3RD CEELHC

# Central and Eastern European Legal History Conference

Cracow 2025

UNIWERSYTET JAGIELLOŃSKI W KRAKOWIE

UCZELNIA BADAWCZA
INICJATYWA DOSKONAŁOŚCI

CRITICAL HERITAGE Studies Hub

POLSKIE TOWARZYSTWO HISTORII PRAWA
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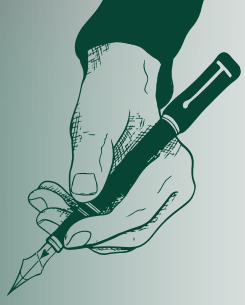
The Central and Eastern European Legal History Conference (CEELHC) will take place in Krakow from October 8-10, 2025. It will be hosted at the Faculty of Law and Administration at the Jagiellonian University in Cracow.

Die Central and Eastern European Legal History Conference (CEELHC) findet in Krakau vom 8. bis zum 10. Oktober 2025 statt. Es wird an der Fakultät für Rechtswissenschaften und Verwaltung der Jagiellonen-Universität in Krakau veranstaltet werden.

The Conference Programme is now avaliable: ceelhc.confer.uj.edu.pl



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Adamczyk, Andrzej
(Jan Kochanowski University of Kielce)

### → *Protection of Minorities in the Light of the Estonian Act on Cultural Autonomy of National Minorities of 5th February 1925*

Estonia's Act on Cultural Autonomy of National Minorities of 5th February 1925 allowed spokespersons for the German, Russian and Swedish minorities and other ethnonational groups numbering more than 3 000 the right to establish public-legal corporations of persons, constituted on the basis of voluntary enrolment by citizens on a national register. Solutions provided by this Act has been assessed as the fullest realization of the national-cultural autonomy concept as proposed by two prominent politicians of Austrian Social Democracy Karl Renner and Otto Bauer at the turn of the XIXth and XXth centuries who wanted to save the Habsburg monarchy from negative consequences of nationalism. In their view national communities should not be forced to adopt the culture of the majority, but should have the opportunity to develop their own cultural identity via their own national organisations, spanning the entire territory of their state, and having the status of a legal person governed by public law. The 1925 Estonian Act provided the foundation for the creation and development of German and Jewish agencies of cultural autonomy during the late 1920s and early 1930s. My presentation will focus on motives of the 5th February 1925 Estonian Act, its normative solutions and their qualification from perspective of Renner-Bauer concept and administrative law theory.

Alexandrowicz, Piotr
(Adam Mickiewicz University)

### → *Overlooked Sources: Legal Thought of Second Scholasticism in the Polish-Lithuanian Commonwealth*

Despite the growing interest in the School of Salamanca's global influence, the role of Polish-Lithuanian moral theologians in the development of early modern legal thought remains underexplored. This paper identifies the works authored by Polish-Lithuanian moral theologians, written and printed during the long 17th century, that

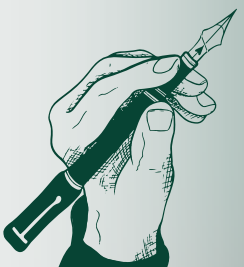
were related to the normative framework developed by the late scholastics. It examines to what extent their writings engaged with, adapted, or challenged late scholastic legal framework. The paper also provides an overview of the secondary literature and outlines directions for future research into these works. Arguably, a similar approach may be applied to other Eastern European regions by identifying local moral theologians and examining their works. Judging by their contents, eight printed works are of key importance for research on the legal thought of Polish-Lithuanian moral theologians: ‚O lichwie' by Martinus Smiglecius, ‚Summula casuum' by Samuel de Lublino, ‚Aequilibrium iustitiae' and ‚Typus verae religionis' by Marianus Costenus, ‚Ultima et maxima hominis mutatio' by Johannes Grużewski, ‚Praelectiones theologicae de iure et iustitia' by Thomas Młodzianowski, ‚Sententiae morales' and ‚Sententiae thomisticae' by Ferdinandus Ohm Januszowski. These may be supplemented with a few other treatises preserved only in manuscript form, and by moral theological writings that are less relevant from a juridical point of view.

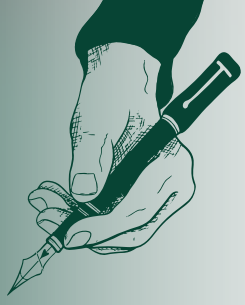
**Antal, Tamás**
(University of Szeged)

## → *Decision on the Disputed Parliamentary Elections in Austria and Hungary (1867–1949)*

The legal institutions of „electoral jurisdiction" – more exactly: verification, which usually means decisions on controverted mandates or elections – are often overshadowed by the rules of substantive (material) electoral law and procedures. The reason for this is that nowadays – because elections are held with the participation of great masses – the institutions mentioned are needed only in exceptional cases, and the annulment of mandates is rare. However, this was not the case in the historical past: this particular application of law, which constantly evolved and always influenced election results, has a much richer history than present. What is verification in the scope of science? An expert of this field, József Ruszoly – who dedicated a significant part of his work to the detailed exploration of Hungarian development – described it as follows: „Although electoral jurisdiction – the decision (judgement) on the validity of elections and/or parliamentary mandates – is connected









to the criminal law protection of elections in many institutional ways – thus, for instance, election crimes are mostly grounds for the invalidity of elections –, it is not identical with it. While the criminal law protection of electoral law and elections belongs to the branch of criminal justice, the decision on the validity of elections – whether based on complaint (petition) or initiated ex officio – is a matter for public law jurisdiction, which evolved, among others, from the latter institutions". At least a basic knowledge of the European models is essential to understand the domestic forms. There are three main development models: English, French and German. In the conference presentation two Central European states: the historical Austria and Hungary would be detailed, hence both of them accepted several versions from the second half of the 19th century to the end of 1940s according to their actual constitutional transformations.

**Balla, János**
(Ludovika University of Public Service, Budapest)

### → *Hybrid Civil Servants or Religious Priest Teachers? The Impact of Joseph II's Decrees on the Piarist Order*

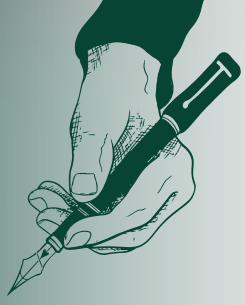
The aim of the lecture is to show the impact on the Hungarian Piarist Order of the seven-point draft decree sent by Joseph II in 1786, which essentially aimed at transforming the Order into a hybrid, but state rather than church-run teacher training institution. The activities of the Piarists were strongly supported by Maria Theresa and Joseph II, who entrusted them with the management of old and new educational institutions, and the „pious" order of teachers became one of the flagships of the Habsburg Empire. Paradoxically, this close, trusting relationship almost led to the dissolution of the Order in the Josephine decade, when the Emperor sought to exploit the Piarists by reorganizing the Order and employing its members in the state, creating conflicts among the Order's members over their loyalty to church and state. Although this was eventually prevented by scarce financial resources, the existential fear of dissolution and the loosening of the Order's bonds led many members to leave the community and pursue careers as diocesan priests or lay teachers. By contextualizing the hitherto unknown legal and historical sources, it is also worth summarizing the central reforms that were implemented, both more narrowly, on the earlier imperial decrees

affecting the Piarist Order, and more broadly, on the reorganization of the teaching orders, which already foreshadowed a modern, civil, and more likely centralized civil service in the history of education and teacher training in the Empire. The lecture also aims to shed light on contentious issues that were not clearly settled between the Catholic Church and the state - state teacher training, the salaries and pensions of priest-teachers, promotion, bonuses, etc. - and that Joseph II attempted to resolve - all without consulting the Holy See...

**Bathó, Gábor**
(Ludovika University of Public Service, Budapest)

### → *Maritime Law without Sea - Regulation of Nautical Issues in the Interwar Hungary*

After the Trianon peace treaty Hungary lost its direct connection to the sea and at the same time all of its warships and trade ships. However, it was one of the goals of the consecutive governments in the 1920s and 1930s to recreate the circumstances among which it was possible for Hungarian ships to appear on the seas of the world. The goal itself was very symbolic, because nobody could really anticipate that despite being landlocked and previously never being a sea power, Hungary makes itself a significant player on the world seas. There were some well-defined steps to reach the target. Firstly, after the interpretation of the framework given by the Trianon peace treaty, Hungary had to join the community of those countries, who made themselves modern by the most up-to-date regulations of nautical affairs. Hungary had to join some international treaties, originally designed by traditional sea powers, in favour of their interests, following their sea traditions. The most fundamental of such international treaties were signed, ratified and implemented by Hungary. Secondly, the national legal norms had to be adopted in a way that they serve the interest to attract international sea trade to Hungary. This was done by acts that were modern and somewhat further from the Hungarian traditions to adopt foreign models. Thirdly, the economic circumstances had to be defined in order to draw the attention of international sea trade companies. This target was also met by many excessive tax reductions and other financial benefits. At the end, the symbolic goal was reached, the Hungarian sea flag appeared on some of the seas, very slightly,



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but definitely. My paper shows the way how the legislation created the favorable circumstances highlighting the foreign models and its echo in the daily press based mainly on primary sources.

**Bató, Szilvia**
(unabhängige Forscherin)

## → *Österreichischer Einfluss oder heimische Tradition? Die Körperverletzung in der ungarischen Strafrechtskodifikation vor 1878*

In Ungarn war die Strafrechtskodifikation im Vergleich mit den westeuropäischen Staaten ein ziemlich verspätetes Phänomen. Vor der Revolution 1848 waren drei StGB Vorschläge (1795, 1830, 1843) ausgearbeitet worden, sie hatten aber nie in Kraft getreten, so herrschte das Gewohnheitsrecht in Ungarn weiter. In der Periode des Neoabsolutismus wurde das umgearbeitete österreichische Strafgesetzbuch in Ungarn eingeführt (1852). Nachdem der österreichische Kodex in Ungarn im Jahre 1860außer Kraft getreten hatte, griff die „JudexCurialkonferenz“ im Jahre 1861 nicht auf den Entwurf von 1843, sondern auf das nicht kodifizierte Recht vor der Revolution 1848 zurück. Die Rückkehr zum früheren Strafrecht führte zu chaotischer Lage in der Strafgerichtsbarkeit, deshalb wurde es dringender als je, ein Strafgesetzbuch auszuarbeiten. Unmittelbar nach dem Ausgleich (1867) berief der Justizminister eine Kommission zur Vorbereitung der Justizreform ein, deren Aufgabe war, den Vorschlag von 1843 zu überarbeiten. Mit dieser Aufgabe wurde Imre Csatskó (1804–1874) beauftragt, doch das Justizministerium wies Csatskós Entwurf aus unbekannten Gründen im November 1869 ab. Am Ende eines insg. elf Jahre andauernden Kodifikationsprozesses wurde der Kodex Csemegi, das erste ungarische Strafgesetzbuch 1878 verabschiedet. Nach den bisherigen Forschungen kann man in den frühersten Entwürfen starke österreichische Einflüsse beobachten. Das Vorbild für die Verfasser des Entwurfs 1795 war die Josephina (1787), und bei der Umarbeitung 1830 wurde das österreichische Strafgesetzbuch von 1803 berücksichtigt. Der Vorschlag von 1843 verkörperte eine Paradigmenveränderung: die Vorbilder der Regelung waren die deutschen Kodifikationsprodukte und Strafrechtswissenschaft. Csatskó war nicht nur Richter, sondern verfasste einen Kommentar zum österreichischen Strafgesetzbuch

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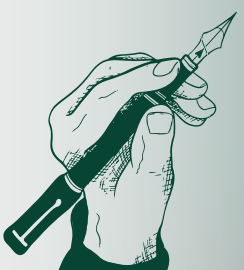
in der Periode des Neoabsolutismus. Vor diesem Hintergrund zeigt sich sehr interessant, die ungarischen Entwürfe mit den österreichischen Kodexen zu vergleichen. Der Vortrag analysiert das Regelungssystem der Straftaten gegen die körperliche Integrität in den österreichischen Kodexen (1787, 1803, 1852), Fachliteratur und in den ungarischen Kodifikationsprodukten (1795, 1830, 1843, 1869).

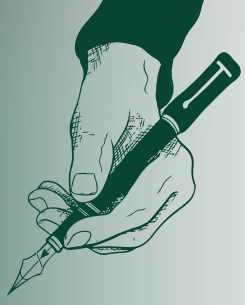
**Binder, Michael**
(University of Vienna)

### → *Ne Facile Homines ad Litigandum Procederent. An Analysis of Poenae Infitiationis in Roman Law*

In Roman law, several poenae (penalties) were established to prevent the misuse of the justice system by parties acting with bad intentions. These poenae are characterized in Iust. Inst. 4.16 as poenae temere litigantium, which are designed to discourage frivolous litigation. Poenae temere litigantium include penalties imposed on plaintiffs for initiating unnecessary lawsuits and on defendants for delaying payments owed to plaintiffs. A specific subtype of these penalties could be characterised as poenae infitiationis. The defendant could avoid such penalties by making a confession before the praetor (confessio in iure). However, if the defendant denied liability before the praetor (in iure), the praetor was required to appoint a judge (iudex), meaning the plaintiff could not immediately receive what was owed. In the context of poenae infitiationis, this (unjustified) denial before the praetor was penalized by obligating the defendant to pay additional compensation if a condemnation occurred. In my presentation, I aim to perform an exegetical analysis of the sources D. 9.2.2.1 (Gaius libro 7 ad edictum provinciale) and D. 11.1.11.3 (Ulpianus libro 22 ad edictum), where poenae infitiationis are discussed. Additionally, I want to explore whether a poenae temere litigantium could be avoided if the defendant confessed after initially denying the plaintiff's claim.







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Bokwa, Krzysztof
(Uniwersytet Jagielloński)

## → *Judicial Law-making in pre-1918 Austria on the Example of Non-pecuniary Damage*

The paper will analyse the regulation of non-pecuniary damage compensation in Austrian law during the Habsburg era (until 1918), with a particular focus on the jurisprudence of the Austrian Supreme Court in Vienna. Against the backdrop of competing Roman and Germanic legal traditions, the study examines how the restrictive provisions of the Austrian Civil Code (ABGB) of 1811 — permitting monetary redress for immaterial harm only in exceptional cases — were interpreted and applied in judicial practice. Central to the analysis will be the Austrian Supreme Court's (OGH) rulings, which reflected the evolving tensions between doctrinal conservatism and societal demands for broader protection of personal rights. Through a detailed examination of original case law, the paper will show how judges navigated the ABGB's limitations, often stretching statutory boundaries to address moral harm in cases involving defamation, bodily injury, or violations of dignity. Comparative references to 19th-century German and French legal frameworks will contextualize Austria's jurisprudential trajectory, while contemporary doctrinal debates among Austrian jurists shall highlight the ideological underpinnings of these judicial decisions. The following questions will be analysed: - What historical and philosophical rationale justified the ABGB's restrictive approach to non-pecuniary damages? - How did the Supreme Court reconcile statutory constraints with emerging notions of individual rights in its rulings? - To what extent did judicial interpretations influence legislative reforms during the 1914–1916 ABGB amendments? - Do these pre-1918 judicial practices retain relevance for modern debates on compensating immaterial harm? By prioritizing case law analysis, the paper will demonstrate how the Austrian Supreme Court's creative jurisprudence laid groundwork for later legal developments, while underscoring the enduring tension between codified norms and judicial discretion. This should reaffirm the significance of Habsburg-era judicial precedents in shaping contemporary understandings of personal rights and their legal protection.

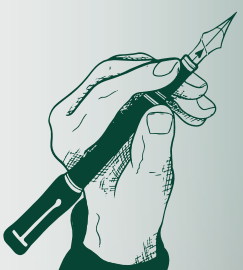
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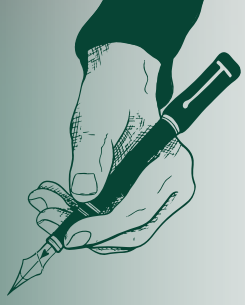
**Buchman, Bartosz**
(Universität Wien)

## → *Entwicklungen im europäischen Umweltrecht der 1970er-Jahre anhand ausgewählter Beispiele*

Das österreichische Umweltrecht stellt aufgrund seiner Breite eine durchaus komplexe Querschnittsmaterie dar. Die modernen Normen des nationalen Umweltrechts haben eines gemeinsam – die Rechtserzeugung erfolgt zunehmend auf Basis der Rechtsakte der Europäischen Union. Das EU-Umweltrecht ist omnipräsent und bildet einen integralen Bestandteil sowohl der rechtswissenschaftlichen Praxis als auch der Wissenschaft. Diese Omnipräsenz der europarechtlichen Normen im Bereich des Umweltrechts war allerdings nicht immer der Fall – im Vertrag zur Gründung der Europäischen Wirtschaftsgemeinschaft (EWGV) von 1957 war keine Kompetenz der Gemeinschaft für die Umwelt und deren Schutz vorgesehen. Die ausdrückliche Kompetenz für die Umweltpolitik wurde erst mit der Einheitlichen Europäischen Akte (Art 130r ff EWGV) eingeführt, die am 1.7.1987 in Kraft trat. Die Gemeinschaft war bereits in den 1970er Jahren im Bereich des Umweltrechtes rechtschöpferisch tätig. Die Maßnahmen erfolgten aufgrund von Art 100 EWGV – als Vorschriften „... die sich unmittelbar auf die Errichtung oder das Funktionieren des Gemeinsamen Marktes auswirken" – sowie als „geeignete Vorschriften" auf der Basis von Art 235 EWGV, „um im Rahmen des Gemeinsamen Marktes eines ihrer Ziele zu verwirklichen". Die zunehmende Bedeutung des Umweltrechts spiegelte sich auch in den nationalen Rechtsordnungen der mitteleuropäischen Staaten wider. Das Ziel des Beitrags ist es, anhand ausgewählter Beispiele die Entwicklungen des Umweltrechts im Mitteleuropa der 1970er-Jahre darzustellen. Die Methode basiert auf ausgewählten Case Studies, wie etwa der Rheinverschmutzung, der Seveso-Katastrophe oder einem Blick nach Österreich auf das Kernkraftwerk Zwentendorf. Näher untersucht wird vor allem der Zusammenhang zwischen Recht und politischen Bewegungen sowie der Einfluss der zunehmenden Wahrnehmung der Umweltproblematik durch die Öffentlichkeit.







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Ciutacu, Ionut
(Bucharest University of Economic Studies)

## → *The Role of the Village Community in the Emergence and Evolution of Romanian Feudal States*

The village community is the form of social organization that followed the gentile community. It was formed on the territory inhabited by the Geto-Dacians against the background of the disintegration of gentile relations and was based on territorial criteria. The new criteria did not have the effect of the disappearance of solidarity and equality that had existed for millennia in the Geto-Dacian society, but they contributed to their consolidation and manifestation in the form of the exercise of collective ownership of land, of joint work performed in the field of agriculture, of collective defense and of the equality of members of society in the collective decision-making process. These objective factors, which faithfully reflect the reality of the end of the 1st century BC, allowed local communities to successfully integrate into the Geto-Dacian state and to survive the conquest of Dacia by the Romans. The incorporation of a large part of the territory of the former Dacian state into the Roman Empire had the effect of imprinting certain features specific to Roman law, which were reflected in the structure of the governing bodies of the community in subsequent eras. After the Aurelian retreat, the village community was, for several centuries, the most important form of social organization in the Carpatho-Danubian-Pontic space. The solidarity and equality between its members helped it, once again, to adapt to the new realities, and allowed it, after the emergence of the first political formations, to preserve its identity within the Romanian feudal states and to represent a model for some legal institutions that emerged in early feudalism and in developed feudalism.

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Dąbrowski, Karol
(Maria Curie-Sklodowska University in Lublin)

### → *German Business Organizations / Public Economic Institutions in the Annexed and Occupied Polish Territories by Nazi Germany during the Second World War*

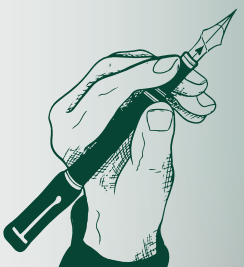
Poland was conquered by the Third Reich and the Soviet Union during World War II. Poland's territories were divided between Germany, the Soviet Union, and Lithuania and Slovakia in part. The Germans incorporated part of the Polish lands directly into the Third Reich. From the central and southern parts they created the General Government, a territory dependent on the Third Reich and ruled by Germans. The Germans in the General Government introduced their own economic order oriented toward meeting their needs (especially in agriculture and industrial production), exploitation (e.g. predatory logging) and exploitation (e.g. through starvation wages for workers). Part of this system were German business organizations and public economic institutions.

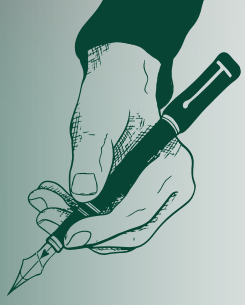
Divac, Una; Nikolić, Aleksa
(University of Belgrade Faculty of Law)

### → *The Institution of Ostracism – From Ancient Perception to Modern Application*

One of the institutions ancient Athens is famous for is the notorious procedure of ostracism. Its purpose was to serve as a democratic procedure aimed at individuals deemed a threat to the polis and its democracy. Initially conceived as a mechanism to prevent tyranny, ostracism gradually evolved in the 5th century BCE into a tool used by prominent politicians to eliminate their political adversaries, thus becoming a dangerous weapon in the hands of the ambitious. The result of ostracism was expulsion from Athens for a period of ten years. Although ostracism is primarily associated with ancient Athens, its modern application can be observed in Yugoslavia (Serbia) and Poland after World War II. Established under the guise of socialism, these states, with their strong ideological and anti-democratic orientation, were inherently hostile to any form of criticism against the ruling regime. The rigid communist ideology,









a repressive military-police apparatus, and the instrumentalisation of legislative power, formed the foundation of the political systems in Yugoslavia (Serbia) and Poland. However, thanks to prominent individuals, such as certain professors from the University of Belgrade and Lech Wałęsa with his “Solidarity” movement, these political systems faced criticism from independent, free-thinking individuals who, as a result, were shunned from public life and subsequently imprisoned. In other words, they were ostracized, but despite it, their role and influence were significant in transitioning Yugoslavia (Serbia) and Poland from authoritarian to democratic political systems.  The aim of this paper is to explain the history of ostracism and its application. While its form was different in antiquity and modern times (in antiquity, it was a legally defined procedure, while in modern times, it was more of an ideology usually found in totalitarian societies), its essence remained the same: it was a weapon used to persecute and expunge politically undesirable individuals from public life.

