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Legal and constitutional history Faculty of Law and Administration of The Jagiellonian University in 2011

In 2011 the members of academic staff in the Chairs and Departments of Faculty of Law and Administration of The Jagiellonian University coconducted their own research in constitutional and legal history and were also engaged in the events of wider range such as conferences or defences of doctoral theses. Several of their achievements that were of particular significance were listed below.

Chair of Polish Legal History

In the Chair of Polish Legal History, apart from the own research activities of the staff, some long-term projects were continued. These were namely those designed to publishing two critical editions of sources:

1) The edition of the Criminal Book of town Cracow (1554–1625). The publication is being prepared by the team headed by professor Waław Uruszczak (with Dr Anna Karabowicz and Dr Maciej Mikuła as his collaborators).

2) *Volumina Constitutionum*, volumes III/2 and IV/1 (critical re-edition of the law-creating production of the Polish-Lithuanian Parliament/Sejm between the 15th through the 18th centuries). The project is supervised by professor Stanisław Grodziski (other persons engaged in this implementation are: professor Waław Uruszczak, Dr Anna Karabowicz, Dr Marcin Kwiecień and Dr Krzysztof Fokt).

On 28 February 2011 a public defence of a doctoral thesis prepared by Anna Karabowicz took place. The title of the thesis was: *Prawodawstwo sejmowe i królewskie za panowania Stefana Batorego (1576–1586)* [*Parliamentary and Royal legislation under the reign of Stefan Batory (1576–1586)*]. The thesis was supervised by professor Waław Uruszczak and reviewed by professors Stanisław Grodziski (Kraków) and Andrzej B. Zakrzewski (Warszawa).

While cooperating with the Society of Library of Law Students, the Chair of Polish Legal History organized a conference *Possessio ac iura in re – z dziejów prawa rze-*

czowego [*Possessio ac iura in re – research in the history of property law*]. This event took place on 6–8 May 2011.

Chair of History of Administration and Administrative Thought

In the year 2011 the members of academic staff of the Chair of History of Administration and Administrative Thought made their own research on the history of administrative jurisprudence and the functioning of administrative institutions in the Polish territories between the 19th through the 20th centuries.

Also a public defence of the doctoral thesis prepared by Michał Nowakowski, on *Okręgowe sądy ubezpieczeń społecznych w Polsce po II wojnie światowej* [*District courts of social insurances in Poland after World War II*] was successfully conducted on 23 March 2011. The thesis was supervised by professor Jerzy Malec, its reviewers being professors Andrzej Dziadzio (Kraków) and Andrzej Wrzyszc (Lublin).

Chair of General Legal History

The main directions of research conducted in the Chair of General Legal History included the legal and constitutional history of the Anglo-Saxon states, especially of England and the United States. While the history of English law was the subject on which professor Kazimierz Baran and Dr Jan Halberda focused their attention, professor Andrzej Bryk was concerned with the constitutional history of the United States. Legal and constitutional history of Austro-Hungarian monarchy was, in its turn, studied by professor Andrzej Dziadzio and Dr Marian Małecki, while the conflicts of constitutional and legal nature detectable among the Polish politicians in exile during the World War II were explored by Dr Marcin Kwiecień. In addition, professor Andrzej Bryk made some research in various constitutional and legal issues referring to the European Union, while Dr Marian Małecki made a study into the European legal culture.

Chair of Political and Legal Doctrines

In 2011 the work upon the 5th volume of the *Słownik Historii Doktryń Politycznych* [*Dictionary of History of Political Doctrines*, entries R-Ś] has been completed. The team that compiled the *Dictionary* was headed by professors Krystyna Chojnicka and Michał Jaskólski, the project being financed by the Ministry of Research and Higher Education. The volume has been positively reviewed.

In 2011 the Chair collaborated also with student associations: the Society of Political Doctrines of the Jagiellonian University and the Society of Turkey and Near East of the Warsaw University in organizing a conference on *Nacjonalizm – istota oraz historyczne i współczesne oblicza* [*Nationalism – its nature, history and contemporary forms*]. The conference took place on the 1st December 2011.

The results of research of the academicians of the Chair of Political and Legal Doctrines were presented in their publications, among which there may be found a monograph by professor Krystyna Chojnicka, *Cerkiew i car. Prawosławie rosyjskie w reformach Piotra Wielkiego* (Kraków 2011).

Department of Roman Law

In this Department the major research lines focused on the study of interrelations of Roman law with other legal systems of antiquity and the contemporary private law. Professor Franciszek Longchamps de Bériér and Dr Paulina Świącicka were presenting results of their studies in several research centres abroad (Liège, Frankfurt, Pavia, Maastricht). Also the project devoted to the translation of *Digesta* into Polish was being elaborated, in which Dr Tomasz Palmirski, Dr Paulina Świącicka and Dr Karolina Wyrwińska were engaged.

In 2011, several monographies were published by the Department's staff (these were: P. Świącicka, *Rzymskie prawo prywatne. Repetytorium*, Warszawa 2011; T. Palmirski, *A History of the Ancient States' Political Systems: Rome*, Kraków 2011; P. Świącicka, T. Palmirski, *Variae Quaestiones. Zbiór kazusów z rzymskiego prawa prywatnego wraz z wyborem źródeł*, Kraków 2011).

The Department collaborated also with student associations (Section of Roman Law of the Society of Library of Law Students in cooperation with the Students' Scholarly Societies *Utriusque Iuris* of the Warsaw University and *Bona Fides* of The Adam Mickiewicz University in Poznań) in organization of the conference on *Prawo rzymskie i ABGB. 200 lat doświadczeń* [*Roman Law and ABGB through Prism of 200 years' experience*], 15–16 January 2011.

Joint initiatives involving several units

On 11 April 2011 in the Collegium Maius of The Jagiellonian University a special session of the University Senate was convened. The session was devoted to the solemn renewing of the LLD degree as granted fifty years earlier to Professor Stanisław Grodziski.

The chronicle was prepared by Krzysztof Fokt on the basis of the information supplied by Iwona Barwicka-Tylek, Jan Halberda, Anna Karabowicz, Michał Nowakowski, Kamil Stolarski and Paulina Świącicka. Linguistic revision: professor Kazimierz Baran.



KRZYSZTOF FOKT
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170. posiedzenie naukowe krakowskiego oddziału Polskiego Towarzystwa Heraldycznego z referatem W. Bukowskiego i M. Zdanka pt. *Edycje średniowiecznych krakowskich ksiąg sądowych*

170th scholarly session of the Kraków branch of Polish Heraldic Society with report of W. Bukowski and M. Zdanek concerning editions of medieval court books of the land Cracow

Abstract

The report presents briefly an event, which took place on 19th December 2011. During the session of Polish Heraldic Society two scholars, affiliated in the Polish Academy of Arts and Sciences (W. Bukowski) and Jagiellonian University (M. Zdanek), delivered a substantial overview of the hitherto conducted research on medieval court books of *terra Cracoviensis* and presented some remarks on the needs and possible directions of further works on that topic. Furthermore, they have reported to the numerous audience on the edition of a court book, being prepared by them at the time, which is one of the two only land court books (*terrestria*) of the land Cracow from the 14th century that have not been edited yet. Both in the presentation of the two authors and in the following vivid discussion various problems of methods of editing sources of late medieval judicial practice and the question how to organize respective projects focused on source editions, were discussed.

