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## *A chronicle of research in legal and constitutional history at the Faculty of Law and Administration of the Jagiellonian University in 2012*

**Key words:** legal history, constitutional history, Jagiellonian University, Chair of History of Polish Law, Chair of History of Administration and Administrative Ideas, Chair of General History of State and Law, Chair of History of Political and Legal Doctrines, Chair of Roman Law, Source Editions Lab

**Słowa kluczowe:** historia prawa, Uniwersytet Jagielloński, Katedra Historii Prawa Polskiego, Katedra Historii Administracji i Myśli Administracyjnej, Katedra Powszechnej Historii Państwa i Prawa, Katedra Historii Doktryn Politycznych i Prawnych, Katedra Prawa Rzymskiego, Pracownia Wydawnictw Źródłowych

The year 2012 was rich in publications on legal and constitutional history published by the staff of particular Chairs of the Faculty of Law and Administration of the Jagiellonian University. A selection of them will be listed below, along with some other achievements and scholarly events in which the scholars of the Faculty were engaged.

### Chair of Polish Legal History

In the Chair of Polish Legal History a huge source edition project, in which the book of criminal records of the city of Cracow from the 16<sup>th</sup> century was being prepared to be published in both transcript and transliterated forms, with indices of places, names and subjects. The book is going to be printed in 2013 as the first volume of the series *Fontes Iuris Polonici* (the second volume, prepared by Maciej Mikula, will contain the court book of the town Dobczyce from the 17<sup>th</sup>/18<sup>th</sup> centuries. Also another project supported with a grant of NCN (National Research Centre), including edition of three further books of criminal records of Cracow from the 16<sup>th</sup>–17<sup>th</sup> centuries, was launched in 2012, which is going to last until 2015. All the source edition projects concerning the books of criminal

records are supervised by professor Waław Uruszczak as the editor of the series “*Fontes Iuris Polonici*”.

On February 27<sup>th</sup> the public defence of the doctoral thesis prepared by Maciej Miakula, *Prawodawstwo królewskie i sejmowe dla małopolskich miast królewskich (1386–1572). Studium z dziejów rządów prawa w Polsce (The legislation of the kings and the Sejm for royal towns of Małopolska, 1386–1572. A study on history of the rule of law in Poland)* took place. The thesis was supervised by professor Waław Uruszczak and reviewed by professors Stanisław Grodziski (Kraków) and Marian Mikołajczyk (Katowice).

The members of the Chair’s staff presented the results of their research in various fora, i.a. at conferences in Cádiz, Spain (dr Anna Karabowicz), Loket, Czech Republic (drs Władysław Pęksa, Maciej Miakula, Krzysztof Fokt) and Łódź (prof. Waław Uruszczak, dr Maciej Miakula).

## Chair of History of Administration and Administrative Thought

In the year 2012, the academic staff of the Chair was busy conducting their own research in the field of history of administration, administrative jurisdiction and practical functioning of state institutions in the Polish lands in the 19<sup>th</sup> and 20<sup>th</sup> centuries as well as comparative legal studies. Results of those research undertakings were presented at conferences in Łódź (prof. Dorota Malec, dr Paweł Cichoń, dr Michał Nowakowski), Kraków (dr Paweł Cichoń) and Amsterdam (dr Marek Stus). Also in 2012 dr Marek Stus formally joined the staff of the Chair, with which he had, however, already previously collaborated, being employed as a research assistant.

Professor Dorota Malec was also engaged in an international research project conducted at the Max Planck Institut für europäische Rechtsgeschichte, focused on *Jurisdiction in Eastern Europe in the 19<sup>th</sup> and early 20<sup>th</sup> centuries (Rechtsprechung in Osteuropa: Studien zum 19. und frühen 20. Jahrhundert)*, in which she has prepared a text on the High Administrative Court of Poland and its jurisdiction in the years 1922–1939 (another article from Cracow in the same volume, concerning the Galician cases in the Austrian administrative jurisdiction of the 19<sup>th</sup> and 20<sup>th</sup> centuries, was brought by professor Andrzej Dziadzio from the Chair of General Legal History).