**Doubek, Vratislav**
(Department Political Science of Faculty of Arts Charles University, Prague)

## → *Die Schwäche des mitteleuropäischen Liberalismus im 19. Jahrhundert*

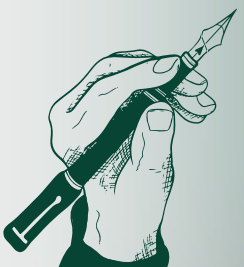
Der Artikel analysiert den österreichischen, tschechischen und polnischen Liberalismus der Mitte des 19. Jahrhunderts bzw. das liberale Denken in der Habsburgermonarchie und beschreibt seine Schwächen und Inkonsistenzen in Bezug auf die Frage individueller Rechte und Freiheiten.

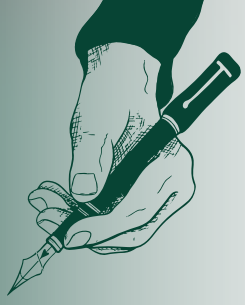
Eckhardt, Piotr
(Ignatianum University in Cracow)

## → *The Change in the Social Function of Article 138 of the Code of Petty Offenses Following the Change in the Political and Economic System after 1989 in the Context of the Theory of Karl Renner.*

Article 138 of the Polish Code of Petty Offenses imposes a fine on a person who, as a professional service provider, refuses to deliver services intentionally and unjustifiably. This provision remains unchanged since 1972. It was introduced as a tool to counter the speculation that occurred in a plagued by constant shortages centrally commanded planned economy, which was one of the basic features of the then-political system – state socialism. It was preceded by the 1957 Anti-Speculation Act. Article 138 survived the economic transformation of 1989 in its original form, although the establishment of a free market nullified its original ratio legis. However, this legal institution found another application. It began to be used as an anti-discrimination tool, which was widely publicized, i.a. in the context of the case of the printer from Łódź, which was handled by the Supreme Court and the Constitutional Tribunal. In this way, Article 138 has become a legal survival, a legal institution that has outlived the era in which (and for which) it was created. In the typology of legal survivals created by Rafał Mańko, the case of Article 138 should be classified as transubstantiation, where the legal form of the institution is retained while its substance (social function) changes. Article 138 can be analyzed not only as a legal survival, but also in the context of Karl Renner's theory, who in his work The Institutions of Private Law and Their Social Functions described the phenomenon of a change in the social function of certain civil law institutions with the emergence of capitalism in the 17th and 19th centuries. It is worth trying to answer the question of whether his theory is applicable to the institutions of public law in the case of the transformation of state socialism into capitalism in the 20th century.









El Beheiri, Nadja
(Pázmány Péter Catholic University)

## → *Wolfgang Waldstein: The Role of Roman Law in Shaping a Value-Based Society*

On October 17, 2023, the Austrian Professor of Roman Law, Wolfgang Waldstein, passed away. In addition to his academic contributions, he served as Dean of the Law School and later as Rector of the Paris Lodron University in Salzburg. Waldstein is regarded as one of the most significant legal scholars in the field of Roman Law in the second half of the 20th century. At the Catholic University in Budapest, we have received his legal legacy, which includes an extensive collection of correspondence with fellow legal scholars. Notably, this archive contains letters from scholars in countries that were behind the Iron Curtain at the time. The Roman Law Department has initiated a project to edit and annotate these letters, shedding new light on their historical and scholarly significance. In my paper, I will examine Waldstein's value-based approach to Roman law and his connections with scholars from Hungary, Poland, and Russia. Waldstein's scientific work was grounded in a precise interpretation of Roman legal sources. His methodological approach was shaped by the School of Realistic Phenomenology, particularly the ideas of Dietrich von Hildebrand. The letters he exchanged with leading figures in the field of Roman law reflect both academic discussions and organizational matters. These correspondences offer valuable insights into Waldstein's intellectual work and the broader scholarly discourse on the role of Roman law in legal thinking.

Erent-Sunko, Zrinka; Dikanović Lukić, Maria
(Faculty of Law University of Zagreb)

## → *Extramarital Union as a Changing Legal Institute - Transition from Socialist Legal Systems to the EU Legal System*

Extramarital union as a phenomenon and manifestation of social relations in the sphere of private life has existed since ancient times. However, as a legal institute with its effects, it can only be traced back to recent history. Of particular interest is its legal regulation in

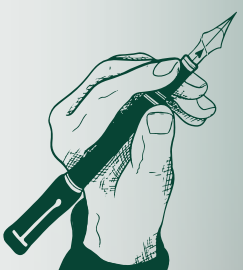
the countries of the socialist legal circle, as well as the changes that were (or were not?) accompanied by changes in the legal order in the 90s of the last century. The question is how much this institute contributed to the legal order of the European Union, i.e. whether and how many former socialist countries brought this institute as a legacy or adapted their systems to other (older) EU members. In this paper, we will deal with the determinants and regulation of extramarital union as a legally historical institution in selected socialist legal systems (Hungary, former Czechoslovakia, SFRY, etc.) and question its changes after the change in the legal-political system and membership into the EU.

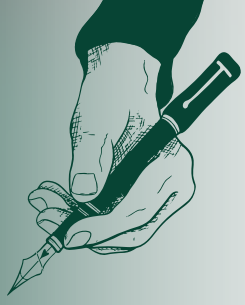
**Fillová, Petra**
(Masaryk University)

### → *The Criminal Commissions of the Local National Committees and Offences Against Socialist Coexistence in the 1960s in Czechoslovakia*

The contribution is focused on the criminal commissions of the local national committees and their decision-making practice on the administrative offences against socialist coexistence in Czechoslovakia during the 1960s.The first part of the contribution provides an overview of the structure and functions of the national committees, which were organs of state power. The second part of the article is devoted to the features of the criminal commissions of the local national committees and the criminal administrative proceedings. The following section analyses the types of administrative offences, with a special focus on those against socialist coexistence, and presents a selection of cases decided by the criminal commissions of the local national committees. Finally, the conclusion of the contribution offers an overview and an evaluation of the decision-making practices of the criminal commissions on offences against socialist coexistence in the 1960s.









Frînc, Maria
(Romanian Academy and Babeș-Bolyai University)

## → *Woman and Her Right to Inheritance in Medieval Transylvania. Quarta filialis*

Starting from the 13th century, medieval documents from the Kingdom of Hungary (of which Transylvania was a part) mention an inheritance right for daughters called quarta filialis. This law granted a daughter the right to inherit a quarter of her father's estate. If she was married to a nobleman, she received money instead. If the daughter married a landless man with the consent and will of her father or brother, she was to remain in possession of her filial quarter. However, if she acted without their will and consent, she was to be compensated in money. Marriage thus influenced the type of property a daughter could own. The significant role of matrimony in female inheritance placed this right under the jurisdiction of the Church. This legal practice of female inheritance was found in both the Kingdom of Hungary and Poland. Hungarian historiography emphasizes the idea of Hungarian influence on Poland's legal practice of female inheritance. In the proposed communication, I will address the practice of this female inheritance right in medieval Transylvania, emphasizing both the nobility's adherence to the legal norms defining quarta filialis, as well as the deviations from them. The jurisdiction over quarta filialis cases was a constant source of conflict between ecclesiastical and secular courts during the medieval period, and this aspect will also be discussed. Additionally, the possible influences of Roman, canonical, and customary law in shaping quarta filialis will be explored in this presentation.

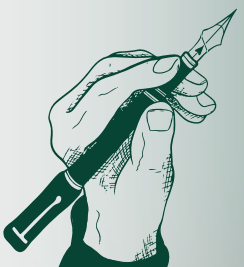
Gábriš, Tomáš; Laclavíková, Miriam
(Trnava University)

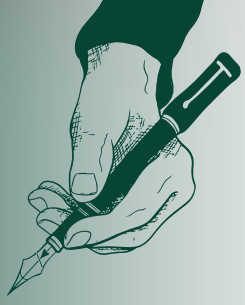
## → *Institutional Unification of Administrative Justice in Czechoslovakia in the Interwar Period (Problems, Challenges, Solutions)*

The emergence of administrative justice in Central Europe is associated with the second half of the 19th century, when its two basic types were formed: the South German and Prussian

models. The territory of Austria-Hungary was no exception, the institutional Austrian type of administrative justice being based on the South German model, that was subsequently taken over by the Czechoslovak Republic as the successor state of Austria-Hungary. For the territory of Slovakia (as a former part of Hungary), this meant the introduction of a new system of administrative justice, since the Hungarian system of administrative justice was based rather on the Prussian model. The Czechoslovak Republic, as a democratic state, considered it necessary to control the legality of the exercise of public power and administration. The significance and importance of administrative justice for the democratic Czechoslovak state is also evidenced by the fact that already the third law of the new state was the Act on the Administrative Court and the Resolution of Competence Conflicts (No. 3/1918). The adoption of the Constitution of the Czechoslovak Republic in 1920 created the conditions for modifying the administrative justice system. Still, the only administrative court was the Supreme Administrative Court, which decided on all complaints against illegal actions of administrative authorities. The control of decisions of administrative authorities at a lower level was exercised at the regular courts. The problem that we will point out in the article is related to the situation characteristic of almost all successor states of the Austro-Hungarian Empire. The reception of different legal norms and the reception of different administrative and judicial organizations challenged the requirement of stability within the state and thus also disrupted the ideals of the Versailles peace system. For the territory of Slovakia as part of Czechoslovakia, the stabilization and transformation of the legal, administrative and judicial system was linked to the requirement of unity and institutional, administrative, legislative, judicial and legislative unification. The decision-making practice of the Supreme Administrative Court of Czechoslovakia in relation to complaints against decisions of administrative bodies from the territory of Slovakia will show us closer to the limits of the atempts at unification and its complexity (the diversity of legal cultures and sources of law, the diversity of official and judicial practice, the linguistic specificities of many norms, personnel problems in offices and courts, etc.), during the short but inspiring twenty-year period of Czechoslovak interwar democracy.









**Gałędek, Michał**
(University of Gdańsk)

**Kucharski, Tomasz**
(Nicolaus Copernicus University in Toruń)

## → *Key Questions About the History of Inviolability of Property in Polish Lands at the Turn of the 18th and 19th Centuries*

The problem of the history and transformation of the protection of property rights in old Poland raises a number of questions and doubts. The Old Polish safeguard of inviolability of property was established for the szlachta by a general privilege issued by King Władysław II Jagiełło at Czerwinsk in 1422. Inviolability of property of the szlachta was highly respected in the Old Polish legal culture which led to its recognition as the 'cardinal law' of the Noble Republic. However, the question arises how was this principle understood by legal doctrine and executed in practice between 15th and 18th century? And how did the protection of property rights of municipal and ecclesiastical estates develop? Finally, the Constitution of 3 May 1791 confirmed all old privileges for the szlachta, however the burgesses gained the right to acquire landed property. Did this mean that the protection of their property began to be shaped on the same principles as the szlachta? After the fall of the Noble Republic, the issue of potential differences between estates in the scope of protection of property rights should no longer be a cause for doubt. Was this really the case? After the establishment of the Duchy of Warsaw by Napoleon in 1807, the issue was generally resolved by the new constitution, establishing equality before the law and ordering the introduction of the Napoleonic Code. What were the effects of these changes on inviolability of property in further legal acts and political debates? The Constitution of the Duchy of Warsaw of 1807 lacked regulations guaranteeing inviolability of property. Instead, they were found in the Constitution of the Kingdom of Poland of 1815. At the same time, with the creation of a modern state adhering to etatist policy the issue of expropriation became the center of attention. All of these changes raise the main question of our research: to what extent had the experience of inviolability of property for the szlachta in the Noble Republic survived and to what extent did it diverge from

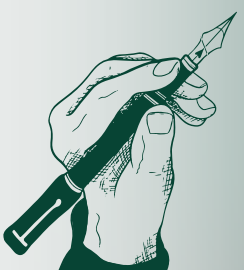
the guarantees of the inviolability of property in a liberal state ruled by (positive) law?

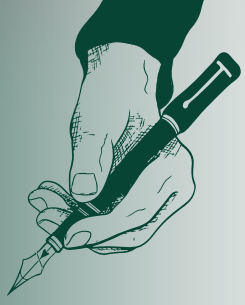
Gligić, Sanja
(University of Belgrade)

## → *The Influence of Hungarian Matrimonial Law on the Introduction of Civil Marriage in Serbia and Croatia*

Various legal solutions on marriage and divorce in Europe, during the validity of the Croatian-Hungarian settlement, were the result of the impact of the church. Under the influence of reformation, philosophy (especially scholasticism and the school of natural law), as well as the French Revolution marriage lost its religious character. Submission to religious rules was declared against the principle of freedom of conscience, which is the reason why Hungary in 1894 tackled the issue of secularization of marriage by introducing civil marriage. The legal particularism of the old Yugoslavia resulted in the inequality of citizens before the law and a multitude of hard-to-surmount obstacles in the realization of basic human rights to marriage, and especially to divorce. The only exceptions were the legal areas of Vojvodina and Rijeka where the Hungarian Marriage Law was valid. This was a modern law which provided the civil form of marriage and allowed free divorce. Although in these areas was the unity of Hungarian matrimonial law and the exclusive jurisdiction of the state courts, the church authorities, contrary to the existing law, arrogated to themselves jurisdiction in matrimonial matters and applied their canonical matrimonial law. This resulted in a large number of cases where someone was married under the law of one and unmarried under the law of another legal area, or his marriage was divorced under the law of one and not divorced under the law of another legal area. Since this created big problems in other branches of law, this article will introduce the consequences of this practice.







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Gołaszewski, Łukasz
(University of Warsaw)

## → *Selected Institutions of Old Polish Matrimonial Property Law in the Practice of the 17th Century Bielsk Land*

The records of the nobility courts functioning in the Polish-Lithuanian Commonwealth contain numerous and varied entries concerning property relations between spouses. The conclusion of a marriage was usually accompanied by the appointment of a dowry by the wife's relatives, which was paid to the husband. He, in turn, was obliged to secure its equivalent on his own immovable property, adding something from himself to this equivalent. The literature indicates that this was usually the equivalent of the dowry. Although the wife did not see this money with her eyes during her husband's lifetime, after her husband's death she could benefit for life from the property on which this sum was secured. Of course, this was not very convenient for the husband's heirs, who could buy these estates out of the widow's hands. Furthermore, the law allowed for an agreement between spouses whereby the one who outlived the other could enjoy all the estates of the deceased for life. These solutions were intended, on the one hand, to safeguard the widow and, on the other hand, to mitigate conflicts within the family caused by conflicting interests, for example, of the children from the first marriage of the deceased and the childless widow left behind. The aim of my research is to find out how the functioning of the legal institutions signalled above changed over the course of the 17th century. Were dowry payments not in arrears? How did its amount change? Did the husband actually add to the amount of the dowry a sum equal to its value? What percentage of spouses entered into the aforementioned agreement? Did it apply to all estates? The subject of this research will be the court records from the Bielsk land, some of which I am familiar with from earlier analyses.

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Górski, Kacper
(Jagiellonian University)

## → *Home Invasion (Invasio Domus) in Polish Land Law*

Among the offenses recognized in early modern Polish land law, one notable felony was home invasion (Latin: invasio domus, Polish: najście na dom), a serious criminal offense punishable by death. In my paper, I aim to characterize this felony by drawing on three types of primary sources: statutory law, legal writings of Polish jurists, and judicial practice of the Kraków castrensial court at the turn of sixteenth century. In the first part of my speech, I will outline the elements of this crime, namely the actions and circumstances that constituted the criminal act. These elements included: unlawful entry into a home, the use of violence (violentia), the shedding of blood within the home (obsanguinolatio, that is, homicide or enormous wound inflicted on a household member), and criminal intent. The second part will explore selected issues related to the interpretation of these elements. In the third and final section, I will examine the legal good protected by this felony: was it the sanctity of the home (or inviolability of the household), public security, or individual rights and freedom? These considerations will help answer the question whether the historical crime of home invasion, being a part of Polish legal heritage, can be regarded as the equivalent of the modern misdemeanor of unlawful entry into a dwelling under contemporary Polish law.

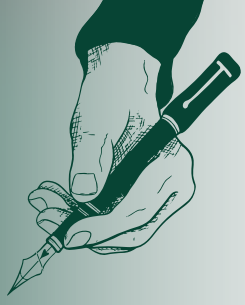
Graczyk, Konrad
(University of Silesia in Katowice / Institute of National Remembrance in Warsaw)

## → *German Summary Police Courts in Occupied Poland (1939-1945)*

In my paper I will present the issues of the activity of German police summary courts in occupied Poland. This issue will be presented in three areas: 1) German police summary courts in 1939 during the period of military administration; 2) German police summary courts in the General Government in the years 1939-1945; 3) German police summary courts in the territories incorporated into the Reich









in the years 1939-1945. I will present the normative regulation and the practice of their functioning, among others, on the example of summary courts from Ciechanów, Katowice and Warsaw. I will try to assess the standard of proceedings before them and estimate the scale of their activity. I will define the scope of their competences and the center of gravity of their rulings. I will answer the question of whether combating the resistance movement was the most important part of their activity. During my presentation, I will present original documents illustrating the activities of police summary courts (minutes of sessions, announcements of verdicts). The issue of post-war responsibility of members of police summary courts will also be discussed.

**Homoki-Nagy, Mária**
(Universität Szeged)

## → *Die Entwicklung des ungarischen Privatrechts zwischen dem ABGB und dem BGB*

Die Revolution von 1848 veränderte nicht nur die ungarischen Verfassungsverhältnisse und die Gesellschaft, sondern brachte auch die Abschaffung des gebundenen Eigentums und die Umgestaltung eines großen Teils der privatrechtlichen Institutionen mit sich. In Ermangelung eines einheitlichen Privatrechtsgesetzes wurde am 29. November 1852 der so genannte Aviticitätpatent verkündet. Damit wurde das Schenkungssystem nach der Abschaffung der Aviticität und Herrschaftslasten abgeschafft. Das ABGB trat dann am 1. Mai 1853 in Kraft. Das ABGB hat sich vor allem in der Schaffung von zivilrechtlichen Eigentums- und Besitzverhältnissen und in der Festigung des Rechts auf freie Verfügung unter Lebenden und im Todesfall niedergeschlagen. Das Oktoberdiplom brachte eine Veränderung im verfassungsrechtlichen Leben zwischen Österreich und Ungarn. In dieser Situation erzwang die Tätigkeit der Judexkurialkonferenz einen neuen Wandel in unseren privatrechtlichen Beziehungen. Obwohl das System des gebundenen Vermögens nicht wiederhergestellt werden konnte, wurden im Bereich des Erbrechts Regeln eingeführt, die das Verfügungsrecht im Todesfall einschränkten. Nach der Österreichisch-Ungarischer Ausgleich schien die Ausarbeitung eines Privatrechtskodex unumgänglich. Einige der Juristen schlugen

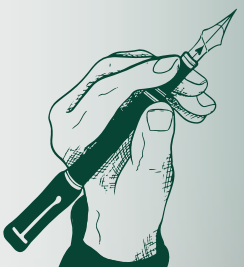
die Wiederinkraftsetzung des ABGB vor, andere konzentrierten sich auf den deutschen Privatrechtskodifizierungsprozess und betonten insbesondere die Bedeutung des Dresdner Entwurfs. Nicht wenige betonten die Notwendigkeit eines eigenen ungarischen Zivilgesetzbuches. Es stellt sich die Frage, wie die gerichtliche Praxis vor dem Hintergrund der Kodifizierungsarbeiten zur Entwicklung der privatrechtlichen Institutionen beigetragen hat. Die so genannte „ständige Gerichtspraxis", die in den Begründungen der einzelnen Urteile zum Ausdruck kam, berücksichtigte die Veränderungen im Alltagsleben und wie diese die Vertragswelt beeinflussten, welche neuen, benannten Verträge auftauchten, deren Inhalt tatsächlich von der Gerichtspraxis geprägt wurde. In dem Vortrag werde ich die Veränderungen im ungarischen Privatrecht in der zweiten Hälfte des 19. Jahrhunderts anhand von Gerichtsurteilen in Archiven darstellen.

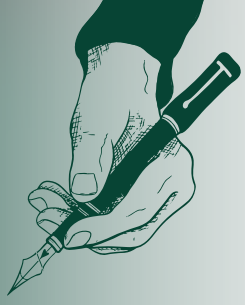
**Jan, Rudnicki**
(University of Warsaw)

### → *Roman Law in the Jurisprudence of the Supreme Court of The Republic of Poland, 1917-2025*

The paper will have three authors (and presenters): the person submitting the topic and: Antonina Bartosiewicz (student of the University of Warsaw) Marta Brodziak (student of the University of Warsaw) The presence of references to Roman law in the contemporary legal and political discourse is clear and evident. There is a vast number of examples that can be cited to confirm this. However, the question arises regarding the actual role of those sentences, as well as their quality, i.e., above all, their substantive correctness and sense. In order to at least partially answer these questions, our team will analyse a wide sample of the jurisprudence of the Polish Supreme Court from the entire period of its existence, since 1917. In the paper, we will try to answer the question of what the actual role of references to Roman law is in the Court's reasoning, and consequently, in the entire legal discourse, of which the jurisprudence of higher courts is the most important and influential element. Secondly, the substantive value of these references will be examined, which will contribute to the development of theses about the actual place of Roman law in legal education, which is formally taught at all law faculties in the country.







