

ІНТЕЛЕКТУАЛЬНА ІСТОРІЯ

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Przemysław Dąbkowski was one of the most outstanding law historians. He was a professor of the Lviv University, a meritorious organizer of science, an archivist, a publisher and an editor of prestigious scientific journals of international scope. This article is devoted to the activity of this praiseworthy person. His books have been cited in law and historical literature until today. The ones of the particular interest of readers, including Polish and foreign scholars, were his studies of private law history. Less known were Dąbkowski's numerous interesting works on archival science, economic and social history, history of culture. Since 1906 when he began to lecture at the Faculty of Law at the Lviv University he was a well-known person popular in the academic world. He was the dean of the Faculty of Law at the Jan Kazimierz University twice. He maintained contacts with a lot of foreign scholars and exerted a significant influence on the development of international scientific and cultural cooperation. He belonged to nineteen scientific institutions including: Polish Academy of Learning in Cracow, Czech Academy of Learning in Prague, Bulgarian Academy of Learning in Sofia, Scientific Society in Lviv, Warsaw, Vilnius, the Society for Historians of Law (Société d'histoire de droit) in Paris. In 1934 Jan Amos Comenius University in Bratislava awarded him with a honoris causa degree.

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Przemysław Roman Dąbkowski was born on 23rd February 1887 in Lviv [57, b. 27] as the son of Bonifacy Grzegorz and Helena Joanna nee Krassowska [46, p. 22]. When was born the family moved to Stryj. His father took a post of a chief of state railways maintenance section. The town was situated along the important Subcarpathian trade route leading to Hungary and the Balkan countries and dated back to the 14th century¹. For centuries, despite numerous conquests, fires, floods and plagues, it played an important role in international trade [84]. During the partitions, Stryj, which belonged to Austrian monarchy, kept declassing until introducing

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¹ The first chronicle note about this town comes from 1396. It informs about «a vast crown land», which in 1403 was given by Władysław Jagiełło to his younger brother count Świdrygiello [63, p. 5].

autonomy in Galicia². Trade was declining, craft manufacturing was decreasing, socio-cultural life was slowing down. The revival of the town took place in the second half of the 19th century. In 1873 it received a railway connection with Khyriv and Lviv and in 1875 with Stanisławów.

Przemysław Dąbkowski began his education in a four-year public school during peaceful years of fin de siècle. The school taught reading and writing, mathematics, Latin and Greek, geography, history, drawing and religion. After graduation he could continue his education in the local state Gimnasium [25, k. 27].

The town was inhabited by people of various religions and nationalities. Young Przemysław met mentality, customs and habits of Ukrainians, Jews, Germans and Serbs. Numerous historical buildings like: erected in the 16th century fortified castle, Roman-Catholic, Uniate and Evangelical church buildings, synagogue and, most of all, military barracks gave the town the specific borderland character. Varied landscape, the River Stryj flowing fast behind the town, vast oak forests and meadows undoubtedly influenced Przemysław Dąbkowski. They aroused his interest in nature, made him contemplate. He spent a lot of time in the market square observing traders. He was walking through the most distant parts of the town with his friends. His favourite place for play was a wide alley reaching a little bit distant buildings of the railway station [113]. His parents were taking him for walks to that popular among Stryj citizens place of strolls and rest.

Przemysław Dąbkowski did not have any brothers or sisters. A strong bond united him with both parents. His mother, distinguished by a mild character, looked after proper mood in their lounge carefully choosing the company of people with impeccable manner. Much time was dedicated to him by his father.

In 1888 there was a great fire in Stryj. It consumed a new gymnasium building. The Dąbkowski family moved to Lviv then. Przemysław continued his education in Franz Joseph I 3rd Imperial and Royal Gimnasium with Polish as a language of

² Yet in 1849 in Stryj there were only 650 houses. 6 thousand people lived there [63, p. 20].

instruction³. In those times the school was located in an enormous building in Batory Street 5 built with the commune initiative in the place where there used to stand the Barefoot Carmelites Church⁴. The educational conditions were hard. In that time more and more young people wanted to study in state gymnasiums. Classes were overcrowded. Maturity certificate began to decide on the social status. It facilitated material security in adult life [101, p. 83]. State gymnasiums educated according to specific programs. The graduates had an open way to all university education schools in the whole monarchy.

Dąbkowski was a very good student. He prepared to classes systematically and thoroughly. He learned some subject material in advance. He read a lot. He was fascinated by literature and history. He eagerly studied foreign languages, particularly West European ones and Latin. He was a cheerful, kind and helpful person. He made some true friendships in that school.

For the boy who came from the province, dynamically developing Lviv [55] with its numerous historical monuments and public utility buildings, representative districts, telephones, horse carriages⁵ allowing people to move freely among a few districts, was an interesting area for study. He carefully watched the city life, its customs and inhabitants' mentality. Territorially expanding city absorbed suburban communes⁶ which hastened the integration process of local population⁷. Dąbkowski's attentions was attracted by local historical monuments, squares and cemeteries [47, pp. 7-15]. Some of the buildings which drew his attention inclined him to meditation and reflection over the past. Completed the gymnasium with honours. He received the maturity certificate on 26th June 1894 [34, k. 649]. He undertook studies on the Faculty of Law in Lviv University⁸.

³ It was created from the «Polish» subsidiary of II Gimnasium founded in 1850. It began to operate in the school year 1857/1858. It was the first gimnasium in Lviv with Polish as a language of instruction [64, p. 24].

⁴ Initially the school was situated in Blacharska Street in a rented tenement house. After 1860 it was moved to former Bernardine Closter buildings. Some classrooms, after another move in 1876 were left there to form a subsidiary. In 1879 on the basis of it the IV Gimnasium was founded there [64, p. 36].

⁵ Horse carriages shuttled in Lviv from 1879. First electric trams appeared in the streets of the town in 1894 [74, p. 56].

⁶ After the year 1890 the town crossed its former administrative borders joining: Kleparów, Zamarstynów and Zniesienie [88, p. 127].

⁷ P. Dąbkowski drew attention to this [47].

⁸ Officially it bore the name of Franz Joseph Imperial and Royal University [34, k. 640].

Founded in 1661 by King Jan Kazimierz the University in Lviv was a dynamically developing centre of science, education and culture [50]. Changes in the internal policy of Austria initiated after defeat in the war with France and Piedmont (1859) [110, pp. 220-221], transformation of monarchy – after the war with Prussia (1866) – into the dualistic state⁹ thanks to which Galicia gained wide autonomy, made the Polish community living there have the freedom which other Polish inhabiting the remaining partitions did not know¹⁰. The expansion of higher education¹¹ resulting in increasing number of students¹², in activities of numerous scientific associations¹³ enabled the development of science.

In the University of Lviv Dąbkowski encountered outstanding experts in law [106, pp. 27-30]. The one who had the greatest impact on him was Oswald Balzer who taught history of Polish law and history of Austria's political system [71]. The scholar did not limit himself to presenting the court law. He emphasized the history of a political system. Przemysław Dąbkowski who was interested in the history of law came to his seminar¹⁴. During classes he distinguished himself with the knowledge of foreign languages, with accuracy, with the ability to read handwritten documents, with interpreting of laws and with literary talent [48]. He wrote three works under his supervision: *Organization of the judiciary of Wielkopolska in the 14th and 15th centuries*; *On land damage and Revenge, ransom and humility on Ruś*

⁹ In 1867 Austria transformed into Austria-Hungary. There were two separate countries connected by the real union having separate governments and parliaments. Austrian emperor became also the king of Hungary. To govern common issues they established ministries of: foreign affairs, war and finances which were directly dependent on the monarch. The border between Lower Austria and Hungary was the Leitha river that is why Austrian countries (more precisely: Austrian-Czech, Silesia and Galicia) were called Cisleithania and Hungarian ones Transleithania. Officially Hungary was called the Lands of the Holy Hungarian Crown of St. Stephen and also consisted of Siedmiogród and Croatia. The rest of the countries got the name of the Kingdoms and States represented in Imperial Council [110, pp. 222-234; 52, p. 100; 53, p. 277].

¹⁰ In 1861 Galicia won its own parliament and an executive body – National Department. In 1862 they introduced the freedom of press, in 1867 the freedom of learning and teaching in Polish and the freedom to create associations [54].

