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The Chronicle of Research and Scholarly Events in Legal and Constitutional History at the Faculty of Law and Administration of the Jagiellonian University in 2013

Key words: scholarly research, Legal and Constitutional History, Faculty of Law and Administration, Jagiellonian University

Słowa klucze: badania naukowe, historia państwa i prawa, Wydział Prawa i Administracji, Uniwersytet Jagielloński

In 2013 in the Chairs of the Faculty of Law and Administration of the Jagiellonian University concerned with legal and constitutional history, several research and editorial projects which were launched in the past few years were being continued, some of them having come to the point of the publication of final or partial results. Also one international event – a conference on the editing of legal-historical sources in June 2013 – was organized jointly by several units of the Faculty.

Chair of Polish Legal History

In the Chair of Polish Legal History a source-editing project conducted under the supervision of Prof. Wacław Uruszczak and financially supported by the NCN (National Research Centre) was finished. As a result of this project, a critical parallel edition (with both transcription and transliteration of the texts) of a book of criminal records of the city of Cracow from the 16th and 17th centuries (*Księga Kryminalna Miasta Krakowa z lat 1554–1625*, ed. W. Uruszczak, M. Mikuła, A. Karabowicz, "Fontes Iuris Polonici," vol. 1, Prawo miejskie, vol. 1, WUJ, Kraków 2013, 612 pp.) was printed. Three further books of Cracow criminal records were also being elaborated in the framework of another NCN grant. Also in 2013 the second volume of the series "Fontes Iuris Polonici" was

published: the book of records of the small town of Dobczyce (*Księga kryminalna miasta Dobczyc 1699–1737*, ed. M. Mikuła, WUJ, Kraków 2013, "Fontes Iuris Polonici," vol. 2, Prawo miejskie, vol. 2, 134 pp.). Both these source editions, containing interesting data not only for the history of criminal judicature and legal procedure, but also for the study of everyday life of past urban societies, attracted the attention of researchers, local authorities, and the broader public.

Prof. Wacław Uruszczak and Dr. Maciej Mikuła were engaged in the project of preparing and publishing a corpus of biographies of professors of law who were active in the Jagiellonian University from its very beginning in 1364 until 1780. The project was initiated and supported by the Dean and Vice-Dean of the Faculty, Prof. Krystyna Chojnicka and Prof. Dorota Malec, and conducted in cooperation with the Archive of Jagiellonian University (from which Prof. Krzysztof Ożóg, Dr. Maciej Zdanek, and Dr. Dagmara Wójcik-Zega were engaged as authors of biographical entries of the professors who were teaching law in Cracow in the Middle Ages).

Furthermore, in 2013 Prof. Wacław Uruszczak published two chapters concerning important parliamentary and judiciary institutions of the Polish-Lithuanian Commonwealth for important multi-author volumes (W. Uruszczak, *Chapter 13: Poland-Lithuania* [in:] *European Supreme Courts: a Portrait through History*, ed. A. Wijffels, C.H. (Remco) van Rhee, London: Third Millenium Ltd., p. 160–165; *Posłowie ziemscy koronni 1493–1600*, ed. I. Kaniewska, Wydawnictwo Sejmowe, Warszawa 2013: entries on the MP's from the years 1493–1548), and prof. Izabela Lewandowska-Malec published her book on Polish democracies (*Demokracje polskie: Tradycja – współczesność – oczekiwania*, Kraków: Księgarnia Akademicka, 424 p.).

In September 2013, Dr. Anna Karabowicz represented the Chair on the 64th Meeting of the International Commission for the History of Representative and Parliamentary Institutions (ICHRPI) – which took place in Dublin and Belfast – where she presented a paper on the legislative process in the Polish-Lithuanian Commonwealth under the reign of Stefan Batory (1576–1586).

Chair of History of Administration and Administrative Thought

In the year 2013 the Chair took part in the project of editing a corpus of biographies of law Professors of the Jagiellonian University. Prof. Dorota Malec became the editor-in-chief of the second volume of the corpus, containing biographical entries on the academicians working in the Faculty from the year 1780 to the present. In the process of elaboration of this volume, the biographic notes were prepared by Dr. Przemysław Żukowski from the Archive of Jagiellonian University, while Mgr. Mateusz Mataniak researched illustrations for the book.

On October 21, 2013 Mgr. Karol Siemaszko defended his doctoral thesis written under the supervision of Prof. Dorota Malec, concerning jurisdiction of the Cracow District Court (Sąd Okręgowy) related to the so called "small penal code" in the years

1946–1950 (*Tzw. mały kodeks karny z dnia 13 czerwca 1946 roku w świetle orzecznictwa Sądu Okręgowego w Krakowie w latach 1946–1950*). He also received an NCN grant for his research on the question of criminality in the so called "Ziemie Odzyskane" (i.e. the western, formerly German areas of Poland) based on archival materials originating from three district courts (*Przestępczość na Ziemiach Odzyskanych w latach 1945–1950 w świetle orzecznictwa Sądów Okręgowych w Zielonej Górze, Głogowie z siedzibą w Nowej Soli i Gorzowie Wielkopolskim*).