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Jasiński, Wojciech
(Polish Academy of Sciences)

## → *Critical Analysis of the Oldest Land Book of Poznań 1386-1400 – Project Outline*

Historians, linguistics, language historians and regionalist for over 140 years are interested in Greater Poland Land Books. Although, they research them for such a long period of time, this sources still offer precious and unused scientific potential. No one analysed the oldest Land Books of Poznań, which contains notes from the period of 1386-1400. We don't possess a deep and full of details picture of how this Land Court of Poznań functioned in the oldest to us available period of time. This causes that many questions regarding the functioning of Land Court in Poznań then remains without any answers. How did this court function? Did the court office function in this period? What does this source tell us about the society of Greater Poland and especially Poznań and its surroundings? Yet historians used the Lesser Poland Land Court model to describe the overall functioning of that type of court. Historians, who created this picture also used the information from the later period and didn't pay enough attention to what happened in the older times. The researchers used the Greater Poland Land Books while creating entries to various types of scientific dictionaries like The Historical and Geographical Dictionary of Polish Lands in the Middle Ages. I think I can still use the oldest Land Book of Poznań to better know the history of Greater Poland in the end of 14th century. In my paper I want to present the outline the project of critical researching the oldest Poznań Land Book. I wish to first analyse each note one by one and then to analyse the in a various group. Those analysis will allow me to create the picture of Land Court judgement in this period of time. This study will allow me to look at the society.

2025

**Kabát, Jan**
(Independent scholar, Czech Republic)

### → *The Slavic Code of Private International Law and Its Discussion at the First Slavic Lawyers' Congress in Bratislava*

The almost forgotten First Congress of Lawyers of Slavic States, held in Bratislava in 1933, was a joint event of Czechoslovak, Polish, Bulgarian, and Yugoslav lawyers symbolically chaired by the professor of Jagellonian University Kazimierz Władysław Kumaniecki. It sought, among other goals, to enhance legal cooperation among Slavic states, particularly in Private International Law. A key outcome was a resolution to prepare a joint proposal for the unified Slavic Code of Private International Law (Codex vel conventio juris privati internationalis Slavorum), which was intended to be inspired by the Polish Act No. 581/1926 and the 1931 Czechoslovak Civil Code draft. The initiative aimed to harmonize conflict-of-law rules across Slavic legal systems. To this end, a commission was established during the Bratislava Congress to develop the proposed codification. This paper aims to reflect the ambitions of interwar Slavic legal cooperation in the context of the Bratislava Congress, its background, discussions, and the broader implication of its legal harmonization attempts in the field of Private International Law.

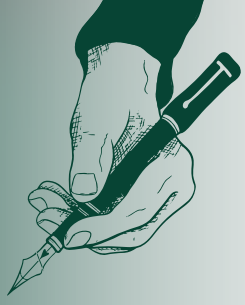
**Kainka, Patricia**
(Universität Osnabrück)

### → *Galizische Romanistik des 19. und frühen 20. Jahrhunderts*

Mein Dissertationsvorhaben behandelt die galizische Romanistik des 19. und frühen 20. Jahrhunderts und ihre Bedeutung im Kontext der mittel- und osteuropäischen Rechtsgeschichte. Als galizische Romanistik definiere ich die polnischsprachigen Werke zum römischen Recht, die Rechtswissenschaftler aus dem Kronland Galizien der österreichischen Habsburgmonarchie, dem heutigen Süden Polens und Westen der Ukraine, im 19. und frühen 20. Jahrhundert verfasst haben. Ich möchte untersuchen, welche Ansichten galizische Romanisten in ihren polnischsprachigen Werken zum Verständnis, zur Methodik und zum Nutzen des römischen Rechts für die Universitätslehre gehabt und ob sie







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diese Ansichten auch in den deutsch-österreichischen Diskus der Romanistik eingebracht haben. Eine zentrale Frage ist, ob galizische Pandektenlehrbücher eine eigene rechtswissenschaftliche Stilgattung bilden und inwiefern sie spezifisch polnische Rechtseinflüsse, eigene Rechtserkenntnisse oder eine unterscheidbare Originalität zu den deutschsprachigen Pandektenlehrbüchern aufweisen. Die Methodologie umfasst daher eine systematische und eingehende Analyse der galizischen Pandektenlehrbücher und einen Vergleich mit deutschen Pandektenlehrbüchern. Ich möchte differenzieren, welche Gedanken klassisch römisch, deutsch-pandektistisch oder originär den galizischen Pandektisten zuzuschreiben sind. Damit möchte ich aufzeigen, ob galizische Pandektisten andere Ansichten als die deutschen Pandektisten vertraten oder ob sie ihnen weitestgehend entsprachen. Zudem möchte ich die Bedeutung der galizischen Pandektenlehrbücher, die als Lehrmaterial in der Universitätslehre verwendet wurden, für die Bildung einer polnischen Rechtsterminologie und Polonisierung der galizischen Universitäten untersuchen. Ebenso möchte ich die Ansichten der Kritiker der Pandektistik in Galizien mit einbeziehen, die in ihren polnischsprachigen Werken für eine Umgestaltung der Universitätslehre weg von den Pandektenvorlesungen hin zu einer rein historischen Untersuchung des römischen Rechts plädierten. Dadurch möchte ich die Rechtsentwicklung weg von der Pandektistik hin zur rein historischen Romanistik skizzieren und mit der Rechtsentwicklung im deutschsprachigen Diskurs vergleichen. Die Ergebnisse meiner Forschung sind bedeutend für das Verständnis der Rechtsgeschichte in Mittel- und Osteuropa. Eine Analyse der galizischen Romanistik kann neue Perspektiven auf die Entwicklung der polnischen Rechtswissenschaft und -lehre aufzeigen.

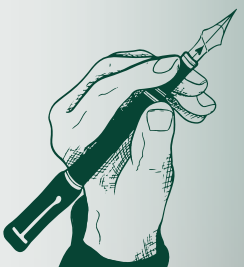
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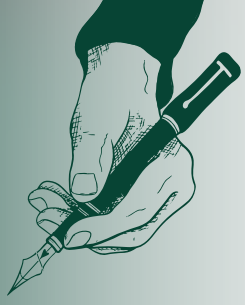
Kamińska, Paulina; Mataniak, Mateusz
(Jagiellonian University)

## → *The Grand Council of the Jagiellonian University (1818–1845) in the Light of Source Materials from the Jagiellonian University Archives.*

The Grand Council of the Jagiellonian University was a body operating during the period of the Free City of Cracow (1815–1846). It was the supervisory factor over the University and also the highest authority in university affairs. It was established under the so-called Organic Statute of 19 March of 1818. It included the president of the Ruling Senate as chairman, the bishop of Cracow, a senator elected by the Ruling Senate, the rector of the Jagiellonian University, a delegate of the Assembly of Representatives as well as the conservators of the Jagiellonian University, i.e. representatives of the so-called Three Welfare Powers (Austria, Prussia and Russia). The latter very often used their trusted deputies, recruited from among the local elite. The establishment of the Grand Council was the result of a compromise between the tendency to guarantee the University full independence, represented by Ernest W. Reibnitz, the representative of Prussia, and the desire to secure the influence of the Ruling Senate. The spokesman for the interests of the government authorities was Ignacy Miączyński, acting on behalf of Nikołaj Nowosilcow; he worked closely with the President of the Ruling Senate, Stanisław Wodzicki, in this regard. The Grand Council was the University's main oversight body. It was to intervene in case of disputes, agree on basic school policies, and had the authority to amend University statutes. The composition of the Grand Council was expanded in 1821 under provisions issued by the ruling Senate to increase oversight of the University. The first stage of the Great Council ended in 1826 with the issuance of the so-called Superintendent's Statute, drafted on the initiative of Nikołaj Nowosilcow. However, source materials show that the Grand Council resumed its activities in 1831 and continued, with much less frequency, until 1845. The critical edition of the minutes of the meetings of the Great Council is a contribution to the study of the history of the Jagiellonian University during the period of the Republic of Cracow (1815–1846), as well as the organization of the administration of education in the Polish lands in the first half of the 19th century.









Kanecki, Oskar
(Pomeranian University in Słupsk)

### → *Kämmerersgerichte des Großfürstentums Litauen im 18. Jahrhundert (Sądy podkomorskie Wielkiego Księstwa Litewskiego w XVIII wieku)*

Kämmerersgerichte (sądy podkomorskie) wurden in Großfürstentum Litauen nach dem polnischen Beispiel eingefürt. Seit dem Jahr 1588 traf der Große Fürst die Wahl eines Kämmerers unter vier Kandidaten, die ihm durch die Kreiseinwohner vorgestellt wurden. Für effektive Erlassung von Entscheidungen konnte der Kämmer einen oder zwei Gerichtsvollzieher (komorników) wählen. Sie schwuren den selben Eid wie die Kämmerer. Ihre Rolle war das Entscheiden bei Grenzstreitigkeiten, die ihnen durch das Landgericht (sąd ziemski) übersandt wurden. Nach ihrer Übernahme begabten sich die Parteien auf den Streiboden, um die Dokumente und die existirenden Grenzzeichen einzusehen, um Zeugen ze vernehmen, um den Streitenden Parteien den richtigen Verlauf der grenze zu zeigen und dabei diesen Verlauf mit Zeichen, als auch mit dem vom Kämmerer unterschriebenen Grenzbrief zu bestätigen. Die aus diesen Streitigkeiten entstandenen Schäden sollten dann schon durch das Landgericht verhandelt werden.

Kaźmierski, Paweł
(Jagiellonian University/University of Jena)

### → *Education of "New Types of Judges" in East Germany and the People's Republic of Poland in a Comparative Approach*

Both in the Soviet Occupation Zone of Germany and in People's Poland, intensive efforts were made after World War II to educate a completely new generation of judges who would fulfill (more effectively than pre-war jurists) the ideological assumptions of the communist party regarding the administration of justice. For this purpose, law schools were established - unknown to the previous system of educating lawyers. Law schools operated in East Germany and People's Poland both at the central level (Potsdam-Babelsberg, Warsaw) and at the secondary level in several local centers. Although the scientific literature in Germany and - to a lesser extent - in

Poland devotes some attention to the issue of educating „new type judges", no holistic comparative studies have been conducted so far in relation to several countries of the Eastern Bloc. The preliminary research conducted showed that archival materials were preserved at the level of central law schools (Potsdam and Warsaw) as well as materials from local law schools (Schwerin and Szczecin). The state of preservation of the archival materials will allow us to compare the activities of both central schools and local "people's judge courses". The paper will present an outline of the research project. The implementation of the project will allow us to answer the following research questions: What were the similarities and differences in the theoretical model (education programs) and the practical approach to educating (scope of court practices) future "new type judges" in the GDR and the Polish People's Republic? What were the fates of law school graduates in the first years after completing their education? Did graduates of „law schools" become judges in the local justice system relatively quickly, replacing pre-war jurists? Did „people's judges" also hold responsible positions in the local justice system (e.g. as presidents and vice-presidents of courts)?

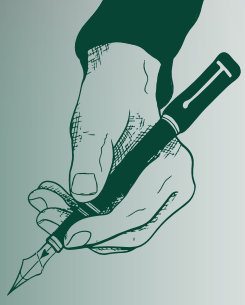
**Kelemen, Roland**
(Széchenyi István University)

## → *The Court of the Chief of the General Staff – Its Place in the Contemporary Hungarian Judicial System, Jurisdiction, and Practice*

Based on the authorization granted by Act III of 1930 on the Implementation of the Military Penal Code (Élt.) and Act II on National Defense, the Hungarian government established the judicial forum of the Chief of the General Staff in late October 1941 for the adjudication of a single statutory offense. The decree granted the Chief of the Hungarian Royal General Staff exclusive jurisdiction over the prosecution of treason under Section 59 of Élt. in so-called state security cases. The primary role of this court was to judge politically motivated actions, often with a predetermined outcome, disregarding procedural rules even in its own proceedings. This court stands as a unique entity in the history of the Hungarian judicial system. Hungarian public law scholars already struggled to position









regular military tribunals within the domestic court structure (for instance, Géjza Ferdinandy placed them outside it), and in recent decades, this particular court has been classified as a special tribunal within the military judicial system. This presentation aims to position this extraordinary judicial forum – one of great significance in the final years of the war – within the broader judicial organizational system. In doing so, it will examine the constitutional dogmatics of civilian Hungary while also considering the court's judicial practice.
Keywords: treason offense, Court of the Chief of the General Staff, special tribunal, separate court

**Képes, György**
(Eötvös Loránd University)

### → *Was Władisław III of Poland a legitimate king of Hungary?*

Following the death of Albert of Habsburg and before the birth of his son, Ladislaus, a group of Hungarian barons, including the highest dignitaries of the realm, invited King Władisław III of Poland to ascend the Hungarian throne. As the son of Grand Prince Jogaila of Lithuania (King Władisław II of Poland) and Zofia Holszańska, Władisław III's connection to the Árpád dynasty remains uncertain. Was Hungary functioning as an elective kingdom by 1440? What legal mechanisms governed the ascension of a Hungarian monarch in the 15th century? Finally, could Jogaila have been an Árpád descendant? This presentation seeks to answer these questions by examining late medieval and early modern sources, including legal texts, chronicles, and genealogical records, as well as relevant academic publications of our time.

**Képessy, Imre**
(Eötvös Loránd University)

### → *The History and the Legacy of the Conference of the Justice of the Realm of 1861*

In 1848, when the revolutionary waves of the Spring of Nations reached the Habsburg Empire as well, the Hungarian Parliament enacted 31 acts (the so-called April Laws) that transformed the

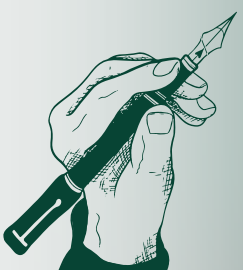
country into a constitutional monarchy. Shortly after that, a War of Independence broke out that Hungary had lost. The Hungarian Constitution was suspended, and many elements of the Austrian legal order were introduced in the 1850s. Until 1848, many private law institutions (based mostly on the Tripartitum) were common between Hungary, Transylvania, and Croatia. In the 1850s, when the ABGB was introduced by the Viennese Government in the Lands of the Crown of Saint Stephen, all of that changed. Fundamental changes were made also in criminal law, and the Austrian codes on criminal in civil procedure were also introduced in these lands. Furthemore, many legal instruments, that were envisioned by the April Laws originally, were realized by patents of the Emperor Franz Joseph. When the Emperor had opened to restoring the Hungarian constitutional order in 1860, the Hungarian legal order had to go through fundamental changes. As soon as the decision had been made that the Hungarian judiciary was to be revived, many newly formed courts of law began to base their judgements on Hungarian laws. The problem was that the Austrian laws enacted in the 1850s had made such fundamental changes to the Hungarian legal system that it was impossible to restore the Hungarian legal order of 1848. A conference was convened by the highest-ranking judge of the country, and they had to resolve this seemingly impossible situation. The aim of my paper is to explore, how did the Conference of the Justice of the Realm respond to the possibilities that were brought by the October Diploma? What circumstances were taken into account while drafting the so-called Provisional Judicial Rules? Why and how did became the return to the old Hungarian legal system a fundamental objective compared to the more advanced Austrian legislation?

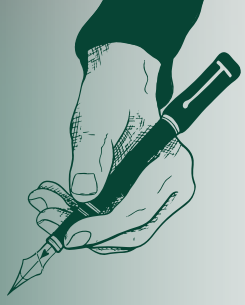
**Knapik, Julia**
(Independent scholar)

## → *Legal Protection of Polish Civil Servants in the Second Polish Republic*

The aim of this paper is to present and discuss the legal provisions governing the protection of Polish civil servants in the Second Polish Republic (1918-1939). The presentation is structured in three parts. The first section will explore the rationale behind the









establishment of regulations ensuring special protection for civil servants in the course of their official duties. Additionally, it will analyse the significance of legal protection from the perspective of state officials, highlighting why the ability to invoke such protection was regarded as a crucial privilege. The second part of the paper will focus on a detailed analysis of legal acts that guaranteed civil servants' protection under Polish law during the interwar period. This includes provisions regulating the status of the civil service as well as relevant criminal law regulations. Initially, matters related to legal protection were governed by the penal codes of Austria-Hungary, Prussia, and Russia. Following Poland's restoration of independence, the Polish legislator temporarily upheld these provisions due to the immediate challenges of codifying criminal law after over a century of partitions. Subsequently, attention will be given to the provisions of the Polish Penal Code, which came into force in 1932, assessing their role in shaping the legal framework for civil servants' protection. The final section of the presentation will compare the analysed regulations and evaluate their effectiveness. A question to be addressed is whether the 1932 Polish Penal Code drew inspiration from the legal frameworks of the former occupying powers. If so, the presentation will seek to determine which of these foreign legal traditions had the most significant impact on its final form.

**Kohl, Gerald**
(Universität Wien)

### → *Populäre Rechtsliteratur des 18. bis 20. Jahrhunderts - Rückblick und Ausblick / Popular Legal Literature of the 18th to 20th centuries - review and outlook*

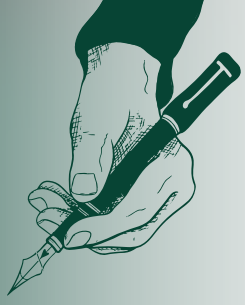
Popular legal literature from the 18th to 20th centuries is overshadowed by legal scholarship. Although popular legal literature contributed more to the dissemination of legal knowledge and had a greater influence on legal practice than genuinely academic publications, research into this phenomenon is still considered a niche topic. The applicant for the lecture has been working on this topic for decades; the lecture will combine stocktaking, recent findings and outlook.Die populäre Rechtsliteratur des 18. bis 20. Jahrhunderts steht im Schatten der Rechtswissenschaft. Obwohl die populäre Rechtsliteratur mehr zur Verbreitung juristischer

Kenntnisse beigetragen und auch die Rechtspraxis stärker geprägt hat als genuin wissenschaftliche Publikationen, gilt die Erforschung dieses Phänomens nach wie vor als Nischenthema. Der Vortragsbewerber beschäftigt sich damit seit Jahrzehnten; der Vortrag soll Bestandsaufnahme, rezente Erkenntnisse und Ausblick miteinander verbinden.

**Kok, Zoltán**
(Széchenyi István University)

### → *Was war im Bündel versteckt? Der rechtliche Hintergrund der deutschen Ansiedlungen in Ungarn in den 18-19. Jahrhunderten*

„Die Schwaben sind mit einem Bündel gekommen, sie sollen auch mit einem Bündel gehen" – Im Jahr 1945 wurde der verrufliche Satz von einem ungarischen Abgeordneten Imre Kovács im ungarischen Parlament ertönt, und wurde dieser Satz als Motto der Vertreibung verkündigt. Dieser Satz wurde schmerzhaften Erinnerungen wachgerufen mit dem Zusammenhang der Vertreibung der Ungarndeutschen. In meinem Vortrag möchte ich aber auf die folgenden Fragen eingehen: Was war im Bündel versteckt, womit die deutschen vor 300 Jahren nach Ungarn angekommen sind? Welche Motiven haben die Kolonisten insbesondere aus Südwestdeutschland im Verlauf des 18. Jhs. dazu veranlasst, nach Ungarn auszuwandern? Welche rechtliche Traditionen – wenn es so gefällt: Gewohnheitsrecht – wurden unter den Siedlern in ihren rechtlichen und gesellschaftlichen Zustanden erweitert? Das gewählte Thema, die rechtlichen Hintergründe der modernen Staatsbildungsprozesse und deren Erfahrungen zu verarbeiten, versucht teilweise, den weißen Fleck zu reduzieren, der die rechtlichen Hintergründe der Regulierung der deutschen Ansiedlung untersucht, da dieser Aspekt bisher nicht untersucht wurde ebenso vielfältig erforscht, wie die historischen Hintergründe, ebenso die kunsthistorische oder soziologische Aspekte. In diesem Sinne möchte ich vorstellen, welche theoretischen Rahmenbedingungen und praktischen Voraussetzungen (z. B. Unterschiede zwischen Siedlungsverträgen und Zentralsiedlungen) waren notwendig für die Entstehung schwäbischer bzw. von den Schwaben bewohnten Siedlungen. Wie entwickelten sich die im Vaterland existierenden





gesetzlichen Regulierungen im Rahmen des Absolutismus des 19. Jahrhunderts inwieweit wie verändert wurden im Zielgebiet.

**Kolumber, David**
(Masaryk University)

## → *The Dissolution of Czechoslovakia: Legal Paradoxes and Historical Lessons (1939 & 1992)*

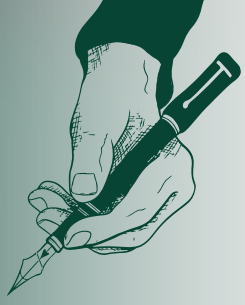
The dissolution of Czechoslovakia in 1939 and 1992 represents a rare opportunity to analyze the legal and historical dimensions of state extinction. Despite its profound implications, the process of a state's dissolution remains a neglected topic in both constitutional theory and legal history, often reduced to cursory mentions or broad categorizations. This lecture bridges these gaps by applying the principles articulated by the Badinter Arbitration Commission, initially established to address the breakup of Yugoslavia, to the Czechoslovak context. The Badinter Commission, which consisted of constitutional court presidents from several European countries, convened in 1991 and provided advisory opinions on legal questions arising from the disintegration of Yugoslavia. Its conclusions emphasized the role of effective public authority as a defining element of state existence. In the case of federations, it held that a state ceases to exist when central institutions can no longer impose their will across its territory without intermediaries. Applying these principles to Czechoslovakia reveals striking parallels and paradoxes in its dissolution during both historical periods. In 1939, the Second Czechoslovak Republic effectively ceased to exist on March 14 when Slovak autonomy and Ruthenian secession nullified the federal government's authority. Similarly, in 1992, Czechoslovakia's dissolution preceded its official termination on December 31. By October 1992, federal institutions, paralyzed by Slovak unilateralism in cases like the Gabčíkovo dam dispute, had lost their capacity to enforce decisions, reducing the federation to a nominal entity. This lecture contends that state extinction is not a discrete event but a gradual erosion of public authority, where formal declarations often lag behind practical realities. It critically examines how the Commission's framework could reinterpret these episodes, shedding light on the intricate interplay of constitutional principles, political realities, and historical contingencies. Doing so

offers a deeper understanding of the complex legal and political dynamics underpinning state dissolution.

