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Gyula Eörsi: Philosopher of Law

Abstract. The essay presents and praises the legal philosophical aspects of the works by the civil law jurist, Gyula Eörsi. It pays attention especially to the analyses in his works on civil law that concern issues of legal theory and legal philosophy, let alone his par excellence legal philosophical treatise title „Jog — gazdaság — jogrendszertagozódás” (Law—economy—structure of the legal system). The present essay analyses the “external” and „internal” points of view by which Eörsi explored the relation of law to economy, the reflective relationship of content and form in respect to law, the complexity of legal phenomena, the internal and external complexity of law as elucidated by Eörsi, and, finally, the legal system and its structure on the bases of legal philosophical aspects and an approach of legal philosophy.

Keywords: philosophy of law, internal and external aspect law, content and form in law, economy and law, the complexity of law, the legal system and its structure

1.

“...because law is a matter of erudition rather than professional skill,
and erudition is one and indivisible,
and it is a misconception that law can be learnt by learning;
law can only be learnt by becoming erudite.”

(Béni Grossschmied)

A Philosopher of Law?

Applied in a discussion of the oeuvre of Gyula Eörsi, the term “philosopher of law” is likely to sound surprising to many readers. Eörsi is widely known to have been an outstanding, internationally recognised scholar and professor of civil law whose works wielded considerable intellectual influence. It should in no way strike us as extraordinary that a legal scholar of positive law should expound abstract principles in a self-contained theoretical

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monograph on jurisprudence, drawing a final balance of several decades of research in some particular branch of positive law, summing up his experience and knowledge at the general level of the philosophy of law. In fact, this is rather common, especially among outstanding experts of civil law, as the relevant work of Karl Larenz,¹ Alois Troller² or Albert Ehrenzweig³ testify. Written during the latest years of his life, Eörsi's book "Law, Economics and the Systematization of the Legal System"⁴ fits into this illustrious series. It is not only a theoretical epilogue to the *magnum opus* on "Comparative Civil Law",⁵ but it is at the same time a general philosophical reformulation of the ideas which derive more or less directly and obviously from his earlier investigations, an attempt to seek ways of developing further the problems and solutions he had previously formulated. This is not to say that an interest in and a sense for general philosophical problems inherent in law first came to be felt late in his intellectual career. It would be an exasperating task even to take stock of all the general philosophical questions he discussed in his works on civil law, beginning with his voluminous book on the evolution of property law,⁶ which he wrote in the early phase of his career, in which we can read discussions of law in general, the relation between subjective and objective law, security in the law, arbitration, the relationship between natural and positive law, the pure theory of law, the concept of a legal system and its articulation: there are few pertinent questions of central importance to anyone interested in legal philosophy—such as legal responsibility, unlawfulness, link of causality in the law, culpability—which he had not treated in a thought-provoking monograph,⁷ not to speak of his investigations of legal sources and relations which are

¹ Larenz, K.: *Methodenlehre der Rechtswissenschaft*. Berlin–Göttingen–Heidelberg, 1960.

² Troller, A.: *Überall gültige Prinzipien der Rechtswissenschaft*. Frankfurt am Main–Berlin, 1965. 1971.

³ Ehrenzweig, A.: *Psychoanalytic Jurisprudence*. Leiden, 1971.

⁴ Eörsi, Gy.: *Jog — gazdaság — jogrendszertagozódás* (Law, Economics and the Systematization of the Legal System). Budapest, 1977.

⁵ Eörsi, Gy.: *Összehasonlító polgári jog* (Comparative Civil Law). Budapest, 1975.

⁶ Eörsi, Gy.: *A tulajdonjog fejlődése* (Evolution of Property Law). Vol. I–II., Budapest, 1951.

⁷ Eörsi, Gy.: *A jogi felelősség alapproblémái. A polgári jogi felelősség* (Fundamental Questions of Legal Responsibility. Responsibility in Civil Law). Budapest, 1961.

available in his book devoted to the fundamental problems of civil law.⁸ Last, but not least, the circle of problems of legal philosophy addressed in the grandiose monograph⁹—types of law, the concept of law, subjective and objective law, legal adaptation, legal interpretation, legal analogy, codification, judicial practice as a source of law, law and justice, fairness and many others. One would have to write an independent monograph if one wanted to analyse the many threads of thought woven into the fabric of all his works. From the perspective of the philosophy of law this is not necessary as his work which concentrates on philosophical questions¹⁰ offers us the quintessence of Eörsi's position on philosophical questions of law and hallmarks his quality as a philosopher of law. In what follows, therefore, I will try to offer a glimpse of this quintessential *opus*.

