

Annual Report on Slovak Legal History 2013

Key words: scholarly events, Slovak legal history, report

Słowa kluczowe: wydarzenia naukowe, słowacka historia prawa, sprawozdanie

The purpose of this work is to elaborate the significant events that enriched Slovak legal history during the year 2013. The report focuses mainly on the inaugurations of professors, on the habilitations of associate professors, and on PhD. students who successfully defended their doctoral theses. It also provides information about the conferences organized in Slovakia during the past year. Finally, the report reflects important publications that contributed to the scholarship of Slovak legal history during the last year.

1. Academic degrees

Although the past year happened to be quite rich in the area of academic degrees, none of the legal historians was promoted to a professorship. Nevertheless, the community of legal historians was enhanced with new **associate professors**, namely:

Doc. JCDr. PaedDr. Róbert Brtko, CSc., from Comenius University, was appointed associate professor by defending his habilitation thesis *Philosophical and Legal Backgrounds of Natural Law in the Classical and Justinian's Period of Roman Law*. His main motivation for the research was the absence of a separate and systematic monograph, dealing with the concept of natural law and natural rights in Roman law.

Doc. JUDr. PhDr. Tomáš Gábriš, PhD., LL.M., MA, from Comenius University, defended his habilitation thesis *Provisional Judicial Rules of the Judex-curial Conference 1861* and was appointed associate professor. In the stated thesis, the author dealt – as its title suggests – with the issue of Provisional Judicial Rules of the Judex-curial conference that was until now only superficially covered by Slovak legal historiography. Therefore his thesis can claim to be a pioneer in this field of research.

Two PhD. students successfully defended their doctoral theses:

Mgr. Matej Milkvý, LL.M, PhD., from Comenius University, focused his doctoral research on the disappearance of villeinship in England. In his thesis, titled *From Villein to Citizen – Evolutionary Development of Personal Status in England*, he analyzed the disappearance of unfree personal status in England from the legal viewpoint. Unlike in the majority of European states, the unfree personal status was never abolished by an act of any legislature or by a change in substantive law, but due to the evolution of the English judicial procedure regarding a disputed status of a person. The body of English legal rules pertaining to the unfree status of a person is compared with similar legal rules of ancient Rome and of the pre-1918 Hungarian Kingdom. The first part of his thesis, which was a unique and diligent piece of work, was dedicated to methodology. Based on his studies abroad (specifically in the U.S.), the author provided us with a great contribution to the scholarship of legal historiography.

JUDr. Ján Drgo, PhD., from Trnava University in Trnava defended his doctoral thesis titled *Legal Status of the Jews in the Middle European Context in the Years 1938–1942 with Regard to Some Selected Occupations*. JUDr. Ján Drgo, PhD. focused his research on a comparison of the legal status of Jews in the Slovak State (1939–1945) and in the Protectorate of Bohemia and Moravia during the same timeframe, and also on the connection to Nazi-German anti-Jewish legislation. Detailed study of the definition of the term “Jew” is an added value in the thesis.

2. Conferences

2.1. Twenty years of the independent Slovak Republic (Institute of History of SAS, Pan–European University)

Twenty years have passed since the Constitution of the Slovak Republic came into effect on January 1, 1993. For this occasion, an international conference was held on the premises of the historical building of the Slovak National Council on January 16th and 17th 2013. The main topic of the conference was “Twenty Years of Independent Slovak Republic. Uniqueness and Discontinuity of Historical Development.” More than 30 participants – including legal historians – presented their contributions in four thematic sections: 1. The historical context of the formation of Slovak statehood, 2. Czechoslovakia from 1989 to 1992: political and economic development, 3. International and political aspects of the dissolution of Czechoslovakia, and 4. The new phase of Slovak development after January 1st.

2.2. Consensus in the law (Matej Bel University)

The conference organized by Matej Bel University in Banská Bystrica took place on the occasion of the 20th anniversary of the founding of the university. The principal topic of

the conference was “Consensus in the Law.” Fourteen participants presented the results of their scholarly research in the field of theory of law and legal history.

2.3. Milestones of law in the area of Central Europe 2013 (Comenius University in Bratislava)

“Milestones of Law in the Area of Central Europe 2013” is an annual international conference for PhD. candidates and young scholars in various fields of legal disciplines. Traditionally, one session was dedicated to legal history. The conference provides PhD. candidates and young scholars in the field of legal history the possibility of presenting their work and interacting with each other.

2.4. Conference for Legal Romanists from the Czech Republic and Slovakia

This conference is organized annually by Legal Romanists and it is hosted each time by a different university. In 2013, the conference took place in Banská Bystrica from April 12th to 14th. Fifteen participants from Czech and Slovak universities presented their contributions on various issues regarding Roman law.

