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A R T Y K U Ł Y

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THE INFLUENCE OF RENAISSANCE HUMANISM ON THE LEGAL IDEAS OF TOWNSPEOPLE IN THE RUTHENIAN LANDS OF CROWN POLAND BETWEEN THE FIFTEENTH AND THE FIRST HALF OF THE SEVENTEENTH CENTURY*

Zarys treści: Od XV do połowy XVII w. humanizm renesansowy oddziaływał na myśl prawną wykształconych warstw Królestwa Polskiego, w tym wyedukowanych mieszczan. Artykuł analizuje ten proces głównie na przykładzie miast ziem ruskich Korony Polskiej. Skutkiem tego wpływu były nowe idee, które znalazły wyraz w ówczesnych traktatach prawnych, pisanych głównie przez prawników wywodzących się z mieszczaństwa, a także w innych źródłach: o potrzebie klarowności i zrozumiałości prawa dla zwykłych ludzi, używania języka narodowego w tekstach prawnych, bezwarunkowej nadrzędności prawa itp. Znajomość literatury prawniczej przez mieszczan przyczyniła się do rozpowszechnienia tych idei.

The content outline: Between the fifteenth and the mid-seventeenth century, Renaissance humanism influenced the legal ideas of educated strata in the Kingdom of Poland, including educated burghers. The article examines this process mainly on the example of towns in the Ruthenian lands of the Polish Crown. The result of this influence was several relatively new ideas reflected in legal treatises of this time, written mainly by lawyers from the townspeople, and in other sources: about the clarity and comprehensibility of law for ordinary people, the need to use the vernacular in legal texts, the unconditional supremacy of law, etc. The acquaintance of the townspeople with legal literature contributed to the spread of these ideas.

Słowa kluczowe: humanizm renesansowy, idee prawne, mieszczanie, prawo magdeburskie, ziemie ruskie Korony Polskiej, Bartłomiej Groicki, Paweł Szczerbic, prawo pisane, języki narodowe

Keywords: Renaissance humanism, legal ideas, townspeople, Magdeburg law, Ruthenian lands of Crown Poland, Bartłomiej Groicki, Paweł Szczerbic, written law, vernacular languages

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The history of mentality and everyday life is as important as the history of warfare, political negotiations, power structures, nation-building, religion, art, and literature, or even more so critical. People usually have certain motivations behind their actions. That is why it would be unreasonable to ignore basic instincts, urges, needs, emotions, desires, and fantasies, among other things, that act as a basis for specific actions, attitudes, ideas, concepts, value systems, and ethical and moral norms. Social and cultural historians keep striving to probe and decipher deeper reasons that led to specific decisions, the underlying purposes of specific actions, and the anxieties or fears that drove individuals to display certain behaviours. Therefore, it has become entirely legitimate to investigate the meaning of anger, for instance, or fear, sorrow, pain, attitudes towards old age, children, the experience of joy and happiness, and the relationship, or lack thereof, with foreigners, minorities and "deviant groups" (whatever that might mean).[1]

One of the important areas that shape a person's mentality is the law within which the person lives. Legal literature greatly contributed to the formation and development of legal ideas. The ideas of the Reformation changed the burghers' system of values and their perception of law, including town law.

In this paper, I explore one of the aspects of the formation of the burghers' legal consciousness in the Ruthenian lands of the Polish Crown, such as the impact of Renaissance humanism. The chronological framework of this study is the sixteenth – the first half of the seventeenth century since it is at this time that the influence of the Renaissance on the Ruthenian lands of the Polish Crown in both Polish and Ukrainian historiography is outlined.[2]

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[1] A. Classen, "The Cultural Significance of Sexuality in the Middle Ages, the Renaissance, and Beyond. A Secret Continuous Undercurrent or a Dominant Phenomenon of the Premodern World? Or: Irrepressibility of Sex Yesterday and Today", in: *Sexuality in the Middle Ages and Early Modern Times. New Approaches to a Fundamental Cultural-Historical and Literary-Anthropological Theme*, ed. A. Classen, Berlin–New York, 2008, p. 8.

[2] J. Skoczek, *Lwowskie inwentarze biblioteczne w epoce Renesansu*, Lwów, 1939, p. 4; В. Нічик, В. Литвинов, Я. Стратій, *Гуманістичні і реформаційні ідеї на Україні (XVI – початок XVII ст.)*, Київ, 1990; В. Литвинов, *Ренесансний гуманізм в Україні. Ідеї гуманізму епохи Відродження в українській філософії XV – початку XVII століття*, Київ, 2000; id., "Про Ренесансний Гуманізм в Україні (XV–XVII ст.)", *Світогляд*, 74, 2018, no. 6, pp. 62–71. The influence of the Renaissance in Poland itself also lasted until the seventeenth century, see: D. Facca, V. Lepri, "Introduction", in: *Polish Culture in the Renaissance. Studies in the Arts, Humanism and Political Thought*, ed. eid., Firenze, 2013, p. 12.

The middle and end of the sixteenth century was the heyday of humanism in the Polish lands. There was an atmosphere of discussions among intellectuals, whose purpose was improving the church, law, state, and public life, as well as the education of a person who would meet the ideals of a new era. At this time, such outstanding figures as Andrzej Modrzewski, Mikołaj Rej, Szymon Szymonowicz, Stanisław Orzechowski, and others wrote their works.

According to the humanists, a person who is created in the image and likeness of God is endowed with reason, and this gives them the right to choose. An Italian humanist philosopher, Marsilio Ficino, wrote: "In nature, there are eternal and unchanging laws – a God-given necessity which organises the world, and to which man is subject (in relation to him, it manifests itself as a *fatum*, fate). However, man does not lose his freedom from it, for he can know the divine order and will obey him cleverly…".[3]

Inherently, the definition of law, as a Polish lawyer, Paweł Szczerbicz, provided it, already reflected the ideals of humanists. For them, the law and justice were inseparable, and a person who was created in the image and likeness of God was endowed with reason and an immortal soul, had virtues and boundless creative possibilities, was free in his actions and thoughts, and put in the centre of the universe by nature itself.

Szczerbicz wrote:

> But as Cicero[4] […] teaches in the books he wrote about human responsibilities to his son, every undertaking that comes from the human mind, about anything, should start *a definitione*, that is, from describing it, to understand the thing in question as best as possible. Therefore, we too – imitating him in that – will first give a description, or definition, for both, that is, law and justice, *iuris et iustitiae*. Emperor Justinian describes justice in the following manner: justice is a stately, unchanging, and almost eternal intention to give everyone what [he] is entitled to. Or so: justice is the ennoblement of reason, born of the public good, which gives everyone its honour and merit: worship to God, honour to parents, obedience to the

[3] M. Ficino, *Theologia Platonica*, vol. 1, Bologna, 1965, pp. 188, 214, 216, 296. See also: Ch.S. Celenza, "Late Antiquity and Florentine Platonism: The 'Post-Plotinian' Ficino", in: *Marsilio Ficino: His Theology, His Philosophy, His Legacy*, ed. M.J.B. Allen, V. Rees, and M. Davies, Leiden–Boston–Köln, 2002, pp. 71–98.

[4] Szczerbicz's reference to the authority of Cicero is not random. According to a US researcher, Patrick Baker, for Flavio Biondo and other Italian humanists, Cicero was a model of eloquence and the best Latin stylist; P. Baker, *Italian Renaissance Humanism in the Mirror*, Cambridge, 2015, p. 235.

> elders, education to the younger, purity to the self, and active compassion to the poor and needy.[5]

One of the crucial statements of humanists was the free choice that God left to man. According to the famous fifteenth-century Italian humanist Leon Battista Alberti,[6] man, as a perfect creation of God, has qualities that allow him to pursue self-improvement, and the mind allows him to make choices, distinguishing between good and evil allows loving the perfect and avoiding shame.[7] Perfection in man is achieved by the harmony of the parts of the body, the inner harmony of the soul, the harmonious combination of soul and body. However, by nature, man is given only the potential of perfection, which he is called to reveal all his life. The desire and ability of the individual to pursue self-improvement, provided by free will, free moral choice, play a huge role in the disclosure of these initial possibilities.[8]

A person's choice should rely on something and adjust something, so there was a need for the systematised written law. Since then, "the measure was no longer physical strength and personal presence, but the strength of the legal argument […] Justice had and could be set out in legislative wording and be established for all thinking beings… Justice as a law was established and used by lawyers who studied the strict methods of law enforcement. The solution to any problem did not go beyond this legal logic".[9] It is noteworthy that Bartłomiej Groicki, in one of his treatises, mentioned the need for the rule of law:

> A judge shall judge according to the law.
> Each judge must know the law and judge under written law, sometimes also according to the ancient custom taken for the law. The verdict or decision must be appropriate to the character and nature of the case, to

[5] P. Szczerbic, *Ius Municipale, to jest prawo miejskie majdeborskie, nowo z łacińskiego i z niemieckiego na polski język z pilnością i wiernie przełożone*, ed. G.M. Kowalski, Kraków, 2011, pp. 13–14.

[6] Alberti, unlike many of his contemporary humanists who were fond of classical Latin, began to write his works in the version of Latin, which is usually called *volgare*. He made this choice not by chance because he addressed his texts primarily to the general public – educated citizens, rather than a narrow circle of like-minded people. Such were his treatises *On the Family*, *On Peace of Mind*, etc.; see: Л. Брагина, *Итальянский гуманизм. Этические учения XIV–XV веков*, Москва, 1977, p. 153.

[7] Ibid., p. 159.

[8] Ibid., pp. 171–172.

[9] В. Шільд, "Право. Новий час", in: *Історія европейської ментальности*, ed. П. Дінцельбахер, transl. В. Кам'янець, Львів, 2004, p. 585.