Key words: sources' edition, medieaval books of records, legal-historical sources, genealogical sources

Słowa kluczowe: edycja źródeł, średniowieczne księgi sądowe, źródła prawno-historyczne, źródła genealogiczne

W dniu 19 grudnia 2011 roku w sali dydaktycznej Zakładu Nauk Pomocniczych Historii Instytutu Historii UJ odbyło się 170. posiedzenie naukowe krakowskiego oddziału Polskiego Towarzystwa Heraldycznego. Głównym punktem programu spotkania był koreferat Waldemara Bukowskiego (Instytut Historii PAN, Kraków, Pracownia Słownika Historyczno-Geograficznego Małopolski w Średniowieczu) i Macieja Zdanka (Archiwum UJ) pt. *Edycje średniowiecznych krakowskich ksiąg sądowych*. Na spotkanie

przybyli licznie przede wszystkim członkowie i sympatycy Towarzystwa oraz historycy średniowiecza i czasów nowożytnych z Małopolski i Górnego Śląska.

W pierwszej części wystąpienia Maciej Zdanek zaprezentował dotychczasowe prace nad edycją małopolskich ksiąg sądowych (ziemskich, miejskich, kościelnych, wiejskich) ze szczególnym uwzględnieniem ksiąg ziemskich krakowskich. W tej części referatu słuchaczy zapoznano ze skomplikowanymi losami dwóch ksiąg ziemskich krakowskich z końca XIV wieku – które nie zostały wydane przez Bolesława Ulanowskiego w VIII tomie „Starodawnych Prawa Polskiego Pomników”, gdyż dopiero w latach 20. XX wieku poprawnie rozpoznano je jako ziemskie i przywrócono z Archiwum Głównego Akt Dawnych w Warszawie do zasobu Archiwum Państwowego w Krakowie (*Terrestria Cracoviensia* 1c i 2) – i z których jak dotąd w druku ukazały się jedynie roty w języku polskim¹. Zmianę tego stanu rzeczy przyniesie publikacja jednej z tych ksiąg (księgi 2), która w momencie wygłaszania referatu była już na ukończeniu. To właśnie to najnowsze przedsięwzięcie edycyjne W. Bukowskiego i M. Zdanka, prowadzone w ramach grantu finansowanego przez Ministerstwo Nauki i Szkolnictwa Wyższego (podmiot prowadzący: Polska Akademia Umiejętności), nadało w znacznej mierze ton wystąpieniom obydwu referentów oraz dyskusji, która po nich nastąpiła. Sytuacja taka nie dziwi o tyle że, jak słusznie zauważył M. Zdanek, edycja ta będzie trzecim po II wojnie światowej wydaniem polskiej średniowiecznej księgi ziemskiej² i pierwszym tego rodzaju przedsięwzięciem w Krakowie od 114 lat.

W drugiej części koreferatu Waldemar Bukowski przybliżył słuchaczom zagadnienia dotyczące potrzeby wydawania średniowiecznych ksiąg sądowych ze szczególnym uwzględnieniem małopolskich ksiąg ziemskich oraz metod, jakie należałoby zastosować w tej mierze, przemyślane przez Referentów z perspektywy prowadzonej przez nich edycji księgi ziemskiej krakowskiej. W odniesieniu do istniejących potrzeb wydawniczych W. Bukowski skonstatował zaskakującą zbieżność postulatów przedstawianych przez każde pokolenie badaczy, począwszy od połowy XIX wieku, stwierdzając, że wartość zapisek sądowych dla wiedzy o historii i ustroju dawnej Polski jest nieoceniona. Poruszywszy zagadnienie metod wydawniczych, referent w sposób treściwy przedstawił dyskusje toczone na tym polu od czasu pierwszych krytycznych edycji średniowiecznych zapisek sądowych, nie zapominając także o możliwościach oferowanych przez rozwój techniki (możliwość udostępnienia odbiorcom cyfrowych kopii źródeł i samej edycji w postaci zdigitalizowanej). Konkludując, Waldemar Bukowski uwypuklił jednak szczególną wartość tradycyjnej edycji krytycznej, podkreślając przy tym konieczność wydawania ksiąg *in extenso*, z maksymalnie wiernym oddaniem pisowni rękopiśmiennego oryginału, których to zasad starał się wraz ze współwydawcą trzymać w najnowszej edycji księgi ziemskiej krakowskiej.

Referenci, oprócz przedstawienia dziejów i przedyskutowania metodyki edycji średniowiecznych ksiąg sądowych, zwrócili w swym wystąpieniu szczególną uwagę na konieczność kontynuowania prac rozpoczętych opracowaniem przez nich kry-

¹ M. Karaś, Z. Perzanowski, *Nieznane czternastowieczne rotys polskie w księgach sądowych ziemskich krakowskich*, Zeszyty Naukowe Uniwersytetu Jagiellońskiego 1958, 17, *Filologia* 4, s. 237–255.

² Po dwóch księgach wielkopolskich: *Księga ziemiska poznańska 1400–1407*, wyd. K. Kaczmarczyk, K. Rzyski, Wydawnictwa Źródłowe Komisji Historycznej PTPN, t. 15, Poznań 1960; *Księga ziemiska kaliska 1400–1409*, wyd. T. Jurek, Wydawnictwa Źródłowe Komisji Historycznej PTPN, t. 22, Poznań 1991.

tycznej edycji jednej z dwóch niewydanych dotąd XIV-wiecznych krakowskich ksiąg sądowych ziemskich. Naturalnym kierunkiem dalszych prac wydaje się przy tym, w ich opinii, wydanie ostatniej z XIV-wiecznych ksiąg (księgi 1c) oraz podjęcie edycji którejś podgrupy krakowskich ksiąg ziemskich z XV wieku. Wyobraźnię odbiorców pobudziły niewątpliwie przedstawione przez referentów robocze symulacje, z których wynikało, że w istniejących ramach instytucjonalnych, finansowych i kadrowych środowisko krakowskich mediewistów (wśród których jest grono osób o znacznym doświadczeniu w pracy ze źródłami stanowiącymi spuściznę średniowiecznej praktyki sądowej) mogłoby w kilkanaście lat przeprowadzić edycję dużej grupy ksiąg sądowych ziemskich (na przykład akt sądów wiecowych bądź nadwornych z XV wieku, albo wszystkich XV-wiecznych ksiąg ziemskich z czasów panowania Władysława Jagiełły). Zaakcentowali jednocześnie konieczność ustalenia organizacyjnych ram przyszłego projektu wydawniczego oraz takiego usadowienia formalnego tego przedsięwzięcia, by zapewnić mu zarazem pewną stabilność instytucjonalną i elastyczność kadrową, która umożliwiłaby wciągnięcie do współdziałania szerszego grona krakowskich mediewistów.

