

ELEMÉR BALOGH

## GYÖRGY BÓNIS\*

(1914–1985)

### I. Biography

The youngest and most outstanding medievalist legal historian of the Department of Legal History of Szeged – Kolozsvár<sup>1</sup> and of the local guild of legal historians<sup>2</sup> is *György Bónis*. He was also the youngest (public, extraordinary) person promoted to be the (public, extraordinary) professor at our university when it moved back to Kolozsvár in 1940. The exceptionally talented, ambitious scholar-teacher enthusiastically dedicated himself to the world of higher education. Motivation came from his family, the intellectual heritage brought from home and his immaculate class standing predicted a bright future for him.

The Bónis family belonged to the lower nobility of Szatmár county. The family had established historical pedigree, such as Ferenc *Bónis* (1627–1671) who had been executed for participating in the Wesselényi conspiracy. *Bónis* György was born in Budapest to a father with a qualification in law and a mother with a Hungarian French lecturer degree (Emma Ilona Wallon). Due to the influence of his mother, the whole family was a great supporter of the arts and opera. He started to learn English privately. He took advantage of his English proficiency on an English jamboree (Birkenhead, 1929) that provided him with a lifelong experience.

He graduated from the illustrious and rigorous secondary school of the Piarists in Pest, and then, the eminent student did not ease on his efforts during his studies at the university: he graduated with an honour of *sub auspiciis gubernatoris* from the law school.<sup>3</sup> In the days following graduation, he immediately travelled to England. Upon the recommendation and advice of Zoltán *Magyary* he earned a scholarship for further studies.

He had been advised by Sir William *Holdsworth* (Cambridge) to travel to London where he was admitted to the London School of Economics, where he attended the lectures of Professor Theodor F. *Plucknett*. In those early days the idea, that he would

---

\* Translated by István Harkai, PhD, Senior Lecturer at the University of Szeged, Faculty of Law and Political Sciences.

<sup>1</sup> The name of Kolozsvár in Romanian is Cluj-Napoca.

<sup>2</sup> The apt and popular phrase of “guild of legal historians” was invented by the excellent legal historian Professor István Kajtár (1951–2019) from Pécs, who has recently passed away.

<sup>3</sup> His inauguration took place on the 22<sup>nd</sup> of October 1936: as part of the program, he was asked to read out an excerpt from his dissertation. Conf. BÓNIS 2007, 108.

like to deal with the ecclesiastic judiciary, had been conceived, hence he asked for relevant literature from *Le Bras* in London. A few years later he published an article on the English legal historiography in Hungary.<sup>4</sup> It is worth mentioning that during his stay in England he was not only active in the academic field, but he was also involved in scouting that provided him lifelong experiences and attitude. He attended a Gilwell-type scout camp. For his mandatory study written about the camp he was awarded the BADEN POWELL Wood Badge as well as the officer tie.

Although he graduated with honours, he also participated in a foreign study trip, it was not easy for him to find a job. Although he was invited by chief justice DEGRÉ Miklós to the Royal High Court of Justice in Budapest, he refused, as he had already been engaged in legal history. He writes about his choice of career in his memoir as follows: “For a long time, I did not want anything else but to become a Piarist teacher. [...] Being admitted was not a problem at that time, and I engaged myself in legal history.”<sup>5</sup> At first he worked in the University Library as a trainee without any remuneration (!), then by the end of 1938 he joined the ÁDOB<sup>6</sup> which also meant a low level of salary. He also completed the librarian training program. He had a smattering of collecting legal folkways under the supervision of István Györffy (1884–1939). The early death of his mentor prevented him from continuing this work.

Shortly afterwards he was hired by the ministry of culture, where József Stolpa state secretary looked for a *sub auspiciis* doctor. Under the supervision of János Pusztai councillor his task was to collect legislative measures of the ministry of culture; in the ministry he became acquainted with János Martonyi, who later became his colleague at the university. While he was preparing for his exam in administrative law, he was informed about his promotion in Kolozsvár (his private teacher training was in progress in Budapest). The teaching body of the faculty of law resumed its activity in the treasury city after the university had returned home to Kolozsvár. Some staff members were confirmed in their ordinary professor status (László Búza, István Csekey, Erik Heller, Sándor Kornél Túry, Barna Horváth, Elemér Balás P., Kálmán Személyi), some were newly promoted to be professors (Károly Schneller, János Scheffler, István Székely, István Szász), and three of them were also newly promoted to be public extraordinary professors (Elek Boér Jr., János Martonyi and György Bónis) by the minister of culture. Bónis’s department had just become vacant. He wrote in his memoir as follows: “There were not many legal historians at that time. My friend Lojzi Degré or I should have been chosen [...] I was suggested by János Pusztai and uncle Feri. The great miracle had happened: I was not even 27 years old, when I was promoted to be public extraordinary professor at the University of Kolozsvár. I was the youngest professor in the country. It was humorous that I had almost been denied entrance to the dean’s office, when other professors entered.”<sup>7</sup>

Bónis and the university spent five years in Kolozsvár. He delivered the main course and seminar with the assistance of his first assistant lecturer Domokos Gyallay Pap. He

<sup>4</sup> BÓNIS 1940.

<sup>5</sup> BÓNIS 2007, 105.

<sup>6</sup> National Committee of Unemployed Graduates; his employment was approved by Pál TELEKI.

<sup>7</sup> BÓNIS 2007, 111.

was a very strict examiner, but he allowed some students from Ruthenia to take their exams in Rumanian.<sup>8</sup> He was a regular visitor of the archive, where he became acquainted with Lajos KELEMEN. The years he spent in Kolozsvár resulted in the acquaintance and friendship with Zsigmond JAKÓ. During the summer holidays he continued to work on collecting legal customs. His other assistant lecturer, Ernő TÁRKÁNY SZÜCS, who stayed loyal to this research field and whose book<sup>9</sup> was published by *Bónis* in Kolozsvár, and was of great assistance.

By the time the Soviet front line came closer, every member of the faculty (except László BUZA<sup>10</sup>) left Kolozsvár for the capital: “*We continued to play the role of the University of Kolozsvár in Budapest. Sándor Túry was promoted to be dean by the transitional rector.*”<sup>11</sup> When the siege of Budapest took place, Bónis was a deputy commander of a unit with around 60 soldiers subordinated to a German unit. Bónis had tried to sabotage the co-operation when the German commander snapped at him as follows: “*Verteidigen wir unsere Hauptstadt oder ihre?*”<sup>12</sup> This sentence told everything. ... A Soviet soldier had thrown a hand grenade at him, but it did not explode, it only caused him an ugly bruise on his leg. Due to his injury his duty ended. Elemér *Balás P.* provided him with a temporary ID card and then the ministry of culture issued him a certificate written in Russian that relieved him from all work including “*málenkij robot*” – the infamous forced labour. In March 1945 he went back to Kolozsvár with his family. His journey was very adventurous.

The first and shocking news was the news of his dismissal. In his No. 100/1945. arrangement, based on the report of an “appellate committee for clean-up”, Vasile POGACEANU (Prefect of Kolozsvár Town and Cluj county) dismissed 27 professors and 2 private lecturers, who were “antidemocratic, chauvinist or fascist” teachers – *Bónis* György was the only dismissed lecturer being forced to leave the Faculty of Law. On 20 March *Bónis* submitted an appeal to the university council that sustained it with a confirmation and soon, the prefect overruled his decision. Many started to support *Bónis*, such as Áron MÁRTON with whom he also had a close friendship. The current international environment was well described by the fact that *Bónis* did not have a passport, only a temporary one provided by the Swedish embassy. By using his temporary passport, he made a short visit to Budapest in 1947, where he listened to a speech – held right after the “*blue-tag elections*” – of Gyula *Móor* in the Parliament from the balcony. In that speech many of the abuses were pointed out: “*I was impressed by the virile resistance of my teacher. Soon he was dead, unfortunately.*”<sup>13</sup> Soon after his return to Kolozsvár, *Bónis* was arrested. He spent around 10 days in custody, where: “*I was not given a blanket, but I was placed in good company: grand-bailiffs, mayors were together. We spent our time with mah-jong.*”<sup>14</sup> His wife travelled to Bucharest where she visited *Bónis*’s assistant lecturer, Domokos *Gyallay* who had been working at the Hungarian embassy. Due to his intervention the minister for justice set *Bónis* free. Two days later he was deported from Transylvania, so he travelled to

<sup>8</sup> “*By the way, I took on a teacher to learn Romanian, which was very useful later.*” BÓNIS 2007, 112.

