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Several Comments on Editions of Legal-Historical Sources Published in the Czech Republic after 1990 *

Abstract

The study presents scholarly editions of legal-historical sources published in the Czech Republic after 1990. The study of legal history is narrowly connected with the auxiliary sciences of history. This situation particularly concerns the history of the Middle Ages and the early modern period, but modern legal history also has contact points with these auxiliary sciences. Of particular importance is the close connection with diplomatics and codicology. Sources of a diplomatic nature include documents, office books, and files. Sources of a codicological nature include legal artifacts that have survived in manuscripts of a personal character or were issued in incunabula and old prints. They concern legal collections, legal codes, and synodical statutes. The legal-historical artifacts in the article are divided into artifacts of land law, municipal law, mining law and ecclesiastical law. A paper on editions of documents and letters precedes.

Key words: legal-historical sources, Czech Republic, Bohemia, Moravia, sources edition, land law, municipal law, Magdeburg law, mining law, ecclesiastical law, synodical statute, codicology, diplomatics

Słowa kluczowe: źródła historyczno-prawne, Republika Czeska, Czechy, Morawy, edycja źródeł, prawo ziemskie, prawo miejskie, prawo magdeburskie, prawo górnicze, prawo kościelne, statut synodalny, kodykologia, dyplomatyka

1. Introduction

Here, we present editions concerning legal-historical sources published in the Czech Republic after 1990. Studies of legal history are narrowly connected with the auxiliary sciences of history. This situation particularly concerns the history of the Middle Ages and the early modern period, but modern legal history also has contact points with these auxiliary sciences. Of particular importance is the close connection with diplomatics and

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codicology. Sources of a diplomatic nature include documents, office books, and files. Sources of a codicological nature include legal artifacts that have survived in manuscripts of a personal character or were issued in incunabula and old prints. They concern legal collections, legal codes and synodical statutes. For our interpretation of legal-historical relics, we will divide them into artifacts of land law, municipal law, mining law, and ecclesiastical law. a chapter on edited series of documents and letters will precede.

2. Edited series of documents and letters

Documents and letters of Bohemian character are edited in large book series, the most important of which are *Codex diplomaticus et epistolaris regni Bohemiae* (hereinafter referred to as CDB), *Regesta diplomatica nec non epistolaria Bohemiae et Moraviae* (hereinafter RBM), *Regesta Bohemiae et Moraviae aetatis Venceslai IV* (hereinafter RBMV), and *Monumenta Vaticana res gestas Bohemicas illustrantia* (hereinafter MVB).

The CDB series is a basic collection of all documents and letters from the rule of the Přemyslid dynasty in the Principality of Bohemia and subsequently the Kingdom of Bohemia (until 1306). The documents are edited in a chronological order, with full transcription of each document and a critical apparatus. An index to Part V was issued.¹ Part III was finished by Jan Bistřický.² The publishing of Part VI, which covers the interregnum period between the death of Přemysl Ottokar II (1278) and accession of Wenceslas II (1283) was essential because of its great importance for the study of Czech history.³ The preparation of CDB Parts VII and VIII continues and covers documents from the period of Wenceslas II (1283–1305) and Wenceslas III (1305–1306) and form collections of documents. Unlike the previous parts, Part VII will incorporate volumes dedicated to scribal hands and seals.⁴ So far, a volume dedicated to the paleographic analysis of scribal hands and individual offices has been published.⁵

The RBM series publishes documents and letters in a uniform chronological order, but only as abstracts (*regestum*). It is intended to cover documents up to the year 1378, when the King of Bohemia and Roman Emperor Charles IV died. It currently covers the period until 1363; the part covering the remaining years of 1364–1378 is in prepa-

¹ *Codex diplomaticus et epistolaris regni Bohemiae*, Tomi V, fasciculus IV. *Inde ab a. MCCLIII usque ad a. MCCLXXVIII (prolegomena diplomatica, indices, exempla scripturae, sigilla, concordantias continens)*, eds. S. Dušková, V. Vašků, Prague 1993.

² *Codex diplomaticus et epistolaris regni Bohemiae*, Tomi III, fasciculus tertius. *Acta spuria et additamenta inde ab anno MCCXXI usque ad annum MCCXL*, eds. Z. Kristen, J. Bistřický, Olomucii 2000; *Codex diplomaticus et epistolaris regni Bohemiae*, Tomi III, fasciculus quartus. *Index nominum et glossarium inde ab anno MCCXXI usque ad annum MCCXL*, ed. J. Bistřický, Olomucii 2002.

