

LÁSZLÓ BLUTMAN – SZILVIA KERTÉSZNÉ VÁRADI

LÁSZLÓ BUZA*

(1885–1969)

I. Biography

László *Buza* was born on February 8, 1885, in Sárospatak. His father, János *Buza* was the teacher at the College of the Reformed Church at Sárospatak, also the presbyter, later the chief caretaker of the local Reformed Church. It is interesting to mention that among his paternal ancestors several noblemen can be found, the *Buza* family itself was noble, they received the title from István *Bocskay* in 1606 with the added name, “Váradi”.¹ His wife was Jolán *Szádeczky-Kardos* (1893–1944), and his sons: dr. László *Buza* (1914–1987) veterinarian, bacteriologist and Zoltán *Buza* (1917–1944).²

He attended law schools at the Academy of the Reformed Church at Sárospatak, as well as in Budapest, Berlin and Kolozsvár (Kolozsvár) between 1904 and 1908. In the academic year of 1904-05 he won the university’s award at Cluj for an essay about Roman law. Already during his university-level studies he published academic writings, for example his essay on Female criminality (*A női kriminalitás*), written for the legal theory course, had been published by Bódog *Somló* in the journal titled *Huszdik Század*, in 1908.³

At the Magyar Királyi Ferenc József Tudományegyetem (Hungarian Royal Franz Joseph University) of Kolozsvár, he received a doctorate of law in 1908, and of political sciences in 1909, *sub auspiciis regis*.⁴

He had already received his first appointment before finishing his state exams, in 1908, at the age of 24, to the Law Academy of Sárospatak. From 1912, he was the tutor at the University of Kolozsvár, and between 1918 and 1923 the public extraordinary lecturer of the Law Academy of the Reformed Church at Sárospatak, where he taught public law, political sciences and international law.⁵ Also here the dean at the academic years of 1914/15 and

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¹ KOVÁCS 2016, 126.

² Ibid. 128.

³ Ibid. 129.

⁴ Those students could apply for this title who had excellent results in all of the high school and university exams; out of the students at the University of Kolozsvár only one could receive the honour of being awarded with the *juris doctor* title and a valuable gold ring in the presence of the ruler (or his designated representative).

⁵ ÁMÁN 2019, 105.

1921/22, and public director (rector) of the College of the Reformed Church at Sárospatak at the academic years of 1917/1918, 1918/1919 and 1919/1920. In the meantime, he applied to the vacant posts at the Departments of Public Law of the Law Schools of the University of Kolozsvár and Debrecen, but he was not selected to either of the places.⁶

After the peace treaty of Trianon, the University of Kolozsvár moved to Szeged, and started its first semester in 1921, named Ferenc József Tudományegyetem (Franz Joseph University). *Buza* was invited with the unanimous decision of the Faculty of Law to fill the post of public ordinary lecturer in the academic year of 1922/23.⁷

In Szeged, he could excellently profit from his experiences gained at Sárospatak, because a lecturer of the Academy of Law had to teach almost every field of law, and from 1923, *Buza*, as well as all the professors at the university of Szeged, had to oversee several courses. In addition to teaching, his research activities had been characterised by answering new, colourful and exciting professional questions.⁸ His saying that became a byword: “If you do not understand something, write a monograph about it.”⁹

This is also evidenced by the fact that at the university of Szeged, he was the head of the Department of Criminal Law in the academic year 1924/25, the Department of International Law between 1923 and 1940, and the Department of Public Law in the academic years of 1936/37 and 1939/40.¹⁰

He also actively participated in public and social life. From 1932 he administered the library of the Institute of Law and Political Sciences, he presided over the economic committee of the university between 1937 and 1940, and he had been a member of the National Expert Commission of Copyright Law between 1927 and 1933.¹¹ On the invitation of the Secretary-General of the League of Nations he participated at a study trip in Geneva in 1930.¹² He was the dean of the Faculty of Law in the academic year of 1932/33, pro-dean in 1933/34 and pro-rector of the university in 1939/40.