<sup>9</sup> TÁRKÁNY SZÜCS 1944.

<sup>10</sup> Comp. RUSZOLY 1965, 354–357.

<sup>11</sup> BÓNIS 2007, 115.

<sup>12</sup> BÓNIS 2007, 116.

<sup>13</sup> BÓNIS 2007, 119.

<sup>14</sup> BÓNIS 2007, 121.

Szeged where he presented himself to the dean, János *Martonyi* and started to work as a public ordinary lecturer. *Bónis* had a different relationship with the members of the teaching staff who re-started its activity after the war. His relationship was tense with *Antalffy* and Aladár *Halász* from the beginning, but he formed a good friendship with Elemér *Pólay* and Róbert *Horváth*. He had asked for a scholarship in Rome that was granted to him for research about the history of ecclesiastical judiciary, but his trip failed. He joined the positive declaration of the congregalists in April 1948 and he held a speech in the National Country Party (that he also joined to), and he became an honorary member of the Tornyai Society. He did not join the MDP, but he was a faculty chair of the Hungarian-Soviet Society. He was also the president of the local peace and international committees of the Patriotic People's Front. He continued to work on his research about the folkloric legal traditions with the support of the Institute of Folk Studies. During his activity he became acquainted with László RÉVÉSZ. The two of them had started to work on the plans of an Eastern European Institute of Legal History.

In the meantime, the number of lecturers in Szeged increased because the Faculty of Law and law academies in Debrecen had been closed. Emil *Schultheisz*, Gyula *Dezső* and József *Perbíró* joined the staff. *Bónis* became a candidate in 1952 after the Soviet model of the academic grading system had been introduced. It was a disappointment, as Géza *Marton* recommended the title of "doctor of sciences" to him. Soon he had a chance to travel abroad: the *Ius Romanum Medii Aevi* searched for a Hungarian fellow and Géza *Marton* recommended *Bónis* to the editor (Erich *Genzmer*); *Bónis* met József *Klima* from Prague in Leyden, where he participated in the congress of the Association for Legal History of the Antiquity.

The revolution of 1956 and the role he played in it was a significant episode in *Bónis*'s life. In the evening of the 23<sup>rd</sup> of October, he was working on a report about the scientific connections of the faculty abroad, when he heard about the events that took place in the capital on the radio. As the events rapidly advanced, *Bónis* found himself among the members of the Revolutionary Committee of the University of Szeged,<sup>15</sup> his most important task was to calm the students down. At the meeting held by rector Dezső *Baróti* the issue of the professors that should be removed from the university came into question. *Bónis* recommended *Antalffy*, but based on Elemér *Pólay*'s suggestion, István *Kovács* was added to the list: these two professors were suspended by the (incomplete) faculty council on the 2<sup>nd</sup> of November.<sup>16</sup> On the 17<sup>th</sup> of November *Bónis* went to Budapest as a member of the delegation of the University; they intended to meet János *Kádár* who did not have time to meet them. Instead of *Kádár*, they met with Gyula *Kállai* and Ferenc *Hont*. The revolutionary committee of the university was disbanded quickly, *Bónis*

<sup>15</sup> The Faculty of Law probably delegated three or four members to the committee: József *Perbíró*, *Bónis*, and Ödön *Both*, and maybe Géza *Tokaji*. *Bónis* became a member of the newly composed university council, he participated on its sessions on 8, 15 and 20 in November. On the session held on the 15<sup>th</sup> of December he was absent. Comp. PÉTER 2001.

<sup>16</sup> There is no record left behind from this session that can reliably be called historical – it is missing from the volume containing the records of the faculty council meetings, but as József believes it: "With a canvassing and lucky research they might be found." Maybe five participants were at the session: the dean, Emil *Schultheisz*, *Bónis*, and *Pólay*, *Buza* and *Martonyi*. Comp. RUSZOLY 2002.

commented on this as follows: “*It is not possible to play 49 in the Bach era.*”<sup>17</sup> Kovács and Antalffy were soon reinstated at the faculty.

The time of calling to account had come. The censors held a disciplinary hearing against Bónis on the 6<sup>th</sup> of June in 1957. The censors were Tibor Vas and Aladár Sipos. There were questions related to academic policy, but the main issue was the above-mentioned report from the faculty council’s meeting which served as a ground for the removal of Antalffy and Kovács. Local press continuously and tendentiously attacked those who had participated in the revolution, such as Bónis. The press brought up that old falsehood that Bónis’s godfather was Bálint Hóman: the truth on the other hand was that Albert Szent-Györgyi baptized the little Bónis... The sanction was a dismissal from the university. Bónis was informed about this in a simple letter. The political police interrogated him once, they were mostly interested in his past in Kolozsvár: Bónis recalled the words of his interrogator: “*If there had been more people like the professor, we could not have gotten here.*”<sup>18</sup> Bónis visited Szeged once more in 1969, when Elemér Pólay and Ödön Both organized a conference about the impact of Roman law in Hungary (the actual tasks of organization were done by Imre Molnár and József Ruszoly senior lecturers), Bónis could not have been missed. Some awkward situations probably occurred, Bónis referred to them in his memoirs: “*We solemnly shook hands with Antalffy, then my German friends took me home by car.*”<sup>19</sup>

Bónis and his family had moved to Budapest where he spent the rest of his life. At first László Gerevich, the director of the Museum of Budapest, gave him a position and once asked him during a conversation: “*And did you not look at the map? We did not think about how enormous the country was we confronted, that cannot be stopped even by kids who sacrificed their life heroically. I undoubtedly paid a high price for the revolution, but I am proud that I participated in the freedom fight of the Hungarian people.*”<sup>20</sup> He got a permanent job in the Metropolitan Archive during the Autumn of 1957. His chief in office was János Ort. His academic activity was not hindered, but as there were a few medieval sources, his position was professionally outlying. His foreign connection revived slowly. He visited Dublin; he became a member of the *Commission Internationale d’Histoire des Assemblées d’Etats*. The famous academic community was formed in 1937. He became friends with Helli Koenigsberg who the president of the committee of the above-mentioned community was. He was a regular participant of the committee’s congresses; one was organized by him in Székesfehérvár.

He participated in the historian world congress held in Moscow as a delegate of the Academy of Science. He had prepared to comply with an invitation to Sweden when the invasion of Czechoslovakia took place in 1968. Bónis was summoned to the Academy and asked not to share his opinion officially. On his way back to Hungary he went to Münster via Copenhagen to visit the German legal historian days. From Münster he was taken to Nürnberg by his friend, Professor Hans Thieme (Freiburg im Breisgau), by car.

---

<sup>17</sup> BÓNIS 2007, 127.

<sup>18</sup> Ibid. 129–130.

<sup>19</sup> Ibid. 131.

<sup>20</sup> Ibid. 130.

He travelled to Munich and Frankfurt, where he delivered a lecture at Helmut *Coing* in the Max-Planck-Institut für europäische Rechtsgeschichte. He became acquainted with Professor C. R. *Cheney* at a conference in Switzerland who offered to arrange for him a year long guest lecturer position in Cambridge. The authorisation of this position was hindered by his superior Ágnes *Ságvári*. The English cultural attaché (*Hewer*) had to personally intervene to secure the permission, but only for three months instead of one year... He could not even deliver proper lectures in England, but he managed to continue his research. He came back via Paris and Switzerland (with his wife), they visited friends on the way home.