³ *Codex diplomaticus et epistolaris regni Bohemiae*, Tomi VI, fasciculus I. *Inde ab a. MCCLXXVIII usque ad a. MCCLXXXVIII*, eds. Z. Sviták, H. Krmičková, J. Krejčíková, coop. J. Nechutová, Praha 2006.

⁴ Cf. K. Maráz, D. Havel, *K edici Codex diplomaticus regni Bohemiae, její minulosti a současnosti [On the Codex diplomaticus et epistolaris regni Bohemiae Edition, its Past and Present]* [in:] *Almanach medievisty-editora* [The Medievalist Editor's Almanac], ed. P. Krafl, Prague 2011, p. 19–29.

⁵ *Codex diplomaticus et epistolaris regni Bohemiae*, Tomi VII, fasciculus V. *Inde ab a. MCCLXXXIII usque ad a. MCCCVI scribarum manus continens*, ed. D. Havel, Brunae 2011.

ration.⁶ Jana Zachová has worked on Part V over the past two decades and it is now finally complete (she edited documents from 1350–1355).⁷ As the amount of documentary material increased sharply in the last quarter of the 14th century, it was no longer possible to continue in a uniform chronological manner. A new conspectus series RBMV has thus been established. It is arranged in accordance with the archives – each volume is dedicated to documents and letters of a single archival institution.⁸ Over the past few years, Věra and Karel Beránek have published documents from resources of abolished monasteries located in the National Archives in Prague (these constitute the first part of Volume V).⁹ Recently, Volume VII of RBMV, which processes documents and letters of the Moravian Archives in Brno, was published.¹⁰

The MVB series include papal documents issued for Bohemian recipients, which are deposited in the Vatican Archives and other archives. Jaroslav Eršil published documents from 1417–1431.¹¹ Zdeňka Hledíková published documents from 1305–1342.¹² The publishing of the MVB series has currently been postponed.

3. Land law

Land codes of the late Middle Ages and the early modern period attract the attention of historian editors. Petr Kreuz published a review of scholarly editions of land codes and other sources regarding constitutional history in Bohemia and Moravia in the early modern period. The author also summarized the old prints of land codes.¹³ A summary of

⁶ Cf. B. Kopičková, *Der Stand der Bearbeitung der Regesta diplomatica nec non epistolaria Bohemiae et Moraviae* [in:] *Stand, Aufgaben und Perspektiven territorialer Urkundenbücher im östlichen Mitteleuropa*, eds. W. Irgang, N. Kersken, Marburg 1998, p. 237–243; L. Blechová, *RBM VIII. (1364–1378). Stav příprav edice [RBM VIII. (1364–1378). Edition Preparation Status]* [in:] *Almanach medievisty-editora* [The Medievalist Editor's Almanac], ed. P. Krafl, Prae 2011, p. 53–54.

⁷ *Regesta diplomatica nec non epistolaria Bohemiae et Moraviae*, Pars V: 1346–1355, fasciculus 3: 1350–1352, fasciculus 4: 1353–1355, fasciculus 5: Index, ed. J. Zachová, Praha–Dolní Břežany 2000–2005.

⁸ P. Krafl, *Entwicklung und derzeitiger Stand der Edition Regesta Bohemiae et Moraviae aetatis Venceslai IV.*, „*Quaestiones Medii Aevi Novae*“ 2006, vol. 11, p. 352–358.

⁹ *Regesta Bohemiae et Moraviae aetatis Venceslai IV. (1378 dec.–1419 aug. 16.)*, Tomus V: *Fontes archivi nationalis. Pars I: Litterae monasteriorum*, fasciculus 1. (1378–1397), fasciculus 2. (1398–1419), eds. K. Beránek, V. Beránková, Praha 2006–2007.

¹⁰ *Regesta Bohemiae et Moraviae aetatis Venceslai IV. (1378 dec.–1419 aug. 16.)*, Tomus VII: *Fontes Archivi terrae Moraviae Brunae*, ed. P. Krafl, Prae 2010. Cf. P. Krafl, *On Volume VII of the Regesta Bohemiae et Moraviae aetatis Venceslai IV. (1378 dec.–1419 aug. 16.)* [in:] *Almanach medievisty-editora* [The Medievalist Editor's Almanac], ed. P. Krafl, Praha 2011, p. 59–67.