He was the invited member of the Commission of Legal Sciences of the Hungarian Academy of Sciences between 1930–1937, the corresponding member of the Hungarian Academy of Sciences from 1938, and the ordinary member of it from 1946. He spoke well in English, German, and French.

After the Second Vienna Award (1940), *Buza* along with the Faculty of Law, moved back to Kolozsvár. There he was the public ordinary professor of International Law between 1940–45, the dean of the Faculty of Law in the academic year of 1940/41 and the rector of the university in the academic year of 1943/44. All the professors at the university except *Buza*, fled to Hungary in 1944 from the approaching front line, he stayed at the Faculty of Law as the only law professor. Excluding statistics and legal history, he taught all other courses, on Tuesdays for the first, on Wednesdays for the second, on

⁶ The commission did not support the application of any of the candidates, thus neither László *Buza*, nor István *Csekey* or Kálmán *Molnár* had been admitted. See BALOGH 2010, 86.

⁷ KOVÁCS 2016, 131.

⁸ BLUTMAN 1985, 593.

⁹ BALOGH 1999a, 61.

¹⁰ BALOGH 1999b, 90–91.

¹¹ KOVÁCS 2017, 29.

¹² KOVÁCS 2016, 128.

Thursdays for the third and on Fridays for the fourth-year students, thus ensuring the continuity of the university and education in the war-torn academic year of 1944/45.¹³

He actively participated in the organisation of Bolyai Tudományegyetem, the Hungarian university in Romania, where he received contractual appointment from the Romanian Government in 1945 to the Department of International Law. He was the member of the council of Bolyai University and participated in its governing, where, as a Hungarian citizen, he could teach until 1947. He was also the member of the commission consisting of renowned public figures, who elaborated a memorandum on the setting of the boundaries of Transylvania based on its ethnic composition and submitted it to the great powers in December 1945.¹⁴

Because of the termination of the independent Hungarian university of Kolozsvár in 1948, he moved back to Szeged, where the formerly fleeing professors of Kolozsvár has re-organized the Faculty of Law and Political Sciences in 1945. He took over the leadership of the Department of International Law in 1948 and was the dean of the Faculty in the academic years of 1949/50, 1951/52, 1952/53, and filled the post of pro-dean in the academic years of 1950/51 and 1953/54.¹⁵

As the renowned researcher of International Law he was the president of the Commission of Legal and Political Sciences of the Hungarian Academy of Sciences between 1960-64, president of the Hungarian Association of Lawyers between 1959-1965, the board member of the Hungarian branch of the International Law Commission, the member of the presidential council of the Hungarian Society of Foreign Affairs, the board member of the Hungarian Society of Social Sciences, the president of the committee of the city of Szeged Patriotic People's Front, and the main caretaker of the Trans-Tisza Parish of the Reformed Church.¹⁶

He was awarded the Order of Labour in 1955 and 1960, the golden class of the Order of Labour in 1966. He received the Attila József Memorial Medallion in 1966. As his protégé József *Ruszoly* wrote about him: Professorship and university work was not simply a profession for him, but a lifestyle. "Cultivating science and distributing new results were interconnected for him."¹⁷

His tutorial activities were of the highest standards. Among his protégé one can find numerous renowned scholars, for example István *Bibó*, József *Szabó*, Lajos *Takács*, the professor of Kolozsvár, as well as Géza *Herczegh*, the only Hungarian judge of the International Court of Justice as of today and Károly *Nagy*, his successor in the leadership of the Department of International Law.¹⁸

He published approximately 150 articles and several books, and actively participated in the writing of the *Diplomáciai és nemzetközi jogi lexikon* (Encyclopaedia of Diplomacy and International Law), published in 1959. He was the member of the editorial board of the Hungarian journals titled *Külügyi Szemle*, *Acta Juris Hungarici*, and *Acta Juridica*.

¹³ BALOGH 1999a, 62.

¹⁴ KOVÁCS 2016, 132.

¹⁵ BALOGH 1999a, 62.

¹⁶ RUSZOLY 1965, 357.

¹⁷ Ibid. 356.

¹⁸ BALOGH 1999a, 61.