**Komáromi, László**
(Pázmány Péter Catholic University)

### → *The Institution and Practice of the Referendum in the Communist Constitutions of the Eastern Bloc*

Modern direct democratic institutions first emerged and developed in the independent North American colonies, in revolutionary France and in Switzerland during the 19th century. In the 20th century, they were incorporated into the constitutions of other countries, such as the new democracies that emerged after the First World War. At the level of ideology, European communist institutions also promoted the exercise of power by the working people. The 1936 Stalinist constitution of the Soviet Union, for example, provided that the Presidium of the Supreme Soviet could order a referendum on its own initiative or at the request of a member republic of the Soviet Union (Art. 49). Several of the communist constitutions in Eastern Europe contained a similar provision (see e.g. Bulgaria: 1947 Constitution, Art. 17; Hungary: 1949 Constitution, Art. 20; Albania: 1950 Constitution, Art. 58). However, the possibility of a referendum was rarely used by the communist states: between 1945 and 1989 there were only a good dozen of national referendums. Some of these were held during the period of the communist takeover after World War II, others during the weakening of communist rule, and only exceptionally during the period of consolidated communist regimes. This presentation aims to present the constitutional background and the political context of these referendums, exploring the political objectives behind them, looking for similarities and differences.





Konarski, Marcin
(Independent scholar, Lublin)

## → *Personal Services of Prisoners of War and Deserters for the Polish Insurgent Administration during the Kościuszko Uprising in 1794*

War burdens in the form of personal services and in-kind contributions during the period of the first Polish national liberation uprising commonly known as the Kościuszko Uprising of 1794, directed against the Russian Empire and the Kingdom of Prussia, included, inter alia, the obligation to provide recruits, to perform certain works or provide services (construction of fortifications, trenches, entanglements, etc.), and to provide the insurgent administration with certain things for use, i.e. mainly the provision of food and forage, horses and podvodas and a range of materials needed for military purposes (clothing, building materials, etc.). Healthy prisoners of war and deserters, covered by the scope of this discussion, were employed for various tasks such as digging ditches, forging pikes, as shoemakers or bakers, or even in the production of explosives. They were also used for other work, including carrying sacks of grain to mills, so that the insurgent authorities did not have to look for and hire additional labourers, thus reducing the already high costs of warfare. The main objective and subject of the research is the analysis of the insurgent legislation, the organisational structure of the Polish insurgent administration responsible for directing prisoners of war and deserters to various kinds of work for the benefit of the insurgent administration, and the analysis of individual cases of such personal services performed by prisoners of war captured by the insurgent authorities and deserters of the enemy army who fled to the Polish side. Despite the fact that both prisoners of war - mainly Russian - and deserters were obliged to perform a number of the aforementioned physical tasks for the benefit of the Polish defence, it is worth emphasising that the Polish insurgent authorities, from the very beginning of the war of 1794, treated the prisoners of war in a humane manner, taking care of their food and trying to provide them with the most decent living conditions to the best of their ability. The subject matter of the analysis has not been widely researched to date, which makes this study innovative and original, while the discussion in the article is

based primarily on archival source material, mainly from the Central Archives of Historical Records in Warsaw.

Korporowicz, Lukasz
(University of Łódź)

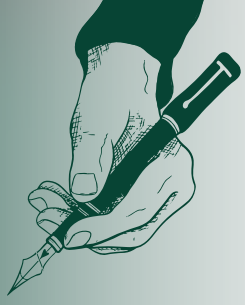
## → *Polish Perspective on Blackstone: A Review of Nineteenth-Century Polish Literature Concerning William Blackstone and His Commentaries*

Throughout the 19th century, there is observable evidence of a progressive increase in Polish endeavours to establish a legal science. This phenomenon, aligned with the global trends of the era, proves to be particularly intriguing, considering that it occurred during the partition period when the Polish state was non-existent. The legal scholars, who frequently were also historians or proponents of social sciences at large, sought various sources of inspiration for their scholarly deliberations. Typically, they examined and commented on legal concepts originating from prominent continental legal systems. However, some scholars extended their inquiries further. Throughout the entire nineteenth century, numerous instances of reference to English legal authors can be identified. Notably, references to William Blackstone are prevalent, despite the limited proficiency in the English language among Polish researchers at the time. In my paper, I endeavour to present several exemplary instances of references to William Blackstone's legal thought or his 'Commentaries on the Laws of England'. Additionally, I will assess the context of these quotations, as well as the thematic selection of Blackstone's passages employed by nineteenth-century Polish scholars.









CRACOW

Kosnica, Ivan
(University of Zagreb)

## → *The Concept of Private Ownership and its Transformation in Croatia from 1918 to 1941*

The subject of the paper is the concept of private property and its transformation in the territory of Croatia between the two world wars. The starting point of the research is the argument that the concept of private property on Croatian territories within the Kingdom of Serbs, Croats, and Slovenes, since 1929 the Kingdom of Yugoslavia, was regulated by the norms of the Austrian General Civil Code. These norms gave the concept of private property a central place in the legal system. This, basically, individualistic liberal position was under pressure due to the process of socialization of private law, which manifested itself in emphasizing the interests and needs of the community at the expense of individual rights of citizens. The paper points out the moments that contributed such transformation, starting with the norms of the Constitution of the Kingdom of Serbs, Croats, and Slovenes of 1921, the norms of the Constitution of the Kingdom of Yugoslavia of 1931, and other legal provisions that limited the right to private property in the interwar period. Among these provisions, we analyse the provisions on agrarian reform and the provisions that prohibited private owners from raising rents to tenants and prohibited them from evicting tenants from their apartments. In addition, the paper also analyses the doctrinal positions on ownership, which sought to present ownership not as a subjective right but as a social function. The basic idea of the paper is to position private ownership in a broader normative and ideological context and to point out its transformation during the interwar period.

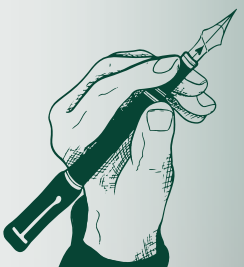
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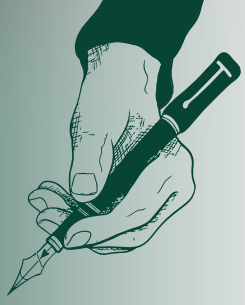
Kostecki, Dawid
(Kozminski University)

## → *In Search of Ukraine's Constitutional Identity - The Example of Filip Orlik's Constitution*

Philip Orlik's Constitution of 1710 is still one of the rarely explored topics. Among the first modern constitutions, it is common to mention the American Constitution (1787), the May 3rd Constitution (1791) or the French Constitution (1791). However, it is worth considering whether the period of the Third Northern War (1700-1721) saw a document that met the requirements of a fundamental law? There is an opinionio communis doctorum, that the Bender Constitution was inspired by the Henrician Articles. However, the maturity of the authors of the document in implementing the basic constitutional principles is, from a contemporary point of view, surprising. A formal-dogmatic analysis of the document allows one to conclude that the authors adopted the principle of the sovereignty of the people, the separation of powers and the balance of these powers, and proposed the administrative division of the projected Ukrainian state. The application of the historical method will make it possible to assess to what extent the influence of historical conditions determined that the Constitution of Filip Orlik is not spoken of as the first in Europe, but remains on the periphery of the historical sources of law?  Although the document has not won a permanent place in the history of European constitutionalism, for Ukraine it may constitute an identity element. Filip Orlik's work is a source of pride - an expression of opposition to the dictates of Russia. Now that the Ukrainian-Russian conflict has ended, the Bender Constitution may play an important role in the symbolic sphere of shaping the independence of a reborn free and sovereign Ukraine. It seems that the process of searching for Ukraine's national identity is unfinished, or at least will need to be modified. Philip Orlik's constitution as a democratic legal tradition can serve as an inspiration in the formation of Ukraine's new political reality.









Kovács, Bence Zsolt
(University of Miskolc)

## → *Same Director, Different Scripts: Nationalizations in the States of East-Central Europe as Legal Instruments for the Establishment of Soviet-Type Dictatorships*

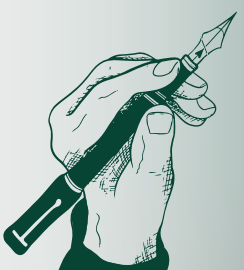
This research examines the process of nationalization in East-Central European countries that came under Soviet influence after World War II. It investigates how nationalization, as a legal instrument, contributed to the establishment of totalitarian regimes. The study adopts a comparative approach, analyzing legal measures and ideological underpinnings across Czechoslovakia, Poland, Hungary, and Romania. The research posits that nationalization was not merely an economic transformation but a fundamental element of the totalitarian state-building process. By converting private assets into state-owned property, regimes sought to dismantle pre-existing social and economic structures, suppress potential opposition, and consolidate power. The study aims to redefine the concept of nationalization from a legal-historical perspective, distinguishing it from expropriation and confiscation. Key questions include: What legal tools facilitated nationalization? Who were its subjects and beneficiaries? What categories of property were targeted, and how did the process differ between ecclesiastical, corporate, and private assets? How did Soviet practices influence nationalization strategies? The findings will contribute to a deeper understanding of the legal mechanisms underpinning totalitarian regimes and provide insights into the ongoing reprivatization debates in post-socialist countries. The research seeks to bridge country-specific narratives, presenting the region's shared historical experience within a unified analytical framework.

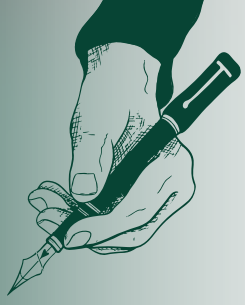
**Kovács-Szépvölgyi, Enikő**
(Széchenyi István University)

## → *From Poor Relief to Social Policy: The Role of Administrative Child Protection as an Expression of Hungarian Sovereignty during the Austro-Hungarian Monarchy*

The development of state-led child protection, particularly administrative child protection, in Hungary took place within the broader legal modernization process following the Austro-Hungarian Compromise (1867). Emerging from the domain of poor relief and gradually becoming an integral part of evolving social policy, the regulation of administrative child protection and the establishment of an institutional framework for the care and upbringing of children declared abandoned were influenced by foreign models and the practices of domestic civil organizations. Hungarian experts often regarded this field as pioneering and exceptional in Europe, emphasizing its role as both a matter of internal affairs and a key expression of national sovereignty. This period is particularly significant as it marks the emergence of legal discourse on children's rights within the domestic framework. The regulatory framework for child protection already exhibited characteristics spanning multiple branches of law, including public administration, criminal law, and social policy. In addition to legal scholarship, contemporary research in education and child studies further reinforced the inherently multidisciplinary nature of child protection. Following an overview of the state-led child protection system and the role of administrative child protection within it, this study examines the international models that influenced Hungarian legislative developments. Furthermore, in the context of the promotion of this area of social policy, it critically assesses whether the Hungarian system was truly exceptional in an international comparison. The research employs a qualitative and analytical approach, drawing on both secondary literature and primary sources, including archival records and parliamentary documents, to provide a comprehensive evaluation of Hungary's position within the broader European context.









Kozerska, Ewa
(University of Opole)

## → *Ex nihilo. The PKWN Manifesto of 22 July 1944 and the Polish Legal System*

The current legal system in Poland is rooted in the normative system established during the period of the Polish People's Republic and in the acts created by the National Council and the Polish Committee of National Liberation. The subject of the paper is to determine the source of binding force and the legal nature of the act called 'Manifesto of the PKWN' of 22 July 1944, which de facto and de jure became the basis of public authority and legal acts created by these authorities. The aim is to verify the thesis that the legal order of the totalitarian period was not based on any previous legal order, but that it derived from normative nothingness (ex nihilo). The study will be conducted by analysing the content of the Manifesto and by examining the impact of this act on the case law of common and administrative courts and the Constitutional Tribunal, as well as opinions expressed in scientific texts. In conclusion, the authors recognise the validity of the thesis about the lack of a legal basis for the legal system created on the basis of the PKWN Manifesto. At the same time, they point out that the phenomenon of universal consent in the Polish legal and political community to recognise the binding force of the PKWN Manifesto can be understood if one accepts the validity of Carl Schmitt's view (referring in this respect to the intuition expressed by Thomas Hobbes) that 'concrete order precedes normative order'.

Krusóczki, Bence
(University of Szeged)

## → *The Essential Need for Regulating Unfair Competition*

This presentation explores the early development of domestic competition law, focusing on the nearly 25-year-long process that culminated in the adoption of the first specific legal provision addressing unfair competition. The enactment of Article V of the 1923 Law was a milestone aimed at curbing immoral commercial practices and safeguarding business integrity. The economic turmoil triggered

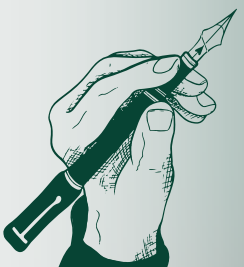
by World War I and the subsequent revolutions had a profound impact on all sectors of economic life. The once-thriving industry and commerce, which had previously allowed entrepreneurs to sustain a respectable livelihood within the framework of honest business, faced severe challenges. As economic pressures intensified, unfair and unethical business practices became widespread, posing a significant threat to the stability of the economic order. In response to these escalating abuses, trade and industry representatives persistently advocated for government intervention. Their efforts emphasized the necessity of legal measures to protect industrial property rights and maintain fair competition. This paper examines the historical context, key actors, and legislative developments that shaped the introduction of competition law in our country, shedding light on the broader implications for legal and economic history.

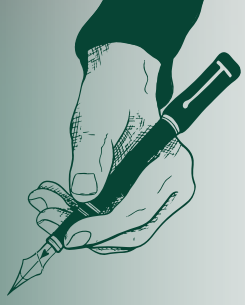
Kruszyńska-Kola, Joanna
(Adam Mickiewicz University)

### → *Uniformity of Case Law in Private Law: the Polish Supreme Court and the Highest Courts of Central and Eastern European Countries from a Historical Perspective.*

Uniformity of case law is one of the values that underlie the Polish legal order. Its importance is demonstrated, among others, by the existence of the Supreme Court, whose task is the administration of justice by ensuring uniformity of case law, and legal instruments intended to serve the performance of this mission. But there are also dilemmas related to the principle of judicial independence and subjection only to the Constitution and laws, as well as the risk of violating the principle of separation of powers and exclusivity of statutory regulation of rights and obligations. The question of risks and limits of the uniformity of case law was the subject of Polish legal discussion in the interwar period. Also today, in the context of decodification, technical changes and the evolution of the role of judicial decisions, questions can be asked, i.a. about the meaning of the postulate of uniformity of case law, the need and limits of its implementation, and whether and how the thinking about uniformity of case law should be changed in the context of further development of private law. One of the detailed issues of such a study is the question of legal mechanisms for ensuring uniformity of case law.









Their application is a key and universal function of supreme courts. At the same time, i.a. due to its history, the region of Central and Eastern Europe has certain separateness from Western Europe, also when legal solutions are concerned. The paper will present the results of research on the highest courts of Central and Eastern European countries and the mechanisms used in them to ensure uniformity of case law. The historical-comparative method will be applied. Finding of this research will allow the partial assessment of the solutions adopted in Poland in the context of the above-mentioned problems.

Krzysztofek-Strzała, Katarzyna
(Jagiellonian University)

## → *The Legal Status of Catholic Church and Religious Organisations in Poland in Years 1945-1989*

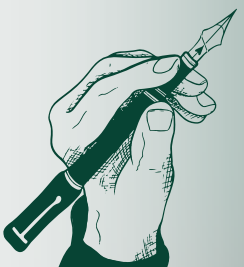
In the Polish People's Republic, the legal status of the Catholic Church was completely different than that of other religious organisations. The same applies to the relations with the state. While the Catholic Church had not its legal status regulated in the form of an act of parliament or an administrative decision, many other religious organisations had. Since 1945, the Concordat with the Holy See had not been recognised as binding by the polish authorities and there was no other act of parliament or international agreement that regulated the legal status of the Catholic Church in Poland. The decision of the state authorities to do so was influenced by the Marxist-Leninist ideology, widely accepted by major state officials and officially promoted by the communist government in Poland at that time. Because the churches and other religious organisations were a demonstration of the religious worldview, which was itself completely different than the communist ideology, they were to be marginalised. The Catholic Church, the largest religious community in Poland, was considered the greatest enemy of atheism. In the literature on the subject, it is quite commonly accepted that minority churches and other religious associations found greater support from the state authorities, who saw them as a counterweight to the Catholic Church. Analysis is based on archival sources and will show the differences in the legal position of religious organisations in the Polish People's Republic.

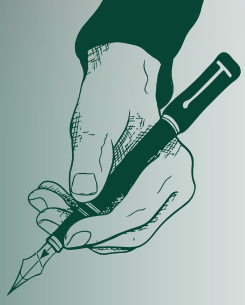
Kunicki, Jan
(University of Warsaw)

## → *Treasure Trove (Thesaurus) in the Polish Law - a Historical Perspective.*

The aim of this paper is to present the legal evolution of norms regarding the acquisition of ownership of the treasure trove (thesaurus) in the history of the Polish private law. The studied issue constitutes one of examples of original acquisition of ownership, with the treasure trove being most commonly construed as a material object that has been found under such circumstances that it is impossible to determine its original owner. Stereotypically, it was thus associated with hidden gold or money. The historical roots of legal norms concerning the treasure trove may be traced to the Roman law, with the most notable provisions originating during the reign of Hadrian (I. 2.1.39). The legal achievements of the Romans have consequently had a major impact on the European legal tradition. The Polish private law is no exception in this regard, with the regulations concerning the treasure trove being found in the most significant Polish law enactments on the property law. The paper depicts the relevant regulations found in the "Property Law Project" of 1937 ("Projekt Prawa Rzeczowego" z 1937 r.), Decree on the Property Law of 1946 (Dekret Prawo rzeczowe z 1946 r.) and Civil code of 1964 (Kodeks cywilny z 1964 r.). The latest amendments of the provisions of the Civil code concerning the treasure trove have been passed in 2015, thus confirming the contemporary relevance of this subject. It is the goal of the paper to portray the historical changes of the acquisition of ownership of the treasure trove, which have undoubtedly been influenced by the broad European legal context, as well as the local economic and social circumstances. The analysis shall demonstrate the changes in the legal position and the possibility of effectively asserting rights by the closed set of entities with legal interests regarding the treasure trove.







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Lackner, Eva
(Universität Regensburg)

## → *Jugoslawische Fremdenlegionäre im Algerienkrieg*

Nach dem Zweiten Weltkrieg traten zahlreiche Deutsche der französischen Fremdenlegion bei, um im Algerienkrieg (1954–1962) zu kämpfen. Ihre Motive reichten von finanzieller Not über Abenteuerlust bis hin zu ideologischer Überzeugung. Während die deutsche Beteiligung relativ gut dokumentiert ist, bleibt die Rolle jugoslawischer Freiwilliger bislang weitgehend unbeachtet. Dennoch schlossen sich auch einige Jugoslawen – insbesondere Kroaten – der Fremdenlegion an und kämpften gegen die algerische Unabhängigkeitsbewegung. In diesem Beitrag untersuche ich die Beweggründe jugoslawischer Fremdenlegionäre anhand verfügbarer Quellen, insbesondere individueller Personalakten jugoslawischer Sicherheitsbehörden. Durch einen Vergleich mit der deutschen Beteiligung soll ein tieferes Verständnis der politischen, wirtschaftlichen und sozialen Faktoren gewonnen werden, die junge Männer aus dem heutigen Kroatien dazu bewogen, in den Dienst der französischen Armee zu treten. Dabei beleuchte ich auch die Frage, inwieweit die jugoslawische Innen- und Außenpolitik der 1950er Jahre diese Entscheidungen beeinflusste. Ein besonderer Fokus liegt auf der Vergangenheit des Unabhängigen Staates Kroatien (NDH), deren Nachwirkungen zu zwei großen Emigrationswellen führten und möglicherweise auch den Eintritt in die Fremdenlegion begünstigten. Die Forschungslage zu diesem Thema ist bislang lückenhaft. Dennoch lassen sich aus der Analyse vorhandener kroatischer und deutscher Archivmaterialien wertvolle Rückschlüsse auf die Motivation und Erfahrungen jugoslawischer Fremdenlegionäre ziehen. Ziel dieser Untersuchung ist es, ein bislang wenig erforschtes Kapitel der transnationalen Militärgeschichte zu beleuchten und seine politischen Implikationen im Kontext des Kalten Krieges und postkolonialer Konflikte herauszuarbeiten.

