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Summary of PhD dissertation *Law and its functioning in the court book of the Cistercian monastery of Henryków from the 15th and 16th century*

The problem of rural law in Silesia in the Middle Ages and the modern era has rarely been the subject of scientific research in recent years. In the achievements of legal historiography, there is a noticeable lack of studies concerning the law in force in the area of individual landed properties. For this reason, the primary aim of the dissertation is an attempt of a model reconstruction of this law in the area of the property of one land lord, i.e. the Cistercian monastery in Henryków.

The source basis for the dissertation is the German-language manuscript of the court book stored in the Archiwum Państwowe we Wrocławiu (State Archives in Wrocław) under ref.: 82/11/0/9/273, which has 335 double-sided written pages. It documents contentious and non-contentious cases concerning the monastery's subjects living in 21 villages and covers a period of 87 years (from 1468 to 1555). The basic thesis of the dissertation is that it is possible to reconstruct village law and its functioning on the basis of a village court book and it highlights the purpose of the dissertation and the nature of its source base.

The thesis consists of six chapters. The first two chapters are intended to form the background to the others, containing an analysis of the law and its functioning. They concern general issues related to the functioning of the source which is the subject of analysis and the law functioning in the domain of the Cistercians of Henryków, reconstructed on its basis. Chapters from the third to the sixth are dedicated to civil law, and the manner of presentation of the considerations contained therein refers to the pandect system of civil law. The scope of the respective chapters is limited by the information that could be reconstructed on the basis of the content of the source.

The first chapter is dedicated to considerations aimed at presenting the views expressed in the literature on rural court books and other sources on the functioning of rural law (e.g. books of lay court), their origins and territorial scope. The conclusions of other researchers referred in this chapter are intended to provide a context for the considerations carried out in

the subsequent part of this chapter concerning the nature and function of the source analysed in this thesis.

The deliberations in the second chapter concern the law and the judicial authorities involved in its application. This chapter is already based entirely on the analysis of the source material. It also discusses problems concerning criminal law, about which the source contains vestigial information. The analysis of criminal law is limited to a presentation of the types of offences covered by the records in the source and the reaction to them by the law of the time.

Chapter three, which refers to the general part of civil law, discusses the law of natural persons, legal persons and the legal capacity of natural persons and their capacity to enter into legal transactions. It also discusses custody issues for the different categories of persons whose legal capacity limitations are analysed in this chapter.

Chapter four presents the law of obligations. With regard to the general part of the law of obligations, the elements of which reconstruction was based on the content of the source concern only the performance of an obligation. In this part, attention is also given to the different types of obligations operating in legal transactions at the time (i.e. sale, lease and rental, agreement on benefits related to security of material needs, guarantee and transactions with a monastery). The analysis of the different types of obligations is primarily concerned with defining the object of the obligation, and the content of the rights and obligations of its parties. Deviations from this assumption arise from the extent of the information available for each obligation. The chapter also includes a consideration of legal actions.

The fifth chapter deals with the property law. Its aim is to present the things in transactions and the idea of things, as well as the content and nature of the rights to things that the rural population of the time was entitled to. The chapter also includes a short section on limited property rights, which are documented in very limited scope in the source.

Chapter six presents family law and the inheritance law. With regard to family law, the chapter discusses issues concerning property relations between spouses and the custody of married women. With regard to inheritance law, it discusses the types and nature of disposition in case of death, the order of succession under the law and the resulting shares of heirs, and the relationship between disposition in case of death and succession under the law.

The ending of this dissertation is a presentation of the conclusions resulting from the legal-historical analysis of the issues constituting the subject matter of the respective chapters

and the postulates concerning further research into rural law in Silesia. The analysis of the source allowed for the reconstruction of the law and its functioning in the domain of the Henryków monastery in the given period, and consequently for the verification of the general thesis of the dissertation and the theses concerning the problems analysed in the respective chapters.

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