¹¹ *Monumenta Vaticana res gestas Bohemicas illustrantia*, Tomus VII. *Acta Martini V. Pontificis Romani 1417–1431*, Pars 1: 1417–1422, Pars 2: 1423–1431, Pars 3: *Index personarum et locorum*, ed. J. Eršil, Prae 1996–2001 (= *Acta summorum pontificum res gestas Bohemicas aevi praehussitici et hussitici illustrantia*, Pars 3–5).

¹² *Monumenta Vaticana res gestas Bohemicas illustrantia*, Tomus prodromus, *Acta Clementis V., Johannis XXII. et Benedicti XII. 1305–1342*, ed. Z. Hledíková, Prae 2003.

¹³ Petr Kreuz, *Edice zemských zřízení a ústavně historických pramenů k dějinám českých zemí v raném novověku (1500–1619)* [A editions of land codes and constitutional-historical sources on the history of the Czech lands in the early modern period (1500–1619)] [in:] *Vladislavské zřízení zemské a počátky ústavního zřízení v českých zemích (1500–1619)*, eds. K. Malý, J. Pánek, Praha 2001, p. 267–285.

land code editions in the Czech lands was also published by Dalibor Janiš.¹⁴ Five codes from the Kingdom of Bohemia, the Margraviate of Moravia, and the Duchy of Těšín (Cieszyn) were issued in new modern critical editions. The first is a code that Charles IV intended to promulgate in the Kingdom of Bohemia in 1355. It is known as the *Maiestas Carolina*. It was edited by the German historian Berndt-Ulrich Hergemöller.¹⁵

The first valid codification in the Kingdom of Bohemia was the Vladislav land code of 1500. The significance of the relic for constitutional law during the transition from the Middle Ages to the modern period prompted the necessity of replacing the aging editions from the second half of the 19th century.¹⁶ The code was edited by Petr Kreuz and Ivan Martinovský; the edition includes further important sources from the early 16th century: the so-called St. Wenceslas Treaty of 1517 and the Constitution on the Rifles from 1524. An essay on the circumstances connected with the origin of the codification precedes the edited source material.¹⁷ The third edited codification is the Moravian land code from 1545. Its critical edition was prepared by Dalibor Janiš. The book opens with an article on the emergence and development of the land codes and their position in the system of land law, and the emergence of the code of 1545 in the context of a conflict with the king (Ferdinand I).¹⁸ Erich Šefčík edited the land codes of the Duchy of Těšín dated 1573 and 1592. He edited the text of the code from 1573 according to the original manuscript form the Cieszyn archive; for the code from 1592, he used an old print from the same year. Both codes are written in Czech. The editor added an initial essay in which he explained the historical circumstances of the origin of both codes.¹⁹

In 1518, the Moravian Assembly in Olomouc decided to introduce special official books where the verdicts of the assembly were to be registered. Thus, the Assembly Records (*Památky sněmovní*), which represent an official record of decisions taken at the assembly, came into being. They are an essential source concerning the history of the Moravian Assembly and an important source for the political, legal, economic, religious and military history of Moravia. The manuscript of the Assembly Records from 1518–1546 was edited by Dalibor Janiš.²⁰ The special registers of the Moravian Land

¹⁴ *Práva a zřízení markrabství moravského z roku 1545 (Pokus moravských stavů o revizi zemského zřízení). Historický úvod a edice [Rights and Code of the Moravian Margraviate of 1545 (The Moravian Estates' Attempt to Revise the Land Code). Historical Introduction and Edition]*, ed. D. Janiš, Brno 2005, p. 15–25 (Prameny dějin moravských, vol. 9).

¹⁵ *Maiestas Carolina. Ein Kodifikationsentwurf Karls IV. für das Königreichs Böhmen von 1355*, ed. B.-U. Hergemöller, München–Oldenburg 1995 (Veröffentlichungen des Collegium Carolinum, vol. 74).

¹⁶ P. Kreuz, *Edice zemských zřízení a ústavně historických pramenů k dějinám českých zemí v raném novověku (1500–1619)* [in:] *Vladislavské zřízení zemské a počátky ústavního zřízení v českých zemích (1500–1619)*, eds. K. Malý, J. Pánek, Praha 2001, p. 285–287.

