

## IN MEMORIAM JÁNOS ZLINSZKY

András KOLTAY  
Pázmány Péter Catholic University

János Zlinszky, university professor, former judge of the Constitutional Court, corresponding member of the Austrian Academy of Sciences and the first Dean of Pázmány Péter Catholic University's Law Faculty, met his Maker on 18 June 2015, at the age of 88. in the 88<sup>th</sup> year of his life.

Below I recall the main stages of his career, trusting – as a hoped-for benefit of this paper – that the story of János Zlinszky can reach people who did not or not so closely know him. In the second part of this paper I collected personal memories and impressions together, also as a synopsis but in a fragmented manner – since the life work of the deceased puts such a burden, the task of remembering and transmitting, on those remaining behind, the first and necessary step of which is to summarise and synthesise, which in itself is a serious and lengthy task.

János Zlinszky was born in a real, classical dynasty of law practitioners, to a family that a child could hardly find in our age; in 1928, however, the storms of history had not destroyed the intellectuals of Hungarian society. In his family, lawyers could be traced back to the 17<sup>th</sup> century; and one of the famous modern age private law practitioners, high court presiding judge, academic and monographer of the Hungarian civil law Imre Zlinszky, was his distant relative (a cousin of his great-grandfather).<sup>1</sup> His grandfather on the father's side, who died before he was born, was an active Christian, a friend of Ottokár Prohászka, a lawyer and a founding member of the Catholic People's Confederation and the Catholic People's Party. His grandfather on the mother's side was also a lawyer; he came from the Bánát, was a representative of István Tisza's Work Party in Lippa and was forced to move to Budapest in 1920, due to the Trianon Peace Treaty after the First World War. He was a practising lawyer until 1951, and in the rampage of the Rákosi era it did not even come into question that his law office could be inherited by his descendants.

---

<sup>1</sup> ZLINSZKY, Imre: *A magyar magánjog mai érvényében*. Budapest, Franklin-társulat, 1880.

The two families lived close to each other in Ferencváros, a district of Budapest; this is how his parents became acquainted and then came the love that, as his father wrote later, was so deep "that it provides a basis not only for their life, but also for that of further generations". As János Zlinszky later recalled, his and his siblings' safety was based on their parents' relationship; he considered them as a „role model for Christian marriage, without intending to be [...] It was for them like the air or the nation, given and inhabited, and a world that cannot be imagined any other way! What they did was to create a home, to nurture relationships, to fulfil our secret desires without spoiling us, to reward our small achievement and to curtail our misadventures. How much colour they could introduce into family life cannot be put into words. How warmly they welcomed our friends and schoolmates, in addition to their relatives, into their home. The importance of a nice warm home, dressing appropriately, high standards in the food and drinks consumed and discipline radiated from them. They knew how to give and how to celebrate, and they taught this to us through their fine example.”<sup>2</sup>

He graduated with distinction from the Grammar School of Pious Fathers in 1946, then, presumably following the example of his friar / priest teachers, considered a career in the priesthood but finally he enrolled in medical school, following the advice of his father, who was afraid that the new regime would not be kind to lawyers. He was right but his son still ended up as a law student, when after a year he realised that he was not made to be a doctor. And so in 1947 he started his studies in the law faculty of the Pázmány Péter University, which still operated under its old name then. “During my first year as a law student I got to know those teachers who, in addition to my father and grandfathers, shaped the image of the law profession in me. Above all, Géza Marton, professor of Roman law, and next to him Endre Nizsalovszky, István Szász and Salamon Beck, civil law professionals, Jusztin Baranyai and Ferenc Eckhart had the greatest influence on me.”<sup>3</sup> At the end of the first year nearly all of the great professors offered him work in the department as a demonstrator; he accepted Géza Marton's invitation. His most important task was to manage the library of the Department for Roman law, and in addition he organised study circles where the students could deal with Roman law beyond the university curriculum. (These meetings were attended by several professors who later participated in the organisation of the Law Faculty of the Pázmány Péter Catholic University, as young law students.) The political situation however became increasingly difficult: “...an agreeable secretary of the study circle said, seeing my achievements, 'leave your family and come to the People's College, where you can become a professor in a few years!' I would rather wait longer, I replied, but he put me in my place: 'do not believe it; there is no half way. If you remain outside, you will be killed. Your family will be destroyed as soon as we are over the reconstruction!' I did not believe it. I did not understand my father who once made the quiet remark “it will be more difficult to go

<sup>2</sup> ZLINSZKY, János: Boldogulásom útja. *Vigilia*, 1999/12. 942.