Chair of General Legal History

In the Chair of General Legal History research was conducted on topics which were also elaborated previously, bringing in a few new monographs written by the scholars employed by the Chair. It ought to be noted also that Prof. Andrzej Dziadzio was granted the title of Professor by the President of the Republic of Poland. The title was conferred upon him during a solemn ceremony which took place in Warsaw on November 12, 2013.

Prof. Andrzej Bryk published his book on constitutionalism, containing an analysis of the problem brought onto a broad comparative background (A. Bryk, *Konstytucjonalizm. Od starożytnego Izraela do liberalnego konstytucjonalizmu amerykańskiego*, WUJ, Kraków 2013, 707 pp.). He also published a monograph on Jewish autonomy in the pre-partition era of Polish history (A. Bryk, *Jewish Autonomy in the Polish-Lithuanian Commonwealth from the 16th to the 18th century*, volume 1, Księgarnia Akademicka, Kraków 2013, 665 pp.).

Dr. Marcin Kwiecień published a monograph on legal aspects of political conflicts among the Polish emigrants in France and Great Britain during World War II (*Wśród potępieńczych swarów: Prawne aspekty rozliczeń politycznych wśród uchodźstwa polskiego we Francji i Wielkiej Brytanii 1939–1943*, Kraków: Księgarnia Akademicka, 2013, 451 pp.). Dr. Marian Małecki continued his archival research in L'viv and edited a volume of articles on the Crusaders (*Crucem signati: Krzyżowcy na przestrzeni dziejów w nowej perspektywie badawczej*, ed. M. Małecki, *Szlakiem krucjat*, vol. IV, Inforteditions, Zabrze–Tarnowskie Góry 2013, 160 pp.).

Prof. Andrzej Dziadzio presented some results of his research on a conference in Vienna, titled *Zwischen Wien und Czernowitz. Rechts- und Staatswissenschaftliche Karrierewege um 1918*, where he referred to the careers of former judges of the Austrian Verwaltungsgerichtshof in the Second Polish Republic (1918–1939).

Chair of Political and Legal Doctrines

In 2013, a volume by Michał Jaskólski was published, containing re-edition of his 13 scholarly essays, originally published in various conference proceedings and occasional anniversary volumes in the years 2005–2013 (M. Jaskólski, *13 różnych esejów*, Wolters

Kluwer, Warszawa 2013, 559 pp.). Particular texts printed in the said volume dealt with fundamental problems in the history of political thought seen through the prism of classical works of past thinkers (i.a. D.A.F. de Sade, C. von Clausewitz), the history of essential notions (natural law, beauty, verity), and the history of Polish political thought. Inspired by his thought, the edition was devoted to Prof. Jaskólski by his disciples.

In 2013 in the Chair of Political and Legal Doctrines another volume of the *Słownik Historii Doktryn Politycznych*, edited by Prof. Michał Jaskólski and Prof. Krystyna Chojnicka ("Dictionary of the History of Political Doctrines", vol. 6: T–Ż and supplement) was worked on, being headed by Prof. Michał Jaskólski, and financially supported by an NCN OPUS 2 grant. In 2014 the whole volume, containing 180 entries, is going to be passed to the publisher (Wydawnictwo Sejmowe, Warszawa) to be edited, reviewed, and published.

The Chair was developing its collaboration with the Student Association of the History of Doctrines, which organized various meetings and discussions. On December 13, 2013 it also organized a conference titled *Zderzenie cywilizacji. Zderzenie porządków prawnych* ("Collision of civilizations. Collision of legal orders"), supported by the Chair.

Chair of Roman Law

In 2013, two books by Prof. Franciszek Longchamps de Bérier, which had already been published in Poland, were published abroad (F. Longchamps de Bérier, *L'abuso del diritto nell'esperienza del diritto privato romano*, Giappichelli, Torino 2013, 236 pp.; W. Dajczak, T. Giaro, F. Longchamps de Bérier, *Právo římské. Základy soukromého práva*, české vydání: Petr Dostalík, Iuridicum Olomoucense, Olomouc 2013, 424 pp.). The handbook of Roman law also had its second printing in Poland.

As a result of a long-term program supported by the Ministry of Research and Higher Education through the NPRH (National Programme for Development of Humanities) two volumes of re-edition and translation of *Digesta Iustiniani* were published in 2013 (*Digesta Iustiniani. Digesta justyniańskie: Tekst i przekład*, vol. I: *Księgi 1–4*; vol II: *Księgi 5–11*, Kraków 2013). A few current and former collaborators of the Chair of Roman Law were engaged in this project, namely Dr. Tomasz Palmirski, as the main editor and leader of the project, as well as Dr. hab. Jarosław Reszczyński and Dr. Paulina Święcicka, as members of the team. The project is going to be continued until the year 2016.