After 58 years of professorship, he retired in 1966, at the age of 81, unique even among university professors. He died at the age of 85, on 18th October 1969, in Budapest. The domestically and internationally renowned scholar of the science of international law was laid to rest in the Farkasréti Cemetery receiving funeral honours from the Hungarian Academy of Sciences.¹⁹

II. Academic work

1. The period of Sárospatak (1908–1923)

As a professor of law at the Legal Academy of Sárospatak, the research of László Buza primarily focused on the field of constitutional law. He published numerous shorter studies which had nothing to do with international law. Thus, he wrote about the legal theory of obstruction (*obstructio*) (1912), the duty to vote (1913), the rules of procedure of the House of Representatives (1916), the requirements with respect to the Hungarian heir apparent to the throne (1916), and about the public law status of the royal family (1918). He even published a longer book on the legal responsibility of ministers (1911).

At the beginning of his scientific career, it was characteristic in his field of research to deal systematically with the legal problems of state territory. This resulted in his probably most significant (and longest) writing of the years spent in Sárospatak, the monograph titled *Államterület és területi fenségjog* (State territory and territorial sovereign rights) (1910). The book generally is in the field of constitutional law: it analysed in detail – based on extensive German literature –, the connection between state power and state territory, the legal characteristics of state territory and the possible restrictions of “territorial sovereign rights”. Nevertheless, the topic inevitably has international law aspects, primarily at those points where constitutional law and international law concerns, overlap each other. For example, at the beginning of the analysis he could not avoid trying to define the state, which is an important question also from the perspective of international law (e.g. at the nascence of a state). From this point of view, the restriction of territorial sovereignty is also similar, because this is typically materialized by way of international obligations and international actors. This question is later also discussed in his works related to international law. Connecting point is the definition of territorial sovereignty, which is one of the main elements of the definition of sovereignty used today. A part of his work is the analysis of sovereignty.

Buza, however, did not like the word sovereignty. Based on the works of the German *Preuss*, he thought that sovereign states existed only in the 17-18th century (the absolute monarchies), because that was the period of the absolute level of state power. In the 20th century state power is legally controlled (not absolute), thus the expression sovereignty can only be used in a very restricted way. It also resulted from this, that he did not consider sovereignty as the indispensable feature of statehood.²⁰ The concern

¹⁹ KOVÁCS 2017, 31.

²⁰ See BUZA 1910a, 8 and 57. his opinion changed by the end of his career, e.g. BUZA 1967, 38.

about “*half-sovereign states*” again pointed towards international law (Ibid. 153-154): for a very long time, even today, international lawyers have been intrigued by the issue how state-like institutions and states with restricted or diminished sovereignty can be placed within the frame of the system of Westphalia.

The above-mentioned demonstrates that at the connecting points of constitutional law and international law, *Buza* had already then crossed over to the field of international law. The clear by-product of his research in constitutional law was, for example, the study analysing the international legal status of air space (“*air territory*”), in 1910, which can be regarded as his first scientific work in the field of international law. Also, at the connecting point of constitutional law and international law was where his analysis on the legal status of the state of Bosnia-Herzegovina had come to light (1911), or the overview of the role of the parliament in making a treaty (1914).

Besides his interest for constitutional law, the young tutor of law at Sárospatak, sometimes had already conducted independent international legal research, motivated by the current events of his age. With regards to that it is worth mentioning that he published a short study on the international legal status of airplanes and airships during an armed conflict (1914) or his writing titled *A háború és a nemzetközi jog* (“War and international law”) (1916).

The pragmatic method of research had by then already featured in his work, which was characteristic of him throughout his later academic career. He found legal problems mature enough for legal research in the events, phenomena, process of international relations and the analysis led him from this to the general questions of international law. Rarely can we see such a work from him, which approaches a general international legal dogmatic topic comprehensively from its beginning to the end.

After the Great War Hungary lost the bigger part of its territories and became independent, with a changed state structure, and with high number of Hungarian minorities staying outside the new boundaries. The international order also significantly changed in Europe. This opened countless number of topics to be processed both in the field of constitutional law and international law. László *Buza* chose the latter.²¹ By the end of his years in Sárospatak his attention clearly turned to international law.²² This period is closed by two studies worth mentioning.

