

*The Chronicle of Research and Scholarly Events in Legal and Constitutional History, and Studies in Legal Heritage at the Faculty of Law and Administration of the Jagiellonian University in 2020**

Keywords: scholarly research, Legal and Constitutional History, Legal Heritage, Faculty of Law and Administration, Jagiellonian University

Słowa kluczowe: badania naukowe, historia państwa i prawa, dziedzictwo prawne, Wydział Prawa i Administracji, Uniwersytet Jagielloński

In the year 2020, most of the research projects conducted in the Faculty were being continued despite the rapid change of circumstances caused by the COVID-19 pandemic. Most of the activities, not only concerning didactics, but also research and coordination of research undertakings, were conducted through “contactless”, online means of communication. At the cost of a decrease in personal contact, it enabled increased networking among respective units and also facilitated inclusion of outside scholarly centers, both domestic and foreign, into projects. It was especially important in the face of strategic challenges, including the participation of the Jagiellonian University in the “Excellence Initiative – Research Universities” Programme, and the further development of our flagship projects, such as the “IURA” repository and database, and the “Cracow Studies on Constitutional and Legal History”. To face those challenges, a special working group was also established, focused on the problems of “Legal Heritage and Diversity of Legal Cultures”, into which several colleagues from other chairs of the faculty, as well as from other faculties of the JU were invited.

* The information presented in the Chronicle was gathered by Dr. Hab. Krzysztof Fokt, with substantial help from the staffs of particular Chairs and Departments, especially Dr. Jan Halberda, and Dr. Hab. Maciej Mikuła.

Studies on Legal Heritage: Cooperation at the University

The above-mentioned group was created by scholars representing various units of the faculty. Apart from the Chairs and Departments concerned with Legal and Constitutional History, and the History of Legal and Political Doctrines, representatives of the Chairs of Administrative Law, Intellectual Property Law, and the Sociology of Law were also included. Colleagues from other units of the University (Faculty of History, Archives of the JU) also joined the group. The main purpose of the team is to coordinate and organize the work on the problems of Legal Heritage and the Diversity of Legal Culture(s). It is worth emphasizing that the term “Legal Heritage” is comprehended broadly, as both immanent and emergent phenomenon, including not only material, but also immaterial components. Another of the group’s objectives is to animate open scholarly discussion on various related topics, through organizing seminars and lectures. Because of the circumstances prevailing under the pandemic, the first activities of the group had to be conducted online – which, however, allowed the inclusion of some interested persons from other university units, as well as from various other scholarly centres around Poland.

In Autumn and Winter 2020, there were three lectures held in the group. On October 26th Dr. Jakob Maziarz (Chair of Polish Legal History) spoke on “The Freedom of Scholarly Research and the Freedom of the Use of Cultural Property vs. the Access to Archival Materials”; on November, 16th Dr. Bohdan Widła (Chair of Intellectual Property) presented a lecture on the rules and circumstances of legal protection of scholarly and critical editions, and on December 14th Dr. Jan Halberda (Chair of General Legal History) spoke on some issues related to the institution of estoppel in Anglo-American Private Law.

Another aspect of studies on Legal Heritage was the participation of the staffs of our chairs and departments in the “Excellence Initiative – Research Universities” Programme at the university, particularly in the Priority Research Area (POB) “Heritage”. Profs. Piotr Dobosz and Andrzej Dziadzio were assigned to represent the faculty in the Steering Committee of the POB “Heritage”, and Dr. Hab. Maciej Mikuła contributed a vast amount of work into the organization of this area as a member of its coordinating team.

