

**CONTRA LEGEM CHRISTIANAM  
CRIME AND PUNISHMENT IN THE CHRISTIAN ROME  
POLAND-WIDE SCIENTIFIC CONFERENCE  
KAZIMIERZ DOLNY, 7-9 JUNE 2019**

In the days between 7-9 June 2019 Kazimierz Dolny hosted the VI Kazimierz Seminar on Roman law. This year's edition was focused on the subject: "*Contra legem Christianam.*" *Crime and Punishment in the Christian Rome* and it was organized by the Department of Roman Law, the John Paul II Catholic University of Lublin.

Professor Maciej Jońca, Head of the Department of Roman Law, the John Paul II Catholic University of Lublin opened the conference and welcomed all the speakers and guests. He emphasized that Kazimierz meetings became a fixed event in the scientific calendar of academic researchers into Roman law and the chosen topic allowed invitation of specialists not only from the area of Roman legal studies, but also from the area of art history, whose participation guaranteed an added value to the unique character of the seminar.

The conference included five thematic sessions, which consisted of 12 presentations. They were preceded by an inaugural lecture delivered by Prof. Marek Kuryłowicz (UMCS - Maria Curie-Skłodowska University) on *Christianas, Romanistas and Roman Criminal Law*. Professor M. Kuryłowicz briefly presented the current state of research, indicating that since the publication of *Il diritto romano cristiano* by Biondo Biondi in the 1950s, nobody attempted to make a comprehensive analysis of the issue. He also emphasized that even though numerous academics enter into polemic with the Italian scientist, still a number of issues requires further study. He also referred to the research conducted by Polish scientists, that is pre-war works on Roman marital law carried out by the Rev. Prof. Henryk Insadowski or publications in the area of Roman criminal law written by the Rev. Prof. Antoni Dębiński.

The first discussion panel chaired by Prof. Maria Zabłocka (UW - Warsaw University) was initiated by Prof. Renata Świrgoń-Skok (URz - Rzeszów University) with a presentation of her paper: *The Impact of Christian Ideas on the Subjective and Territorial Range of the Right to Asylum*. The speaker based her analysis on confronting the content of the imperial constitutions with the arrangements included in the canons of the synods and the works of Christian

authors. Doctor Elżbieta Loska (UKSW – Cardinal Stefan Wyszyński University) in her paper: *Right of Self-Defence in the Legislature of Christian Emperors – a Few Remarks* presented an evolution of the institution of self-defence, focusing on the changes carried out by Christian emperors. Doctor Bożena Czech-Jeziarska (KUL – Catholic University of Lublin) in her paper entitled: *“Utilitas rei publicae contra misericordia.” On Criminal Legislature of Justinian as Seen by Borys Łapicki* referred to the findings of Borys Łapicki with regard to the term *misericordia* in antique sources. The speaker pointed out that B. Łapicki’s works contain a significant contribution to research on the meaning of concepts in various periods of the development of Roman law. The example on which she based her presentation was the change of the denotation of the term *misericordia*, which – just to quote Seneca or Cicero – from denoting sympathy towards those who suffer unfairly in the times of Christian emperors evolved into a term denoting sympathy towards all the suffering persons.

The second panel, chaired by Prof. M. Kuryłowicz, began with a paper entitled: *On the Function of Public Punishment in Roman Law from the Perspective of the Codification of Justinian*, delivered by Prof. Krzysztof Amielańczyk (UMCS). He reminded the audience that the purpose of passing on a punishment is a subjectively awaited result, whereas its function is objective, possible to be interpreted in practice. While presenting the evolution of ideas regarding punishment and while analyzing the norms contained in the *Justinian Codification*, Professor pointed out that punishment in Rome was to serve primarily as a deterrent, which is confirmed in books 48 and 49 of the *Justinian Digests*. He based his ideas, among others, on the well-known stance of Paulus who claimed that the punishment is passed on with regard to the perpetrator and cannot descend to others. Doctor Andrzej Chmiel delivered a paper on the subject: *“Summum supplicium” in the Legislature of Roman Christian Emperors*, referring to the sources depicting the growing severity of the delivered punishments. Doctor Izabela Leraczyk in her paper: *“Non enim crimen dicitur, quod mortis adegit impulsus” – an Interesting Case of Excluding Criminal Responsibility (CTh.15.14.14)* presented a regulation introduced by Emperor Honorius in the time of an invasion of barbarians and fight with usurpers, and next discussed the further status of the regulation and its possible practical significance.