The Chair of Roman Law also co-operated on other subjects in two editorial projects. Prof. Franciszek Longchamps de Bérier, together with Tomasz Giaro, re-edited Henryk Kupiszewski's book, *Prawo rzymskie a współczesność* (OD.NOWA, Bielsko-Biała 2013; 1st edition 1988) and wrote a preface for it. The Chair also supported the editing of the book *Dobro wspólne. Teoria i praktyka*, ed. W. Arndt, F. Longchamps de Bérier, K. Szczucki (Wydawnictwo Sejmowe, Warszawa 2013, 391 pp.).

The staff of the Chair presented the results of their individual research on conferences in Poland and abroad. Among others, Dr. Łukasz Marzec and Mgr. Grzegorz Blicharz presented their papers on the 67th meeting of the Société de l'Histoire des Droits de

l'Antiquité (SIHDA) which took place September 10th through 15th 2013 in Salzburg (the former having presented results of research conducted jointly with Dr. Paulina Święcicka). Dr. Paulina Święcicka also spent 2 months on research in Spain thanks to financial support from the Foundation for Polish Science (FNP). It is also worth mentioning that Dr. Święcicka became a finalist in "Polityka" magazine's 2013 contest for outstanding scholarship.

The 650th Anniversary of the establishment of Cracow University in 1364 provides an appropriate occasion to mention an important publication by Professor emeritus of Roman law Janusz Sondel, which was also published recently, although not in 2013 (*Słownik historii i tradycji Uniwersytetu Jagiellońskiego*, Universitas, Kraków 2012, 1516 pp.). The work contains numerous entries on various aspects of the history and tradition of the Cracow University and its successor, the Jagiellonian University.

Laboratory of Source Editions

In 2013 in the Laboratory of Source Editions elaboration of the text of volume IV/1 of "Volumina Constitutionum" was finished. Dr. Krzysztof Fokt was also engaged in the anniversary project of the corpus of professors teaching law at the Cracow University, having written 50 biographical notes (some of them jointly with Dr. Katarzyna Kuras from the Institute of History of the Jagiellonian University) for the 1st volume of the corpus (1364 – 1780) on the professors who were active during the second half of the 17th century as well as in the 18th century.

Joint initiatives involving several units

On June 25, 2013 an international symposium titled "The Editing of legal-historical sources: doctrines – state – law" took place in the Collegium Maius, the oldest building of the University. It was co-organized by several Chairs of the Faculty of Law and Administration of the Jagiellonian University (Chairs of Polish Legal History, History of Administration and Administrative Thought, and General Legal History) and supported by the Dean of the Faculty, Prof. Krystyna Chojnicka.

During the Symposium, the following papers (in the order of their presentation) were presented: Prof. Wacław Uruszczak, and Dr. Maciej Mikuła *Les editions des sources juridico-historiques en tant que bien culturel national polonais*; Prof. Dr. Christian Chêne (Université René Descartes, Paris V), *La situation française de l'édition en histoire du droit et l'État des publications depuis les années 1990*; Prof. Dr. Christine Mengès-Le Pape (Université Toulouse Capitole), *Vers l'encyclopédisme, les répertoires juridiques de la fin de l'Ancien Régime français*; Prof. Dr. Philippe Nélidoff (Université Toulouse Capitole), *Le rôle des arrêtistes dans la publication des sources juridiques françaises (XVIIe–XVIIIe siècles)*; Prof. Dr. Laurent Waelkens (University of Leuven), *La*

Commission royale pour la publication des anciennes lois et ordonnances de Belgique au service de l'histoire du droit; Dr. Heinz Mohnhaupt (Max-Planck-Institut für Europäische Rechtsgeschichte), *The Edition of Privileges as Sources of Law in Germany and in their European Perspective*; Dr. Iwona Barwicka-Tylek, Dr. Jacek Malczewski (Jagiellonian University), *Some Remarks Concerning the Edition of Sources from the Perspective of History of Political and Legal Thought in Poland*; Doc. Dr. Hab. Pavel Krafl (Masaryk University in Brno), *Several Notes on the Editions of Czech Legal-Historical Sources in 1990–2013*; Dr. Hab. Dunja Pastović (University of Zagreb), *Experiences and Challenges of Editing Legal-Historical Sources in Croatia*; Doc. Myron Kapral (National Academy of Sciences of Ukraine), *Edition of Legal Historical Sources of the Medieval and Early Modern Period in Ukraine (1991–2012)*; JUDr. Tomáš Gábriš, Ph.D. (University of Bratislava), *Edition of the Provisional Judicial Rules of Judex-Curial Conference from 1861 and Methodology of Recent Slovak Legal-Historical Editions*. The papers presented at the conference are going to be published in the *Cracow Studies of Constitutional and Legal History*.

In December 2013 two Professors of the Faculty, concerned with legal and constitutional history – Prof. Andrzej Dziadzio and Dr. Hab. Izabela Lewandowska-Malec – represented Jagiellonian University on the Annual Winter Forum on Criminal Law and Criminal Procedure, organized by the Association of Ukrainian Advocates in Kyïv (13th–14th December 2013).

The chronicle was prepared by Krzysztof Fokt on the basis of the information obtained from the staff of particular Chairs (the information on the Chair of Political and Legal Doctrines being kindly gathered by Dr. Iwona Barwicka-Tylek).