> the stories of the parties and the evidence that they have provided to the court, and not to judge's own desire or conscience, even if his conscience tells him otherwise…[10]

Or elsewhere: "Every judge should not judge otherwise than in accordance with written law, and should not and cannot issue another sentence, only in accordance with the law".[11]

Thus, the change in the principles of world perception, which was partly connected with the penetration into society of a new ideology, the elements of humanism, prompted the writing and codification of law, especially state law. In fact, it dictated the decision to compile a body of state law of the Crown of Poland at the beginning of the sixteenth century, which was brilliantly implemented by Jan Łaski.[12]

The need for accessible and understandable written law was so tangible in society that it was reflected in contemporary literature, e.g. in the poem by Jan Dzwonowski:

> Prawo Generalne walne,
> Artykuły Kryminalne.
> Gdy kto w Prawie niechce zbłądzić
> Kat ma kryminały sądzić,
> Iako ten Statut opiewa,
> A niechay go każdy miewa,
> Dziwna między ludzmi Sprawa
> Potrzeba nowego prawa.[13]

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[10] B. Groicki, *Porządek sądów i spraw miejskich prawa majdeburskiego w Koronie Polskiej*, Warszawa, 1953, p. 26.

[11] Id., "Artykuły prawa majdeburskiego, które zowią Speculum Saxonum z łacińskiego języka na polski przełożone i znowu drukowane roku pańskiego 1629", in: id., *Artykuły prawa majdeburskiego. Postępek sądów około karania na gardle. Ustawa płacej u sądów*, Warszawa, 1954, p. 67.

[12] W. Uruszczak, "Commune incliti Poloniae Regni privilegium constitutionum et indultuum. O tytule i mocy prawnej Statutu Łaskiego z 1506 roku", *Zeszyty Naukowe Uniwersytetu Jagiellońskiego*, 96, 2006, no. 5, pp. 115–136; W. Uruszczak, "Statut Łaskiego z 1506 roku. 500 lat tradycji państwa prawa w Polsce", *Czasopismo Prawno-Historyczne*, 59, 2007, no. 2, pp. 9–19; Т. Гошко, "Ян Ласький та перші спроби кодифікації права в Польському Королівстві", *Соціум. Альманах соціальної історії*, 13–14, 2017, pp. 191–214; W. Graś, "Rozważania nad problemem nakładu Statutu Jana Łaskiego", *Biblioteka*, 26(35), 2022, pp. 121–133.

[13] "General Law, Criminal Articles. When one does not want to err in the Law, The executioner has to judge crimes, As this Statute says: And let everyone have it, It's a strange thing among people, The need for a new law"; *Statut Iana Dzwonowskiego: to iest Artykuły prawne jako sądzić łotry y kuglarze iawne*, n.p. [Kraków], 1611, p. 18.

Although Dzwonowski's work was satirical, it reflected the relevant ideas at the turn of the seventeenth century. Among all else, this work by Jan Dzwonowski, as Teresa Banas-Korniak rightly remarked, clearly resonates with the legal treatises of Bartłomiej Groicki, especially in the part concerning the description of criminal cases. However, the poet did not mention the name of this well-known lawyer.[14]

The cities and towns also felt the need for written and codified laws. Moreover, according to Wolfgang Schild, a town was a model of the process because "from the beginning, there was no place in it for some naturally created, immediate order. Citizens were strangers to each other; they came from different spheres of life and law […] Therefore, relations between them could be established only by general consent, namely on an agreement between citizens, introduced by the leaders, the validity of which was confirmed by the annual oath".[15] However, it has never been officially codified despite the need for written town law. The legal system of the cities and towns with the Magdeburg law was based on the privileges granted to them, called in German *Willküren* (Polish: *wilkerze*) adopted there,[16] and court sentences (Polish: *ortyle*).[17] The framework provisions of Magdeburg law, were based on the *Speculum Saxonum* (*Saxon Mirror*)[18] and *Ius municipale Magdeburgense*,[19] but not so much in the original version, instead in the private interpretation

[14] T. Banaś-Korniak, "Jawne i ukryte sądy o rzeczywistości w *Pismach* Jana Dzwonowskiego (na wybranych przykładach)", *Napis*, 17, 2011, p. 182.

[15] В. Шільд, "Право. Новий час"…, p. 585.

[16] See T. Maciejewski, *Zbiory wilkierzy w miastach państwa zakonnego do 1454 r. i Prus Królewskich lokowanych na prawie chełmińskim*, Gdańsk, 1989; id., *Wilkierze miasta Torunia*, Toruń, 1997; *Wilkierze poznańskie*, ed. W. Maisel, vol. 1–3, Wrocław–Warszawa–Kraków, 1966–1969; see also Т. Гошко, "Вількири як джерело до історії міст на землях Корони Польської", *Україна в Центрально-Східній Європі*, 19–20, 2020, pp. 243–272.

[17] See: S. Estreicher, *Nieznane teksty ortyli magdeburskich*, Kraków, 1928; *Ortyle sądów wyższych miast wielkopolskich z XV–XVI w.*, ed. W. Maisel, Wrocław, 1959; *Najstarsze staropolskie tłumaczenie ortyli magdeburskich*, ed. J. Reczek, W. Twardzik, parts 1–3, Warszawa, 1970; M. Mikuła, "Edycje źródeł do dziejów prawa miejskiego w Polsce XIV–XVI w.: propozycja elektronicznej metaedycji źródeł normatywnych", *Krakowskie Studia z Historii Państwa i Prawa*, 9(4), 2016, pp. 487–508.

[18] See Т. Гошко, "'Саксонське зерцало' як джерело феодального і міського права", *Записки Наукового товариства імені Шевченка*, 268: *Праці Комісії спеціальних (допоміжних) історичних дисциплін*, 2015, pp. 128–160; id., "Саксонське Зерцало: символи і метафори", *Український історичний журнал*, 2, 2017, pp. 126–142.

[19] See: M. Mikuła, *Prawo miejskie magdeburskie (Ius Municipale Magdeburgense) w Polsce XIV – pocz. XVI w. Studium o ewolucji i adaptacji prawa*, Kraków, 2018. This book was translated into English and published by Brill in 2021 under the title *Municipal Magdeburg Law (Ius Municipale Magdeburgense) in Late Medieval Poland*.

of Polish lawyers. The process of town law systematisation was launched in the sixteenth century.

The need for a new written law was formed by the development of education, including a legal one. At this time, humanistic schools of the middle type were spreading. In addition to Protestant gymnasiums in Gdańsk, Toruń, and Elbląg, where most townspeople youth studied, Jesuit colleges became popular from the middle of the sixteenth century. Accordingly, the heyday of literature, particularly the genre of eulogies and Sejm speeches, was associated with such a spread of education.[20] All this affected the ability of townspeople to understand and accept the rules of law.

This was also in the context of spreading the ideas of humanism. Henryk Samsonowicz observed:

> Between the thirteenth and sixteenth centuries, even in small urban centres, probably together with the progress of literacy, there was greater professionalism of city courts. The value of the written law and the significance of procedures and regulations appear to be growing. More and more people with at least elementary education and relevant expertise were involved in the government. Their role was to revise cases and ensure that the decisions corresponded to the law and customs...[21]

In addition, the change in legal doctrine and public perceptions of law was significantly influenced by the spread of law faculties in universities. In particular, they functioned in Prague (since 1348), in Kraków (1368, in fact, the university began to operate after 1400),[22] Erfurt (1379), Leipzig (1409), Wittenberg (1502), Frankfurt am Oder (1506), Halle (1694), etc. Universities trained qualified lawyers familiar with canonical and Roman law.[23]

At the same time, students and graduates of law faculties were considered the elite of the university environment and sometimes even sought to separate from other university students. The large number of university students was also connected with that; as late as 1500, "it was by no means normal to sit any form of examination. The vast

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[20] P. Wilczek, *Literatura polskiego Renesansu*, Katowice, 2005, p. 46.

[21] H. Samsonowicz, "Kto podejmował decyzje w miastach samorządowych średniowiecznej Polski", in: *Miasta, ludzie, znaki. Księga jubileuszowa ofiarowana Profesor Bożenie Wyrozumskiej w 75. rocznicę urodzin*, ed. Z. Piech, Kraków, 2008, p. 159.

[22] R. Grodecki, S. Zachorowski, J. Dąbrowski, *Dzieje Polski średniowiecznej*, Kraków, 2011, pp. 571, 657–658.

[23] А. Рогачевский, *Меч Роланда. Правовые взгляды немецких горожан XIII–XVII вв.*, Санкт-Петербург, 1996, p. 19.

majority were satisfied to attend and belong. The social possibilities opened by the university did not yet require control by a special system of entitlement based on examinations and graduation".[24]

Over time, law students became jurors in courts of different levels. All this intensifies the law development process and highlights the need to finalise and rework existing legal codes. The real elaboration of Magdeburg law in Poland began in the first half of the sixteenth century (at the same time, there were several attempts to codify state law as well). However, at that time, the innovative approach to law was not yet noticeable; its spirit from previous historical periods was preserved, and there was a kind of fixation on the current norms. When the codification processes began, the Polish language was inferior to Latin in terms of terminology and conceptual framework.[25] In addition, humanism was associated with the idea of *ad fontes* and, therefore, with improving knowledge of Latin. That might be why most legal codes, including town law codes, were initially written in Latin. However, they had little practical application because they had the form of philosophical and legal treatises and did not reflect the legal ideas of the whole society. This process has been outlined in general terms in Ukrainian historiography but in dotted lines.[26]

One of the early attempts to systematically set out the norms of German law was made by Jan Cervus Tucholczyk (Jan Jelonek). It is believed that Jelonek never studied outside the Crown of Poland and that he did not have a doctorate, although he taught for some time at the Jagiellonian University, while studying law there.[27] In 1534, he was invited to the position of rector of the cathedral school in Lviv. He held this position until 1539, and in 1540 he became a Lviv cathedral canon. The following year he received the priesthood. He died in 1557.[28]

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[24] *A History of the University in Europe*, vol. 1: *University in the Middle Ages*, ed. H. De Ridder-Symoens, Cambridge, 1992, p. 196.

[25] E. D. [E. Dembowski], *Piśmiennictwo polskie w zarysie*, Poznań, 1845, p. 137.

[26] Т. Гошко, *Нариси з історії магдебурзького права в Україні (XIV – поч. XVII ст.)*, Львів, 2002, pp. 90–96; М. Кобилецький, "Латиномовні праці європейських дослідників XVI–XVII ст. із проблем магдебурзького права", *Вісник Львівського університету. Серія юридична*, 53, 2011, pp. 56–63; id., *Магдебурзьке право в Україні (XIV – перша половина XIX ст.): історико-правове дослідження*, Львів, 2008, pp. 89–118.