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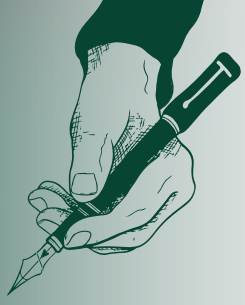
Linder, Nikolaus
(Martin Luther-Universität Halle-Wittenberg)

## → *Legal Advice from Wittenberg for Petitioners from Central and Eastern Europe in the 18th Century – Scope, Impact, and History of Knowledge*

In our paper, we examine the reach and influence of the Faculty of Law at the University of Wittenberg and its associated _Schöffenstuhl_ in Central and Eastern Europe by analyzing a corpus of approximately 25,000 draft judgments and legal opinions produced between 1741 and 1756. Using methods from Digital Legal History, we investigate and analyze opinions prepared for litigants from places like Kraków, Lviv (Lemberg), Jelgava (Mitau), and other locations to the east of its core territories of Electoral Saxony. Through this approach, we reconstruct key aspects of Wittenberg's judicial advisory activity during its peak in the mid-18th century. Within the judicial system of the Holy Roman Empire, the so-called _Spruchfakultäten_ (faculties authorized to issue legal opinions) played a crucial role. Through a procedure known as _Aktenversendung_, they provided draft judgments for requesting governments, administrative bodies, and courts, as well as legal opinions for private individuals, often from distant regions. Since the 16th century, legal consultants increasingly made use of this service, and in some cases, seeking an opinion was even mandated by law. As a result, these faculties became an indispensable part of legal practice. Considering the impressive number of draft judgments produced between 1572 and 1815, the Wittenberg Faculty, together with its Schöffenstuhl, held a leading position in the Empire, with an estimated 150,000 legal opinions. Since the 1980s, its judicial advisory activity has been considered well researched, at least for the 16th and 17th centuries (Lück 1983/1998, Lück 1987, Lück 1992). However, no comparable studies exist for the 18th century, which was both quantitatively and qualitatively the most significant period of its activity (Linder/Wagner 2025). Until recently, the comprehensive analysis of handwritten corpora without strict chronological or thematic limitations seemed nearly impossible. Today, however, AI-supported handwriting recognition enables the largely automatic transcription, efficient deciphering, and editability of wide arrays of legal records. By tagging and linking the transcripts with authority data, they are then systematically structured and made accessible which allows for the selection and









study of methodically curated text groups and evidence-based, truly innovative insights (Volkaert 2021). Bibliography - Linder, N., Wagner, S. (2025) Ein Erbstück kursächsischer Justizaufsicht – Specificationes derer von der Juristen-Facultät und dem Schöppen-Stuhl zu Wittenberg einzusenden anbefohlenen Verzeichnisse (1741–1756). ZRG Germ. Abt. 142 (accepted for publication). - Lück, H. (1983/1998) Die Spruchtätigkeit der Wittenberger Juristenfakultät: Organisation, Verfahren, Ausstrahlung. Böhlau, Köln/Weimar/Wien. - Lück, H. (1992) Die Spruchkonzepte der Wittenberger Juristenfakultät und Möglichkeiten ihrer Auswertung. Aspekte eines Forschungsprogramms. In: Mohnhaupt, H. Hg. Vorträge zur Justizforschung, Klostermann, Frankfurt a. M., pp 153-174. - Lück, H. (1987) Die Spruchpraxis der Wittenberger Juristenfakultät im letzten Jahrhundert ihres Bestehens unter besonderer Berücksichtigung ihrer Wirksamkeit außerhalb Kursachsens. In: Czok, K. Hg. Wissenschafts- und Universitätsgeschichte in Sachsen im 18. und 19. Jahrhundert, Akademie-Verlag, Berlin[-Ost](#), pp 119-125. - Volkaert, F. (2021) OK computer? The digital turn in legal history: a methodological retrospective. Tijdschrift voor Rechtsgeschiedenis 89: S 1-46.

**Łysko, Marcin**
(University of Białystok)

## → *Misdemeanour Law Systems in Central and Eastern European Socialist Countries*

In my paper I would like to concentrate on the issue of misdemeanour law in Central and Eastern European socialist countries with a more detailed analysis of the Polish model. Political dependence upon the Soviet Union led, in Poland and other countries with so called 'people's democracy' to introduction, a socialist model of criminal – administrative law. European socialist countries' legislation, based on a different political system, was to realize a concept of educative influence on the offenders in order to drill them to observe social norms. Instead of traditional punishments of imprisonment and fine, means of educative influence were applied by collective adjudicating agency with the participation of a social element. Based on the principles of democratization and socialization, the socialist concept of misdemeanour law made an original solution in comparison to

other European solutions, however, it was not executed uniformly in each socialist country. I would like to present a review of the main institutions of misdemeanour law on the basis of the legal systems of the Soviet Union, the German Democratic Republic, Yugoslavia, Romania, Hungary and Bulgaria in order to present similarities and stress distinctions resulting from social-political conditions in each country.. In the area of criminal-administrative jurisdiction I would like to concentrate on the concepts of those jurisdictions in particular countries, bodies settling misdemeanours and on a system of judicial remedies, taking under special consideration a problem of a judicial review of criminal-administrative legislation. The findings resulting from the legal-comparative analysis will be confronted with the model of misdemeanour law of the People's Republic of Poland in order to present how the Polish model referred to the solutions of other European socialist countries.

**Machut-Kowalczyk, Joanna**
(University of Łódź)

### → *"Changes in the Custody Law in Kingdom of Poland in 1825 and Their Impact on Practice in Lodz"*

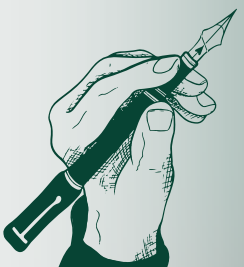
Custody law in Kingdom of Poland was regulated by Napoleon's Code Civil. In 1825 a part of civil law (Code Civil of Kingdom of Poland) was created. It brought some changes in the custody law. We would like to present these changes and their influence on practice in Lodz. The source base of the speech will be the custody files from Lodz.

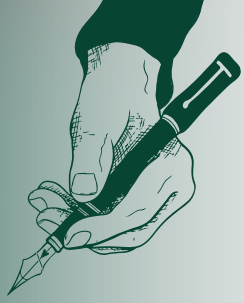
**Magdolna, Szigeti**
(Pázmány Péter Catholic University)

### → *Die Perioden der kommunistischen Diktatur in Ungarn*

Zwischen 1945 und 1949 gab es in Ungarn eine schwache Hoffnung auf den Aufbau eines unabhängigen, modernen Staates, der den Bedürfnissen der Bürger entsprach, auch wenn die russische Besatzung zunehmend ihren Einfluss zeigte. Zwischen 1949 und 1956 durchlebte Ungarn eine Ära, die von der Beendigung des







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Zweiten Weltkriegs bis zur Revolution von 1956 reichte. Nach 1948 wurde im Land eine totalitäre stalinistische Diktatur unter der Führung von Mátyás Rákosi errichtet, die bis zu Stalins Tod im Jahr 1953 andauerte, aber mit dem Ausbruch der Revolution von 1956 endete.

Die Ära Kádár ist die gängige Bezeichnung für die Jahre 1956-1988. Der Parteichef, der dem Regime seinen Namen gab, war 32 Jahre lang der erste Mann des Landes. Die erste Aufgabe der Kádár-Regierung war die Wiederherstellung der Ordnung, d. h. die Bestrafung derjenigen, die sich an der Revolution beteiligt hatten, und die Wiederherstellung des Parteienstaates. Es wurde jedoch deutlich, dass der von Rákosi favorisierte stalinistische Weg nicht mehr gangbar war. Auf der Grundlage dieser Erkenntnis - denn die grundlegenden Ziele hatten sich nicht geändert, sondern nur die Mittel, um sie zu erreichen - gelang es Kádár, seine persönliche Macht zu festigen.

In der zweiten großen Phase (1962-1963 bis 1988) entwickelten sich die spezifischen Merkmale des Regimes, mit denen die Ära Kádár am häufigsten identifiziert wird, die mit von westlichen Journalisten geprägtem Ausdruck „glücklichste Kaserne“ genannt wurde.

Das Wirtschaftsleben wurde neben der Planwirtschaft durch eine begrenzte Anwendung von Marktaspekte ersetzt. Die Kulturpolitik war von der Ideologie des „Verbotenen, Geduldeten, Geförderten“ durchdrungen, aber auch die Liberalisierung des geistigen und kulturellen Lebens begann. Man muss auch über das oft nostalgisch erwähnte Merkmal des Systems sprechen, das den Menschen die Möglichkeit zu bescheidenem, aber sicherem materiellem Wohlstand bot, aber auch „Arbeitslosigkeit hinter der Haustür“ und ein hoch verschuldetes Land bedeutete.

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Malczewski, Jacek
(Jagiellonian University)

## → *Civil Disobedience in the Polish–Lithuanian Commonwealth: Historical Remarks and Implications for the Present Constitutional Law*

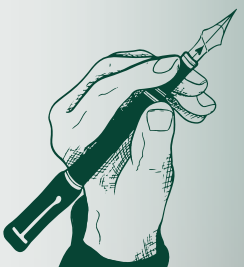
The proposed speech examines the phenomenon of civil disobedience (or, more specifically, the right to resist) in the constitutional law of the Polish–Lithuanian Commonwealth, and its legal and cultural implications for the present legal system in Poland. Similarities and differences between the historical concept of resistance and the more contemporary notion of civil disobedience shall be discussed in order to put forward an argument for introducing the legal institution of civil disobedience into the contemporary Polish constitutional law.

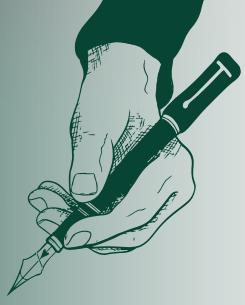
Mańko, Rafał
(Central European University)

## → *At the Roots of Legal Survivals: The Roman Negotia Imaginaria Between Magic and Platonian Ontology*

"Legal survivals"—a notion first used by American judge Oliver Wendell Holmes (1894-1894) and theoretically elaborated by sociologist of law Karl Renner (1870-1950)—are a concept used to describe the continuity of a given legal "form" (or "figure") despite the change of its actual content (especially its socio-economic function or its function within the legal system). The goal of this paper will be to explore the genealogy of legal survials by looking at the group of negotia imaginaria in Roman law: those archaic legal figures which changed their original function but retained their form, such as mancipatio, coëmptio, testamentum per aes et libram, emancipatio, in iure cessio or acceptilatio. The negotia imaginaria captured the attention of Rudolf von Jhering (who referred to them as Scheingeschäfte) and later Ernst Rabel (who coined the currently used term, nachgeformte Geschäfte). Drawing on findings of legal historians (Aldo Schiavone), as well as historically informed legal









philosophers (Giorgio Agamben, Laurent de Sutter), I will explore the anthropological, sociological and philosphical underpinnings of negotia imaginaria showing how juridicity emerged—and still emerges—from a conjecture of magic and Platonian ontology. In negotia imaginaria, the magical aspect is represented in the ritual: the parties need to accomplish certain gestures or utter certain precise formulae, without which the desired legal effect will not take place; but if the ritual is properly followed, the effects occur ex opere operato, just like in Catholic theology of sacraments. This magical-cum-Platonic dimension of Roman juridical thinking—which ultimately testifies to the law's deep roots in religion—highlights the strong belief of the jurists (and, by extension, of society) in the autonomous and objective existence of legal forms, strikingly similar to Plato's objectively existing Ideas.

**Marčík, Jan**
(Palacký University Olomouc)
**Razim, Jakub**
(Palacký University Olomouc / Czech Academy of Sciences)

## → *The Learned Procedure in Medieval Bohemia: Past and Present Research*

As was recently observed by Rennie and Taliadoros (History Compass 12, 2014), scholarship on medieval canon law is now experiencing a revival with the potential to influence our view of medieval Europe. In the background, there is a belief that „the medieval period would be incomprehensible without an understanding of its canons or rules for guiding human behaviour and society formulated by the Roman Church." The opposite is true, however, in Czech historiography, where ecclesiastical law and judiciary of the Middle Ages have been marginalised since the communist era and still play a relatively minor role. Therefore, this paper aims to place the early development of Bohemian legal culture in a broader European context by focusing on the long-neglected Romano-canonical process and its territorial adaptation for the needs of the Bohemian church. Not only will it offer a historiographic overview of past achievements in the field of the ecclesiastical judiciary, but it will also address the current state of knowledge and key challenges for scholarship. In doing so, the emphasis will be on two sources: procedural treatises

representing a systematic examination of the Romano-canonical process and official books providing insight into the judicial reality of the Middle Ages.

**Marelja, Miran**
(University of Zagreb)

### → *The Preservation of Peace: The Legacy of the Peace of Westphalia (1648)*

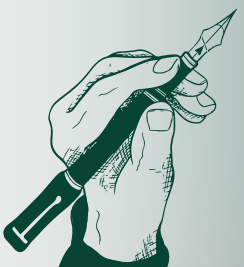
The Peace of Westphalia concluded in 1648, marked a turning point in European history, not only by ending the Thirty Years' War but also by establishing an innovative framework for maintaining peace. By addressing a wide range of contentious issues, the treaties established a security framework centered on mechanisms for dispute resolution and guarantees of compliance by the signatory states. Among the most significant provisions were the embryonic protection of religious minorities and the introduction of collective sanctions against treaty violators – innovations that would profoundly influence later peace settlements, including those following World War I, as well as the Covenant of the League of Nations. Beyond its immediate legal and political consequences, the Peace of Westphalia spurred transformations in diplomatic practice and just war doctrine. The negotiations, fraught with challenges posed by adversaries and allies, shaped the evolving nature of state sovereignty and international law. In this regard, the treaty represented a resolution to a devastating conflict and a lasting framework for preserving peace in Europe.

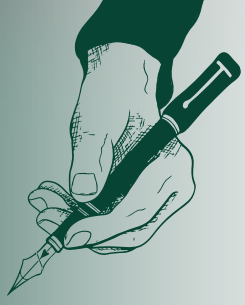
**Matusiak, Michał**
(University of Warsaw)

### → *Between Paweł Włodkowic and Rafał Lemkin. Polish Medieval Approach to War Crimes*

From the point of view of contemporary people humanitarian law of armed conflicts is a relatively new concept. For thousands of years wars have seemed as barbaric phenomenon without any rules which can save some special groups of human beings or objects.









This approach is partially justifiable, moreover even today legal provisions do not eliminate war crimes. But contrary to common opinion, medieval was not only epoque of pure cruelty. My speech will be devoted to problem of war crimes in approach of Paweł Włodkowic in comparison to contemporary provision of international humanitarian law of armed conflict. It is significant, that 600 years ago in Poland there was centre of legal thinking on defending of some groups of people from horrors of war. In fact, conflict between Poland, Lithuania and Teutonic Order resulted in legal reflection of Włodkowic and others, which clarified some acts, which were not admissible even during war. Polish medieval school of international law was great, but forgotten contribution to legal heritage of Europe, which aims to condemn act, which were not indispensable during a conflict. Włodkowic, using examples from history and religious basics, created some collection of crimes which should be forbidden. Importance of thought of Włodkowic is its modernity and actuality. In his writings he distinguished civilian persons and combatants, he condemned genocide and destroying special categories of objects and buildings and he highlighted temporary character of occupation. All of this postulates are included in actual law of armed conflicts. It shows that Polish medieval ideas outran its times and Włodkowic was not only precursor of equality of states but he also was great innovator on the ground of law of armed conflicts and predecessor of other significant Polish lawyer Rafał Lemkin.

**Michalik, Piotr**
(Jagiellonian University)

## → *Civil Marriages of Cracow Jews under the Napoleonic Code (1810-1852)*



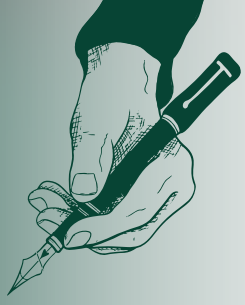
Under the Treaty of Schönbrunn concluded in 1809 between Austria and France, the southern Polish territories with Cracow, occupied by Austria in the Third Polish Partition in 1795 (West Galicia), were incorporated into the Duchy of Warsaw, which was part of Napoleon's Grand Empire. This meant the introduction of the Napoleonic Code in Cracow and with it the institution of civil marriage. Since one of the foundations of the French code was the principle of universality, in the years of the code validity in Cracow (1810-1852), the regime of secular marriage law was also subject to the Jews of Cracow, who

at that time constituted about 30% of the city's population. For the Jewish community, the institution of civil marriage was a particularly severe form of assimilation policy pursued by the authorities of the Free City of Cracow (1815-1846). Living according to religious norms, „the Followers of the Old Testament" were subjected not only to the general obligation of the Code to contract a civil marriage before a registrar, but also to the necessity of obtaining consent for this marriage, the so-called „konsens", required only from Jews by the Statute Organising the Followers of the Old Testament introduced in 1817. Moreover, unlike the Christian majority of the city's inhabitants, for whom the function of civil registrars was performed by clergymen of their denominations, „the Followers of the Old Testament" were subject to the jurisdiction of secular officials, i.e. Christians. It is not surprising, then, that despite the considerable determination of the city authorities in enforcing the introduced legal norms, the majority of Cracow Jews effectively resisted the institution of civil marriage, remaining with religious marriage, which in practice was sufficient to function within the framework of the unassimilated community of „the Followers of the Old Testament" of Cracow's Kazimierz.

**Mielnik, Hubert**
(Maria Curie-Sklodowska University in Lublin)

## → *Criminal Law During the Occupation: Prosecution and Punishment of Criminal Murders and Homicides in the General Government (1939-1945)*

The purpose of this paper is to present the issue of criminal murders and homicides in the General Government (hereafter: GG), the Polish territories occupied by Nazi Germany during World War II. Based on an analysis of court records from various types of courts, the author posits that despite the totalitarian nature of the state, the extensive police apparatus, and increased severity of penalties, criminal law under the extraordinary conditions of Nazi occupation did not fulfill its original safeguarding and protective functions. Instead of preventive and protective actions, German authorities in the GG used criminal law provisions for political and repressive purposes. The paper will also examine the practical application of law in the prosecution and punishment of criminal murders and homicides. The author aims to demonstrate that some murders and homicides committed with





political motives were considered irrelevant from the perspective of criminal law. The role of the German prosecutor's office, which determined jurisdiction, will also be discussed, as it had a decisive impact on the case's outcome, penalty severity, and the procedural position of the accused. To achieve the research objectives, the author will use judicial, investigative, and prosecutorial records from German and Polish authorities, sourced from German, Polish, and Ukrainian archives. The work will be based on a historical-legal method of analyzing primary sources and, where source preservation allows, statistical analysis of the issue at hand. Since complete crime statistics for the GG have not been preserved, the author will attempt to reconstruct sample statistics based on court data.

**Miler, Dorota**
(University of Gdańsk, University of Augsburg)

## → *Intestate Rights of Unmarried Partners in Central and Eastern Europe: Grounds for Adoption, Historical Development and Implications for Future*

Unmarried partners, also known as cohabitants (persons living together like spouses without formalizing their relationship), have intestate rights upon each other's death in only 16 European jurisdictions. In these jurisdictions, unmarried partners are either (1) explicitly provided with specific rights on their partners' intestacy or (2) entitled to intestate rights as members of a deceased's household. In Europe, the idea to introduce intestate rights for unmarried partners originated in Central and Eastern Europe: the first two jurisdictions to introduce intestate rights explicitly for unmarried partners were Kosovo (1974) and Slovenia (1976), while the Civil Code of the Soviet Union (1922) introduced intestate rights for members of a deceased's household. Moreover, most of the jurisdictions that provide intestate rights for unmarried partners are located in Central and Eastern Europe: eight of the 11 jurisdictions in the first group (Croatia, Kosovo, Montenegro, Slovenia, two parts of Bosnia and Herzegovina, Austria, and Ukraine) and all the countries in the second group (Albania, Belarus, Czechia, the Russian Federation, Slovakia, and Ukraine). Thus, historical research of the law in Central and Eastern Europe is indispensable for developing intestate rights for unmarried partners in other European countries. This paper discusses the grounds for

adopting intestate rights for unmarried partners in post-Yugoslavian countries in the 1970s and for members of common households in Czechia and Slovakia in 1950, as well as the subsequent historical development of the relevant provisions. It compares the solutions adopted in these two groups of jurisdictions and identifies the most important implications for adopting these provisions in additional jurisdictions. The findings of this paper are relevant for jurisdictions considering adopting norms granting intestate rights to unmarried partners or members of blended families and can thus inform the development of contemporary law in other European jurisdictions.

**Mohyluk, Mariusz**
(University of Bialystok)

### → *"On Polish Cooperative Law in Legal Periodicals of the Second Polish Republic."*

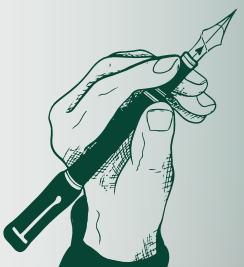
The aim of this paper is to review and analyze publications concerning the evolution of Polish cooperative law as presented in legal periodicals of the Second Polish Republic. For the purpose of the discussion, historical, reporting, and dogmatic methods have been applied. The Act on Cooperatives was passed on October 29, 1920, and came into force on January 1, 1921. The provisions of the Act on Cooperatives regarding the auditing of cooperatives, audit associations, and the Cooperative Council were significantly amended by the Act of March 13, 1934, which initiated the process of subordinating cooperatives and audit associations to state authorities.

