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Political and Law Thought of Magister Vincentius Kadłubek

Vincentius [Vincent], later called Kadłubek, was born in Karwów near Opatów, in the Włostów Parish, around 1150-1161. From his family home, from his father, Bogusław and his mother, Benigna, he took over his living faith in God and his ardent devotion to the Holy Mother. As one of the first Poles, he received while studying abroad the title of Magister [Master]. He was related to the court of Casimir II the Just, upon whose wish he started writing the *Chronica Polonorum* [Polish Chronicle]. From the function of Praepositus of the Sandomierz Collegiate Church he was elected Bishop of Cracow. He served this office in the years 1208-1218 and participated actively in the political and church life of the country – in 1215 he took part in the Fourth Council of the Lateran. He was a donor of the Cistercian Order, onto whom he ceded his own villages of Gojców, Czerników and Niekisiałka. Bishop Vincentius was the first to light the sanctuary lamp before the

Holy Sacrament. He spent his last years in the monastery in Jędrzejów, where he died in the odour of sanctity on 8 March 1223. After death he enjoyed the local cult which was confirmed by Pope Clement XIII on 18 February 1764. Now the living cult of Blessed Vincentius reaches far beyond the borders of Sandomierz and Kielce Diocese¹.

The *Chronica Polonorum* [Polish Chronicle] by Kadłubek was an „official version” of the history of Poland addressed to the country elites². While reflecting various problems troubling the court and cathedral circles, it was not considered to be a religious composition and nor an expression of spiritual life of the priest writer. It obeyed the rules of the literary genre which influenced the selection of the content and the form of expression. Vincentius received his priestly formation in the environment where religious zeal, service to God celebrated in the cathedral and diocese management were interwoven with participation in the state

¹ A. Lis, *Mistrz Wincenty Kadłubek – ojciec prawa w Polsce?* in *Prawo w Europie Średniowiecznej i nowożytnej*, ed. A. Lis, Lublin 2011, 91-117; A. Lis, *Wykorzystanie dowodu z dokumentów na przykładzie bł. Wincentego Kadłubka*, in *Świętość kanonizowana*, Vol. 7: *Sprawy dawne*, ed. S. T. Prażkiewicz, Kraków 2011, 133-186; A. Lis, *Rozwój kultu błogosławionego Wincentego Kadłubka między Wisłą a Pilicą*, „Między Wisłą a Pilicą”, Vol. 12, eds. G. Okła, B. Wojciechowska, Kielce 2011, 89-99.

² Cz. Ryska, *Nauczyciel miłości ojczyzny. Rzecz o bł. Wincentym Kadłubku*, Sandomierz 2012.

affairs³. His interest in history and law resulted here from the need for self-determination of the Polish monarchy and formation of the nation⁴.

THE REPUBLIC OF POLAND

In the core of Vincentius' historical vision there remains a concept of a republic as a legal and public order; the common wealth of the nation. The order which Poland created, was connected with the idea of homeland and the love of Polish people to their country⁵. It is determined by moral values and sustained by the virtues of its rulers. The authority of monarchs arises from the need for improving collective life by laws, and it derives from the mandate of the nation⁶. A monarch is the guardian and the servant of the law founded on justice, described by the chronicler as *what favours those who can do the least*⁷. He should admit to co-ruling the leading elite of the nation, consider the voice of the subjects and be subjected to their control. If anybody contradicts his vocation, the nation can overthrow him as tyrant and enthrone a worthier one. The republic is the order of freedom and civilisation determined by ethics and by the public expression of ethics,

i.e. the law; it is the order which is opposed to despotism and barbaric lawlessness⁸. From Vincentius' political thought one can conclude that a Christian ruler in a Christian nation is not an imposed tyrant who will rule absolutely, regardless of the circumstances. It must be a ruler accepted by the nation not only the moment he begins his service but, first of all, must be accepted constantly, day after day, year after year, event after event. In the conflict between Bolesław the Bold and Bishop Stanislaus, Magister Vincentius recognised and showed in his work that if the nation does not accept a ruler for moral reasons, this ruler must resign. The duties of a ruler include not only the duties of a ruler himself but also spiritual and moral duty to a nation which represents a certain formal and legal obligation. The nation should constantly verify those who rule, not only whether they came to power legally but whether they use it constantly in accordance with the accepted Christian standards and for the benefit of others. In his work, Vincentius entered a certain assumption saying that the nation is not only responsible for the quality of state life but the nation must also be aware of what is happening and must take timely decisions, marking the routes of justice and

³ E. Kauer-Bugajna, *Legenda dynastyczna – refleksje wokół kroniki Anonima zwanego Gallem i mistrza Wincentego zwanego Kadłubkiem*, in *Literatura i kultura polskiego średniowiecza. Człowiek wobec świata znaków i symboli*, eds. P. Buchwald-Pelcowa, J. Pelc, Warszawa 1995, 153-163.

⁴ Cz. Deptuła, *Nad zagadką mistrza Wincentego*, „Znak” 28(1976), nr 261, 368-384.

