

FAREWELL TO PROFESSOR FERENC MÁDL

MIKLÓS KIRÁLY

Dean of Eötvös Loránd University, Budapest

Ferenc Mádl, Former President of the Republic of Hungary and a member of the Hungarian Academy of Sciences, university professor, unexpectedly died at the age of 81 on 29 May 2011.

Ferenc Mádl was born in Bánd, Veszprém County, Hungary, on 29 January 1931.

In 1951 he was admitted to the University of Pécs and then resumed studies at the Faculty of Law of Eötvös Loránd University of Budapest in 1953, where he graduated in 1955. Between 1961 and 1963 he received postgraduate training at the Faculty of International Comparative Law of the University of Strasbourg. Upon graduation from university he worked as a junior court clerk and then as a senior court clerk. In 1956 he joined the staff of the Office of the Hungarian Academy of Sciences (HAS) and was at the desk of political sciences and law. He was then promoted to head of department and worked there until 1971. Until 1980 he served as a senior research fellow at the Institute of Political Sciences and Law of the HAS.

In 1971 he became an associate professor and in 1973 a professor of the Department of Civil Law of the Eötvös Loránd University. In 1978 he was appointed Director of the Institute of Civil Law Disciplines of the University. In addition, in 1987 he became head of the Department of International Private Law, which had been established at his initiative. In 1988 he became a member of the Governing Council of UNIDROIT, a Rome-based international organization with the mission of unifying private international law. In 1989 he became a judge of the International Court of Arbitration, which was established for the settlement of investment disputes pursuant to the Washington Convention. In 2000 he received the honorary doctorate and professorship of the Eötvös Loránd University. He was visiting professor at numerous universities abroad, such as the University of California, Berkeley (1967, 1979), the University of Strasbourg (1968, 1970), the McGeorge School of Law in Sacramento (1979) and the University of Munich (1995).

He received the Candidate of Sciences degree in political sciences and law in 1964 and the PhD in 1974. In 1977 he became a member of the Committee of Political Sciences and Law of the Ninth Department of the HAS. Between 1984 and 1990 he worked as Secretary of the Hungarian Scientific Qualifications Committee. In 1987 he was elected a corresponding member of the HAS, of which he became a full member in 1993. In 1985 he was admitted to the Harvard International Academy of Commercial Law, in 1988 to the European Academy of Sciences, in 1989 to the European Academy of Sciences and Arts and in 1999 to the Saint Stephen Academy of Hungary.

He entered politics after the change of regime in 1990. In the Government of József Antall he became a Minister without Portfolio in charge of European Affairs and Science

Policy (which included supervision of the work of the HAS) as of 23 May 1990. He held that post until 22 February 1993, when he was appointed Minister of Culture and Education. He retained that position in the Government of Péter Boross. Between July 1990 and 1994 he chaired the Science Policy Committee that was attached to the Government. As minister he spearheaded efforts to modernize education and research and their legal regulation. In 1990-1991, acting as the representative of the Government, he chaired the Board of Directors of the State Privatization Agency. Between 1996 and 2000 he was chairperson of the Hungarian Civic Cooperation Association, and in 1999-2000 he served on the committee that gave advice on scientific matters for the Government of Prime Minister Viktor Orbán.

In 2000 the coalition Government under Prime Minister Viktor Orbán nominated Ferenc Mádl to the post of President of the Republic. The Parliament elected him President to succeed Árpád Göncz. In 2005 Ferenc Mádl announced that he would not run for another presidential period. On 5 August 2005 he was succeeded by László Sólyom.

As a researcher he focused on international business law, European law and international private law. He analysed legal aspects of delictual liability in the context of social progress. He elaborated the theory of international economic relations and was instrumental in organizing research on, and the education by university departments of, international private law and the law of international economic relations. He shed light on aspects of the legal framework of European integration that were hidden until then; promoted Hungary's accession to the European Union especially in the field of the harmonization of laws. In several monographs he examined the principal institutions of the law of European integration.

He was active in science policy and organization in the field of international comparative private law. As a delegate to various scholarly forums and as a member of scholarly societies, he helped develop the scientific comparison of the legal systems of the West and Central Europe.