[27] W. Bojarski, "Speculum Saxonum i Ius Municipale jako źródła prawa w dziełach Tucholczyka", *Acta Universitatis Nicolai Copernici, Nauki Humanistyczno-Społeczne*, 218, *Prawo*, 30, 1990, p. 39; id., "Prawo rzymskie w dziełach Tucholczyka", *Zeszyty Naukowe Uniwersytetu Jagiellońskiego*, 876, *Prace Prawnicze*, 125, 1989, pp. 8–9.

[28] H. Barycz, "Cervus Jan", *Polski słownik biograficzny*, 3, 1937, pp. 235–236.

Tucholczyk was an extraordinary man. The cultural upsurge in Lviv was associated with him. By the 1530s, as Józef Skoczek noted, the ideas of the Renaissance began to penetrate into Lviv, but only with the arrival of Tucholczyk, Benedict Herbest, and Szymon of Brzeziny (father of Szymon Szymonowicz), the atmosphere in the town changed completely: Lviv became one of the cultural centers of the Crown. Tucholczyk, whom Skoczek calls "an outstanding grammarian and lawyer", took care of "the introduction of the Renaissance spirit and science in the cathedral school".[29] The new rector was an extremely active person. In his lectures, he used works by Lorenzo Valla, Aelius Donatus, Niccolo Perotti, and others. He introduced new didactic methods. His activities also had a considerable impact on the development of the mental culture of Lviv as a whole. The cathedral school played an important role in spreading the ideas of the Renaissance. In addition to Jelonek, as just mentioned, two other students of the University of Kraków, Szymon of Brzeziny and Benedict Herbest, were invited to Lviv.[30]

Jan Tucholczyk's creative work included three theological works, three pieces in Latin grammar, and two writings in the theory of law. He was the first in the Kingdom of Poland to take particular interest in town law. His first book, written in 1531 as a qualification work, *The Collection of Civil Provisions of Magdeburg Law* (*Farrago actionum civilium juris Magdeburgensis*), was the most extensive treatise on town law. By 1607, it had had eight editions. Only the fourth edition of the treatise was published under the author's name. He dedicated it to the Lviv Town Council.[31] Here, in contrast to the edition of 1531, Tucholczyk indirectly refers to Speculum Saxonum and Jus Municipale through the works of Mikołaj Jasker.[32] All subsequent editions of *Farrago actionum civilium juris Magdeburgensis* were almost identical with the 1540 publication. This work was rather academic, so it was not widely used in towns. In a speech at the meeting of the Polish

[29] J. Skoczek, *Kraj lat dziecięcych Szymona Szymonowicza*, Zamość, 1929, p. 9.

[30] We are talking about the father of the poet Szymon Szymonowicz (1558–1629); see *Lwowianin czyli zbiór potrzebnych i użytecznych wiadomości*, ed. L. Zieliński, vol. 3, no. 2, Lwów, 1836, p. 9.

[31] J. Skoczek, *Kraj lat dziecięcych Szymona Szymonowicza*…, p. 10.

[32] W. Bojarski, "Speculum Saxonum i Ius Municipale"…, p. 40. According to the author's estimates, in Tucholczyk's treatise, there are approx. 247 citations from German law, with *Speculum Saxonum* cited 123 times, its glosses – 20 times; there are approx. 80 references to *Jus Municipale* and 16 to its glosses (ibid., p. 41). Roman law Tucholczyk quotes in *Farrago actionum civilium juris Magdeburgensis* about 435 times; see W. Bojarski, "Prawo rzymskie w dziełach Tucholczyka"…, p. 11.

Scientific Society in Lviv, in November 1929, Karol Koranyi emphasised that Tucholczyk's work should be a textbook, and the sources the author used were *Summa Rajmundi* and *Saxon Mirror* in the *versio vulgate*.[33] In any case, the following generations of Polish lawyers actively used the work by Jan Cervus Tucholczyk, primarily, Jan Kirstein and Bartłomiej Groicki.[34] In particular, a Polish scholar, Aleksander Kraushar, partly relying on the research of Prof. Dargun, noted that Groicki's work on the trial was based mainly on Tucholczyk's book *Farrago actionum* and Jodocus Damhouder's *Praxis rerum criminalium*.[35]

Another large layer of elaborated provisions of German town law was presented in the works by Mikołaj Jaskier. He was born in the town of Lwówek in Silesia. In 1511, he arrived in Kraków and enrolled at the University.[36] In 1522, he took the position of the Kraków vice-notary. He worked in the Kraków city chancellery with Franciszek Haller, and headed it after the latter died in 1527.[37] Jaskier was well acquainted with town law, because he served as a city clerk for many years until the end of his life. He translated from German, commented on the primary sources of town law, and presented them in three volumes.[38]

Jasker dedicated the first volume to King Zygmunt I, the second one – to Bishop Piotr Tomicki, and the third volume – to the Kraków City Council. On 2 October 1535, Zygmunt I issued to Jaskier the privilege that his texts became mandatory for use in all cities and towns with Magdeburg law in the Polish Kingdom, and the reprint of these works was banned for ten years.[39] Jaskier's texts were by no means private, as Stanisław Kutrzeba argued. Evaluating the lawyer's work, this Polish

[33] K. Koranyi, "Z dziejów polskiej literatury prawniczej w XVI wieku", *Sprawozdanie Towarzystwa Naukowego we Lwowie*, 9, 1929, no. 3, p. 226.

[34] W. Bojarski, "Speculum Saxonum i Ius Municipale"…, p. 39.

[35] A. Kraushar, *Pierwsza książka prawnicza polska z wieku XVI*, Warszawa, 1905, p. 2.

[36] "Nicolaus Michaelis de Lwowko s. 2 gr. (Magister Notarius senatus Cracouensis Jaskier)", *Album Studiosorum Universitatis Cracoviensis*, vol. 2: *Ab anno 1490 ad annum 1515*, ed. A. Chmiel, Cracoviae, 1892, p. 129.

[37] S. Pańków, "Jaskier Mikołaj", *Polski słownik biograficzny*, 11, 1964–1965, p. 60.

[38] M. Jaskier, *Juris provincialis quod Speculum Saxonum vulgo nuncupatur libri tres*…, https://obc.opole.pl/dlibra/show-content/publication/edition/1514?id=1514 [Accessed: 20 Nov. 2023]; id., *Ivris Mvnicipalis Maidebvrgensis Liber uulgo Weichbild nuncupatus*…, Cracoviae, 1535, http://zbc.uz.zgora.pl/dlibra/doccontent?id=7620 [Accessed: 20 Nov. 2023]; id., *Promptuarium Iuris Provincialis Saxonici, quod Speculum Saxonum vocatur tu*[m] *et Municipalis Maideburgen*[sis] *summa dilige*[n]*tia recollectum*, Craccovia, 1535, http://www.dbc.wroc.pl/dlibra/doccontent?id=8492 [Accessed: 20 Nov. 2023].

[39] S. Pańków, "Jaskier Mikołaj"…, p. 61.

historian noted that his work was carried out with great diligence. Jaskier composed the text in such a way as to eliminate any kinds of contradictions and checked and corrected glossaries from canonical and Roman law, so it is not surprising that his treatises enjoyed great respect in Poland.[40] Moreover, they were actively used by lawyers of future generations, including Jan Cervus Tucholczyk – in the re-published in 1540 *The Collection of Civil Provisions of the Magdeburg Law*.[41]

Jaskier's works were represented in magistrate libraries throughout the Crown. Denys Zubrycky wrote that in 1535, the councilors of Lviv: "They bought the newly published book *Saxon Mirror* (*Speculum Saxonum*) for 3 zlotys".[42] Myron Kapral suggests that it was *Juris provincialis, quod Speculum saxonum vulgo nuncupatur libri tres...* by Mikołaj Jaskier.[43] It is quite probable because the mentioned translation of the *Saxon Mirror* was one of the most accurate and authoritative pieces.

Carefully researching the texts of Jaskier, Zygfryd Rymaszewski concluded that they were only the compilations of well-known Latin sources of German law, including the Saxon Mirror, but about two-thirds of the notes to these texts are referred to the lawyer himself.[44] Nevertheless, this does not understate the significance of Mikołaj Jasker's contribution. Such a return *ad fontes* was entirely in the spirit of the ideas of humanism. However, these works have not been widely used, not least because of the language issue. After all, in the view of humanists, for a person to make their choice and make it based on law, this law must not only be recorded but must also be accessible for understanding. In other words, it must at least be presented in an accessible and understandable language.

With the increasing role of the written word, when in addition to highly educated people, it began to be used by wider public, Latin gradually lost its significance. Jacques Le Goff quotes Cardinal Alonso Garcia of Cartagene (1384–1456), who at the height of the dispute over the translation of Aristotle's treatise *Nicomachean Ethics*, asked whether it would not be better to use the short and exact equivalent of the folk language than to refer to long periods of classical Latin.[45]

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[40] S. Kutrzeba, *Historia źródeł dawnego prawa polskiego*, vol. 2, Lwów–Kraków, 1926, p. 212.

[41] W. Bojarski, "Speculum Saxonum i Ius Municipale"..., p. 40.

[42] Д. Зубрицький, *Хроніка міста Львова*, transl. І. Сварник, Львів, 2002, p. 140.

[43] М. Капраль, "Коментарі", in: ibid., p. 464.

[44] Z. Rymaszewski, *Łacińskie teksty Landrechtu Zwierciadła Saskiego w Polsce: Jaskier – tekst główny i noty marginesowe*, Łódź, 1985, pp. 217–218.

[45] J. Le Goff, *Intellectuals in the Middle Ages*, trans. T.L. Fagan, Cambridge (MA), 1993, p. 161.