⁵ J. Wojtczak-Szyszkowski, *Antyczne wzory postawy moralnej i obywatelskiej w „Chronica Polonorum” Mistrza Wincentego Kadłubka* [Ancient Models of Moral and Civic Attitude in „Chronica Polonorum” by Master Vincent Kadłubek], in *Dziedzictwo antyczne a polska tradycja kulturowa*, Warszawa 2004, 25.

⁶ E. Mądrowska, *Polska jako „patrimonium”, „regnum” i „res publica” w „Kronice” Mistrza Wincentego* [Poland as „Patrimonium”, „Regnum” and „Res Publica” in the Chronicle by Magister Vincentius], in *Od liryki do retoryki. W kręgu słowa, literatury i kultury. Prace ofiarowane Jadwidze i Edmundowi Kotarskim*, eds. I. Kadulska, R. Grześkowiak, Gdańsk 2004, 41-46.

⁷ Mistrz Wincenty (tzw. Kadłubek), *Kronika Polska* [Master Vincentius (so-called Kadłubek), the Polish Chronicle], ed. Brygida Kürbis, Wrocław 2008, Vol. I, Chapter 5, 12; *Mistrza Wincentego zwanego Kadłubkiem Kronika Polska* [Master Vincentius' called Kadłubek Polish Chronicle], ed. M. Plezia, in *Monumenta Poloniae Historica*, series nova, Vol. 11, Kraków 1994.

⁸ B. Kürbis, *Jak mistrz Wincenty pisał historię Polski* [How Master Vincentius Was Writing the History of Poland], *ibid.*, in *Mistrz Wincenty Kadłubek. Człowiek i dzieło, pośmiertny kult i legenda. Materiały sesji naukowej – Kraków, 10 March 2000*, ed. K. R. Prokop, Kraków 2001, 59-78.

security now and the social development for generations-to-be. Vincentius says: *The benefit of the republic demands that nobody use his power for the evil*⁹.

The order of the republic was established on the basis of natural law and natural virtues. The beginning of the state was elevated to a higher level of spiritual values when the Church entered into the life of the nation. When rulers began to serve the ideas of Christianity, surrounded by the providence, their natural virtues became linked to supernatural ones. However, the above subject acquired here a deeper sense. The power of the country, arising from the valour of its monarchs and people, is in connection with the independent form of the order of the republic, the foundation of the actual and legitimate sovereignty of Poland from foreign powers. War feats gloriously testified the love for the homeland and devotion for religion. Thus, this authority of Vincentius is not only the historiographic and literary authority but the role of a chronicler in articulating the collective ethos of the nation¹⁰. It is Vincentius Kadłubek, who introduced to the Polish political tradition the ideas of freedom, morality, ethical essence of public law, the servient function of the authority towards the nation, the responsibility of the rulers before the ruled and the duty of „the citizens of the republic” of active involvement in the state affairs. His thought lies at the

foundation of Polish concepts of parliament and self-government¹¹. Another stage in the formation of a Polish state is connected with the adoption of Christianity by Mieszko I. The Kingdom of Poland is a union of the created state in terms of its space with the ideal commonwealth of Polish people. *Regnum*, existing thanks to the virtues of Polish rulers and their subjects, having added to those virtues the true, Christian faith, sanctified the position of Mieszko I by bestowing on him the highest title of an individual/regional ruler of Christians¹².

While describing the ideal of the republic, Vincentius mentions the problems of the Church, mostly of bishops¹³. Through them flows the knowledge and example, which give the public order a higher value of supernatural relevance. Bishops appear in the chronicle to have two functions. For the rulers they are teachers of the principles of ruling, supporters of just ruling, mediators in internal conflicts and intercessors with God when the homeland is threatened by external powers. On the other hand, they support the wronged and the oppressed of all social levels, reprimand bad rulers, encourage public opinion against despotism, and if the necessity arises, become a mainstay of active resistance to tyrants. Vincentius presented a model for the participation of the Church in public life of a Christian nation¹⁴. Personally

⁹ Vol. IV, Chapter 11, 205.

¹⁰ See S. Kieltka, *Sylwetka duchowa bł. Wincentego Kadłubka, w świetle historii i tradycji* [Spiritual Figure of Blessed Vincentius Kadłubek in History and Tradition], Rzym 1965.

¹¹ J. B. Korolec, *Ideał władcy w Kronice mistrza Wincentego. Rola cnót moralnych w legitymizacji władzy, in Pogranicza i konteksty literatury polskiego średniowiecza*, ed. T. Michałowska, Wrocław 1989, 71-87.

¹² See R. Grodecki, *Mistrz Wincenty Kadłubek, biskup krakowski (zarys biograficzny)*, „Rocznik Krakowski” 19(1923), 30-61.

¹³ Cz. Deptuła, *Biskup i władca. Z problematyki ideologii państwowej i świadomości narodowej polskiego średniowiecza*, „Więź” 11(1968), nr 9, 42-64.