¹⁷ *Vladislavské zřízení zemské a navazující prameny (Svatováclavská smlouva a Zřízení o ručnicích). Edice [The Vladislav constitution and related sources (St. Wenceslaus Agreement and Ordinance concerning the rifles). Edition]*, eds. P. Kreuz, I. Martinovský, Dolní Břežany 2007.

¹⁸ *Práva a zřízení markrabství moravského z roku 1545 (Pokus moravských stavů o revizi zemského zřízení). Historický úvod a edice [Rights and Code of the Moravian Margraviate of 1545 (The Moravian Estates' Attempt to Revise the Land Code). Historical Introduction and Edition]*, ed. D. Janiš, Brno 2005 (Prameny dějin moravských, vol. 9).

¹⁹ *Zemské zřízení těšínského knížectví z konce 16. století. Edice [Land Code of the Duchy of Tešín (Cieszyn) from the late 16th century. Edition]*, ed. Erich Šefčík, Český Těšín 2001 (Studie o Těšínsku 17).

²⁰ *Moravský zemský sněm na prahu novověku. Edice Památek sněmovních z let 1518–1570 [The Moravian land assembly on the threshold of the modern period. Edition of the Assembly Records from 1518–1570]*,

Court contained disputes among the nobility over honour. The register by the Moravian Land Captain Wenceslas of Ludanice (*Roková kniha moravského zemského hejtmana Václava z Ludanic*) is preserved. The manuscript includes lawsuits regarding disputes over honour from the Olomouc province dated 1541–1556. The text of the manuscript was edited by Jana Janišová.²¹

Dalibor Prix published the oldest preserved collection of land registers in the Duchy of Krnov, which originated in 1403–1522. This official book was written in Czech, partly in German. The heading of each entry contains the date of origin, the text of the entry, and a textual apparatus underneath. The official book edition is followed by a collection of documents; notes under the text contain information on the preservation and location. The drawback of this edition is the fact that the editor used transliteration instead of transcription.²²

4. Municipal law

The artifacts of Brno municipal law were systematically dealt with by Miroslav Flodr, who is the editor of all significant sources of Brno municipal law. Most importantly, he issued the Law Book of the City of Brno. The law book was written by the municipal notary John in the middle of the 14th century. Thanks to its clear and comprehensive conception, which corresponded to the needs of the juridical practice and reception of Roman law, the work became a basic platform for Brno municipal law. At the same time, it was adopted in other towns until it became one of the basic pillars of the modern unification of municipal law in the lands of the Czech Crown.²³ Miroslav Flodr's edition is divided into three volumes. The first volume contains a summary of the existing editions, a chapter on the genesis and character of the Brno law book, the Brno law book's conception, a description of the codex, and the actual edition.²⁴ The second volume contains a historical commentary on the individual provisions.²⁵ The third volume contains a subject index, an index of persons and locations, a list of references to the Institutes and Digest, a list of legal rules, and a list of the assessors of the Brno Municipal Court from 1306–1359.²⁶ The source is written in Latin.

A handbook of municipal law written by the Brno city scribe John of Gelnhausen in the 1380s underwent significant expansion. It is known as the *Manipulus*. It is an abstract

1. Památky sněmovní I [Assembly Records I], ed. D. Janiš, Praha 2010 (Documenta res gestas Bohemicas saeculorum XVI–XVIII illustrantia, series A, vol. I/1).

²¹ *Šlechtické spory o čest na raně novověké Moravě (Edice rokové knihy zemského hejtmana Václava z Ludanic z let 1541–1556). Historická studie a edice [Disputes of the Nobility about Honour in Moravia in the Early Modern Period (The Edition of the Roková kniha by Land Captain Václav of Ludanice from 1541–1556). Historical Study and Edition]*, ed. J. Janišová, Brno 2007 (Prameny dějin moravských, vol. 14).

²² *Zemské desky krnovské [Krnov land registers]*, I: 1403–1522, ed. D. Prix, Opava 2008.

²³ M. Flodr, *Právní kniha města Brna z poloviny 14. století [Law book of the city of Brno from the mid-14th century]*, I, Brno 1990, p. 16.

²⁴ M. Flodr, *Právní kniha města Brna z poloviny 14. století*, I, Brno 1990.

²⁵ *Idem, Právní kniha města Brna z poloviny 14. století*, II, Brno 1992.