In-house projects and publications

In the chairs and departments concerned with Legal and Constitutional History, several projects, including those funded by external agencies, were continued. The project led by Prof. Andrzej Dziadzio, concerning property law in the judicature of the courts of the Free City of Cracow (funded by the National Research Centre, NCN, Contract No. 2017/27/B/HS5/01308) resulted in seven articles – in Polish, English, and German – being published by Prof. Andrzej Dziadzio, Dr. Piotr Michalik, and Dr. Mateusz Mataniak. In the Laboratory of Source Editions, two projects funded by the Ministry of Research and Higher Education of the Republic of Poland (through the National Program of the

Development of Humanities, NPRH), led by Dr. Hab. Marcin Kwiecień (concerning the preparation of volumes V–VII of the *Volumina Constitutionum* edition) and Dr. Hab. Krzysztof Fokt (*Fontes Iuris Lusatiae Superioris Vetustissimi*) were completed. It should also be mentioned that the results of another project conducted within the Chair of Roman Law under the direction of Dr. Hab. Tomasz Palmirski – the re-edition and translation into Polish of the *Digesta Iustiniani* – were recognized by the Commission of the Leon Petrażycki Award at the Polish Academy of Sciences, and the project team was distinguished with an honorable mention.

Dr. Jan Halberda continued his research on the institution of estoppel, which resulted in the publication of one monograph.¹ Prof. Waław Uruszczak (emeritus of the Chair of Polish Legal History), and Dr. Hab. Krzysztof Fokt co-edited a book focused on the constitutional history of the Polish-Lithuanian Commonwealth.² The book contains contributions from 23 authors from 13 countries. Dr. Hab. Marian Małeckci published the 2nd edition of his monograph on the oldest wooden church in southern Poland³, and the re-edition of a book of Gen. Franciszek Latinik, to which he contributed an introductory article⁴. Two postgraduate students of the Faculty were co-authors of a monograph concerning the judicature of the military courts in Kraków and Katowice in the years 1948–1954, seen through the prism of transitional justice.⁵ Beyond these accomplishments, Prof. Andrzej Bryk wrote an overview essay on constitutionalism, Dr. Hab. Iwona Barwicka-Tylek referred in her studies, i.a., to the problem of the relation of law and lawyers to the “Political Turn” and the “Return of Political Philosophy”, and Prof. Krystyna Chojnicka continued her studies on Russia. Detailed information on the publications of particular authors may be derived from the JU Repository (www.ru.j.uj.edu.pl).

Despite the general decrease in the number of scholarly meetings, the professors and postgraduates of the chairs and departments did not decrease presentations of the results of their research to the broader public. I.a., on June 18th Dr. Paulina Świącicka lectured on the decodification of law for the members and guests of the Polish Society for Legislation, and on January 14th Paweł Dziwiński presented his legal-historical reflections on the institution of private church during the open Medieval Seminar organized by the Institute of History of the Jagiellonian University.

¹ *Estoppel w angloamerykańskim prawie prywatnym*. Kraków: Księgarnia Akademicka, 2020.

² *Unie międzypaństwowe, parlamentaryzm, samorządność: studia z dziejów ustroju Rzeczypospolitej Obojga Narodów*, eds. W. Uruszczak, Z. Noga, M. Zwierzykowski, K. Fokt. Warszawa: Wydawnictwo Sejmowe, 2020.

³ *Pod płaszczem świętego Marcina. Z dziejów Ćwiklic, ich mieszkańców, parafii i kościoła*. Pszczyna: Urząd Miejski w Pszczynie i Pszczyńskie Centrum Kultury, 2020, 538 pp.

⁴ *O niepokornym generale Franciszku Latiniku i jego wojnie z Czechami słów kilka*. In: *Franciszek Latinik. Walka o Śląsk Cieszyński w r. 1919*. Zabrze –Tarnowskie Góry: Infortitions, 2020: 6–9

⁵ Bokwa, Krzysztof, Magiera, Paweł, Pałosz, Radosław, and Pokoj, Jakub. *Praktyka orzecznicza wojskowych sądów rejonowych w Katowicach i w Krakowie w sprawach politycznych w okresie stalinowskim*. Warszawa: Instytut Wymiaru Sprawiedliwości, 2020.

International activities

The year also saw attempts to gather the representatives of all seven universities constituting the Una Europa Alliance, in order to organize some joint activities in the field of Legal Heritage. A previously planned joint conference could not ultimately be held because of the outbreak of the pandemic. In online meetings on May 22nd, June 26th, and November 27th, representatives of six of the eight Una Europa universities (University of Bologna, KU Leuven, University of Edinburgh, University of Helsinki, Free University of Berlin, and the Jagiellonian University) took part. Generally, three areas of possible cooperation were discussed: the means and tools of Digital Humanities in the research and dissemination of Legal Heritage, possible cooperation in research on the history of legal education, and a project for a joint online course.