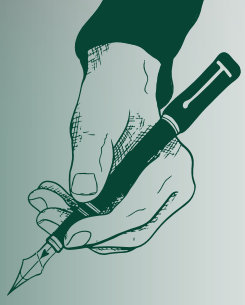
**Molnár, Sarolta**
(Pázmány Péter Catholic University)

### → *History of Children's Rights in Eastern Europe through the 20th Century*

The Evolution of Children's Rights in 20th-Century Eastern Europe Children's rights and especially children's welfare is a highly topical issue and faces significant challenges, including an overburdened child protection system, insufficient social services, and a shortage









of qualified professionals to support vulnerable children in Hungary. The 20th century marked a transformative period for children's rights in Eastern Europe, shaped by political upheavals, ideological shifts, and international influences. Early in the century, under the Austro-Hungarian and Russian Empires, children's welfare was largely dependent on family structures and limited state intervention. However, the aftermath of World War I and the establishment of socialist regimes introduced state-driven child protection policies, sometimes influenced by Soviet models. During the interwar period, efforts to institutionalize children's rights emerged through the League of Nations' Geneva Declaration (1924), but implementation remained uneven across the region. The rise of communist governments after World War II radically altered child welfare systems. Socialist states prioritized collective upbringing, emphasizing state-run childcare, education, and health programs. While these policies improved literacy and healthcare access, they also served ideological purposes, reinforcing party loyalty from an early age. The latter half of the century saw growing international engagement, particularly with the 1959 UN Declaration of the Rights of the Child and the 1989 UN Convention on the Rights of the Child (UNCRC). By the late 1980s, political liberalization and the collapse of communist regimes led to a shift toward democratic approaches to children's rights, with greater emphasis on individual freedoms and protection from state overreach. This paper argues that while socialist regimes expanded state responsibility for children's welfare, true recognition of children's rights as independent subjects only gained traction with post-communist democratization. Understanding this evolution provides valuable insights into contemporary child protection problems in the region.

**Moniuszko, Adam**
(University of Warsaw)

## → *King's Justice: Court of Relation During the Reign of Sigismund III Vasa (1588-1632)*

Founding of the Tribunal of the Crown (1578) and respectively the Tribunal of Lithuania was a milestone in an evolution of the nobility's administration of judgement in Polish-Lithuanian Commonwealth. To a great extent It ended with one of the most basic attributes of king's

power - the highest judge (iudex supremus). Nonetheless remaining royal judicial competences were exercised in the Diet court (the king and senators) and the court of relation, a personal king's court. Organisation and functioning of the latter court has not been yet properly investigated and loss of a main bulk of sources is one of the reasons of that state of art. This paper is an attempt to present basic information about organisation and functioning of the court of relation during a reign of Sigismund III, being which mainly result from an investigation of memoranda decretorum, a short entries in the Crown Metrics records, a preserved small part of the court's original acts.

**Müßig, Ulrike**
(University of Passau)

### → *The Twinning of Justice and Peace. Vredeman de Vries' Allegories of (Gdańsk) City Government and Northern Humanism's Impact on Legitimate Ruling*

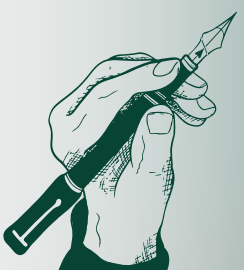
16th century legal practice has for long caught my interest (as within the latest Krakau lecture on the lay mirrors this year). Summing up all the onsite research during my Gdansk visiting professorship this October, I would like to elaborate on the iconographic programme within the Council's Great Chamber. The connection between Aristotle's ethics of virtue and early modern rationality is a research question that has not yet been answered in legal history and is also crucial for the neo-Aristotelian secularisation of political thought in the raison d'état.

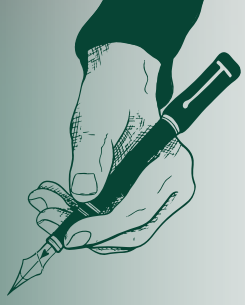
**Nagy, Péter**
(Károli Gáspár University of the Reformed Church in Hungary)

### → *Soviet-Russian Marriages in Hungarian Case Law*

The so-called Soviet-Russian marriages were an interesting phenomenon and a relevant problem of Hungarian private law after the First World War. By this term, we mean marriages contracted in Soviet Russia by Hungarian soldiers taken prisoner during the First World War and by Soviet prisoners of war in Hungary with









Hungarians. The issue was judged differently in European countries. Several countries have recognized these marriages as valid, but in Hungary, the courts have ruled that they are invalid under Hungarian law. Judicial practice first justified this position on the grounds of non-recognition of the Soviet state but later argued for the substantive legal grounds of Soviet marriage law. The Hungarian Supreme Court in its decision 1616/1926 refused to recognize the Soviet marriage contracted by a citizen of the Hungarian state. In its reasoning, it was explained that the form of marriage, as regulated by Soviet law, is contrary to Hungarian public policy, and therefore, even though Hungarian law provides for the application of the lex loci actus (lex loci celebrationis) concerning the form of marriage, a marriage contracted under Soviet law cannot be recognized in Hungary. The problem of Soviet-Russian marriages was a source of controversy in the legal literature, and the Hungarian Ministry of Justice was also constantly confronted with these cases. The Hungarian government finally allowed Soviet-Russian marriages only after the Second World War.

**Navratyil, Zoltán**
(Pázmány Péter Catholic University)

## → *The History of Wrongful Life Claims in Hungary*

Wrongful life claims – lawsuits brought on behalf of a child arguing that they should not have been born due to medical negligence – have remained a complex and controversial legal issue in Hungary. While such claims have been rejected in Western jurisdictions, the Hungarian legal system had historically accepted them until 2008. During the socialist era, state-controlled healthcare systems and limited individual legal recourse made wrongful life claims virtually nonexistent. Medical malpractice litigation was rare, as socialist legal doctrine prioritized collective welfare over individual compensation. Following the democratic transitions of the 1990s, Eastern European countries gradually adopted more patient-centered legal frameworks, yet wrongful life claims remained controversial due to deep-seated moral and religious concerns regarding the sanctity of life. By the early 21st century, courts in some Eastern European states like Hungary began encountering wrongful life claims, particularly in cases of failed prenatal diagnoses. Lower courts often rejected these

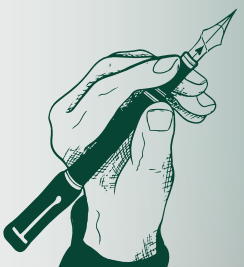
claims, while the Hungarian Supreme Court (Curia) had previously upheld them in several cases. However, a 2008 judicial uniformity ruling by the Curia significantly tightened the acceptance of such claims. Instead, the Hungarian legal system generally favor wrongful birth claims, where parents, rather than the child, seek damages for medical negligence. This paper examines the historical development of wrongful life claims in Hungary, analyzing the intersection of legal traditions, political ideologies, and ethical considerations that have shaped judicial responses.

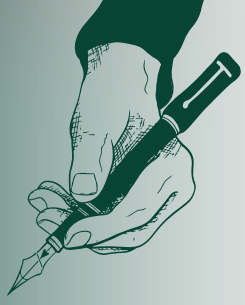
**Niedrist, Franziska**
(Universität Innsbruck)

## → *„Alkoholverbot als Zentralisierungsinstrument? Das Gesetz zur Hintanhaltung der Trunkenheit und die habsburgischen Strafrechtsreformpläne“*

Am 19. Juli 1877 wurde das Gesetz zur Hintanhaltung der Trunkenheit erlassen, wirksam für die Königreiche Galizien und Lodomerien, das Großherzogtum Krakau und das Großherzogtum Bukowina. Das Gesetz sollte sowohl strafrechtliche (Einschränkung des Alkoholkonsums) als auch privatrechtliche Zwecke (Verhinderung von Zechschulden) erfüllen. Gleichwohl in den Häusern des Parlaments in Wien thematisiert, blieb die Wirksamkeit des Gesetzes auf die genannten Gebiete beschränkt. Der Beitrag befasst sich folglich mit der Frage, warum eine derartige Bestimmung nicht auch für andere Länder respektive den gesamten Raum des habsburgischen Herrschaftskomplexes erlassen wurde. Dies hätte sich durchaus angeboten, zumal bereits seit den frühen 1860er-Jahren konkrete Bestrebungen zu einer umfassenden Novellierung des österreichischen Strafrechts einsetzten. Gerade die strafrechtliche Behandlung von unter Alkoholeinfluss verübten Verbrechen bildete einen zentralen Gegenstand der zeitgenössischen strafrechtswissenschaftlichen Diskussion (Stichwort „Zurechnungsfähigkeit“), die weit über das 19. Jahrhundert hinaus strahlte. Davon betroffen waren freilich auch andere Regionen des habsburgischen Raums – eine umfassende Reglementierung blieb jedoch bis zum Ende der Monarchie (1918) aus. In Ergründung dieses Umstands werden die normativen Entwicklungen und damit zusammenhängende strafrechtswissenschaftliche Diskussionen,









flankiert von den parlamentarischen Debatten im Abgeordneten- und Herrenhaus in Wien, untersucht. Ziel des Beitrags ist es, vor dem Hintergrund der zeitgenössischen Argumentationen, die im Kontext des Gesetzes zur Hintanhaltung der Trunkenheit zwischen einem Zugeständnis an lokale Forderungen (Verhinderung gesundheitlicher Schäden, Unterbinden sittlich-moralischer Exzesse, ökonomische Verbesserung) und Diskriminierungsvorwürfen (Stigmatisierung der betroffenen Länder) pendelten, die strafrechtliche Entwicklung unter Berücksichtigung territorialer Unterschiede nachzuzeichnen.

**Pálvölgyi, Balázs**
(Mathias Corvinus Collegium / University of Győr)

## → *Storms and Inequalities: Budapest and the Concession Treaties on Transatlantic Passenger Traffic (1900-1914)*

In my presentation, I will analyse the issue of contracts between the Hungarian government and the companies involved in the transatlantic emigration business, primarily Cunard Line, and the circumstances and peculiarities of the conclusion of the contracts. In the second half of the 19th century, mass (labour) migration increasingly affected the states of Central, Eastern and Southern Europe. Governments, including the Hungarian government, took a number of steps to control emigration. As part of this effort, contracts have been signed with large steamship companies, which have become major players in the migration ‚business'. These contracts sought to prevent illegal emigration, especially of conscripts, and to provide a means of controlling the services of the shipping companies and, in this context, to establish the jurisdiction of the Hungarian courts. This, of course, could also mean a reduction in the number of potential passengers and other legal risks for the companies concerned, so that the conclusion of contracts was by no means without difficulties. A key element of the new emigration policy announced by Széll Kálmán's government (1899-1903) was that the government could control the entire process of emigration, from departure to arrival, i.e. from the point of departure to embarkation and arrival. As Budapest had control over only one port, Rijeka, the Rijeka-New York route had to be provided as the starting point in negotiations with the shipping companies. Given that the content of the service to be provided on the above route, which

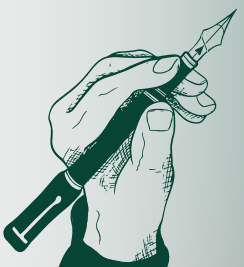
would meet Budapest's objectives, was not necessarily competitive with the transatlantic route offerings of the period, the government had to offer discounts and compensation to the interested shipping company. This circumstance gave rise to constant attacks and controversy both at domestic and international level.

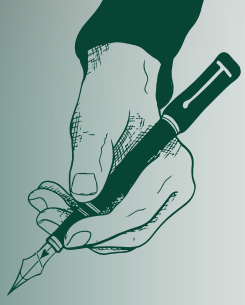
**Paszek, Marta**
(The Institute of National Remembrance / Kazimierz Wielki University in Bydgoszcz)

## → *Political Show Trials in Central and Eastern Europe after World War II*

In Central and Eastern Europe, after World War II, the communist system was forcibly introduced. The new authorities eliminated their opponents from social and political life, by using the judiciary subordinate to the communists. Following the example of the Soviet Union, fake show trials were organized, aimed at depreciating political opponents in the eyes of the society. The trials were a tool to get rid of the opposition and intimidate the society. Show trials did not respect the rules of criminal procedure and were similar to inquisitorial trials. The subject of the presentation will be an attempt to analyze and compare the mechanisms of preparing demonstration trials. What elements of political trials were common to all countries of Central and Eastern Europe? How did these processes differ? What were these differences dictated by? Who in each country was responsible for the smooth running of the political trials? Were experiences exchanged between individual countries of people's democracies without the mediation of the Soviet Union? Have the trials had similar effects in all countries? The presentation will be prepared on the basis of archival sources and literature on the subject.









Peres, Zsuzsanna
(Ludovika University of Public Service, Budapest)

## → *The Institution of the Daughter's Quarter in the Early Modern Kingdom of Hungary*

István Werbőczy, in the Tripartitum explains in detail the institution of the daughter's quarter (quarta puellaris), to which noble daughters were entitled from the family property inherited from their fathers (bona avitica); according to the literature, this institution corresponded to the institution of the czwarczina in the particularistic Polish nobility law and even influenced its development. From the end of the 13th century, male members of the woman's family were allowed to redeem the quarter in money, and it had to be paid in property only if the girl married a landless nobleman or a non-nobleman with the consent of her family. Since the Tripartitum was the most important source of law in the Kingdom of Hungary in the field of private and procedural law until 1848, it is natural that to assume that the institution of the daughter's quarter ceased to exist at the same time as the Tripartitum, with the bourgeois transformation of 1848, when aviticitas was abolished. However, the practice of the nobility and the aristocracy in particular, shows a different picture. In the wills of the nobility and aristocracy, as well as in the agreements on the distribution of property, from the sixteenth century onwards, it can be observed that the daughters were not given a quarter from the family property, but instead were promised a dowry, usually at the expense of the acquired property outside the family inheritance. What could be the reason for this change? Why does the quarter gradually disappear from the deeds and why does the role of the dowry increase instead? Why does Werbőczy not mention dowries at all in the Tripartitum? The presentation will attempt to answer these and other questions, while at the same time analysing the institution of the daughter quarter and the czwarczina in a comparative way.

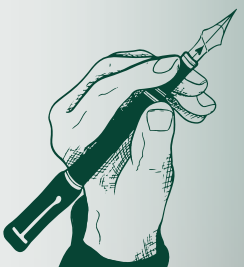
**Pétervári, Máté**
(University of Szeged)

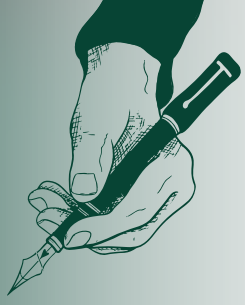
## → *The Realisation of Creditors' Interests in the Hungarian Bankruptcy Act from 1881 and the German Bankruptcy Code from 1877*

According to the Austro-Hungarian Compromise Hungary regained the independence and the Hungarian political elite desired to give a boost to development of the economy. The one of the suitable means to revive the economy of the Hungarian government was the forming of the appropriate legal regulation concerning the commercial law. The new bankruptcy act, the Act XVII of 1881 modernised the bankruptcy law, and it provided appropriate conditions of the economic life. During the law-making of this act an important question was the extent of the rights granted to creditors in the bankruptcy procedure. The main aim of this process was the satisfaction of the creditors' community, therefore the legislator wanted to provide wide rights for them. The rights of the creditors were mainly practiced by the committee of creditors which was elected by the creditors appeared before the court. It was a three-members-board which coordinated the sale of bankrupt's assets. In my lecture, I would like to present the regulation and functioning of committee of creditors with help of documents of Hungarian National Assembly. Besides, I want to examine this organ in the practice because the law-in-action research is able to show for us how the will of legislator was implemented in the practice. For this reason, I will analyse the working of the committee of creditors based on archive sources from Bács-Kiskun County Archive of National Archives. In this material I successfully explored the minutes of committee of creditors. In addition to, the Hungarian bankruptcy procedure based on the German bankruptcy law, therefore I would like to compare the regulation concerning committee of creditors of the Hungarian act with the same organ of the German Bankruptcy Code from 1877.











Pomianowski, Piotr
(Uniwersytet Warszawski

## → *Divided Ownership in Legislation and Legal Practice of the Congress Poland*

Divided ownership is an institution typical of the feudal system. In 1808, the Napoleonic Code was introduced to the Duchy of Warsaw, which regulated only full (capitalist) ownership. Nevertheless, in the realities of Polish villages (as well as cities), various forms of divided ownership still existed. Moreover, although the Napoleonic Code did not provide for the institution of utility ownership (dominium utile), it was created on a large scale both in the era of the Duchy of Warsaw and the Congress Kingdom. This institution, although widespread, was regulated to a very small extent by acts of statutory law - and rather those which can be classified as administrative law than civil law. The legal acts issued by the government concerned the possibility of creating utility ownership (dominium utile) in state real estates. In private real estates, this institution functioned for decades outside the interest of state legislation. This did not prevent it from maintaining or even developing. There was no single universal form of divided property in the Congress Kingdom. On the contrary, there were many types of it (e.g. Erbpacht or emphyteusis). The aim of this paper will be to discuss these types, indicate the differences between them, and attempt to present a general definition of divided property in the Congress Poland.

Rácz, Balázs Viktor
(Eötvös Loránd University / Hungarian Research Network (HUN-REN))

## → *Princely Donations and Their Diverse Legal Basis in the Principality of Transylvania*

In the medieval Kingdom of Hungary, by the end of the 13th century, the public perception had already developed that all the possessors of the country owned their property directly or indirectly by the grace of the monarch. Accordingly, there is lively interest in the literature on the royal and princely donations, both as a pillar of the treasury's management, as a political instrument and as a basis for social

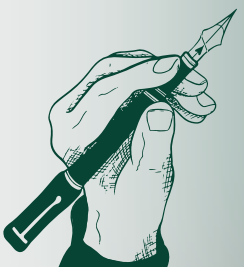
mobility. However, much less attention has been paid to the diverse legal basis of these donations, although it is inevitable to properly understand the Hungarian-Transylvanian donation system. In the early modern Transylvania, princes did not necessarily reward their followers with perpetual donations, but the object of the donation was often pledged to the recipient, and it also happened that the donation simply consisted of the possibility of renting. Moreover, within the same donation, it is possible to observe this diversity of the basis of the donations, such that the recipient could hold the donation irrevocably for the rest of his life, while his successors could only hold it by pledge. The study of this phenomenon is also relevant to the organisation of the state itself, since one of the reasons for the transformation was the need to limit central power. On the other hand, it also requires clarification of a number of strictly legal-historical issues, such as the inheritance or alienability of such assets and the accounting of the investments made by the donor at the time of redemption. Based on my research in archives in Hungary and Romania, I will present the diverse legal basis of princely donations in Transylvania in the 16th and 17th centuries, touching upon the legal-historical issues and the state-theoretical aspects of the phenomenon.

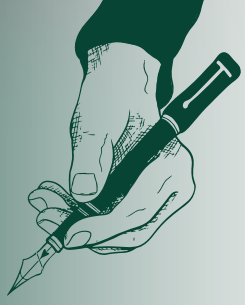
**Rigó, Balázs**
(Eötvös Loránd University)

## → *The Re-establishment of Universal/General Legal History at the Pázmány Péter University in 1948-49*

After the education of Universal Legal History with a special regard to the Hungarian Legal History and in a comparative way from 1860/61 that made possible teaching Hungarian Legal History in the frame of the Habsburg Monarchy and later in the Austro-Hungarian Monarchy, shortly after the turn of the century, the teaching of it became simply terminated. Though after WW I for some years there was Hungarian Legal History with a regard to the Universal one, basically the subject vanished. After the 1945 a former journalist, a scholar and career diplomat, Elek Bolgár, who returned Hungary with the Soviet Red Army and was a teacher at the University of Rostov, was placed to be the Dean of the Faculty of Humanities and later to the Faculty of Law to reestablish universal legal History. In









my presentation I intend to draw the turbulent years from 1945 to 1955 the death of Elek Bolgár.

Schäfer, Frank L.
(Albert Ludwig University of Freiburg)

### → *Success and Failure of the Thuringian-Anhaltian Civil Code*

The lecture is dedicated to a side path of the history of the Saxon Civil Code of 1863/65 that has so far been little illuminated. Originally, not only the Kingdom of Saxony, but also almost all Thuringian-Anhaltian states participated in the drafting of a modern civil code. However, only the Kingdom of Saxony introduced the new code. It is already known that the Thuringian principalities and duchies as well as the Duchy of Anhalt-Dessau made an enormous contribution to the shape and content of the Saxon Civil Code. Friedrich Ortloff, a Germanist scholar and President of the Higher Court of Appeal in Jena, and Karl Friedrich Ferdinand Sintenis, a Romanist scholar and President of the Higher Regional Court of Anhalt, deserve special attention. The paper will examine two points: first, the exact influence of the Thuringian-Anhaltian deputies in the legislative commission and of the Thuringian-Anhaltian legislation on the code, and second, why the Thuringian-Anhaltian states ultimately rejected the code.

Scheffler, Tomasz
(Uniwersytet Wrocławski)

### → *Ex nihilo. The PKWN Manifesto of 22 July 1944 and the Polish Legal System.*

Authors: dr hab. Ewa Kozerska prof. UO (affiliation: UO) and dr hab. Tomasz Scheffler (affiliation: UWr). Title: Ex nihilo. The PKWN Manifesto of 22 July 1944 and the Polish legal system. Abstract: The current legal system in Poland is rooted in the normative system established during the period of the Polish People's Republic and in the acts created by the National Council and the Polish Committee of National Liberation. The subject of the paper is to determine the source of binding force and the legal nature of the act called 'Manifesto of the PKWN' of 22 July 1944, which de facto and de

jure became the basis of public authority and legal acts created by these authorities. The aim is to verify the thesis that the legal order of the totalitarian period was not based on any previous legal order, but that it derived from normative nothingness (ex nihilo). The study will be conducted by analysing the content of the Manifesto and by examining the impact of this act on the case law of common and administrative courts and the Constitutional Tribunal, as well as opinions expressed in scientific texts. In conclusion, the authors recognise the validity of the thesis about the lack of a legal basis for the legal system created on the basis of the PKWN Manifesto. At the same time, they point out that the phenomenon of universal consent in the Polish legal and political community to recognise the binding force of the PKWN Manifesto can be understood if one accepts the validity of Carl Schmitt's view (referring in this respect to the intuition expressed by Thomas Hobbes) that 'concrete order precedes normative order'. e-mail: ekozerska@uni.opole.pl and tomasz.scheffler@uwr.edu.pl

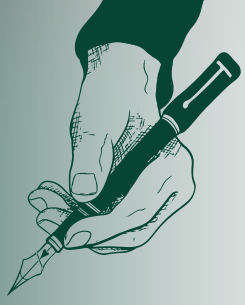
**Skrejpkova, Petra**
(Charles University)

### → *The Transformation of the Legal Status of Women in Czechoslovakia.*

The paper will focus on the development of the legal status of women, especially in the interwar period, as their status changed significantly after the establishing of the republic in 1918. A woman was no longer just a mother, wife, daughter or someone dependent on a male member of the family. Focus will be mainly on women from the point of view of family, civil, criminal and constitutional law. It will then touch on the changes due to the establishment of the Protectorate of Bohemia and Moravia. It will continue with its transformation in 1948 and after adopting the new constitution and socialist legal codes. Women newly enjoyed a different position in working and social life, reflecting the changes in the society, where she had rights and obligations to the society. The transformation will follow the evolution of women obtaining the right to vote for the first time and having full legal equality with men (at least in theory).