¹¹ In Lviv, beyond increasing number of chairs and faculties in the University which had four departments: Theology, Law, Philosophy and Medicine there was a rapid expansion of Politechnical School with the departments of: Architecture, Machine Building, Technical Chemistry, Engineering, Geodesy and Mining [70, p. 45].

¹² In 1900 in University in Cracow there were 1400 students, in Lviv University 2000, in Politechnical School in Lviv 760 [59, p. 340].

¹³ Some of the associations acting in Lviv: Association of Friends of Fine Arts, Historical Association, Adam Mickiewicz Literary Association, in Cracow: Coin-Archaeological Association, Association of Admirers of History and Monuments of Cracow.

¹⁴ Initially, for two semesters, he attended the seminar of professor Aleksander Janowicz of history of German law [8, k. 649].

Halicka in the 15th century and the first half of the 16th century [8, k. 649]. They gained recognition of the manager of the seminar. He saw in his student skills and predispositions for scientific work.

After completing higher education with honours in 1898 P. Dąbkowski passed so-called «strict» law exams and on 17th December 1900 he received a degree of doctor of laws [8, k. 649].

Devoted himself to scientific work giving up efforts to get attorney privileges¹⁵. He published a lot¹⁶. In 1903 he wrote the study in the field of Polish private law, entitled: «*On confirming contracts under threat ofobjurgation in medieval Polish law*». He examined the nature and significance of one of the means of consolidating objurgation contracts (contractual) [36, pp. 49-50] used after exhausting all other options, directed against «honour and respect» of a person evading an agreement [38, pp. 6-7]. After an initial and detailed examination and the establishment of terminology the author focused on subjects of that commitment. Based on the number of source records he proved that this way of consolidating contracts was the most often used among the nobility in the 14th and at the beginning of the 15th century¹⁷. It was also well known among university communities. It was aimed «almost only at the nobility as debtors – Dąbkowski wrote – no matter who a creditor was, whether it was a nobleman, a bourgeois or a simple peasant. In the application of this method only the person of a debtor was significant. The method was used and objurgation was perceived as a proper and effective way of forcing payment only if they valued the honourvery high. The fact that inthat case the right of objurgation could be given to a person from outside of the nobility was even a stronger stimulus to perform a contract. Because a greater dishonour was to bear the insults and abuse patiently from a person belonging to a lower social state [38, pp. 17]. The author considered the

¹⁵ He worked in the National Archive of Town and Land Records In Lviv then [25. k. 27].

¹⁶ He Publisher several articles and scientific works. Moreover he placed about a dozen of reviews in scientific journals [69, pp. 521-529].

¹⁷ The significance of this way of consolidating contracts was strictly connected with the notion of honour and faith. P. Dąbkowski claimed that it was only valid in upper strata of a society where «not only material properties but also moral goods» were valued, where public insults were severe punishment. The institution «to a certain extent» resulted from the medieval knight spirit and the concept of honour [36, p. 18].

right of objurgation available to a debtor. He specified the duration, place, forms, content and results. He stated that you could scold orally or in writing by means of so-called objurgating letters that differed from pasquils and perhaps – like in Germany – using offensive drawings. However he noted that in records published so far, in monuments of Polish medieval law, he did not find any references to its application. He expressed conviction that a creditor could mostly use the privilege in a way he thought was the most appropriate. Objurgation was carried out of court, in public¹⁸. The effects lasted until a debtor fulfilled a contract. When there were a few creditors each of them had the right to scold a debtor. In case there were a few debtors and one creditor he was allowed to scold each debtor separately. The agreement by which a debtor agreed to be liable to objurgation complemented a «main contract». That is why when claims passed on to other people, without provisions of obligation of being scolded, the execution of the law required debtor's consent. Objurgation without an agreement would be simply a violation of someone's honour which could result in calling a creditor to account [38, pp. 24, 29]. Even the rulers were liable to objurgation by their subordinates when they did not fulfil a commitment. This method was also used in consolidating international contracts. A proper subject of such contracts was the state. There were people entitled to appear on its behalf¹⁹. Dąbkowski reminded that in medieval times contracts were executed by various methods of consolidation including: security, warranty, bet, agreed punishment, loss of properties or loss of freedom. He emphasized that the right of objurgation was very often perceived as satisfactory enough to force a debtor to fulfil his commitment. It never happened that after using the method other forms of consolidating contracts were used. «[...] it was used very rarely – he wrote. – During a very long time from 1389 when the first known case was recorded to 1522 when the last one was noted [...] in the whole area of Poland, not only within its boundaries

¹⁸ The effectiveness of objurgation – P. Dąbkowski wrote – was mainly about the importance of the public opinion. A debtor threatened with the loss of honour and good reputation he had till that moment became more inclined to fulfil responsibility. Public opinion would be the forum a creditor sued his case. Objurgation was therefore the mean of execution by means of which a creditor enforced his claim out of court [38, p. 44].

¹⁹ It could be the ruler himself. Other persons could also appear by his side [38, p. 27-28].

but also in international affairs you can find barely 55 such cases» [38, p. 60]. In author's opinion an objurgation contract could be perceived as «a kind of qualified commitment based on faith and kind-heartedness» because the loss of honour is very clearly formulated [38, p. 67]. The nobility who appreciated honour to the greatest extent were using this «extended form» of commitment. In the conclusion the author stated that the institution was popular in Western Europe. It was earlier and much more frequently used in France, Germany and Czech than in Poland. He pointed out that the first record of it is included in the statutes of Casimir the Great (article 77), the last one comes from the 16th century. In that period in Poland the right was formed by common law. Even court practices did not create «any more developed asset of legal norms» which would influence its shape. «It fell into disuse» almost in the same time in Germany and Czech²⁰.

Dąbkowski's piece of work met great interest. Its summary appeared in the Report of the Department of Association of Support of Polish Sciences [107, pp. 11-12] and its foreign bulletin [15, p. 13-15]. Franciszek Jaworski recommended the work by emphasizing its scientific values and a wide range of research conducted by the author [93, pp. 102-103]. Marcelli Handelsman wrote: «The author extremely diligently studied 55 records concerning the subject matter and at the same time he raised and clarified a lot of related questions [...] he conducted the parallel to Czech relations concerning objurgation and he clearly emphasized the differences of that institution in Poland and Czech. Scrupulousness in study of sources and an enormous consistency of layout and presentation are reliable merits of work of Dąbkowski who decided to examine the subject which was barely drafted in our legal literature» [92, pp. 142-143]. A favourable review of the book *On confirming contracts under the threat of objurgation* was published in «Historical Quarterly» by Antoni Prochaska [98, pp. 611-614]. Its content was presented to Czech readers by Karol Kadlec [94, pp. 124-125] and Jan Kapras [95, z. 2] and to German ones by Szymon Rundstein [100, pp. 23-24].

²⁰ The author even claimed that the institution fell out of use a bit earlier than in Germany and Czech where it was abolished by the legislative [38, pp. 74-75].

Quite early Dąbkowski went beyond the issues related to the history of civil law. Among his interests appeared the problems of the history of science [88], education [89, pp. 250-253] and economy [90].

In Austrian-Hungarian monarchy at the beginning of the 20th century, just like in the second half of the 19th century, the best university graduates could apply for the scholarships for complimentary studies abroad in order to get acquitted with the accomplishments of leading research institutes. The most frequently they left to Germany. Dąbkowski began applying for the scholarship of the Academy of Learning in Cracow. He wanted to attend the Law Faculty at Berlin University. Justifying the choice of this university he emphasized that he desired to expand his knowledge of German law. The Academy of Learning awarded him with the scholarship from the Gałęzowski Foundation for the academic year 1903/1904 [8, k. 649].

Frederick William Royal University (Königliche Friedrich – Wilhelms – Universität) established in 1809 was placed in a former palace of Prince Henry of Prussia, erected in 1764. Its rooms, spacious and bright, were perfect for lecture halls. Separate Auditorium Maximum was located in an annex situated behind the main building. Students could benefit from the collection of the University Library founded in 1829 in Dorotheenstrasse and from the Royal Library which dated back to the 17th century. It was located then in an enormous building coming from the end of the 18th century situated in the Opera Square. Dąbkowski was spending a lot of time there. The library, available for everyone, located in a spacious two-storey hall, well equipped with handheld collections, open daily from 9 am for 12 hours, allowed him to get acquainted with many rare works and manuscripts [45, pp. 77-78]. During classes, similarly to other Lviv scholars, he intended to study the research and didactic methods used at Berlin University. First of all he attended the lectures of Józef Kochler (a philosopher of law, civil process, French civil law, comparative law)²¹ but also Marcin Wolf (the history of German law, trade law, Admiralty law), Otton Gierke (German civil law, public law) and Karol Zeumer (history of German

²¹ He was impressed by the wide range of interests and good knowledge of Polish law [45, p. 61].

law) [45, p. 58; 61, p. 474]. He was also interested in lectures of Aleksander Brückner, Polish philologist, a Slavist and a culture historian.