Internal and External

Our first question is that of the internal and external aspects of law, an examination of law in terms which can be said to have been rather neglected in the literature. To avoid misunderstandings, I must say in advance that the internal and external aspects of law are most intimately connected, and can only be understood in terms of the mutual reference they make to each other and in of their interdependence. Investigations which shed light on the point and meaning of the internal and external view of law in general are of the greatest interest and worth for the philosophy, especially the ontology of law. Eörsi sums up this point and meaning as follows: law can be viewed from an external point of view, in terms of social and economic conditions, which are definitive of the genesis of law, on the one hand, and are the object of the effect of law, on the other. But law can also be looked at from the inside, which results in an emphasis on the specific laws of motion and structural features of law, in one word: on the special features which mark it off from other modes of social objectification. Obviously enough, this must not be emphasised at the expense of a total suspension of the external point of view or of an exclusion of links with social and economic reality, and the internal view of the law is not tantamount

⁸ Eörsi, Gy.: *A szocialista polgári jog alapproblémái* (Fundamental Questions of Socialist Civil Law). Budapest, 1965.

⁹ Eörsi: *Összehasonlító polgári jog. op. cit.*

¹⁰ Eörsi: *Jog — gazdaság — jogrendszertagozódás. op. cit.*

to a merely formal analysis of law. Of greater importance than these evident methodological points is the enlightening insight that a view of law as a totality can only be arrived at when the internal and the external point of view are applied in conjunction: "...the totality of law can only be grasped via a joint application of the two points of view. Yet, clearly, ... the two are not of equal rank. Investigations from the external point of view take their starting point from the determinative elements, while those from the internal point of view focus only on the 'how', the specific ways in which law lends real effect to the intents and purposes which fall, more or less fittingly, within its range."¹¹

Applied to the law, the internal and external point of view bring to the surface the internal and external aspect of law as a social complex. I may not be mistaken in believing that Eörsi is applying both the internal and the external point of view to the law in order to get a close-up on the specific features of law as a mode of social objectification which make it a special variant of social objectification. Eörsi always draws attention to those features, regularities and specifics which manifest themselves in the legal "transcription" of social and economic relationships. We have to do here with the specific features of the legal reflection of socio-economic conditions, of construing the law not as a description of material conditions but as an active, creative and formative "transcription" into a homogenous medium, not a mode of photographic imaging but a specific way of reflecting which homogenises socio-economic conditions in a specific "ought" pattern, as a result of the practical character of the law, in such a way that it will result in an inevitable incongruity between socio-economic conditions and the law. Following Imre Szabó, Eörsi speaks of the "social insensitivity"¹² of law, emphasising that this insensitivity of the law is an appearance produced by the external point of view, "the internal manifestation of social activity".¹³ This apparent "social insensitivity" of law which strikes the eye when it is viewed externally, shows that law reflects socio-economic conditions in such a way that it transforms and elaborates them, and it does so in order that the law should thereby become able to fulfil its social mission: the regulation of socio-economic conditions. "If law involved an *internal* social sensitivity, it would merely map the external relations and would lose much of its efficacy (it would e.g. put at risk the necessary level of the

¹¹ *Ibid.* 9.

¹² Szabó, I.: *A jogelmélet alapjai* (Foundations of Legal Theory), Budapest, 1971, 169.

¹³ Eörsi: *Jog, gazdaság... op. cit.* 9.

generality of the legal rule, the internal, specifically legal typicality of legal institutions). This appearance therefore, when viewed *from the inside*, is a kind of reality which is necessary: the social sensitivity of the law can become effective only through this kind of social insensitivity.”¹⁴ This incongruity between law and socio-economic relations is the primary object of interest and the primary subject to be investigated. It is the fact that law does not reflect the existing conditions of society in an adequate manner, the special “transcription” of these conditions in the homogeneous medium of the law, with special regard to the unequal evolution of the two spheres.

Content and Form

As we have seen, we can only arrive at a relatively faithful picture of the totality of law if we complement an external view of the law with an internal one, i.e. if we apply the internal view to the end of unravelling those internal relations and properties of law which, from the external point of view, produced the appearance of a “social insensitivity” on the part of the law, resulting in the incongruity and inadequacy between socio-economic relations and the law. Viewed internally, law can be distinguished into two relatively separate spheres, according to Eörsi, acts of norm-setting which mediate socio-economic demands, on the one hand, and acts of norm-setting designed to lend practical effect to these settings (rules of organisation and procedure).¹⁵ The distinction we have here is that between substantive and procedural law and—as we shall see shortly—their relation.