The first one, titled “*A nemzetközi jog jogi természetéről*” (About the legal nature of international law) is a two-piece work which aims at proving the legal character of his new field of research (1922). He did this by contradicting such famous theoretical opponents as Bódog *Somló* or Géza *Marton*, who openly denied that international norms would have been legal norms, because without sanction and enforcement those cannot be called that. *Buza* presented a witty solution. Based on the classic differentiation by *Somló* (order-law versus promise-law) he argues that international law is a “conditional promise-law”, and as such it cannot entail norms of sanctions, similarly to domestic law where these also cannot be found in relation to domestic norms of promise-law. Thus,

²¹ He published one or two shorter studies in the sphere of constitutional law as well, see e.g. *A jogfolytonosság* (*The continuity of law*) (1921).

²² See his German-language study: *Die Entstehung der Tschechoslowakischen Republik im Lichte de Völkerrechts* (1921).

the lack of sanctions does not hinder international law being regarded law, namely “*external public law*”. However, this creative argumentation can be challenged, thus today we do not use this against the notions contesting the legal nature of international law. He could not state that all international norms were promise-law. In present day it is evident, that the principle of sovereignty and consensus is broken at several points of the process of formation of international law.²³ On the other hand, such views also existed which did not consider promise-law norms law, - not even in domestic law -, but only “*pseudo-legal norms*”.²⁴

The other study, to be mentioned here, but mostly forgotten since, is about the settlement of the status of the Aaland-islands, titled *Aaland-szigetek helyzetének rendezéséről* (1922). He dealt with the international legal status of the islands (which state is entitled to sovereignty over it) and its demilitarization. But its significance mostly was, that – as to our knowledge, for the first time in Hungarian -, it presented the system of individual and collective minority protection for the Swedish minority living on the islands, as well as its international guarantees (the Finnish-Swedish treaty and the control by the League of Nations). This settlement based on territorial autonomy later served as a viable ideal, a sample for protection of minority rights. *Buza* had the same opinion, he thought that this was the point where the sovereignty of states and the right to self-determination still match each other.²⁵

2. The first period in Szeged (1923–1948)

The insecure situation (and then termination) of the Legal Academy of Sárospatak led László *Buza* to Szeged (1923), where the university of Kolozsvár found refuge. Here the invitation and post were undoubtedly linked to international law (public law was taught by Ödön *Polner* in Szeged).²⁶ He threw himself into the analysis of new international legal phenomena with great vigour. At the beginning his research had two main streams.

He had always been fascinated by the international community as a system, and its operation within the legal framework set by itself (questions of “international constitution”). After the First World War international legal order became institutionalized, as part of the general settlement the League of Nations (*la Société des Nations*) was established. *Buza* sensed that this was an event of historical significance in the history of the cooperation of states, where a certain kind of international public power has emerged. Later in his course-book, he considered it not a simple international organization, but an “*association of states*”. He regularly followed and analysed the operation of the organization, which he summarized

²³ Later he argued for the legal nature of international law by claiming that a certain kind of “international power” was behind it, BUZA 1935a, 6.

²⁴ E.g. SZLADITS 1941, 8.

²⁵ BUZA 1922a, 17. This study has become forgotten by today, which might have three causes: on the one hand the difficulty to access it (it was published in the Yearbook of the College of Sárospatak); on the other hand, in the subsequent decade more works dealt in detail with the territorial autonomy of the Aaland-islands; thirdly that the author utilized this study in his later grand monograph about the protection of minorities, though in a significantly supplemented way (see below).

²⁶ SCHWEITZER 2017, 11.

in a German-language monograph, titled *Die rechtliche Natur der Mandate des Völkerbundes* (1927).