Od zagadnień związanych z organizacyjnymi stronami potencjalnego projektu wydawniczego rozpoczęła się także dyskusja nad referatem. W otwierającym ją głosie gospodarz spotkania, prof. Zenon Piech, zwrócił uwagę na konieczność uniknięcia błędów, jakich nie ustrzegli się koordynatorzy podobnych projektów sprzed kilkudziesięciu lat, które ze względu na swój znaczny rozmach prowadziły do rozdrobnienia czy wręcz rozmycia odpowiedzialności. Profesor Krzysztof Ożóg zwrócił natomiast w swej wypowiedzi uwagę dyskutantów na zupełnie inny aspekt problemu, szczególnie dostrzegalny z perspektywy badacza prowadzącego zajęcia dydaktyczne, tj. na niedostatek młodych osób, które byłyby zarazem zdolne, jak i skłonne, wziąć udział w ambitnych przedsięwzięciach edytorskich. Kolejni dyskutanci także zwrócili uwagę na szerszy kontekst prac edytorskich. Wątek ten pojawił się w wypowiedzi dr Kamilli Follprecht, która wskazała na konieczność uznania żmudnych i czasochłonnych prac nad wydawaniem źródeł za równoważne z pisaniem opracowań naukowych, gdyż bez tego trudno liczyć na szeroki akces kadry naukowej i naukowo-dydaktycznej do projektów o profilu edytorskim. Do wypowiedzi przedmówców nawiązał prof. Jerzy Sperka, wskazując na szczególną wartość edycji źródłowych dla badań mediewistycznych.

W swych końcowych słowach Referenci raz jeszcze wskazali na konieczność kontynuowania prac nad wydawaniem późnośredniowiecznych ksiąg sądowych ziemi krakowskiej. Podnieśli przy tym, że jeszcze szerzej zakrojony projekt wydawniczy pod postacią „Pomników Prawa Polskiego” i szyldem PAN działał już kilkadziesiąt lat temu, i planując dalsze wydawanie ksiąg ziemskich należałoby zastanowić się nad reaktywacją owej serii, w dziedzinie zaś edycji ksiąg sądowych miejskich oprzeć się można na serii „Fontes Cracovienses”. Podkreślili też, że dotychczasowa historia edycji średniowiecznych ksiąg sądowych w Polsce nie jest zupełnie pesymistyczna, a dorobek mistrzów epoki galicyjskiej wymaga kontynuacji.

Liczny udział krakowskich historyków średniowiecza i nowożytności w samym spotkaniu oraz toczona w jego trakcie dyskusja niewątpliwie potwierdza, że krakowskie środowisko mediewistyczne byłoby zdolne do podjęcia zadania, które tak sugestywnie zarysowali przed nim Referenci. Głównym problemem, jak słusznie stwierdził w dyskusji Z. Piech, może okazać się brak woli działania, niekoniecznie wynikający z braku

zainteresowania wydawaniem źródeł, lecz także z różnych, podnoszonych w dyskusji problemów utrudniających tworzenie szerokich zespołów badawczych pod szyldem jednej instytucji czy podających w wątpliwość praktyczną „opłacalność” angażowania się w projekty wydawnicze przy aktualnym systemie oceny dorobku naukowców. Nie sposób przy tym zaprzeczyć, że ewentualne zainteresowanie potencjalnych uczestników do przedstawionego przez Referentów projektu może zmniejszyć jego ograniczenie rzeczowe do ksiąg ziemskich i chronologicznie do średniowiecza, podczas gdy spora część badaczy krakowskich zajmuje się źródłami proveniencji miejskiej, w tym pochodzącymi z nie mniej od późnego średniowiecza zaniedbanego badawczo okresu nowożytnego (na przykład zespół prof. W. Uruszczaka w Katedrze Historii Prawa Polskiego UJ, kończący właśnie prace nad wydaniem XVI-wiecznej księgi karnej krakowskiej). Niemniej fakt ukończenia prac nad edycją pierwszej z dwóch niewydanych dotąd ksiąg ziemskich krakowskich z XIV wieku pozwala żywić nadzieję, że prace wydawnicze obejmą w najbliższej przyszłości także dalsze, w tym XV-wieczne, zabytki dawnego sądownictwa z grupy krakowskich i małopolskich ksiąg sądowych ziemskich.



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Legal history in the Czech Republic – report on Activities and Events in 2011

From the perspective of legal history, the year 2011 was very significant. Legal historians and Roman law researchers commemorated several important events connected to a very considerable anniversary. This major anniversary is nothing else but the 200th jubilee of adoption, and the genesis, of the Austrian General Civil Code (*Allgemeines bürgerliches Gesetzbuch*), commonly known as ABGB.¹

Several conferences on the topic of the Austrian General Civil Code and its anniversary (corresponding with the birth of the new civil code in the Czech Republic) as well as the one the topic of civil law in general were held. The first conference was organised by the Law Faculty of West Bohemian University in Pilsen. As the title *The Genesis of Private Law Codification and Its Ideological Background* suggests, the conference linked legal history with current issues and events, namely the new Czech civil code and other trends of the civil law theory. In the frame of this conference, the participants heard presentations touching upon the area of legal history and portraying the diversity of elements that may influence the process of codification – the obvious elements of Roman law but also more rare elements, such as canon law. Moreover, the comparisons with Jewish and Chinese law were made.

Another conference dedicated to ABGB was held at the premises of the Law Faculty in Olomouc, at Palacký University. The gathering on the topic of *200 Years of ABGB – from Codification to Recodification of Czech Civil Law* diverted from the legal history setting and dealt with present issues of civil law theory. Beside academics, practitioners from many areas were represented. The University welcomed specialists from Silesia and from Austria who contributed a great deal to the discourse about the fact that the ABGB is still in force and being applied in Austria.

The Law Faculty of Masaryk University in Brno organised the next academic conference focused on the anniversary of the Austrian General Civil Code. It was dedicated to the developments of civil law in general and the ABGB was only one of the research targets. Colleagues from Slovakia brought an insight into the efforts of codification,

¹ *Allgemeines bürgerliches Gesetzbuch* (946/1811 JGS).

however with no distinct relation to the timeframe. In general, the speakers dealt with civil law and its codification processes from the medieval times to modern time, including the newest Czech civil law codification.

In the autumn of 2011, the Law Faculty of Charles University held a conference about ABGB in Prague. The University received guests from countries where the ABGB used to be applicable as well as specialists from Germany. The conference was divided into two parts – a part focusing on legal history hosting among others specialists in Roman law and legal history, and a part dedicated to civil law, where experts on Central European civil law discussed the ABGB as such as well as the new codifications and the latest tendencies of the modern civil law theory.

Beyond the frame of this important anniversary, other events took place. Under the auspices of the Law Faculty of Masaryk University in Brno, the traditional meeting of Czech and Slovak Roman Law researchers on the topic *Actiones, Conditiones, Exceptiones* was held. This Roman Law Conference was focused on purely Roman legal issues, specifically on the closely bound substantive law and civil process. On the other hand, the contributions often exceeded the range of Roman law with respect to time and the field of study. They touched upon canon law or even the law that had been formed in medieval times. Later in 2011, an almanac comprising the contributions of speakers was published.²

The 7th International Seminar *The Roman Law and Present* on the topic *Juridical Terminology in Roman and Modern Procedural Law: Judicial Decision and Its Execution* was co-organised by the Law Faculty of Charles University in Prague and the Centre of Roman Law of the Russian Law Academy (Ministry of Justice in Russia). The first part held in Prague dealt with many aspects of Roman procedural law, among others the issue of rarely researched execution of judicial decisions. Furthermore, the speakers also presented the later developments where Roman law played a very important role as an inspirational source for law application and creation.

The Days of Law organised by the Law Faculty of Masaryk University in Brno focused this year on the topic of *Influencing the Sphere of Private Law by Public Law in the Past*. The speakers discussed mostly the relations between public law and private law in ancient legal systems, in Roman law system as well as in legal systems of modern and recent times. This overview brought key information and very valuable findings for the current legal theory and legal sciences in general.