In this context, Anna Adamska noted:

> In late medieval Poland, e.g. the so-called terrestrial or land law of the noblemen existed next to canon law, which regulated the legal problems of ecclesiastical properties, and with several varieties of "German" law of the inhabitants of towns and villages which had been created according to German models. This multiplicity of legal systems caused "chancery bilingualism". The mixture of Latin and local vernaculars in the legal and administrative sphere influenced the form of text belonging to the domain of pragmatic literacy. Many of them look like linguistic palimpsests in which, under a top layer of Latin, the vernacular realities are still visible [...] As in the other parts of medieval *Latinitas*, in Central Europe, too, the use of charters as trustworthy legal instruments grew considerably in the thirteenth century. A privileged way by which the vernaculars penetrated into Latin charters was the use of single words, usually names of places, legal and economic terms in Hungarian, Czech or Polish, when chancery clerks were unable to find an adequate Latin term. This practice was also important for the development of written legislation in a situation where many legal systems coexisted, with different consequences for different social groups.[46]

Despite the spread of education in cities and towns, knowledge of the Latin language, even among government officials or respected members of society, was mostly mediocre.[47] Even the people of the written word, who are called intellectuals, could not boast of the perfect knowledge of Latin, not to mention the others who used the written word not on a professional level. Latin of the Middle Ages was never perfect; that can be learned not only from the act documents but also from trends in literature. In literature, a trend focused on a competent but not very sophisticated audience. Rostyslav Paranko remarked that "these works were written in 'low' Latin – a variant of it, close to oral use: a simplified style, with numerous lexical, syntactic, and phraseological tracings from 'folk languages' – in summary, Latin was radically 'spoiled' from

[46] A. Adamska, "Latin and Three Vernaculars in East Central Europe from the Point of View of the History of Social Communication", in: *Spoken and Written Language. Relations between Latin and the Earlier Middle Ages*, ed. M. Garrison, A.P. Orban, and M. Mostert with the assistance of W.S. van Egmond, Brepols, 2013, pp. 353–354.

[47] For example, King Zygmunt August's wife, Elizabeth of Austria, daughter of Emperor Ferdinand I Habsburg, in a letter written in the second half of 1543 to the royal secretary, asked him to send her a sample of how she should write to the king, because "she would write from her own head, but did not know Latin so well"; *Listy polskie XVI wieku*, ed. K. Rymut, vol. 1: *Listy z lat 1525–1548 ze zbiorów Władysława Pociechy, Witolda Taszyckiego i Adama Turasiewicza*, Kraków, 1998, p. 313.

the point of view of a refined humanist".[48] During the Renaissance and humanism periods, with their inherent idea of the "return to Antiquity", this situation becomes drastic.

Therefore, it should not be surprising that there was a public demand for the transition from Latin to living national languages. And it was the humanists who contributed significantly to the cause. At times, educated people still used Latin in memoirs or letters and in interpersonal communication, but in practice, the use was decreasing. It was gradually abandoned in the Crown Chancellery, as decided by the General Sejm of 1543.[49]

The trends eventually prevailed at the local level. The only book of the Collegium of Ten Men preserved in Lviv from the beginning of the seventeenth century, records the request of Lviv residents about the functioning of Latin in the city: "We prefer that privileges be read in Polish at least once a year, to inform the lords of 40 men, because not everyone understands Latin […] And we remind you that, because this year they did not read these privileges to us".[50] In fact, in Lviv, the transition of offices to keeping records in Polish was gradual, according to the 1543 decision of the Kraków General Sejm. Władysław Łoziński notes that in Lviv, the first entry in the town records made in Polish was in 1525. However, the late fifteenth and the early sixteenth centuries were a time of linguistic polyphony in the sources. At the end of the fifteenth century, as Łoziński writes, German was inferior to Latin in the official documents, and in 1531, it completely disappeared from the records in city books.[51] Since the end of the sixteenth century, Polish-language records began to prevail in the city books of Lviv.

Another example of the influence of humanism ideas was the *Willkür* (in German) or *wilkierz* (in Polish, meaning a set of records of laws) of Vilnius published in 1552. It was written in Polish, although this did not signify an exclusive or even dominating role of this language in the city: "*Wywołanie* or *achtowanie* is to be presented by eldermen in Polish, Lithuanian and Ruthenian, so that all who listen would understand".[52]

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[48] Р. Паранько, "Ренесансний дотепник та український переклад його 'Дотепів'", П. Браччоліні, *Вибрані дотепи*, transl. P. Паранько et al., Київ, 2017, p. 14.

[49] *Volumina Legum*, vol. 1, Petersburg, 1859, p. 285.

[50] Central State Historical Archives of Ukraine in Lviv [hereinafter: CSHAL], f. 52, op. 2, spr. 667, fol. 81.

[51] W. Łoziński, *Patrycjat i mieszczaństwo lwowskie w XVI i XVII wieku*, Lwów, 1892, pp. 11–12.

[52] H. Wisner, "The Reformation and National Culture: Lithuania", *Odrodzenie i Reformacja w Polsce*, 57, 2013, p. 98.

In the middle of the seventeenth century, 53 per cent of the town acts in Vilnius were written in Polish, 37 per cent – in Latin, and 10 per cent in Ruthenian.[53]

In some cases, in the sixteenth century, the question of language was regulated in location privileges, such as in the charter for Mglin: "And the decrees of the town of Mglin and all sorts of cases now at once in Polish, and then in Latin, not in another language must be written since the Magdeburg law requires it".[54] In the privilege for Starodub of 27 May 1625, it was written that for twenty years, town decrees should be written first in Polish and then in Latin "since this is what Magdeburg law requires". The breach of this provision could entail the loss of Magdeburg law for the town.[55] Such requirements, however, were relatively rare. Most often, the choice of the language for town documentation by default was determined in the towns themselves.

The influence of the Reformation probably inspired such passages. They were directed against Latin, which was actively used in city courts. However, in the Ruthenian lands of the Grand Duchy of Lithuania, the situation was not so simple, and this provision did not always look progressive. In one of his treatises, *Order of Courts and Municipal Matters of Majdeburg Law in the Polish Crown* (*Porządek sądów i spraw miejskich prawa majdeburskiego w Koronie Polskiej*), Bartłomej Groicki noted that town courts should conduct proceedings in a language understandable to all, "such as German in Germany, Polish in Poland for a common man who should not be ashamed of his language".[56]

The Sejm of 1543 discussed the need to compile a collection of laws and statutes in Polish, rather than Latin. To achieve it, several persons were delegated from the Council of Lords (*Pany-Rada*) to the next Sejm.[57] The same idea was reiterated at the General Sejm at Piotrków in 1562. In 1570, within the same trend of facilitating understanding of law in the Polish Crown, Jan Herburt's work *Statutes and privileges of the Crown translated from Latin to Polish, collected in a new order* (*Statuta y przywileje koronne z łacińskiego języka na polskie przełożone,*

[53] Ibid.

[54] "Привілей Жигімонта III міcту Мглину на магдебургію року 1626 березня 26", *Корпус магдебурзьких грамот українським містам: два проекти видань 20-х – 40-х років XX століття*, ed. В. Андрейцев, В. Ульяновський, В. Короткий, Київ, 2000, p. 61.

[55] "Привілей на магдебурзьке право міcту Стародубу від короля Жигімонта III. Р. 1625 травня 27", ibid., pp. 58–59.

[56] B. Groicki, *Porządek sądów*…, p. 65.

[57] *Volumina Legum*, vol. 2, Petersburg, 1859, p. 20.

nowym porządkiem zebrane) was published. This work, according to some researchers, was private in nature.[58] Witold Taszycki calls Herburt a "defender of the Polish language" the struggle for which took place not only in the literature but also in other areas, such as law.[59] In this process, the town law was no exception. As evidenced by the Łaski's Statute, it played a special role in the minds of the people of that time, partly equivalent to the prescriptions of state law.

The understanding of the need to abandon Latin in chancellery and judicial practice is reflected in the writings of Bartłomej Groicki. He is sometimes called the author of the first treatise on town law in Polish, the language of Rej and Kochanowski.[60] Groicki himself first wrote a legal treatise in Latin *Abrogatio et moderatio abusum et sumptum…* in 1547, which was devoted to some aspects of activities of specific categories of courts. At the same time, Groicki wrote poems in Polish, apparently believing that the vernacular was suitable only for literature. In 1559, his poems were included in the *Spiritual songs* collection. In the same year, King Zygmunt August nominated Groicki as a notary of the *Ius supremum magdeburgense* at Kraków Castle.[61] Most likely, this experience convinced Groicki of the need to write the rules of law in a language understood by the wider public. In particular, in the dedication "to the glorious Mr. Jan in Tarnów, the Kraków castellan", Groicki, noted that "Poles, in particular those who do not know how to read [Latin] and what *Speculum Saxonum* or *Ius Municipale* is", could consider his *Order of Courts* "as a certain statute of town law and order of city courts".[62] Explaining why legal norms should be translated from Latin into Polish, Groicki evokes one of the most important reasons – to make the law clear and accessible:

> In order for the judge to be able to decide cases better, and for the victim to be able to seek justice better, it is [correct] when the law [is] written in that language that is clear to the judge and the party appearing in court. […] No one shall be justified by ignorance of [the law] except for certain persons specified in the law, such as women, children, the insane, and others.[63]

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[58] See: J. Picur, "O zbiorze *Statuta y przywileje koronne z łacińskiego języka na polskie przełożone, nowym porządkiem zebrane*, autorstwa Jana Herburta", *Folia Iuridica Universitatis Wratislaviensis*, 6 (1), 2017, pp. 167–192.

[59] W. Taszycki, *Obrońcy języka polskiego. Wiek XV–XVIII*, Wrocław, 1953, p. 143.

[60] A. Kraushar, *Pierwsza książka prawnicza…*, p. 3.

[61] Ibid., p. 5.

[62] B. Groicki, *Porządek sądów…*, p. 9.

[63] Ibid., pp. 3, 6.

