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Summary of Professional Accomplishments

Name and surname: Tomasz Palmirski

Diplomas and academic degrees: I obtained the degree of master of laws at the Faculty of Law and Administration at the Jagiellonian University in March 1997, on the grounds of a thesis whose promoter was Professor Janusz Sondel Ph. D. On 21 January 2002 I obtained the degree of Ph. D. in law bestowed upon me through a resolution of the Faculty of Law and Administration at the Jagiellonian University in Cracow on the grounds of a thesis entitled »*Obligationes quasi ex delicto*«. *Studies on sources of obligations in Roman law.* The doctoral thesis promoter was Professor Janusz Sondel Ph.D. The dissertation was reviewed by: Professor Maria Zabłocka Ph.D. of University of Warsaw and Andrzej Sokala Ph.D. of Nicolaus Copernicus University in Toruń.

Information regarding my hitherto employment in academic institutes: I have been employed at the Chair of Roman Law at the Jagiellonian University since 1997, first as assistant lecturer, and as of 1 October 2004 until today as senior lecturer. Between 1 October 2008 and 30 September 2012 I also performed the function of the Jagiellonian University Disciplinary Proceedings Representative for BA, MA and Ph.D. students.

'Work of scholarly merit', described in article 16 subclause 2 of Law of 14 March 2003 on academic degrees and titles, as well as degrees and titles in arts (Dz.U. no. 65, item 595, as amended): »*Digesta Iustiniani*«. *Justinian Digest. Text and translation*, vol. 1 (books 1-4), Cracow 2013, 571 pages; vol. 2 (books 5-11), Cracow 2013, 503 pages; vol. 3 (books 12-19), Cracow 2014, 599 pages; vol. 4 (books 20-27), Cracow 2014, pages 631.

1. Roman law is, just as the Christian tradition and Greek philosophy and political thoughts, an area that constitutes the contemporary European civilisation. Today, it is considered a lasting model for good, stable, reasonable and citizen-friendly law, which makes it possible for Roman law to be a source of intellectual inspiration and positive legal solutions. However, for that to happen, one needs to know what it actually signifies, which is particularly hindered by the language barrier.

The most significant source of knowledge about Roman law is the Digest, created between 530 and 533 A.D. They are a selection of over nine thousand excerpts from texts by thirty nine jurists, who wrote between the 1st century B.C. and the 4th century A.D. The scope of the Digest comprises the entire substantive and procedural Roman private law. Other aspects included there are criminal law, as well as some aspects of public law. On the grounds of examples, the Digest also provide insight in the rules of recognising the legal meaning of facts and the ability to find corresponding norms. They are the source of all techniques of legal arguments and ways of justifying adopted decisions that are currently in use. Moreover, in the light of the crisis of contemporary legal systems, the study of sources of Roman jurisprudence may be a formative experience, which may bring to light the significance of law that is stable and unquestionable, whose rules are certain, may underline the importance of their ethical background, as well as of the rationality in the process of creating law and considering its aims in broad social contexts and in long-time perspectives.

This source of law, which is at the same time a source of literary and cultural importance, is available in Poland only to a limited extent. The Digest have never been published in Poland and the only help are a few dozen German or Italian editions, quite difficult to obtain outside the largest academic centres. Another barrier that has already been mentioned above and is even more difficult to overcome, is the fact that the command of the source text language is on the decline. Such issues are also present in other countries.

There have been attempts at translation of the shortest part of Roman law, the Institutes of Justinian into vernaculars, ever since the time of Renaissance in Europe and since the 19th century in Poland. However, there have been no actual attempts at translating the Digest into Polish, except for some selections of excerpts for educational purposes. There are just a few exceptions, such as the translation of the first book of the Digest by Bartosz Szolc-Nartowski, as well as the translation of and a commentary to selected titles of the first book by Anna Tarwacka, published in Zeszyty Naukowe UKSW.

The effort to translate the texts was made already on the turn of the 19th century, first in Spain and France, later on also in Germany and Italy. The 19th century also saw two other translations into Italian and one into Spanish. In the first half of the 20th century, two translations into English were started, one of which was finalized. At the end of the 20th century, new translations into English and Spanish were published, while translations into German and Italian were commenced but have not been finalized yet. In the 21th century, the texts were successfully translated into Russian and Dutch. Fragmentary translations into Serbian, Slovak and even

Chinese, as well as Japanese were published. Moreover, the translations from the 19th century are being edited and published anew.

The grounds for the Polish translation of the Digest is, in accordance with commonly accepted academic standards, the so-called 'editio stereotypa' by Theodor Mommsen and Paul Krüger. The edition from the beginning of the 20th century has constituted the starting point for all academic translations of the Digest since the end of World War II.. Rarely does the translation diverge from the edition, only when it seems crucial from the perspective of the prevalent academic opinions. In such cases, alternative versions of the text are accepted and are, additionally justified in the manuscripts. A thorough analysis of the text always precedes decisions to implement any changes. Such an analysis is based on palingenetic studies, reading of the manuscripts and interpretation of medieval glosses, as well as studies regarding the options available in hitherto written critical analyses. If need be, the team of translators acquainted themselves also with the opinion present in the doctrine of Roman law with regard to the way of understanding particular reference works.

It seems that there was no need to refer to the arguments of the academic world or to reference texts that would justify the deviation from 'editio stereotypa' in the published translated text. Such a use of a critical apparatus in the (rare) cases of changes in the text would consist in referring to the discussion on the translation included in footnotes of all editions by Th. Mommsen and P. Krüger. It is of interest particularly to experts in Roman law, who are aware of the references to it even without the footnotes. At any rate, whenever changes are introduced in the text, the Latin version always includes both the initial text and the one adopted in the end (but only the changed version is translated). It would seem that the fact that the issue does not include the critical apparatus is consistent with the approach of the majority of readers. They are mostly interested more in a readable text with a clear layout than in a text with extensive footnotes.

In numerous cases, the process of translation of the sources of law is more complex than the translation of other texts, in particular the literary ones. This is the case due to the two dimensions in the language of the sources of law – the language that is simultaneously normative and anthropological. It is the normative dimension of the source text that is of particular importance in the sources of the law in force. Its translation calls for great precision, since a translation that is not equivalent enough may distort the sense of the norm. This is what Justinian had in mind when he allowed only literal translation (*kata poda*), in which a Greek word was to replace the Latin word (Const. Tanta § 21 = Const. Dedoken § 21).

The texts have a specialist character, which imposes discipline and precision in creating their Polish equivalents. It also required solving an entire plethora of methodological problems, related on the one hand to the extensive use of terminology, on the other to the conciseness or use of mental shortcuts in the texts in accordance with the well-known Roman rule of *brevitas*.

Some Latin technical terms in the texts have no precise Polish equivalents and it would be quite difficult to create them without the use of descriptive forms. Thus, they were sometimes left in the original form, for instance *ius honorarium* or *actio de peculio*. Namely, just as it was presented by C. Kunderewicz in his translation of Institutes of Gaius, there seems to be no point in translating all terms into Polish at all costs. This approach has, after all, been criticized by the academic field (J. Sondel).