<sup>3</sup> *Ibid.* 944.

back to the catacombs that it was to leave them once.”<sup>4</sup> In 1951, at the end of the fourth year, he was expelled from the university (and from all universities in the country) at the end of a show trial, at the resolution of the Minister of Education, and he and his entire family was evacuated to a small village in Bihar county. (Ironically, and at the same time showing the unique characteristics of the transition in the regime in Hungary, after 1989, as a member of the new Constitutional Court, he sat together with two other judges who had been actively involved in the procedure leading to his expulsion). They moved into the kitchen of a poor peasant’s house, with his parents and two siblings. In this way he spent the summer of 1951 as member of a brigade spraying cotton plants, then in the autumn he was drafted into a workers’ company in the Hungarian People’s Army. He chose the carpentry trade, in which he worked for a total of six years after he left the army, after a while as ‘brigade’ leader (later he often said how handy the experience he had gained in the construction industry came in during the renovation of the Pázmány Law Faculty building...).

In the summer of 1956 they could move back to the vicinity of Budapest. Then he married his wife, who was an art historian. He was not actively involved in the revolution’s events, apart from his contribution to the organisation of the Catholic Christian movement, but even this slipped the attention of the authorities, so he did not have to suffer any further persecution. (The employees of the Roman law and law history departments of various law faculties were, nearly without exception, punished later after the revolution, on the grounds of their involvement in the events – he attributed it to Divine Providence that he could not be a university lecturer then, so he was free of any liability.) Ironically – at the intervention of his professors – he was allowed in October 1956 to complete the studies that he obviously could not do until then; finally he took the final exams in February 1957 and he was awarded a doctorate. Géza Marton was still alive but already ill then, and he could not get into the department as assistant lecturer, then at the end of the year his mentor died. From his sick-bed he entrusted the care of his magnum opus that was the culmination of his life-work to his favourite student. The German language version was quicker to finish but no publisher could be found for the Hungarian one and so finally the book was published in Hamburg.<sup>5</sup> Back then he was unable to finish Marton’s Hungarian language monograph on tort law and civil law responsibility; that work was completed only decades later.

His candidacy paper in Roman law<sup>6</sup> was not accepted by the Hungarian Academy of Sciences (HAS), which said that the Academy “was not in a position to judge a paper on Roman law”.<sup>7</sup> His three children were born between 1957 and 1960, than he received a job from the Sport Office as “registrar of tangible assets in chalets”.

---

<sup>4</sup> Ibid.

<sup>5</sup> Géza MARTON: Versuch eines einheitlichen Systems der zivilrechtlichen Haftung. *Archiv für civilistische Praxis*, 1963.

<sup>6</sup> *Die Frage der Verschollenheit im römischen Recht*.

<sup>7</sup> ZLINSZKY, János: *A Pázmány Péter Katolikus Egyetem Jog- és Államtudományi Karának kezdetei*. Budapest, Szent István Társulat, 2008. 219.

The low salary was somewhat mitigated by the fact that he was able to travel with his family to the most beautiful parts of Hungary, checking the proper condition of chalets. He supplemented his low salary with translations and working for the railway unloading freight. He had not given up academic work, even under such circumstances; as he visited the chalets in the Bükk hills, he stopped in Eger and visited the library of the Lyceum, closed back then, to study Medieval and 16<sup>th</sup> to 18<sup>th</sup> century Roman law works. In the meanwhile, in 1962, he passed the bar exam.