²⁶ *Idem, Právní kniha města Brna z poloviny 14. století*, III, Brno 1993.

from the Brno municipal law book by the scribe John from the mid-14th century. The new critical edition was again published by M. Flodr. The source is written in Latin. M. Flodr appended each provision of the *Manipulus* with a commentary and a subject index.²⁷

The Brno City Court acted as the supreme office for a group of south-Moravian towns which adhered to the Brno municipal law. M. Flodr published the findings (verdicts, decisions, sentences) of the Brno City Court pronounced for the towns of Uherské Hradiště and Ivančice up to the year 1389. The collection of findings pronounced for Uherské Hradiště in the second half of the 14th century survived in the *Liber Negotiorum* of the mentioned town, the collection of findings for Ivančice is, according to the manuscript, in Österreichische Nationalbibliothek (originally from Brno). The sources are written in Latin. The texts of the findings are followed by the editor's explanatory comments and a subject index.²⁸

Vladimír Spáčil and Libuše Spáčilová edited the Meissen law book. They based the collection on four manuscripts with a transcription of the aforementioned legal artifact related to the city of Olomouc.²⁹ The critical edition is preceded by essays on the Saxon mirror – its origin, application, further development and impact on the other laws; and the legal books that originated on the basis of the Saxon mirror and the Magdeburg law. The other introductory chapters comment on municipal colonization, the law and administration of the towns, the Magdeburg law in the Czech lands, and the origin of the law and administration of the city of Olomouc. The most important is a chapter dedicated to the Meissen legal book – its classification, manuscripts and fragments with their transcription; then *deperdita*; then the existing editions; and, finally, a description of manuscripts connected with the legal practice in Olomouc.³⁰ The Germanist Libuše Spáčilová added a linguistic analysis of the four manuscripts of the law book that form the basis of the edition: she describes the graphics, phonetics, and morphological vernacular features of the manuscripts, compares the language of the manuscripts, and analyses the lexical aspect of the Meissen law book.³¹ A German summary and a textual and name index are added.

Liber vetustissimus of the Old Town of Prague has been newly edited. It is the oldest extant city book of Bohemia and Moravia and is a heterogeneous and memorial book. It is written in Latin, partly in German. The source was edited by Hana Pátková in collaboration with other colleagues. The publication has a representative character, with a CD and a collection of photographs.³²

²⁷ Jan z Gelnhausenu, *Příručka práva městského (Manipulus vel directorium iuris civilis)* [John of Gelnhausen, a handbook of the municipal law (*Manipulus vel directorium iuris civilis*)], ed. M. Flodr, Brno 2008.

²⁸ *Nálezy brněnského městského práva. Svazek I (–1389)* [Findings of the Brno municipal law. Volume I (–1389)], ed. M. Flodr, Brno 2007.

²⁹ V. Spáčil, L. Spáčilová, *Míšeňská právní kniha. Historický kontext, jazykový rozbor, edice* [Meissen law book. Historical context, linguistic analysis, edition], Olomouc 2010, p. 561–782.

³⁰ *Ibidem*, p. 15–214.

³¹ *Ibidem*, p. 359–481.

³² *Liber Vetustissimus Antiquae Civitatis Pragensis 1310–1518*, ed. H. Pátková in cooperation with V. Smolová and A. Pořízka, Praha–Dolní Břežany 2011.

Libuše Spáčilová and Vladimír Spáčil have also prepared an edition of the Memorable Book of Olomouc – a codex by Wenceslas of Jihlava from 1430–1492, 1528.³³ It is again preceded by a study on the city books in Olomouc before the arrival of Wenceslas of Jihlava and city books established by Wenceslas of Jihlava.³⁴ The linguistic analysis was written by L. Spáčilová (she explains the phonetics in the city book, the vernacular features on a morphological level, and analyses the syntax and lexis).³⁵ A German summary and a textual and name index are added.

Execution and exile registers serve as important sources for understanding the pre-Hussite period. These court books describe the course of the interrogations, often accompanied by torture. Records of this type are called execution, exile, beheading, pitch or black books. Only two execution books from the pre-Hussite period have survived. One of them is an execution book of the city of Jihlava from 1405–1457. Its critical edition was prepared by František Hoffmann. The source is written in old Czech, German and Latin.³⁶

5. Mining law

The mining law is introduced through the mining code *Ius regale montanorum* originating in the times of Wenceslas II, King of Bohemia, in 1300. After the Hussite Revolution, it was necessary to clarify the wording of the codification (originally in Latin) for the staff of the mines in the Czech language. a translation in three editions was produced between 1460 and 1478. The most important translation is by Peter Přespole from 1460. This translation was published by Jaroslav Bílek.³⁷