In 1905 he attempted to be released for habilitation at the Faculty of Law at Lviv University. In accordance to the procedure, after the submission of his scientific publications including the dissertation entitled *Warranty in Polish medieval law* as the basis for the habilitation he took an exam of Polish law on 11th December 1905 [8, k. 649]. Five days later he gave a habilitation lecture entitled «*Litkup*»²² in *Polish medieval law* [37, pp. 377-383]. In the dissertation on warranty, one of the most common way of consolidating contracts in medieval times, he presented – undergoing significant transformations over the times – the relation of a guarantor (a guarantor) to a creditor. «Exclusive» and «absolute» liability of a guarantor to fulfil a commitment was acknowledged by him as an original form of «litkup». He stated that the way in which a guarantor accepted the responsibility was changing according to the needs and legal perceptions. In the early Middle Ages in the absence of mutual trust and «uncertainty» of legal protection and the belief that about the validity of a contract decided the rendition in favour of the other contracting party²³, assets of a guarantor were the security of receivables. With time, particularly under the influence of economic growth resulting in changes in a number of existing contracts, a debtor began to suffice a solemn promise or a vow. The author also commented on the methods of pursuing rights. He claimed that initially a debtor who did not keep conditions of an agreement was deprived of legal protection. He became an enemy everyone could prosecute. You could apply to the various «measures» turned against «his honour, freedom, assets, health, life» [41, p. 66]. However the state authorities were trying to limit «arbitrary» action of debtors. He considered in detail the question of coercion used in warranty. He gave numerous examples of its usage. He presented differences between two major issues of this concept: responsibility and commitment. In the following chapters of the work Dąbkowski presented the relation of a debtor to

²²Litkup (in German *Leitkauf*) – a custom of a feast or refreshment prepared by a purchaser to consolidate a contract which originates from a very distant epoch. It was organised to commemorate the contract to the participants of a deal and the witnesses and in case to prove the fact before the court [12, p. 148].

²³ It means a creditor.

a security, the conditions you had to fulfil to make a contract, forms of warranty, eventualities of changes in the contract content and circumstances under which the contract expired. The analysis of source documents from 14th-16th centuries made him conclude that a debtors commitment against a guarantor made him act in a way that did not «compromise» a person who trusted him. That is why his responsibilities were: the performance of services to a creditor, replacement, a combined action with guarantee, or, alternatively, paying the compensation. When a debtor «gave less certainty» of meeting contract liabilities, appropriate stipulations extending the right of guarantee were incorporated. After analyzing the content of warranty contracts he pointed out status differences had no impact on them. In the last chapter of the dissertation the author included remarks about a social function of a warranty. Summarizing his previous arguments he wrote: «When a warranty was positioned lower than a pledge, as far as a real security of rights is concerned, when it did not equal the ease of proof of a registration and a debt security and it often had to resort to their help, on the other hand it got the advantage of a major social importance and perfect including and adaptation to the needs and expectations of a society over all methods of making contracts. The meaning resulted from a personal factor of this institution [...] a warranty was giving a creditor a security on his claim that is why he had to make contracts with a debtor more boldly. It contributed to a turnover increase and intensity and hence it profitably affected economic relations. On the other hand it educated and made society got used to the fact that responsibility is also a result of a promise [...] raising the sublimity of a given word affected ethically the idea of a society [...] it dispensed a debtor from the duty of an onerous pledge [...] in a way it formed a rectification of authorities activities who, often too hastily, without investigating the case, only for security, ordered to imprison the accused or even only a suspect whose innocence later became evident» [41, pp. 249-251].

The dissertation of Dąbkowski was positively evaluated by experts in the subject. In the preface of his review Marcelli Handelsman remarked that examining the civil law is of «no less» importance than explaining political development. He

praised the source base of the work and foreign literature used by the author. In his opinion «meticulous» examination of sources and «using them utterly» allowed Dąbkowski to brighten a researched issue comprehensively. «The smallest fact, a trait of a warranty issue – Handelsman wrote – did not remain unnoticed. Sometimes there are so many details that it is not difficult to loose consistency of a whole lecture but the author overcomes the difficulty and leads one line of development through his piece of work [...] its direction seems even too probable» [91, pp. 312-313]. Recalling the arguments of the author, Handelsman declared only that to prove the claim that a debtor had right to ask the relatives to stand guarantee for him, he had to present «more convincing» evidence. The new study of Dąbkowski was evaluated higher by him than *On confirming contracts under the threat of objurgation...* He recognized that while exploring the institution of Polish law he reached to «the depth of social life» and expounded its development in «organic relationship» with his whole life. «In this respect – he wrote – Dąkowski's piece of work is positively distinguishable even in comparison with German works concerning similar issues, for example far exceeding the work of Schwerin *Die Treuklausel im Treugelöbniß*» [91, p. 313-314].

The author of the most complete and thorough evaluation of Dąbkowski's work is Oswald Balzer. An outstanding expert in the history of law accepted his student's dissertation with satisfaction. He responded positively to most of his arguments. He emphasized the research effort and contribution of the young scholar. In several issues he presented his own point of view [85, pp. 81-115]. At the end he expressed the conviction that Dąbkowski's piece of work is «an essential, reliable and unusually valuable achievement of Polish science» [85, p. 114]. Positive reviews of *Warranty in Polish medieval law* also appeared in «Krytyka», «Słowo Polskie», «Przegląd Historyczny» and «Sbornik vědprávních a statních» [97].

In the summer semester 1906 he started to give lectures of history of Polish civil law. He acted as a private assistant professor [25, k. 27]. On the 21st February 1910 the Ministry of Religion and Education in Vienna granted Dąbkowski with the title of

an associate professor [106, k. 139]. It did not impact his position in the Faculty of Law. He remained at the post of a private assistant professor in the Chair of the History of Polish Law. The efforts made by the university authorities to create the second chair of history of law at Lviv University which he could lead met a resistance in Vienna. Austrian authorities refused to allow to privilege the subject «not provided» by Austrian regulations of law studies [77, p. 189]. In such situation Dąbkowski decided to extend his habilitation on the history of German law. He made it in 1913 on the basis of the dissertation entitled *The pledge right in Sachsenspiegel, Schwabenspiegel and Deutschenspiegel*. He introduced the regulations concerning pledge²⁴ included in the most common German law registers from the 13th century mentioned in the title. After the presentation of subject literature he referred to the vocabulary used for describing the pledge right and he described the circumstances associated with its creation. He responded to the forms and ranges of pledge indicated in examined books. He described the legal position of a pledgee (creditor), the changes conducted within specified contracts and the expiration reasons. Based on the mentioned source material analysis he stated that the objects of a pledge were both estates and movables. Dąbkowski's piece of work supplemented German works on pledge regulations included in discussed books of law. The author's findings proved to be useful in study of the history of court law, in force in the Middle Ages in Polish town courts²⁵. *The pledge right...* published by Dąbkowski enabled Lviv University authorities to bring to the subject of discussion the creation of the Chair of German Law History on the Faculty of Law. The authorities asked the Ministry of Religion and Education to create the chair analogous to that of held by Stanisław Estreicher [77, p. 189] in Cracow from 1902. The decision from Vienna was delayed by the outbreak of the First World War. The activities compatible with its statute were taken only in the autumn 1915. The efforts to develop structurally particular faculties were renewed. An established scholar position of Dąbkowski²⁶ enabled university

²⁴ Pledge – one of the most significant and popular ways of securing the return of claims. Entitled to the creditor on someone else's property with which he could satisfy his claim [102].

²⁵ P. Dąbkowski's conclusions also arouse interest abroad [96, p. 161].