Paweł Szczerbic, a syndic of Lviv, had a similar opinion to Groicki on the language issue. In the preface to the reader, he notes that he wrote his books so that people could read them carefully and be able to defend their cases, because "ignorance of the law does not justify anyone". And if the reader manages to learn something from those books, the author will thank God for that.[64]

Groicki resumes the topic of language when he writes about the responsibility of scribes:

> Where there can be no worthy scribe, let some intelligent man sitting in court record all court cases and proceedings in a clear native language. Because incorrect Latin records often lead to great controversy between prosecutors who do not fear God and can cling to a dubious word or understanding and pounce on it like a cat on a mouse, often trampling on justice and delaying [the case], just as a greedy barber surgeon who can quickly heal a wound festers it to get paid more for more prolonged treatment.[65]

Due to the severe damage that can be inflicted on both the individual and the community through incorrect records, intentional or unintentional, such falsification of documents was subject to considerable punishment: "A scribe who would write an incorrect note or letter should lose the hand that wrote it. And if he falsified the city book, let him become dishonest and be punished by fire".[66] The scribe, therefore, was to be "a public, dignified person, obliged by the city oath to rewrite court cases in clear, proper, light and understandable words".[67]

Moreover, in his *Defence of Orphans and Widows*, Groicki writes with a tint of humour about the language situation in Polish society and the need to present the current rules of law in Polish that are understandable to the majority. In the preface to this work, the lawyer, justifying that he did not translate everything literally from the original source, notes: "Also in those books of *Patrocinii Pupillorum* [*Defence of the Orphans*],[68] I omitted some statements because if they

[64] P. Szczerbic, *Speculum Saxonum albo prawo saskie i majdeburskie, porządkiem obiecadla z łacińskich i niemieckich exemplarzow zebrane. A na polski język z pilnością i wiernie przełożone*, ed. G.M. Kowalski, vol. 1, Kraków, 2016, p. 8.

[65] B. Groicki, *Porządek sądów*…, p. 42.

[66] Ibid., pp. 40–41.

[67] Ibid., p. 40.

[68] "Pupillorum patrocinium, legume et praxeos studiosis non minus utile quam necessarium" – a work by Joos de Damhouder, dedicated to the care of orphans. It was first published in 1544 in Bruges, the second edition was published in Amsterdam in 1564, and the third appeared five years after the author's death, in 1596, in Frankfurt

were all to be written down, there are so many of them that then the second book would grow and the reader would quickly get bored reading it; and also because the Pole, who Latin does not amuse, has no use for those statements. And if a Latinist mourns for them, let him buy and read the Latin *Patrocinii Pupillorum* of the same author, and if he wants, the whole *Corpus iuris civilis* [*Civil Law Body*]. A Pole is not a Latinist to cling to these statements, especially as he will believe me that [I] translated them truthfully into Polish and did not invent anything of my own mind".[69]

Paweł Szczerbic's motives, which he explains in the preface to the "kind reader", were similar. Noting that the Polish language does not have in its arsenal some terms, including legal ones, he still emphasised that in his translations, he did not invent any new words because he knows that Poles, and in particular ordinary burghers in cities and towns, will gratefully accept that he "in simple words gave the common law to the common people".[70] Like Groicki, he admits that he deliberately omitted some passages from Latin and German sources of both imperial and ecclesiastical origin because many of them may be incomprehensible in Poland. The men of learning should not worry about this because the primary addressees of his works were ordinary Poles.[71]

Thus, to make the rules of law clear and understandable, to avoid divergences and misinterpretations in a situation where the level of knowledge of Latin was already unsatisfactory, and the number of literate people was growing, the lawyers began to compile and interpret codes of town law in Polish, partly translating from Latin the old rules of law that were still in force, and partly adding their own considerations, based on the realities of contemporary urban life.

This is how Paweł Kuszewicz explains his objective in his opening remarks to the reader:

To pięcioro Xiąg Prawa Chełmieńskiego
Cny Czytelniku z textu Łacińskiego
Przetłumaczyłem Sarmackiemi słowy
Wedle lichego dowcipu mey głowy:

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am Main. This work by Damhouder formed the basis of Groicki's treatise *Obrona sierot i wdów*, which was also published after the author's death, in Kraków (1605) by the efforts of his sons – Jan and Gabriel; K. Koranyi, "Wstęp", B. Groicki, *Obrona sierot i wdów*, Warszawa, 1958, pp. III–IV.

[69] B. Groicki, *Obrona sierot i wdów*..., p. 15.

[70] P. Szczerbic, *Speculum Saxonum albo prawo saskie i majdeburskie*..., p. 6.

[71] Id., *Ius Municipale, to jest prawo miejskie majdeborskie*..., pp. 9–11.

Co uczyniłem z tey przyczyny, żeby
Mogł ono czytać do swoiey potrzeby
Polski Czytelnik swym Polskim ięzykiem
Zwłaszcza ktory iest słabym Łacinnikiem.[72]

The translations were made, as Szczerbic rightly remarked, "not for learned lawyers who, in addition to these books, are amused by something else, but for the common Pole".[73] Thus, for lawyers of the late sixteenth and early seventeenth centuries, other tasks were more important in compiling the codes of town law than those who worked in the early and mid-sixteenth century. The latter, starting with Jan Łaski, tried to generalise and unify the provisions of the current town law. Later, lawyers set themselves the goal of making the rules of law available to the public, i.e. to those whom they were to serve in everyday practices. After all, the language understood by the public made the rules of law more comprehensible. This was extremely important, especially in a situation where different legal norms were in force in society at the same time, because representatives of different social estates were judged according to different laws valid for them.

Even when a person could not understand the essence of the court case due to certain physical defects, they had to explain it in some way so that the court decision was transparent and clear. Paweł Kuszewicz wrote: "When a dumb man unable to speak is summoned to court and demands a procurator by some sign or gesture, then the procurator must be given to him. And in court he should be treated in such a way that it is clear from the signs and actions what [he] wants".[74]

Groicki emphasised the importance of clarity of legal norms, when justifying why he began to write one of his treatises:

> Since every court is based on the law, it is a decent thing to know in advance the description of the law and its differences so that every judge knows how to judge those under his supreme authority. Also, the subjects should know under what law they should be judged and according to what law [they] should demand justice from the supreme lord or from their

[72] "These are five Books of Chełmno Law, / Dear Reader, from the Latin text / I translated in Sarmatian words / According to the poor wit of my head: / I did this for the reason that / Could read it for his own needs / The Polish Reader with his Polish language, / Especially who is a weak Latin reader", P. Kuszewicz, *Prawa chełmieńskiego poprawionego y z łacińskiego ięzyka na polski przetłumaczonego, xiąg pięcioro*…, Poznań, 1623, p. 1.

[73] P. Szczerbic, *Speculum Saxonum albo prawo saskie i majdeburskie*…, p. 7.

[74] P. Kuszewicz, *Prawa chełmieńskiego poprawionego*…, pp. 23–24.

judge. It is also clear that people of different estates have different rights and are judged by different laws.[75]

Since the right was to be explicit and informative, it was also clear that the punishment for the crime was to be enforced. Accordingly, not everyone could be punished by death: "Death penalty or corporal punishment should be postponed for the following persons: a pregnant woman, until childbirth; a child who has not reached the appropriate age and does not have a guardian – the punishment should be postponed until another court hearing for the guardian to appear; to a madman to find out whether [he] did it out of madness or for some other reason".[76] As it follows, children under the age of 14 could not be independently responsible for their actions before the law. A pregnant woman could not be put to death because it meant killing the innocent child she was carrying. On the one hand, this was due to a change in attitude towards childhood. Since the fourteenth century, the theme of Jesus' childhood has been developing, and it was closely intertwined with the development of the cult of the Virgin Mary. At the same time, the theme of the childhood of the saints appeared in iconography. In the fifteenth and sixteenth centuries, images of children appeared in the family circles, and no later than the sixteenth century, images of children appeared on tombstones. This symbolised a change in attitudes towards children. The codes of law began to pay considerable attention to the protection of children, starting from the fifteenth and sixteenth centuries.[77]

On the other hand, the ban on punishing a pregnant woman was linked to the condemnation of excessive cruelty by humanists and leaders of the Reformation movement. Martin Luther wrote in this regard: "It is more acceptable when it (the authority) partially falls into sin and punishes too little. It is always better to leave one criminal alive than to kill one pious person. After all, there remain criminals in the world, and there are few pious people".[78] Humanists also had a particular attitude to old age. Erasmus of Rotterdam,[79]

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[75] B. Groicki, *Porządek sądów*…, p. 21.

[76] Id., "Artykuły prawa majdeburskiego"…, p. 71.

[77] See Т. Гошко, "Уявлення про дитинство в кодексах міського права в Речі Посполитій XVI – початку XVII ст.", *Місто: історія, культура, суспільство*, 1(4), 2018, pp. 37–56.

[78] М. Лютер, "О светской власти", in: id., *Избранные произведения*, transl. А.П. Андрюшкин, Санкт-Петербург, 1994, p. 146.

[79] See: *In Praise of Folly by Erasmus. Illustrated with many curious CUTS, Designed, Drawn, and Etched by Hans Holbein with portrait, life of Erasmus, and his Epistle addressed to Sir Thomas More*, London, 1876, p. 61.

Mikołaj Rej, and others paid much attention to this in their works. The town law paid less attention to old age than to childhood. Bartłomiej Groicki wrote: "The years of old age and disability, according to town law, come after sixty. And according to imperial law – after seventy, such people are already passing their years. Since then, every old man can have a guardian if he wants, but may remain without a guardian, in his rights".[80] According to town law, a person could not be called as a witness after the age of seventy. The older man could no longer perform certain functions, especially in the government. For example, foreigners, people of other law, and those who were ninety years old could not be elected councillors in the city. According to town law, the elderly could not be tortured, which was apparently due to the notion that the elderly, like children, could not always be responsible for their actions. This approach was substantiated by the Church Fathers and thinkers of the Humanist era.

In the Middle Ages, rights were considered part of the world order established by God. In the late Middle Ages, when the concept of the separation of soul and body became widespread, and the awareness of individual freedom was gradually established, people received the right of choice. The idea of the difference between soul and body, which in turn gave rise to the concept of the right of choice, places a man between Good and Evil. We can read in *Gesta Romanorum*: "Wherefore, prepare your soul for the battle against the devil, the world, and the flesh […] Flesh seduces us with luxury and pleasure, the world tempts us with wealth and vanity, and devil lures us with the cheapness of pride".[81] A well-known Polish author of the sixteenth century, Royal Secretary Andrzej Frycz Modrzewski, in his work *On the Repair of the Commonwealth* (*O naprawie Rzeczypospolitej*, 1551)[82] emphasised that persons who lived in excessive luxury could not do good deeds; the luxury does not particularly suit those in government.