The Hungarian Academy of Sciences had returned to his candidacy paper in 1961 but they criticised it because of the lack of class struggle despite the fact that the author had squeezed in a couple of citations from Marx. In 1962 he took up employment with Petrolber, later renamed as Tiszai Vegyi Kombinát (a big company producing chemicals), where he worked until 1969; in the meanwhile he completed the special course in philosophy at the Marxist-Leninist University, then also the general course. Later he said that he, unlike some of his teachers, indeed went through the works of Marx and Lenin in depth; he got to know them chapter and verse since he wanted to get a grasp of Marxism-Leninism. In 1964 he was awarded a Humboldt scholarship via an Austrian professor to whom he had been recommended to earlier by Marton, but he could not get a passport for the planned two years of studies. Later, in the summer, he could travel to conferences abroad, at his own cost.

From 1968 he worked as a lawyer in Dunaújváros. In 1970, he made a lecture on János Baranyai Decsi, i.e. an unsuccessful attempt of the direct reception of Roman law<sup>8</sup> in West Germany, which drew the attention of Helmut Coing. Back then he had worked in Frankfurt on editing a handbook of the sources of European private law, which was subsequently published, in several volumes, for several decades. They had been looking for an author for the Hungarian volume and this is how they found János Zlinszky. The completed work, published in Frankfurt, has been an unsurpassable overview of the literature of old Hungarian private law.<sup>9</sup> During his years in Dunaújváros he also wrote a monograph on the history of the lawyers in Hungary and especially in Fejér county.<sup>10</sup>

He became close to fulfilling his desire to lecture at a university in 1982 when he was invited – after a lengthy procedure, several cancellations and repeated invitations – to lecture in Roman law at the new Faculty of Law at Miskolc University. He went

<sup>8</sup> Much later he wrote on Decsi, also in Hungarian, see ZLINSZKY, János: Baranyai Decsi Czimor János (1560?–1601?). In: HAMZA, Gábor (ed.): *Magyar jogtudósok I.* Budapest, Nemzeti Tankönyvkiadó, 1999. 41–50.

<sup>9</sup> ZLINSZKY, János: Ungarn. In: *Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte*, hrsg. von Helmut Coing. Bd. III/2, *Gesetzgebung zum Allgemeinen Privatrecht und zum Verfahrensrecht im 19. Jahrhundert*. München, Beck, 1986. 2141–2213.; *Handels- und Wechselrecht [und verwandte Gebiete] und Urheber- und Verlagsrecht*. In: Helmut COING (Hrsg.): *Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte*. München, Beck, 1986. Bd. III/3, *Gesetzgebung zu den privatrechtlichen Sondergebieten im 19. Jahrhundert*. 3512–3525. und 4056–4059.

<sup>10</sup> ZLINSZKY, János: Az ügyvédség kialakulása Magyarországon és története Fejér megyében. In: *Fejér megyei történeti évkönyv, 8. kötet*. Székesfehérvár, 1974. 1–143.

to Miskolc, abandoning his lawyer's career, at the age of 54, as senior lecturer to the department. Then, after 25 years, he finally completed the Marton book, which gives a full summary and overview of Marton's theory of the law of compensation. He edited and supplemented the partly handwritten notes, partly with compilations from the clippings the professor prepared on his deathbed, and rearranged the notes. The work had been completed but he could not find a publisher for it; finally it could be published but only after the regime change, in 1992.<sup>11</sup> After this, on the basis of his work in Frankfurt, he prepared his second candidacy paper.<sup>12</sup> Referring to the work being written in German, they wanted to reject it this time, too; finally the HAS accepted it with great difficulty, and so he could be appointed associate professor in Miskolc.<sup>13</sup> The next year he already became head of the institution, in charge of the tuition of legal history, Roman law and law theory in the faculty. He enhanced the tuition of Roman law, previously neglected and taught for a low number of classes, with more classes and a newly introduced closing exam, by announcing interesting and optional lectures and sometimes with seminars on the university campus that lasted until late in the evening.

He was not involved actively in the regime change; he was afraid that it was just another 'reform' of the communist party. When new parties were allowed to be formed, he considered himself too old to pursue politics: as he said, if necessary "they will go to old Cincinnatus at the plough".<sup>14</sup> He therefore spent the summer of 1989 in Italy, in Pisa and Florence, where he was working on his doctoral dissertation as a guest of the Order of Pious Fathers when László Sólyom's call found him. He was asked whether he would take up appointment as one of the judges nominated by the opposition parties in the Constitutional Court (back then, before the first free elections, the communist party still ruled). Zlinszky questioned in return whether it would be a Constitution that he, as a constitutional judge, could defend with peace of mind. Sólyom reassured him of this. The other question was whether he could continue lecturing in parallel with his work as a constitutional judge and he received a positive answer to this as well. He was elected in November 1989; he worked as constitutional judge for nine years, between 1990 and 1998. In this college he represented the values he considered the most important in line with his beliefs, testified in the numerous majority, dissenting and concurring opinions he wrote.