As he got closer to 60, prior to his expected retirement, he managed to create a close amicable working relationship with Tibor *Klaniczay*, through him with the institute of literary studies of the Academy. *Klaniczay* sent him to Tours in 1974 to deliver a lecture about the history of the legal profession – he announced his retirement from Tourse to his colleagues. The following year he was invited to the United States due to the intercession of Professor *Sweeney*. It seemed for a while that the Ministry of Foreign Affairs, the Academy and even the Ministry of Labour would consent to his travel, but one week before the departure Miklós *Szabolcsi* deputy director and József *Farkas* rapporteur on human resources asked him to postpone his trip, as he will not deliver “lectures in the field of literary history.” It was obvious that someone wanted to throw obstacles in his path... *Bónis* desperately indicated that his ticket had already been bought. At last, he could travel, but as he arrived in Pennsylvania, he was hospitalized. He was not able to recover completely from his stroke.

His rehabilitation process took place over the course of several steps. In 1963 he received a letter but his department at the university was never returned to him. To retrieve his professorship or probably his department, he sent several letters to people he believed to be competent. I quote from his dramatic letter sent to Gyula *Kállai*, who was the first deputy chair of the council of ministers, on the 17<sup>th</sup> of November 1963: “*It has been seven years since we visited you with three other fellow professors as delegates of the University of Szeged [...] At the time of the above-mentioned visit of the delegation I did not even presume that I will not be professor at the University in half a year. I do not intend to trivialize my political mistake committed in 1956, but I claim that my disciplinary dismissal in June 1957 was suggested with prejudice. There is a statement of fact in the disciplinary resolution which is against the findings of the investigation. I was provided with no chance to amend the evidence. Almost ten years of good work, that had been recognized by the Party and the State, spent in the Department at the University of Szeged, my candidate title earned in 1952, the Academy award won in 1954, the foreign congress and peoples’ front delegation in 1956 are dwarfed by the intention of personal retorsion. After 17 years of service as university professor, I, alongside with my family, were turned out [...] 93 publications in the field of legal history, 16 university and archive training textbooks stand behind me [...] It is hard to bear for seven years my exclusion from the official legal sciences and lecturer’s work, as well as the financial concerns. As I am in my 50<sup>th</sup> year after thirty years of scientific work I consider it as timely to raise the question whether my homeland is in need of my work in the field where I am competent and – I feel – I could be useful the most.*”<sup>21</sup> The answer, obviously negative, was given to him presumably orally. His further attempts, one after another, also failed.

<sup>21</sup> RUSZOLY 2002, 13–14.

His actual rehabilitation took place only after his death, when the likewise historical turn happened. The university bestowed him a *post-mortem professor emeritus* title after Professor József *Ruszoly* recommended it. His memory is faithfully preserved by the department of legal history of the faculty: we commemorated him on the day of his birth, as well as on the day of his death (1994, 1995). György *Bónis*'s passing away was embedded into a fate-like context, as if legal historians of an era had left the existence together: one year earlier his closest professional and human friend, his colleague from Pécs, Alajos *Degré* (1909-1984), in 1985 Andor *Csizmadia* (1910-1985) and his successor in Szeged, Ödön *Both* (1924-1985) passed away. György *Bónis*'s professional memory was perpetuated by numerous recensions,<sup>22</sup> partially published abroad. His rich professional achievement in publications is preserved in carefully and exhaustively compiled bibliographies.<sup>23</sup> His academic material heritage is kept by us at the University of Szeged in the room that used to be his room as the head of the department and later was named after him at the tenth anniversary of his death (*Bónis György Seminar*).<sup>24</sup>

## II. Academic work

György *Bónis*'s academic interest soon, in his university years, turned to legal history. Ferenc *Eckhart*, who was his master and an excellent legal historian of his age, played a major role in this choice. He had other brilliant professors as well, such as Pál *Angyal*, Károly *Szladits*, Gyula *Moór*. *Bónis* wrote his first academic works during the seminars led by *Eckhart*. His scientific oeuvre was rather complex, but most of his works, both quantitatively and qualitatively the most well-known on the level of the international scientific community, concentrated on studying the legal instruments of Hungarian and European medieval times. He was inspired by Max *Weber*'s historical-sociological approach, by the works of Helmut *Coing* in the field of legal history that were written from the European dimension in a systematic approach, but all along *Bónis* remained a sovereign Hungarian legal historian. He was a researcher who studied passionately specifically the Hungarian legal instruments and the specificities of the legal culture, but he did not lose sight of the European mechanisms for a moment. It cannot be stated that he represented a dry legal positivist approach, he always saw and made sense of the creative power of the human mind when he was studying Hungarian and European legal culture. Respect of the sources without conditions was always a guiding principle for him, this attitude was left behind as a heritage for those coming after him. Within the European-wide legal historian approach of György *Bónis*, the strong enquiry for Anglo-Saxon law deserves to be highlighted. The year he spent in London as a scholarship holder had an ever-lasting impact on him; the strong historical spirit of English law strongly

<sup>22</sup> János *Zlinszky*, who considered himself as a student of *Bónis*, was the first who published a nice and rich commemoration about the academic life of *Bónis* in German: ZLINSZKY 1987, 487–494. majd *Ruszoly* József. RUSZOLY 2008, 62–66. RUSZOLY 2009, 604–622. RUSZOLY 2015, 299–311. I also commemorated *Bónis* several times: BALOGH 1997, 659–662. BALOGH 1999, 41–42. BALOGH 2018, 7–12.

<sup>23</sup> P. MIKLÓS 1995, 509–524. STAUBER 2001.

<sup>24</sup> KÁVÁSSY – TAMÁSI 2014.

affected his academic approach. He quickly noticed those historical, dogmatical parallelisms, that are stemming from the common features of the English and Hungarian legal system, insomuch as both countries lived within the framework of their historical constitution. Endorsing this professional aspect raised him from among his contemporaries, as only a few of his contemporaries spoke English (prior to the world war Latin, German and French were taught in Hungarian secondary schools).

#### *The career entrant*

One of his first, truly significant studies, that was dealing with one of the significant results of the early codification efforts in the field of Hungarian criminal law, was written in the seminar led by Ferenc *Eckhart*.<sup>25</sup> His results immediately made him stand apart from the community of Hungarian legal historians (that was not so populous at that time either). This achievement is remarkable because *Bónis* – taking his later works into consideration – only dealt with the questions of history of criminal law tangentially. Although Lajos *Hajdu* did not even consider the source as incorporation, by evaluating the work, I believe, *Bónis* was closer to the reality.

The examined study was the work, in the contemporary Latin *praxis criminalis*, submitted to the parliament assembled between 1712 and 1715. The work was actually a criminal code proposal that was later named as *Bencsik-proposal* in the literature after the scholar delegate from Nagyszombat who actually prepared it. The taxonomic structure of the draft characteristically reveals the dogmatic way of thinking: procedure law occupied the first place, as according to the contemporary approach the judge first needs to be aware of the different methods of apprehension than the dogmatic regulations of the crime. Thus, practicality exists strongly, however it must be considered as a huge dogmatic progress, that while *Werbőczy* classified the different acts based on the punishments, *Bencsik* did the same according to the criminal acts. This is the product of the modern legal approach: judges need the statutory term of a crime in the first place that can be called up for the actual case, the question of the punishment can come only afterwards.

The operetta provides a thorough procedural regulation. Regarding the apprehension, it immediately ascertains the principle that exists throughout the whole work, that differentiate between noble and commoner perpetrators. Differentiation prevails in the nobility as well: nobleman possessing an estate can only be apprehended after investigation and being summoned, nobleman without an estate, if he is a public criminal, can be apprehended without being summoned (*servatis servandis*), if he is non-public criminal, he must be summoned. If a felon is caught in the act, he can be apprehended even by a peasant, thus neither prior nor so-called summons from handcuffs (*ex-vincula*) is necessary. The proposal warns the judge not to listen to the denunciation and to abandon summoning the felon only if the suspicion (*indicium*) is well grounded. If the person of the culprit is probable but the subjects of the suspicion are remote (*remota*) too, if the person of the culprit is obvious and the subjects of the suspicion are close, only one is enough for the apprehension without summons.