In addition, the Law Faculty in Brno organised a *History Summer School* that brought together students interested in legal history. This year, the lectures concentrated on the topic *Private Law in the Changes of Time*.³ In 2012, the cycle will continue with *Inheritance Law in the Changes of Time*.⁴

In 2011, the results of academic work in legal history were presented in the form of many new publications. A short and concise overview of some of the latest publica-

² M. Židlická, P. Salák (eds.), *Actiones, conditiones, exceptiones*, Masaryk University, Brno 2011, p. 138.

³ The *History Summer School* was organised on the basis of the grant for the programme “The Development of Private Law in the Czech Republic” (GAP408/10/0363).

⁴ See lsd.law.muni.cz.

tions follows: *Bibliografia iuris romani criminalis*,⁵ by prof. Michal Skřejpek is intended for Czech legal historians as well as for foreign specialists, practitioners and legal researchers in other areas. It represents the results of a long research and gathering of bibliography in the domain of Roman criminal law. This publication is ordered according to key words and contains thousands of bibliographical data about different publications, articles and reviews written and published from the early modern period till last year. Moreover, it is completed by a digital media with all bibliographical data arranged into a database where it is possible to search according to different criteria and their combinations. *Bibliografia iuris romani criminalis* is of a significant benefit to all who are interested in Roman law and Roman criminal law or in modern criminal law and its developments.

The new book *Roman Private Law*⁶ by prof. Michal Skřejpek is a very elaborate publication that should serve as a textbook for the Roman law students. However, the publication is so thorough and information-rich that it may be considered to be a very useful source even for the Roman law researchers. The book is structured as a detailed, comprehensive and systematic summary. This method is regarded as very convenient for students preparing for their exams. Also, the second edition of *The Handbook of Roman Law Cases* was published. The handbook contains an ensemble of practical tests studied by the for Roman law students at the Law Faculty of Charles University in Prague.

In addition many publications dealing with the topic of Czech legal history were released. Professor Jan Kuklík produced the book entitled *The History of Czech Law in 1945–1989*⁷ intended for the expert public interested in Czechoslovak legal history as well as for students. *Nationalized Czechoslovakia*⁸ is the next publication written by Prof. Kuklík. It is concerned with the issues of nationalization, a legal institution often present in legal history of Czech lands. It portrays its development phases and individual characteristics according to the political environment and political setting that reached for nationalization in order to fulfil political goals. Professor Kuklík and several co-authors also prepared a publication called *The Long Shadows of Munich*,⁹ which touches upon the problems of the Munich Agreement. The authors decided to approach this matter from the angle of coping with the consequences of this event and revealed its various forms. The war has become also the main topic of the new book by Helena Petrův, *Legal Injustice*,¹⁰ which looks into the issues of the Jewish minority in Protectorate of Bohemia and Moravia. Its focus on legal questions and the questions of legal position and legal regime of the Jewish inhabitants is of a great importance. Pavel Maršálek dedicated his

⁵ M. Skřejpek, *Bibliographia Iuris Romani Criminalis*, C.H. Beck, Praha 2011, p. 912.

⁶ M. Skřejpek, *Římské soukromé právo, systém a instituce (Roman Private Law, Its System and Institutions)*, Aleš Čeněk, Plzeň 2011, p. 352.

⁷ J. Kuklík, *Dějiny československého práva 1945–1989 (The History of Czechoslovak Law in 1945–1989)*, Auditorium, Praha 2011, p. 426.

⁸ J. Kuklík, *Znárodněně Československo (Nationalized Czechoslovakia)*, Auditorium, Praha 2011, p. 444.

⁹ J. Kuklík, J. Němeček; J. Šebek, *Dlouhé stíny Mnichova (The Long Shadows of Munich)*, Auditorium, Praha 2011, p. 392.

¹⁰ H. Petrův, *Zákonně bezprávi (Legal Injustice)*, Auditorium, Praha 2011, p. 262.

new book *Under the Protection of Swastika*¹¹ to the administrative aspects of the German ruling in Protectorate of Bohemia and Moravia and its legal implications in general. A second edition of *The History of Czech and Czechoslovak Law since 1945*¹² by Karel Malý and other co-authors was released. This publication represents the fundamentals of the elder period of Czech legal history and is indispensable for students preparing for their exam in legal history. At last, it is necessary to note that a second edition of *The History of Anglo-American Law* by Jak Kuklík and Radim Seltenreich¹³ dealing with the roots and basic principles of the Anglo-American system of law was released in 2011.



¹¹ P. Maršálek, *Pod ochranou hákového kříže, Nacistický okupační režim v českých zemích 1939–1945 (Under the Protection of Swastika, The Nazi Occupational Regime in Czech Lands 1939–1945)*, Auditorium, Praha 2011, p. 305.

¹² K. Malý, *Dějiny českého a československého práva do roku 1945 (The History of Czech and Czechoslovak Law since 1945)*, 4th edition, Leges, Praha 2011, p. 640.

¹³ J. Kuklík, R. Seltenreich, *Dějiny angloamerického práva (The History of Anglo-American Law)*, 2nd edition, Leges, Praha 2011, p. 871.

MARIA Filipiak
(University of Göttingen)

Legal and constitutional history in germany in 2011

Max Planck Institute of European Legal History

7th–8th September 2011: The conference on the *Revolutions and political crime between the 12th and 19th century. Reactions of legal systems and legal-political discussions* was held. It was inspired by the cooperative research efforts of the *Politische Kommunikation von der Antike bis ins 20. Jahrhundert* doctoral college in Frankfurt and the European History Institute of Max Planck Institute.

14th–15th April 2011: The workshop on *Collectio Thesaloniensis and the bishop's rights* was held, organized by the Ancient History Department of the Goethe University in Frankfurt am Main, in cooperation with the *Law and the civilization of the first millennium* research division of the European Legal History Institute.

16th–18th June 2011: The 3rd Summer Debate on the collective research project on *The regulated self-regulation as viewed from a legal historian's perspective* was held. It focused on self-regulation in western civilizations at the turn of the 19th and 20th centuries.

11th–27th July 2011: The *Law, image and area: Visual and legal interpretations* workshop was organized, devoted to the problem of mutual perception, with a focus on perceiving law through symbols and imagery.

12th September 2011: Dr Rafał Mrówczyński held a lecture in the Higher School of Economics in Moscow, devoted to the *Changes in lawyer and solicitor self-regulation in the times of socialism and post-socialism. Poland and Russia – a comparison* [*Wandlungen der Selbstregulierung von Rechtsanwälten und Justitiaren in staatssozialistischer und postsozialistischer Zeit – Polen und Russland im Vergleich*].

24th–25th October 2011: *The Savigny international?* debate was held, devoted to translations of Savigny's work and his influence as detectable in the European countries in general.

15th–16th December 2011: A closed meeting of Ph.D. students participating in the cooperative project on “Jewish Holy Roman Empire” was organized. It focused on: legal and historical aspects and problems of the project. The meeting included subjects such as Jews in the German judiciary, Jewish trade regulations and the formation of ghettos.

Apart from debates, workshops and conferences, the Max Planck European History Institute was also engaged in the following long-time project: “Book printing and the European legal history between 1500 and 1800”. This project aims to catalogue all legal manuscripts created between 1500 and 1800, in order to create a sizeable legal-historical bibliography. It also researches the ways in which legal texts were created and distributed.