It is undoubtedly with respect to the relation between substantive and procedural law that the application of the external and especially of the internal approach to law leads to the most surprising discussions and statements. In the internal view of law as espoused by Eörsi it is, surprisingly, the substantive part of law that is portrayed as external, while internal relations are identified as organisational, operational and procedural relations: “...when law is viewed under its *internal* aspect, i.e. not from the point of view of society, *procedural law* is *internal* and *substantive law* is *external*: the former is law directly related to law, the latter law directly

¹⁴ *Ibid.* 10.

¹⁵ *Ibid.* 11.

related to society.”¹⁶ This no doubt contradicts the tenet of traditional legal theory, according to which substantive law is internal and procedural law is external. This, Eörsi thinks, is not in contradiction with the claim which derives from the internal view of law, because it conceives of law from outside, from the point of view of society, and in the *external* view, “looked at from the vantage point of *society substantive law* becomes internal and procedural law (the form) becomes *external*.”¹⁷ The appearance of substantive law as something external and of procedural law as something internal revealed by the internal view of law opens up the way for a more detailed analysis of the *par excellence* legal, i.e. the law of procedure, their special position and features. It turns out that the internal relations within law are relations pertaining to the functioning of law itself, that procedural law is the area which “is saturated with the specific features which are unique to law”.

However, Eörsi goes further than merely characterising the relation between substantive legal dispute and procedure as external and internal in terms of the internal view of law: to make this connection emerging in the internal view clearer, he brings the categories of *form* and *content* and their interdependence to bear on the connection in question, critically analysing the question whether substantive and procedural law, and a substantive legal dispute and procedure are or are not related as form and content. Finding the relation between form and content ambiguous, Eörsi starts out from the statement that these phenomena have a homogeneous content of their own, on the one hand, and a heterogeneous, extrinsic content: the law of procedure has the procedural relation as its homogeneous, the substantive legal dispute as its heterogeneous content. “It has an *internal* relation to its own content, and an *external* relation to its extrinsic content.”¹⁸ As far as substantive law and procedural law are concerned, these are heterogeneous in terms of their own homogeneity, and as law receives impulses from economy, likewise procedural law receives impulses from substantive law. “Now,” via teleological acts of norm-setting? “the extrinsic content, *the external* becomes *only* teleologically determinative, while intrinsic content, ‘the internal’ is *essentially* internal as a result of the homogeneity of the procedural relation.”¹⁹

¹⁶ *Ibid.* 14.

¹⁷ *Ibid.*

¹⁸ *Ibid.* 13.

¹⁹ *Ibid.*

As a friend of Gyula Eörsi's I am sure he would welcome the doubts and reservations which I might be pardoned for voicing in connection with the foregoing arguments. The doubts and reservations spring from my conviction, based on the views of Georg Lukács and Hegel, that content and form are reflective determinations, "which means that form and content as applied to the individual object, the complex and the process etc. always determine their specific nature, their being as they are (including generality), in combination. But exactly for this reason it is impossible that one of them should contribute only as content, the other only as form, to the determination of really different complexes".²⁰ Although Lukács' ideas can be shown to have been far from foreign to Eörsi's philosophy of law, he clearly departs at this point from the tenets of the "Social Ontology", indeed, he positively contradicts them when he sees the connection between economy and law in terms of form and content. It must be admitted that he, too, sees them as heterogeneous,²¹ and therefore portrays the relation between law and its extrinsic content—the economy—as external. Yet, as we have mentioned, the same applies, according to him, to the relation between substantive law and the law of procedure, despite the fact that substantive and procedural law are parts of the same social complex. viz. law, and are thus, as law, homogeneous. Thus what we have here is a reflective relation between content and form, while the relation between economy and law as separate, heterogeneous complexes can hardly be put down as a relation between content and form. The problem springs from several sources, primarily from the fact that the conception of the internal and the external view seems to be dubious in its application to the relation of content and form. Equally dubious is the pairing of the internal as determinative and of the internal as determined. This is especially highlighted by Eörsi's outstanding discussion of the historical evolution of the relation between substantive and procedural law, which raises the question whether the law of procedure has the procedural relation as its content or substantive law, whether in other words, the relation between substantive and procedural law as a relation between content and form are determined by the approach (external or internal) taken to them, or their actual relations which manifest themselves in ontic genesis and existence.