6. Ecclesiastical law

Two decades of research interest in the synods of Prague bishops and archbishops resulted in a summarizing edition. It concerns an editorial work by Zdeňka Hledíková, Rostislav Zelený, Jaroslav Polc and Jaroslav Kadlec, transferred into a book version by J. Polc and Z. Hledíková.³⁸ Originally, it was a series of editions published in the jour-

³³ L. Spáčilová, V. Spáčil, *Památná kniha olomoucká (kodex Václava z Jihlavy) z let 1430–1492, 1528. Úvod. Jazykový rozbor německých textů. Edice. Rejstříky [Olomouc Memory Book (The Codex of Wenceslas of Jihlava) from 1430–1492, 1528. Introduction. Linguistic analysis of German texts. Edition. Registers]*, Olomouc 2004, p. 191–513.

³⁴ *Ibidem*, p. 19–120.

³⁵ *Ibidem*, p. 121–190.

³⁶ *Popravčí a psanecké zápisy jihlavské z let 1405–1457 [Execution and exile registers of Jihlava from 1405–1457]*, ed. F. Hoffmann, Praha 2000 (Archiv český 38).

³⁷ *Ius regale montanorum aneb Právo královské horníkuov*, ed. J. Bílek, Kutná Hora 2000.

³⁸ *Pražské synody a koncily předhusitské doby [Prague Synods and Councils of the pre-Hussite period]*, eds. J. Polc, Z. Hledíková, Praha 2002.

nal Apollinaris by R. Zelený, J. Polc and J. Kadlec,³⁹ appended by statutes of John IV of Dražice by Z. Hledíková, previously printed as a supplement to the biography of the mentioned bishop.⁴⁰ The structure of the book respects the structuring and shape of editions from Apollinaris. Their Czech prefaces were translated from English.

A summarizing edition of statutes promulgated by Olomouc bishops was finally achieved after almost two and a half centuries.⁴¹ The old edition by Arsenius Theodor Fasseau (1766)⁴² represented a source of numerous errors in the literature, greatly contributed to by non-critical reprints in the Moravian *Codex*.⁴³ The edition of Moravian statutes in *Concilia Germaniae*⁴⁴ presented a similar problem; in a comparison with the extant manuscripts of the Olomouc statutes its texts proved to be mere extracts of their wording. The new edition distinguishes between statutes for which a synodical origin has been reliably proven (*statuta synodalia*), and statutes that were not published in a synod or for which publication at a synod has not been proven (*statuta dioecesana*). a collection of documents related to synods is added: papal bulls, instruments of public notaries transcribing articles of the synodical statutes, and one extant convocatinal letter.

Promotion of the Prague bishopric to an archbishopric prompted development of the administration of the archdiocese and the church province and the emergence of new official books. The new beneficia that were established in the Prague diocese in the second half of the 14th century and the early 15th century were written in an official book called *Liber erectionum archidioecesis Pragensis*. These books were first published in 1875 by Klement Borový, who simultaneously published a large portion of the material

³⁹ R. Zelený, *Councils and Synods of Prague and their Statutes (1343–1361)*, Roma 1972 (separatum ex Apollinaris 45); J.V. Polc, *Councils and Synods of Prague and their Statutes 1362–1395*, Apollinaris 52, 1979, p. 200–237, 495–527; Apollinaris 53, 1980, p. 131–166, 421–457; J. Kadlec, *Synods of Prague and their Statutes 1396–1414*, Apollinaris 64, 1991, p. 227–293.

⁴⁰ Z. Hledíková, *Biskup Jan IV z Dražic*, Praha 1992, p. 169–192.