Apart from the aforementioned events a series of lectures dedicated to the “Rome and the World” project [“Rom und die Welt”] was held. Planned for the years 2010–2012, the project focuses on researching and analyzing the potential mutual influences and interaction between the Roman curia and the Catholic Europe in the Middle Ages and early modern times.

Recht auschaulich is a blog inspired by a book under the same title, penned by Klaus F. Röhl and Stefan Ulbrich. It features announcements and reports from the most important events related to legal history.

22nd–25th June 2011: The international legal iconographic conference in Tangermünde took place.

3rd–4th December 2011: The international *Imago, Actio, Justitia – Bilder, Körper und Handlungen des Rechts* conference was held at the Visual Arts History Institute in Berlin.

Other:

27th–29th June 2011: The Prince August Library in Wolfenbüttel organized the conference on *Legal manuscripts of the German Middle Ages – places of their creation and ways of their import* [*Rechtshandschriften des deutschen Mittelalters – Produktionsorte und Importwege*]. It was designed to assemble an interdisciplinary team of specialists, with the objective of researching legal manuscripts (with focus on those from Halberstadt) from the point of view of current legal problems. During four thematic sections (*Legal culture of the middle and late medieval period, Transfer and reception, Authors, works and their transmission* and *The media aspect of legal manuscript tradition*) public and private libraries of legal manuscripts, missals and incunabula were presented. The debate focused on the production, distribution and reception of manuscripts in the Middle Ages, with particular attention paid to such subjects as the motivations in creating manuscript collections, their geographic and institutional transfer and the role centres of education played in the transfer process.

Notable publications:

Eichler, Ernst und Heiner Lück publishing house released a book by I. Bily, W. Carls and K. Gönczi, *The Saxon-Magdeburg Law in Poland: Research into the History of the Law and the Legal Language* [*Sächsisch-magdeburgisches Recht in Polen. Untersuchungen zur Geschichte des Rechts und seiner Sprache*].

The 13th and 14th tome of the new edition of the *German Legal History Encyclopaedia* [*Handwörterbuch zur deutschen Rechtsgeschichte*] was published, edited by R. Müller and A. Karg.

Heiner Lück published the illustrated Dresden manuscript of the *Saxon Mirror* [*Sachsenspiegel*].

NORBERT VARGA
(University of Szeged)

Hungarian scholarly events in the field of legal history in 2011

Due to the recent Hungarian legal reforms, the Departments of Legal History of the Faculties of Law of several Hungarian universities had an opportunity to organize a series of conferences in 2011. The conferences mostly focused on some important legal institutions both in the area of private and public law. They were often designated to commemorate the introduction of these institutions. In some cases the conferences were exponential of the research conducted in the respective Departments. The present report provides a short review of the most important scholarly events. The report does not comprise all research currently made in the area of Hungarian legal history and presented at international and national conferences. The report relies on the preliminary feedback as provided by the Departments in question, and on their information about the conferences and workshops organized by these Departments.

The Faculty of Law of the Eötvös Loránd University (ELTE) held several conferences last year. During the series of scientific events called the Hungarian Science Festival in Budapest (held by the Hungarian Academy of Sciences), on the 11th of November, 2011, Prof. Dr. Barna Mezey, President of the University opened a conference entitled *Militarism and De-militarism in the Law Enforcement of the Nation of Hungary in the 19th and 20th Centuries*. Lectures were held by Dr. József Parádi (*Az egységes állami fizetési rendszer és a szakterületi rendfokozati rendszerek a polgári magyar állam rendvédelmébe* [The Unified National Payment System and the Professional Rating System in the Law Enforcement in the Nation of Hungary]), Dr. József Boda (*A katonai rang és függelmi rendszer használatának tapasztalatai a nemzetbiztonsági szakszolgálat tevékenységében* [The Experiences of the Use of Military Ranks and the Disciplinary System in the Professional Service of National Security]), Dr. Zoltán András Kovács (*A rendőrség és a csendőrség katonai alkalmazása 1944–1945-ben* [The Use of the Police Force and Military Police for Military Purposes in 1944–1945]), Dr. Gábor Csiha (*Demilitarizációs mozzanatok a magyar katonai igazságszolgáltatás történetében* [Circumstances of De-militarism in the History of Hungarian Military Judiciary System]), Sándor Zeidler (*A Magyar Királyi Nemesi Testőrség, a Magyar Királyi Darabont Testőrség, a Magyar Királyi Képviselőházi Őrség, a Magyar Királyi*

Koronaőrőség és a Magyar Királyi Folyamőrőség rangrendszerei [The Ranking Systems of the Royal Hungarian Patrician Guards, the Royal Hungarian Darabont Guards, the Royal Hungarian Crown Guards and the Royal Hungarian River Guards]), Dr. Sándor Szakály (*A csendőrtiszti karrier [The Career of Officer of Gendarmes]*), Dr. Sándor Főríz (*A rendvédelmi elvárások tükröződése négy ország rendőrtisztképzésében [The Expectations Towards Law Enforcers as Shown in the Training of Police Officers in Four Countries]*), Nándor Simon F. (*Párt és belügy: Munkásőrőség – a Munkásőrőség rangrendszere és függelmi viszonyai [Party and Internal Affairs: Militia – the Ranking System of the Militia and its Rating Relations]*), Dr. József Estok (*A büntetésvégrehajtási függelmi viszonyrendszer története 1867–2005 [The History of the Rating Relations in the Prison Law System in 1867–2005]*), and Dr. Roland Perényi (*A fővárosi rendőrség tagjainak II. világháború alatti tevékenysége az igazoló bizottsági iratok tükrében [The Actions of the Members of the Police Force of the Capital of Hungary During World War II, as viewed in the light of the Board Documents of Proof]*). The Department of Legal History of the Faculty of Law of the Eötvös Lóránd University collaborated with the Szemere Bertalan History of Hungarian Law Enforcement Scientific Company to organize this conference.

The Department of Hungarian Legal History also held the event called *Symbolische Kommunikation/ Szimbolikus kommunikáció [Symbolische Kommunikation/ Symbolic Communication]*.¹

The Department of Hungarian Legal History of ELTE also held an international conference from the 14th to the 16th of December 2011 called *Aktuelle Aspekte der Rechtshistorischen Forschung (Internationale Doktorandentagung)*. The international conference for PhD students was opened by Prof. Dr. Barna Mezey, and the following lectures were held during these three days: Dr. Dóra Frey: *Ein Sonderfall der Zwangsmigration während und nach dem zweiten Weltkrieg: die Sekler aus Bukowina* (Eötvös Loránd University, Budapest, consultant: Prof. Dr. Barna Mezey), Mag. Kathrin Tragauer: *Vertragspraxis des Ehegüterrechts im 19. Jahrhundert* (Universität Wien, Ausztria, consultant: Prof. Dr. Wilhelm Brauneder), Mike Bacher: *Die Bedeutung der Rechtshistorischen Schule und ihre Wirkungsgeschichte in der Innerschweiz* (Universität Luzern, Switzerland, consultant: Prof. Dr. Paolo Becchi), Sandra Berthel: *Die Geschichte des Täter-Opfer-Ausgleichs* (Universität Basel, Switzerland, consultant: Prof. Dr. Kurt Seelmann), JUDr. PhDr. Tomáš Gábris, PhD.: *Vornormative Wurzeln der Gerechtigkeit* (Comenius Universität Bratislava, Slovakia, consultant: Prof. JUDr. Jozef Klimko, DrSc.), Mgr. Jozef Malagyi: *Beziehung der Kirche und des Staates in der Tschechoslowakei 1918–1938* (Comenius Universität Bratislava, Slovakia, consultant: Prof. JUDr. Jozef Klimko, DrSc.), Imre Képešy: *Der Fall von János Esterházy* (Eötvös Loránd University, Budapest, consultant: Prof. Dr. Barna Mezey), Dr. PhDr. Jiri Sousa: *Einige aktuelle Themen der rezenten tschechischen Rechtshistoriographie* (Karls-Universität, Prague, Czech Republic, consultant: Prof. JUDr. Dr.h.c. Karel Maly), Verena Dorn: *Strafbarkeit von Hexerei und Magie nach dem Ende der Verfolgungen. Historische und dogmatische Aspekte* (Universität Augsburg, Germany, consultant: Prof. Dr. Arnd Koch), Judit Lenkovics: *Fragen der strafrechtlichen Verantwortlichkeit*