Smyk, Grzegorz
(Maria Curie-Sklodowska University in Lublin)

## → *Svod Zakonov of the Russian Empire as a Realization of the Idea of the Code de Concordance*

Svod Zakonov of the Russian Empire („Swod Zakonow Rossijskoj Imperii") - The first codification of the law of the Russian Empire, compiled between 1832 and 1835 by the St Petersburg Codification Commission, with the leading participation of the eminent Russian jurist Mikhail M. Speransky. The basis of its drafting was the following, published in 1830. 'Complete Collection of the Laws of the Russian Empire' ('Polnoye Sobraniye Zakonov Rossiyskoy Imperii"), containing in 45 volumes, arranged in chronological order, the binding normative acts issued from the time of the "Sobornogo Ułożeniya" of 1649 until the 1825 ukaz announcing the death of Tsar Alexander I. 'Zwód praw Rossiyskiy Cesiya' was a special codification, based on assumptions different from those adopted in the Western European legislation of the time, aiming at the creation of complete sources of law in force in a given field, separated according to a material criterion. Its creators rejected the possibility of drafting new codes, and instead used a method leading to the creation of the so-called 'Code de concordance', i.e., to issue a collection of legislation currently in force, coordinated internally according to the systematic order of the fields of law and without any changes in its content. Consequently, Russian legislation retained a distinct national character, remaining outside the mainstream codification of Western Europe. 'The Vindication of the Laws of the Russian Empire' constituted a codification of the legal provisions in force, arranged according to a factual criterion, covering almost all areas of law in separate volumes. Despite the fact that it was systematically supplemented, and that the current state of the law was updated in successive reissues of its individual volumes, subsequent editions appeared sporadically and never fully reflected the current state of the law in a given field.

**Šouša, Jiří**
(Karlsuniversität)

## → *Ausgewählte Fragen der normativen Regelung und der Anwendungspraxis der erschwerenden Umstände in der Tschechoslowakei 1918-1938*

Der Beitrag befasst sich mit der gesetzlichen Regelung und der Rechtssprechung der erschwerenden Umstände in der Tschechoslowakei der Zwischenkriegszeit (1918-1938). In einer Primärforschung der Rechtsregelung und der Entscheidungspraxis der tschechoslowakischen Gerichte werden sowohl die theoretische und normative Ausgestaltung des Rechtsinstituts als auch seine gerichtliche Anwendung analysiert. Dabei wird der damalige Rechtspluralismus, also die konzeptionellen Unterschiede in Bezug auf die straferschwerenden Umstände und ihre Anwendung im Recht der tschechischen Länder und im Recht der Slowakei und des Karpatenrusslands aufgezeigt, wenn sich der Inhalt des Strafrechts in den verschiedenen Territorien der Tschechoslowakei zwischen 1918 und 1938 unterschied. Es wirkte sich auf die Regelungen, die Rechtssprechung und die Form des so genannten lebenden Rechts und damit auf die Rechtssicherheit und auf das Vertrauen der Bevölkerung in das Recht stark aus. Außerdem werden die zeitgenössischen Auslegungsgrundsätze, die damaligen Ähnlichkeiten und die mögliche Vereinheitlichung der gerichtlichen Entscheidungen über allgemeine mildernde Umstände sowie die Unterschiede zwischen den Theorien und Normen und der tatsächlichen Rechtssprechung aufgezeigt. Die Kenntnis der Vergangenheit kann auch dazu beitragen, aktuelle Probleme bei der Vereinheitlichung verschiedener Rechtsordnungen anzugehen.

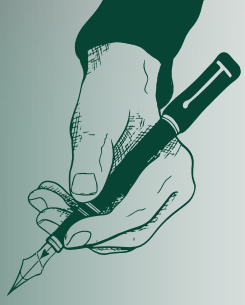
**Starý, Marek**
(Charles University)

## → *Protection of Minors in the Renewed Land Constitution of the Kingdom of Bohemia (1627)*

The Renwed Land Constitution of the Kingdom of Bohemia from the year 1627 is an extensive code issued by Emperor Ferdinand II after the suppression of the Bohemian Estates Revolt. It represents









a rather fundamental breakthrough in the development of Czech land law. The present paper will focus on the status and protection of minors, with the aim of revealing to what extent legal continuity has been applied in this area and to what extent, on the contrary, new legal principles and mechanisms have been introduced.

**Staudigl-Ciechowicz, Kamila**
(Universität Wien)

## → *"Frau Professor" - Vergleichende Untersuchungen zu den Ehegattinnen von Rechtsgelehrten der Universitäten Wien und Strasbourg*

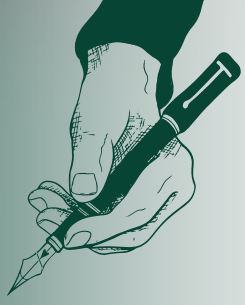
Der Beitrag präsentiert die ersten Ergebnisse des Projektes „Frau Professor". Untersucht werden Lebenswege von Ehefrauen Rechtsgelehrter aus kollektiv-biographischer und individuell-biographischer Sicht. In einem ersten Schritt konzentriert sich die Projektleiterin auf die Wiener Juristische Fakultät 1918 bis 1938. Ausgehend von den biographischen Untersuchungen zu den Wiener Rechts- und Staatswissenschaftlern in der Zwischenkriegszeit, die 2014 von der Projektleiterin als Mitautorin publiziert wurden, konzentriert sich die Projektleiterin auf die kaum erforschte Gruppe der Professorengattinnen, der von 1918 bis 1938, in einer Zeit von politischen und ideologischen Brüchen, an der Wiener Rechts- und Staatswissenschaftlichen Fakultät wirkenden Professoren. In einem zweiten Schritt wird der Untersuchungszeitraum erweitert und für eine vergleichende Analyse um drei deutsche Universitäten ergänzt – unter anderem die Universität Strasbourg 1871 bis 1918. Das Projekt soll eine Forschungslücke aus dem rechtshistorischen und geschichtlichen Bereich füllen. Durch die zwei Herangehensweisen - kollektiv-biografisch und individuell-biographisch - können sowohl abstrahierte Aussagen über die Professorengattinnen als soziale Gruppe gemacht als auch durch die konkreten einzelnen Biographien Fallstudien zu Lebensweg, Wirken und Geschlechterrolle erstellt werden. Untersuchungen zu Professorengattinnen sind bislang kaum vorhanden, eine Untersuchung dieser Personengruppe lässt folglich neue Erkenntnisse insbesondere für historische und rechtshistorische Gebiete erwarten, ist gleichzeitig ein wichtiger Schritt im Bereich Erinnerungskultur und Frauenforschung. Eine besondere Herausforderung für die Untersuchung stellt die Frage der

Quellen und der Quellenkritik dar. Die Projektleiterin zieht einerseits unterschiedliche Arten von Archivquellen heran, andererseits sind digitale Quellen – wie insbesondere die in den letzten Jahren durch Zeitungsdatenbanken, kirchliche Datenbanken und genealogische Webprojekte zur Verfügung gestellten Materialien – ein wichtiger Bestandteil für die vorliegende Untersuchung. Gleichzeitig entstehen durch die Heranziehung digitaler Quellen andere Recherchefragen und -schwierigkeiten, als bei der Arbeit mit nicht digitalen Materialen. Der Beitrag präsentiert die ersten Ergebnisse und stellt insbesondere die Fragen nach Rechercheschwierigkeiten und Quellenanalyse zur Diskussion.

**Stokowski, Michał**
(University of Bialystok)

## → *Studies on Protective Measures Against "Traitors to the Nation" in Post-war Poland*

In a manifest proclaimed on 22nd July 1944 the Polish Committee of National Liberation (PCNL) declared the arrival of the "hour of retaliation against the Germans" and announced that "no traitor to the nation can escape punishment". A few months after the manifest was issued, and after the Red Army had crossed the borders of present-day Poland, the PCNL began to implement special penal decrees against, not only collaborators and criminals, but also against those who was on the German nationality list (Deutsche Volksliste). The PCNL applied special provisions to persons on the German nationality list. These provisions was regulated by the Decree of 4th November 1944 on protective measures against traitors to the Nation. My presentation will be devoted to a description of the protective measures and de facto preventive measures which were applied to persons registered on the German nationality list. Such measures, among others, were "holding" and placement in a "detention camp", which were previously unknown to Polish criminal law. My presentation will be preceded by a legal analysis of these measures and will focus on their factual nature. The subject will also be shown in the light of the practice of the application these measures by the so-called "special prosecutors of the special criminal courts", who were competent to conduct such proceedings. The research material has been obtained from contemporary literature and from period of





the subject under discussion , as well as from archival material. Archival materials in the form of criminal proceedings files (pre-trial phase) conducted against persons on the German nationality list. The above-mentioned archives are held in the collection of the Institute of National Remembrance.

**Stoll, Christoph**
(Leopold-Franzens-Universität Innsbruck)

## → *Theaterrechtliche Entwicklungen in den ehemaligen Kronländern und ihre Bedeutung für die Kulturpolitik der Habsburger-Monarchie im 19. Jahrhundert (Arbeitstitel)*

Die Theaterrechtsgeschichte Österreichs des 19. Jahrhunderts stellt, trotz einiger Einzelstudien in den letzten Jahren, ein bis dato kaum erforschtes Feld innerhalb der Rechtsgeschichte dar. Dies ist zum einen darauf zurückzuführen, dass aufgrund der im Vergleich zu Deutschland überschaubaren Anzahl an Theatern selbst im geltenden Recht – abgesehen von Spezialthemen wie dem Theaterarbeitsgesetz – kein Gesamtüberblick existiert, der sowohl das öffentliche Recht als auch das Zivilrecht abdeckt. Zum anderen sind rechtshistorische Perspektiven auf komplexe Querschnittsmaterien wie Umwelt-, Technik- oder Geschlechterrechtsgeschichte (und eben auf das Kultur- oder Theaterrecht) erst in den letzten Jahrzehnten häufiger anzutreffen. Dies berücksichtigend, ist es einleuchtend, dass eine noch weitergehende räumliche und zeitliche Spezialisierung – in diesem Fall auf die theaterrechtshistorische Entwicklung in den ehemaligen Kronländern der Habsburger-Monarchie im 19. Jahrhundert – noch seltener vorzufinden ist. Der vorliegende Beitrag beabsichtigt, neben einem Überblick über die wichtigsten theaterrechtshistorischen Regelungen auf Ebene der gesamten Habsburger-Monarchie (etwa die Theaterzensur als Form der institutionellen Vorzensur sowie strafrechtliche Bestimmungen in Form repressiver Nachzensur), ein besonderes Augenmerk auf theaterrechtliche Besonderheiten in bestimmten Kronländern zu werfen. Ergänzend zu Verordnungen und Hofdekreten werden dazu sogenannte Theatergesetze herangezogen, die als „Rechtsquelle sui generis“ unter anderem das Arbeits- und Organisationsrecht

des jeweiligen (Stadt-)Theaters enthielten. Besonderes Augenmerk wird dabei auf das „Theater-Gesetz für Breslau“ (1841 und 1848), die „Theater-Gesetze für das Theater-Personal der königl. städtischen Schaubühne zu Kaschau“ (1855) sowie auf das „Theater-Gesetz des Kaiserl. Königl. Theaters zu Krakau unter Direction des Herrn Carl Gaudelius“ (1854) gelegt. Ausgehend von der Analyse dieser rechtshistorisch bisher kaum beachteten Spezialquellen wird hinterfragt, inwieweit die Entwicklung des Theaterrechts im 19. Jahrhundert – abseits der Residenzstadt Wien – zu einem besseren Verständnis der Kulturpolitik in der Habsburger-Monarchie beitragen kann.

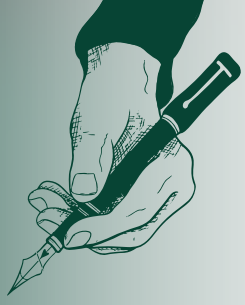
**Strzała, Marek**
(Jagiellonian University)

### → *Effectiveness of the Concordat between the Holy See and the Republic of Poland of 1925 in Poland after 1945*

In 1945 the communist political powers announced that the Concordat between the Holy See and the Republic of Poland of 1925 ceased to be in force. There are different views whether it was an act of terminating this international treaty or other sui generis form of declaration. Even if treated as an act of revoking, this statement has risen many legal questions especially about the conditions for revoking the concordat and proper form of doing so. The work aims to analyse this problems as well as possible interpretations of the legal effects in the case of losing the force of the above mentioned concordat. The legal practice problems are presented on the particular issue of legal personality of the entities of the Catholic Church.









**SZABÓ, SZILÁRD**
(Universität Debrecen)

### → *Das völker- und staatsrechtliche Verhältnis Bosnien-Herzegowinas zur österreichisch-ungarischen Monarchie*

In meinem Vortrag möchte ich untersuchen, in welchem internationalen und staatsrechtlichen Verhältnis Bosnien-Herzegowina zur Österreichisch-Ungarischen Monarchie im Zusammenhang mit dem Berliner Vertrag von 1878 sowie nach der Proklamation der Annexion der Gebiete durch Franz Joseph im Oktober 1908 stand. Welche Auswirkungen hatte die Besetzung von Bosnien-Herzegowina auf das dualistische System und die 1867 geschaffene österreichisch-ungarische staatsrechtliche Verbindung?

**Szabó, István**
(Pázmány Péter Katholische Universität)

### → *Überlegungen zu den Reformen des Habsburgerreiches nach 1848*

Die Revolutionen von 1848 spielten nicht nur für die Verfassungsreformen, sondern auch für das nationale Erwachen eine wichtige Rolle. Zu diesem Zeitpunkt war das Habsburgerreich der letzte dynastische Staat in Europa. Die verbindende Kraft des Staates war nicht die Nationalität, sondern die Zugehörigkeit zu einem Herrschergeschlecht. Aber auch für die dort lebenden Völker war die Bewahrung der nationalen Identität wichtig. Die einzige Möglichkeit, das Habsburgerreich zusammenzuhalten, bestand darin, einen Weg zu finden, dies zu tun. Die Schwierigkeit bestand darin, dass die nationalen Bestrebungen häufig zu Konflikten zwischen den Nationen führten. So waren die letzten sieben Jahrzehnte der Geschichte des Habsburgerreiches bis zu seiner Auflösung im Jahr 1918 von der Lösung dieser internen ethnischen Spannungen geprägt. In dem Vortrag werden die wichtigsten Elemente dieser verfassungsrechtlichen Fragen erläutert. Die innere Aufteilung des Habsburgerreiches sollte den alten historischen Grenzen folgen oder in ethnische Grenzen umgewandelt werden. Wie sollte das Reich organisiert werden? Sollten seine Teile nur durch die gemeinsame Person des Herrschers verbunden sein, oder sollte

es eine gemeinsame Reichsgesetzgebung geben? In wie viele Teile sollte das Reich aufgeteilt werden? Auch der verfassungsrechtliche Hintergrund der Reformen war eine offene Frage. Konnte sie durch Volkssouveränität erreicht werden? Wenn eine verfassungsgebende Nationalversammlung zusammentritt, können die Nationen dieses Reiches dann eine Einigung erzielen? Oder ist es die Person des Herrschers, die einen Zustand des Gleichgewichts schaffen kann?

**Szczygielski, Krzysztof**
(University of Białystok)

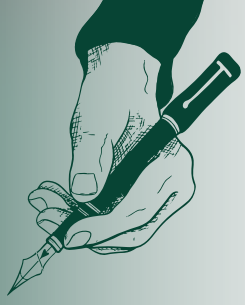
### → *Roman Law in the Judgments of the Supreme Court of the Republic of Poland in the Years 1917-1989*

The main purpose of the speech is to analyze the judgments of the Supreme Court of the Republic of Poland in the years 1917-1989, which contain references to Roman law. On this basis it will be possible to answer the following questions: How often were references to Roman law made? Did these references appear only in civil cases or also in criminal cases? What was the attitude towards Roman law in the interwar period and in the period of the Polish People's Republic?

**Szigeti, Magdolna**
(Pázmány Péter Katholische Universität)

### → *Die Perioden der kommunistischen Diktatur in Ungarn*

Zwischen 1945 und 1949 gab es in Ungarn eine schwache Hoffnung auf den Aufbau eines unabhängigen, modernen Staates, der den Bedürfnissen der Bürger entsprach, auch wenn die russische Besatzung zunehmend ihren Einfluss zeigte. Zwischen 1949 und 1956 durchlebte Ungarn eine Ära, die von der Beendigung des Zweiten Weltkriegs bis zur Revolution von 1956 reichte. Nach 1948 wurde im Land eine totalitäre stalinistische Diktatur unter der Führung von Mátyás Rákosi errichtet, die bis zu Stalins Tod im Jahr 1953 andauerte, aber mit dem Ausbruch der Revolution von 1956 endete. Die Ära Kádár ist die gängige Bezeichnung für die Jahre 1956-1988. Der Parteichef, der dem Regime seinen Namen gab, war





32 Jahre lang der erste Mann des Landes. Die erste Aufgabe der Kádár-Regierung war die Wiederherstellung der Ordnung, d. h. die Bestrafung derjenigen, die sich an der Revolution beteiligt hatten, und die Wiederherstellung des Parteienstaates. Es wurde jedoch deutlich, dass der von Rákosi favorisierte stalinistische Weg nicht mehr gangbar war. Auf der Grundlage dieser Erkenntnis - denn die grundlegenden Ziele hatten sich nicht geändert, sondern nur die Mittel, um sie zu erreichen - gelang es Kádár, seine persönliche Macht zu festigen. In der zweiten großen Phase (1962-1963 bis 1988) entwickelten sich die spezifischen Merkmale des Regimes, mit denen die Ära Kádár am häufigsten identifiziert wird, die mit von westlichen Journalisten geprägtem Ausdruck „glücklichste Kaserne“ genannt wurde. Das Wirtschaftsleben wurde neben der Planwirtschaft durch eine begrenzte Anwendung von Marktaspekte ersetzt. Die Kulturpolitik war von der Ideologie des „Verbotenen, Geduldeten, Geförderten“ durchdrungen, aber auch die Liberalisierung des geistigen und kulturellen Lebens begann. Man muss auch über das oft nostalgisch erwähnte Merkmal des Systems sprechen, das den Menschen die Möglichkeit zu bescheidenem, aber sicherem materiellem Wohlstand bot, aber auch „Arbeitslosigkeit hinter der Haustür“ und ein hoch verschuldetes Land bedeutete.

**Tarkowski, Mikolaj**
(Pomeranian University in Słupsk)

At the Beginnings of the Bulgarian Bar. The Concept and Normative Conditions of the Organization of the Legal Profession in the Second Half of the 19th Century and the First Years of the 20th Century (until 1914)

The article is devoted to the development of a modern form of advocacy in Bulgaria. The period of its development coincided, essentially, with the existence of the Principality of Bulgaria, which was established as a result of the provisions of the Treaty of Berlin (August 1878), which ended the Russo-Turkish War. One of the main political assumptions that guided the creator of the judicial system and the bar of that period, was the reception of solutions based on the judicial reform of Alexander II from 1864. In turn, in the legal field, norms were adopted in 1880 that allowed the use of legal representation. Additionally, at the later stages of development

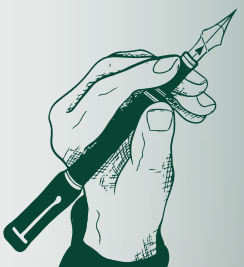
of this legal profession, the institution of the advocate and the advocate's assistant was introduced in November 1888. An equally modern manifestation of the development of the bar in Bulgaria should be considered the possibility of establishing bar councils and their competences in the field of disciplinary proceedings.

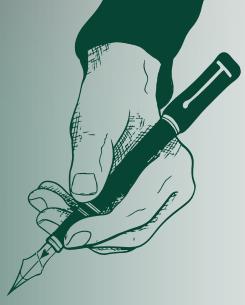
Tarnowska, Anna
(Nicolaus Copernicus University in Toruń)

## → *From the Polish History of Freedom of Assembly: A Lesson in Multidisciplinary Legal Cooperation*

Freedom of assembly, recognized as a fundamental civic liberty of constitutional significance, presents a compelling subject of study not only for legal historians who examine its historical evolution but also for scholars across various legal disciplines. The development of Polish assembly law reflects a complex legal heritage, with its foundations in the regulations of the partitioning powers. It first emerged as an independent Polish legal framework in 1932, was subsequently replaced by communist legislation in 1962, and underwent further transformation during the early phase of Poland's political transition with the enactment of the 1990 law. A comprehensive study of this area allows for an in-depth analysis of the process of legal positivisation, the interplay between constitutional and statutory provisions, and the coexistence of general statutory regulations with assembly-related norms found in other legal acts, potentially leading to conflicts between legally protected interests. Other key areas of inquiry include the legal conditions governing the organization and participation in assemblies, as well as the administrative procedures for issuing permits or processing notifications. Additionally, the mechanisms ensuring the protection of this freedom merit examination, including judicial interpretations by ordinary, administrative, and supranational courts, alongside the roles played by rights protection bodies such as ombudsmen and non-governmental organizations. This presentation explores the potential for interdisciplinary collaboration in this domain, particularly when legal historians, legal theorists, constitutional scholars, and administrative law specialists engage in joint research. It will highlight the advantages of such an approach, as well as the methodological and conceptual challenges that must be addressed. The discussion









will be framed within the findings of an interdisciplinary research project “Does the law on assembly matter?” focused on the legal and institutional dimensions of freedom of assembly.