²⁶ See the evaluation of his scientific and didactic activities [9].

authorities to create the new chair on the Faculty of Law. Since 1st January 1916 he became a head of the Chair of German Law History [1]. Higher salary resulting from the occupied post enabled him to resign from additional activities²⁷. Since then he could entirely devote himself to science and teaching.

Przemysław Dąbkowski's lectures arouse great interest. They were attended by young people from other faculties of study. Vast knowledge of the scholar reaching for the citations from sources and using analogies and philological deductions encouraged students to participate in his classes. Over the years the range and theme of his lectures were changing. He supplemented them with his own findings and other researchers' arguments published in Polish and foreign literature [35]. The teacher carefully preparing for classes was not a terror during exams. «[...] he did not resent a student that he knew less than a professor— Lesław Pauli recalled years later — though the rumour that his students «never failed» was not true [...] Professor Dąbkowski had a special gift of winning people's good feelings, he captivated them with his accessibility, kindness and modesty. Haughtiness, keeping distance or self-admiration were aliens to him. He talked to a novice student as politely as to a scholar of world renown. He avoided conflicts and hated intrigues. He respected dignity of every man, in a multicultural society no one was discriminated by him. He was able to show aversion even to people unfavourable to him» [77, pp. 187-188].

After the war, when Poland regained its independence, the Ministry of Religion and Public Education in Warsaw appointed Przemysław Dąbkowski a full professor on 1st April 1919 [1]. He was nominated then a head of the chair of former Polish private law at Lviv University²⁸. Difficult living conditions in the town and the lack of highly qualified staff in many regions of Poland made Lviv citizens leave. Dąbkowski received a number of invitations from other universities (Warsaw, Poznań, Lublin and others) to head a chair [77, p. 189]. He decided to accept the proposal of the Faculty of Law at Warsaw University. He started giving lectures on

²⁷ His only additional source of income apart from Lviv University was the post in National Archive of Town and Land Records in Lviv.

²⁸ He emphasised this fact during his stay in Warsaw [46, p. 8].

the history of Polish private law in the winter semester 1919/1920 [35, k. 203-204]. Dąbkowski inclined to come back to Lviv because of the financial status he had in this town together with his dependent wife Maria nee Laskowska. In the first years of independence the post-war economic difficulties led to shortages in government's revenue what forced the authorities to cover the substantial part of expenses by the Polish marks printing, amount of which was increasing fast in circulation. In 1919–1920 a number of scientific institutions suspended or limited their activities. There was a shortage of funds on conducting scientific research. The salary of professors was on the same level as the salary of skilled workers. Craftsmen, civil workers and engineers employed in Warsaw earned more money [57, p. 67].

He came to Lviv with his wife on 4th August 1920. In the autumn 1920 he again took a post of a head of the Chair of Old Polish Private Law on the Faculty of Law at Jan Kazimierz University [62, p. 475]. In years 1921–1924 he taught the history of West European law at Lublin Catholic University [42, p. 9] and in 1926 after the death of Alfred Halban he additionally became a head of the Chair of the History of West European Law [3, k. 155]. In 1933, when Oswald Balzer died, he was also given – within the Chair of Polish Law History²⁹ – the lectures on the history of Polish political system. He taught those subjects till 1939.

Przemysław Dąbkowski created his own system of seminar work. He did not limit the number of participants of his seminar. He welcomed everyone who came to his classes [42, p. 13]. He thought that even those students who would not present their study on his classes could broaden their knowledge just by listening to presented seminar works and discussing about them. In that way he encouraged students to express their own opinions supported by the results of carried out research. His seminar participants were offered works based on sources. Report papers were rarely assigned, only on a clear request of seminar members. Most topics of papers concerned the issues of Polish jurisdiction and the history of Polish political system with special attention paid to Lithuanian law. On seminars of German law history and

²⁹ Created as a result of combining the already existing chairs of: the history of Polish political system and the history of old private law [77, p. 190].

West European law history he encouraged to take subjects from the field of medieval German law particularly in force in Polish towns [42, p. 24]. During classes students read and explained the location documents of towns: Cracow, Kazimierz, Kleparz³⁰. Dąbkowski did not accept cursory papers. He valued works introducing new findings. He paid attention to their construction, source base and correctness of language. He required supplements, emendations and editorial changes. The works he considered worth publishing were submitted to editorial boards of scientific journals: «Przegląd Prawa i Administracji», «Ateneum Wileńskie», «Rocznik Towarzystwa Przyjaciół Nauk w Przemyśle» [42, p. 19]. Since 1925 he started to place them in «Pamiętnik Historyczno – Prawny» edited by him³¹. On its pages there were edited the first works of: Józef Dicker entitled *Church penance in Polish country law from 16th to 18th centuries* (1925, vol. I, z. 1); Jan Adamus entitled *Pledge in Lithuanian law in 15th and 16th centuries* (1925, vol. I, z. 7); Zenon Wachlowski entitled *Trial dilatio in Russian land jurisdiction in 15th and 16th centuries* (1926, vol. III, z. 3); Karol Koranyi entitled *The law of Flandres influence on Polish law in 16th century* (1927, vol. IV, z. 4) [60, pp. 567-573].

Since the time Przemysław Dąbkowski became the head of the chair he performed a number of important functions in the structure of Jan Kazimierz University. Twice, in years 1919/1920 and 1925/1926 he was a dean of the Faculty of Law [16, k. 139]. He was charged with this function also after the University was taken over by the Soviet authorities. He presented high activity during the Senate sessions. He appeared on behalf of the Faculty of Law with papers which presented the interpretation of regulations in force in higher education. He undertook financial issues. He rose to speak about organization of classes, nominations and promotion of administrative officials. He held the function of a rector, as a substitution, three times for a few and even a dozen of days [44, p. 32]. He was a part of a disciplinary proceedings committee. He was also a member of an examination board, theoretical

³⁰ The seminar of the history of German law was conducted by P. Dąbkowski only in years 1916–1918. In the new study programme introduced in Polish state, the seminar was cancelled [42].

³¹ The magazine was edited by P. Dąbkowski on his own initiative in agreement with university authorities and outstanding experts of the history of law from Lviv, Warsaw, Vilnius, Poznań, Cracow, Lublin, Gdańsk [43, p. 16].

ministerial examinations of Historical-Legislative Department and subsequent annual ones (completing the first year of study). He examined in the history of Polish and West European law [44, pp. 36-38].

In years 1910–1911 it was published the most comprehensive work of Przemysław Dąbkowski titled *Polish private law* [39]. This synthesis was mainly based on rich source material. In the introduction of the book the author declared that he aimed to present the Polish law «in its distinctive robe of primary, medieval and strictly national law» [39, p. XVII]. He claimed that so far Polish law was associated with Roman law. In «general history» because of the lack of information about «some devices» from Middle Ages emerging gaps were complemented with Roman concepts. In this way they obtained, with «the violation of historic truth, the fullness of the system». The author noted that he tried to take into account historical development of presented legal institutions and restore the former Polish terminology. He divided the whole object into five books. In the first one entitled *Common rules* he presented the personal law. The second book was devoted to family law. In the third one, of the second volume of the work, he discussed the law of succession. In the fourth one he presented the property law. The last one was filled with issues connected with the law of obligations³².

The work of Przemysław Dąbkowski was very positively evaluated in numerous reviews in the country and abroad [86]. A great effort of his student was appreciated by O. Balzer who made a review of his work on the session of Association of Support of Polish Sciences [26, pp. 33-34]. They emphasised that the author taking «the work over the construction of the whole Polish law» was almost alone because most of previous works did not meet the demands of science and valuable monograph literature was limited mainly to his own studies. Their attention was drawn by the rich source material used in synthesis and his moderation in placing hypothesis. The comprehensive study of Polish private law, in the opinion of some reviewers, was of great significance also for other fields of science. Aleksander Brückner when

³² In that time it was the least developed section of Polish private law.

recommending the book to the readers interested in ethnography wrote: «The author does not content himself with the systematic description of old Polish law regulations but he explains their origin on the basis of ethnographic parallels at the same time considering the common law; he often quotes at the same page, several times, both «Wisła» and «Lud», the works of Witort for example *Jus primaenocis* from «Lud», Potkański *Postrzyżyny*, Bruchnalski about *Piast*, Gloger *Encyklopedia Staropolska*. While talking about marriage law he introduces the notion of marriage and processes the institution went through or telling about natural relatives he mentions about giving names (Slavic and Christian), about first haircut [...] These are the most interesting parts of the whole book for us. The lecture is very careful and clear, it takes into account the most contemporary results of ethnographic research and summarizes them very accessibly [...] here and there a detail can be added or corrected [...] these are very small additions which do not diminish the value of the piece of work which you read with pleasure [...] wide historical background, comparative treatment (German, Roman, Slavic parallels) extremely diversified the lecture [...] previous works in this field are now crowned with the piece of work filling the big gap in Polish science» [87, p. 217]. Przemysław Dąbkowski's input in the development of science was appreciated by the Academy of Learning in Cracow giving him the award from the Probus Barczewski Foundation. He was also included among the members of correspondents of this institution [17, k.27].