¹⁴ E. Bauto, *Pogląd mistrza Wincentego Kadłubka na stosunek władzy duchowej i świeckiej*, „Nasza Przyszłość”, 17(1963), 61-76.

nearest for the Chronicler road to sanctity was the way leading to God through charismatic service to the matters of Christian order, the fusion of citizen virtues with supernatural virtues, the fusion of the love to the mother country with the faith. It was an active way, but founded on prayer and assuming the readiness for martyrdom. Such a model, concurrent to Vincentius' lifeline, was given to him by past spiritual masters and present superiors. He linked his own self-realisation with the work of a scholar, teacher, historian and writer, as well as a lawyer and clerk. Vincentius, who calls his homeland *res publica* thinks that this is a monarchy governed by the law made by legitimate rulers, elected by the society, and not tyrants usurping the power for themselves¹⁵. It is also the mother country (*patria*), defended by the valour of its citizens (*cives*)¹⁶. The love of the homeland is the highest good, the most important criterion of evaluating the deeds is *salus civium*, i.e., the good of its citizens¹⁷. Later generations saw in Vincentius' political treaty the history treated as an excuse to show the importance of Poland and Polish people, and an opportunity to present the vices and virtues of the society which decided about the throne and was the proper subject of political acts¹⁸.

What deserves particular attention is, as shown by the chronicler, the affirmation of

life sacrifice for the country. He mentions it in many parts of his work. The most meaningful example of the superiority of love for the homeland over family ties is the description of the defence of besieged Głogów against the German invasion: *Truly mighty, truly steadfast were these men, men of highly amazing perseverance! Neither the glitter of the gold does beguile them nor the power of emperor's majesty does yield them. No fear do they show at the power of the enemy charge, no hardship of fight can break them, even the love for their children does not weaken them! As fathers, not watching their sons, fiercely fight back, so their lads – they get tied to machines and exposed to stones [thrown] and their father's arrows, then they are threatened with many tortures in the face of their fathers. Albeit to no avail! Yet, the fathers' decision, taken with unwavering strength, holds that it is better for the parents to lose their brood than for the citizens to lose their country. And, it is fairer to care for freedom than for children*¹⁹. In the fragment cited, Vincentius emphasises that sacrifice for the home country is the highest value. In another place the author adds: *What we undertake for the love of our mother country, is love not madness, valour not audacity; since love is stronger than death, the more faint-hearted, the more daring. Hence, nothing calls for arms better than the fear of*

¹⁵ M. Zwiercan, *Model władcy w komentarzu Jana z Dąbrowki do Kroniki Bł. Wincentego zwanego Kadłubkiem w wykładzie uniwersyteckim w latach Jana Długosza* [The Model of a Ruler in the Commentary by Jan of Dąbrowka to the Chronicle of Blessed Vincenus called Kadłubek in the University Lecture in the Years of Jan Długosz], „Analecta Cracoviensia”, Year 16, 1984, [printed: 1985] 233–246, quotation 236.

¹⁶ J. Sondel, *Rola „Kroniki” Wincentego zwanego Kadłubkiem w upowszechnianiu prawa rzymskiego w średniowiecznej Polsce* [The Role of the Chronicle by Vincentius called Kadłubek in Popularising the Roman Law in medieval Poland], „Zeszyty Prawnicze UKSW” 11(2011), Vol. 1, 43.

¹⁷ O. Balzer, *Studium o Kadłubku* [Study on Kadłubek], Part 1, in *idem, Pisma pośmiertne*, Vol. I. Lwów 1934, 436.

¹⁸ M. Cetwiński, *Imperium Lechitów. Polityczna doktryna czy opowieść ku pocieszeniu serc, in Europa Środkowa i Wschodnia w polityce Piastów*, Toruń 1997, 243–248.

¹⁹ Vol. III, Chapter 18, 135–136.

*general danger*²⁰. In Vincentius' work there are various issues presented which bothered the court circles, the Church and the society and, particularly, the legal and public order which is determined by moral values and, most importantly, by the virtues of rulers. The chronicler presented the events and problems having in mind the country, the legal and public order, and the common welfare of the society: *So it is not strange for the virtue to put an end to public misfortunes, even with the damage onto itself*²¹. He emphasizes the defense of the country, i.e. the problems of foreign policy, law and sovereignty.

One of the most important elements of our country's self-determination in Europe is the relationship between Polish people and their neighbours. The process of forming national identity is connected with the creation of a sense of separateness and foreignness towards other nations²². The relationships between Poland and other European countries and peoples go back, according to the chronicler, to the oldest times. At the beginning of the 13th century among the Cracow clergy, and perhaps also among the knights of Casimir the Just, there was a strong bond between Poland and other Roman-Catholic countries. Yet, on the other hand, the sense of separateness was developing from the German Empire, whose inhabitants are classified by Vincentius

Kadłubek as morally inferior to Poles. While describing the relationships with the eastern neighbour, he emphasises the foreignness towards Rus.