Panel three was chaired by Jan Zabłocki (UKSW) and the first paper was delivered by Prof. M. Jońca. In his presentation: *Marcus Aurelius as a Christian Exemplification of a Stoic who... Lost His Patience*, the speaker pointed to the constitutions from the *Justinian Codex* regarding the treason committed by Avidius Cassius, who announced himself as emperor having received

a false information of Marcus Aurelius's death. The constitutions introduced far reaching repressions, not only with regard to the perpetrator of the deed, against whom a proceeding could have been initiated even after his death, but also with regard to his parents, who were deprived of the inheritance. The speaker emphasized that the inclusion of the example of Marcus Aurelius into the legislature of Roman emperors was an intentional rhetorical tactics, illustrating the fact that in exceptional situations it was possible to resort to extreme solutions. Another paper was presented by Bartosz Zalewski (UMCS) whose presentation: "*Humanitas*" and "*severitas*" – on the Possible Influences of Christianity on Roman Criminal Law in the 4<sup>th</sup> Century indicated the possible ways of the intertwining between Christian ideas with criminal law regulations. As an example, he pointed to the Christian inspiration in the process of abolishing the punishment of fighting in the games. At the same time, he emphasized that not every mitigation of criminal law policy was connected with the influences of the Christian religion, pointing out that the improvement in the conditions in prisons was postulated also by the representatives of pagan religions. The most important Christian factor impacting the criminal law, according to the speaker, was the pressure on the making of legislation directed against heretics and pagans.

Another discussion panel, chaired by Prof. R. Świrgoń-Skok, began with a lecture by Prof. Jacek Wiewiorowski (UG – University of Gdańsk). In his paper entitled: *The Impact of Christianity on the Court Calendar. Remarks with Regard to C. Th. 9.35.4 = C. 3.12.5 (a. 380)* he presented an evolution of changes with regard to legislation and court practices, as occurred regarding the adjusting of the court calendar to the religious calendar in the times of Christian emperors. Next, Karol Adamczewski (KUL) delivered a presentation on the subject of: "*Testis unus testis nullus*" – *Testimony of Bishop Ambrose*, proving that there was a mutual interpenetration of Roman law and Judeo-Christian tradition.

The last panel chaired by Prof. J. Wiewiorowski, in line with the tradition of the Kazimierz Seminars on Roman law, was devoted to the connections between law and art. Doctor Romana Rupiewicz (UKSW) presented a paper entitled: *Pontius Pilate as Late Antique Judge – Iconographic Testimony*, in which she outlined the way of presenting the Roman prefect of Judea by late antique artists and discussed the possible interpretations of the symbols contained in the presented iconographic sources. Doctor Arkadiusz Adamczuk (KUL) in his presentation entitled: "*Clericus quidam crimine carnis.*" *Legal and Iconographic Complexities Causae XV From "Decretum Gratiani"* referred in turn to the way of illustrating the causa on committing a sin of the flesh by a cleric and the tortures applied in that case so as to force him to confess. The speaker

emphasized that, for instance, a miniature based on the 13<sup>th</sup> century *Decretum Gratiani* to be found in the collection of the University Library KUL, being, as it were, a pictorial judicial gloss, debunks the myth of medieval cruelty, as the author of the treaty rejects this form of obtaining confession.

In the discussion summarizing the seminar, Prof. M. Zabłocka (UW) indicated that only detailed research into the specific institutions of the late-antique criminal law will allow us to answer the question regarding the impact of the Christian religion on law. She emphasized that the papers presented at the seminar proved that the influence of religion and church regulations was of a varying intensity and significant roles were also played by politics and social changes. Professor M. Kuryłowicz, summarizing the discussions added that it is difficult to identify Christian inspirations in the content of imperial constitutions, but researchers should look for the traces of such influences in the sources describing judicial practice and the necessary legislature implemented at the time. Professor M. Jońca, Head of the Department of Roman Law KUL ended the conference on behalf of the organizers. While conveying his gratitude to the speakers and the arrived guests he expressed hope that the Kazimierz Seminar once again might be a starting point for the development of new trends in the research conducted by Polish Roman researchers.

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