Some other terms already have functioning equivalents, as it is with *actiones noxales* – in Polish 'skargi noksalne' (in English: noxal actions) or *actiones in factum* – 'skargi oparte na stanie faktycznym' (actions based on facts). Naturally, to know the exact scope of both those terms it is helpful to know the contents of individual books of the Digest (e.g. the entire title four of book nine refers to *actiones noxales*, while *ius honorarium* is referred to in D.1.1.7.1, D.1.1.8, D.1.2.2.10 and D.1.2.2.12), but some basic explanations can be found in numerous reference books on Roman law, relevant lexicons and dictionaries.

In the cases of proper names referring to well-known persons (anthroponyms) and places (toponyms), their commonly accepted Polish versions were used, e.g. 'Marek Aureliusz' (in English: Marcus Aurelius), 'Cyceron" (Cicero), 'Rzym' (Rome), 'Kampania' (Campania). Names of jurists or other less known historical figures (e.g. praetors or province governors), as well as fictional characters used in descriptions of actual situations in some excerpts were rendered in their original spelling, e.g. 'Ulpianus', 'Vivianus', 'Aufidius Severianus' or 'Titius'.

Those who do not encounter Latin on an every-day basis usually complain that the language is difficult to read, because it uses long and complicated sentences on the one hand and, as it has already been mentioned above, is elliptical and full of mental shortcuts on the other hand. Thus, it was assumed that the translation should reflect the spirit of the source text as much as possible, taking into consideration the Polish syntax and style, but should not be a calque. That is why the author never avoided using other segmentation of text structures and restructuring particular sentences where necessary. Moreover, the translation was supplemented with words or phrases which were suggested by the context but were not directly expressed in the source text, if such additions could simplify the understanding of the contents and influence the clarity and readability of the reasoning in a positive manner. Such additions were always marked in angle brackets.

2. A considerable part of volume 1 constitutes the translation of the first four books of the Digest. It is preceded by an extensive Introduction that includes, for instance, the basic information regarding digest as one of the legal literary genre in Ancient Rome, the deliberations regarding sources of Roman law and its historical development, with a particular reference to the Roman jurisprudence as well as information concerning the activity of emperor Justinian in the area of codification and the fate of Roman law after the end of Justinian's work.

The next part includes the translation of four imperial constitutions: *Omnem*, *Deo auctore*, *Tanta* and its Greek version entitled *Dedoken*, as well as *Index auctorum* and *Index titulorum*. The three latter constitutions are of particular importance to learn more about the motives Justinian had in his codification activities, as well as the rules that constituted the grounds for the committee drawing up the Digest and chaired by Tribonian. The *Omnem* constitution, in turn, described the new curriculum for studies in law which was to consist in its majority in a lecture based on the first thirty-six books of the Digest.

It has already been mentioned above that the scope of the Digest encompasses the entire substantive and procedural Roman private law, as well as criminal law and some issues of public law. Similarly, the first four books, described by emperor Justinian as "the first ones" (Const. Tanta § 2 = Const. Dedoken § 2) according to the division of the Digest into seven parts resemble the above described range of discussed topics (the contents of the two first volumes of the translation are also based on the same division).

Namely, the Digest start with the most renowned and, at the same time, original definition of the concept of 'law' (*ius*), where it is the art (a practical ability) of goodness and fairness (D.1.1.1 pr.), and finish with an excerpt of book one of *Replies* by Papinian, which states that a citizen of a given municipality can be a member of its curator's *consilium*, since he is not paid remuneration for his activity (D.1.22.6). The topics related to the political system and administration of the state dominate the book, since fourteen out of twenty titles of book one of the Digest are devoted to these issues (these titles concern, e.g. senators, province governors or other official functions, which were established both in the times of the republic, such as the praetor or the quaestor, and in the administration of the empire – the praetorian prefect, the prefect of the city). Moreover, book one presents the history of the Roman jurisprudence and characterises different sources of law (statutes, decrees, long-standing customs, emperor's orders). Other issues discussed are those regarding the legal situation of persons, sources of paternal authority and ways of its termination, i.e. topics which are currently categorised as personal law (in accordance with the pandectist categorisation). And finally, the book discusses also the division and properties of things.

The topics of the next book of the Digest are less diverse. It comprises fifteen titles, thirteen of which concern procedural issues. The topics include, for instance, jurisdiction authority, issues related to subpoenas, judicial recess or respites. The titles also contain excerpts of the Roman jurisprudence writings regarding the way that a complaint of a plaintiff is to be marked and how documents to be used as evidence are to be indicated. The last two titles of book two refer to informal agreements (*pactiones*) and informal arrangements (*transactiones*) concluded in order to terminate a dispute or clear legal doubts. *Transactiones* were classified by Justinian as innominate contracts (and constituted a form of exempting from debt in the classical Roman law).

Book three is also, in its majority, devoted to the issues of court procedures. The first issue presented is related to the praetorian edict *De postulando* (= title 6 *edictum perpetuum*, in the version reconstructed by Otto Lenel, a German Romanist), which initially, in the formulary procedure, referred only to submitting applications to the official, i.e. only in the first stage of the procedure (*in iure*), while in *cognitio extra ordinem* (the only one in force in the times of emperor Justinian), which was not divided into the *in iure* and *apud iudicem* stages (the latter was conducted in front of a judge, a private person, in the formulary procedure), it referred to applications submitted to the judge (a state clerk). Title three presents the issues of legal representation. Book three also discusses persons who engage in trials without proper grounds and liability to penalties for such behaviour, as well as cases where the plaintiff or the defendant is a group of people (such as a municipality or an association). These subjects are referred to in titles six and four. The exception are title two, discussing infamy (*infamia*) and its consequences, and title five, concerning the running of someone's businesses outside the regular relationship, e.g. on the grounds of instruction or care (the term used for *negotiorum gestio* in the translation is 'prowadzenie cudzych spraw bez zlecenia' – 'running someone's businesses without instruction', which is established in Polish literature of Roman law).

Book four, which ends the first volume of the translation, concerns two institutions which are well known in the classical Roman law: restoration to original condition (*in integrum restitutio*) and *recepta*. Thus, its contents are consistent with the titles: ten (*De in integrum restitutionibus*) and eleven (*De receptis*) *edictum perpetuum*. It is worth remembering that the Justinian law resigned from the use of two stages (*iudicium rescindens* and *iudicium rescissorium*) in the complaint regarding restoration to original condition (and this change was visible already in the 5th century A.D.). *In integrum restitutio* was implemented directly through the relevant action – *actio* (as well as through a defence opposed by the defendant to the plaintiff's claim – *exceptio*). And so, if a person performed acts in law as a result of a threat (*metus*) or a deceit (*dolus*), mentioned in titles two and three of book four, the victim was entitled accordingly to *actio quod metus causa* and *exceptio metus*, as

well as *actio de dolo* and *exceptio doli*. Similarly, titles one, four, five, six and seven refer to other cases that justify restoration to original condition. Quite a lot of text was devoted to cases in which persons that were mature but had not turned twenty five yet were entitled to *in integrum restitutio* (D.4.4). The situation is justified at the very beginning of the title in question, since it includes an excerpt from book eleven of the *Commentary to the edict* by Ulpian, in which he ascertains that the praetor issued the edict as he felt it was naturally right. It is, namely, common knowledge that persons at this age are not able yet to appraise the situation they found themselves in properly and may, hence, be easily deceived.