The chronicler also feels sympathy for the hardships of peasantry, often describing the abuse they were subjected to by nobility. The democratic wording full of sympathy for the poor and the harmed has its origin in the sense of justice and brotherly love. In Vincentius' deliberations an important part is taken by the issue of mother country (*patria*), while the faithfulness to it, and the love to it (*amor patriae*), is the main moral right of all its citizens (*cives*), and those in power, in particular²³.

A MONARCH

A monarch is a head of state, responsible before God and before those who stand in for God on earth because in the body the soul rules the head, the counsel is the heart of the state. And it is the counsel from which right and wrong actions start. Judges, voivodes and preachers are the eyes, ears and tongue of the state²⁴. Clerks and warriors are the hands protecting the monarch. As an example of such a ruler for the people, the chronicle presented Lestek I, a legendary Duke of Poland, glorifying his valour and his saving the country²⁵. Wincenty emphasised

²⁰ Vol. II, Chapter 27, 96.

²¹ Vol. II, Chapter 27, 97.

²² A. F. Grabski, *Polska w opiniach obcych X-XIII w.*, Warszawa 1964, 25-80; A. F. Grabski, *Związek polskiej tradycji dziejowej z uniwersalną w historiografii polskiej do końca XIII wieku*, „Zeszyty Naukowe Uniwersytetu Łódzkiego” [Nauki Humanistyczno-Społeczne], S. I, 21(1961), 25-50.

²³ T. Michałowska, *Średniowiecze*, Warszawa 2003, 137. See J. Starnawski, *Drogi rozwojowe hagiografii polskiej i łacińskiej*, Kraków 1993; J. Kłoczowski, *Młodsza Europa*, Warszawa 1998, 441.

²⁴ P. Wiszewski, *Polska w kronice Mistrza Wincentego. Ze studiów nad terminologią dzieła i hierarchiami wartości w Polsce pełnego średniowiecza*, in *Onus Athlanteum. Studia nad Kroniką biskupa Wincentego*, eds. A. Dąbrowska, W. Wojtowicz, Warszawa 2009, 75-90.

²⁵ J. Banaszkiewicz, *Podanie o Lestku i Złotniku (mistrza Wincentego Kronika polska I 9. 11)*, „Studia Źródłoznawcze” 30(1987), 37-50.

the advantage of a hereditary monarch over a monarch coming from a foreign nation, a successor by hereditary right who, firstly, preventing and struggling for a hereditary throne, will care about the welfare of the state; secondly, succeeding to the throne makes him less prone to conceit and cruelty and, thirdly, is more respected by the society which, due to custom - the second nature of man, is obedient to him²⁶.

From among many dukes and kings reigning Poland, three deserved not only a favourable opinion in the eyes of Kadłubek, but also a distinction: Bolesław the Brave²⁷, Bolesław the Wrymouth²⁸, and, in particular, Casimir the Just. Their deeds, their attitude and their features of character best show what a monarch should be like. In the Polish Chronicle one can also find a portrait of a bad duke, i.e. Pompilius-Popiel, Bolesław the Bold, Zbigniew, Władysław [Ladislav] the Exile²⁹, and also Mieszko III the Old³⁰.

Which features should distinguish a good ruler? As witness of the times and reign of Casimir the Just, the chronicler Vincentius left an extensive description of his life and deeds. On the pages of the *Polish Chronicle* this duke appears as an outstanding model of a good monarch³¹. His care for the welfare of his subjects is an important feature of Casimir: *He breaks the bonds of slavery, crushes the yoke*

*of tax collectors, lifts tributes, introduces tax reliefs, not only lowers the burdens but removes them, orders contributions and servitudes to be lifted*³². In the fragment of the *Polish Chronicle* describing the Congress of Łęczyca in 1180, the ruler was shown as the protector of the Church, caring about its demesne, as an advocate of the people and a just duke who is a source of family welfare. While cooperating with the Episcopate, he freed the oppressed peasants from the overload which was imposed on them by the highest nobles together with their clerks. Here is the suitable part of the chronicle: *Had these people [some] honoured since ancient times and by custom accepted [the right] that every nobleman leaving anywhere with his retinue forced from the poor not only chaff, hay and straw but [even] corn after breaking into barns and huts and threw it to the horses, not as food, but to be trampled on*. There was also another well-established custom, being the evidence of similar audacity: *whenever a nobleman wanted to send a legation to someone, even in a minor case, he ordered his servants to mount a horse of poor people, in a blink of an hour swiftly trot great spaces. Because of that, many suffered great damage as some horses deteriorated incurably, or simply died, others were stolen, being considered still good. There was an occasion for robbery, and sometimes,*

²⁶ See J. Dobosz, *Monarcha i możni wobec Kościoła w Polsce do początku XIII wieku*, Poznań 2002.

²⁷ Cz. Deptuła, *Sredniowieczne mity genezy Polski*, „Znak” 25(1973), nr 11/12, 1364-1403.