The other main stream of his research – which was a direct result of the Trianon peace – aimed at the analysis of the protection of minorities based on international law. The study about the Aaland-islands set the ground for this, after which in five years, during the first few years of his stay in Szeged, he prepared a monograph of more than 400-pages, dealing with the international legal situation of the protection of minorities: *A kisebbségek jogi helyzete: a békeszerződések és más nemzetközi egyezmények értelmében* (The legal status of minorities: in accordance with the peace treaties and other international agreements) (1930).²⁷ Since the main institutional guarantor of international protection of national minorities was the League of Nations, the two main streams of research partly covered each other. The monograph discovers and analyses in detail the characteristics of the system of minority protection between the two world wars, the circle and content of the rights ensured by the treaties, the practical forms of minority protection. A separate part was dedicated to the “formal minority law”, which reviewed the procedural issues of law enforcement at the League of Nations. The monograph, also won the prize of the Academy, is the comprehensive and detailed imprint of the most developed multilateral system of minority protection in legal history until then, of which only chips remained after World War II.

Besides these the new law professor also found time to deal with certain other questions of the settlement after World War I. For example, he wrote about the international legal guarantees of the recovery loan (1924), or about the international legal aspects of the military control over Hungary (1925). He also paid attention to those international topicalities which could be approached by legal means. After the conclusion of the Lateran Treaty almost immediately he published a shorter article, which dealt with the changed international legal state of the Vatican (1929). In one or two studies his general interest in constitutional law surfaces, though by maintaining the international legal perspective: e.g. *A királykérdés nemzetközi jogi vonatkozásai* (The international legal aspects of the royal question) (1928).

After the monograph on minority protection the next big step for him undoubtedly was the compilation and publication of his general course-book on international law (1935). In this work he summarized his notions about international law. With respect to a course-book it is not the only important factor which is included in it, but also what is omitted by the author, and what is the system and view connecting the written text. *Buza* divided international law into two major parts. There is the “international constitution”, which describes the international legal order and the general legal state of the states in the international community. Besides this stands “ordinary international law”, which summarizes the (remaining) bigger part of international norms. The two groups of norms are equal, there is no distinction between them from a formal point-of-view, with respect to their status as a source of law.

In the course-book the author, besides discussing international constitution, devotes the remaining bigger part to the “*liberty of the state*”. Inner and outer liberty of the state (the possibility of free action) is put in contrast with “*international power*”, of which

²⁷ The monograph had been preceded by studies, e.g. *L'affaire des colons hongrois du Bánát et de la Transylvanie: devant la Société des Nations* (1926).

the League of Nations is a party. It is not difficult to discover that the dual liberty of the state means sovereignty. Nevertheless, *Buza* was reluctant to speak about sovereignty, which he considered to be an absolute, and to which states are not entitled by the 20th century.²⁸ But he could integrate several classic topics of international law under the liberty of the state, starting from the prohibition of intervention, through participation in international legislation, to such issues of state responsibility as the application of self-help. It can be concluded in general that the opposition of international constitution/public power to state liberty, as a principle of order, does not work well. For example, he had to include international organizations, through which the state participates in the execution of international law, in the category of outer liberty of the state. At the same time, he put the regulation of diplomatic relations in the category of international constitution, while those primarily serve the execution of the interests of the state.

After the publication of his course-book, new trends had emerged in the research of *Buza*. He published several studies, which were not dedicated to practical issues or an existing international affair, but comprehensively analysed a legal dogmatic question relating to the fundamentals of the operation of international law. This time the dogmatic analysis does not have a subsidiary role while discussing a practical issue, but they are the subject of a study in their own right. Studies with comprehensive and deep legal dogmatic analysis can be listed here, such as: the application of force (1937, in German), the legal nature of recognition (1939, in Hungarian, 1940, in German), the abuse of rights and the principle of *bona fides* (1940), international legal delict (1942), the punishments applied in international law (1945).²⁹

In relation to international events, in the 1930s the interest of the professor was directed in three ways. Sensing the crisis of the settlements subsequent to World War I, he researched the possible legal basis of change, generally and with respect to Hungary [see e.g., the voluminous study on the role of the League of Nations in changing those international legal norms which could not be applied (1931), or about the international legal basis of territorial revision (1933)]. He tried to provide a general review on how national socialism viewed international law [e.g. *A nemzetiszocialista Németország és a nemzetközi jog* (1936) (The national socialist Germany and international law)]. Around the end of that decade, he tried to evaluate the international crisis from the point of view of international law [e.g. *Az európai válság a nemzetközi jog tükrében* (1939) (The European crisis in the mirror of international law)].