The excerpts of the writing of the Roman jurisprudence referring to *recepta*, which have been mentioned above, were placed by the Justinian compilers in the last two titles of book four, i.e. titles eight and nine. The first of those two titles refers to the situation in which an arbitrator accepts a case of the parties and decides in the case (*receptum arbitri*), as well as other issues related to the relevant proceedings conducted on the grounds of an arbitration clause concluded by the parties in dispute. Title nine, in turn, discusses *receptum nautarum*, *cauponum*, *stabulariorum*, i.e. an informal responsibility of ship owners, innkeepers, and stable owner for items carried in by their guests (travellers), as well as cases in which the staff of a ship, an inn or a road house steal or damage the belongings of guests (travellers) – cases categorised by Justinian as *quasi delicta*.

3. The second volume of the translation comprises seven books (5–11). The first book is in its majority dedicated to the issues of inheritance and the protection of the right to inheritance, included in five out of six titles in the entire book (the first title is an exception, since it discusses issues related to suing). Accordingly, the second title discusses a will that violates obligations towards persons in the immediate family of the deceased (*testamentum inofficiosum*). If these are not provided for appropriately in the will (through leaving them at least a legitimate portion) they could complain to the court and ask for protection of their rights claiming that there had been no grounds to disinherit or neglect them. A successful complaint resulted in the will being viewed as null and void in a retrograde manner and the claimant obtained not a legitimate portion, but the entire legal share. The two subsequent titles discuss the claim regarding the recovery of the inheritance, to which only the inheritor who did not possess the inheritance was legitimate. Title three is dedicated to the cases in which a person claimed recovery of the entire estate, the forth, in turn, to situations where an inheritor who did not possess the inheritance claimed a part of it. However, the inheritor is entitled to the claim described (*hereditatis petitio*) only on the grounds of *ius civile*. The issue of the protection of rights of other persons entitled to the inheritance, either on the grounds of *ius honorarium* or *fideicommissum* are considered in titles five and six. Title five discusses *hereditatis petitio possessoria*, a complaint regarding the protection of persons from the first

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of the above mentioned categories (inheritors in Praetorian law). Title six, in turn, concerns a complaint that arises on the grounds of *SC Trebellianum – hereditatis petitio fideicommissaria.* Only a person who has been left a *fideicommissum* concerning the whole estate or part of it by the deceased is entitled to such a complaint.

Book six is entirely dedicated to the protection of property rights. Thus, title one touches upon the issue of *rei vindicatio* – a recovery legal action that protected the owner on the grounds of *ius civile.* Title two discusses another type of legal action, *actio Publiciana in rem* that was vested in a person who had obtained possession from a person who was not its owner on the grounds of a legitimate cause (*iusta causa*), before the purchaser gained a property in it (which would make him entitled to issue *rei vindicatio*). Last, but not least, the short title three, consisting only of three excerpts, is concerned with a complaint protecting the legal possession of those who had concluded a tenancy agreement with a municipality regarding its land.

The two following books (books seven and eight) refer to the matters of property law. They consist of those excerpts from the Roman jurisprudence writing that discuss the issues of servitude. The first book concerns the establishment, execution, termination and protection of personal servitude (*servitutes personarum*), while the latter discusses praedial servitude (*servitutes praediorum*). For obvious reasons the first of the above mentioned categories was in its majority (six titles) devoted to the *ususfructus* (the right to use another's property and to derive profits from it, without impairing its substance), a type which was most universal and, thus, most often used. The second largest group of texts refers to the right to use somebody's property (*usus*), however without the right to derive profits from it, which in turn was characteristic for the first discussed type of personal servitude. The right to use the work of someone's slaves (*operae servorum et animalium*) and to reside in someone's building (*habitatio*) were discussed separately. Until then, those two were not considered separate types of personal servitude, but categorised as either the *usufructus* or the *usus.*

The subsequent book of the Digest, book nine concerns law of obligations, namely the liability for caused damages. Title one refers to the cases in which damages were caused by four-footed animals (however, not those that are naturally wild, since they were included in the edict of aediles curules – *edictum de feris),* where the person liable was the owner, on the grounds of *actio de pauperie* (a complaint that was already present in the Law of the Twelve Tables). Title two, in turn, took up the topic of liability for damages caused to someone's things (*damnum iniuria datum*). Some instances of damages (such as cutting down and taking away trees belonging to someone else) were penalized already in the Law of the Twelve Tables, however the issue itself was regulated in a more comprehensive way in *lex Aquilia,* issued most likely in 286 B.C. The contents

of this law and proper commentaries constitute title two (except for chapter two of the *lex Aquilia*, which, as Ulpian writes, had become obsolete). And so, in the event of killing someone's slave or a herd animal, chapter one of *lex Aquilia* stipulated for a penalty amounting to their top value within a year counting backwards from the moment of the tort. Chapter three concerned damages caused by burning, breaking or tearing property, later on extended to all kind of destruction, damage or derangement. The penalty was to pay the highest value of the damaged property that the property had within thirty days before the moment of incurring the damage (the value indicated here is the result of arguments of jurists). Initially, only the person who personally caused damages to someone's property was liable. His or her action must also have been illegal. However, only the owner of the property who was a Roman citizen had the title to bring the action before the court. Later on, the law was interpreted and its scope of use was extended to jurists and the praetor. This approach was adopted in the Justinian law in its entirety. For instance, the praetor provided protection for the sufferer of damage if there had been forbearance of the perpetrator (e.g. famishing a slave) or if his actions towards the damaged property were only indirect (e.g. in the form of allowing the animals to flee). Moreover, the owner was not the only person who received protection (e.g. the user of property as well). Protection was provided also in the event of material damages resulting from injuring a free person.

Title three was dedicated to two cases of a quasi-delict liability. It was characteristic for this type of liability that some persons, not necessarily the direct perpetrator, were liable irrespective of whether they could be deemed guilty or not (by what we call today strict liability). Quasi-delict liability concerned cases in which damages were caused by spilling or throwing something onto the street (*deiectum vel effusum*) or by leaving or hanging something from a building (e.g. a facia) so that its falling would pose a threat to those in the street (*positum aut suspensum*).

Last, but not least, title four concerned the liability of an owner of a slave for torts committed by the latter, which was referred to as noxal liability (liability of a person in charge for torts committed by children under paternal power is not mentioned, since children were personally liable in the times of Justinian – in fact already since the 4th century A.D.). In such cases noxal actions were taken (*actiones noxales*). It was characteristic for them that the slave's owner could either pay a pecuniary penalty or extradite the perpetrator for the purposes of making up for the damages. However, this was the case only if the owner was not knowledgeable about the tort committed by the slave. If he was aware of the delict (for instance, if he instructed the slave to commit it), he was liable for the damages on the grounds of a complaint suitable for the given tort and had no possibility of releasing himself from the payment of the penalty in the

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above described manner, i.e. by extraditing the slave. Noxal actions were not taken either if the slave in question became a free person.