²⁸ K. Małeczyński, *Bolesław III Krzywousty*, Wrocław 1975.

²⁹ See M. Biniś-Szkopek, *Bolesław IV Kędzierzawy – książę Mazowsza i princeps*, Poznań 2009.

³⁰ B. Kürbis, *Wizerunki Piastów w opiniach dziejopisarskich*, in *Piastowie w dziejach Polski. Zbiór artykułów z okazji 300. rocznicy wygaśnięcia dynastii Piastów*, ed. R. Heck, Wrocław 1975, 196–228.

³¹ J. Bieniak, *Jak Wincenty rozumiał i przedstawiał ustrój państwa polskiego*, in *Onus Athlanteum. Studia nad Kroniką biskupa Wincentego*, eds. A. Dąbrowska, W. Wojtowicz, Warszawa 2009, 39-46; J. Bieniak, *Mistrz Wincenty w życiu politycznym Polski przełomu XII i XIII wieku*, in *Mistrz Wincenty Kadłubek. Człowiek i dzieło, pośmiertny kult i legenda*, ed. K.R. Prokop, Kraków 2001, 21-48.

³² Vol. IV, Chapter 8, 199.

for murder. Besides the dukes kept usurping themselves the right that the wealth of diseased bishops be taken by robbers or included into the ducal treasury. Yet, what is subject to God's law, nobody's property can become, while it is acceptable to take over what is nobody's property. Neither does God allow sneering at him, nor is it allowed to defy him by strange antics. So as not to let such abuse happen anymore, the duke of justice forbids it under the threat of excommunication. [...] „Whoever shall take corn from the poor by force, or any other deceit, or whoever shall order to take, may he be cursed. Whoever, on the occasion of any legation, shall enforce horse and cart or order to enforce [giving] an animal to cart, may he be cursed, save one case, that is when they report that enemies are threatening a district. Albeit, it is not unjust if the mother country is then being saved by any means”. And again: „Whoever shall take over the property of a late bishop or whoever shall order it, let him be the duke or any other prominent person, or one of the [duke's] clerks, with no exception may he be cursed”. Howbeit, also the one who shall accept the bishop's robbed property and the goods taken shall not return in full, or shall he not vouch for promptly giving them back, as an accomplice in this sacrilege, he shall be deemed part in the same excommunication³³. In this work we deal with supporting the myth of a classless ruler shaped much earlier by evangelic ideals of

the epoch³⁴. By helping the poorest, he cared particularly about families, being aware of their great role³⁵. The information given by the chronicler about the decisions approved both by the pope and by the emperor, it does not necessarily result from their power to interfere in the internal affairs of the country, but from the desire to strengthen the dynastic plans of Casimir the Just with the their authority. Magister Vincentius, being the supporter of full sovereignty of Poland, invokes the pope and the emperor opportunistically, whenever it is necessary to strengthen the position of his mentor³⁶.

According to Vincentius, one of the most important virtues which should characterise a monarch is justice: *and never, in no one, in a more unfailing way did the virtue of justice and reason in judging blossom*³⁷. In this way Vincentius was describing Casimir the Just. For him, justice is connected with leniency which restrains, softens its harshness, thus it cannot be cruel but full of mercy, which is apparent when we speak about the features of Bolesław the Brave and Bolesław the Wrymouth and, most of all, Casimir the Just. If justice is not limited by mercy, it can change into cruelty. To both these virtues, the virtue of prudence and justice, as the virtues pertaining to a monarch, one must also add generosity and closely related, but in a way contradictory, the virtue of humbleness³⁸. Generosity and

³³ Vol. IV, Chapter, 199-202.

³⁴ A. Marzec, *Kazimierz Sprawiedliwy* [Casimir the Just], in *Piastowie. Leksykon Biograficzny*, eds. S. Szczur, K. Ożóg, Kraków 1999, 173-179.

³⁵ J. Dobosz, *Kazimierz II Sprawiedliwy*, Poznań 2011.

³⁶ B. Nowacki, *Poglądy prawno-polityczne w „Kronice” mistrza Wincentego*, in *Mente et litteris*, Poznań 1984, 134.

³⁷ Vol. IV, Chapter 5, 185-186. See *Myśli i nauki Mistrza Wincentego zwanego Kadłubkiem* [Thoughts and Teaching of Master Vincentius called Kadłubek], collected and translated by B. Kürbis, Warszawa 1980.

³⁸ J. Kempys, *Kardynalna cnota roztropności według kroniki bł. Wincentego Kadłubka* [Cardinal Virtue of Prudence According to the Chronicle by Blessed Vincentius Kadłubek], „Polonia Sacra” nr 19 (63), 2006, 123-138.

virtuousness are the features of the oldest inhabitants of Polish lands³⁹. Concluding, it is necessary to draw our attention to the social and political thought of Vincentius which says that the welfare of a nation whose guardian is a monarch, depends on the welfare of each family, both the noble and the poorest⁴⁰. It is because each family plays an important role in the function of the state organism⁴¹.