In February Prof. Franciszek Longchamps de Bériér held two lectures in L'viv, Ukraine. The first one concerned "Traditions of Latin Europe and Roman Law", and was presented on February, 12th, during the 94th Ossoliński Meeting, co-organized by the Polish Ossolineum and Ukraine's Vasyl Stefanyk National Scientific Library. Two days later, the head of the Chair of Roman Law of the JU held a lecture on "Decodification of Law and the Crisis of Codes" at the Ivan Franko National University in L'viv. Among the attendees of the lecture were the professors, collaborators, and students of the Chairs of History of Law, and of Civil Law of the Ivan Franko National University, and also Prof. Christina Morjak-Protopopova, co-author of the Ukrainian codifications currently in force. On February 20th, another collaborator of the Chair of Roman Law, Dr. Grzegorz Blicharz, presented a lecture at the Institute of European and Comparative Law of the University of Oxford in the framework of the IECL Lunchtime Seminar Series. Dr. Blicharz spoke on the legal structure of asset-sharing and the framework of Roman Law. His lecture inspired a lively discussion on the current challenges of contract law, and the possibilities for breaking down the barriers between the Common Law and Civil Law traditions. Several employees and postgraduates from Cracow enjoyed scholarly stays abroad: Dr. Grzegorz Blicharz spent one month in Oxford, and Krzysztof Bokwa visited the Vienna University in September.

Cooperation with Students

In February Prof. Franciszek Longchamps de Bériér took part in the scholarly excursion of the TI ESTIN ALETHEIA Students' Learned Association. The participants not only had an opportunity to get know the famous Leopolis (L'viv, the Lion City), but also to look into old documents preserved in the Stefanyk Library, and, last but not least, visit the graves of meritorious Polish lawyers.

Cooperation with students also continued in other Chairs and Departments. The most important event born of this cooperation was the conference "Ius est ars boni et aequi: stosowanie prawa na przestrzeni wieków" [„Ius est ars boni et aequi: Application of Law

over the course of Centuries”], which took place on September 18th–19th. A few dozen participants took part in it, including students from Leuven, Pécs, Szeged, Białystok, Gorzów Wielkopolski, Cracow, Lublin, Poznań, Toruń, and Warsaw. The TBSP Learned Society of History of Law also organized a seminar on “Legal Historical Sciences and the Challenges of the 21st Century” in Zakopane, and two meetings on “Epidemics throughout the Ages” in March – April (together with the TBSP Learned Society of Canon Law).

Varia

Several collaborators of the Chairs and Departments concerned with Constitutional and Legal History improved their skills and/or obtained new academic grades during the year. On September 28th Kamil Sorka defended his doctoral thesis titled “Veritatem esse quaerendam. Prawda w rzymskim procesie cywilnym” [Veritatem esse quaerendam. Truth in Roman Civil Process]. The thesis was written under supervision of Prof. Franciszek Longchamps de Bérrier, and reviewed by Profs. Joanna Misztal-Konecka, and Tomasz Giaro. Also in 2020, four District Courts in Poland granted their recognition to Dr. Jan Halberda as an officially acknowledged legal expert in the field of Common Law, and Krzysztof Bokwa passed his professional examination to become an advocate.

In a sad event of 2020, legal historians in Cracow also paid their respects to the Nestor of their subdiscipline, Prof. Stanisław Grodziski, who died on May 30th. Prof. Grodziski was a most meritorious scholar, who spent most of his lifetime in the service of the Jagiellonian University, as a lecturer, researcher, and widely read writer, as well as having been Dean of the Faculty of Law and Administration and Vice-Rector of the University.⁶

⁶ The curriculum and the merits of Professor Grodziski were presented by Marian Małecki. “Profesor Stanisław Grodziski (1929–2020). Rys naukowego portretu”. *Krakowskie Studia z Historii Państwa i Prawa* 13, z. 3 (2020): 423–8.