## Chair of General Legal History

The academic staff of the Chair focused in their research on roughly the same topics, as in the previous years; much of their work was, however, published in 2012 in the form of books, among which two huge legal-historical monographs are especially worth mentioning: A. Dziadzio, *Cenzura prasy w Austrii 1862–1914: Studium prawno-historyczne*,

Kraków 2012; J. Halberda, *Historia zobowiązań quasi-kontraktowych w common law*, Kraków 2012 (446 p.).

In 2012 also dr Marian Małecki published two books: *Aljubarrota 14 VIII 1385. Obroniona niepodległość Portugalii*, Pola bitew, No. 17, Zabrze – Tarnowskie Góry 2012 (72 p.); *Prawo karne krzyżowców. Kodeks karny z Nabusu 1120*, Zabrze–Tarnowskie Góry 2012 (96 p.), and conducted extensive research in the Lviv branch of the Central Historical State Archive of Ukraine (CDIAUL), focusing on the legislative activities of the Galician Sejm (provincial parliament) in the Austro-Hungarian Monarchy.

Some results of the research of the academicians employed in the Chair of General Legal History were presented at various conferences, i.a. in Łódź (prof. Kazimierz Baran, dr Jan Halberda) and Częstochowa (prof. Kazimierz Baran). In 2012, professor Andrzej Dziadzio also joined the editorial council of the periodical “Beiträge zur Rechtsgeschichte Österreichs”.

## Chair of Political and Legal Doctrines

In the Chair of Political and Legal Doctrines, the work upon the 5<sup>th</sup> volume of the *Słownik Historii Doktryn Politycznych*, edited by professors Michał Jaskólski and Krystyna Chojnicka (*Dictionary of History of Political Doctrines*, vol. 5, entries R–Ś) was successfully finished, the volume being published in 2012. Also further financing of that long-term project was assured by obtaining an OPUS 2 grant of the National Research Centre (NCN) by the team headed by prof. Michał Jaskólski. The goal of this final stage of this project is to prepare and publish the 6<sup>th</sup> volume of *Słownik* (containing entries T–Ż and a supplement).

In the year 2012 the results of research conducted by the academicians of the Chair of Political and Legal Doctrines were presented during conferences of national range in Szklarska Poręba, Łódź and Białystok (dr Jacek Malczewski) and at international conferences in Budapest and Poznań (dr Iwona Barwicka-Tylek). Some of them were published, also in the form of monographs written by single (J. Malczewski, *Eutanazja. Gdy etyka zderza się z prawem*, Warszawa 2012) or multiple authors (*Nacjonalizm. Historyczne i współczesne oblicza*, ed. J. Malczewski, M. Kaliński, P. Eckhardt; the volume prepared in cooperation with the Student Association of Political and Legal Doctrines).

In 2012 also the doctoral thesis of mgr Agnieszka Adameczak, *Rewolucja w społeczeństwie i w Kościele we Francji w latach sześćdziesiątych i siedemdziesiątych XX wieku* (*The revolution in the society and the Church in France in the 1960's and 1970's*), prepared under supervision of professor Krystyna Chojnicka, was defended in the Faculty of International Relations and Politology of Jagellonian University (26<sup>th</sup> June 2012).

## Chair of Roman Law

On 7<sup>th</sup> August 2012 Franciszek Longchamps de Bériér was granted the title of ordinary professor by the President of the Republic of Poland, which resulted in the hitherto Department of Roman Law becoming the Chair of Roman Law. In 2012, its staff was working on their own research projects and presented their results during various conferences and meetings in Poland and abroad.

