

## Resume

In the Czech milieu, a critical and simultaneously circumspect relation dominates towards the legal-historical approach. This reality is to a significant extent conditioned by the negative assessment of legal-historical consideration, which was adopted to earlier research at the beginning of the 1950s by František Graus in writing the second volume of *Dějiny venkovského lidu* [History of Rural People]. Although the subsequent discussion, which revealed the weak points of both Graus's side and the side of his opponents (Jiří Kejř, Vladimír Procházka, Václav Vojtíšek), ended in nothing, yet that caution remains to this day.

In the 19<sup>th</sup> century and the first decades of the 20<sup>th</sup> century, the legal-historical approach dominated in research of the Bohemian Middle Ages. This fact was clearly related to the utilization of history for the defence of Bohemian land law. The legal-historical approach was, however, distinctively present also on the side of the German medievalists in Bohemia and Moravia, who derived from the transfer of German legal customs to Bohemia in the form of municipal laws and emphyteutic rights a culturalist thesis on the civilization dominance of the Germans in the Kingdom of Bohemia and on their right not only to independent existence but also to political dominance.

In the background of these two nationally defined positions, the idea was formed here on legal culture, which in its consequences exceeds the law as such and gives it a socio-cultural character. A critical approach to the application of law and the possibility of achieving justice by the legal route is not, however, special only for today. We find similar feelings, connected with criticism of lawyers as a professional class, already in the Ancient World. From which they were transferred to the Middle Ages, namely also despite the fact that performance of the legal profession began at that time to be one of the first connected with university education. The Middle Ages differs primarily from today's times in that several legal cultures were applied in it. At the same time, those did not exist in isolation, but on the contrary mutually blended: in the ecclesiastical world the culture of canon law was applied, which distinctly intervened in the everyday life of the laity; the culture of Roman law, which penetrated mainly into the urban world; and customary law, applied mainly in the milieu of the nobility. Differences to

today, however, naturally dominated also in terms of evidentiary procedure, the rationality of law and the social inequality before the law.

In the last decades, however, investigation of the legal culture of the Middle Ages stood somewhat in the background of research interest. A Czech-Polish working seminar tried to contribute to its revival, arranged on 28 November 2014 by the Centre for Medieval Studies and the Institute of History of Warsaw University. The proceedings, which come from this working meeting, capture diverse spectra of today's research interests. The study by Aneta Pieniędzy *Literacy and the Legal Culture of the Early Middle Ages: Old Research - New Questions* is devoted to legal culture, particularly in early medieval Italy. The questions of *Hussite Legal Cultures* were given attention in the consideration by Martin Nodl. The views of Polish lawyers, diplomats and writers on the reign of Polish Queen Jadwiga in light of the legal culture of the 15<sup>th</sup> century is analysed by Piotr Węcowski in the treatise *Jadwiga Anjou in Legal Opinions from the End of the Fifteenth Century: A Contribution to Late Mediaeval Visions of Monarchic Authority*. Bożena Czwojdrak describes the legal aspects of the administration of the court of Polish Queen Sophie of Halshany, with emphasis on the administrative and economic aspects of the power possibilities of the widowed rulers in the treatise *Under the Rule of Queen Zofi a Holszańska: Land, Town and in curia reginalis Courts in Sanok in 1434-1461*.

Marcin Pauk in the study *Ergo meum maximum et primum sit decretum. Canon Law and Ecclesiastical Justice in the so-called Bretislaus Decrees* investigates the relation of the sovereign's regulations concerning ecclesiastical life in relation to the functioning of the ecclesiastical synods in the Bohemian milieu at the turn of the 11<sup>th</sup> century. The issue of the penetration of canon law into the Kingdom of Bohemia is dealt with also in the study by Robert Antonín *Who Did Bishop Andrew Quarrel? On the meanders in the legal landscape of Bohemia at the beginning of the 13<sup>th</sup> century based on the "known" story*, who attempts to see with a new lens the issuance of the large ecclesiastical privilege by Přemysl Ottokar I, where he draws the conclusion that its content was a reflection of the competition of the individual ecclesiastical institutions in the kingdom. The specific method of forming collective legal institutions, particularly in the urban milieu, was given attention by Andrzej Pleszczyński in the study *The Issue of the Genesis of Societies of Autonomous Law (guilds, fellowships, communes) and the Question of their Significance for the History of European Civilization*.

The transformation of judicial practice and the judicial system was investigated using the example of the Kingdom of Poland of the 14<sup>th</sup> century by Andrzej Marzec in the study *Royal Justice of Polish Law under the Reigns of Władysław the Elbow-high and Casimir the Great*. The use of witness testimony in the judicial trial on noble property was treated in detail by Robert Šimůnek in the treatise *Witness Testimony and Collective Memory in the Milieu of Rural Communities: the dispute over the parish office in Kovářov 1491-1492*. The efforts for disciplination of public life is investigated using the example of normative texts in Silesian Nysa by Ewa Wołkiewicz in the study *Constitutio nuptialis: Nysa wedding order from 1464*. Three studies by Czech researchers are devoted to Czech legal books of the 14<sup>th</sup>-16<sup>th</sup> centuries. Marek Starý (*Bohemian Legal Book in the Legal Culture of the Bohemian Middle Ages and Early Modern Period*) attempts to define the term legal book and capture the importance of legal books for Bohemian and Moravian legal culture and legal practice in the Late Middle Ages and at the beginning of the Modern Period. Nad'a Štachová (*On the Question of the Genesis of the Text of the Rožmberk book*) looks in a new way at the creation of the earliest Bohemian legal

book and reveals the timeline of the possible emergence of the individual texts of the Rožmberk book. Dalibor Janiš in the study *Tovačov Book and the Question of the (Dis) Continuity of Moravian Land Law in the Late Middle Ages* investigates the causes and purpose of writing down the earliest Moravian legal book, the so-called Tovačov Book (Ctíbor of Cimburk and Tovačov's memoir of the customs, rules, old traditions and administration of Land Law in the Margraviate of Moravia), with an emphasis on its application in legal practice at the end of the 15<sup>th</sup> and first half of the 16<sup>th</sup> centuries.