It would take an entire book to answer these questions in merit. In the present connection I have to restrict myself to raise a few doubts and

²⁰ Lukács, G.: *A társadalmi lét ontológiájáról* (On the Ontology of Social Being), Vol. I., Budapest, 1976, 408–409.

²¹ Eörsi: *Jog, gazdaság... op. cit.* 44.

make a few remarks concerning the categories and links mentioned. It is interesting to follow through Eörsi's arguments with an eye to the motifs of the internal, content and the determining factor, on the one hand and the external, form and the determined, on the other, especially in terms of whether these relations appear in the external or the internal view. Considering that in the relation between content and form content, i.e. the internal, is the dominant feature, when the reflective relation between content and form is applied to that between the internal and the external, it is content, i.e. the internal, that determines form, the external. In other words, when categories are considered in the abstract manner envisaged here, content, the internal is the determiner, and form, the external is the determined. We might wonder how this basic categorial relation is affected in law, as internally viewed, more specifically in the link between substantive and procedural law, and the substantive legal dispute and the procedure? If we remain consistent, then we must hold, as we have argued, that in the internal view of law, procedural law is the internal, substantive law the external aspect, procedural law emerging as the content and thus the determiner, while substantive law is the determined, the form. To avoid misunderstandings it must be emphasised that this is just the result of the logical inferences carried through on the categories as they are interpreted by Eörsi rather than a claim explicitly made by him. Eörsi's extraordinary sensitivity to reality, the inherent realism of his knowledge of law and society prevent him from reaching this conclusion, which is logically correct but dubious in terms of social ontology. He himself shows the socio-historical absurdity of this logic of the internal view in his ingenious exposition of the historical genesis of substantive and procedural law. Primitive systems of law conjure up the appearance "as though procedural law determined substantive law, since substantive law was imbued with life by its recognition in procedural law, an entitlement existed only to what was appropriately related to an 'actio' or 'writ'." Accordingly "What we call substantive law today was the content of an act of procedural law then. From the legal point of view, this act of procedural law was the determining factor, in the sphere of law 'form' determines 'content', the 'internal' determines the 'external'."²² This is all but appearance, however; in the reality of social ontology the situation is just the reverse. That this is clearly sensed by Eörsi is shown by his argument which casts a shadow of doubt on this special link between the internal and the external, content and form, the determiner and the

²² *Ibid.* 18.

determined, saying “Something has gone astray here: the ‘internal’ can determine the ‘external’ only if the determiner is inside rather than outside, in the present case in law rather than in society. This, however, is evidently not the case. In fact, if we pose the question from the point of view of society, then in *this* more basic context the case we have is just the reverse. The social demand for the entitlement in substantive law determines ‘actio’ and ‘writ’.”²³ The misleading appearance of the relation between substantive and procedural law resulting from the internal view is dissolved by the external view of law, which thus brings back into focus the real, ontic state of affairs. In the external view substantive law is the internal, the content, the determiner, while procedural law is the external, the formal element, the determined. This state of affairs is the exact opposite of what we saw in the internal view of law revealed to us. We can even add, in harmony with Eörsi’s views, that the structural properties of law revealed in this external view, are none others than the real, ontic processes of the social-economic genesis and existence of law. But this should not be taken as meaning that the internal and the external view, the distinction between internal and external structures and their application is without a *raison d’être*. On the contrary, we have to view law internally if we are to uncover the specific movements and features of law, just as we have to dispel the appearances thus discovered if we are to get within our grasp the real, ontic regularities of law. But it seems certain that the relation between content and form, the determiner and the determined just will not depend on their being viewed internally or externally: ontological structures are not affected by the gnoseological approach we adopt.