<sup>25</sup> BÓNIS 1934. This firstly did not receive a huge recognition from Lajos Hajdu, who – somewhat provocatively and intentionally – titled his book defended as a candidate dissertation very similarly; HAJDU 1971, 21–24.



Basic institution of the part dealing with evidence is torture. Its regulation rests upon the Austro-German legal solution based on the *Carolina*. The proposal counts on the testament, let it be voluntary or enforced, of witnesses and especially the accused person as main evidence (*regina probationum*). If the accused is in denial, the burden of proof falls on the accusing authorities – to that extent the principle of investigation prevails. In a process against a noble man at least two other nobles are required as witness, if the case is evident (if not evident, even more witnesses are needed); witnesses must be unobjectionable, they must appear personally in front of the court and they swear an oath on the head of the accused (*iuramentum corporale*). If neither of the evidence provided by witnesses lead to a satisfactory result, nor confession exists, last judgement cannot be made, only an interim judgement is allowed (*sententia interlocutoria*), that orders the torture.

The proposal contains significant statements regarding the implementation of the sentence. Sentence must be executed even in that case if the aggrieved party settled with the offender (except if the king pardoned the offender). Necessary acts must be carried out by nobody else other than the executioner. If the convicted person is seriously ill, the execution must be postponed; if he dies before the execution, the provision of the sentence concerning the corpse shall be carried out. Error (wrong hit, rip of the rope, etc.) cannot hinder the execution.

The Bencsik-proposal did not have a taxonomically separated general part, nevertheless those principles and legal instruments can be filtered and read out that play the role of a general part. It is unnecessary to look for an abstract term of delict, instead the proposal defines the ordinary punishments. Ordinary punishment is the death penalty (*poena ordinaria*): hanging, decapitation, death by flames, break someone on a wheel. The proposal knows aggravated versions as well, such as quartering, tying to a horse tail, burning with fiery pliers, etc. Penalty imposed by the judge (*poena arbitraria*) took place in case of non-capital proceedings, where the sanction can never be death, but for example imprisonment or cob.

The most elaborated and dogmatically most fully-fledged chapter is the one regulating homicide. Its cases: intentional, committed with the intention of wounding, homicide by negligence, homicide by accident or homicide committed in necessary self-defence. Deliberate homicide (*homicidium deliberatum*) entailed death penalty, but there is room for a settlement (!). In case the settlement is successful, mercy shall be granted. An act which is according to the modern terminology an assault resulting in death (*homicidium animo tantum vulnderandi*) is sanctioned at the judge's discretion if it is committed by unsuitable means – decapitation if a deadly tool was used. Homicide by negligence (*inopinatum, seu casual culposunique homicidium*) stems from the allowance of an otherwise forbidden act or carelessness, but the *animus* is missing. Its punishment is imprisonment. In case of unintentional homicide (*simpliciter fortuitum, seu casuale*), if the offender is not even encumbered with the lowest level of negligence, there is no punishment. Homicide committed in a legitimate, necessary defence situation is unpunished, if every moderate means of defence were exhausted. If not, it can be sentenced by judicial, even ordinary punishment.

Such a clear and exact differentiation among the cases of homicide could not be found so precisely neither in the Hungarian, nor in the Austrian substantive law. The separate regulation of aggravated assault resulting in death is rather remarkable. Bencsik-proposal is highly elevated above its time not only by the special consideration of the intention, but also by the involvement of the problem of eligibility and by solving the issue of the

inadequate causality (namely if the result does not fit the previous facts and it was not foreseeable under normal circumstances, the punishment is more moderate), while the also proposal sheds light on the excellent legal sense of the praxis that inspired it a lot.

*Bónis*'s dissertation serves with valuable details of a less discovered field of expertise. It examines one of the judicial reforms of the 18<sup>th</sup> century: *The reform of the judicial organization in the age of Charles the third* (1935). The scientific curiosity of the young *Bónis* permanently searched for great topics. What he touched and created was always everlasting. His work, that directly followed the study on the Bencsik-proposal, dealt with one of the outstanding developments of the consolidation after the Peace Treaty of Szatmár, namely the reform of the Hungarian judicial system of medieval origin. Continuously functioning judicial structure based on the district courts, that still frames the Hungarian judicial system today, was developed at that time. The young scholar studied in the sources with curiosity the role of the local legal society, its increasing intellectual quality, the spread of literacy and the importance of its functionality.

#### *Professor from Kolozsvár*

The blossoming of György *Bónis*'s creative activity took place during the years he spent in Kolozsvár. He wrote an outstanding small monograph with the title of *Magyar jog – székely jog (Hungarian law – Szeklers law)* (1942). The author writes about the importance of the topic as follows: “*I have considered the studying of the law of the Székelys as a dear obligation of mine since the day of my return to the University of Kolozsvár as legal historian-lecturer when I started my teaching and researcher position. But the time of the fulfilment of my obligation was brought closer by the general inquiry that turned on the first celebrated days of our return home to the true mirror of the legal system of the Székelys that reflected the specific particularities of our nation.*”<sup>26</sup> In spite of the results set forth works of the pioneers (Károly Szabó, János Connert, Elek Dósa, Bálint Hóman), that revealed the ancient and, in many aspects, specific laws of the Székelys, highlighted that there are many things to do regarding partial studies and exploration of sources. *Bónis* supported the previous goal by involving students and by setting the longstanding regular curricular items (Judicial system of the Székelys, right for jurisdiction of the Székelys). The other goal was supported by urging the publication of legal historical sources within the framework of the *Scientific Institute of Transylvania*. The young and perhaps a bit impatient professor from Kolozsvár did not wait for the results of the thorough and very time-consuming basic research. He stepped forward with a work which summarised the situation based on the available sources and literature.

His research was commenced by the statement of the scientific history according to which the Hungarian law is uniform, its main features were not split up by local laws, because the effect of the law always originated from the will or at least allowance of the king. Medieval law of the Székelys seemingly contradicts this principle because its origin cannot be traced back to any of the granted ancient royal privileges.

Székelys have lived as a separate country within the state of the twin nation Hungarians.

---

<sup>26</sup> BÓNIS 1942, 3.

*Bónis* turned to the examination of the question with the idealistic methodology of comparative historiography that was learnt from Max *Weber*. *Bónis* knowingly followed the work of Elemér *Mályusz*, who gave a uniform view of the historical development of legal status of every nationality living in Hungary. The work reviews every relevant element of the Székely legal system. It takes the question of Székely genesis into consideration, the source of law of their legal status (privileges of 1499, the Tripartitum, census of 1555, et cetera). He deals with the constitution of Székelys in a separate chapter, that – beyond mapping the whole public organizational structure – contains a detailed comparison with the parallel Hungarian, nationwide solutions. He also expands abundantly the relationship between the military role and their status, beside the detailed analysis of the seat system.

*Bónis* dedicates a separate chapter to the institutions of the Székely private law, as the research in this field of legal history was underdeveloped. The royal donation system never prevailed in Székely Land. This fact served as a fundamentum of Székely legal identity in the Middle Ages. It also means that the right to the reversion (escheatage) of royal estate (*ius*) never “functioned” in this area, hence a wide range of autonomous institutions had been developed in the customary system. The privilege of 1499 was a breach in the shield, as by this time the king had a chance to confiscate and then to re-donate the lands and stocks of a Székely man in case he became unfaithful. The privilege also serves as an example of the affirmation of old rights. It reflects the ancient practices of Székelys by ascertaining the ban on arbitrary demolition of a house or execution. The old Székely legal practice of exile and loss of moveable assets has revealed itself in the documents from the 15<sup>th</sup> century. *Bónis* highlights that characteristic of Székely private law, too, according to which the line of the daughters enjoyed the right of inheritance following the line of the sons (*fiúleányosság* – son-daughtership): “Exactly the general silence of the diplomas attests to the fact that in Székely Land, in case of defect, the land never escheated to the king.”<sup>27</sup> Without enumerating other examples, *Bónis* summarizes his research results as follows: “Hungarians adopted the impact of the West and they reshaped it in their own image, the Székelys, in their peripheral situation, preserved further their increasingly obsolete traditions. [...] The Hungarian law transferred the institutions adopted and converted from the Western legal systems. Thus, the old Székely law is an amalgam of the ancient institutions and the impact of Hungary.”<sup>28</sup>

He created his essential work (that is nowadays, unfortunately, hardly accessible in its original edition) during his stay in Transylvania: *Feudalism and orders in the medieval Hungarian law (Hűbériség és rendiség a középkori magyar jogban)* (1947), that deals with the most important questions and institutions of the medieval Hungarian social development. To evaluate this monograph properly, it is worth knowing that *Bónis* approached the sources as a medievalist with a qualification in legal sciences. I emphasize this because his peers in academic discussion were mostly historians, who did not possess such a deep knowledge in the field of Roman law and canon law as he did.