He served on the editorial boards of *Állam és Jogtudomány*, *Acta Juridica* and the *International Encyclopedia of Comparative Law* (published in Hamburg). He has written twenty books and over two hundred essays in Hungarian and foreign languages. On 15 March 1999 he was awarded the Széchenyi Prize, and the citation of that award praised his internationally acclaimed research on European law, international private law and international business law and his activities as a university educator, his academic leadership and his creation of a school of thought.

His highest awards are as follows: Academic Prize (1968), Széchenyi Prize (1999), Knight of the Legion of Honour (1999), Hungarian Legacy Prize (2000), Order of Merit of the Republic of Hungary, Grand Cross (2000), Gold Medal of the Jean Monnet Foundation for Europe (Lausanne) (2002), Pro Universitate et Scientia (2003, conferred by the World Council of Hungarian Professors), For Jerusalem Order of Merit (2006), and the Honorary Doctorate of the Eötvös Loránd University, the University of Pécs, the University of Paris, Heidelberg, Munich, Naples, Warsaw, Tallinn and Athens.

Dear Madam Dalma,

Dear Bereaved Family Members,

Dear Mr. President of the Republic,

Dear Mr. Prime Minister,

Dear Mr. Speaker of Parliament,

Dear Presidents,

Your Excellencies,

Dear Friends and Colleagues,

Ladies and Gentlemen attending this funeral,

The Eötvös Loránd University and the Faculty of Law and Political Sciences are bidding farewell to their respected and beloved professor and so is a disciple to his master and fatherly friend.

Let me start by quoting from Ferenc Mádl's creed that he wrote twenty years ago:

The service of this historical enterprise requires selfless devotion rather than rhetoric. This assignment involves tough work and stress, especially if you think of the critical comments. I was not asking for this mission but now that I have been chosen for the task, I will fulfil it conscientiously, to the best of my capabilities, as long as I am needed.

Secondly, let me sum up the milestones of the career of this educator, legal scholar and politician; his legacy and message, which we are duty bound to carry on.

What have I learned from the professor and academic?

First of all, that a university, a *universitas*, is the unity of education and scholarship; a creative and dynamic community of instructors and students. And that university autonomy, the centuries old system of custom, the breath-taking collections of libraries and sublime choral music - all embody the shared European cultural heritage.

Moreover, that the kaleidoscope of legal systems forms a part of the richness and beauty of the world; there are few things more intriguing than comparative law and the regulation of international business relations. That discipline, as he once put it, "is born to be challenging and successful". Knowledge of international business law is quintessential if Hungary's interests are to be represented appropriately.

Ferenc Mádl was the first personality in Hungary to have realized that European integration, the vision of *Jean Monnet*, *Schuman*, *Adenauer* and *De Gasperi*, are not vile machinations of imperialists. On the contrary, it is the guarantee of the peace and progress of Europe. Moreover, uncrystallized as it was at the time, it held out the promise of a new and intriguing legal order that beckoned the scholar. That is why he devoted a major monograph to that topic

as early as in 1974. It was fate's generosity that thirty years on he was President of Hungary to grant approval for his country's accession to the European Union.

I have learned from Ferenc Mádl that a professor should, to use his words, transcend "a dithering middle-of-the-road attitude" and pass on to his students all his knowledge and credo, and not only when conducting a lecture at university. That must have been one of the reasons why, in the middle of the 1980s, he lent me and convinced me to read Orwell's satire on Communism, *Animal Farm*.

His university lectures were elegant in form and content alike. He shared his wealth of knowledge and erudition with his students with disarming kindness - never with condescension.

Few people knew at the time that Ferenc Mádl could have easily escaped the bleak circumstances of the so-called existing socialism. Eminent American professors encouraged him to resettle in California and join the staff at *Berkeley* University. But he remained loyal to Hungary, his family, the colleagues, students, the Hungarian Academy of Sciences, the University, the homeland and the nation.