He moved back to Kolozsvár as a corresponding member of the Hungarian Academy of Sciences and one of the leading international lawyers in the country. But the years spent in Kolozsvár were too hectic and he could not continuously produce such high level works as before. The hardships relating to the war, being the rector (1943/44), the burden of education in the last years and the existential insecurity distracted too much energy from research. Naturally, the war itself and the settlement after the war offered numerous topics to be analysed. In the chaotic times, when the

²⁸ He represented such an absolutistic point of view, that the definition of sovereignty *eo ipso* excludes the legal restriction of the sovereign. BUZA 1922b, 119. Contradicting that, he regularly used the expression 'sovereignty' in his works.

²⁹ Regarding the approach probably his shorter, humbler work on neutrality can also be included here (1939).

previous international legal order finally disintegrated, he searched for something to hold on to [e.g. *A nemzetközi jogalkotás jelszavai és alapelvei a bécsi kongresszus óta* (1942) (The phrases and principles of international legislation since the Vienna Congress)]. He also paid attention to the emergence of the new international order after the world war and the rise of new world powers. He wrote about the statehood of the Soviet Union (1945), about international legal sanctions (1945), about the new principles introduced in the Charter of the United Nations (1946).

3. The second period in Szeged (1948–1966)

Buza, when moving back to Szeged, by that time a full member of the Hungarian Academy of Sciences (1946), could not pick up where he had left off. Circumstances had changed significantly. In contrast to many others, he could keep his membership in the Academy, he could teach at the university of Szeged, and he could publish his works. But when reviewing these, it is the impression of the reader that brave dogmatic analysis, ingenious argumentation, and creative solutions to practical problems of international law are less prevalent in his works than before.

Undoubtedly, the study on the role of the principles of legality and justice in international law (1957) and the one on necessity in international law (1958, in Hungarian, 1959, in English) belong to the highest level. Since the “*international constitution*” had always been a focal point of his professional interest, it was evident that he dealt with the characteristics of the new international legal order built on the system of the United Nations [*A nemzetközi közhatalom szervezete az Egyesült Nemzetek Alapokmánya szerint* (1949) (The organization of international public power according to the Charter of the United Nations), or *A nemzetközi ellenőrzés mint a törvényesség biztosítója a nemzetközi életben* (1965) (International control as the guarantee of legality in international life)].

Even though he had a role in writing the collective course-book of international law, characteristic to the socialist era, this was only a supporting role. This course-book was generally used in the higher education of law throughout Hungary (living for four editions), and in it he was the author of the chapters on state territory, population of the state and treaty law.³⁰ When compared to the length of the book, this represented only about 15% of it. At the same time, he also participated in the writing of numerous articles of the Encyclopedia of Diplomacy and International Law (*Diplomáciai és nemzetközi jogi lexicon*, 1959).

He finished his career in higher education at the age of eighty-one, and left Szeged in 1966. A new opportunity opened for the academic, he could publish a book summarizing the main issues of international law. This is how his ‘swan song’ was born in the form of a book: *A nemzetközi jog fő kérdései az új szellemű nemzetközi jogban* (1967) (The most important questions of international law in the new spirit of

³⁰ In the first edition (1954), written by four authors (BUZA LÁSZLÓ, FLACHBART ERNŐ, HAJDU GYULA and VITÁNYI BÉLA), the part on the population of the state was written by someone else. The second edition had three authors (1958), the third (revised) and the fourth (unrevised) edition (1961, 1968) was in large part written by *Hajdu* and in a small part by *Buza*.

international law). Compared to the wide title, the book is rather thin with a surprisingly narrow focus, at least based on its contents: it covers the subjects of international law, the settlement of disputes, and to several general issues of international law, such as the concept of international law, the types of international legal rules and the relationship between international and domestic law. Nevertheless, the narrowly constructed titles hide numerous legal topics, typically discussed very briefly, often in a style of brief statements expressing the opinion of the author. (For example, in the chapter on the state as a subject of international law one can find analysis not only about the constituent elements of the state, but also about the status of the Antarctic, the right of servitude, or minority and human rights – this latter part is surprisingly lengthy).