The following book of the Digest discusses once again issues of property law. And so, two out of four titles comprising the book regard the so-called delimitation complaints (i.e. complaint regarding procuring division of inheritance and division of joint possession), the third concerns an action between neighbours to settle a dispute over the boundaries of their lands (*actio finium regundorum)*, which were not categorised as delimitation complaint, but were structurally similar (for instance: in all the above mentioned complaint types, each of the parties were at the same time the plaintiff and the defendant – D.10.1.10). The last title (title four) was devoted by the Justinian compilers to *actio ad exhibendum*, an action compelling the defendant to exhibit property, which was crucial from the point of view of the plaintiff. Inter alia it served the purpose of preparing a recovery action (*rei vindicatio*), in the event when the defendant was not willing to exhibit the movable item in question on the grounds of this action. *Actio ad exhibendum* was also used for the purpose of preparing other actions (such as *actiones noxales*, mentioned above) and interdicts (such as *interdictum utrubi* that was used to protect the possessed movables).

The second volume of the translation finishes with book eleven. The first title of the book is devoted to questions regarding numerous issues that are of importance in (*extra ordinem*) proceedings (for instance if the defendant is an heir and to what extent it is so, or whether he is the owner of the slave who committed a tort). Such questions were asked by judges or by one party towards the other, upon the judge's consent. However, the response given was not binding for the judge, but was viewed by him just as other evidence in the case. Previously, on the grounds of formulary process such *interrogationes in iure* did not constitute evidence but were the grounds for allowing *actiones interrogatoriae.* Callistratus mentions this in the opening excerpt of book two of his *Commentary to edictum monitorium* (D.11.1.1.1).

Title two, in turn, consisting of only two excerpts, discusses the situations in which one judge is to be assigned to consider different cases, which happens for instance if two or more persons are involved in more than one dispute initiated by different delimitation complaints.

The two subsequent titles (titles three and four) are devoted to issues of slavery. The first of those titles refers to cases of depraving a slave, for instance through inducing him to flee, and sanctions that were imposed on the person taking such actions. Title four discusses, in turn, different regulations regarding the flight of a slave (e.g. anyone who caught the fleeing slave on the area of a municipality became obliged to hand him or her over to a municipal magistrate).

The following titles touch upon quite different matters. And so, title five refers to the issues of gambling. In general, gambling was forbidden, with the exception of, e.g., betting in sports,

and it was impossible to claim in court in relation to gambling. Title six concerned complaints that persons were entitled to raise against those who provided them with false measurement results (initially this regarded only those who deceived others in measuring land, later on also those who measured the amount of grain or wine could be held liable). Last, but not least, titles seven and eight refer to the issues of burying the dead. The titles describe, for instance, how the burial should be conducted and who is to bear the costs, as well as discuss consequences resulting from placing a dead body in a sepulchre, since it immediately became a place 'dedicates to the gods of lower regions' and was, thus, excluded from transactions of private law.

4. The third volume of the translation, in turn, consists of eight books (12 to 19). The first two books mainly discuss the issue of various condictions (*condictiones*) on the grounds of *ius civile*. They did not invoke the basis of the obligation, and their object was: a fixed sum of money (*certa pecunia*), a specific thing other than money (*certa res*), as well as to uncertain claims which was to be defined precisely by a judge (*incertum*). Among other things, the above mentioned books discuss: an action taken on account of unjust enrichment, where a transfer of property had been made, but the purpose of the transfer had failed (*condictio causa data causa non secuta*), an action against enrichment to the detriment of another without legal ground (*condictio sine causa*), as well as the most general type of an action – an action for the recovery of an undue payment (*condictio indebiti*). Moreover, in book twelve, two titles (two and three) are dedicated to the institution of oath (*iusiurandum*), which was applied in various fields of the Roman law, mainly in the case of civil processes. Thus, title two concerns oaths sworn both inside and outside the court – voluntary, compulsory and judicial oaths (*iusiurandum voluntarium*, *iusiurandum necessarium*, *iusiurandum iudiciale*), whereas the third title discusses oaths taken by the plantiff and concerning the value of the claim (*iusiurandum in litem*). In book thirteen, in turn, *condictiones* are not referred to in titles 4–7. The first title discusses a situation where a legal action was taken at a different place than it was indicated in the legal act concluded between both parties. In an such event, a praetor applied *actio de eo quod certo loco* in order to determine a sum which had the same value at the place of the process as a due service at the place of its permormance. Title five, in turn, comprises the excerpts discussing an infomal promise of a debtor to pay an already existing debt, either of his own or of another, at a fixed date (*constitutum debiti*). Finally, titles six and seven refer to actions protecting the parties of a contract of a gratuitous loan (*commodatum*) or a contract of a pledge (*pignus*).

The following two books (fourteen and fifteen) are in their majority dedicated to the issue of the so-called additional actions (*actiones adiecticiae qualitatis*). These were praetorian actions under which a principal (*pater familias* or a master of a slave) was accountable for obligations contracted

by the persons under or dependent upon his power through contractual relations or relations resembling contracts (*obligationes quasi ex contractu*). *Actiones adiecticiae qualitatis* included: *actio de peculio* (referred to in titles one and two of book fifteen), *actio de in rem verso* (title three), *actio quod iussu* (title four) as well as *actio exercitoria* and *actio institoria* discussed in titles one and three of book fourteen. The first two of the above mentioned actions concern a situation where an obligation was contracted by a child under paternal power or by a slave during the administration of a property granted to them by a principal (*peculium*). The difference between the actions described above comes down to the scope of the liability of this person. On account of *actio de peculio,* a principal was liable for the sum equal to the pecuniary value of the *peculium* (*dutaxat de peculio*), after deduction of whatever the son (slave) owed to his father (master), whereas in the case of *actio de in rem verso* taken against the principal, he was liable for the sum equal to his enrichment. In the case of *actio quod iussu*, in turn, the basis of liability constituted the authorization (*iussum*) given to the persons under or dependant upon the power of another to conclude contracts or *quasi contracta.* The two last additional actions mentioned above concerned the liability of *pater familias* and a master of a slave for the obligation of a business manager within the scope of his appointment (*praepositio*), whereas *actio institoria* had a more general character, as it concerned any businessmen. *Actio exercitoria w*as lying only against a principal who was a shipper (*exercitor navis*).

Moreover, there are some similarities between the above mentioned additional actions and *actio tributoria* (referred to in title four of book fourteen). Under this action, a principal was liable for the obligations of the persons subject to his power pursuant to the legal relations established during the administration of commercial property (*merx peculiaris*). If the debts arising from these relations exceeded the value of the property, the praetor could decide to divide it between the creditors (one of them could also be the principal). In the event of the division being made by the principal, he could deliberately act to the detriment of one of the creditors. If that was the case, the injured party was entitled to *actio tributoria* for the sum which he should have received, had the division been made properly.

