

THE SCIENTIFIC CONFERENCE ‘THE EMINENT LAWYERS OF THE UNIVERSITY OF WROCLAW’

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In 2011, the 200th anniversary of the Law Faculty in Wrocław was celebrated. The Faculty was established in 1811 when, by the order of Friedrich Wilhelm III, king of Prussia, the *Viadrina* university was moved from Frankfurt an der Oder to Wrocław (then known as Breslau) and merged with the *Leopoldina* (Leopoldinian Academy and University), founded by the emperor Leopold I in 1702. In this way a state university in the Humboldtian model was created in Breslau¹. After World War II a Polish state university in Wrocław was erected on the basis of the former German university by the Provisional Government of National Unity, in two decrees dated August 15th and August 24th, 1945. These decrees also established the Legal and Administrative Faculty at the university, which began its didactic activity as early as December 1945. The scholars at the new Faculty were recruited mainly from two pre-war Polish academic centres: John Casimir University in Lwów (Lviv) and Stephanus Bathoreus University in Wilno (Vilnius)². Thus, in December 2010 the present Faculty of Law, Administration and Economics at the University of Wrocław celebrated its 65th anniversary. The two anniversaries provided a great opportunity to rethink the intellectual heritage and scientific attainments of the Faculty. That rethinking was the aim of a scientific conference proposed by Professor Maciej Marszał and Dr. Jacek Przygodzki and organized by the Institute of the History of the State

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¹ Friedrich Wilhelm signed his order on April 24th, 1811, but on August 3rd the king signed another legal act including *Plan der Vereinigung der Universität Breslau* (‘The plan of the unification of the University in Breslau’). However, the official statutes of the University had been issued on February 21st 1816. Between 1811 and 1816 the University and the Law Faculty were governed by temporary regulations. See T Kulak, M Pater, W Wrzesiński, *Historia Uniwersytetu Wrocławskiego* (Wrocław 2002) 40–44; K Nowacki, *Zarys dziejów prawa na Uniwersytecie Wrocławskim*, Prawo CCLXXXIII (Wydawnictwo Uniwersytetu Wrocławskiego 2003) 51–52.

² See J Koredczuk, ‘Foreword’ in *Wydział Prawa, Administracji i Ekonomii Uniwersytetu Wrocławskiego w fotografiach 1945–2010. Faculty of Law, Administration and Economics at the University of Wrocław in Pictures 1945–2010* (Wrocław 2010) 19–21.

and Law and the Chair of Political and Legal Doctrines. The conference, titled 'The Eminent Lawyers of the University of Wroclaw', took place in Polanica-Zdrój between 27th and 29th October, 2011.

The conference proceedings were divided into two parts. The first, led by the head of the Chair of Political and Legal Doctrines, Professor Marek Maciejewski, was dedicated to lawyers associated with the academic community in Wroclaw during the Prussian-German period. However, the speakers presented not only the achievements of German scholars but also profiles of those Polish law students at the university in Breslau who played eminent roles on the Polish political scene and contributed to the creation of the legal order and institutions of the independent Republic of Poland after 1918.

At the beginning of the proceedings Professor Marian J. Ptak presented a lecture titled 'Professor Meister and his views on the validity of Saxon law in Silesia'. Johann Friedrich Meister, one of the first Deans of the Law Faculty at the University of Breslau after its creation in 1811, at the turn of the eighteenth and nineteenth centuries expressed the view that Polish law had ceased to be applied in Silesia in the fourteenth century, and was completely dominated by German (Saxon) law. Professor Ptak emphasized that this opinion is still shared by many German historians, although research based on historical legal documents indicates its inadequacy. Next, Dr. Tomasz Dolata presented a thorough analysis of the course of academic careers of German professors of law, such as the matter of rectors of the University of Breslau in the years 1811–1900 who represented the Law Faculty. The author pointed out that for many eminent lawyers, this university – as rather a provincial centre – was just one of the stages of their careers. The person and achievements of Wojciech Korfanty (1873–1939), law student at the university in Breslau, then an eminent Christian Democratic politician and activist who contributed to the incorporation of a large part of Upper Silesia into Poland in 1921, were the subject of a lecture by Professor Maciej Marszał. Professor Marszał focused on Korfanty's criticism of Italian fascism, presented by the politician in the journal *Polonia*. The work of the outstanding professor of criminal law Ernst Ludwig von Beling (1866–1932), who introduced the notion of the structure of crime accepted in the contemporary German and Polish theories of criminal law, was analyzed by Professor Józef Koredczuk. Paweł Fiktus, LL.M. introduced participants of the conference to the views on the state and law held by Wojciech Trąpczyński (1860–1953), who was a well-known Polish politician associated with the National Democracy movement and served as the Marshal of the Sejm Ustawodawczy (Constituent Assembly) in the years 1919–1922. Trąpczyński, quite similarly to Korfanty, was a student and graduate of the Breslau University, receiving the title of *Juris Doctor*. Professor Tomasz Kruszewski presented a paper devoted to Günter Schmölders (1903–1991), professor of economic law in the thirties, who in the post-war period became a well-known economist. At the end of this section Dr. Jacek Przygodzki characterized the achievements of Hans Helfritz (1877–1958), not omitting the involvement in the Nazi regime of this eminent professor of administrative and state law at Breslau University. It is worth adding that in

the post-war period, Helfritz's Nazi past did not impede his career, and the lawyer held the post of professor in Erlangen.