The unique structure of the book and the different proportion or disproportion of the length of topics naturally can be explained by the author's opinion on what represents the main issues and what belongs to the "new spirit" of international law. However, the latter is far from being evident. It is still visible that *Buza* differentiated two levels of international law, but alongside another intersection than previously: "classic international law" and "international law of new spirit". According to him, the latter one is in contrast with the first one and by containing new norms (e.g. the prohibition of the use of force) and new organisational solutions (e.g. the United Nations) it extrudes legal solutions of classic international law from interstate relations. This might be the explanation for leaving out such fields from the book, as treaty law (the norms of which had just been under codification at that time), or the multifaceted problems of the responsibility of states for internationally wrongful acts (later researched in depth by *Buza*'s disciple and later his assistant, Károly Nagy).

Today, this book is the most cited publication of László *Buza*. Understandable, since it has a comprehensive character, it is available, easy to read and comprehend, and he stated his final point-of-view on many issues of international law in it. But the reader should not expect in depth analysis throughout, since it is a book of synthesis, which records definitions, classifications and opinions developed by the author. With respect to a few aspects, the book can be disputed, but generally it is the coherent summary of the state of "international constitution", as it was at the middle of the 1960s.

4. General characteristics and aftermath of his academic work

Notwithstanding the vicissitudes of the 20th century, László *Buza* had a long, diligent, nice span of professional life, lasting from the reign of Emperor Franz Joseph to the Kádár-regime, from the chestnut tree-filled shady garden at the College of the Reformed Church at Sárospatak, through Kolozsvár to the present building of the Faculty of Law in Szeged. To briefly highlight and list the features of his life would be an ungrateful task. But those, who know it can hardly debate two of its characteristics: the public law positivism of the academic and his practical, problem-solving approach.

The strong sense of legal positivism escorted him throughout his career. He was not willing to think about timeless conceptual structures or to research the rules of the "right

law". In the introduction to his 1935 course-book he highlighted this.³¹ Even though he was intrigued by the moral foundations of law,³² he always observed legal norms through the lens of the actual legal text and the behaviour of states. He did not have illusions: international law is a means in the international powers and has to be researched as it is established by the states. When *Buza* arrived in Szeged, together with Ödön *Polner* they represented legal positivism in public law at the Faculty of Law, as a counterpoint to the then determinant approach of neo-kantianism, influenced by Bódog *Somló*.

An important consequence of his positivism is, for example, that all his life he consequently said: there are no objective legal norms, which would be obligatory for states who had not accepted it.³³ He did not acknowledge the existence of *ius cogens* norms (or that certain norms of customary law would break the principle of sovereignty), not even in his final book, while only two years later, the majority of states accepted that in the Vienna Convention on the Law of Treaties (1969). He could not really accept the principle of *pacta sunt servanda*, since he had not found the positive legal basis for it in general international law.³⁴

At such a field of law, which is extensively and directly related to politics, as is international law, it is not always easy to provide clear legal analysis. *Buza*, grounded in the positivist approach, aimed at demonstrating the phenomena through the eyes of the lawyer, arguing like a lawyer, avoiding statements of political style. In 1938, the academics who nominated him for the membership in the Academy also highlighted this in relation to his course-book: "It is his particular merit, that he analyses this material dominated by political elements only from a legal point of view and sheds light on it with soberness lacking illusions and with impartiality."³⁵

We already praised László *Buza*'s ability to rise from the specific practical problems to the analysis of issues of general international law. He very quickly reacted to the events and actualities of international politics. For example, the Finnish-Swedish treaty on the settlement of the status of the Åland-islands was approved by the Council of the League of Nations on June 24, 1921 and already the following year his study on it was published. One year after *Blériot* crossed the La Manche Channel by airplane, he wrote a study about the legal status of airspace, and in 1914, at the start of World War I he published a paper on the international legal status of airplanes and airships (zeppelins) in armed conflicts. He tried to describe the relationship of the ideology of German national socialism to international law as early as 1936.