It was no accident that *József Antall* insisted on that he should become a member of Hungary's first Government after the change of regime in 1990. Arguably he knew more than any other Hungarian legal scholars of the economy of welfare states and the theory and practice of European community law, in other words, the dynamics of the *model and reality* in those fields. Let me quote his modest observation about the commencement of his political career:

Initially they needed someone at the Government who was familiar with European affairs. As over the past decades I have copiously written about such topics - in favour of the need for Hungary to align itself with Europe - "it's now time", I told myself, "to put words to action".

Statesmanship, then, is the other, equally important part of the oeuvre, of the spiritual legacy. Note that Ferenc Mádl, the politician, retained the merits of a professor and legal scholar. That exactly makes his achievement as a public personality unique.

As a politician he represented non-aggressive force. The force he stood for consisted of erudition, responsible consideration, humility to his work, decades of experience collected at home and abroad, goodwill and affection. That explains how he could represent the entire nation as President authentically.

Supporting education, scholarship and culture was the centrepiece of his politician's career. Writing of his Government's science policy he stressed "how important scholarship is for overcoming our difficulties, whether economic or otherwise and how important from that point of view is the autonomy of researchers and scientific institutions, that is, their freedom and responsibility." He considered the Hungarian Academy of Sciences as a symbol, in fact, a fountainhead of Hungarian national identity.

He was never rash in his judgments. He would, instead, analyse events as a sovereign scholar, in a concentrated and detached manner. He was fond of looking for sensible compromises and common ground. But when at issue were the fundamental values and important questions of principle, he was steadfast. Such examples included referring certain Acts of Parliament to the Constitutional Court or rejecting the conferral of certain decorations.

Power he wielded but never craved for, least of all its trappings. Even while working as President he won a measure of professorial liberty. He could move, without being escorted by the bodyguards, in the area that was once surrounded by the walls of medieval Pest - a territory marked out by Calvin Square, Hotel Astoria and Ferenciek Square. His bodyguards waited for him outside the university building. He allowed no alarm system installed in his university room. It was there in that room where he could work unperturbed. Small wonder, he drafted the laws on public education and higher education in his room on the third floor of the University.

Even while working as a politician, he was probably the happiest when he was with his family. He was a member of an intimate and inclusive community - consisting of the affectionate support he received from Madam Dalma; summer vacations spent at Bánd and Tihany, the loveable family of his son, András and András's wife, Judit, and the events in the lives of his grandchildren - protected from the upheavals of public life; family life that he cherished more than anything else.

Never did we see him despondent during the trying years and decades of the period that led from one societal system to another. His strong belief in that things are bound to get better and in that Grace plays a part in shaping the course of history and nation probably derived from his profound Christian conviction. With unbroken optimism he would quote words by Gyula Illyés, namely that *the speed and direction of a river is never determined by the sediment it pushes along*.

The service of the Hungarians who found themselves beyond Hungary's borders ranked high among his priorities. Right from the change of regime he was in favour of granting the Hungarians who live abroad the Hungarian citizenship in a simple procedure even in cases when they have no residence in Hungary. He was deeply moved, he told us, when during a visit to Transylvania as President of Hungary, an elderly Szekler man came up to him and declared: "Mr President, I wish to die a Hungarian citizen."

He was to have visited Subotica (Voivodina) one of these days as invited by Hungarian legal practitioners there. He knew that the service of the public does not end even after the conclusion of high office. Although he was eighty, his physical strength weakened and he found walking increasingly difficult; those seemed to him insufficient excuses to reject such an invitation. An alumnus of the Piarist secondary school, he perhaps remembered the old Latin saying: *officium, officii*: work, title, office, *debitum, debiti*, duty.

József Antall, whose earthly remains lie close, once named as his guiding principle a phrase from the oath of cadets: "For the motherland unto death". Ferenc Mádl had the same motto.

Dear Mr Professor,

Dear Mr President,

Dear Ferenc,

Your oeuvre is complete and immaculate; the service you rendered is extraordinary. The void that remains after you is immense. We will miss you! However, we believe that your immense knowledge, goodwill, affection and kindness will not accompany you to the grave. I am certain that - wherever you are at the moment - you care for your country. Look upon us and lend us strength so that we could be good stewards of your legacy; so that each of us in his and her field could carry on your determination, scholarship and statesmanship.

We bid you God speed on your journey.