In the meanwhile, in 1993 he was elected by the Austrian Academy of Sciences as a corresponding member; this year he was elected to the Venice Committee and he continued his work in Miskolc in parallel with his work as constitutional judge.

---

<sup>11</sup> MARTON, Géza: *A polgári jogi felelősség*. Budapest, Triorg Kft., 1992.

<sup>12</sup> *Quellen und Literatur der Privatrechtsgeschichte Ungarns im 19. Jahrhundert*. Candidacy dissertation, Miskolc, 1983.

<sup>13</sup> See the thesis from this dissertation in Hungarian, ZLINSZKY, János: A XIX. századi magyar magánjog forrásai és irodalma. In: ZLINSZKY: *A XII táblától a 12 ponton át a magánjog új törvénykönyvéig*. Budapest, Szent István Társulat, 2013.

<sup>14</sup> ZLINSZKY (2008) op. cit. 220.

Then the work started that can be considered as the peak of his life's work, the organisation of the Law Faculty of the Pázmány Péter Catholic University. The Catholic University back then operated with a faculty of arts and theology, and the intention to organise a law faculty was also obvious. Although János Zlinszky was called by many and on several occasions its 'founder', he systematically refused this title. The Catholic law faculty might have been established sooner or later even without him but not this quickly and not at such high quality.

In the summer of 1994 the church county synod was held, at which Archbishop László Paskai entrusted him with the development of the concept of the law faculty. Knowing the plans, the minister responsible for education announced that it would not give support to the Church. The administrative barriers were finally removed; the curriculum was completed in the spring of 1995 and the team of lecturers was compiled. Students also enrolled in great numbers and so teaching started in the autumn of that year, in the first year in a nunnery in Ménesi út, then in Szentkirályi utca, in the former headquarters of the Szent István Társulat (a Catholic publishing company), which was returned to the Church after the regime change. The faculty celebrated the twentieth anniversary of its establishment this autumn, and the twenty-first class started their studies. The arduous work of János Zlinszky was indispensable to all this; in the first five years he also worked as head of the Department for Roman Law and as dean. He worked in the faculty like a 'handyman', organising the renovation of the building with superhuman work from 7 a.m. until late at night, collecting the members of the lecturing team in person, holding presentations and seminars; he published and his door was open to anyone, and in the meanwhile he worked as constitutional judge by the way. During those years he published his essential works on Roman law, summarising the research of his lifetime, visiting the areas of Roman law that were neglected by researchers earlier, such as Roman public law,<sup>15</sup> criminal law,<sup>16</sup> and the law of the pre-Imperial Rome,<sup>17</sup> which was also the dissertation for his doctorate at the HAS.

In 2000 he said farewell to the first class that finished the university, then he resigned from his positions as head of department and dean. He stepped back in style and passed the management to others; he did not barge into the front rows or claimed prerogatives in view of his earlier achievements, but if he was asked he helped at any time and was ready to do anything for his beloved university. Divine Providence granted him that, although he often spoke about death and the impending "finish", he could spend the last 15 years of his life with a fresh mind and good physical health, hiding from the world and bearing with dignity any possible health troubles. In those years, beyond lecturing, he was engaged in public life activities and published in unprecedented abundance, overarching an extraordinarily wide range of subjects.

<sup>15</sup> ZLINSZKY, János: *Ius publicum*. Budapest, Osiris–Századvég, 1994. Obviously, he also wrote his summary of the history of Roman private law, see *Ius privatum – a római magánjog története*. Budapest, Osiris, 1998.

<sup>16</sup> ZLINSZKY, János: *Római büntetőjog*. Budapest, 1991. (2nd edition, Nemzeti Tankönyvkiadó, 1997.)