The ideal of a humble, lenient ruler subjected to law, personified by Bolesław the Brave, and even more by Casimir the Just, stands in contrast to the vision of a tyrant presented in the *Polish Chronicle* by Vincentius. A negative example in the mythical history was Pompilius the Younger. He was presented as a scoundrel, a boaster and a coward. His features of character were repeated in portraits of later bad rulers⁴². From the times closer to the chronicler, we can mention Bolesław the Bold (the Generous) or Mieszko III the Old. Haughtiness, contrary to humbleness remains a feature characteristic to a tyrant while the essence of his reign is violating the just order. In defense of the latter rose the „social factor” and, first of all, the nobility and the Church represented by its bishops (Stanislaus, Gedko, Pełka). In this way the trends in the then legal, political and ethical thought were incorporated into the contemporary Polish reality⁴³. An unjust

monarch did not care about the welfare of families in his country and was the source of their suffering.

The whole reign of Bolesław the Bold and its later assessment were overshadowed by a mysterious, in fact, conflict of the king and Stanislaus, Bishop of Cracow, which ended in the tragic death of the latter. Even their contemporaries were very circumspect in passing any information about the core of the conflict⁴⁴.

From the work of Vincentius Kadłubek, we can conclude that an unjust monarch was a source of suffering for families. And, in fact, the conflict between Bishop Stanislaus and King Bolesław the Bold really concerns families. Bolesław the Bold harmed women by punishing for harlotry even those who were forgiven by their husbands. Moreover, he ordered for their offspring to be taken away thus, beside mothers, children were made to suffer, as well. He ruthlessly suppressed the revolt and, first of all, dealt with the knights who left him during the war campaign in order to save their families. Consequently, family fathers were killed. Due to these merciless acts of King Bolesław many families lost their mothers, fathers and children. The Bishop of Cracow condemned the acts of the king-tyrant, in defense of oppressed families. As a result of these events, noble families opposed

³⁹ J. Domański, *Kadłubkowy paradoks o sprawiedliwości i miłosierdziu. Kilka uwag wokół domniemanego źródła* [Kadłubek Paradox on Justice and Mercy. Several Remarks on the Supposed Source], „Studia Mediewistyczne”, Vol. 34/35, 1999/2000, 71–86.

⁴⁰ S. Trawkowski, *Monarcha wobec ludu w świetle Kroniki mistrza Wincentego*, in *Człowiek w społeczeństwie średniowiecznym. Referaty z konferencji naukowej*, Warszawa 1997, 365–378.

⁴¹ J. Tyszkiewicz, *Kilka uwag o rodzinie w Polsce na początku XIII wieku*, in *Spółczesność Polski średniowiecznej: zbiór studiów*, Vol. 6, ed. S. K. Kuczyński, Warszawa 1994, 111–120.

⁴² J. Skomił, *Z problematyki własności w „Kronice polskiej” Wincentego zwanego Kadłubkiem (ok. 1150–1223)*, „Czasopismo Prawno-Historyczne” 56(2004), z. 1, 181.

⁴³ J. Wyrozumski, *Kraków i Małopolska w czasach Mistrza Wincentego Kadłubka*, in *Mistrz Wincenty Kadłubek. Człowiek i dzieło, pośmiertny kult i legenda. Materiały sesji naukowej – Kraków, 10 marca 2000.*, Kraków 2001, 13–19.

⁴⁴ A. Lis, *Nauczyciel wartości – św. Stanisław ze Szczepanowa. Zarys historiograficzny*, „Pedagogika Katolicka” nr 8 (1/2011), 317–350.

the king's actions and it led to revolt, and his exile from the country. They denounced their obedience because he did not assure care and protection for them but became a source of their suffering.

The deliberations presented above allow for the claim that Vincentius, in his *Polish Chronicle*, created two models of a monarch. Undoubtedly, the content was influenced by political events of the period when the work was being written. The portrait of a ruler, an unjust tyrant, was contrasted with a just - ideal ruler. One of the basic criteria of differentiation was the ruler's attitude to his subjects. A just ruler was a source of welfare of families while an unjust ruler was the cause of their suffering. It was not without the influence on the situation of the whole nation. Whereas a just ruler was safeguarding internal safety and order. He was the lawgiver endowed by every virtue, who set an example to be followed by other families. An ideal ruler harmonized social life according to which every family, from the poorest peasant to the noble one, honestly fulfilled the duties of their class in the service to an integral state⁴⁵.

MARRIAGE AND FAMILY

Kadłubek mentions the impediments to marriage several times. One of them is the difference in religion, however not in terms of law but in terms of custom. The marriage between a Christian princess with a pagan was not welcome, unless it led to religious conversion, as it happened in the case of

Mieszko and Dobrawa: *Because she, sincerely devoted to Catholic religion, at first had not felt like marrying, before the whole Polish kingdom, together with the king himself received the sign of Christian faith. She had learned that the difference in religion is one of the impediments to marriage. Therefore, Mieszko, King of Poland, received the grace of baptism*⁴⁶.