The way he worked with sources is impressive: he practically utilized every extractable information of the available source, in addition he relied on sources (e.g., formulary of Beneéthy) that can be found in the bishopric library of Gyulafehérvár

---

<sup>27</sup> Ibid. 71.

<sup>28</sup> Ibid. 98.

(Batthyaneum). The context of the book covers the whole medieval Hungarian history. His most important statement regarding the society during the period of the Árpád dynasty was that the decisive weight of the royal *family* characterizes and shapes the relations of the society with the greatest force. This society can be best described with the attribute of *patriarchal*. This relationship is not or barely defined legally – this is the point where the Hungarian feudalism can be sharply separated from the Western feudalism.

One of the reoccurring basic thoughts of the book is the realisation of *Bónis*. According to this realisation the Hungarian development can be best characterised by this legally less defined state of the central power, that can be traced back to the definiteness, that strongly relies on the traditions of the first couple of centuries following the foundation of the state. It is rather remarkable, that in Western comparison, the substance of the rights in rem of the feudalism is not precisely defined in Hungary in neither of the sides of the feudal relationship. Thus the “*sourdough*” of the Hungarian feudalism is not the feudal right that had become in rem in nature in the West, but all along the authority, the personality. The key term of the Hungarian development is *familiarity* (*familiaritás*). Feudalism and estates cannot be diametrically opposed to each other in our country: “*as a lesson learned from thorough analysis of familiarity, we came to the conclusion that the Hungarian constitutional development does not have a separate era of feudalism but features of the feudalism and the estates emerged at once from the patrimonial basic structure of the state.*”<sup>29</sup>

The book introduces in detail the evolution of ecclesiastical and noble orders, the guarantees of privileges of the orders, with special regard to the legal guarantees. We can read valuable analysis about the ecclesiastical nobles, too. This monograph is a scientific *ars poetica* in the oeuvre of young György *Bónis*: brilliant intellectual achievement to prove how the medieval Hungarian social and legal development was open to adopt Western patterns, while it confidently preserved its own traditions. *Bónis*, after he had left Kolozsvár and Szeged as well, published a study analysing a precious medieval legal source: *The formulary of Somogyvár* (1957). Its substance served the research and publication of sources. *Bónis* relied on it in many of his essays written about ecclesiastical jurisdiction, and it is also included in his posthumous source publication about the functioning of the Holy See. Examination of formularies, that are the most precious, but less researched relics of legal sources, played an important role in *Bónis*'s oeuvre.

#### *The professor in Szeged*

As long as he could, he stayed in Kolozsvár, but from 1947 we found him in the Department of Legal History in Szeged. His creative mood and energy are unchanged, but he published less essays with monographic standard. Research of the medieval times becomes more dominant in his oeuvre, just like the exploration of the legal profession. He draws on the Renaissance age for his work titled *A Hungarian lawyer from the age of Jagiellons* (*Egy Jagelló-kori magyar jogász*) (1953).

He wrote a biographical monograph about the outstanding character of the Hungarian Enlightenment: *József Hajnóczy* (1954). It is important to emphasize here, that *Bónis* dealt

<sup>29</sup> BÓNIS 1947, 385.

with the topic as a legal historian: *“In this study we wish to deal with the life, work and views of Hajnóczy on this theoretical ground; with Hajnóczy, the legal scholar, what he first and foremost was.”*<sup>30</sup> He also cites Győző Concha, who stated that Hajnóczy had elaborated every important institution of the constitutional monarchy, and history confirmed him: *“Indeed, the executioner of Vérmező had extinguished the flames of life in Hajnóczy, who was not only a noble man with excellent character, but also a great spirit.”*<sup>31</sup> He cites an important thought from Henrik Marczali too: *“No doubt, he is our first academic author in the field of public law [...] He is perhaps the first Hungarian, in whom the general progress grows together with the notion of remanence and development of the Hungarian nation.”*<sup>32</sup>

He introduces in detail Hajnóczy’s journey of life, always emphasizing the elements and significance of legal-political literacy. He began as clerk of magnates, he was an incumbent of emperor Joseph, he rose to the office of deputy bailiff of Szerém. He had consciously collected (for 17 years) the sources and literature for his work he was planning to write about the Hungarian public law. The French revolution and its ideas undeniably floated his constitutional comprehension towards the republican notion. Bónis presents in a dramatic way the high treason trials and its phases launched against him: the process at the board of enquiry in Vienna and the trial at the Royal Court. Thorough analysis can be read about the legal and political views of Hajnóczy. Basis of political sciences and role models (*Rousseau, Montesquieu*) serves as ammunition for him. Discussion of human rights in Hajnóczy’s work is an extremely important chapter: *“We cannot be surprised that Hajnóczy, the translator of the French Declaration and constitutions, the enthusiastic adherent of the revolution, wanted to transplant human rights into the Hungarian constitution, and he was the first in Hungary who elaborated the system of Human Rights.”*<sup>33</sup> Hajnóczy not only set up a hierarchy among human rights, but he mentioned religious freedom, personal liberty, and the freedom of the press. Hajnóczy also believed that one of the severe problems of the Hungarian political reality was the ability of the non-noble citizens to bear possession of estates and office, and the related cause of equal tax treatment. Constitutional limitation of the royal power was also emphasized in his works, but what is very essential is the demand of the representative parliament, the reform of the national assembly based on the participation of the privileged estates. One of the pivotal principles regarding the restructuring of the power branches is that the members of the executive branch cannot be members of the national assembly.

Hajnóczy did not accept the unadulterated orderly character of the historical Hungarian constitution of his time. He wanted a new constitution, radically new statutes: *“I would call basic law those, that would generally define the rights of the nation; that would draw a bright borderline between the legislative and executive power; that would point out the way either of acquisition of ownership of movable or immovable property, or of the search for compensation of the infringed right; that would order the sanctioning of civil crimes; it would prescribe the cost of the administration of the state, as well as the assurance of the rational of external security and internal peace, but the first and foremost important foundations of the*

---

<sup>30</sup> BÓNIS 1954, 7.

<sup>31</sup> Cf. CONCHA 1885, 154–168.

<sup>32</sup> MARZALI 1906, 405–406.

<sup>33</sup> BÓNIS 1954, 188.

above mentioned would be just pinned down.”<sup>34</sup> *Bónis* then continues: “So what was, or what should be the content of the basic laws and the implied constitutions, we do not know: assertion and assurance of human rights, ability of non-nobles to bear possession and office, equal tax treatment, constitutional monarchy, national assembly based on popular representation, ministerial accountability, democratic state administration, national army, citizenship encompassing nationalities, Hungarian state language, separation of the church and the state, in one word: the freedom and independence of the country through the liberation and unification of the nation.”<sup>35</sup>

*Bónis* wrote another biography, too, about our first king: *King Stephen (István király)* (1956). Although he writes in the preface that: “Hero of this book is not Stephen, the statesman, the lawmaker, the organizer of the church, as before; its heroes are the Hungarian people, that lived through the radical transformation of their agriculture, society, public organisation and belief under the guidance of a great man”,<sup>36</sup> On the other hand, the legal historian *Bónis* starts speaking in this work. He enumerates the thematic order followed in his textbook about universal legal history, when, at first, (after a short public historical overview) he talks about social history, then comes the introduction to the public organisation and legal institutions. After the summary of the crisis of shepherds’ society and the introduction of Stephen’s family, he draws the contours of the foundation and protection of the Hungarian state. He dedicates a large space to the analysis of contemporary legal sources, statutes. Regarding the practice followed during the construction of the royal counties he emphasizes the Frankish patterns (*comitatus*) and those specific Hungarian characteristics, that are different from the German model. Namely, the monarch did not pursue the political division of the country, but he searched for the best ways of economic and military administration of royal estates.