The second part, led by Professor Marian J. Ptak, the head of the Institute of the History of the State and Law, was devoted to the eminent legal scholars of the Polish University of Wrocław. This portion commenced with a lecture by Dr. Andrzej Pasek, who analyzed the accomplishments of Witold Świda (1899–1989). Dr. Pasek emphasized that Professor Świda was not only a skilful manager, performing the functions of Dean of the Law Faculty (1954–1957) and Rector of the University (1959–1962), but also one of the most outstanding representatives of the sociological school of criminal law. Marta Mackiewicz, MA presented the views on the state and law of Aleksander Małachowski (1924–2004), whose academic career at the University of Wrocław was brutally terminated for political reasons at the turn of the 40s and 50s and who later became a colourful and controversial figure of the Polish left. Next, Professor Mirosław Sadowski discussed the work of Professor Karol Jonca (1930–2008), who was the head of the Division (later Chair) of Political and Legal Doctrines in the years 1968–2000 and the Dean of the Faculty of Law and Administration (1972–1974). Professor Jonca, as the author of the lecture pointed out, was one of the most outstanding Polish scholars studying totalitarian and authoritarian systems and ideologies; moreover, he wrote several works on economic history. Piotr Szymaniec, LL.M. and Paweł Fiktus, LL.M. examined in their paper the political and legal ideas of Andrzej Stelmachowski (1925–2009), professor of civil law and a Christian Democratic politician. The lecturers stressed that although Professor Stelmachowski taught in Wrocław for only seven years (1962–1969), he created here his first research team in agricultural law. Professor Piotr Jurek devoted his reflections to the work of Professor Kazimierz Orzechowski (1923–2009), who was the head of the Institute of the History of the State and Law for more than twenty years. In Professor Jurek's opinion, Orzechowski was a great legal historian who concentrated mainly on the history of the political system and law in Silesia, analyzing many aspects of that subject such as the historical evolution of forms of land ownership, parliamentarism and the treasury. Professor Orzechowski will be remembered by generations of students as a fascinating academic teacher, but primarily as extremely warm and kind man, offering his help to all those in need. Professor Marek Maciejewski analyzed in his lecture reflections on law and the state presented by the great scholar Jan Baszkiewicz (1930–2011), who was a professor at the Faculty of Law and Administration in Wrocław until 1968 and received the title of doctor *honoris causa* from the University of Wrocław in 2003. Professor Maciejewski stressed the unusual diversity of Baszkiewicz's scientific achievements, including his history of France and of the Polish legal and political system in the Middle Ages, political and legal thought of the Middle Ages and history and political ideas of the bourgeois revolutions, especially the French Revolution. The lecturer also referred to the controversial and radical political views of Professor Baszkiewicz, along with his activity as an ideologue for the regime of gen. Wojciech Jaruzelski in the 80s. In the last lecture crowning this section, Dr. Paweł Wiązek outlined the profile of the unforgettable Professor Zofia Świda (born 1939), who suddenly passed away in February 2011. Zofia Świda was the daughter of Professor Witold Świda and became a renowned professor of criminal

procedure in her own right. Among her achievements, the most important include her pioneering work on human rights in Polish criminal procedure.

In the discussion following the lectures the names of other important scholars connected with the Law Faculty were mentioned. Among those cited from the Prussian-German period were: Karl August Dominik Unterholzner (1787–1838), professor of Roman law; Theodor Mommsen (1817–1903), the great historian of ancient Rome; legal historians Ernst Theodor Gaupp (1796–1859), Otto Stobbe (1831–1887) and Otto von Gierke (1841–1921); and Richard Schott (1872–1934) and Adolf Weber (1876–1963), who were the co-founders of the Osteuropa-Institut. Also noted were the names of distinguished legal scholars at the Polish University of Wrocław: Kamil Stefko (1875–1966) – professor of civil law and the first Dean of the Law Faculty at the Polish university; professors of administrative law: Tadeusz Bigo (1894–1975), Franciszek Longchamps de Brier (1912–1969) and Adam Chełmoński Jr. (1929–2001); professors of civil law: Adam Chełmoński Sr. (1890–1959), Jan Gwiazdomorski (1899–1977), Jan Kosik (1919–2008) and Alfred Klein (1921–2001); constitutional law specialist Andrzej Mycielski (1900–1993); legal historian Seweryn Wysłouch (1900–1968); economist Wincenty Styś (1903–1960); historian of totalitarian and authoritarian regimes Franciszek Ryszka (1924–1998); professor of public international law Stanisław Hubert (1905–1983), and the agricultural law specialist Walerian Pańko (1941–1991). The issue of participation by university lawyers in totalitarian state apparatuses, especially in Nazi Germany, was the most vividly discussed topic during the conference. This serious issue will surely be presented in the forthcoming publication to serve as the historical record of 'The Eminent Lawyers of the University of Wrocław'. In that publication the written versions of all lectures and statements entered during the discussion will be collected.