<sup>17</sup> ZLINSZKY, János: *Állam és jog az ősi Rómában*. Budapest, Akadémiai Kiadó, 1996.

Several months before his death, he received a letter from Miklós Király, the dean of the ELTE Law Faculty, stating that the resolution that had excluded him from all universities in the country in 1951 had been unlawful, even according to the laws effective then, and it had been preceded by a “completely unfounded”, “totally fabricated”, “all in all a show trial”. (The resolution by the Ministry of Education from 1957 annulling the earlier resolution refrained from such an assessment of the procedure.) Hence, more than 25 years after the regime change, the time for moral redress has finally come.

\*\*\*

It can be questioned in itself whether it is possible to sum up such a career so concisely, or whether it is disrespectful. However, it is absolutely sure that János Zlinszky cannot be remembered without mentioning a few words about the person himself.

University students aged 18 or 19 are hardly prepared for studying Roman law, despite being admitted to the law Faculty and demonstrating their brightness. The lectures by the calm, soft-spoken professor were very probably appreciated by many of us only subsequently, as the years passed. There are people who do not need to raise their voice or make bombastic pronouncements to attract attention. János Zlinszky, as he entered the classroom with his slightly crooked back and half-smile, made the buzzing stop. Not only performing artists and actors can possess charisma but also the quiet and humble ones. He radiated this: humility, devotion, inimitable professional knowledge, responsibility for the community - in other words, Christianity lived in each and every moment. What he passed on the students was many times only truly grasped a lot later: he taught general legal literacy, legal morality and respect for the past to those who were receptive. He had not sought popularity and he had not wanted to address everyone; he had followed his course coherently as a lecturer and he always became cheerful when he had thought that somebody who he taught began to show the signs of his efforts.

He lived the way he spoke and there are only a few who can say this. When I remember him, the first thing that comes to my mind is “the unpopular virtue of gentle humility”<sup>18</sup>. How many times we saw him in the faculty’s corridor to pick up discarded cigarette ends, to bend down in front of untidy and inattentive students (he did the same when he thought nobody could see him)! How many times we received help from him in our everyday troubles, as students and later as lecturers! It is impossible to count how many people can be grateful to him, for a scholarship, publication, helpful assistance in their doctorate and other procedures, acquaintances or even that they could successfully complete their studies.

László Sólyom recalled the story several times of how he invited János Zlinszky to the Constitutional Court because he remembered that when the latter arrived at

---

<sup>18</sup> ZLINSZKY, János: *Keresztény erkölcs és jogász etika*. Budapest, Szent István Társulat, 1998. 85–91.

Miskolc he did not start to publish his own works but dealt with the legacy of Marton instead, who had been dead for well over 25 years and was nearly forgotten. Another example of professor Zlinszky's humbleness is that he worked as dean and head of department without any remuneration, for free. (The other practical reason for it was that this is how he could indicate as a constitutional judge that he had no other "earning" profession, i.e. no conflict of interests existed. This is an example how humility and practicality became one, which was so characteristic of him in other life situations as well...) I can sharply recall the private law final exams, where I could witness his examination style and hear his affectionate questions trying to squeeze the material from the student; he always wanted to see the student understanding the complexities of the law and not the results of learning the phone directory.

His *oeuvre* is so extensive that it is nearly impossible to cover it all: a Roman law practitioner of European magnitude, law historian, constitutional judge at the forefront of building the rule of law, and a critic emphasising the later deficiencies of the operation of the rule of law. The greatest achievement in his life's work is the establishment of the Law Faculty at the Pázmány University. The faculty very probably would have been established without him but his work helped to accomplish it very quickly, and now, after two decades, the faculty has sound foundations and it is a leader in the education of law professionals; it undeniably shows the value of the work of János Zlinszky. It is true despite that over the last two decades of tertiary education, unfortunately, legal education has tended to become uniform - the Hungarian and European developments cut back the uniqueness of the individual institutions.

Sir Christopher Wren, the chief architect of Saint Paul's Cathedral in London, rests in the vaults of the cathedral, in a rather simple grave. On the wall next to the grave, there is a stone with the following famous inscription: "*Lector, si monumentum requiris, circumspice*" (Reader, if you seek a monument, look around you). The monument of János Zlinszky's life is already up and standing, in Szentkirályi utca 28–30. (the building of the faculty).

