest: Szent István Társulat 2006) xxii + 485 pp. [Philosophiae Iuris: Excerpta Historica Philosophiae Hungaricae Iuris / Bibliotheca Iuridica: Opera Classica 3] & <<http://drsabavarga.wordpress.com/>>

<<http://drsabavarga.wordpress.com/2011/01/02/julius-moor-schriften-zur-rechtsphilosophie-hrsg-csaba-varga-2006/>>.

¹⁶ Cf., by the present author, the bio-bibliography of István Losonczy (1908–1980) in his *Abriss einer realistischen rechtsphilosophischen Systems* [1948] hrsg. Csaba Varga (Budapest: Szent István Társulat 2002) 144 pp. [Philosophiae Iuris: Excerpta Historica Philosophiae Hungaricae Iuris] <<http://drsabavarga.wordpress.com/2012/12/26/istvan-losonczy-abris-eines-realistischen-rechtsphilosophischen-systems-hrsg-csaba-varga-2002/>>, pp. 9-13.

¹⁷ For a contrast, illustrating the pre-WW-I situation, see, by the present author, 'Somló Bódog esete a pécsi jogakadémiaiával' [The case of Felix Somló with the High School of Law in Pécs] *Jogtudományi Közlöny* XXXV (1980) 8, pp. 543-546.

¹⁸ Sándor Weöres (1913-1989), by now renowned as a classic of the remaking of modern Hungarian literature, see <http://en.wikipedia.org/wiki/Sándor_Weöres>. Cf., by the present author, 'Weöres Sándor ifjúkori versei és a szépről írt okfejtése Losonczy István hagyatékában' [Juvenile poems of Sándor Weöres and his tractate on the nature of beauty in the legacy of István Losonczy] *Holmi* VII (August, 1995) 8, pp. 150-154.

¹⁹ Vilmos Tátrai (1912-2002), founder of the Tátrai Quartet (1946).

²⁰ Alexander Horváth (1884–1956), author of *Eigentumsrecht nach dem hl. Thomas von Aquin* (Graz: Moser 1929) viii + 240 pp., arguing for the priority right of collectivity in use of property, among others.

²¹ Tibor Hanák (1929-1999), author of *Lukács war anders* (Maisenheim am Glan: Hain 1973) 189 pp. [Monographien zur philosophischen Forschung 114], *Die Entwicklung der marxistischen Philosophie* (Darmstadt: Wissenschaftliche Buchgesellschaft 1976) xiii + 326 pp. [Die philosophische Bemühungen des 20. Jahrhunderts] and *Die marxistische Philosophie und Soziologie in Ungarn* (Stuttgart: Enke 1976) vii + 231 pp. [Enke Sozialwissenschaften].

²² Barna Horváth (1896-1973), author of *Rechtssoziologie Probleme der Gesellschaftslehre und der Geschichtslehre des Rechts* (Berlin-Grunewald: Verlag für Staatswissenschaften und Geschichte GmbH 1934) xi + 331 pp. and *Probleme der Rechtssoziologie* (Berlin: Duncker & Humblot 1971) 204 pp. [Schriftenreihe zur Rechtssoziologie und Rechtstatsachenforschung 20], as well as, in posthumous edition, of *The Bases of Law / A jog alapjai* [1948] ed. Csaba Varga (Budapest: Szent István Társulat 2006) liii + 94 pp. [Philosophiae Iuris: Excerpta Historica Philosophiae Hungaricae Iuris / Jogfilozófiák] & <<http://drsabavarga.wordpress.com/2012/12/26/barna-horvath-the-bases-of-law-ed-csaba-varga-2006/>> {bio-/bibliography at pp. xvii-xxxviii}, with papers to be reprinted in Barna Horváth *Schriften zur Rechtsphilosophie* I: 1926–1948: Prozessuelle Rechtslehre; II: 1926–1948: Gerechtigkeitslehre; III: 1949-1971: Papers in Emigration, hrsg. Csaba Varga (Budapest: Szent István Társulat 2013) [Philosophiae Iuris: Excerpta Historica Philosophiae Hungaricae] [in preparation].

²³ József Szabó (1909-1992), imprisoned in 1948, forced to retire again in 1957. István Bibó (1911-1979), persecuted after both the Communist takeover in 1948 and the national revolution in 1956. Cf. *Die Schule von Szeged...* [note 8], bio-/bibliographies at pp. 11–22 and 81–89, respectively.

²⁴ Cf. note 8.

²⁵ István Losonczy *A mulasztás I: A mulasztási bűncselekmény okozatossága* [Omission, vol. I: The causality of criminal offence committed by omission] (Pécs: Dunántúl Egyetemi Könyvkiadó 1937) 240 pp. [with no further volume ever published].

²⁶ István Losonczy *A funkcionális fogalomalkotás lehetősége a jogtudományban* [The possibility of functional concept-formation in jurisprudence] (Budapest: Királyi Magyar Egyetemi Nyomda 1941) 141 pp.

²⁷ Quoted by László Vargha in *Fejezetek a pécsi egyetem történetéből* [Chapters from the history of Pécs University] ed. Andor Csizmadia (Pécs 1980) 367 pp. on pp. 183-185.

²⁸ István Losonczy *Abriß eines realistischen rechtsphilosophischen Systems* [typescript] (1948), posthumously published, cf. note 16.

²⁹ István Losonczy 'Über die Möglichkeit und den Wissenschaftscharakter der Rechtswissenschaft' *Zeitschrift für öffentliches Recht* XVII (1937) 2, pp. 145-194, reprinted also as Appendix in *ibid.* [note 16].