*Bónis* summarizes as follows: “A scholar who delves into the period will see the elemental crisis of the 10<sup>th</sup> century, the crisis of the economy, society and politics threatening with devastation, who recognizes in King Stephen the great statesman of his people, the worker of the solution of the crisis.”<sup>37</sup>

György *Bónis*’s authorial work in the field of textbooks is also significant. His students had noted down his lectures at the time when he was working in Kolozsvár. These notes (as classic university notes!) were published, too: *Hungarian constitutional and legal history* (1941, 1943).<sup>38</sup> After the war, in all respects, a completely new regime of cultural policy came. As a sign of the new regime new individual textbooks were not allowed to be written, instead teaching materials were unified nationwide. So, students of the three faculty of laws of the country had to prepare from the same notes and textbooks, all of these had to be understood as a tool of the nationwide, centrally controlled governance of higher education. Since none of the legal historians, that started before the war and served further after, were not removed from their chair by the power, the greatest

<sup>34</sup> HAJNÓCZY 1791, 115–116.

<sup>35</sup> BÓNIS 1954, 291–292.

<sup>36</sup> BÓNIS 1956, 6.

<sup>37</sup> *Ibid.* 156.

<sup>38</sup> The bibliography of *Bónis* contains these in detail, as well as the subsequent university notes written during his years in Szeged. We also know the names of coworkers and students preparing the “row material” of the first notes: Sándor P. Gyallay, József Stépán.

of them could prepare these works: *Bónis*, along with his master Ferenc *Eckhart*, and his best friend, Alajos *Degré*, had written university notes.

Universal legal history, that was introduced following the Soviet model, neither had significant educational antecedents, nor summary scientific literature, thus the textbook (*Universal state and legal history – Egyetemes állam- és jogtörténet*) (1957), that was written by Márton *Sarlós* and *Bónis*, can be said to be a pioneer. His human and professional relationship with his co-author, to put it mildly, was tense, however the book, as a whole, is considered an outstanding achievement. I quote from József *Ruszoly*: “I can confess with some exaggeration that the *Universal state and legal history* textbook written by *Bónis* and *Sarlós* (1957) is still one of the best of its kind, at least considering the chapters written by *Bónis*. It is a tragic grimace of fate, that he could not teach or examine from it. It was on the market only for a couple of years. I still learnt from it in 1958/1959.”<sup>39</sup> I would like to add to this characterisation, that the improved textbook material of the main course still looked after by the Department of Legal History of Szeged is essentially based on this source. So, both the relevant chapters of the textbook prepared by Ödön *Böth* and used nationwide, and the *European legal and constitutional history* (2011) written by his successor József *Ruszoly*, are conceptually and in many details were created on a basis that is following the foundations of *Bónis*’s textbook.

#### *The scholar archivist*

After he had been separated (forever) from his dear students, he obtained a new position and research opportunity in Budapest, at the Budapest City Archives. The young scholar expended all his energy on research. He published a brilliant work about the legal life of an older era of the capital: *Judicial practice of Buda and Pest after the expulsion of the Turks. 1686-1708* (*Buda és Pest bírósági gyakorlata a török kiűzése után. 1686-1708*) (1962) and in the same year he worked on another topic from the 20<sup>th</sup> century: *György Nagy and the republican movement prior 1914* (*Nagy György és az 1914 előtti magyar köztársasági mozgalom*).

The longest-lasting values of *Bónis* György’s legal historical works were born out of the exploration of medieval Hungarian legal life put in the European context. Important document of his academic interest is the framework of the academic doctoral dissertation offered in the memory of Imre *Hajnik*: the book titled *Legal intelligentsia of Hungary before Mohács* (*A jogtudó értelmiség a Mohács előtti Magyarországon*) (1971). The key and favourably used term of “legal intelligentsia” and its research historical significance is already exposed in the title and in the preface: “My study deals with the legal intelligentsia – a layer that applies and develops the Hungarian feudal law – of the era between the late *Árpáds* and *Mohács*. It intends to understand their career, their economic and social status in the contemporary Hungarian society, as well as in Europe belonging to the sphere of influence of Rome and canon law. It wants to prove, that the division of labour in the field of intellectuality resulted in the »new, ascending order of legal fraternity« (*Engles*), national equivalent of the German *Juristenstand*, the French *gens de justice*, and the English

---

<sup>39</sup> RUSZOLY 2002, 13.

legal profession, is worthy of research attention. It wishes to suggest the conviction, that without the thorough knowledge of the legal intelligentsia, neither the development of feudal legal customs, nor the history of our judicial organisation, nor the pace and extent of the reception of Roman law, nor the genesis of the late-flourishing Hungarian jurisprudence cannot be understood.”<sup>40</sup> We must agree with every word of this program, furthermore, I add, *Bónis* bore the brunt of this grandiose undertaking.

In this book, that was perhaps the masterwork of his life, *Bónis* deals – with systematic thoroughness, following through historical ages dictated by chronology, in considerable detail – with the literacy, legal knowledge and role of personal circle that formed the national legal profession. In the first chapter, he overviews the local circumstances until the end of the Angevin period: at first, we can read about the jurists of the royal chapel and chancellery, then the circle broadens: national chief judges come, first and foremost the palatine [*nádor*] and the judge of the royal court [*országbíró*], beside them we find the prothonotaries [*ítélőmester*]. The domestic legal system and nationwide legal practice had come into existence and grown stronger in the early centuries, mainly based on their legal knowledge, experience, intelligence and diligence. People dealing with law by occupation naturally emerged from the holy orders in the early times: “So, by the 13<sup>th</sup> century a powerful layer of clerics had come into existence, of which the legal intelligentsia, as a next step of the social division of labour, had been differentiated.”<sup>41</sup> Knowledge of the medieval intelligentsia had significantly been carrying legal content, that is one of the important characteristics of the European development.

*Bónis* does not forget about the notaries [*jegyző – notarii*] when he characterises an era. Notaries are usually the writers of diplomas carrying legal content. Their knowledge and role permanently and significantly lifted them from the rank of simple clerks. They often undertook advocatory tasks that were not only permitted, but also more than promising from the point of view of law seekers, since personal appearance of practical depositories of legal literacy meant an increased potential in a case. The role in Hungary can be compared to the role of notaries in Western European countries. At first, they had just led the records of trials in front of the Holy See. Then, after their role as the writers of diplomas became stronger, they founded the institution of public credibility.

In the next chapters *Bónis* gives the chronicle of the age of king Sigismund and king Mathias, and finally the decades that showed the symptoms of decay at the end of the Middle Ages. The broadly understood 15<sup>th</sup> century is the heroic age of the evolution of the medieval, autonomous Hungarian legal system. We can read a thorough analysis about the jurist staff of all the judicial forums (royal council, chancellery, court of personal presence, royal administration), with special regard given to the prothonotaries. Independent jurisdiction of these jurists, using the seals of chief judges, meant the peak of the institutional development: “Statutorily recognized jurisdiction of the prothonotaries of the curia in the age of Mathias had lasted unaltered during the rule of the Jagiellons, moreover it perhaps covered a wider range. Anyhow, the great abundance of data points that prothonotaries were an integral part of the central judiciary of their age, without their contribution no

<sup>40</sup> BÓNIS 1971, 7.

<sup>41</sup> Ibid. 21.



decision could have been made in any of the significant cases.”<sup>42</sup> It is not a side remark, that Bónis had attached an archontology to the book, that gives the list of every chief judge and prothonotaries in eight charts from 1322 until Mohács.