⁴¹ P. Krafl, *Synody a statuta olomoucké diecéze období středověku*, Opera Institutii historici Pragrae, series Editiones, vol. 2, Praha 2003, p. 123–266. Reviews (a selection): M. Černý [in:] “Právněhistorické Studie” 2007, vol. 38, p. 448–449; J. Drabina [in:] “Studia Historyczne” 2005, vol. 48, p. 367–368; P. Elbel [in:] “Časopis Matice Moravské” 2005, vol. 124, S. 538–543; J. Flaga [in:] „Prawo–Administracja–Kościół” 2006, nr 26, nr specjalny, p. 287–289; J. Flaga [in:] “Revue d’Histoire Ecclesiastique” 2006, vol. 101, p. 791–793; I.A. Hrdina [in:] “Právník” 2004, vol. 143, 7, p. 741–743; H. Kaminsky [in:] “Speculum” 2006, vol. 81, p. 220; J. Kejt, *Die mittelalterlichen Synoden in Böhmen und Mähren*, “Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung” 2005, Bd. 91, p. 769; D. Kos [in:] “Zgodovinski Časopis” 2004, vol. 58, 3–4, p. 534–535; O. Marin [in:] “Revue Mabillon” 2005, vol. 16 (77), p. 294–295; K. Ožóg, [in:] “Quaestiones Medii Aevi Novae” 2004, vol. 9, p. 351–352; M. Polívka [in:] “Deutsches Archiv für Erforschung des Mittelalters” 2006, Bd. 62, 1, p. 261–262; A. Pořízka [in:] *Historica. Historical Sciences in the Czech Republic*, series nova, 2004, vol. 11, p. 175–177; D. Růžičková [in:] “Medioevo Latino” 2006, vol. 27, p. 946; I. Skierska [in:] “Roczniki Historyczne” 2004, t. 70, p. 239–241; t. Wunsch [in:] “Zeitschrift für Ostmitteleuropa-Forschung” 2004, Bd. 53, 4, p. 620–621; B. Zilynská [in:] “Český časopis historický” 2005, vol. 103, p. 403–407; L. Zygyer [in:] “Concilium medii aevi” 2004, vol. 7, p. 1095, 1098.

⁴² A.T. Fasseau, *Collectio synodorum et statutorum almae dioecesis Olomucenae in IV partes distributa*, I, Rezii 1766.

⁴³ Cf. P. Krafl, *Několik poznámek k edicím předhusitských synodálních statut olomoucké diecéze [Several comments on editions of pre-Hussite synodic statutes in the Olomouc diocese]*, “Sborník prací filosofické fakulty brněnské univerzity”, series historica, C 43, 1996, p. 61–72.

⁴⁴ J.F. Schannat, Josephus Hartzheim, *Concilia Germaniae*, IV–V, Coloniae Augustae Agrippinensium 1761–1763.

(for the years 1358–1407).⁴⁵ The edition of Volume VII prepared by Josef Pelikán remained in manuscript; the literary remnants were published by Hana Pátková in 2002.⁴⁶

The lawyer Miroslav Černý was long concerned with Kuneš of Třebovle, an important Czech canonist of the second half of the 14th century. His doctoral thesis defended in Rome contains an edition of the tract *De devolutionibus non recipiendis*. In the tract, Kuneš of Třebovle defended the decision of the Prague archbishop John of Jenštejn to relinquish the rural escheat in the villages of the archbishopric. The edition is accompanied by a legal-historical analysis of the tract.⁴⁷ Subsequently, M. Černý published a monograph on Kuneš of Třebovle. The book also contains a section with a critical edition of Kuneš' three sermons and a new print of the tract *De devolutionibus non recipiendis*. The aforementioned editions of sermons are also important for legal historiography because of the frequent citations by legal authorities that appear in them.⁴⁸

In connection with the editing of medieval documents, we should also mention diplomatarium of the canons regular of St. Augustin in Lanškroun, east Bohemia. The diplomatarium contains documents from the years 1371–1412. A collection of documents issued by papal auditors in a dispute involving the monastery over the church in Nezamyslice is interesting from a legal-historical and canonic-legal aspect.⁴⁹

7. Summary

The presented publications indicate the strength of activity in the publishing of sources of a legal-historical character in the Czech Republic. Even foreign researchers such as Berndt-Ulrich Hergemöller in the case of *Maiestas Carolina* have participated in the publishing of sources on Czech legal history. The quality of the editions is high, perhaps with one exception (D. Prix). New critical editions of land codes have great significance. Both land codes of the Kingdom of Bohemia from the Middle Ages and one of the codes of the Margraviate of Moravia from the 16th century have been published.

There is a strong connection to codicology in synodical statutes. This legal source demanded extensive research in domestic and foreign manuscript collections. If the number of medieval copies is large, it is necessary to consider selection of the basic manuscript for the edition. This is particularly true for Moravian synodical statutes from 1349,

⁴⁵ *Libri erectionum archidioecesis Pragensis*, I–VI, eds. C. Borový, A. Podlaha, Pragae 1875–1927.