The synthesis of Dąbkowski was not accepted unconditionally. They commented widely about the legal terminology used by the author. Commonly referring to former Polish terms the author of *Polish private law* sometimes moved too far considering disused forms of language formed by Latin influence as «homely», «native», more appropriate than contemporary ones³³. He was reproached for «the return to old Polish». They put forward the remarks concerning the construction of work. They pointed out too long and complicated statements. *Polish private law* is indeed difficult to read. Numerous digressions, source citations and

³³ The biggest number of remarks about the terminology used by the author was made by Helena Polackówna. She made it in a short version of *Polish private law*, intended for students of law [99, pp. 64-65].

Latin statements which supplemented his arguments and the vocabulary mentioned above made the book absorbing but they required from a reader particular knowledge, especially as the author did not explained the terminology used in the book. Dąbkowski admitted in the introduction of his work that it includes several shortcomings. He excused that with the contemporary state of research and «untimely» publication of such a large scale synthetic work which primarily was intended to be published «only» after several years of research. «Hence a number of legal creations was not properly studied and developed – he wrote – and rather externally presented. Not only one factual error can be found in this presentation»³⁴. In the fifties of the previous century in monographic studies of individual institutions or sections of Polish private law (for example: of J. Bardach, K. Kolańczyk, B. Lesiński, J. Matuszewski, W. Sobociński) there were made a lot of supplements, clarifications and rectifications in relation to the state of knowledge included in Dąbkowski's synthesis. They criticized then – accepted by him under the influence of O. Balzer – the thesis of the necessity to present the old private law by means of a systematic method without periodization. The author was reproached for treating the old private law in isolation from economic and social development and even regardless of the changes in the political system of the country. An extremely interesting opinion which mitigated those assessments was presented by Lesław Pauli in 1978. «With time, a critical approach to the synthesis of P. Dąbkowski – he wrote – was increasing, particularly after the Second World War, when our science applied new research methods. They included so much exaggeration and misunderstanding. In the moment of its creation the synthesis of Polish private law corresponded to the demands of contemporary science, it did not differ from analogous interpretations of private law in other countries such as, for example the ones of A. Heusler *Institutionen des deutschen Privatrechts* (vol. I–II, Leipzig 1885–1886), or R. Hübner *Grundzüge des deutschen Privat rechts* (ed. 4, Leipzig – Erlangen 1922). There is no doubt that the most modern, still rare, monographic studies [...] brought a lot of

³⁴ He also pointed it out in the dedication in the book for Oswald Balzer writing: «Maybe the content did not meet your great name but I am offering you what I have the best in this moment» [40, p. VI] .

additions [...] It is a natural phenomena without which there would not be science development. What also faded away was the charge of an ahistoric presentation of Polish private law in synthesis when there failed the attempt to inlay it in the frames of periodization appropriate for the history of Polish political system but inadequate for the history of court law whose strong conservatism excluded parallelism of its transformation with the variability of its forms of government. The retreat of that issue, visible in the second edition of *History of Polish state and law* testifies that Balzer and Dąbkowski's concept was not without some reason. It seems that the fashion on rampant criticism in relation to *Polish private law* is already passing. In turn it will not soon be found in rubbish heap because it is needed and so far irreplaceable. Everyone who finds in his research work an issue of the history of private law goes back to the work of P. Dąbkowski without which there is no library of Polish law historian» [77, pp. 192-193].

Today there is no doubt that some of the findings of Przemysław Dąbkowski kept its value. Many of them were reached during the analysis of enormous source material questioning on the way a number of opinions not supported by facts. It happened that he discussed the issues which he was not able to explain because of the lack of monographic studies and proper source publications. He pointed out then that the question raised by him requires further detailed research. *Polish private law* is still cited in legal and history literature. It is also placed on the lists of recommended manual literature [14]. You can find in the textbook *The history of Polish state and law* (Poznań 1994) a citation of his very significant statement: «A custom proclaimed, changed and cancelled the law; legislative activity in the field of private law had only secondary importance, was also very slender and usually caused by a necessary need» [14, p. 128].

Przemysław Dąbkowski was a member of numerous scientific associations³⁵. He was a co-founder of the Association of Support of Polish Sciences in Lviv [72] and, after its reorganization, the Scientific Association. In those institutions he held a post

³⁵ He did not take part significantly in most of them – apart from above mentioned ones.

of a general secretary. He was a part of the Polish History Association. In years 1931–1935 he was a member of PTH Main Board [108, p. 51]. He took part in its works mainly as a representative of Scientific Association. Apart from belonging to Polish Academy of Learning in Cracow he could be proud of membership of the Bulgarian Academy of Science in Sofia (since 1928), of Czech Academy of Science in Prague (since 1929), of the T. Szewczenko Scientific Association (1933) and of Société L'histoire du Droit in Paris (since 1920). Moreover he was a honorary member of the Scientific Association in Sanok (since 1930), the Scientific Association in Vilnius (since 1932) and the Scientific Association in St. Petersburg (since 1935) [23, k. 21].

During the Russian occupation some of the members of TPNP Department, including O. Balzer as a president since 1913, stayed out of Lviv³⁶. The institution was managed then by Przemysław Dąbkowski. He secured the documentation, kept financial statements, maintained correspondence with the Association members. After the reorganisation made in 1919 – transforming it into the Scientific Association, Przemysław Dąbkowski dealt with most organisational issues. He edited the reports of the Association in which he gave an account of the activities of the board, particular departments and sections separated from them. He placed information concerning publications edited by the institution, he presented the current number of members and detailed financial calculations. Every year, during open meetings, he acquainted the members and sympathizers of the Scientific Association with its greatest achievements and planned projects. Much time was absorbed by administrative matters, keeping correspondence [31, k. 255-262], calculations and efforts for donations from state organs and local authorities [32]. For long years (since 1939) as the representative of the Science Association, he was in close contact with outstanding scholars from various scientific environments living both in Poland and abroad [5, k. 380]. He was addressed by scientific institutions about the participation of the Science Association members in scientific conferences [7, k. 61]

³⁶ In this situation further functioning of TPNP was the matter of question. The Lviv organization of 1094 people in 1913 lost 205 members during the year 1914 and in 1915 more 247 [27, pp. 15-16].

and by libraries attempting to acquire the publications edited by him [4, k. 38-39]. Moreover everyday from nine to ten in the morning he was on duty in the residence of the Science Association. He often met people not in the hours of duty [6, k. 287]. Developing society of scholars, from the very beginning of its activity, published scientific papers and organised public lectures. Among the speakers representing all fields of science also his name appeared. A general secretary of the Science Association took part in a series of proposals directed to the W.R. and O.P Ministry to create the scholarship fund enabling the candidates on professor posts to complete the internship in foreign science centres, to establish scientific stations in Paris, Athens, Constantinople and Moscow, to reactivate the Polish expedition in Rome³⁷, to create in Poland a university giving qualifications to future archivists and librarians [28, p. 231]. The representatives of the Scientific Association took part in scientific conventions, state ceremonies and jubilees of well-known scholars. The management of this institution established contacts with major domestic and foreign science centres including: Warsaw University, Jagiellonian University, Poznań University, Comenius University in Bratislava, Charles University in Prague, University in Berkeley (California, USA). The research papers and source publications exchange, initiated by the Association authorities even before transformation, brought the distant researcher societies closer together. Lviv scholars more often attended science conventions and conferences. By presenting the research results and by exchanging experiences they mastered their science skills.