Among the publications of the employees of the Chair of Roman Law two books of professor Franciszek Longchamps de Bériér should be mentioned (one of them published already in 2011, but by accident not noted in the respective Chronicle of scholarly events): *Law of Succession. Roman Legal Framework and Comparative Law Perspective*, Warszawa 2011 (290 p.) and *Textbook on the First Amendment: Freedom of Speech and Freedom of Religion*, Kraków 2012 (576 p.). Also dr Tomasz Palmirski published his book: *A History of the Ancient States' Political Systems: Greece*, Kraków 2012 (251 p.), and dr Paulina Święcicka – a new, broadened and revised edition of her study on the process of Jesus: P. Święcicka, *Proces Jezusa w świetle prawa rzymskiego. Studium prawno-historyczne*, Warszawa 2012 (400 p.).

A very important event concerning the Chair of Roman Law was the publication of a commemorative volume *in memoriam* of dr Andrzej Kremer, a former employee in the Chair of Roman Law, who died tragically in the plane crash in Smoleńsk on 10<sup>th</sup> April 2010. The book, co-edited by professor Franciszek Longchamps de Bériér (*Consul est iuris et patriae defensor. Księga pamiątkowa dedykowana doktorowi Andrzejowi Kremerowi*, ed. F. Longchamps de Bériér, R. Sarkowicz, A. Szpunar, Warszawa 2012), was solemnly presented in Warsaw, but on 4<sup>th</sup> December 2012 also in Kraków a special commemorative meeting took place, during which all its participants could learn more about Andrzej Kremer as a scholar, statesman and colleague from the people who knew him very well and had the honour to collaborate with him at various posts.

## Source Editions Lab

In 2012, in the Laboratory of Source Editions operating under the Chair of Polish Legal History work upon the *Volumina Constitutionum* was continued – volume III/2 being finished, and the volume IV/1 elaborated. The supervision of the project was exercised by professor Stanisław Grodziski, with dr Marcin Kwiecień and dr Krzysztof Fokt being engaged in it. Also further research projects, which had begun in 2011, were continued, namely the elaboration of the oldest book of records of the town Zgorzelec/Görlitz from the 14<sup>th</sup>–15<sup>th</sup> centuries and digitalization of the typescripts of early modern village court books, preserved in the archival collection of the Chair of Polish Legal History.

## Joint initiatives involving several units

On 16<sup>th</sup> January 2012 the 1<sup>st</sup> Symposium of Polish Legal Historians took place. The event was co-organised by the Chairs of Polish Legal History and History of Administration and Administrative Thought, and supported by the Dean of whom Faculty, professor Krystyna Chojnicka. More than 40 scholars representing ten academic centres from Poland and abroad took place in the meeting, seven of whom presented their papers, focused on two main questions: Polish Constitution of 3<sup>rd</sup> May 1791 and Austrian civil code ABGB. Further symposia have been planned, and the next one is going to be organised by legal historians from the University of Silesia in Katowice.

The Chairs of Polish and General Legal History along with the Chair of Roman Law were engaged in co-organizing and supporting a conference *Regnare et administrare – z dziejów ustroju i prawa administracyjnego* (*Regnare et administrare – from the history of constitutions and administrative law*), organized by the students from the Society of Law Students, which lasted through 21<sup>st</sup>–22<sup>nd</sup> April 2012.

The legal and constitutional historians from Jagellonian University were also engaged – mostly as contributors, except from professors Stanisław Grodziski and Andrzej Dziadzio who acted as editors – in publishing a commemorative volume for professor Jerzy Malec (*Regnare. Gubernare. Administrare. Prace dedykowane Profesorowi Jerzemu Malcowi z okazji 40-lecia pracy naukowej*, Kraków 2012, vol. 1: *Prawo i władza na przestrzeni wieków*, vol. 2: *Z dziejów administracji, sądownictwa i nauki prawa*).

Some papers on historical matters were also presented during the 9<sup>th</sup> Polish Symposium of Law on Religious Denominations, co-organised by the Department of Confessional Law and Law of Religious Denominations and the Chair of Polish Legal History, which was held in Kraków on 17<sup>th</sup>–20<sup>th</sup> May 2012.

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