Book fourteen discusses also the Rhodian law of jettison – *lex Rhodia de iactu* (title two), legal measures implemented against autonomous persons on account of the contracts conluded by them when they remained under the power of the head of their family (title five) as well as the Macedonian decree of the senate – *senatus consultum Macedonianum* (title six). The decree is dated back to the reign of emperor Vespasian (the reason for issuing the decree was a murder committed by a Macedo, who, under the pressure of creditors, killed his father to inherit his property). The decree prohibited the granting of loans to sons under paternal power (later also daughters under paternal power). However, in the case where a loan had already been granted, it

was not declared invalid *ipso iure,* as in such cases a natural obligation arose. Thus, in the case of a creditor's action, a debtor could effectively file a defense against him: *exceptio SC Macedoniani* (a defense could not be filed if a son possessed separate property, which, for instance, had been obtained because of military service or if he acknowledged his debt after becoming an autonomous person). On the other hand, if a debtor voluntarily paid his debt, he could not claim the recovery of the debt as an undue payment (*indebitum*). *Lex Rhodia de iactu*, in turn, applied to a situation where the goods of one merchant were jettisoned in order to rescue a ship by reducing its ballast in the event of danger. If the ship was successfully rescued, the merchant could claim from the shipper a partial compensation for the damage. The shipper, in turn, could file a complaint against the merchants whose goods were rescued. The aim of this regulation was to ensure that everyone (including the shipper, whose goods were on board) participated in the damage caused as a result of the jettison in proportion to the value of the goods they possessed.

The following book (sixteen) consists of three titles. The first one refers to the Velleian decree of the senate (*senatus consultum Vellaeanum*). Under this decree, women were prohibited from interceding on behalf of any person (*intercessio*), for instance by taking over a debt or granting a guarantee. The prohibition was implemented by *exceptio SC Vellaeanum* or a refusal of an action taken against an interceding woman (*denegatio actionis*). There were exceptions from the prohibition, for instance when a woman resigned from the protection pursuant to the above mentioned decree of the senate or when she received money for her intercession. Title two comprises the excerpts of the papers of Roman jurists discussing the issues related to setting off debts (*compensatio*). Originally, there were no unified regulations of the set-off. Instead, there were different cases fulfilling some inherent conditions (for instance, according to the rescript of Marcus Aurelius, a set-off could be pleaded in *actiones stricti iuris* by an allegation against the plaintiff that he had not acted in good faith – *exceptio doli*). It was only Justinian who unified the regulations concerning this issue. Thus, liabilities which could be submitted for the set-off included items of the same kind which could be easily proven and which were claimable. If a plaintiff did not set off the mutual debt indicated by a defendant, he had to pay the balance.

Title three is entirely dedicated to actions protecting the parties concluding a contract of a deposit (*depositum*), as well as to different types of such contracts. It must be underlined that there were three types of deposits in the Roman law: a regular deposit, a deposit with a sequester and an irregular deposit. Thus, there were separate regulations for different types of the contract. And so, for instance, the object of an irregular deposit could only be money which became the property of the depositary and could thus be used by him (it was unacceptable in the case of a regular deposit and a deposit with a sequester. In order to use the things, he paid interest to a

depositor. Only a depositary who was a party of a contract of a deposit with a sequester was, in turn, entitled to protection in the form of interdicts (possessory protection).

Book seventeen consists only of two titles, the first of which is dedicated to actions protecting the parties of a contract of mandate. This type of contract could concern both legal and actual services. Especially legal acts (particularly mandates between a guarantor and a debtor) are referred to in many excerpts of title one. It should not be surprising, as personal security (the most important in this category being a surety) was more valued by the Romans than real security (*fiducia*, a pledge). Title two, in turn, discusses issues related to the establishment, operation and dissolution of a partnership (*societas*). On the basis of the excerpts contained in this title, it can be concluded that the majority of the issues related to the establishment and operation of a partnership were decided freely by the parties. One of the exceptions was the prohibition of establishing leonine partnerships (*societas leonina*), in which one of the partners participated only in the losses and was excluded from sharing the profits.

The subsequent part of the third volume of the Digest (book eighteen and the first title of book nineteen) comprises the regulations related to consensual contracts of purchase and sale (*emptio venditio*). Among other things, it discusses the issue of concluding the contract itself as well as informal additional agreements (*pacta*) which could be attached to it (book 18, title one, two and three). An example of such additional *pactum* was *lex commissoria*, under which the seller could rescind the contract of purchase and sale if the buyer failed to pay the price within a fixed time. The following title (four), in turn, refers to the issue of the sale of an inheritance or of property rights entitling one to file a legal action. Subsequent title (five) discusses the issues of terminating or rescinding a contract of purchase and sale. It is also explained who should take responsibility for the damage or loss of the sold thing within the time from the conclusion of the contract until the delivery of the goods to the buyer. Another issue discussed is who is entitled to the profits generated by the goods during this time (title six). Book eighteen ends with detailed reflections on the clause limiting a place of stay of slaves who were to be driven away after the sale, as well as the clauses which imposed on the buyer an obligation or prohibition to free a sold slave (title seven).

As mentioned above, contracts of purchase and sale are also referred to in title one of book nineteen, discussing the actions protecting the parties of the contract. Title two, in turn, is entirely dedicated to a lease contract (*locatio conductio*). As in the case of contracts of a deposit, the Roman law distinguished three types of lease: lease of things (*locatio conductio rei*), lease of services (*locatio conductio operarum*), as well as lease of work (*locatio conductio operis faciendi*). The latter was divided into two types. Under the first one, a contractor had to perform the work using the material

provided by the ordering party. Under the second one (*locatio conductio operis irregularis*), the contractor could perform the work using a material other than the one which was provided (as in the case of *depositum irregulare,* he became the owner of the things handed over to him). This type of contract was usually used in the case of contracts of work whose object was the transport of grain. In such events, the goods belonging to different merchants could be mixed up. Thus, the shipper was obliged to hand out in the place of destination not specific grain, but only an appropriate quantity of it.

The subsequent three titles contained in book nineteen discuss the so-called unnamed contracts. They were described as such not because they did not have a name (some relations were so typical that they received technical names), but because they did not belong to the limited system of Roman contracts and thus could not be called purchase and sale, lease or a partnership although they resembled these concepts. The best example of such a contract is a barter (*permutatio*), which is similar to a contract of purchase and sale. The main difference between the two was that in the case of the latter (according to the victorious opinion of Proculeans, accepted by Justinian), the price always had to be expressed in money. In the case of barters, however, one person transferred the ownership of a certain thing to another person who, in turn, committed himself to transferring the ownership of another thing in return. Correspondingly, *aestimatum,* discussed in title three, could not be described as purchase and sale or a mandate even though it resembled these contracts. It was a transaction in which one person gave a certain thing estimated at a fixed amount to another so that the recipient could sell it on the condition that he had to return it, had he failed to sell it. If the thing was sold, though, the recipient had to pay the sum agreed upon to the party, keeping the profit if the thing was sold at a higher price. Thus, it can be concluded that in the case of unnamed contracts, there was always a service paid by one party and the obligation of another party to pay a reciprocal service or to return the paid service. The parties of such contracts could lay claims in the form of two types of actions: *actio in factum* and *actio praescriptis verbis.* This issue is entirely discussed in title five, which ends book nineteen.

5. The fourth volume of the translation consists of eight books (20-27). The first one is dedicated to real security of debts in the form of a pledge (*pignus*) and mortgage (*hypotheca*). The difference between a pledge and a mortgage in the Roman law consists in the fact that in order to establish a mortgage one did not have to hand an item over to the creditor (hence, it could be hypothecated several times). Handing the item over was, however, necessary in the case of a pledge. The book consists of six titles which respectively discuss: the establishment of a pledge and mortgage (including some detailed issues, such as statutory mortgages and pledges or the issues related to a multitude of mortgage creditors and the order of investigating their claims), the

content and protection of these forms of real security and finally the expiration of a pledge or mortgage.