He along with other members of the board exerted for appointing as members of the Scientific Association scholars from other regions and foreign science centres. In the Faculty of Mathematics and Nature appeared the names of Maria Skłodowska Curie, a professor of physics at the Sorbonne, a co-funder of science of radioactivity, the author of studies on nuclear chemistry, twice Noble Prize Winner; Emil Godlewski (the younger), an eminent doctor, a professor of embryology and biology at Jagiellonian University; Jan Czekanowski, a professor of anthropology and

³⁷ The Scientific Association authorities even planned the foundation of Historical Science Institute in Rome [28, p. 231].

ethnology at J. K. University, a researcher of Africa, a member of anthropological societies in Paris, Vienna, Berlin, London; Benedykt Dybowski, a professor at J.K. University, a zoologist, an evolutionist, a researcher of the Lake Baikal depths and eastern Siberia; Adolf Beck, a professor at J.K. University, an outstanding physiologist, a member of a number of medical associations, a founder of «Tygodnik Lekarski Lwowski»; Ignacy Mościcki, a professor of Lviv University of Technology, an outstanding expert of technical electrochemistry and physical chemistry, a co-founder of the Institute of Scientific and Technical Research «Methane» [28, pp. 232-295]. Among the foreign members of the Scientific Association were: Robert Howard from Harvard University in Cambridge (Massachusetts, USA), the author of *The Third Partition of Poland* (1915) [67]; Paweł Vinogradoff, a professor at University in Oxford, a member of the British, Danish and Belgian Academies, an editor of publications: «Records of Social and Economic History» and «Social and Economic History», a honorary doctor of universities in Cambridge, Berlin and Calcutta; Karol Kadlec, a professor of history of Slavic law at Charles University in Prague, a member of the Academy of Learning in Prague, Zagreb, Cracow and Bucharest, an editor of «Sbornik věd právních a statních» [29, pp. 165-167].

The function of a general secretary of the Scientific Association in Lviv was held by Przemysław Dąbkowski till 1939 [25, k. 27]. Contemporaries recognized his contribution to Polish science development. He was awarded with the Commander's Cross of the Order of Polonia Restituta and the French Order of Academic Palms [103, p. 343]. For scientific accomplishments and organizational activities, particularly for the contribution in the development of contacts between researchers gathered in the Scientific Association in Lviv, with Slovakian and Czech scientific centres, he received in 1934 the title of doctor honoris causa of Comenius University in Bratislava [25, k. 27].

He spent the occupation and last years of his life in Lviv. The German invasion of Poland on 1st September 1939 was very painful for Lviv inhabitants. Before noon the first Luftwaffe airplanes appeared above the town. First bombs dropped on

residential districts fully informed civilians about approaching danger [79]. Lviv, lying in the line of shading actions of Carpathian Army, became the object of repeated air raids. On 12th September 1939 Germans appeared in south-west outskirts of Lviv. They failed to capture the town of march³⁸. Life conditions in the attacked town were rapidly declining. After the bombings water supply system stopped functioning, there was a lack of water and food. There were more and more wounded in hospitals. Polish army was trying to break towards Lviv³⁹. Growing difficulties and disturbing news from the eastern border where the Red Army entered on 17th September 1939 [68], forced Polish military authorities of Lviv to analyze the situation and to decide about surrender the town to Russians. On 22nd September 1939 the act of capitulation was signed.

For Polish people, the entering of the Red Army division to Lviv was a tragedy. On house walls appeared posters proclaiming the end of «rule of Polish lords» [68, p. 210]. A lot of industrial companies, trading enterprises and banks were closed. A lot of shops and restaurants were on the verge of bankruptcy. Food requisitions and revisions usually combined with plunder reduced the inhabitants to poverty.

The integration process of conquered lands to the Soviet political and economic system began. In October 1939 the elections to the National Assembly of Western Ukraine took place [74, p. 75]. Then the authority asked the Supreme Soviet of the Soviet Union requesting for the inclusion of the area of Western Ukraine to the composition of the Ukrainian SRR. The Supreme Soviet complied to the proposal. Therefore all the inhabitants of the areas captured by the USSR were considered Soviet citizens [74, p. 75].

Jan Kazimierz University resumed its activity in October⁴⁰. A lot of Polish professors were removed from there. Vast majority of Polish students gave up their

³⁸ Lviv was well prepared for protection. Already on 7th September the civil Security Guard was established in the town. Three days later the defence of Lviv was subjected to the commander of the South Front gen. Kazimierz Sosnkowski. The defensive line was established which stretched from Żółkwia to Wereszyca, Dniestr, the River Stryj, Drohobycz, Boryslaw and Turka. The suburbs of Lviv were also prepared for protection [79].

³⁹ From the north the 10th Motorized Brigade of colonel Stanisław Maczek went towards Lviv. In that direction went the rests of Małopolska Army commanded by gen. K. Sosnkowski [79].

⁴⁰ In 1939 1st year of studies was not open. It was done in 1940 [10, p. 10].

studies. In January 1940 the university received the name of Ivan Franko. The Faculty of Theology went into liquidation. According to the higher education regulations in the Soviet Union, the Faculty of Medicine and the Department of Pharmacy were isolated from the University to form the State Lviv Medical Institute [10, p. 10]. Ukrainian nationality students, educating so far in Czerniowice, Bukowina, moved to the Faculty of Law [81, p. 1123].

Przemysław Dąbkowski stayed in the reorganized University [19, k. 2]. His science authority and substantial achievements made the new authorities propose him to continue his research and didactic work. He was allowed to stay in the University building because of the lack, among Ukrainian scholars, of such an expert of international law, of such a high position in scientific society of Europe. The knowledge of law history of a number of European countries and fluent use of Ukrainian language let Dąbkowski survive the time of Soviet occupation [77, p. 190]. Apart from Dąbkowski, many other outstanding Polish professors, assistant professors and assistants remained on the Faculty of Law. Some of them, although not fully employed, still conducted classes and used their offices [84, pp. 103-104]. However there were also such scholars who were arrested and dismissed from work under the pretext of not appearing at work [84, pp. 100-101]. In the academic year 1940/1941 the classes were conducted entirely according to regulations obligatory in other Soviet universities [84, p. 106]. During the present change of Polish university countenance into Soviet university with Ukrainian language of instruction, among the teaching personnel of the Faculty of Law in the academic year 1940/1941 Poles constituted about 40% [84, p. 108]. Dąbkowski was terrified with arrests and purges made by the NKVD since the first days of capturing Lviv. He deplored the fate of removed from posts Polish clerks, people working in judiciary and economic institutions who were replaced by newcomers from the depth of the USSR. Over the next several months Przemysław Dąbkowski was increasingly worried about the fate of Polish scientific and cultural institutions.

Lviv scientific society together with the whole Polish community of the town was experiencing repeated arrest waves⁴¹, displacements and mass deportations to the east [78, pp. 197-198]. Among deported people there were the families of officers captured earlier, civil and local government workers⁴². Lviv intellectuals suffered heavy losses. Stalinist authorities were convinced that almost the whole Polish population consisted of Soviet system enemies. A lot of social and professional groups were victimized. Civil workers, intellectuals, refugees from central Poland and agricultural settlers were transported with their families inside Russia, particularly to Kazakhstan [75]. Dąbkowski was shaken by the news of the arrest by the NKVD, in April 1940, of his friends, professors of Jan Kazimierz University: Edward Dubanowicz, an expert of political law and National Democracy⁴³ activist and Stanisław Głabiński, a prominent economist, National Democracy ideologist, co-funder and the president of the National-Democratic Party. The answer for terror was a conspiracy⁴⁴. The conditions of organising resistance in Lviv were difficult. A significant amount of Polish who could take part in activities aimed against the occupying forces, particularly a large group of officers and people taking part in political life before war, was deported from the town. Moreover the ranks of those who could join the conspiracy organisations were decimated by the recruitment of several classes of young men to the Soviet army [11, p. 491].

On 22nd of June 1941 German bombs were dropped onto Lviv. The following day Moscow radio announced the outbreak of war with Germans [88, p. 222]. The streets and squares were deserted by the USSR soldiers. On the last day of June new conquerors entered the town. Since then, for the next days of the occupation, the citizens of Lviv witnessed absolute destruction of Polish science and culture⁴⁵. The

⁴¹ Already on 9th and 10th December Russians arrested about two thousand of officers in Lviv. They were imprisoned in Brygidki and then transported inside Russia [80, p. 213].