The Church intended marriages to be contracted *in facie ecclesiae* before the priest and in the presence of witnesses, and preceded by banns three times announced. Yet, other rules existed in marriages of dynastic families. Bolesław the Wrymouth married a third degree relative – Zbysława, while the Piast marriages with fourth degree relatives are encountered several times in the described period⁴⁷. Magister Vincentius invokes the Roman Law while he gives an extensive legal argument on marriage impediments related to adoption: *Thus, in in the "Digest", in the chapter entitled: "On marriage" [we read]: "Brotherly relationship acquired by adoption is an impediment to marriage until the adoption is valid. And, therefore, I may take as my wife the one, who was adopted and then emancipated by my father". Similarly, in the „Institutiones" in the chapter on marriage [we read]: „If a girl becomes your sister by adoption then, as long as the adoption lasts, marriage between you and her cannot be contracted. But, if the adoption is destroyed by emancipation, you may take her as your wife. If I adopt a girl for my daughter or granddaughter, may I marry her when I have emancipated her? Not in the*

⁴⁵ J. B. Korolec, *Ideał władcy w Kronice mistrza Wincentego. Rola cnót moralnych w legitymizacji władzy*, in *Pogranicza i konteksty literatury polskiego średniowiecza*, ed. T. Michałowska, Wrocław 1989, 71-87.

⁴⁶ Vol. II, Chapter II, 49.

⁴⁷ Father Balzer mentions 26 cases of marriages of Piasts between each other. See O. Balzer, *Genealogia Piastów* [The Piast Genealogy], Kraków 2005.

*least – as this title says: Then, whoever by adoption began to be your daughter or your granddaughter, shall not be taken as your wife even if you have emancipated her [...]*⁴⁸.

However, a legal obstacle was a natural blood relationship or spiritual relationship resulting from baptism or confirmation, as well as *“brotherly relationship arising from adoption”*, which is mentioned by the author while describing the rite of hair cutting: *This relationship by adoption, which was introduced by civil law is so sacrosanct that it cannot be broken even by marriage, for both spiritual sons and adoptive sons cannot marry their siblings unless one of them has been emancipated (...) Legal marriage shall not exist between brothers and spiritual sons because the laws do not allow marriages even between those related by adoption*⁴⁹. Here, the chronicler invokes both the Roman Law and the Canon Law, indicating that adoption was an impediment to marriage until the adopted woman was emancipated – then she could marry the son of the one who adopted her for his daughter; however, it was impossible to contract marriage with an adoptive parent even after emancipation⁵⁰. We may suppose that this problem raised controversies, since the author supports his arguments with proper quotations from the collections of laws⁵¹.

From the author's reflections, we can derive yet another law and obligation to bring up children for social and cultural

positions⁵². Moral education is a specific area of upbringing. The chronicler speaks also about religious education, which has already been mentioned. Here, the bishops exercised special supervision over this extremely difficult and important task. It should be emphasized that parents must treat upbringing as the most difficult task and the hardest duty⁵³.

Having concluded the outlined research structure, it is confirmed that:

1. Magister Vincentius began to create a normative and ethical system of fundamentals of family law based on the Slav customs, Roman legal culture and Christian thought.
2. Vincentius Kadłubek presents the fundamentals of family law, connecting it to the Christian monarchical family, in relation to the Church and relationships in a hierarchical society organised as the Republic. On the one hand, the fundamentals of law arise from the Common Law, Canon Law undergoing reforms and the newly rediscovered Roman Law.
3. From the studies on Vincentius' knowledge of law, it can be concluded that not only did he master the sources of law but also favoured the Canon Law over the Roman Law. The chronicler's Romanistic studies clearly influenced the content of his work.

⁴⁸ Vol. II, Chapter 7, 47.

⁴⁹ Vol. II, Chapter 7, 46.

⁵⁰ M. Koczerska, *Rodzina szlachecka w Polsce późnego średniowiecza*, Warszawa 1975, 110-113.

⁵¹ J. Sondel, *Rola „Kroniki” Wincentego zwanego Kadłubkiem w upowszechnianiu prawa rzymskiego w średniowiecznej Polsce*, „Zeszyty prawnicze UKSW” 11(2011), z. 1, 39-68; A. Lis, *Mistrz Wincenty Kadłubek – ojciec prawa w Polsce?* in *Prawo w Europie średniowiecznej i nowożytnej*, ed. A. Lis, Lublin 2011, 91-117.

⁵² M. Delimata, *Dziecko w Polsce średniowiecznej*, Poznań 2004; D. Strzelczyk-Żołądz, *Dziecko w dawnej Polsce*, Poznań 2002.

⁵³ Por. *Kultura Polski średniowiecznej X-XIII wieku*, ed. J. Dowiat, Warszawa 1985; J. Ptański, *Kultura wieków średnich*, Warszawa 1925.