It is not always easy to clearly grasp the aftermath or influence of an excellent legal academic who has been dead for half a century by now. Legal analysis tends to erode quickly, no matter how brilliant a study might be, when based on changing legal texts or relating to already terminated organizations and procedures, they easily become useless. (Only a few fields of legal research can avoid that.) But often we use terms, definitions, distinctions, classifications, and arguments, and we are not even aware that those had been introduced into the national legal literature by László *Buza*. For example, he was the one

³¹ BUZA 1935a, IV. later similarly e.g. BUZA 1967, 9.

³² Cf. *A dekalogos és a nemzetközi jog [The Decalogue and public international law]* (1947).

³³ BUZA 1922a, 14.

³⁴ BUZA 1967, 34–35.

³⁵ Cited by KOVÁCS 2017, 29.

who very early on discussed, in a high impact study the monistic and dualistic approach to the relationship of international and domestic law, as well as the issue of primacy.³⁶

The works of László *Buza* cannot be overlooked by those international lawyers, legal historians and historians who wish to research the League of Nations, the system of minority protection between the two world wars, or are interested in the legal implications of the European crisis preceding World War II. He had numerous brilliant statements with regard to the legal dogmatic fields as the basis of international law (e.g. sources of international law, questions of treaty law, certain aspects of the responsibility of states etc.), which can be thought-provoking or be directly followed by his professional successors. He analysed the Charter of the United Nations (the text of which is still unchanged, aside from a few minor exceptions) in-depth in several studies, thus these works can still be instructive even today. At the same time, when remembering *Buza*, most Hungarian international lawyers would primarily cite the “*theory on the programmatic norms*”, which he discussed in detail in an ingenious and in-depth study published in 1957 (*A törvényesség és az igazságosság elve a nemzetközi jogban*; [The principle of legality and justice in international law]).³⁷

Personal impressions of him fade, since most of his direct colleagues and disciples are also dead by now, but at the Faculty of Law of Szeged legends concerning him still exist. These combine his punctuality, his classes planned by the preciseness of an engineer and held with a characteristic style of speech, his strict daily routine, his deep affection toward teaching, students, and the university, and above all the ethos of professorship surrounding him.³⁸

III. His selected works

Államterület és területi fenségjog: államjogi tanulmány. [State territory and territorial sovereign rights] Grill. Budapest, 1910. (1910a)

A levegőterület nemzetközi jogi helyzete. [The international legal status of airspace] Politzer. Budapest, 1910.

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Az obstructio jogtana. [The legal doctrine of obstruction] Grill. Budapest, 1912.

A parlament szerepe az államszerződések kötésénél. [The role of the Parliament in treaty-making] Budapest, 1914. (published by the author)

A repülőgépek és léghajók nemzetközi jogi helyzete a háborúban. [The international legal status of airplanes and airships in an armed conflict] Jogtudományi Közlöny. 1914/45. 453–455.

A magyar trónörökösben megkivántató kellékek. [The requirements with respect to the Hungarian heir apparent to the throne] Franklin. Budapest, 1916.

³⁶ BUZA 1922c, 386–388.

³⁷ Analysis of this theory has been published even fifty years later, BOROS 2009.

³⁸ See RUSZOLY 1965.

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- A nemzetközi jog jogi természete.* [The legal nature of international law] (Magyar Jogi Szemle könyvtára 19.) Budapest, 1922. [1922c]
- A helyreállítási kölcsön nemzetközi jogi biztosítékai, különös tekintettel a főbiztos jogállására.* [The international legal guarantees of the recovery loan, with special regard to the legal status of the Commissioner-General] (Magyar Jogi Szemle könyvtára 32.) Budapest, 1924.
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- Die rechtliche Natur der Mandate des Völkerbundes.* Springer. Wien – Berlin, 1927.
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