⁴² See more: W. Wielhorski, *Los Polaków w niewoli sowieckiej* [111].

⁴³ The whole family of Dubanowicz was arrested then. They were transported to sovkhoses dealing with cattle breeding, in Myn-Buлак in the Ayagoz district in Kazakhstan [49, p. 149].

⁴⁴ See more J. Węgiński, *Lwów pod okupacją sowiecką 1939–1941* [109].

⁴⁵ Lviv socio-cultural organisations shared the fate of Polish institutions found in western districts. Their activity was forbidden. The representatives of Polish science and culture acting within the organisations were exposed to prosecutions [69, pp. 17-18].

University was closed. The fate full of grimness met a lot of well-known Lviv intellectuals arrested during the night from 3rd to 4th of July 1941. Germans had a prepared list of victims before the outbreak of war [70, p. 70]. The people they intended to arrest were searched according to the places of accommodation from the times before war⁴⁶. After breaking into the apartments they deprived of freedom also those who were there by accident. Detainees were gathered in the Abrahamowicze Dormitory [81, p. 71]. Among them were close acquaintances of Przemysław Dąbkowski who maintained regular contact: Roman Longchamps de Bérrier, a professor of civil law, Adam Sołowij, the rector of Jan Kazimierz University and an outstanding gynecologist, Stanisław Pilat, an expert in chemistry, a professor of Lviv University of Technology and a meritorious organizer of oil industry in Poland. They were put through «an interrogatory». At dawn on 4th July 1941 they were led to the Wuleckie Hills and shot⁴⁷. The only survivor was Franciszek Groër released because of German origin [80, p. 226].

Administrative authority was taken over by Germans who soon closed down the municipal government and established the Stadthauptman office. In the town there was created the Aryan district which included villa areas and nice architecture around the 29 listopada, Potocki, Lis Kula, Wulecka and Kadecka Streets, the Stryjski park, the St Zofia, Żyżyńska and Snopkowska Streets. In Sokolniki Germans organized a work camp for Jews. In October 1941 they began to organize Jewish ghetto⁴⁸.

The quality of life of all citizens decreased. A significant group of intellectuals, particularly Polish ones, were deprived of work. Removed from their homes, persecuted by the occupants former civil servants, teachers and some scientists sold out their entire estate. Przemysław Dąbkowski, removed from the University, was left without nothing to live on [21, k. 6]. Deprived of his beloved workshop, attacked in German press [«Krakauer Zeitung»] [77, p. 191], he found himself in a very difficult financial situation. The old professor, like most of deprived work scholars of civil

⁴⁶ The Germans received the addresses of Lviv professors from former Ukrainian students of Lviv universities who left Lviv even already before German occupation [81, p. 1124].

⁴⁷ See more W. Żeleński, Z. Albert, W. Bonusiak [114].

⁴⁸ See more F. Friedman, Zagłada Żydów lwowskich [51].

workers at his age, could not even count on temporary physical work. He gave paid lessons [18, k. 27]. During German occupation (since 1941) he was involved in secret teaching in the Underground Faculty of Law of Jan Kazimierz University [20, k. 4]. In the underground classes conducted by Przemysław Dąbkowski took part one of the most prominent contemporary scholars – professor Kazimierz Orzechowski [82]. Moreover, Przemysław Dąbkowski, as a thesis promoter, conducted classes for doctoral students. He ran doctoral thesis which were implemented in the underground education. One of his students – Józef Piechocki defended the dissertation, written under his direction, entitled *Exchange contracts in Polish pre-partition process* in front of the commission appointed by the Underground Faculty of Law of Jan Kazimierz University⁴⁹. Another of doctoral students – Tadeusz Zawistowski who wrote the doctoral thesis under the direction of Przemysław Dąbkowski, did not complete his dissertation and did not take the exam [84, p. 114].

The organizer of secret teaching in Lviv was professor Kazimierz Przybyłowski who, for the whole time of the Underground University existence, was the dean of the Underground Faculty of Law. The classes were conducted there according to the schedule prepared for the academic year 1939/1940. They cared much about its security. One or two persons were coming to classes run by an appointed professor and the classes took place in residential houses or in work places [84, p. 11]. «In the underground education were involved trusted conspiracy activists and people managing education on the level of gymnasium [...] According to professor Przybyłowski's calculations, during three year activity on the Underground Faculty of Law, there were 53 students and 5 doctoral students – you can read in Adam Redzik's article based on the report and documentation of professor Kazimierz Przybyłowski. – The number could actually be higher because some part of students resigned after a short period of attending classes» [84, p. 111].

The secret education was conducted on the Faculty of Law of Jan Kazimierz University from 1941 to July 1944 or even longer if you consider the dates of exams

⁴⁹ It is reported by professor Kazimierz Przybyłowski – in collections of professor Sylwester Wójcik [84, p. 114]; see also *ibid*, footnote 103).

passed by students which were backdated after the resumption of Ivan Franko University to avoid objections of illegality [84, p. 115]. Participating in underground education was very dangerous that is why Przemysław Dąbkowski, with the knowledge of the Underground Faculty of Law of JKU, in 1942 began to work in Lviv subsidiary of the Institute of German Work in the East (Institut für Deutsche Ostarbeit)⁵⁰ established by Germans in Cracow, among auxiliary forces intended for material selection and bibliography preparation [58]. The auxiliary works in the subsidiary of this institution (commonly called Ost institute) were performed by a lot of Polish scientists deprived of means to live⁵¹. For former workers of Polish universities closed by Germans, cataloguing documents placed in archives and doing simple physical work in libraries was the only task enabling to survive the hard times. Moreover, Polish employees of libraries or archives managed by Germans did not treat their task as working for Germans but as a possibility for national goods protection [66, p. 250].

The Dąbkowski family did not have any children. Przemysław Dąbkowski did not have any relatives in Lviv. He could only count on help of the family of his wife Maria. He suffered his greatest personal tragedy in the autumn 1943. He lost his beloved companion of life [13, k. 28] who died as a result of unfortunate road accident⁵². He remained alone. He was taken care of by his wife's relatives till the end of war.

At Easter on 9th April 1944 the USSR air force attacked German positions in Lviv. They damaged electricity plant, railway station in Parsenkówka and water supply then [88, p. 240]. During the raid two hundred civilians died. Rapid approach of the front alarmed Lviv citizens. Some of them left the town. Soon evacuation was stopped. The front was paused for more than two months. On 27th July 1944 Russians

⁵⁰ Perhaps the decision was also taken under pressure of Germans managing the company for whom it was significant to present his surname among the Ost institute employees. Considering the fact that Dąbkowski was not only a nominated professor of Polish law but also the professor of German law, it would be at least strange if there was not such a pressure. (About the proposals put forward by Germans to work as auxiliary forces and their insistence in relation to Polish scientists see also [76].

⁵¹ See more [65].

⁵² Maria Dąbkowska after going out of the house where they lived – 14 Mickiewicza street no 5 – while crossing the road was trampled by a speeding wagon car full of coal.

who were supported by the Armia Krajowa troops, finally dislodged the rest of German army from the town. After the conquest of Lviv the USSR authorities kept the repressions against Polish people⁵³. Persecutions included members of the Armia Krajowa, a lot of representatives of Polish intellectuals, political and social activists. At the beginning of January 1945 more than 17 thousand people, including 21 university professors, were arrested⁵⁴.

In 1944, due to the repatriation of Polish people to the country, more than 7 thousand people left Lviv and the neighbouring areas. A year later about 92 thousand [88, p. 247]. Severe losses among former Polish science workers were recorded by Lviv universities [81, p. 1125].

Among those who were leaving Polish home land there was no Przemysław Dąbkowski. A lonely old professor stayed in the town where he spent most of his life. The authorities of re-initiated [Ivan Franko] Lviv University conferred upon him the chair of general history and law [18, k. 27]. His student Karol Koranyi headed the chair of USSR state and law history⁵⁵. Several friends of Dąbkowski stayed at Lviv University, including Marcelli Chłamtacz, a professor of Roman law [112, p.125] and Juliusz Makarewicz, a professor of criminal law [77, p. 191]. He was a supervisor of scientific research carried out by young Polish scientists: Lesław Pauli, Stanisław Śreniowski, Edward Gintowt Dziewałtowski and Maria Zawistowska [77, p. 197].