Humanists revived the philosophy of Epicureanism that promotes pleasures, however spiritual rather than corporal. They contrast the secular and ascetic virtues suggesting to evaluate every action with account for the circumstances, place, and time when the act was performed; thus, the virtues of each person are different, depending on the

[80] B. Groicki, *Obrona sierot i wdów*…, p. 239.

[81] *Діяння римські. Християнські притчі Середньовіччя*, transl. Р. Паранько, Львів, 2014, p. 59.

[82] *Andreae Fricii Modrevij Commentariorum de Republica emendanda Libri quinque*, http://www.dbc.wroc.pl/dlibra/docmetadata?id=10978&from=publication [Accessed: 5 Oct. 2022].

circumstance of their life (Lorenzo Valla *On pleasure (Of the True and the False Good)*, 1433).[83] Lorenzo Valla, for example, said: "It is a virtue to endure poverty, but also to distribute wealth. Chastity is good, but so is marriage. Obedience is a virtue, but so is ruling wisely. Thus, some persons possess the latter qualities, some the former; no one possesses both".[84] Humanists laid particular emphasis on moderation in real life concerning the existing social inequality.

These ideas of humanism influenced the contemporary lawyers in the Commonwealth. Similar considerations were reflected in the regulations of town law in the sixteenth century. In the first place, city officials had to meet the criteria of the ideal person. That is why we can read in the codes of law the following requirements for councillors:

> For the benefit of the city, people to be elected to the council should be kind and wise, who reached at least twenty-five years of age, domiciled in the town, not too rich and not too poor but of moderate income because the wealthy are often accustomed to oppressing and destroying the community; instead, the poor, whatever well-wishing they may be, are of no use. But the moderate income people are the most capable for that purpose [governance], they can rely on their means and not have their eyes on someone else's belongings, and they place the community interests above all. They must also be legally born, with permanent residence [in their] home, people of good reputation, god-fearing people who respect justice and truth and despise lies and anger. They do not disclose municipal secrets, hold to their promises and are consistent in their actions, loathe gluttony, do not accept gifts, are thoughtful, are not drunkards, do not have two wives, are not flatterers, tare not buffoons, not annoying, not adulterers, not men whose wives could cheat on them, not money-lenders, not fraudulent, they do not sow discord. Agreement can multiply small things, and discord can destroy great things. Also, you should not elect a foreigner or a man of a different faith, or a man over ninety years old.[85]

Similar requirements were stipulated for many other elective city officials.

An important step in developing humanist ideas was formulating the concept of "civic humanism", which promoted public good, public service, patriotism, civic education, and self-education. An Italian

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[83] Л. Валла, *Об истинном и ложном благе. О свободе воли*, Москва, 1989, p. 208.

[84] L. Valla, *The Profession of the Religious and Selections from The Falsely-Believed and Forged Donation of Constantine*, transl. O.Z. Pugliese, 3rd edn: Toronto, 1998, p. 51.

[85] B. Groicki, *Porządek sądów*…, p. 29.

humanist, Leonardo Bruni Aretino, was among the first authors to describe the concept.[86]

To substantiate the concept, ideas of Aristotle, Plato, and Stoicism, as well as examples from Ancient Rome's history, were used. According to civic humanism, the public good was at the forefront. In contrast, service to society was considered a duty of every active person who should cherish all the necessary qualities for this.

Paweł Kuszewicz also mentioned the supremacy of the public good:

> A man of kind nature, with a flawless reputation, domiciled in the city, may be recruited to the council when it meets the needs of the town, although he may not own any land or house in the city […].
>
> Those who are elected councillors, soltyses [mayors] and *scabini* [*ławnicy*, court members], let them not give up the choice, and without any resistance, under the oath of allegiance to the city, obey with honesty.[87]

In this case, in accordance with the ideals of humanism, the public good is placed above the private good.

In the sixteenth century, it was typical to treat citizen rights as equal for different persons, under identical terms and conditions (however, it does not imply the equality of representatives of different social strata). As Szczerbic writes: "The right of both the plaintiff and the accused must be equal. The same as the plaintiff will not be trusted without evidence, so the accused person will be guilty if he does not defend himself".[88]

When Szczerbic speaks of the order of inheritance of property by disabled persons, or more precisely, of the prohibition of inheritance under the feudal law for people who were born that way, he distinguishes between the law of God and common law. According to the former, the acting rules for the right to inherit for these people are wrongful:

> This appears to contradict the law (natural law, according to which everyone, even if incapable, should be able to inherit; for it is older and more important than the written rules because it appeared with the human race, and the written rules were introduced only when cities and governments began to emerge. Besides, we should inherit according to the common law) which says that we should not add burdens to those who are in trouble

[86] See И. Эльфонд, "Леонардо Бруни, этика гражданского гуманизма и греческое наследие", *Известия Саратовского университета. История. Международные отношения*, 16, 2016, no. 6, pp. 225–231.

[87] P. Kuszewicz, *Prawa chełmieńskiego poprawionego*…, pp. 1, 3.

[88] P. Szczerbic, *Speculum Saxonum albo prawo saskie i majdeburskie*…, p. 11.

> already. Thus, this text should be interpreted in a way that it is forbidden for incapacitated persons to spend and dispose of their inherited property, rather than in a sense that they are deprived of inheritance at all.[89]

In the sixteenth century, provisions of urban law did not openly discredit people with birth defects. Moreover, they provided for the assignment of curators (guardians) so that the disabled persons could manage their inherited property:

> As for the deaf, dumb, little people, children with no arms or legs, and who was born with such [defects] and that would be found at birth, they shall not be deprived of their inheritance, in accordance with the law, because the suffering of the unfortunate person should not be added. *Afflictio non est addenda afflict* [You should not add more harm to the affected person]. However, [such disabled persons] must have a curator who would manage their property and give advice, take good care of them, and consider all their needs. If someone is dumb or deaf, they should be treated with a good attitude, and a guardian or a curator [to these people] shall be appointed by the judge. He must be a relative close by birth. And if did not have such prospective guardians, the government should provide [them] with a curator, even if they did not ask for it […].[90]

Here, we can see the influence of humanism ideas on the formation of legal ideas of the townspeople. It is obvious that the above-mentioned rule of law manifestly contradicted with the previous perception of bodily defects of people, because in the Middle Ages it was believed that everything, including disabilities, came from God: "And the Lord said unto him, Who hath made man's mouth? Or who make dumb, or deaf, or seeing, or dark, whether it be I, the Lord?" (Ex. 4:11). The physical defect was seen as the sin of a person or the family, and the injury of the body was considered an expression of the injury of the soul.

In Christian culture, the soul and the body were connected. The medieval imagination was characterised by dualism; most phenomena were treated in terms of a pair of antagonists: Heaven was opposed to the Earth, God – to the devil, the body – to the soul. In fact, "the contrast of matter and spirit, body and soul, also contained the antithesis of top and bottom".[91] The body was considered as an external factor (*foris*),

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[89] Ibid., p. 116.

[90] B. Groicki, *Obrona sierot i wdów*…, p. 239.

[91] А. Гуревич, *Избранные произведения. Средневековый мир*, Санкт-Петербург, 2007, p. 74.

and the soul was internal (*intus*). They were perceived as symbols and signs intertwined. "A healthy soul would not be able to embrace a sick body: according to Gregory the Great, a person with an ugly body was unable to assume the priesthood".[92]

Such medieval ideas, however, gradually receded and gave way to the trends of the Renaissance and humanism. In the era of humanism, the idea of the relationship between soul and body transformed. At the same time, the idea of the corporeal changed, too. Thus, the attitude to the disabled persons transformed, as well as to diseases. The causes of diseases were no longer seen as God's punishment.

The emergence of disease, according to intellectuals of the time, was influenced not only by human sins, but also by the external environment, including the stars. For example, a physician from Gdańsk, probably Severin Goebel, in his treatise *Diaeta oder Speissbuchlein* (The Diet, or Book of Food), written in the mid-sixteenth century, noted that some organs and parts of the human body were governed by individual stars. In particular, the spleen is influenced by Saturn and the Scorpio constellation. Similar views were expressed by other intellectuals of the humanism era who admitted that astral influences determined a person's health condition.[93] From the sixteenth century sources, Maria Bogucka noted, we can see that the impact of the outside world was not referred only to the complications after childbirth, ophthalmological or mental illnesses.[94]

Thus, the disease had to be treated. Furthermore, the way to healing was seen not only in prayers but also in medicine. Universities have trained future doctors of medicine since the thirteenth century. The need for qualified and certified physicians was growing; they enjoyed considerable respect in society, and the position of city doctor was established in the cities to which well-known specialists were separately invited. For example, in Lviv in 1497: "for public needs, Dr. Sigismund was admitted to the position of a city doctor, for one year during the Lent, and the councilors promised to give him 10 kopas of grosz".[95] In 1529, Stanisław Mozancz, a certified physician, became a member of the Lviv City Council for the first time.[96] In 1550 in Lviv, "a 'glorious Spaniard'

[92] Ж.-К. Шмітт, *Сенс жесту на середньовічному Заході*, Харків, 2002, p. 201.

[93] M. Bogucka, "Illness and Death in a Maritime City: Gdańsk in the Seventeenth Century", in: ead., *Człowiek i świat. Studia z dziejów kultury i mentalności XV–XVIII w.*, Warszawa, 2008, pp. 397–398.

[94] Ibid., p. 396.

[95] Д. Зубрицький, *Хроніка міста Львова…*, p. 107.

[96] Ibid., p. 138.

[*egregious Hispanus*] was admitted as a doctor of medicine, who was given 5 Polish zloty per quarter and given housing above the city's weight".[97] And there are many such examples. In Lviv, at the beginning of the seventeenth century, the mayor of the council was a famous humanist and doctor of medicine, Erasmus Sixtus,[98] author of a treatise about thermal waters in Shklo (*De thermis in pago Sklo*) and several other treatises.

The changed attitudes to marginal people can be associated with the change of perceptions on the correlation between a soul and a body. However, people with disabilities, unlike the beggars, according to the new ideas, including Luther's concept, could rely on support from authorities or families.[99] They were not considered affected by God's curse and thus deserved social condemnation.