The following book (twenty one), in turn, is the continued discussion on contracts of purchase and sale, which were already referred to above, in book eighteen and in title one of book nineteen. In the currently discussed book, the Justinian compilers brought together the texts of the Roman jurisprudence referring to the issue of the seller's accountability for physical (title one) and legal defects (title two) of the sold thing. Title three also refers to the defense that the thing was sold and delivered (*exceptio rei venditae et traditae*), which could be used by the buyer who was not the owner of the bought thing (the seller was not obliged to transfer the ownership of the thing to the buyer) in order to defend himself against an action of the seller, in which he demanded the return of his belongings.

Various issues related to the law of obligations are further discussed in titles one and two of book twenty two. The first one refers to the issues of interests and delay, leading to the modification of the original obligation of a debtor or creditor. The latter case took place when, for the reason attributable to the creditor (also when he was not guilty), an agreed service was not rendered properly, especially when it was not accepted (*mora creditoris*). The debtor was not released from the obligation due to the creditor's delay, he did, however, receive some privileges. For instance, he was responsible only for *dolus*. In some cases, he could even dispose of an item constituting the object of the contract (for instance, he could pour out wine if he needed the casks in which the wine was stored). Due to the debtor's delay (*mora debitoris*), in turn, his liability was augmented. For instance, he was liable for each failure to render a service, even if it was not his fault, within the time of delay if the object of his obligation was an item marked as individual (in such cases, a fictional obligation was assumed – *perpetuatio obligationis*).

The subsequent titles of book twenty two touch upon a variety of issues, the majority of which concerns trials. Title three refers to the issues of evidence (among other things, it contains an excerpt discussing one of the fundamental rules of civil trials, according to which the one who claims, not the one who denies, has to satisfy the burden of proof – *ei incubit probatio qui dicit non qui negat*) and presumptions, title four discusses credibility of different types of documents, and title five concerns witnesses. The book ends with title six, comprising those excerpts of the Roman jurisprudence which were dedicated to mistakes of law (*error iuris*) and mistakes of facts (*error facti*).

The following books discuss various issues and still remain coherent as they are all dedicated to what is nowadays described as family law. Thus, books twenty three, twenty four and title one of book twenty five refer to betrothals (*sponsalia*), rules concerning the formation of marriage,

financial relations between spouses as well as the issue of divorce (*divortium*). Among the texts discussing financial relations between spouses, the ones concerning a dowry (*dos*) come to the fore (in total, there are 215 such texts). They are all collected in five titles (title three, four and five of book twenty three, title three of book twenty four, title one of book twenty five) and touch upon some general rules of the law of dowry as well as dotal pacts and dotal land. They also describe who, and in what way, can claim restitution of a dowry after the dissolution of marriage. Finally, they concern the expenditure on the objects constituting a dowry. Gifts between husband and wife are, in turn, only referred to in title one of book twenty four (67 excerpts).

The issues discussed in the subsequent titles (2-7) of book twenty five are slightly more differentiated, while still referring to the field of family law. The first of them discusses a claim which could be filed by one of the spouses against the other while they were still married on account of the things taken away by one of the spouses in the face of divorce (*actio rerum amotarum*). In such an event, actions against theft (*actio furti*) were not taken in against a spouse in order to avoid the related infamy. Title three touches upon a broadly understood obligation of maintenance as well as the issue of recognition of a child. Title four, in turn, precisely describes the way pregnant women should be examined. The issue of pregnant women is also discussed in the two following titles. They do not focus on pregnancy as such, but unborn babies, as the conceived baby was granted the right to inherit property after its dead father. Book twenty five ends with the title on concubines.

The fourth volume ends with two extensive books (twenty six and twenty seven) dedicated to guardianship (*tutela*) and tutelage (*cura*). In the Roman law, the subjects of the former were persons below the age of puberty (*tutela impuberum*) as well as mature women (*tutela mulierum*). A duty to have a guardian was imposed on the above mentioned persons once they became legally independent (*sui iuris*). As long as the father of the family who had the power over these persons was alive, there was no need for a guardian. He was usually appointed by a dead *pater familias* in his last will (*tutela testamentaria*). If there was no guardian appointed in the will, the relatives of a given person had to become the guardians (in the case of freedmen, it was the patron who became the guardian, and in the case of a son freed from the power of *pater familias* – his father). It was the so-called legitimate guardianship (*tutela legitima*). If a guardian could not be appointed in this way either, he was selected by the judiciary (originally, by a magistrate) – *tutela dativa.* In the above given order, the three types of guardianship are discussed in titles two, four and five. Title one, in turn, comprises the excerpts referring to some general issues concerning the institution of

guardianship and tutelage, while title three refers to issues related to the approval of the guard or *curator.*

In the Roman law, the subjects of tutelage were legally independent persons (*sui iuris*) who could not (entirely or partly) manage their own affairs. It was mainly due to the fact that they did not have full capacity to act in law. The most important types of tutelage included: tutelage of the mentally ill (*cura furiosi*), spendthrifts (*cura prodigi*) and mature persons under twenty five (*cura minorum*). The entire title ten of book twenty seven discusses the first two types. *Cura minorum* is, in turn, included in the already mentioned title four of book four contained in the first volume of the translation.

Among other things, the curator's duties consisted in taking care of a pupil, particularly his or her maintenance and upbringing. These issues are addressed in title two of book twenty seven. The main focus, however, was put on financial issues, in particular on the issue of managing the ward's property. The original freedom in this field was gradually becoming more and more limited. The issues mentioned above are discussed in title nine of book twenty seven. One of the most basic functions of guardians or curators was to grant a consent (in the first case) or an informal permission (in the case of the persons under tutelage) to the persons under their care to act in law. These issues are referred to in the entire title eight of book twenty six as well as in titles five and six of book twenty seven, discussing the situation where a person performs the functions of a guardian or curator without having been appointed to do so. Title one of book twenty seven, in turn, comprises the excerpts of the Roman jurisprudence (mainly *De excusationibus* by Modestinus) discussing the reasons for release from the duty of guardianship or tutelage.

Finally, as many as five titles (nine and ten of book twenty six and titles three, four and seven of book twenty seven) are dedicated to the protection measures provided for persons under guardianship or tutelage on the one hand as well as for guardians or curators on the other hand. Title eight of book twenty seven, in turn, refers to the legal measures used against the officials appointing guardians and curators.

6. The European study of law origins from the study of the Digest that started after their recovery in Italy in the 11th century. It started an intellectual movement that led to the establishment of first universities. The process of adapting Roman law for practical purposes resulted in the development of the medieval *ius commune.* Similarly, the Roman canon law proceedings, from which the entire modern procedural law derives, were created. In the modern times, Roman law was an inspiration first for the development of natural law, then for legal positivism. The study of private law derived entirely from Roman sources, even when it extended

its scope into new areas, such as commercial law, until the end of the 19th century. In the global dimension, the study is until today characterised by continuity in the scope of the methodology, teaching methods and organisation that was formed as a result of work on the Roman sources of law at universities throughout centuries. The translation of the Digest into Polish should allow the possibility of becoming acquainted with the sources of this significant European tradition on our own and ground the awareness of its importance. It should strengthen the direct influence of this tradition and secure its place among other factors that will shape the future culture.