4. The family law in the *Polish Chronicle* by Vincentius is based on the principles of the Roman Law. At the same time Kadłubek supplies some information about the principles of the Polish Law (the rite of hair cutting). Describing the problems of the private law and, in particular, the institution of family law, the chronicler was trying to present it within the framework of Roman legal instruments (adoption). Magister Vincentius as an outstanding scholar was aiming at completing the Polish Common Law with the Roman Law while, at the same time, contradicting the opinion that wherever the Roman Law extends, the jurisdiction of the German Emperor is in force.
5. Vincentius introduced the term "Republic" as an order, a legal and public system, represented by the centres of the authority of the Church and the state, accepted by the society as just, determining its historical existence and remaining the common good. The chronicler speaks about the origins of the Polish law in terms of state legislation and public order controlled by the monarchy.
6. Vincentius' political and legal thought is the first to enact fundamental principles of national sovereignty where the nation, understood as all the citizens (families), is the source of power. In the Piast monarchy there exists a principle of society stratification, but the chronicler emphasises the responsibility of every social group for fulfilling the obligations of its class and the common duty to defend the mother country⁵⁴.
7. Rulers are bound by law and limited in their actions by the social factor safeguarding public order and justice. The society has the right to denounce their obedience to an unjust ruler - tyrant. Whereas an ideal ruler should be endowed with the nobility of virtue, the set of duties and moral obligations defined by public order and, in particular, with the concern for the good of every family⁵⁵.
8. The welfare of the nation, whose guard is a ruler, depends on the welfare of every family, both a noble one and the poorest, since every family plays an important role in the state organism. The authority of a ruler is, in the eyes of the chronicler, based on law, whose teacher and guard is the Church⁵⁶.

Concluding the work here does not signify that the subject is closed and fully developed. Hence, the author remains hoping that this

⁵⁴ W. Uruszczak, *Obyczaje ślubne we wczesnośredniowiecznej Polsce, in Państwo, prawo, społeczeństwo w dziejach Europy środkowej. Księga jubileuszowa dedykowana Profesorowi Józefowi Ciągłowie w siedemdziesięciolecie urodzin*, ed. A. Lityński, Katowice-Kraków 2009, 742; W. Uruszczak, *Historia państwa i prawa polskiego*, Vol. I: (966-1795), Warszawa 2010.

⁵⁵ M. Chołodowska, *Życie rodzinne pierwszych Piastów*, in *Rodzina a wychowanie - ciągłość i zmienność na przestrzeni wieków*, ed. J. Jundziłł, Bydgoszcz 1995, 95-119; M. Chołodowska, *Stosunek rodziców do dzieci w Polsce wczesnośredniowiecznej*, in *Wychowanie w rodzinie od starożytności po XX wiek. Materiały z konferencji naukowej Katedry Historii Wychowania – czerwiec 1993 r.*, ed. J. Jundziłł, Bydgoszcz 1994, 169-179; M. Chołodowska, *Pozycja i rola kobiety w polskiej rodzinie wczesnośredniowiecznej*, in *Rola i miejsce kobiety w edukacji i kulturze polskiej*, Vol. I, Poznań 1998, 33-38; M. Chołodowska, *Matka - opiekunka małoletnich dzieci - w Polsce wczesnośredniowiecznej na podstawie opisów cudów św. Jadwigi i św. Stanisława*, in *Partnerka, matka, opiekunka. Status kobiety w starożytności i średniowieczu*, ed. J. Jundziłł, Bydgoszcz 1999, 260-269.

⁵⁶ B. Leśński, *Stanowisko kobiety w polskim prawie ziemskim do połowy XV wieku*, Wrocław 1956, 7-14; A. Winiarz, *Polskie prawo dziedziczenia kobiet w wiekach średnich*, „Kwartalnik Historyczny” 10(1896), 756-812; R. Hube, *Prawo polskie w wieku XIII*, in R. Hube, *Pisma*, Vol. II, Warszawa 1905, 371-380; S. Kutrzeba, *Ideale i życie kobiety w Polsce wieków średnich*, „Ateneum Polskie” 4(1908), 176-198; K. Tymieniecki, *Spółczesność Słowian lechickich. Ród i plemię*, Lwów 1928; J. Adamus, *Uwagi o pierwotnym małżeństwie polskim i słowiańskim*, „Pamiętnik Historyczno-Prawny” 4(1929), z. 1; W. Abraham, *Zawarcie małżeństwa w pierwotnym prawie polskim*, [Studia nad historią prawa polskiego, Vol. IX], Lwów 1925.

work will become an inspiration for other scholars to undertake further research on this subject matter.

STRESZCZENIE

Mistrz Wincenty prezentuje podstawy prawa rodzinnego łącząc je z funkcjonowa-

niem chrześcijańskiej rodziny monarszej i w związku z Kościołem i relacjami z hierarchizowaną społecznością zorganizowaną jako Rzeczypospolita. Podstawy prawne wyrastają z jednej strony z prawa zwyczajowego, reformującego się prawa kanonicznego i odkrywanego na nowo prawa rzymskiego.

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