Polish scientists did not have an easy life. Their political past and attitude during German occupation was checked. Their political opinions expressed before 1939 were analysed.

⁵³ Searching and arrests were made. Under the threat of the NKVD a lot of Polish people «were considered as USSR nationals». The whole winter lasted deportations, pillage of people's belongings and contribution collection [88, p. 245].

⁵⁴ They hit in the widest circles of Polish and Ukrainian societies. Among the detained were priests, doctors, engineers and artists [88, p. 246].

⁵⁵ Karol Koranyi for many years worked in the chair of P. Dąbkowski. In 1931 he presented his habilitation at Jan Kazimierz University on the history of West European law [77, pp. 190-197].

In personal files of Przemysław Dąbkowski at Ivan Franko University in Lviv there are documents which clearly state that Dąbkowski participated in the struggle against occupiers conducting secret teaching⁵⁶.

Polish scientists conducted their classes in Ukrainian language. Some part of subjects they used to teach were removed from schedules. They were forced to resign from introducing many interesting fields of law. They also had to give up some research methods which were considered «old-fashioned» [according to the Soviet science opinion]⁵⁷. In such circumstances outstanding Polish scholars resigned from some great scientific projects. They also refrained from publishing their research results [81, p. 876].

Przemysław Dąbkowski, appreciated by the Soviet scholars⁵⁸, held the function of the dean of the Faculty of Law at Ivan Franko State Lviv University in years 1944-1945. The authorities of this university took up the attempts to make him feel, in new political reality, well and considerably free in the former Polish science centre⁵⁹. The cooperation of Dąbkowski with Ukrainian scholars including the ones performing the highest scientific and organizational functions at the university, went well. The Polish scientist remained faithful of his convictions. He was not associated with any political party. In personal questionnaires he always noted Polish nationality and among languages he spoke fluently, the Polish one stood on the first position. His main subject – Polish private law, was removed from the law studies programme [77, p. 190]. However he could still conduct scientific research in this field. In Lviv archives and libraries there were valuable materials useful for studying a number of research issues he mentioned in his numerous works. He stayed in correspondence contact

⁵⁶ On 12th September 1946 by a decree of the Supreme Soviet Przemysław Dąbkowski even received the medal „For heroism in the great national war 1941-1945” [18, k. 12]; see also zob. też. R. Nowacki, Wybitni przedstawiciele kultury europejskiej. Przemysław Dąbkowski – uczony, pisarz, podróżnik [73, s. 355-377].

⁵⁷ Krzysztof Pol rightly pointed out in *Poczet prawników...* – writing about scientific work of Juliusz Makarewicz – that the scholar, staying in Lviv after 1945, some of the observations in the article entitled „Przyczynek do zagadnienia winy w angielskim prawie karnym, published in 1949, were included “under the influence of «scientific mentors»” [81, p. 877].

⁵⁸ About the scientific position of Dąbkowski testifies the fact that already in 1941, at the request of university authorities he received an award for his scientific activity from the Supreme Soviet in the amount of 2 thousand roubles [20, k. 4].

⁵⁹ This is demonstrated by the letters of the university authorities to the Ministry of Higher Education of USSR. Their content shows that his superiors were striving for awarding Dąbkowski with high money prize and for solemn celebration of his 70th birthday and the same 40 years of work. These efforts were effective [22, k. 12-13].

with his friends and students employed at Polish universities [33, k. 377-390]. He was interested in their life and scientific activities [77, p. 191]. He did not work as hard as before. The results of his research activity were in the background somehow⁶⁰. More than by possibilities of publishing he was attracted by didactic activities. He surely realized that possible research results in the field of Polish law or the history of old Rzeczypospolita, he wrote so eagerly about before war, would not meet positive acceptance in the country where he was to spend the last years of his life. Among his students there were less and less Polish ones whom he revealed the secrets of private law and old Poland's political system. But he reached to the history of Polish state, its legal devices and customs of people living there, during his general history of state and law lectures.

After the cessation of war struggle Lviv seemed to be a different town. The deportations, carried out during war, of Polish people living there and initiated deportation to Polish state in new borders, changed the ethnic proportion of population. You could hear Ukrainian and also Russian language more frequently than before. The number of people who admitted Polishness and cultivated old traditions was diminishing. A lot of pieces of art were irrevocably destroyed. The social life of Polish society, deprived of dynamically developing before war culture centres, was focused then around the cathedral and other not many Catholic churches [74, p. 80]. The pre-war social meetings of Lviv intellectuals in well-known restaurants and cafes seemed to be a distant past. In the new political situation even salon discussions in a bigger group could draw attention of organs watching over obeying ideological principles obligatory in the USSR.

Dąbkowski, just like before war, was taking long walks. His favourite place for strolls was the oldest part of the town. He only rarely ventured outside the districts far-away from the centre. He less frequently visited more and more unattended parks. On Sundays he could be found in the cemetery, at his wife's grave where he was

⁶⁰ The results of his research activity conducted in the last years of his life were not published in print [24, k. 21].

praying for long hours⁶¹. Almost till last month of his life he enjoyed good health. He died in Lviv on 18th December 1950 after a short illness [104]. The information about his death caused heart-felt sorrow in a scientific community. Lviv University authorities⁶² organized a ceremonial funeral where there were delivered seven speeches [62, p. 476]. He was buried in a family tomb in Łyczakowski cemetery in Lviv. After many years Lesław Pauli wrote: «Przemysław Dąbkowski was the youngest in the triumvirate of scholars [it means next to Oswald Balzer and Władysław Abraham – R.N.] who with common effort made the centre represented by them [Lviv – R.N.] accounted for the main role in Polish historical-legal science in the interwar period» [77, p. 200].

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⁶¹ The report of Michał Kędziora from 17th December 2004, held by the author.

⁶² It means I. Franko Lviv State University.

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Пшемислав Домбковський був одним з найвидатніших істориків права. Він був професором Львівського університету, успішним науковим організатором, архівістом, видавцем і редактором престижних наукових журналів міжнародного масштабу. Ця стаття присвячена дослідженню діяльності цієї видатної особистості. На жаль, його роботи мало представлені в історичній літературі й до сьогодні. Одним з найважливіших його досліджень, яке цікавить як польських, так і зарубіжних учених, було вивчення історії приватного права. Менш відомими є його роботи з архівістики, економічної та соціальної історії та історії культури. З 1906 року, коли він почав читати лекції на юридичному факультеті Львівського університету, П. Домбковський не лише став відомою людиною серед громадськості, а й знавцем в академічному світі. Двічі він був деканом юридичного факультету Університету Яна Казимира. Історик підтримував контакти з великою кількістю зарубіжних учених і мав можливість впливати на розвиток міжнародного наукового і культурного співробітництва. Пшемислав Домбковський належав до дев'ятнадцяти наукових установ, у тому числі до Польської академії знань у Кракові, Чеської академії знань у Празі, Болгарської

академії знань у Софії, наукових товариств у Львові, Варшаві, Вільнюсі, Товариства істориків права (Société d'histoire de droit) у Парижі.

Ключові слова: історія, право, наука, історія приватного права, соціальна історія.

Пшемислав Домбковський був одним із видатних істориків права. Він був професором Львівського університету, успішним науковим організатором, архівистом, издателем і редактором престижних наукових журналів міжнародного масштабу. Ця стаття присвячена дослідженню діяльності цієї видатної особистості. Його роботи не представлені широко в історическій літературі до сьогодення. Одним із важливіших його досліджень, яке цікавить як польських, так і зарубіжних учених, було вивчення історії приватного права. Менше відомими є його роботи по архівістиці, економіческій і соціальній історії, історії культури. З 1906 г., коли він почав читати лекції на юридическому факультеті Львівського університету, П. Домбковський не тільки став відомим людиною серед суспільності, але і визнаним в академіческих колах. Два рази він був деканом юридического факультету Університету Яна Казимира. Історик підтримував контакти з великим числом зарубіжних учених і мав можливість впливати на розвиток міжнародного наукового і культурного співробітництва. Пшемислав Домбковський належав до дев'яти наукових інституцій, в тому числі до Польської академії знань в Кракові, Чехословаческої академії знань в Празі, Болгарської академії знань в Софії, наукових обществ в Львові, Варшаві, Вільнюсі, Общества істориків права (Société d'histoire de droit) в Парижі.

Ключевые слова: история, право, наука, история частного права, социальная история.