

Farewell to Professor Attila Harmathy (1937–2022)**

‘The news is true; I am not well. However, given the age, it is not surprising,’ he calmly wrote to me a few months before his life ended. Attila Harmathy passed away on 30 August 2022. With his death, the doyen of Hungarian private law, an internationally renowned and distinguished scholar of the discipline, left us.

The first ‘legal laboratory’ of Attila Harmathy’s academic career was the Civil Law Department, at the Institute of Political Science and Law of the Hungarian Academy of Sciences. It was here that he completed his first treatises on contract law, and it was here that he wrote his first monograph on vicarious liability, published in 1974. This work displays to a high standard the common virtues of Hungarian private law of the period, the historical approach and the application of the comparative method. The important Hungarian civil law works published in the 1960s and 1970s share these methodological features, which have provided a valuable nuance to legal-dogmatic analysis. This is why we can say that the quality of the best monographs on civil law published in these years was significantly higher than the quality of Hungarian law at that time. This was the paradoxical era of ‘private law without private property’ during the communist regime. Harmathy’s book can be considered among the best of this jurisprudential trend, even from the perspective of half a century. It also demonstrates one of the general values of his research method, which can be recognised throughout his career: the search for the social movements behind legal regulation. Thus, for example, before examining the legal issues of vicarious liability, he discusses the trends in the social division of labour and cooperation. This approach characterises the rest of Harmathy’s wide-ranging academic career, with nearly 400 academic papers on administrative contracts, the impact of economic governance on contracts, the regulatory limits of civil law and on the uncertain boundaries of public and private law and many other topics. In addition to Hungarian, he has written and published articles in English, French, German and Russian. Rather than listing all the themes of his publications, let us highlight a leitmotif that accompanied Harmathy’s scholarly activity

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almost from the beginning until his death: the role of the state in private law relations. This is the subject in which he was able to capture the changes in private law rules over the last two centuries. His last English-language work published before his death was devoted to this line of thought. When he received the special edition of it, he commented with resignation that he would not have time to write the summary he had planned. Nevertheless, it can be said that the work left behind in his partial studies will be an indispensable starting point for those researching into the development of private law over the last two hundred years.²

Attila Harmathy taught at the Faculty of Law of Eötvös Loránd University for more than sixty years. At the request of Géza Marton, he taught Roman law as a student, and in 1974 he became a lecturer in the Department of Civil Law.³

In 1982, he became a full professor and taught his best students the nuances and ‘mysteries’ of private law. For four decades, this Department became his primary academic workshop. In the years following the change of regime, the Department took advantage of the opportunities created by the new regime and, with his active participation, became involved in international joint research projects, mainly in cooperation with English and German research institutes and universities. Between 1990 and 1993, he served as Dean of the Faculty of Law. In this position he led the institution with his gentle determination, into a world of new requirements, reinforcing the Western orientation of legal research. He played a particularly decisive role in the launch of doctoral training in the field of legal sciences in Hungary. He was strict about academic requirements and quality standards, yet collegial and supportive of young staff. The volumes of doctoral students’ thorough and challenging theses that have been published are a clear testimony to the enduring success of his work. Both the current and former heads of the Civil Law Department and the Department of Private International Law started their successful academic careers from this school.

Attila Harmathy has been a visiting professor at several European universities: Université Aix-en-Provence-Marseille (1993, 1996), Université Pantheon-Assas, Paris II (2002) and at American universities: University of California Law School, Berkeley (1988), University of Iowa (2003), Louisiana State University (2007). He has also lectured at several universities and research institutes in Europe and the United States.

He was a prominent member of International Academy of Comparative Law and the Academia Europaea and served as member of the Governing Council of UNIDROIT for a decade contributing substantially to its work.

In addition to his academic research and teaching activities, Attila Harmathy was also an outstanding practitioner. For decades, he was an arbitrator at the Permanent Court of Arbitration organised under the auspices of the Hungarian Chamber of Commerce and

² For example: ‘Civil law and the role of the State’ (2020) 61 (4) *Hungarian Journal of Legal Studies* 343–355. <https://doi.org/10.1556/2052.2021.00312>, and ‘Changes in the Legal System: A Comparative Essay Based on the Hungarian Experience’ (2019) 12 (2) *Journal of Civil Law Studies* 217–252.

³ He provided his last lecture on his beloved master of Roman law, Géza Marton, in June 2022, returning to his spiritual roots, and inadvertently framing his career in this way.

Industry in Budapest. He also played a leading role in several codification processes, such as the 1977 amendment of the 1959 Hungarian Civil Code and the Act on the Hungarian Academy and Sciences. He also participated in the finalisation of the new Hungarian Civil Code of 2013. The peak point of his practical career was undoubtedly his work as a Judge of the Constitutional Court, from December 1998 to April 2007.

Attila Harmathy's outstanding achievements have been recognised by several state awards, including the Széchenyi Prize (2012). For his scientific achievements, the General Assembly of the Hungarian Academy of Sciences elected him as a corresponding member in 1993 and as a full member in 1998. He was Deputy Secretary General of the Academy for two years and then Vice President of the Academy between 1996 and 1999. In 2019, he was awarded the Academy's highest award, the 'Academy Gold Medal'. He has also been honoured by Eötvös Loránd University: in 2015, the Senate made him an honorary doctor and awarded him the Eötvös Ring.

He was a man of discipline and a strong defender of meritocratic principle in academic life, however at the same time, he was a colleague of deep understanding, humanity and gentleness.