The history of Polish law was often quite different than that of Western Europe, but it always constituted part of the European commonwealth of law. Roman law exerted the strongest influence on the Polish urban and rural law through the Magdeburg and Saxon models. The urban and rural law was implemented in the entire Polish-Lithuanian Commonwealth, and in the Grand Duchy of Lithuania, as well as in Left-bank Ukraine even after the third partition of Poland. The Roman models penetrated into Kulm law adopted in the Pommerania and partly in the Masovia region, where they were treated as auxiliary law. A similar solution was adopted in the Statutes of Lithuania that influenced the law of the Crown. The European Roman canon procedures influenced, in turn, the procedures used in the judicature of I Rzeczpospolita (the First Polish Republic). The impact of Roman law can even be traced in the law used by the Armenians in Poland.

It is also worth mentioning that Roman law was a leading field in the Academy in Cracow (*Studium generale*), which was visible in the structure of the university (five out of eleven departments were dedicated to Roman law) and the division of remuneration of lecturers (Roman law professors received in total 180 silver grivnas, old monetary units, while the other ones only 150 in total). Moreover, king Casimir the Great stated clearly in the foundation act of the Academy that Roman law was binding to some limited extent. He ascertained, namely, that any lay member of the university community was to be tried by the King's court in accordance with Roman law, should he be charged with felony.

Roman law penetrated into Polish territories through lawyers who had been educated at universities in Italy and, later, also in Germany, through clergy, the practices of clerks in offices via documents, the language and terminology of law. Components of Roman law constituted an apparatus for the analysis and implementation of the Polish law. Oftentimes, Roman law became the inspiration for reforms in the Polish law.

The research of the scope of diffusion of Roman law, its influence on and penetration into other areas, as well as its reception and importance in the Polish culture of law cannot be conducted to a larger extent without the knowledge of the sources. Without them, it is also

impossible to understand the role it played in the mentality of the old-time societies and the way it was perceived. The translation of the Digest into Polish is one of basic works that simplify studies that are of importance for the Polish academic research and open new areas of research as well. The Digest include not only the history of law, but also knowledge about the old time society and its culture. They extend the common base of reference works for the Humanities.

Discussion of other academic and research-related merits (in arts): Until today, my academic activity revolved around several issues. The first one included editing and translation of sources of Roman law. The effects of this work are the four volumes of translated Justinian Digest presented above. Previously, I also published other works within this scope: »*Responsa prudentium*«. *A selection of reference texts including the views of the Roman jurisprudence* (co-authored by Anna Maria Wasyl), Cracow 2000, pp.XLVIII+372, as well as three voluminous articles with regard to title seventeen of book fifty of the Digest, comprising a selection of over two hundred *regulae iuris*: *D.50,17 »De diversis regulis iuris antiqui«*, TEXT-TRANSLATION-COMMENTARY, part 1, [in:] Zeszyty Prawnicze Uniwersytetu Kardynała Stefana Wyszyńskiego 6.2 (2006), pp.221-326; part 2, Zeszyty Prawnicze Uniwersytetu Kardynała Stefana Wyszyńskiego 7.1 (2007), pp.311-373; part 3, Zeszyty Prawnicze Uniwersytetu Kardynała Stefana Wyszyńskiego 7.2 (2007), pp.297-345. Another work entitled »*Variae quaestiones*«. *A collection of cases on Roman private law and a selection of reference texts* (co-authored by Paulina Święcicka), Cracow 2011, pp.254, also lies within this research trend.

This work refers to another field of my interest, i.e. to reference works in the form of study aids. First works of that type were written already during the time of my studies at the Faculty of Law and Administration at the Jagiellonian University and originated from my experience as tutor during classes of Roman Law and logic section, organized by the Towarzystwo Biblioteki Słuchaczów Prawa (Association of Law Students) of the Jagiellonian University (items 1-6 in the List of Published Works). Other works were also published later on: *Roman law. A repetitory course of lectures* (co-authored by Robert Pabis, Jarosław Reszczyński), Cracow 1999, pp.266, as well as *Roman law. A practical guide to studies in the subject matter* (co-authored by Jarosław Reszczyński), Cracow 2004, pp.433.

The third area of my interest in research is connected to the Roman law of obligations, its history after the times of Justinian, as well as to the reception of Roman law in the contemporary legislation. These issues were the topic of my Ph.D. thesis (»*Obligationes quasi ex delicto*«. *Studies on sources of obligations in Roman law*, Cracow 2004, pp.156), as well as a chapter regarding Roman law in a monograph on lending for use (*Lending for use* [co-authored by Jarosław Bech, Marek

Kozaczuk, Zdzisław Zarzycki – ed.], Cracow 2004, pp.178). These topics were also discussed in numerous articles, such as: *Roman roots of the legal regulation included in article 433 of the Civil Code with regard to liability for damages incurred through throwing an item away, spilling a liquid or an item falling from a premises*, [in:] Palestra 5-6 (1998), pp.25-32; *Roman foundation of liability for »effusum vel deiectum« in chosen legal systems with particular discussion of the regulation included in the law of 23 April 1964 – the Civil Code*, [in:] Krakowskie studia z historii państwa i prawa (eds. W. Uruszczak, D. Malec), vol. 1, Cracow 2004, pp.27-42 = Czasopismo Prawno-Historyczne LVI.1 (2004), pp.113-130; *The Relationship between the Edicts »ne quis in suggrunda« and »de his qui deiecerint vel effuderint«*, [in:] Orbis Iuris Romani 8 (2003), pp.43-53; *Some remarks on »Ne quis in suggrunda protectove id positum habeat, cuisi casus nocere posit« praetor's edict*, [in:] Revue internationale des droits de l'antiquité L (2003), pp.287-300; *Some remarks on D.16.3.15 and D.50.17.45pr.*, [in:] Revue internationale des droits de l'antiquité LI (2004), pp.197-203; *The legal position of the parties of a contract of lending for use in the view of the Roman jurisprudence*, [in:] Czasopismo Prawno-Historyczne LVIII.2 (2006), pp.87-125; *How the commentaries to »de his qui deiecerint vel effuderint« and »ne quis in suggrunda« edicts could be used on the ground of »edictum de feris«*, [in:] Revue internationale des droits de l'antiquité LIII (2006), pp.323-334; *Liability for damages inflicted by animals on the grounds of »edictum de feris«*, [in:] Czasopismo Prawno-Historyczne LIX.1 (2007), pp.173-186; *Some remarks on the current use of the »tres faciunt collegium« rule*, [in:] The World, Europe, Our Little Homeland, Studia oferowane Profesorowi Stanisławowi Grodziskiemu w 80-lecie urodzin (ed. M. Małecki), Bielsko-Biała 2009, pp.1079-1084; *Freedom of association in the Polish law contrasted with the Roman rule »tres existimat collegium (tres faciunt collegium)«* (co-authored by Karol Zawiślak), [in:] Krakowskie studia z historii państwa i prawa (eds. W. Uruszczak, D. Malec), vol. 3, Cracow 2010, pp.145-155; *Some remarks on the rule of liability in the event of damages incurred by the overflowing of water from premises above to the premises one or more floors below*, [in:] VETERA NOVIS AUGERE, Studia i prace dedykowane Profesorowi Wacławowi Uruszczakowi (eds. S. Grodziski, D. Malec, A. Karabowicz, M. Stus), Cracow 2010, pp.837-843; *»Societas leonina« in glossators' works*, [in:] REGNARE, GUBERNARE, ADMINISTRARE, Z dziejów administracji, sądownictwa i nauki prawa, Prace dedykowane Prof. Jerzemu Malcowi z okazji 40-lecia pracy naukowej (eds. S. Grodziski, A. Dziadzio), Cracow 2012, pp.181-189.