The other important legacy of the lecturer and university organiser János Zlinszky is the Christian life he lived. The legal profession these days cannot boast with the high-mindedness that earlier raised its representatives out of society: the ethos is mostly gone. We can thank the fact that this development is not final and unchangeable to János Zlinszky, who kept the beliefs of many alive and made even more people realise that a lawyer assumes responsibility for society, should be active in public life but never for merely his own good. Many of us can thank him for our remaining in this profession. He showed, by his personal example to generations, that there can be another way; merging in with the crowd is not necessary – either in a dictatorship or in a new world that promises but never grants freedom for free. At the Pázmány University, János Zlinszky elevated the presentation of the interaction between Christian moral and legal ethics; he wrote a book on this issue,<sup>19</sup> and the subject is

<sup>19</sup> See previous footnote.

taught now by his favourite Pázmány student, László Komáromi. “Once, in Miskolc, a naive and honest student of mine asked me whether it is possible to get ahead in the legal profession with my moral attitude. Back then a rather successful career as an advocate was behind me and I replied that it was possible in the long term. Of course, the Constitution prescribes the representation of the values enshrined in the freedoms and basic rights and so we have no other choice. A lawyer cannot go against the law. The task of the lawyer is not to teach laymen to escape the law for money but to enforce the standards of the law in society. And these standards are included in the law, in the international conventions. Irrespective of whether the European Constitution refers to the continent’s Christian roots, no society can function without the values of equality, solidarity, personal freedom and dignity and the common distribution of the benefits arising from cooperation. (...) The question is where we, believers in Christianity, can find our place in politics. Christian values are not sufficiently and consciously represented; they are not overarching. They should be present irrespective of what my financial or other interests require at that time. A strong minority would be able to influence the majority of society, since most of them, lacking solid foundations, can be influenced. The task of movement aiming for this is not to buzz amongst each other and cry for the homeland over a glass of wine but to go and see those who are uncertain and to turn them to their own side. We must therefore participate in public life but it is not appropriate to stampede for high positions, since the service can be provided in the background, in narrower circles.”<sup>20</sup>

However, it would be illusive to believe that his life was spent exclusively in fights for the good, requiring strict asceticism and constant gloom. János Zlinszky had the kind of sense of humour that is open to those who had the ear to listen to it. When, at some point, thefts were frequent in the faculty (in exam periods things were stolen from the corridors while their owners sat their exams), he sighed, referring to the special liability rules of the custody under the Civil Code applicable to public institutions, such as schools and universities for items taken onto the premises, “we would be in big trouble had our students studied the Civil Code...”

He recalled his parliamentary hearing in connection with his election as a constitutional judge: “once a Member of Parliament asked what Roman law has to do with constitutional judiciary (the MP was a veterinary doctor by profession, so the professional edge of the question were somewhat taken away). In my opinion it has something to do with every branch of the law; it provides a common academic and interpretative basis to them.”<sup>21</sup>

When organising the Pázmány Law Faculty, he recalled the fights with the educational public administration as follows: “The minister back then, Gábor Fodor, was convinced that a licence is not required for the establishment of the university but it is for the lecturing itself. He could not quote a legal basis for it, and to his misfortune, disputes between tertiary education and public administration belonged

<sup>20</sup> BÁNDI, Gyula – HORVÁTH, Attila – KOLTAY, András (eds.): *Tízéves a Pázmány Péter Katolikus Egyetem Jog- és Államtudományi Kara*. Budapest, Szent István Társulat, 2005. 246.

<sup>21</sup> ZLINSZKY (2008) op. cit. 221.

to the competence of the Constitutional Court on a statutory basis. Approximately half of the Court's members undertook to lecture at this faculty and this gave an excellent background for us being successful in any disputes with public bodies. Beyond this, we sought to remain on the basis of the land of the law."<sup>22</sup>

It is impossible not to mention János Zlinszky's wonderful family. His life was filled with richness by the love towards his family and from the family, in the absence of which he would not have been able to complete his work, either. He followed his ancestors' traditions to this end and became a central figure in a populous and loving family. The multiple self-abnegation of his wife, Maria, enabled him to complete his life's work, in line with the trade he learned, as a good builder. He "let her go first" into eternal life a couple of years back, like a gentleman, and now he followed her there as he wished.

