

## BALÁZS BODZÁSI

*Osztovits András* (ed.): **A Polgári törvénykönyvről szóló 1959. évi IV. Törvény Magyarázata (Commentary on Act IV of 1959 on the Civil Code)**. Opten Kft., Budapest, 2011. 2418 p.

In an international comparison, the literature of legal commentaries is rather modest in Hungary. This is particularly true in the area of private law. In the twenty years following the fall of communism, only two commentaries on the Civil Code were published (a loose-leaf version by HVG Orac, which was edited by *Ferenc Petrik*, and a commentary by KJK/Complex, which was edited by *György Gellért*).<sup>1</sup>

This might seem surprising in the light of earlier traditions of Hungarian civil law studies, which produced outstanding examples of scholarly work such as *Magyar Magánjog* (Hungarian Private Law), which was published between 1899 and 1905 under the editorship of *Ármin Fodor*, or the six-volume commentary that was published in 1941 with the same title and was edited by *Károly Szladits*. Both are useful even today and discuss certain issues in greater detail than the contemporary commentaries. Another work worth mentioning is the two-volume Civil Code commentary that was published in 1981 and edited by *Gyula Eörsi* and *György Gellért*. Other than the sections that deal with provisions which have been repealed since, this commentary can still be used even today.

The commentary edited by *András Osztovits*, a Supreme Court judge, aims to join this tradition. The two-volume commentary is the work of twenty authors.

This is a remarkable book because each one of the authors is a member of the younger generation of civil law experts. They are young academics who also have connections to the practical side of the law in one way or another, with some of them practicing as lawyers (such as *Gergely Baross*, *Dániel Bán*, *Ádám Boóc*, *Ádám Fuglinszky*, *Zoltán Nemessányi* or *István Sándor*). Almost all of them teach law in one of Hungary's law schools. Most authors have a lengthy list of past publications, including contributions to books in the same vein as with this commentary. This new book afforded them the opportunity to provide a synthesis of their earlier work from a different aspect.

Compared to previous commentaries, there is a certain shift of focus in this book. For example the section dealing with persons is considerably more detailed than what can be found in other works (almost 300 pages). Contractual securities and delictual liability also receive significant attention, and the book also addresses inheritance law in detail (on almost 300 pages).

One of the characteristic features of this new commentary is that it discusses the distinguishing features of various legal concepts. This can be very useful for legal professionals who practice law. It is important to note that the book's analysis of contracts is not limited to those regulated in the Civil Code; contracts that are used in practice but not specifically defined in the Civil Code are also discussed in detail.

It is a reasonable question whether it makes any sense to publish a new book in 2011 with commentary on the current Civil Code. The draft version of the new Civil Code is now publicly available and the Parliament is expected to pass it into law during the autumn session. This, however, does not mean that the current Civil Code will be rendered useless

<sup>1</sup> This was later complemented by a commentary published by Magyar Hivatalos Közlönykiadó.

in the foreseeable future. Contracts and other legal relationships will be governed by this Civil Code for years to come. This is particularly true of long-term contracts (e.g. bank loan agreements with terms of 20 or 30 years). Therefore, a new commentary that analyses the current Civil Code can be very useful even with the imminent introduction of the new legislation.

The thoroughness of the book means that its readers will be able to rely on it with confidence in their day-to-day application of the Civil Code. The publisher should be commended for not placing restrictions on the authors in terms of volume and from not shying away from publishing a book that runs to more than 2,400 pages.

Obviously, the length of a legal text will not determine its success. But anybody who opens this book will immediately realise that it more than meets the standards of legal writing that are expected in this genre.

We recommend this Commentary on the Civil Code to all legal practitioners and we are sure that they will find it very useful.