¹ B. Mezey (ed.), *Symbolic Communication*, Studies on Legal History 38, Budapest 2011, p. 80.

nach dem I. Weltkrieg (Eötvös Loránd University, Budapest, consultant: Prof. Dr. Barna Mezey) and Dr. Judit Beke-Martos PhD: *Die Beweise zeigen eindeutig, dass er seine Tat nicht während so eines Anfalls begangen hat [...] die Indizien genügen um festzustellen, dass er für seine Straftat verantwortlich ist* (Eötvös Loránd University, Budapest, consultant: Prof. Dr. Barna Mezey).

The Department of Legal History of the Faculty of Law and political Science of the Pázmány Péter Catholic University organised an international conference on 25th–26th of November 2011 (entitled *Die bundesstaatlichen Staatsorganisationen*). The conference was organized by Prof. Dr. István Szabó and Prof. Dr. Wilhelm Brauner. The first section was called *Der deutsche Föderalismus im XIX–XX. Jahrhundert*, and contained the following lectures: Prof. Dr. Hans-Christof Kraus (Universität Passau): *Das deutsche Kaiserreich als monarchischer Bundesstaat*, Prof. Dr. Ewald Grothe (Bergische Universität Wuppertal): *Der organische Föderalismus bei Hugo Preuss*, Dr. Magdolna Szigeti (Pázmány Péter Katholische Universität, Budapest): *Weimar der unitarische Bundesstaat*, Hans Kaiser (Bundesratsminister a.D. für den Freistaat Thüringen): *Der deutsche Bundesrat nach dem Bonner Grundgesetz*, Dr. Piotr Czarny (Jagiellonski Universität, Krakau): *Die Länderkammern in den Bundesstaaten und der deutsche Bundesrat*. The second section (called *Österreich und Schweiz*) was built up of the following presentations: Em. o. Univ. Prof. Dr. Wilhelm Brauner (Universität Wien): *Föderalismus in Österreich vor und nach 1918*, Em. o. Univ. Prof. Dr. Wilfried Posch (Universität für Gestaltung, Linz/Donau): *Die Frage der Hauptstadt in einem Bundesstaat*, Prof. Dr. Zoltán Pállinger (Andrássy Gyula Deutschsprachige Universität, Budapest): *Entstehung des schweizerischen Bundesstaates*, Dr. Elisabeth Berger (Universität Wien): *Liechtenstein: Vom Quasi-Kronland zum Staat*. The third section (called *Die Europäische Union*) hosted the following lectures: Prof. Dr. Ulrich Hufeld (Helmut Schmidt Universität, Hamburg): *Föderalismus und Staatsbankrott: Der Ernstfall in der bündischen Solidargemeinschaft*, Dr. Csaba Tamás (Pázmány Péter Katholische Universität, Budapest): *Die nationalen Parlamente und das Subsidiaritätsprinzip in der Europäischen Union*. The lectures during the fourth section, held on the second day of the conference (entitled *Föderalismus – Gedanken in Ostmittel-Europa*) were the ones as follows: Prof. Dr. Barna Mezey (Eötvös Loránd Universität, Budapest): *Föderalismus-Gedanke bei Ferenc Rákóczi*, Prof. Dr. István Stipta (University of Miskolc): *Lajos Kossuth: Die Donauer Konföderation*, Dr. Judith Balogh (Debrecen University): *Die Theorie der östlichen Schweiz (Oszkár Jászi)*, Prof. Dr. Srdjan Sarkič (Universität Novi Sad [Neusatz]): *Die Frage der bundesstaatlichen Staatsorganisation im Jugoslawien*, Prof. Dr. István Szabó (Pázmány Péter Katholische Universität, Budapest): *Die Frage der Staatlichkeit des Habsburger Reichs nach dem*.

The Debrecen University's Department of Legal History of the Faculty of Law also hosted several international events on different aspects of law. During the *Brazilian-Hungarian Conference* (on the 18th of February, 2011) Mr Wagner Antunes, Secretary of the Embassy of Brazil in Budapest, gave a presentation entitled *A Brazil gazdaság [The Economy of Brazil]*. Mrs. Dr. László Szűcs Dr. Katalin Siska also held a lecture, entitled *Brazil-Magyar diplomáciai kapcsolatok [Brazilian-Hungarian Diplomatic Relations]*. The presentation called *Pampa Egyetem bemutatása [The Introduction of Pampa University]* was conducted by Prof. Luiz Delfino Albarnaz, principal of the

institute. As a part of this series of events, the Department of Legal History held the *Eritrean–Hungarian Conference* on the 29th of September, 2011, where presentations were given by: Sába Tesfay, the appointed lecturer of the Department of Cultural Anthropology of the Eötvös Lóránd University (*Röviden Eritreáról [A Few Words on Eritrea]*) and Mrs. Dr. László Szücs Dr. Katalin Siska, whose presentation bore the title *Eritrea – Magyarország diplomáciai kapcsolatának története [The History of the Diplomatic Relations Between Eritrea and Hungary]*. In the course of the *Iraqi – Hungarian Conference* on the 26th of October, 2011, lectures were given by Dr. Diary Majid, Assistant Ambassador and Secretary of the Embassy of the Republic of Iraq called *Az Iraki Köztársaság kultúrájáról, társadalmáról, népviseletéről és földrajzáról [On the Culture, Society, Traditional Clothing and Geography of the Republic of Iraq]*, and by Mrs. Dr. László Szücs Dr. Katalin Siska called *Az Iraki Köztársaság és Magyarország diplomáciai kapcsolatának története [The History of the Diplomatic Relations Between Iraq and Hungary]*. During the course of the *Madagascan-Hungarian Conference* (27th of April, 2011), lectures were given by the Consul of the Consulate of the Republic of Madagascar, Mr Randrianasolo Lalarison Richard, Dr. Gabriella Farkas, whose presentation was entitled *Madagaszkári küldetés [The Madagascar Mission]*, and Mrs. Dr. László Szücs Dr. Katalin Siska with the title *A Madagaszkári-Magyar diplomáciai kapcsolatok [Diplomatic Relations Between Madagascar and Hungary]*. The *Moroccan-Hungarian Conference* was held on the 24th of March, 2011, Ambassador Moulay Abbes El Kadiri (the Great Ambassador of the Embassy of Morocco in Hungary) and Mrs. Dr. László Szücs Dr. Katalin Siska held lectures, the latter called *A marokkói-magyar diplomáciai kapcsolatok [Diplomatic Relations Between Morocco and Hungary]*. And finally, on the 11th of May, 2011, the *Turkish – Hungarian Conference* was held, where the audience could attend to the presentation of Güçyener Izzettin, Assistant Ambassador from the Hungarian Embassy of Turkey, and by Mrs. Dr. László Szücs Dr. Katalin Siska, whose lecture was entitled *A Török-Magyar diplomáciai kapcsolatok története [The History of the Diplomatic Relations Between Turkey and Hungary]*.