In his book’s preface, Bónis refers to the fact that two important chapters had been left out due to the “limitations imposed by the publishing possibilities”. On the other hand, his doctoral dissertation contains the missing chapters: the mapping of the Western and Central European analogies, as well as a detailed introduction to the works (elaboration of Roman law, canon law, and the feudal legal customs) of Hungarian legal scholars. These works were published in the subsequent years. First, his small monograph on the analogies was published: *Legal intelligentsia in the medieval Western and Central Europe [A jogtudó értelmiség a középkori Nyugat- és Közép-Európában]* (1972). Bónis phrases the main message; the definition and genesis of “legal intelligentsia”. When he is thinking about the jurists seceding slowly from the medieval clerical layer, Bónis cites the words of Zsigmond Jakó, whom Bónis met, got to like, and always esteemed during his stay in Kolozsvár: “This laicization had started everywhere within the framework of ecclesiastical intellectualism, but it led only after centuries of co-existence to the more or less definite separation of the components occupying secular positions.”<sup>43</sup> As a summary of his work, Bónis concludes in a graphically described form the personal circle of those who had a cleric status, an intellectual position, and legal knowledge. He separates two classes, depending on whether they participated in university education. Those, who had graduated from university [*doctors*], often became politicians, diplomats, and – mainly at the holy sees – judges and prosecutors [*procurators*]. The other group is formed by those lawyers that were trained in the practice [*practicals*]. They were typically not scholars in the field of Roman law and canon law, but they were experts of national or at least local law. It is safe to declare that Bónis pays the biggest attention to the above-mentioned group of jurists, he fought for their legal historical appreciation. The summary reads as follows: “I consider as a legal intelligentsia [...] that layer, which, over the arts-like knowledge, had acquired the art of Roman, canon or local law at the university or in the practice; having these in possession, they functioned in the politics, diplomacy, jurisdiction, legal transactions, or in the public administration, and they made their living as a jurist or civil servant, or perhaps they could gain wealth [...].”<sup>44</sup>

The other chapter in his academic doctoral dissertation is the monograph published about sources of the Hungarian medieval legal system: *Elements of our medieval law. Roman law, canon law, customs [Középkori jogunk elemei. Római jog, kánonjog, szokásjog]* (1972). In this work, Bónis evaluates in detail and correlates the relationship and role played in the medieval Hungarian legal system of the three major sources of law. From the scientific point of view, Roman law had the primacy: “Without being one-sided, we can say that the measure of legal development in each country is the extent to which it had been able to adopt Roman law, by way of Bologna or Byzantium. Since the canon law directly passed the principles and theorems of Roman law on the states of Latin culture and states joining Latin Christianity – transforming them according to its

---

<sup>42</sup> Ibid. 379.

<sup>43</sup> JAKÓ 1967, 20.

<sup>44</sup> BÓNIS 1972a, 174–175.

purposes and interests –, it can be suggested as a further measure of the value of the relationship to the canon law. These coordinates determine the place of medieval Hungarian law in the European development [...] “Chemical composition of the medieval Hungarian legal system is the compound of these elements that cannot be exactly determined.”<sup>45</sup> At first, he enumerates the Hungarian relics and achievements of Roman and canon law, then he analysis their effects: “Characterising in summary the impact of Roman and canon law prior to Mohács, at first, we have to observe the absence of every sort of reception of Roman law, even the ‘theoretical’ reception, too [...] civil law – as a sort of »natural law« - enjoyed great prestige, but it was not considered to be a system in force.”<sup>46</sup> Effect and presence of Roman law can be seen mainly in the terminology of the Latin-language Hungarian legal life.

The richest section of the book reports about the domestic customary law. *Bónis* devotes two chapters to the topic: in one of them, he writes about the records of domestic customary law, and in the other about the results of romanization of our medieval law. [*The way of Werbőczy and Pápóczi – Werbőczy és Pápóczi útja*]. The recording of customary law in our country was often the fruit of the diligence of private individuals, and among these we read a lot about the formularies that also served the needs of the practical teaching of law. These sources of law were both textbooks of substantive law and, and even more so, of procedures, with specific examples. These are also the neglected works of our jurisprudence and legal education, that are mostly handled and evaluated with the aim of completeness by *Bónis*. The analysis of the practice of chancery and places of testimony [*loca credibilia/testimonialia – hiteleshely*] opens a window on a barely known reality of domestic legal education. Regarding *Ars Notaria* he concludes that the education had combined the written and verbal methods. *Bónis* is rather reticent when he analyses the *Werbőczy*’s works, and he also strikingly cautious about the *Tripartitum* [*Hármaskönyv*]: “The author knew for some extent the Roman law, and – as it had been observed for a long time – he used it in its theoretical parts.”<sup>47</sup> *Bónis*, on the other hand, discusses in detail the freshly-appeared manuscript of Imre *Pápóczi* canon of Pozsony, that illustrates well another possible path to domestic romanisation.

Encouraged by his master, Ferenc *Eckhart*, György *Bónis* was given the idea of writing the history of medieval Hungarian ecclesiastical judicature since he was a university student. He was never unfaithful to this goal; he tirelessly collected material throughout his life. During his scholarship year in England, he collected the most relevant English material on the subject; mapping German and French sources was also among his plans. In order not to lose this very important part of his life’s work, in the twilight of his life, he decided to publish his notes in the form of regesta. He did not live to see the publication of his work: the manuscript of the *Regests of the Holy See* [*Szentszéki regeszták*] (1997) has been edited by the author of these lines.

The research results on the national and European institutions of ecclesiastical jurisdiction also appear in all his major writings, but nine of the studies had been devoted specifically to this topic. Some of them were published in German, French, and English,

<sup>45</sup> BÓNIS 1972b, 7–8.

<sup>46</sup> Ibid. 107.

<sup>47</sup> Ibid. 237.

thus the international academic community was also introduced to his research in this area. His summary study published in the prestigious German legal history journal deserves a specific emphasise: *Die Entwicklung der geistlichen Gerichtsbarkeit in Ungarn vor 1526* [*The development of ecclesiastical jurisdiction in Hungary before 1526*] (1963), which I have translated into Hungarian, and placed at the end of the volume containing the collection of regests of the Holy See.<sup>48</sup> In this study, *Bónis* summarizes in a “compressed file” the most important domestic results of a major topic that could not be written as a monograph. Knowing his other works well, I have read this work several times with a sinking heart, wherein every sentence the condensation of academic working hours, days, and years glows. The text is so dense that without the detailed citations and analyses of his above-mentioned works, it is barely comprehensible. It is a kind of summary of György *Bónis*’s life’s work, which is a single vast whole created with artistic perfection and passion: the medieval Hungarian and European legal culture, and the scholarly chronicle of the relationship between the two.

As an epilogue, it is worth mentioning that with the encouragement of Professor József *Ruszoly*, who also claimed to be a student of *Bónis*, I edited and published all the studies of György *Bónis* that were published in German with the help of him and my colleague Éva *Tamási*, with the title of *Beiträge zur ungarischen Rechtsgeschichte, 1000–1848* [*Contributions to Hungarian legal history, 1000-1848*] (2018). The chapter titles of the volume present the results of the oeuvre published in German in a structured way: *Gelehrtes Recht und Juristenstand* [*Learned Law and Jurisprudence*] – *Gewohnheitsrecht und Gesetz* [*Customary law and statute*] – *Stände und Städte* [*Estates and Cities*] – *Nachruf und Historiographie* [*Obituary and Historiography*]. I have placed in a separate subchapter those two lists that contain *Bónis*’s publications in languages other than German, as well as his book reviews concerning German legal historiography.

### III. His selected works

*A magyar büntető törvénykönyv első javaslata 1712-ben* [*The first draft of the Hungarian Penal Code in 1712*]. Sárkány Press. Budapest, 1934. (Publications of the Angyal Seminar 26)

*A bírósági szervezet megújítása III. Károly korában* [*The renewal of judicial organisation in the age of Charles III*]. (Systematica Commissio), Sárkány Press. Budapest, 1935. (Értekezések Eckhart Ferenc jogtörténeti Szemináriumából 5 [Essays from the Seminar on the Legal Historical Seminar of Ferenc Eckhart 5.]