Complexity

Eörsi’s thought-provoking discussions of the internal and external aspects of legal *effect* and the *internal and external complexity of areas of law* bear out the fruitfulness of the distinction between the internal and the external in law and between the two kinds of point of view in legal studies. An analysis of the internal and external aspects of legal effect provides a sturdy underpinning to the legal investigations of the relation between law and morality and the moral influence of morality in law. The starting point of Eörsi’s philosophical ideas on this area is the fact that law as a mode of influencing human conduct always exercises influence on the human psyche

²³ *Ibid.* 19.

on the one hand and that through this it exerts influence on the external world, aiming to set off or prevent certain processes. "In this sense the legal effect is a unity between the internal and the external, exerting its influence through the psyche (internal) on the society (external)."²⁴ Keeping in view the general pattern of legal history Eörsi arrives at the statement that while in the beginning, in the times of primitive societies when societies and thus the law were interested one-sidedly only in the effect, the result, law was indifferent toward the psyche, it did not take into consideration the quality of human acts, their culpability. Legal consequences would be applied automatically on the basis of external effect and result, irrespective of the quality of the individual psyche of the doer. The real psychological background to conduct became important in law as a result of the expansion of private property and the exchange of goods. This meant the beginning of the influence of ethics on law, the appearance of the idea of culpability in the notion of legal responsibility. This ethical undercurrent can be seen to be at work in modern legal development and legal systems. Eörsi makes an interesting distinction in this respect: "Regarding the tenet of the legal effect being an union between the internal and the external, one must distinguish between cases in which the external effect dominates although, even then, the legal element has to make its way into people's thoughts, and there are cases in which the internal effect dominates although, even then, the ultimate end is directed at the external, viz. society."²⁵ The internal effect is directed at a "transformation of the set of motives entertained by people", while the external effect aims at a definite kind of conduct, the mere result externally arising in society. This distinction is important especially for legal dogmatics and legal regulation as it makes possible the right choice of legal means in dependence on whether the desired effect is internal or external. The basis of the ethical influence on law is thus provided by the direction of law at the internal effect. Moral categories become relevant undoubtedly when an effect on the psyche of the person expressing the conduct is aimed at, although, it is equally obviously, the final end of this effect on the psyche is the external effect. It is at this point that the philosopher of law is presented with the exciting philosophical problems of ethics and law that as far as its direct operation and validity is concerned, law remains indifferent to the psychic make-up of legal subjects. In contrast, when we come to think of the ontic existence and transformation of law, the situation is different. The outlines of the internal and

²⁴ *Ibid.* 36.

²⁵ *Ibid.* 37.

external effects of law and their historical evolution offered by Eörsi are a fruitful ground for a philosophical clarification of these problems and a position which is worth thinking through.

The Legal System and its Systematization

The problem of legal theory indicated by the title has been extensively discussed and has not yet been brought to a satisfactory solution. It provides Eörsi with an opportunity to relate the external and internal view of law to the concrete phenomenon of law. We have to address a different aspect of the internal and the external, the internal and external complexity of the area of law. The distinction between the internal and external complexity of areas of law runs through Eörsi's entire oeuvre: it can be found in his work on plan contracts written in 1957²⁶ as well as in his grandiose *Comparative Civil Law*, which we have already mentioned. The internal and external complexity of law means quite briefly that external complexity is realised when in a given area of law different branches of law, i.e. legally homogeneous elements are effective together, while complexity is internal when an unified area of law is organised from legally heterogeneous elements, when different branches of law are dissolved via an abolition of their differences. With respect to the legal system and its branching this usually entails that the first is characterised by "a grasp of the area from a legal point of view (*internal* understanding of law), the second by a *social-economic* understanding (the *external* understanding of law) as bearing on a question—the question of the legal system—which is an *internal* question of law".²⁷ Thus, in the question of the internal articulation of the legal system, Eörsi takes a stand contrary to internal complexity.

Before examining more closely the role and significance played by the complexity of law in the articulation of the legal system as presented by Gyula Eörsi, it will be worth our while to observe the remarkable way in which Eörsi develops the prior question of the legal system and its articulation as an internal question of law. The branches of the legal system are shaped by the dialectic of branching and becoming branched. In this statement the old and much debated question of what the basis of the articulation of the legal system is finds new expression. Eörsi sees the legal system as the summation of the internal and external aspect of law related

²⁶ Eörsi, Gy.: *A tervszerződések* (Plan Contracts). Budapest, 1957.