On the 24th of November, 2011, the Department of Hungarian Legal History in the Department of Law of the University of Szeged held a conference called the fifth conference of legal historians, *A polgári peres eljárás magyarországi fejlődéstörténete (Száz éve nyert elfogadást az 1911. évi I. tc.) [The History of the Development of the Civil Procedure in Hungary (The Hundred Years of the 1st Act of 1911)]*, in the centre of the Academic Committee of Szeged. It was the fifth time that Prof. Dr. Mária Homoki-Nagy organized this Conference of Legal Historians in Szeged. The members of the conference were greeted by the Dean, Prof. Dr. Imre Szabó, and Prof. Dr. Mária Homoki-Nagy. After that there followed the plenary presentations by Prof. Dr. Éva Jakab (*A polgári perrendtartás az ókori jogtörténet tükrében [Code of Civil Procedure Reflected in Ancient Legal History]*), Dr. Gábor Béli (*A legrégebb perrendet megörökítő magyar jogkönyv [The Hungarian Law Book Immortalizing the Oldest Legal Procedure]*), Prof. Dr. Barna Mezey (*A törvénykezés kérdései az Országbírói Értekezleten [The Questions of Jurisdiction During the Assembly of the State Judges]*), and Prof. Dr. Dr. h. c. József Ruszoly (*Választási bírászkodási eljárás a királyi Kúrián az 1899:XV. tc. szerint [The Procedure of Elective Judicature in the Curia, based on the 15th Act of 1899]*). After these presentations, the members split into two sections (the chair-

ing presidents of the first section were Prof. Dr. László Blazovich and Prof. Dr. Barna Mezey, and the chairing presidents of the second sections were Prof. Dr. István Kajtár and Dr. Gábor Béli) and described the most recent results of their research in the field of legal proceedings.

During the two days of the conference, the following lectures were delivered: Dr. Krisztina Delacasse: *Képviselési jog – képviselési kényszer (A perbeli képviselőre vonatkozó szabályok változása a PTR-től a Pp-ig)* [*Representative Law – Representative Compulsion (The Change of Rules on Legal Representation from the PTR to the PP)*], Dr. Tamás Antal: *A községi bírászkodás jogintézményei és a polgári perrendtartás* [*The Legal Institutions of Community Jurisdiction and the Civil Procedure*], Dr. Janka Teodóra Nagy: *A községi bírászkodás az 1911. évi Pp. szabályozásában és a joggyakorlatban – Bónis György és tanítványai tápéjogi néphagyománygyűjtése tükrében* [*Community Jurisdiction Based on the PP of 1911 and in Practice – Taking the Collection of Popular Legal Traditions by György Bónis and his Students Into Consideration*], Prof. Dr. István Stipta: *A pénzügyi közigazgatási bíróság eljárást érintő elvi döntései* [*The Decisions out of Principle in Connection with the Procedure of the Financial Administrative Court*], Dr. Levente Völgyesi: *A Pp-ben fellelhető jogorvoslatok intézményfejlődése a magyar jogtörténetben* [*The Institutional Development of the Legal Ailments in the PP in the Legal History of Hungary*], Dr. Attila Horváth: *A magyar polgári eljárásjog fejlődése 1945 és 1989 között* [*The “Development” of the civil procedure in Hungary from 1945 to 1989*], Prof. Dr. Elemér Balogh: *A polgári perrendtartás a magyar Alkotmánybíróság gyakorlatában* [*The Civil Procedure in the Practice of Constitutional Court of Hungary*], Prof. Dr. Béla Szabó: *A felső-magyarországi városszövetség 17. századi jogkönyvének eljárásjogi vonatkozásai* [*The Relations detectable in the 17th Century Legal Law Book of the Town Alliance of Upper Hungary in the Light of the Procedural Law*], Dr. Szilvia Bató: *Egy ismeretlen forráscsoport: magánjogi perkivonatok* [*An Unknown Group of Sources: Outlines of Civil Law Trial*], Prof. Dr. Mária Homoki-Nagy: *Az adóssági perek története* [*The History of Debt Trial*], dr. László Papp: *Polgári perrendtartás a szabadalmi eljárásban* [*Code of Civil Procedure on Patent Procedure*], Mrs Csaba Herger: *A házassági kötelék védelmét szolgáló intézmények az 1911. évi I. tc-ben a 19. századi előzmények tükrében* [*The Institutions Protecting the Marital Bonds in the 1st Act of 1911 and in Light of the Precedents from the 19th Century*], Dr. Ibolya Katalin Koncz: *A nőtartással kapcsolatos eljárásjogi kérdések az 1911. évi I. tc. alapján* [*Questions of Legal Proceedings in the Field of the Alimony of Women According to the 1st Act of 1911*] and Dr. Judit Beke-Martos: *Polgári eljárásjog az Egyesült Államokban* [*Civil Procedure in the United States*].²

The Graduate School (PhD) of the Faculty of Law of the University of Szeged held a conference on the 26th of November, 2011 called *Az új Alaptörvény és a jogélet reformja – The New Hungarian Constitution and the Reform of Legal Life – Das neue ungarische Grundgesetz und das Reform des Rechtslebens*, during which the following

² The publication of the Fourth Conference of Legal Historians: Mária Homoki-Nagy (ed.), *IV. Szegedi Jogtörténet Napok. Konferencia a bírói hatalomról és az állampolgárságról* [*Fourth Legal Historians' Day in Szeged. Conference on the Judicial Power and Citizenship*] Szeged 2011, p. 200. The Department of Legal History of University of Pécs published a conference volume in 2011: Gábor Béli et al., *Institutions of Legal History with Special Regard to Legal Culture and History*, Bratislava–Pécs 2011, p. 464.

lectures on legal history were held: Prof. Dr. László Trócsányi (the Ambassador of Hungary in France): *Az új magyar Alaptörvény létrejötte és fogadtatása* [*The Creation of the New Hungarian Basic Law and its Reception*], Dr. Norbert Varga: *Az országgyűlési képviselők összeférhetetlensége: egy sarkalatos jog történeti előzményei* [*The Incompatibilities of the Members of the Parliament: the Historical Predecessors of a Cardinal Law*] and dr. Mónika Nacsá: *Történeti alkotmányunk vívmányai: az új Alaptörvény egyes rendelkezéseinek jogértelmezési próbája* [*The Achievements of Our Historical Constitution: the Trials of Legal Interpretations of Certain Dispositions of the New Basic Law*].³

During the conferences held in 2011, the researchers in the field of legal history in Hungary gave an account of their own most recent results. Apart from this, lecturers from different Departments of Legal History attended several international conferences and held lectures there in the previous year. The effectiveness of these conferences is shown by the fact that the written accounts of several lectures delivered during these conferences were published in separate study collections.



³ The first volume published in the Graduate School in the Faculty of Law in Szeged: N. Varga (ed.), *Jog és Irodalom. Recht und Literatur – Droit et Littérature* [*Law and Literature. Recht und Literatur – Droit et Littérature*] [In:] É. Jakab, N. Varga (eds.), *Szegedi Jogász Doktorandusz Konferenciák I*, Szeged 2011, p. 195.