The medieval doctrine of charity and treatment of the poor underwent changes in the sixteenth century. Martin Luther spoke against tolerating the beggars. In a sense, this can be seen as a return to the foundations of the Christian worldview: "He who does not want to work, he shall not eat!" – as written in the second epistle of the Apostle Paul to the Thessalonians. However, Martin Luther believed that local authorities should establish a system of care for the disabled persons. Jean Calvin also spoke out against the beggars. He considered it unnecessary to help them in any way, whether they could help themselves or not.[100]

According to these ideas, Groicki wrote:

> Since towns suffer a lot from beggars, even under good governance, because the beggars approve of theft and other crime, a statute on beggars is attributed at the end of this part that states that beggars in cities and towns and villages should probably be counted and marked with the sign of the parish priest or the council. And those who stay without a mark should be given to the elders and sent for castle works. As to those who are unable to work, city authorities can give them arbitrary letters with which [they] could go begging elsewhere even without the mark.[101]

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[97] Ibid., p. 157.

[98] Л. Шевченко, "Еразм Сикст (Мриголод)", http://www.medievist.org.ua/2012/12/Sixtus.html [Accessed: 20 Feb. 2019].

[99] M. Miles, "Martin Luther and Childhood Disability in 16th Century Germany: What did he write? What did he say?', *Journal of Religion, Disability & Health*, 5, 2001, no. 4, pp. 5–36, https://www.independentliving.org/docs7/miles2005b.html#poor [Accessed: 20 Nov. 2023].

[100] A. Karpiński, "Opieka społeczna nad dziećmi i młodzieżą w miastach Rzeczypospolitej w XVI–XVII wieku", *Kwartalnik Historyczny*, 109, 2002, no. 3, p. 23.

[101] B. Groicki, *Porządek sądów*…, p. 62.

Demands for such actions against beggars have been repeatedly voiced in the Sejm and in accordance with these requirements, the practices were available in different cities and towns.

This legal provision was partly repeated in various alternations of the *Willküren* of different crown cities. For example, Olsztyn from 13 April 1597, which provides that beggars and vagrants were to be marked with a special city stamp. Those who did not wear it had no right to beg or receive alms on holidays. And if someone dared to violate it and still collected alms without the city stamp or the special permission from the mayor, they should be punished according to the guidelines of the local ordinance.[102]

The townspeople tried to control at least some part of this stratum of the city margins. Therefore, to distinguish them from the rest of the beggars, they were given special stamps. These were often plaques, such as in Kraków or Warsaw (in 1585, 1597 and 1651), as Andrzej Karpiński noted. He writes that they were either plaques or linen stripes.[103] Such marks were given to beggars in Lviv, as well. We can find the records in the financial books of the city: in 1592, for example, the city paid for the production of tin signs – 2 silver coins (grosh) to the craftsman David Kleppneshev; and in 1592, the city treasury paid 3 zlotys for 300 signs for the poor.[104] This designation of beggars and their division into separate categories allowed to introduce a different attitude towards them, in accordance with the new moral norms that penetrated the society.

The penetration of Protestant ethics into the urban environment and the change in attitudes toward poverty and beggars can be partially found in the then urban wills and testament. For example, the Lviv townsman Bartłomiej Krakowczyk included it in the will of 1649. He instructed to spend 120 zlotys for his funeral, so that everything would go as it should for a worthy Christian; his wife was to transfer 200 zlotys to the church of St Anna, and to the monasteries of the Bernardines, the Carmelites, the Dominicans, the Augustinians – 100 zlotys each. Krakowczyk also devised that 100 zlotys be transferred to the Brotherhood of Corpus Cristi. However, the brothers at the church had to create a fund from which it would be possible to borrow money without interest rates to poor people of decent origin.[105]

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[102] *Wilkierze miasta Olsztyna 1568–1696*, ed. D. Bogdan, Olsztyn, 2017, p. 109.

[103] A. Karpiński, *Pauperes. O mieszkańcach Warszawy XVI i XVII wieku*, Warszawa, 1983, p. 222.

[104] CSHAL, f. 52, op. 2, spr. 714, fols 389, 486.

[105] Ibid., spr. 342, fols 22–23.

According to Protestants, true charity creates opportunity for people they are deprived of rather than randomly satisfying temporary needs. It was a doctrine of rational care.[106] Furthermore, the new ideas changed the attitude of the representatives of different professions. In particular, the attitude to the executioner occupation changed. Regardless of how unworthy the executioner's work was considered, the city needed it because court rulings had to be enforced. Regarding symbolic thinking and rituals that enveloped public life, one could speak of a "theatre of law", and the executioner was one of the leading actors therein. Therefore, for society and the authorities, his work had a real practical value but also certain symbolic significance… The objective of executing a criminal was not to intimidate. It was necessary to strengthen and support the law-abiding population in their support with the law (and the state). The staging was intended for them.[107]

Understanding and analysing society's need for the executioner's job, Bartłomiej Groicki described the executioner among other city officials and tried to explain the importance of this profession:

> An executioner is a person who executes a justified sentence against criminals, although he bears a name all people hate because his role seems insignificant, obscene, cruel, and bloody. However, in his own way, [the executioner] sins neither before his own conscience, nor before the world, nor before God, who is the beginning of all justice. For what he does, [he does] for the sake of justice, rather than of his own free will, and in general, according to St Paul he is a servant of God, a servant of righteousness, and his role is much needed. For there would be no punishment to a thief, an adulterer, a robber, a murderer, or other criminal, under the written law, if there were no one to enforce this law against them.
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> *Frustra enim leges feruntur, si desint, qui administrant et exequantur* [Laws are useless when there is no one to abide and enforce]. Therefore, in view of this need, the executioner is and should be under the protection of the king and other dignitaries, so that no one would harm him for such (as mentioned above) execution of his power.
>
> His power is there to execute criminals with different punishments and different deaths, according to their guilt types. These proposed punishments are chosen to judge criminals according to the law, so that evil does not proliferate in the world, so that others, looking at their

[106] J.T. Maciuszko, "Miłosierdzie w rozumieniu historycznego protestantyzmu", *Charitas. Miłosierdzie i opieka społeczna w ideologii, normach postępowania i praktyce społeczności wyznaniowych w Rzeczypospolitej XVI–XVIII wieku*, ed. U. Augustyniak, A. Karpiński, Warszawa, 1999, pp. 56–57.

[107] В. Шільд, "Право. Новий час"…, pp. 593–594.

> punishment, had fear […] But if the executioners, their assistants, the city servants suffer great hatred and disgrace from the people, it shall not and cannot entail the exercise of their power but it shall only be targeted at those who do not perform their duties well; not with love of neighbour, not with pity, not with mercy, for which they could have human friendship, because criminals shall be treated no differently than some beasts, they shall be beaten, dragged mercilessly, tortured excessively, injuring, and it shall be treated as honour to commit tyranny against man, who is also a creature of God, only to indulge his lust and greed, and not reason or justice.
>
> In view of his government, the executioner does not sin before the world or before God.[108]

Groicki relied on the fact that at the turn of the thirteenth century Pope Innocent III (1198–1216) declared that an executioner does not commit a mortal sin if he obeys the judgment of the court and embodies the highest dimension of justice, although to the extent that his actions are not guided by hatred, but adhere to the letter of the law.[109] This was fully in line with the ideas of humanism, when the supremacy of the public good was emphasised. Groicki, to justify the executioner's craft, nevertheless condemned the excessive cruelty that the "masters of justice" sometimes indulged in.

Luther also justified the need to change attitudes toward the craft of executioner: "You also ask whether guards, executioners, lawyers, attorneys, and other rabble can be Christians and find the peace of God for their soul? Answer: If power and the sword are for God's service, as explained above, then all this must also be God's service necessary for power to use the sword. They must be the ones who will seek, accuse, torture and kill the wicked, protect and forgive the good, be responsible for them and save them. But this is true only when they are not guided by selfish interests but rather help the law and power, through which they apply force to the wicked. In this case, all this is not dangerous for them and can be performed like any other craft, and they can live on it. Because, as they say, love of neighbour does not concern yourself; it does not look at how big or small your deeds are, but at how useful and necessary they are for your neighbours and society".[110] This statement also shows the thesis of the supremacy of the public good.

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[108] B. Groicki, *Porządek sądów*…, pp. 57–58.

[109] D. Wojtucki, "Miejski i regimentowy kat na Śląsku i Górnych Łużycach w XVI–XVIII wieku", *Kwartalnik Historii Kultury Materialnej*, 62, 2014, no. 3, p. 403.

[110] M. Лютер, "О светской власти"…, p. 145.

The penetration of the ideas of humanism was gradual and quite long. Science became a value. Wealthy burghers sent their children to study at universities. Gradually, due to the system of privileges in the Polish Kingdom, the status of university graduates, especially with a doctorate, grew. The burghers understood that education gave access to a few preferences, including the possibility of nobilitation.[111]

In such a situation, there was a growing interest in education, knowledge, and books. Oxford historian and theologian Alister McGrath defined three main ways of penetration of the ideas of humanism into society: "The first is through the exchange of persons between northern Europe and Renaissance Italy. Thus, northern European students might study at Italian universities before returning to assume influential teaching positions in northern universities. The second was through the extensive foreign correspondence of the Italian humanists, the full extent of which is only gradually becoming apparent through cataloguing. The third was through the dissemination of manuscripts, and particularly through printed books".[112] All this can be referred to as the territory of the Polish Commonwealth.

The most famous example of a burgher from the Ruthenian lands of the Crown who studied in Italy and then lectured in Poland is Yuriy (Jerzy) Kotermak (Georgius Drohobicz de Russia), who studied medicine and liberal arts at the University of Bologna, then served as professor and rector at the University of Bologna, and then a professor at the Kraków Academy.[113] His teaching activity was aimed at spreading the ideas of Renaissance humanism. Among the patricians of the towns in the Ruthenian lands of the Crown, especially Lviv, many studied abroad, including at Italian universities, e.g., Erazm Sykst and Marcin Kampian. Sykst, who obtained a doctorate in medicine at the University of Padua, later became a professor of medicine at the Zamoyski Academy.[114] Both Sykst and Kampian had works of Renaissance literature in their libraries. Paweł Boym, Michał Boym, Benedykt Wilczek, Józef Marcin Kraus, Stanisław Michał Barcz, Andrzej Szymaniewicz,

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[111] See A. Bartoszewicz, *Piśmienność mieszczańska w późnośredniowiecznej Polsce*, Warszawa, 2012, pp. 62–64.