\*\*\*

The life of János Zlinszky sets an example for all of us. He was an epoch-making personality, whose fate mirrors the entire and many times tragic Hungarian history of the twentieth century; however, it was heart-warming and gives reason for hope. He acquired European literacy as member of a Catholic and noble dynasty of lawyers,<sup>23</sup> just to experience in his young years the cruelty of the dictatorship. However, his excommunication, expulsion and hardship did not lead to disaster; he did not become lost in hopelessness, we saw a man who was happy to see chalets and take inventories there and have pleasant trips with his family; he knew Marx better than the Marxists (hoping that he would understand them better in this way) and continued his research and writing when he knew that he had no hope of their being published anywhere. Not long after he finally became a teacher, Divine Providence gave him the chance to be an active participant in building the rule of law, a Catholic law faculty, in mind and in practice; and then he was strong enough to let his work go, and to work, as a humble Christian, for the university, for the rule of law and for the new Civil Code if others believed that he could be of use. We could say that he indeed lived the twentieth century and even the start of the next one – and his life was a fulfilled one: we can learn a lot from his example, strength and humanity.

According to the great English Catholic writer, Gilbert K. Chesterton, "Tradition may be defined as an extension of the franchise. Tradition means giving votes to the most obscure of all classes, our ancestors. It is the democracy of the dead. Tradition refuses to submit to the small and arrogant oligarchy of those who merely happen to be walking about. All democrats object to men being disqualified by the accident of birth; tradition objects to their being disqualified by the accident of death. Democracy

<sup>22</sup> HORVÁTH, Attila – KOLTAY, András – MÁTHÉ, Gábor (eds.): *Sapienti iniuria non potest fieri. Ünnepi tanulmányok Zlinszky János tiszteletére*. Budapest, Gondolat, 2009. 16.

<sup>23</sup> He gave a cautionary list of the books he had at home in his childhood, ZLINSZKY János: *Könyvtárról könyvtárra*. In: POGÁCSÁS, Anett – MOLNÁR, Sarolta – TATTAY, Levente (eds.): *Pro vita et scientia. Ünnepi kötet Jobbágyi Gábor tiszteletére*. Budapest, Szent István Társulat, 2012. 347–349.

tells us not to neglect a good man's opinion, even if he is our groom; tradition asks us not to neglect a good man's opinion, even if he is our father. I, at any rate, cannot separate the two ideas of democracy and tradition; it seems evident to me that they are the same idea. We will have the dead at our councils. The ancient Greeks voted by stones; these shall vote by tombstones. It is all quite regular and official, for most tombstones, like most ballot papers, are marked with a cross."<sup>24</sup>

It is obvious that János Zlinszky will have a say hereafter in our public matters, in the issues of Roman law, the rule of law, the Catholic University, in the same way as he had in his life.

He had been preparing for death for quite some time. As he wrote, "It is getting dark slowly. 'Day is done', settling up with the vineyard workers is close. What could we say? Did we manage? And what was Christ's part in it? The roots existed via Him; He helped in establishing the proof and the sources come from Him. He was everything and without Him nothing good became what it became. He showed his vineyard, called me there and He gave me understanding and the ability to work and love. My part in my success is the imperfection. But I became what I am from His mercy and, maybe, His mercy was not completely wasted on me..."<sup>25</sup>

It was not, for sure. His life path did not remain fragmented – despite the many who tried to make it so! – but the moment of saying goodbye is still frightening for those who remain behind. The burden of those who would like to continue his work with their miserably low talent, compared to his, just grows further. We knew that this moment would come, but it was impossible to prepare for it. At this moment of remembrance, we cannot do more, than just to say thank you for him – once and for all.

---

<sup>24</sup> G. K. CHESTERTON: *Orthodoxy*. London, John Lane, The Bodley Head, 1909. 83–84.

<sup>25</sup> ZLINSZKY (1999) i. m. 749.