ROMAN SHANDRA
(Ivan Franko Lviv National University)

Brief review of scientific events in legal history in Ukraine in 2011

Researchers in the field of history of state and law occupy a significant position in the world of learning in the Ukrainian higher education institutions. Each year monographs in history of law are published and conferences are organized by Ukrainian scholars.

Thus, in 2011 a wide range of monographs dedicated to the history of various legal institutions were published in Ukraine. In this respect what is worth mentioning is a monograph by a professor of Mariupol State Humanitarian University Borys Kyndyuk *The History of Ukrainian Forestry. Periods of Liberation Struggle and New Economic Policy of 1917–1929*. This work is the first work in legal history exploring of the development of national forest laws in the period of liberation struggle in 1917–1921 and new economic policy. What was examined Law-making activities in the sphere of forestry as performed by the Russian Temporary Government, Central Council, Pavlo Skoropadskyi Hetman State, Directory, authorities of the state power in Soviet Ukraine and the Russian Socialistic Federal Soviet Republic.¹

Not only interesting but also substantial is a monograph by professor of Ukrainian Academy of Banking at the National Bank of Ukraine Volodymyr Sukhonis entitled: *The Institute of the Head of State under Republic: constitutionally-legal and historically-theoretical aspects*. In the work the history and theory of a republic and democracy related to it has been investigated, an existing state of a republican form of government in constitutional comparativistics terms has been researched; description of an atypical model of the institute of the head of state under a republican form of government is presented.²

Works by Lviv scholars play a significant role for the Ukrainian history of law. The assistant professor of Law and Psychology Institute at National University Lviv Polytechnic Lyubomyr Hryvniak published a monograph *Extreme Penalty: the research in legal history*. In this monograph a historically-legal analysis of grounds to apply ex-

¹ B. Kyndyuk, *Istoriya ukrains'koho lisovoho hospodarstva. Časy vyzvolnyh zmahan' ta period NEP 1917–1929*, Odessa 2011.

² V. Sukhonis, *Instytut glavy deržavy v umovach respubliky: konstytucijno-pravovyj ta istoriko-teoretyčnyj aspekty*, Sumy 2011.

treme penalty (death penalty) and denial to practice it has been made; methods of preventing judicial errors used in world practice while inflicting a death penalty have been considered; ways of resolving legal conflicts that appear during their application have been suggested.³

Under the supervision of Dean of the History of State, Law and Politically-Legal Doctrine Department, professor of Ivan Franko Lviv National University Borys Tyshchuk an abundant research in this sphere is conducted, manuals and monographs are published, scientific conferences are held annually. Thus, in 2011 a monograph by a young scholar and representative of Lviv School of Legal History Orest Popovych *Self-government Institutions and Lviv Armenians' Law in Ukraine in XIV–XVIII centuries* was published. The author has explored political and legal aspects of forming and functioning of Armenian communities in the territory of Ukraine under Polish realm and Polish-Lithuanian Commonwealth, ne studiegl a procedure of organization and operation of self-government al institutions in the Armenian communities, conducted a law analysis of sources of the Armenian law – Mkhitar Hosh Code of Law and Armenian Charter 1519.⁴

On the initiative of the Law Faculty at Ivan Franko National University, National University Odessa Law Academy and Lviv Laboratory of the Rights of Man and the Citizen at the Research Institute of State Building and Local Self-government of Jurisprudence Science Academy of Ukraine there is an international scientific conference of young scholars, post-graduate and students on *Topical problems of the theory and history of human rights, law and state* dedicated to the memory of such prominent legal scholars as Petro Nedbaylo, Oleksiy Surilov and Volodymyr Kopeychukov organized each year. It is held in turn in Odessa and Lviv. In 2011 (November, 18–19) the conference took place in Ivan Franko Lviv National University. More than 50 young scholars from Ukraine, Byelorussia and Russia took part in the conference. A collection of conference material, which included 50 reports, was published.⁵

The Law Faculty of Ivan Franko Lviv National University closely cooperates with the International Law Historians Association that functions in Ukraine from 1996. It was founded on the initiative of scholars from Kharkiv National University of Internal Affairs and Koretskyi Institute of State and Law at the Ukrainian National Academy of Sciences. The main department of the Association is situated in Kharkiv. Twice a year – in spring and autumn – the Association organizes a conference in history of law in different parts of Ukraine. A constituent part of conferences is designed to getting on insight into historical legacy of a certain region, within the program of the conferences there are: visits to archives, libraries, and museums, historical and cultural monuments.

In 2011 the International Law Historians Association held two conferences. The first – *Scientific Legacy of professor Volodymyr Kulchytskyi (1919–2009) and modernity* – was organized from April, 28 to May, 1 in Lviv. Co-organizers of the conference were Ivan

³ L. Hryvniak, *Vyszcza mira pokarannia: istoryko-pravove doslidzennia*, Kyiv 2011.

⁴ O. Popovych, *Orhany samovriaduvannia i pravo vormens'kykh hromad v Ukraini (XIV–XVIII st.)*, Drohobycz 2011.

⁵ *Aktualni problemy teorii ta istorii prav ludyny, prava i derzavy: Materialy Mižnarodnoi szczoričnoji konferenciji molodyh včenyh, aspirantiv i studentiv, prysvიაčenoji pamiaty vydatnyh včenyh jurystiv P.O. Nedbajla, O.V. Surilova, V.V. Kopečykova, 18–19 lystopada, m. Lviv*, Odessa 2011.

Franko Lviv National University, Koretskyi Institute of State and Law at the Ukrainian National Academy of Sciences, Kharkiv National University of Internal Affairs, History of State and Law Section of the Scientific Council at the Ukrainian National Academy of Sciences on fundamental legal researchers coordination and Ukrainian Law History Commission at Presidium of the Ukrainian National Academy of Sciences. The conference was dedicated to the memory of an outstanding scholar in history of state and law, author of more than 500 scholarly works, professor of the History of State, Law and Politically-Legal Doctrine Department at Ivan Franko Lviv National University Volodymyr Kulchytskyi (1919–2009). The conference brought together 83 researchers from different cities of Ukraine – Kyiv, Lviv, Donetsk, Odessa, Mariupol, Kharkiv etc., also scholars from Byelorussia and Russia. Based on the results of the conference a collection of 78 articles was published.⁶

The second conference – *Judicial Power in Ukraine and the World: history, modernity, prospects for further development* – was held in September, 16–18 in Saky at the Autonomous Republic of Crimea. A collection of conference material, which contains 68 articles, was published.⁷ Ukrainian scholars (from Lviv, Kyiv, Chernivtsi, Simferopol, Dnipropetrovsk etc.) as well as Russian ones participated in the conference. Altogether the representatives of 32 Ukrainian and 3 Russian higher institutions took part in the conference.



⁶ *Naukova spadszczyzna profesora V.S. Kulchytskoho (1919–2009) i sučasnist'*: materialy XXIV Mižnarodnoji istoryko-pravovoji konferenciji 28 kvitnia–1 trvnia 2011 r., m. Lviv, Lviv 2011.

⁷ *Sudova vlada v Ukraini i sviti: istorija, sučasnist', perspektyvy rozvytku: materialy XXV Mižnarodnoji istoryko-pravovoji konferenciji 16–18 veresnia 2011 p., m. Saky, Kyiv–Simferopol 2011.*