**Tomasiewicz, Marcin**
(Uniwersytet Jagielloński)

## → *Hatred of the Law – Reflections on Christian Anarchism in Medieval-central Europe*

Autorzy ewangeliczni nie rozsądzili jednoznacznie stosunku rodzącego się Kościoła do porządku państwowego. Pierwsze gminy chrześcijańskie, oczekujące rychłego końca doczesnego uniwersum, najczęściej zajmowały pozycje separatystyczne lub nawet kontestacyjne względem władzy państwowej. Sytuacja ta ulegała stopniowej zmianie na przestrzeni II i III wieku. Zaś w dobie pokonstantyńskiej nastąpiła inkorporacja niektórych poglądów eklezjalnych do oficjalnej doktryny cesarstwa. Pomimo tego sojuszu, nieufność wielu teologów względem doczesnego porządku politycznego nie została usunięta. Świadczą o tym liczne sekty i środowiska życia ewangelicznego stawiające się poza prawem i władzą doczesną. W strukturach oficjalnego kościoła problem ten powrócił wraz ze zmaganiami papiestwa i cesarstwa o uniwersalne władztwo. Kolejni papieże XIII wieku podkreślali grzeszność organizacji państwowej, nierzadko wskazując na jej diabelską proweniencję. Ta „demonologia polityczna” znalazła również odzwierciedlenie w ruchach żebraczych, masowych wystąpieniach biczowników oraz konwentyklach sekt mesjanistycznych i chiliastycznych. Szczególny urodzaj tego typu ruchów był obecny w dolinie środkowego Renu. Proponowane wystąpienie zmierza do prześledzenia poglądów kontestujących prawo i władzę państwową przez niemieckich „dysydentów religijnych” XIV wieku, oraz zaproponowanie teologicznej interpretacji ich stanowisk. Szczególną uwagą zostaną objęci begardzi, beginki, biczownicy oraz Bracia i Siostry Wolnego Ducha.

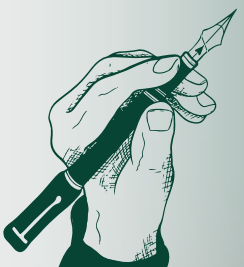
**Tot, Ivan**
(University of Zagreb)

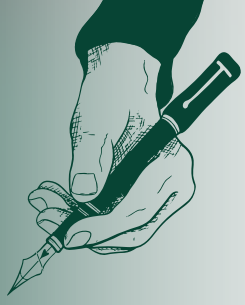
## → *The Forgotten Link? Uncovering the Influences of Polish Law on the Yugoslav Law on Obligations of 1978*

The Yugoslav Law on Obligations of 1978 (Zakon o obveznim odnosima, ZOO) was the first comprehensive legal framework governing the law of obligations across the former Socialist Federal Republic of Yugoslavia. One of its important yet underexplored features is its reliance on diverse foreign legislative models, case law, and legal scholarship. This influence stems primarily from the comparative approach adopted by Professor Mihailo Konstantinović (1897–1982) in his academic Sketch for the Code of Obligations and Contracts (1969), which served as the foundation for the ZOO, and partly from the drafting committees, which also drew on foreign legal sources. Studies on the foreign influences on the Yugoslav ZOO remain scarce and have predominantly focused on legal transfers from Austrian, French, German, Italian, and Swiss law, while potential borrowings from Central and Eastern European jurisdictions have largely been overlooked. This paper argues that Polish law of obligations also influenced the development of certain legal concepts in the ZOO. Drawing on materials from the drafting process (1963–1978), scholarly works by Konstantinović and members of the drafting committees, and comparative legal analysis, this paper traces the hidden connections between Polish and Yugoslav law of obligations, identifying provisions in the ZOO that were influenced by or directly borrowed from the Polish Code of Obligations of 1933 and the Polish Civil Code of 1964. Additionally, it examines the evolution of these borrowed legal concepts both in Polish law as the donor system and in Yugoslav law as the recipient system, as well as their continued influence in contemporary Croatian law, where many ZOO provisions remain embedded in the current Croatian Law on Obligations.









CRACOW

Tóth, Dorina Anna
(Széchenyi István University)

## → *The Intersection of Law, Morality, and Prostitution in Hungary during the Dualism Era*

The modernization and urbanization that followed the Austro-Hungarian Compromise of 1867 brought significant social changes. In the new social order, the increased internal migration and the restructuring of society brought the issue of prostitution to the forefront, alongside other emerging challenges such as the rising crime rate. During the Dualist period, prostitution was a legally regulated activity, defined as a necessary evil. The regulation had both public health and moral policing perspectives, sparking considerable public debate. Prostitution, as a legal activity, had to coexist with the expectations of a respectable and moral society. According to contemporary beliefs, commercial sex resulted in the stigmatization and moral downfall of women, further deepening the double standards between men and women instead of subjecting both genders to equal scrutiny and regulation. Moreover, the regulation of prostitution was not merely about maintaining public morality but also served as a means of reinforcing the existing social order. For many women prostitution meant financial survival. Legal frameworks and public health measures often prioritized the protection of public order over the rights and well-being of the women involved. As a result, prostitution was not only an individual but also a deeply political and social issue. In my presentation, I will explore the role of prostitution not only in terms of public health and legislation but also in relation to the social status of women. I will outline the legal framework, while also examining the social implications, focusing on how the regulation of prostitution reflected the social and gender norms of the time.

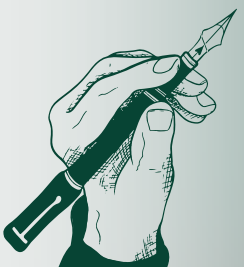
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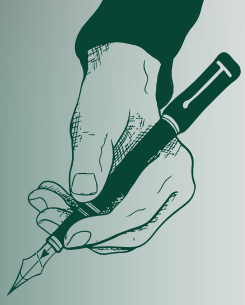
**Truszkowski, Bartosz Kamil**
(Uniwersytet w Białymstoku)

## → *The Promulgation of Normative Acts in Poland and Czechoslovakia in the Interwar Period. A Comparative Analysis*

The interwar period (1918–1939) was a crucial time for the development of legal systems in Central Europe. Both Poland and Czechoslovakia, newly established after World War I, faced the challenge of constructing coherent legal frameworks and effective systems for the promulgation of normative acts. This presentation aims to provide a comparative analysis of the mechanisms of legal publication in both countries, examining their similarities, differences, and the broader implications for governance and legal certainty. The study focuses on the primary official journals: Dziennik Ustaw Rzeczypospolitej Polskiej in Poland and Sbírka zákonů a nařízení in Czechoslovakia. These promulgation systems played a fundamental role in ensuring legal transparency and the accessibility of laws to citizens and institutions. The paper also discusses Monitor Polski and Úřední list Československé republiky, which published governmental announcements and administrative decisions, as well as specialized ministerial and regional bulletins. The analysis highlights key aspects such as the hierarchical structure of legal sources, the role of executive power in legal promulgation, and the procedural requirements for the publication and entry into force of legal acts. It also explores how both systems adapted to political changes, including shifts toward authoritarian rule in the late 1930s. By comparing the Polish and Czechoslovak models, this study sheds light on the broader issue of legal dissemination in newly formed states and its significance for legal certainty and state legitimacy. The findings contribute to the understanding of interwar legislative practices and their impact on modern legal systems.









Varga, Norbert Varga
(University of Szeged)

## → *The Practice of Hungarian Cartel Agreements in the Interwar Period*

The most significant aspect of the cartel movement of the 20th century lies within the paradox of free competition, for mandates regulating free competition came to be as the result of free competition itself. As a part of the European codification process, the regulation of Hungarian cartel law, basically cartel public law was introduced by the 20th Act of 1931, in which the emphasis was put on national intervention efforts. A unified regulation of Hungarian cartel private law was scrapped, and due to its omission the general rules of private law, especially commercial law served as guidelines for the practitioners of law. In the field of cartel private law, various other problems could arise apart from the ones the law did not have clauses for, for the act's only concern was cartel public law. The presentation of the practice of Hungarian private cartel law in the Hungarian literature of the time (e.g. Ferenc Harasztosi Király, Károly Dobrovics) was also neglected. The private law of cartels can be understood on the basis of the case law. The aim of my lecture is to present some parts of cartel agreements through archival sources. I will examine the records of the Budapest Capital City Archives and the Economic Department of the Hungarian National Archives, which will provide a basis for presenting the actual content of cartel agreements. In the absence of Hungarian private cartel law, the most important parts of cartel agreements can be described on the basis of the case law available in the archives.

Varga, Benedek
(University of Szeged)

## → *The regulation and practice of tax fraud in Hungary between the two world wars*

After the First World War, an economic recession affected all sectors of the economy in Hungary, coupled with a very poor tax morale in society. Reacting to the economic circumstances the National Assembly adopted Act XXXII of 1920, which firstly regulated the

felony and misdemeanor of tax fraud in Hungarian legal history, so the legislator did not amend the Criminal Code (the so called Code Csemegi), but created a separate act. This act only gave the formal statutory definition of these delicts, declaring that tax fraud is a conduct that is expressly declared as tax fraud by a law on tax or other public debt. So this act was a „framework law"(Blanketstrafgesetz), which has been filled with content by the laws about certain taxes and public debts. In my research, firstly I sought to answer the question where tax fraud could be placed in the system of 20th century Hungarian criminal law dogmatics, which presupposes a precise analysis of the legal matter (Rechtsgut) of the crime. Secondly I analysed that what dogmatic and codification-technique reasons explained the „side-law regulation" (Nebenstrafrecht). Finally I examined the definitional elements of the tax fraud in a dogmatic way, using both the relevant criminal law literature as well as the decisions of the Royal Hungarian Curia. I would like to present the practice of tax fraud through the decisions of the Royal Court of Appeal of Budapest, for which I conducted archival research in the Budapest City Archives.

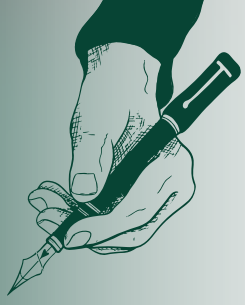
**Vec, Miloš**
(University of Vienna)

## → *On the way to the Geopolitics of a Völkisch Empire – and back? German Thinking on International Law, 1920-1950*

Deutschland gehörte zu den Ländern, in denen nach der Pariser Ordnung von 1919 und dem Völkerbund eine „Kultur der Niederlage" herrschte. In dieses kollektive Mindset fügten sich auch die deutschen Völkerrechtswissenschaftler, die noch im Kaiserreich sozialisiert waren, mit einer großen Breite von Methoden, Prämissen und rechtspolitischen Haltungen ein. Das Ziel einer Revision des Versailler Vertrags wurde zwar nicht umfassend erreicht, aber Deutschland 1926 in den Völkerbund aufgenommen. Hitlers Machtergreifung veränderte 1933 einerseits die Rahmenbedingungen von Wissenschaft radikal, andererseits knüpfte das NS-Regime ebenso geschickt wie erfolgreich an völkerrechtspolitische Überzeugungen aus der Weimarer Republik an, die die Pariser und Genfer Ordnung und das westliche Völkerrecht ablehnten oder gar verachteten – man denke nur an Carl Schmitt. Während der NS-









Zeit radikalisierte sich die Wissenschaft vom Internationalen Recht kumulativ: Rechtspazifistische und jüdische Völkerrechtler wurden zwangspensioniert, vertrieben oder in den Selbstmord getrieben. An den Universitäten herrschte das Gesetz der Gleichschaltung, denen sich die verbliebenen Gelehrten aus Opportunismus oder Überzeugung unterwarfen. Denn es gab auch neue Karrierechancen, und mancher sah die Stunde gekommen, da Deutschland wieder eine bedeutende Rolle in der Welt einnehmen würde. So wurde versucht, die Regeln des Völkerrechts neu zu schreiben, während Deutschland aus dem Völkerbund austrat, das Rheinland remilitarisierte und den Dreimächtepakt schloss. Man verstand sich als anti-westlich, anti-Bolschewistisch – und lieferte doch in der Kritik des politisierten Völkerrechts der Sowjetunion und seiner Außenpolitik ein Bild des Gegners und seiner rechtsnihilistischen Methoden, das eigentlich einem selbst glich. Nach 1939 wurden der Angriffskrieg und seine Kriegsmittel gerechtfertigt, die völkerrechtswidrigen Taten des eigenen Regimes geleugnet oder beschwiegen. Mein Vortrag endet mit einem Ausblick auf die Völkerrechtswissenschaft in den beiden deutschen Staaten nach 1945, wo militärische Besetzung und Kalter Krieg in Ost und West herrschten. Nach dem Zusammenbruch des NS-Regimes wurde erneut Völkerrechtswissenschaft betrieben, aber keineswegs nahtlos an die Jahre der Weimarer Republik angeknüpft.

**Vukas, Budislav Jr.**
(University of Rijeka)

## → *Anteil der Stadt Rijeka an der Entwicklung der Völkerrechtsforschung in 20. Jahrhundert.*

Die Geschichte der Stadt Rijeka im 20. Jahrhundert könnte in einigen Aspekten aus der Perspektive des Völkerrechts betrachtet werden. Zu Beginn des Jahrhunderts hatte Rijeka einen besonderen autonomen Status in der österreichisch-ungarischen Rechtsarchitektur. Nach dem Ersten Weltkrieg stand Rijeka im Mittelpunkt der internationalen Politik und war für kurze Zeit sogar ein Staat. Nach dem Zweiten Weltkrieg war Rijeka dann Objekt verschiedener Besatzungsregime. Neben diesen Besonderheiten der völkerrechtlichen Position Rijekas im Verlauf des 20. Jahrhundert, welche in der Einleitung des Vortrages kurz erörtert werden, soll das Augenmerk im Weiteren besonders darauf gerichtet werden, dass auf dem Gebiet der heutigen Stadt

Rijeka bedeutende Vertreter der modernen Völkerrechtslehre geboren wurden, und zwar unter gänzlich unterschiedlichen Umständen. Die Professoren des Völkerrechts an der Universität Zagreb, Božidar Bakotić und Budislav Vukas (senior), wurden in Sušak, dem Teil der heutigen Stadt Rijeka, der nach dem Ersten Weltkrieg dem späteren Jugoslawien zugefallen war, geboren. In Fiume, Italien, wurde zwischen den zwei Weltkriegen Vojin Dimitrijević als Sohn eines Diplomaten geboren. Er war Professor an mehreren Universitäten in Belgrad und ein bedeutender Vertreter der serbisch-jugoslawischen Völkerrechtslehre. In denselben dreißiger Jahren des 20. Jahrhunderts wurde unter den Italienern in Rijeka Danilo Zolo geboren, der an mehreren italienischen Universitäten ein angesehener Experte für Rechtsphilosophie mit Interesse an der Theorie des Völkerrechts wurde. Erst am Ende des 20. Jahrhunderts entwickelte sich Rijeka selbst zu einem bedeutenden Universitätszentrum, in dem das Völkerrecht systematisch studiert wurde. Auch wenn sich die Karrieren dieser Vertreter der Völkerrechtslehre völlig unabhängig voneinander entwickelten, ist es dennoch interessant, auf ihre Zugehörigkeit zu Rijeka, als einem Zentrum Mitteleuropas, zu verweisen.

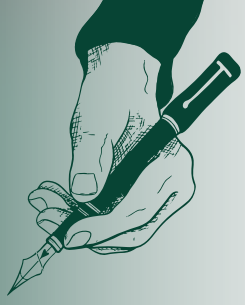
**Wasik, Izabela**
(Jagiellonian University)

### → *Female Lawyers in the Polish-language Press in the Second Half of the 19th Century and the First Half of the 20th century - Selected Examples.*

In my presentation, I would like to focus on the representation of women lawyers in the Polish-language press in the late 19th and early 20th centuries. During this period, women made significant efforts to be recognised as equal participants in public life, and the right to practise law was a central aspect of this participation. Historically, women had been denied this right for many years. I would like to show how women lawyers were portrayed in the press at the time, the arguments for and against admitting them to these professions, and the practice of their activities.









**Wijffels, Alain**
(emeritus KULeuven/Leiden)

### → *Law and Diplomacy : The "Gdańsk Issue" in Anglo-Hanseatic Trade (1409-1603)*

Despite the apparently clear wordings of the treaties of 1409, 1437 and 1473 granting English merchants unrestricted access to trade in "Prussia", the city of Gdańsk always maintained that, in their jurisdiction, they would only allow them (as any other foreign merchants) to trade with citizens of Gdańsk. That restriction became a permanent source of conflict between English merchants and the Gdańsk authorities, and a recurrent issue in Anglo-Hanseatic diplomatic relations. While the English relied on the texts of the treaties and the principle of reciprocity, Gdańsk (followed by the Hanse) relied on elaborate legal argumentations to establish that the apparently general terms of the treaties had never been intended to affect the local practice and regulations in Gdańsk, prohibiting all foreigners to deal (except during St. Dominic's fair) with anyone in the city but Gdańsk citizens. During the Hanseatic embassy of 1553 in London, the Gdańsk delegate and member of the team of negotiators, Dr. Georg Klefeldt, even commissioned written legal opinions by law professors of the university of Leuven to support his city's interpretation of the treaties. The persuasive force of legal arguments on either side may be doubted. The issue was instrumentalised by the English authorities for justifying restrictions (or even the resumption) of Hanseatic privileges in England and more generally for retaining a justification in pursuing English trade interests in the Baltic.

**Wiśniewska, Dorota**
(University of Lodz)

### → *Inheritance Cases in the Jurisprudence of the District Court in Łódź during the Interwar Period*

The paper serves an analysis of inheritance cases adjudicated by the District Court in Łódź during the interwar period. This court was established as part of the repolonization of the judiciary at the end of World War I and officially began its operations on September 1,

1917, based on the "Provisional Regulations on the Organization of the Judiciary in the Kingdom of Poland" of July 18, 1917. Initially, it functioned as the Royal Polish District Court, and after Poland regained independence, it operated as the District Court under the provisions of the decree of February 7, 1919. According to this decree, the justice of the peace courts, district courts, and appellate courts existing in the former Kingdom of Poland retained their previous seats and jurisdictions. Further changes were introduced only with the "Law on the Organization of Common Courts" of February 6, 1928. The interwar period was marked by the dynamic development of Łódź, which influenced the inheritance cases adjudicated by the District Court. The paper discusses the most significant aspects of judicial rulings in this area, with particular attention given to issues of inheritance, the division of estates, and disputes concerning wills. Additionally, the analysis focuses on the role of the District Court in Łódź in resolving inheritance disputes, considering local social and economic conditions, as well as the judicial practice of that period. The aim of the presentation is to highlight the impact of the court's rulings on the shaping of Polish inheritance law in the 20th century and to identify the specific challenges faced by judges at that time.

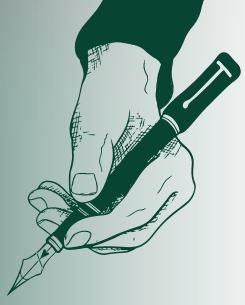
**Wydmański, Wojciech**
(University of Cardinal Stefan Wyszyński in Warsaw/University of Silesia in Katowice)

## → *Arbitration Courts in Cracow during the Second Polish Republic*

The topic of the paper is the functioning of arbitration courts in the light of the files of the Kraków Regional Court ensemble in the interwar period, located in the National Archives in Kraków. The aim of the paper is to demonstrate that arbitration courts were a valuable forum for resolving conflicts in private law (civil, commercial) between both natural and legal persons. The paper will present what arbitration disputes involved, their value, who was party to arbitration disputes and who acted as arbitrators. Furthermore, the position of the state courts, especially the Regional Court in Krakow, on the recognition of complaints against arbitral awards and on applications for enforceability of arbitral awards will be presented. Furthermore, a comparative method will be used in the research, on







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the basis of which the functioning of the arbitration courts in Krakow will be compared with other cities such as Warsaw, Lublin, Tarnów and Częstochowa. The paper will present the results of research conducted within the framework of a scientific project financed by a scientific grant of the Polish Minister of Science and Education 'Pearls of Science' (title of the scientific project: 'Arbitration Courts in Poland in the years 1918-1949'). As part of the research carried out, the files of the National Archives in Cracow and the Archives of New Records in Warsaw were analysed, in particular the files from the archival complex of the state courts in Cracow (where arbitration dispute files are located). The historical method, the dogmatic method and the comparative method were used. The results presented in the paper will be of a pioneering nature, as the subject under discussion has not yet been the subject of research by legal historians.

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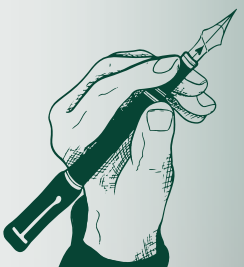
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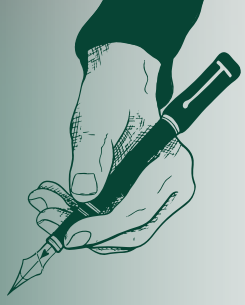
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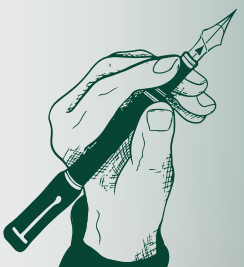
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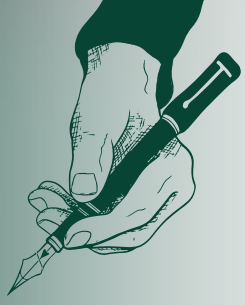
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