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## **Foreword**

The 16th International Congress of Comparative Law takes place at a time that can be characterized as transitory in several respects. Modern societies and their institutions are transformed at a quick pace by the ongoing tendencies of globalization: our familiar concepts gain new meanings.

These changes also affect the world of law. It is not only the formation of the positive law of particular countries that is influenced: our view of law is thoroughly reshaped. It means more than outdated for good the narrow, normativist view of law, namely understanding law simply as a sum of legal rules. As a consequence of this change of perspective, the wider social, economic, political and cultural relations of law are also involved in legal studies and in jurisprudence. Moreover, these changes mean more than just including value-relations of law as a social phenomenon in the framework of a renewed view of law. It seems that the ongoing transformation today also affects an attitude that has characterised and dominated law and jurisprudence since the era of modern codification. It is manifested mainly in the fact that convictions concerning law as having a “national” character, the primacy, the supremacy or even the exclusiveness of domestic law are shaken or undergo a change. There is a growing interest in “otherness”, in foreign institutions and forms of procedure, a growing aspiration to understand them. Patience and recipience towards them based on mutual respect plays an ever more significant role.

It hardly requires much explanation that in this process of transformation comparative law plays a particularly important and even unavoidable role. This role, being many times emphasized by the outstanding representatives of international comparatistics, brings us closer to mutual understanding and reconciliation. In this spirit, comparative law becomes an instrument of developing and accepting the “common law” of mankind. Perhaps, we are not wrong if we believe that nowadays we witness a return to the classical

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idea of the “*ius commune*” but in a new, modified sense. In respect to the idea of the nature of law as being “common”, we talk about something more than the manifestation of the universal idea of law in national legislatures in several ways (in the sense of the slogan: “*ius unum—lex multiplex*”): the aspiration directed to the realization of the universal idea of law seems to come to fruition. In a not too far future, in the framework of a process of unification and harmonization of law unfolding on an international scale, it can result in the cessation of many differences that we see today.

Even in the present, altered situation, the international exchange of ideas and experiences that has been made possible by other congresses of comparative law (organized by the International Academy of Comparative Law for many decades) can make a useful contribution to the realization of the unified world law. The unification of law has been the declared purpose of the international comparative law movement since the first International Congress of Comparative Law held in 1900. Our experiences support the claim that the exchange of ideas taking place in the framework of the congresses of comparative law has already contributed to the formation of the common future of the community of lawyers and the whole mankind. Thus, it is not an accident that the interest in these and similar programmes is ever growing, just like the number of meetings organized in the name of comparative law and the experts taking part in them.

Since the very establishment of the International Academy of Comparative Law Hungarian jurisprudence has represented itself and has played an active role in its activities. In this respect, it is not only the example of Professor Elemér Balogh, one of the founders of the International Academy and its first General Secretary that can be a guideline for us, latter successors, but those more recent experiences related to Hungarian contributions to the International Congresses of Comparative Law in the past decades. Hungarian participation has been continuous since 1958, and, since the 6th Congress held in Uppsala in 1962, it is manifested in the publication of Hungarian national reports in independent volumes.

Carrying on this tradition, the Hungarian national reports addressed to the 16th International Congress of International Law are compiled in a special issue of the periodical titled *Acta Juridica* in order to make them accessible to a wider public. These national reports indicate our unchanged commitment to the idea and practice of comparative law but, hopefully, also the freshness of thinking and the ability of renewal that is to characterize our response to the challenges of the tendencies of globalization in our world.