⁴⁶ *Libri erectionum archidioecesis Pragensis*, VII, eds. J. Pelikán, H. Pátková, Pragae 2002.

⁴⁷ M. Černý, *Il “doctor decretorum” Kuneš di Třebovel. Edizione critica e analisi storico-giuridica del suo trattato “De devolutionibus”*, Roma 1988.

⁴⁸ M. Černý, *Kuneš z Třebovle. Středověký právník a jeho dílo [Kuneš of Třebovle. Medieval lawyer and his work]*, Plzeň 1999, p. 81–154.

⁴⁹ P. Krafl, P. Mutlová, D. Stehlíková, *Řeholní kanovníci sv. Augustina v Lanškrouně. Dějiny a diplomatář kláštera / The Regular Canons of St. Augustine in Lanškroun. The History and Diplomatarium of the Monastery*, Praha 2010 (Opera Instituti historici Pragae, series Editiones, vol. 7). Reviews: R. Curry [in:] “Parergon. Journal of the Australian and New Zealand Association for Medieval and Early Modern Studies” 2012, vol. 29, 1, p. 227–229; I. Hlaváček [in:] „Deutsches Archiv für Erforschung des Mittelalters” 2012, Bd. 68, 1, p. 187; E. Zielińska [in:] “Hereditas Monasteriorum” 2012, vol. 1, 1, p. 320–321, “Speculum” 2012, vol. 87, 4, p. 1282.

where not even one of the ten medieval transcripts was fully suitable. An original document or an official transcription of statutes that would guarantee their authenticity has not survived. Prague provincial statutes from 1349 – a codification by Ernst of Pardubice – are preserved in ninety manuscripts and manuscript fragments. The textual apparatus in this case reflects textual deviations of just a small number of manuscripts.

The specific knowledge of Libuše Spáčilová, editor of the municipal books from the Olomouc legal circle has enriched critical editions of the sources with linguistic analyses. The role of Miroslav Flodr in publishing all essential artifacts of the Brno municipal law is also commendable.

Streszczenie

Kilka uwag na temat edycji źródeł historycznoprawnych publikowanych w Czechach po 1990 r.

Artykuł jest poświęcony naukowym edycjom tekstów źródłowych z dziedziny historii prawa, opublikowanych w Republice Czeskiej po 1990 r. Poruszana tematyka dotyczy w szczególności historii średniowiecza oraz wczesnego okresu nowożytnego. Prezentowana materia historycznoprawna nawiązuje do nauk pomocniczych historii. Szczególne znaczenie w tym zakresie ma ścisły związek między dyplomatyką a kodykologią. Źródła z kategorii dyplomatyki obejmują dokumenty, księgi urzędowe oraz rejestry. Źródła kodykologiczne natomiast to pomniki prawa, które przetrwały jako rękopisy o charakterze prywatnym lub zostały wydane w formie inkunabułów bądź starodruków. Źródła te składają się na zbiory prawa, kodeksy i statuty synodalne. W tekście dokonano podziału na pomniki prawa ziemskiego, miejskiego, górniczego oraz kościelnego, co zostało poprzedzone sumarycznymi informacjami dotyczącymi edycji dokumentów i listów. Spośród edycji dokumentów i korespondencji zostały wyróżnione cztery najważniejsze serie: Codex Diplomaticus et Epistolaris Regni Bohemiae, Regesta Diplomatica Nec Non Epistolaria Bohemiae et Moraviae, Regesta Bohemiae et Moraviae Aetatis Venceslai IV oraz Monumenta Vaticana res Gestas. W dalszej części artykułu zostały omówione najważniejsze edycje pomników prawa ziemskiego Królestwa Czech, Margrabstwa Moraw oraz Księstw Cieszyńskiego i Karniowskiego. Autor przedstawił dawniejsze wydania źródeł prawa miejskiego, opisując następnie najnowszy dorobek wydawniczy w tej dziedzinie, a także ukazał złożoność problematyki prawa miejskiego w Czechach. W szczególności omawia najnowsze edycje pomników prawa miejskiego Brna i Ołomuńca. W artykule został zaprezentowany także rezultat współczesnych prac wydawniczych w zakresie pomników prawa górniczego i kościelnego. Całość rozważań została podsumowana wskazaniem najważniejszych wyzwań stojących przed współczesnymi wydawcami pomników prawa czeskiego oraz kierunkami badań podejmowanych w tym zakresie.