³⁰ István Losonczy *Jogfilozófiai előadások vázlatja* [Outlines of lectures in legal philosophy] [lithoprint] (Pécs 1948) 57 + 43 + 81 + 10 pp., reprinted under the same title, ed. Csaba Varga (Budapest: Szent István Társulat 2002) xvi + 282 pp. [Jogfilozófiák].

³¹ Cf., for the conceptual explication of some of his key terms, Péter Cserne 'Az univerzalizmus partikularitása: Losonczy István »A mulasztási bűncselekmények jogellenességének problémája az univerzalizmus szemszögéből« című művéről' [The particularity of universalism: On the work of István Losonczy on »The problem of unlawfulness of criminal offence committed by omission from the aspect of universalism«] *Jura* [Pécs] 9 (2003) 1, pp. 50-58.

³² According to his posthumous summary in reprint (note 30), "the *henid* content of consciousness – in our case: logical prerequisite – is present in our consciousness latently, yet not in a clear, explicit way, therefore not in the form of a logical judgement." (p. 60) For these are "[L]ogical *a priori* elements [...] which mostly lack [explicit] logical form and are very often not even conscious, and are, thus – availing ourselves of Otto Weininger's expression –, intellectual phenomena of a »*henid*« state." (p. 247)

³³ Cf. with note 42.

³⁴ Kornél Scholz (1917-2002), forced to change his old Lutheran Saxonian name to Solt by the early '50s, was only permitted to publish at an advanced age. Cf. his *Jogi logika* A jog, a nyelv és a valóság [Legal logic: Law, language and reality] I-II (Budapest: Seneca 1996) 562 pp.

³⁵ Cf. Alfred F. Conard 'Vera Bolgar (1913-2003)' *The American Journal of Comparative Law* 52 (2004) 1, pp. 5-7 {& <http://www.law.umich.edu/historyandtraditions/faculty/Faculty_Lists/Alpha_Faculty/Documents/Vera_Bolgar/vera_bolgar_by_conard.pdf>}.

³⁶ József Hegedűs (1886-1957).

³⁷ Even by national standards, very few could escape through a radical change in their respective academic paths like this. To mention just one, professor Mihály Móra of the metropolitan Pázmány Péter University became a procedural lawyer from a canonist.

³⁸ By István Losonczy, *Magyar anyagi büntetőjog* [Hungarian criminal substantive law] (Pécs 1951) 268 + 9 pp. & *Szovjet büntetőjog és eljárás* [Soviet criminal law and procedure] (Pécs 1951) 148 pp., and their several versions amended yearly and then upgraded into co-authored textbooks later on.

³⁹ By István Losonczy, *A tettesség* [Perpetrators: principals and joint principals] (Budapest: Közgazdasági és Jogi Kiadó 1961) 203 pp. & *A tettesség és részesség a büntetőjog rendszerében* [Perpetrators and accessories in the system of criminal law] (Budapest: Közgazdasági és Jogi Kiadó 1966) 421 pp. as well as 'A korlátozott beszámítási képesség néhány kérdése...' [Questions related to the limited mental capacity...] in *Jubileumi tanulmányok* II (Pécs 1967), pp. 233-268.

⁴⁰ Gyula Illyés *A Sentence About Tyranny* [1951] trans. George Szirtes in <<http://www.hungarianquarterly.com/no139/p15.html>>: "in tyranny's domain / you are the link in the chain, / you stink of him through and through, / the tyranny IS you."

⁴¹ István Losonczy 'A biológia és az orvostudomány fejlődésének hatása a büntetőjogra' [The influence of the developments in biology and medicine on criminal law] *Gazdaság- és Jogtudomány* VII (1973) 1-2, pp. 159-183.

⁴² He discerns, in his posthumous works referred to in notes 16 and 30, (1) physical, (2) chemical, (3) biological, (4) psychical, (5) social, (6) cultural, and – as a theoretical possibility – (7) supernatural phenomena as conceptualisable layers of existence.

⁴³ Mihály Szotáczy in *Fejezetek a pécsi egyetem történetéből* [note 27], p. 115.

⁴⁴ Cf., e.g., by the present author, *The Paradigms of Legal Thinking* [1999] enlarged 2nd ed. (Budapest: Szent István Társulat 2012) 418 pp. [Philosophiae Iuris] & <<http://www.scribd.com/doc/85083788/Varga-ParadigmsOfLegalThinking-2012>>.

⁴⁵ Cf., e.g., regarding the atomising effect of individualism, Robert Nisbet *The Quest for Community* A Study in the Ethics of Order and Freedom (New York: Oxford University Press 1953) 303 pp. As a conceptual framework, see, by the present author, 'Önmagát felemelő ember? Korunk racionalizmusának dilemmái' [Man elevating himself? Dilemmas of rationalism in our age] in *Sodródó emberiség* Tanulmányok Várkonyi Nándor: Az ötödik ember című művéről [Mankind adrift: Notes on the work of Nándor Várkonyi »The Fifth Man«] ed. Katalin Mezey (Budapest: Széphalom 2000), pp. 61-93 and 'Rule of Law – At the Crossroads of Challenges' *Iustum, Aequum, Salutare* [Budapest] I (2005) 1-2, pp. 73-88 {& <<http://www.jak.ppke.hu/hir/ias/20051sz/20051.pdf>> & in *Legal and Political Aspects of the Contemporary World* ed. Mamoru Sadakata (Nagoya: Center for Asian Legal Exchange, Graduate School, Nagoya University 2007), pp. 167-188 and also as 'Rule of Law: Challenges with Crossroads Offered' *Central European Political Science Review* 10 (2009) Spring, No. 35, pp. 42-68}.

⁴⁶ Cf. the case of, e.g., Pierre Teilhard de Chardin.

⁴⁷ Let us just refer to the synoptic approach by Barna Horváth or the psycho-analytical foundations in József Szabó's theory-building.