*Az angol alkotmánytörténetírás tegnap és ma* [*English constitutional history yesterday and today*]. Századok (74) 1940. 181–211.

*Magyar jog – székely jog* [*Hungarian Law – Székely Law*]. Royal Hungarian Franz Joseph University of Sciences. Kolozsvár, 1942.

*Hűbériség és rendiség a középkori magyar jogban* [*Feudalism and orderliness in the medieval Hungarian law*]. Nagyenyedi Bethlen Nyomda. Kolozsvár, 1947. A revised but unchanged edition of the original one has been edited by: BALOGH ELEMÉR. Osiris. Budapest, 2003. (The citations are from the 2003 edition.)

<sup>48</sup> BÓNIS 1997, 621–658.

- Hajnóczy József [Joseph Hajnóczy]. Akadémiai Press. Budapest, 1954.
- István király [King Stephen]. Művelt Nép [Educated People]. Budapest, 1956. (Magyar Történelmi Társulat 6) [Hungarian Historical Society 6]
- Die Entwicklung der geistlichen Gerichtsbarkeit in Ungarn vor 1526.* Zeitschrift der Savigny-Stiftung für Rechtsgeschichte Kanonistische Abteilung (49) 1963. 174–235.
- A jogtudó értelmiség a Mohács előtti Magyarországon [Legal intelligentsia of Hungary before Mohács].* Akadémiai Press. Budapest, 1971.
- A jogtudó értelmiség a középkori Nyugat- és Közép-Európában [Legal intelligentsia in the medieval Western and Central Europe].* Akadémiai Press. Budapest, 1972. [BÓNIS 1972a]
- Középkori jogunk elemei. Római jog, kánonjog, szokásjog [Elements of our medieval law. Roman law, canon law, customs].* Közgazdasági és Jogi Könyvkiadó Press. Budapest, 1972. [BÓNIS 1972b]
- Szentszéki regeszták. Iratok az egyházi bíraskodás történetéhez a középkori Magyarországon [Regests of the Holy See. Papers on the history of ecclesiastical jurisdiction in medieval Hungary].* (The manuscript left behind by the author was attended and edited by BALOGH ELEMÉR), Püski Press. Budapest, 1997. (Jogtörténeti Tár 1/1)
- Pályám emlékezete [Memory of my career].* (1983). Published by: RUSZOLY JÓZSEF (Közlemények a Szegedi Tudományegyetem Állam- és Jogtudományi Kara Bónis György Szemináriumából 1 = Különnyomat a Szegedi Műhely 46. évfolyamának 3–4. számából. 101–148.) Szeged, 2007.
- Beiträge zur ungarischen Rechtsgeschichte. 1000–1848.* Gondolat Press. Budapest, 2018.

#### IV. Bibliography

- BALOGH ELEMÉR: *Der Autor und sein Werk.* In: Bónis György: Szentszéki regeszták. Iratok az egyházi bíraskodás történetéhez a középkori Magyarországon [Regests of the Holy See. Papers on the history of ecclesiastical jurisdiction in medieval Hungary] (Jogtörténeti Tár 1/1). Püski Kiadó. Budapest, 1997. = Acta Jur. et Pol. Szeged. 1997. Tom. LI. Fasc. 1. 659–662.
- BALOGH ELEMÉR: *Állam- és Jogtudományi Kar 1921–1998. Oktatás- és kutatástörténet [Faculty of Law and Political Science 1921-1998. History of education and research].* In: Szentirmai László – Ráczné Moizes Katalin (eds.): József Attila Tudományegyetem. A szegedi tudományegyetem múltja és jelene. 1921–1998. Szeged, 1999. 41–42.
- BALOGH ELEMÉR: *Vorwort.* In: György Bónis: Beiträage zur ungarischen Rechtsgeschichte. 1000–1848. (Ungarische Rechtshistoriker 4). Gondolat Press. Budapest, 2018. 7–12.
- CONCHA GYÖZÖ: *A kilencvenes évek reformeszméi és előzményeik [Reformisms of the nineties and their antecedents].* Budapest, 1885.
- HAJDU LAJOS: *Az első (1795-ös) magyar büntetőkódex-tervezet [The first (1795) draft of the Hungarian penal code].* Közgazdasági és Jogi Könyvkiadó. Budapest, 1971.
- HAJNÓCZY JÓZSEF: *De comitiis Regni Hungariae deque organisatione eorundem dissertatio iuris publici Hungarici.* H. n. 1791.
- JAKÓ ZSIGMOND: *Az erdélyi értelmiség kialakulása. Probléma és módszer [The emergence of the Transylvanian intelligentsia. Problem and method].* Korunk 1967/1.
- KÁVÁSSY SÁNDORNÉ – TAMÁSI ANNA ÉVA: *Bónis György tudományos hagyatéka Szegeden. Letéti jegyzék, függelékkel [The scientific legacy of György Bónis in Szeged. Deposit lists, with appendix]* (Közlemények a Szegedi Tudományegyetem Állam- és Jogtudományi Kara Bónis György Szemináriumából 3). Szeged, 2014.

- MARCZALI HENRIK: *Alkotmánytervezetek 1790-ben [Draft constitution in 1790]*. Budapesti Szemle 1906.
- PÉTER LÁSZLÓ: *A Szegedi Tudományegyetem az 1956-i forradalomban [The University of Szeged in the Revolution of 1956]*. Szegedi Műhely 2001/3. 1–6.
- P. MIKLÓS TAMÁS: *Bónis György (1914–1985) életművének bibliográfiája [Bibliography of the oeuvre of György Bónis (1914–1985)]*. Történelmi Szemle 1995/4. 509–524.
- RUSZOLY JÓZSEF: *Buza László nyolcvanéves [László Buza turns 80]*. Tiszatáj 19 (1965) 354–357.
- RUSZOLY JÓZSEF: *Egy lappangó jegyzőkönyv nyomában [In search of a latent protocol]*. Szegedi Műhely 2002/1–2.
- RUSZOLY JÓZSEF: *Ein Leben für die Rechtsgeschichte: zum Lebenswerk von György Bónis, 1914–1985*. In: Máté Gábor – Mezey Barna (eds.) *Rechtsgeschichtliche Studien. Beiträge zur Institutionsentwicklung in der ungarischen Rechtsgeschichte [Legal History Studies – Contributions to Institutional Development in Hungarian Legal History]*. Károli Gáspár Universität. Budapest–Passau. 2008, 62–66. [Kurzfassung].
- RUSZOLY JÓZSEF: *Beiträge zur neueren Verfassungsgeschichte. Ungarn und Europa*. (Ungarische Rechtshistoriker 3). Gondolat. Budapest, 2009. 604–622.
- RUSZOLY JÓZSEF: *Zwei Rechtshistoriker von der Universität Szeged*. In: Elemér Balogh (ed.): *Schwabenspiegel-Forschung in Donaugebiet. Konferenzbeiträge in Szeged zum mittelalterlichen Rechtstransfer deutscher Spiegel (Ius Saxonico–Maidebvrigense in Oriente. Das sächsisch-magdeburgische Recht als Kulturelles Bindeglied zwischen den Rechtsordnungen Ost und Mitteleuropas 4)*. De Gruyter. Berlin–Boston, 2015. 299–311.
- STAUBER PÉTER: *Bónis György jogtörténeti munkássága [The legal historical works of György Bónis]*. (Állam- és jogtörténeti bibliográfiák 13). Az ELTE Állam- és Jogtörténeti Kar Magyar Állam- és Jogtörténeti Tanszékének kiadványai. Budapest, 2001.
- TÁRKÁNY SZÜCS ERNŐ: *Mártély nép jogélete [The legal life of the people of Mártély]*. Kolozsvár, 1944.
- ZLINSZKY JÁNOS: *György Bónis*. Zeitschrift der Savigny-Stiftung für Rechtsgeschichte Germanistische Abteilung (104) 1987. 487–494.