2.5. The Sales Contract – history and current practice (Pavol Jozef Šafárik University in Košice)

This international conference, which took place at the Faculty of Law of Pavol Jozef Šafárik University in Košice, was focused, among other topics, on contractual relations in the form of the Sales Contract. The conference created a great opportunity to discuss the issue of the Sales Contract in an environment, where both legal historians and civilists could meet. Approximately 25 participants contributed to this conference section.

2.6. Bratislava Legal Forum 2013 (Comenius University in Bratislava)

Bratislava Legal Forum 2013 is the name of the premier year of an international academic conference, which will be organized bi-annually in October by the Faculty of Law of Comenius University in Bratislava. From October 10th to 11th, 2013, eleven parallel sessions were held, each focusing on different subject matter. One of these sessions was dedicated to legal history and Roman law, and the leading topics of this session were: 1. (Dis)Continuity of Public Law, 2. (Dis)Continuity of Private Law, and 3. The Past, Present, and Future of Prosecution.

The Legal history and Roman law session was launched by the opening contribution of Prof. JUDr. Jozef Beňa, Csc. titled *Introductory Remarks on the Concept of Continuity and Discontinuity in Law*. The section was enriched also by the foreign legal historians

from Hungary, Poland, Croatia, the Czech Republic, and Austria. Comenius University was especially pleased to host Prof. Gábor Hamza from Eötvös Loránd University in Budapest with his contribution titled *Continuity and Discontinuity of Codification of Civil (Private) law in Central and Eastern Europe* and Prof. Dr. Sc. Dalibor Čepulo from the University of Zagreb with his contribution titled *ABGB in Croatian-Slavonian Legal Area*.

3. Monographs

3.1. Peter MOSNÝ et al., *Právnohistorická realita sociálnej doktríny 20. Storočia, Towarzystwo Słowaków w Polsce, Krakov 2013, 288 s.*

(Peter MOSNÝ et al., *Legal-Historical Reality of Social Doctrine in the 20th Century*, Towarzystwo Słowaków w Polsce, Kraków 2013, 288 p.)

The monograph *Legal-Historical Reality of Social Doctrine in the 20th Century* was written as a joint work of Slovak and Czech legal historians. It focuses on the interrelation between social doctrine and the value of individual human dignity. The monograph reflects the unfinished process of finding an optimum model of the coexistence between state and society as well as the form and legitimacy of state interventions in the issue of social inequality within the population with regard to the dynamics of changing economic, political, and social factors.

The monograph contains nine chapters, each written by a different author, presenting various aspects of social doctrine. Some chapters focus mainly on an overview of social legislation during the defined period while others offer deeper philosophical grounds of the studied issue.

3.2. Jozef KLIMKO, Slavomír MICHÁLEK et al., *Mierové zmluvy v kontexte geopolitiky 20. a 21. Storočia, Paneurópska vysoká škola a Historický ústav Slovenskej akadémie vied, Bratislava 2013, 342 s.*

(Jozef KLIMKO,– Slavomír MICHÁLEK et al., *Peace Treaties in the Context of the 20th and 21st Century Geopolitics*, Paneurópska vysoká škola a Historický ústav Slovenskej akadémie vied, Bratislava 2013, 342 p.)

The monograph *Peace Treaties in the Context of the 20th and 21st Century Geopolitics* has a wide scope of authors that participated in providing its content. It focuses on the peace treaties that are closely associated with World War I and World War II and occupy prominent places in both European history and in the history of Czechoslovakia and Slovakia. However, politically motivated efforts towards abuse of the past – particularly of the Trianon Peace Treaty – are still alive and complicate international relations between Hungary and the Slovak Republic. Therefore this issue is still very current.

The monograph consists of eight sections, each devoted to different aspects related to research problems: 1) borders and peace treaties; 2) The Trianon Peace Treaty; 3) Czechoslovakian borders and citizenship after World War I; 4) Impact of the Versailles system on national law and on the status of minorities in Czechoslovakia; 5) distortion of the Versailles system; 6) The Paris Peace Conference and the status of minorities in Czechoslovakia; 7) peace in Europe, and 8. Geopolitics and Central Europe in the 21st Century.

3.3. Ján PUCHOVSKÝ, Štát a právo v juhoamerických kolóniách Španielska, Univerzita Komenského v Bratislave, Právnická fakulta, Bratislava 2013, 167 s.

(Ján PUCHOVSKÝ, *State and Law in the South American Colonies of Spain*, Comenius University in Bratislava, Faculty of Law, Bratislava 2013. 167 p.)

The aim of this monograph is to provide a clear overview of the system of organization of the state and legal systems of Spain's South American colonies from the 16th to 19th centuries. The monograph deals with the issues that represent a combination of the legal history of Europe and of South (Latin) America. It is based on the long-term research of the author and represents the first publication dedicated to the legal history of Spain's South American colonies in Slovak legal historiography.

Hopefully the year 2014 will be even richer in the academic sphere of Slovak legal history and will bring a lot of inspiring conferences and publications presenting the results of the research of Slovak legal historians.