Somewhat off the main track of my research in the three above mentioned areas, I have also dedicated my efforts to the potential reception of Roman law in I Rzeczpospolita. I devoted two articles to this subject: *The end of Morsztyn. Contribution to the history of Roman law in Poland*, [in:] Zeszyty Prawnicze Uniwersytetu Kardynała Stefana Wyszyńskiego 3.1 (2003), pp.163-170, as well as *Some remarks on party's oath as evidence in a trial in I Rzeczpospolita and possible reception of Roman law in*

respect of the form of it, [in:] CONSUL EST IURIS ET PATRIAE DEFENSOR, Księga pamiątkowa dedykowana doktorowi Andrzejowi Kremerowi (eds. F. Longchamps de Bérier, R. Sarkowicz, M. Szpunar), Warsaw 2012, pp.155-165.

My research also discusses the history of political systems in the Ancient states, which resulted in the publication of two monographs in English dedicated to the political system of Ancient Rome and the Greek *poleis*. These are: *A History of the Ancient States' Political Systems. Rome*, Cracow 2011, pp.273, as well as *A History of the Ancient States' Political Systems. Greece*, Cracow 2012, pp.251.

My work for the National Court Register resulted, in turn, in some articles (and a gloss) concerning entities that are subject to entry into the Register. The articles are: *A gloss to the decision of the Supreme Court of 11 May 2005, III CZP 16/05*, [in:] Palestra 5-6 (2007), pp.314-317; *Legally substantive and procedural aspects of the procedure regarding the entry of a public benefit organisation into the National Court Register* (co-authored by Karol Zawiślak), [in:] LEGES SAPERE, Studia i prace dedykowane Profesorowi Januszowi Sondlowi w pięćdziesiątą rocznicę pracy naukowej (eds. W. Uruszczak, P. Święcicka, A. Kremer), Cracow 2008, pp.353-387; *The registry of insolvent debtors*, [in:] Zeszyty Prawnicze Uniwersytetu Kardynała Stefana Wyszyńskiego 9.1 (2009), pp.281-299; *Entry into the register of insolvent debtors on the grounds of Article 55 of the Law on the National Court Register. The current situation – remarks »de lege ferenda«*, [in:] Rejent 6 (2009), pp.98-105. Similar issues were discussed in numerous works I reviewed (mentioned as a group below).

Reviewed texts should be listed separately (as research-related and academic accomplishments), since in each case they include not only a short summary of the reviewed work, but also disputes with the Author of the work in question on issues that are, to my view, controversial or are presented improperly or even falsely. Thus, the reviews are mostly of considerable length (on average around 1 author's sheet). The texts I reviewed can be categorised into two groups.

The first group are works concerning Roman law. These are: rev. *Roman law. Exercise book for students of law. Cases.* Ed. by Paulina Święcicka-Wystrychowska, Michał Araszkiewicz, Cracow 2004, [in:] Zeszyty Prawnicze Uniwersytetu Kardynała Stefana Wyszyńskiego 4.2 (2004), pp.273-294; rev. *Roman law. A repetitory course of lectures.* Ed. by Paulina Święcicka-Wystrychowska, Cracow 2004, [in:] Zeszyty Prawnicze Uniwersytetu Kardynała Stefana Wyszyńskiego 4.1 (2004), pp.295-315; rev. E. Szymoszek, I. Żeber, *Roman law*, Wrocław 2005, [in:] Zeszyty Prawnicze Uniwersytetu Kardynała Stefana Wyszyńskiego 7.1 (2007), pp.375-390; rev. J. Misztal-Konecka, M. Wójcik, *Roman private law. Cases and exercises*, Warsaw 2007, [in:] Zeszyty Prawnicze Uniwersytetu Kardynała Stefana Wyszyńskiego 8.2 (2008), pp.356-371; rev. A. Dębiński, J. Misztal-Konecka, M. Wójcik, *Roman public law*, Warsaw 2010, [in:] Zeszyty Prawnicze

Uniwersytetu Kardynała Stefana Wyszyńskiego 12.2 (2012), pp.205-233; rev. P. Święcicka, *Roman private law*, Warsaw 2011, [in:] Zeszyty Prawnicze Uniwersytetu Kardynała Stefana Wyszyńskiego 12.3 (2012), pp. 217-238.

The second group consists of reviews of works dedicated to legally substantive and procedural aspects of procedures regarding entry into the National Court Register. These include: rev. N. Kowal, *Establishment and registration of public benefit institutions. A commentary*, Cracow 2005, [in:] Rejent 9 (2006), pp.185-195; rev. A. Ceglarski, *Public benefit institutions*, Warsaw 2005, [in:] Kwartalnik Prawa Publicznego 3 (2006), pp.165-181; rev. P. Suski, *Associations and foundations*, Warsaw 2005, [in:] Rejent 10 (2006), pp.187-196; rev. D. Bugajna-Sporczyk, E. Dzbeńska, I. Janson, M. Sztekier-Łabuszewska, *Foundations and associations. Legal and practical aspects*, Warsaw 2005, [in:] Zeszyty Prawnicze Uniwersytetu Kardynała Stefana Wyszyńskiego 8.1 (2008), pp.377-397; rev. H. Cioch, A. Kidyba, *Law on foundations. A commentary*, Warsaw 2007, [in:] Rejent 1 (2009), pp.161-171.

Education and professional work/activity:

1992–1997 master studies at the Faculty of Law and Administration at the Jagiellonian University in Cracow

1997 obtaining the degree of master of laws

1.10.1997 employment as assistant lecturer at the Chair of Roman Law at Jagiellonian University

1998–2001 judge's training period under the jurisdiction of the Provincial Court of Law in Cracow (since 1.01.1999 as staff trainee)

7.05.2001 passing judge's exam

1.09.2001–1.06.2008 employment as court clerk at the District Court Kraków-Śródmieście in Cracow, first at 12th Division, subsequently at 11th Division of National Court Register (since 1.07.2003)

2002 defence of a Ph.D. thesis entitled »*Obligationes quasi ex delicto*«. *Studies on sources of obligations in Roman law* – thesis promoter: Professor Janusz Sondel Ph.D.

24.03.2003–30.06.2003 employment as assessor (trainee judge) at 1st Civil Division of District Court Kraków-Śródmieście in Cracow

1.10.2004 employment as senior lecturer at the Chair of Roman Law at the Jagiellonian University

2006 entry into the list of legal advisers at Cracow Chamber of Legal Advisers

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