²⁷ Eörsi: *Jog, gazdaság... op. cit.* 42.

to itself: “in fact we have to do here with the organisation of certain ‘externalities’ (social and economic relations) into a heterogeneous sphere (the law) into an ‘Internal’ system”.²⁸ It is equally important therefore from the point of view of the legal system and its articulation what kinds of social-economic relations and what kind of legal regulation we have to do with. Although it is true to say of the legal system and its articulation that law is in last analysis determined by economic relations, it would be a grave mistake to disregard the specific features resulting from the legal “transcription”, especially the fact that if law is to serve its social function, it has to reflect social-economic relations in a special homogeneous medium. “Thus the essential point of a legal system is that *legal homogeneity* organises into an union the social relations which underlie the particular branch of law.”²⁹ It follows from all this that what Eörsi considers the foundation of the systematization of the legal system is the combination of sets of social relations of a certain quality and the specific methods of legal norms regulating them, together. “For this reason the traditional tenet according to which certain groups of social relations and the special legal methods are the foundations basis of the systematization of the legal system. The two are not linked by ‘and’ because they are in reality *the internal and external aspect of one and the same thing*.”³⁰ Eörsi bolsters his conception of the branching of the legal system with a genuine jurisprudential *trouvaille*, viz. the category of a *quasi branch of law*. The area of law he refers to by the name “quasi branch of law” is not a branch of law because it embraces legally heterogeneous elements in internal complexity. They “form an unity from a political or practical point of view without being branches of the law”.³¹

What is the aim underlying this theory of the legal system and its branches? It is designed to provide theoretical assistance in coping with the crisis of the development of legal systems, which is, pessimistically, diagnosed by the author. It is a recurrent leitmotif in Eörsi’s thought to seek for the internal specific feature of law. The “transcription” of social-economic relations into law draws attention to ever new specific features. Thus the insight that law is incapable of directly and adequately reflecting contradictions is the starting point for the pessimistic diagnosis and the vantage point from which a solution emerges into sight. Social and economic

²⁸ *Ibid.* 91.

²⁹ *Ibid.* 98.

³⁰ *Ibid.* 92.

³¹ *Ibid.* 100.

processes are saturated with internal contradictions which foster change and further evolution. Law however cannot reflect these adequately. If it did, it would let the contradictions gnaw at its own foundations, they would explode the internal consistency and logic of the legal system. This is one way in which the incongruity between law and economy manifests itself. Law finds itself driven to express the elements of the contradictions in separate institutions (property law and contract law, company management law and trade union law etc.) within the framework of a dominantly harmonious system which lets these elements impinge upon each other only at the periphery. "Thus law is an imperfect instrument for the expression of contradiction: it is *not suitable* for adequately expressing either simultaneously prevailing, or evolving contradictions. This is a consequence of the same special nature of law which *makes it capable of* serving these contradictions with almost infinite dexterity in the interest of the prevailing social system within the confines of the objective possibilities of the system."³²

Examining the evolution of the branching of the legal system in terms of the general claims about law and contradictions, Eörsi unravels a whole series of critical details which all point to the conclusion that the development of branches of the legal system on a legal basis is in a crisis.³³ Signs of this crisis include e.g. the fact that alien elements make their way into public law, on the one hand, and into private law on the other, that the boundaries between branches of law are becoming blurred in many respects, that the division of law into branches is losing much of its respectability, and that legal generalisations are being discredited, that homogeneous legal institutions become divided in the course of integration, that legal institutions are being relativised and legally heterogeneous units are being formed. "The division of law into branches is lying in ruins".³⁴

The situation is better described as one in which, with the theoretical foundations remaining the same as ever, as a result of scientific and technological revolution and especially of social transformations social-economic relations are becoming increasingly complex and tension grows between the structure of the relations which demand regulation and the structure of the legal system. This comes to be felt in developments such as the increase in the number and weight of quasi legal branches, a certain kind of dogmatic luxury, the increase in the number and weight of alien elements incorporated into civil law and the becoming blurred of the boundary areas of certain

³² *Ibid.* 72.

³³ *Ibid.* 74.

³⁴ *Ibid.* 88.

between certain branches of law. “As a result of all this, *the system of legal branches safeguards primarily the basic order of the legal system, provides underpinning for the entire legislation, but gives unity to the entire system of law much less than it used to.*”³⁵

The Motto

“Draw beginning and end/Together in a union”—Goethe writes. In light of this dictum perhaps there is no need to justify the motto standing at the beginning of the present essay. This review must have revealed to the Reader the fact that Gyula Eörsi was not only a distinguished lawyer but also a most erudite man, well-versed not only in law and jurisprudence but also in literature, the arts and—as we have seen—in philosophy. His eminence as a lawyer, which ranged from civil law to comparative law and to philosophy and made him an internationally renowned expert in jurisprudence, was founded on his breadth and richness of learning.

³⁵ *Ibid.*