[112] A.E. McGrath, *The Intellectual Origins of the European Reformation*, 2nd edn: Malden (MA), 2004, p. 39.

[113] See about him: Я.Д. Ісаевич, "Юрій з Дрогобича (Культурні зв'язки України з Заходом і Сходом у XV ст.)", *Український історичний журнал*, 4, 1960, pp. 80–86.

[114] S. Gąsiorowski, M. Kapral, "Sykst Erazm (ok. 1570–1635)", *Polski słownik biograficzny*, 46, 2009, no. 2, pp. 207–210.

etc. studied in Padua.[115] Rajmund Krtan studied in Naples, and there are many such examples.[116]

Book trading in the Commonwealth cities has a long history. In Lviv, it goes back to the fifteenth century. The first record of a bookseller, Peter of Lubeck, is noted in the sources here in 1477. The regular book trade in the city began only in the sixteenth century. Lviv merchants specialising in it had contacts with various cities, including Kraków and Poznań. One was Piotr Poznańczyk, whose posthumous inventory indicates that he sold books on multiple subjects. At the same time, Hanush Bricker also sold books in Lviv. After he died in 1573, the inventory included about 230 items and more than a thousand volumes.[117] Such trade in the city was quite profitable.[118] Polish historian Kazimierz Piekarski, researching the circulation of books in Poland in the fifteenth and sixteenth centuries, noted that their first consumers were clergymen, and among secular persons – those were the burghers; not surprisingly, therefore, that the book trade became quite significant in a short period.[119]

In the sixteenth – first half of the seventeenth century, wealthy burghers had extensive collections of books (they were collected by several generations in families and inherited). We can say this not only about the wealthy burghers but also about ordinary ones. For example, in the will of Pelageya Lukyanova, the widow of a Lviv burgher, in 1628, was instructed to give the books of her deceased husband to their two sons.[120] This is just one example among many in burghers' wills. However, it should be kept in mind that buying books was also a good way of investment, rather than education alone.

There was a variety of titles in the burghers' private book collections. For example, the library of Lviv councillor Marcin Kampian had several hundred books, in particular, works by ancient authors, medical treatises, historical texts, including Jan Długosz's Chronicles,[121] legal

[115] A. Przeździecki, *O Polakach w Bolonii i Padwie*, Warszawa, 1853; S. Windakiewich, *Materiały do historii Polaków w Padwie*, Kraków, 1891; W. Łoziński, *Patrycyat i mieszczaństwo lwowskie w XVI i XVII wieku*, Lwów, 1902.

[116] Б. Петришак, "Дещо про життя, побут та умови навчання львівських студентів за кордоном у XVII ст.", *Архіви України*, 6, 2012, pp. 123–136.

[117] A. Jędrzejowska, *Książka polska we Lwowie w XVI wieku*, Lwów, 1928 (Biblioteka Lwowska, vol. 27), pp. 50, 52, 56.

[118] On the book trade in Warsaw in the sixteenth and seventeenth centuries see A. Sołtan, "Handel książką i czytelnictwo mieszczańskie w Warszawie w XVI i pierwszej połowie XVII w.", *Almanach Muzealny*, 2, 1999, pp. 37–84.

[119] K. Piekarski, *Książka w Polsce XV i XVI wieku*, Kraków, 1931, p. 29.

[120] CSHAL, f. 52, op. 2, spr. 340, fol. 111.

[121] Ibid., spr. 676, fol. 26.

literature (including the *Corpus juris civilis*[122]), and treatises of town law. It also had a copy of the Speculum Saxonum. However, it is not known whether it was an authentic work by Eike von Repkow or a translation of the Saxon Mirror by a Polish lawyer of the sixteenth century.[123]

The library of the Alembek family, which Hans Alembek began to collect, is an example of how the book collections of famous burghers of Lviv grew. The inventory of his property of 1588 includes 93 books. His son Jan Alembek already had 183 titles in 1636,[124] while Walerian Alembek, Jan's son, in 1676, had as many as 1,413 books.[125]

According to Liudmyla Shevchenko, while in Lviv:

> […] In the sixteenth century, about 1,250 volumes were registered in about 30 inventories; then, in the seventeenth century, there were almost 6,000 of them in about 90 lists of books. This indicates that the number of book collections by burghers had tripled, and the number of books had quadrupled. These were not all the books but only those that were submitted for entry in the town records. It should be remembered that books were often framed in two or more pieces together (the so-called convolute), so a 10–15% error should be considered.[126]

There was a wide variety of literature in the burghers' private libraries in Lviv; many had books on law, including civil, criminal, canonical, Roman, land and town laws. Among all this variety, eight inventories included works by Jan Tucholczyk, three – by Jan Kirstein Cerasinus, eight – by Paweł Szcherbicz, and five – by Bartłomiej Groicki.[127] Skoczek noted the significant influence of the printed word on the development of Lviv's intellectual culture in the sixteenth and seventeenth centuries.[128] It can be added that the spread of legal literature, to some extent, also influenced the development of legal ideas of the burghers.

In other cities, it was similar. For example, in Lublin, in 34 registers of bourgeois libraries compiled in the middle of the seventeenth century,

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[122] Ibid., fol. 27.

[123] Ibid., fol. 24.

[124] О. Осіпян, "'Topographia Civitatis Leopolitanae' Іоганна Алембека початку XVII ст. як джерело з історії Львова: коґнітивна рамка, наративні стратегії", *Український історичний журнал*, 2010, no. 4, p. 197.

[125] Л. Шевченко, "Західноєвропейська книга у Львові в XVI–XVII ст. (до постановки питання)", http://www.medievist.org.ua/2014/08/xvi-xvii_29.html [Accessed: 26 July 2023].

[126] Ibid.

[127] J. Skoczek, *Lwowskie inwentarze biblioteczne w epoce Renensansu. Inventaria librorum Leopolitana aetatis Renescentium litterarum*, Lwów, 1939, p. 54.

[128] Ibid., p. 99.

there were many books on law – more than a hundred titles in fourteen inventories. Groicki's *Order of Courts* was found in seven of them, and Jan Tucholczyk's *Farrago actionum civilium juris Magdeburgensis* was contained in six. There were also works by Paweł Szczerbicz and Mikołaj Jasker, as well as by Jodocus (de) Damhouder *Praxis rerum criminalium* and *Praxis rerum civilium*, which were actively used by Groicki.[129]

City councils also compiled book collections. The library of the Lviv City Council probably had at least four copies of the *Speculum Saxonum* interpreted by Mikołaj Jasker,[130] Bartłomiej Groicki,[131] Paweł Szczerbic,[132] and the unidentified author. There were also Crown statutes and privileges collected by Jan Herburt (1570). According to Edward Rużycki's calculations, there were probably 32 printed books in this city book collection, most of them of legal content, including a collection of Sejm constitutions. Groicki's texts were also available in the Bar Town Hall library.[133]

The literature collected in the magistrates' libraries was often used for the practical needs of the city. Along with the interest in the book, the legal consciousness and legal culture of the burghers were growing.

Martin Luther understood the importance of the printed word very well; he noted that book printing "was the greatest act of God's grace, thanks to which the work of the Gospel was able to move forward". That is why he actively used the benefits of the printed word to spread his ideas.[134]

* * *

We can trace the influence of the ideas of humanism and the Reformation on pages of legal codes of the sixteenth century. There were changes in the doctrine of charity, in the notions of good and evil, "honest

[129] E. Torój, *Inwentarze księgozbiorów mieszczan lubelskich z lat 1591–1678*, Lublin, 1997, pp. 10, 23–25.

[130] M. Jaskier, *Iuris provincialis quod Speculum Saxonum vulgo nuncupator libri tres oraz Iuris municipalism Maideburgensis liber vulgo Weichbild i Promptuarium Iuris provincialis*, Cracoviae, 1535.

[131] B. Groicki, *Artykuły prawa magdeburskiego, które zowię Speculum Saxonum*, Kraków, 1558, 1559, 1560, 1565.

[132] P. Szczerbic, *Speculum Saxonum. Ius Municipale*, Lwów, 1581.

[133] Central State Historical Archives of Ukraine in Kiev, f. 1387, op. 1. spr. 3, fol. 475. See also: ibid., f. 237, op. 1, spr. 73, fol. 84v.

[134] See 'К. Лук'янець, "'На цьому я стою і не можу інакше, хай допоможе мені Бог!' (М. Лютер): до 500-річчя початку Реформації в Європі", http://www.nbuv.gov.ua/node/3859 [Accessed: 26 July 2023].

and dishonest" professions, crimes and punishment, marriage, children, human age, language, the law as such, etc. The very fact of an attempt to systematise the town law in a language understood by the majority of the population is evidence of the penetration of the ideas of humanism into the lawyers' environment. The concept of the need for the new law was reflected in the poetry and literature of the time, for example, in the writings by Jan Dzwonowski or Mikołaj Rej.[135]

However, medieval ideas still influenced the treatises by Groicki, Szczerbic, and Kuszewicz. This symbiosis of tradition and innovation, the ideas of the Middle Ages and early modern era, was a distinctive feature of town law codes of the late sixteenth and early seventeenth centuries. This goes in line with the idea expressed by John Monfasani that the Renaissance can be considered as the concluding phase of the Middle Ages: "Viewing the Renaissance as the concluding phase of the Middle Ages does not deprive the Renaissance of its own rich complexity as a period. Rather, the Middle Ages that culminate in the Renaissance gives a fresh impulse to reconceptualizing the Middle Ages and allows us to escape the dead-end of an 'early modern period' that was not modern at all, or, at least, no more modern than the Middle Ages".[136]

The lawyers of the sixteenth century well understood the eclectic nature of current town law and its partially local nature. In the legal consciousness of lawyers, it was not so much German law as a local one. In fact, it was a symbiosis of various legal postulates rooted in the German, Polish customary, canonical, and Roman laws.

The popularity of legal literature in the burghers' environment in the sixteenth and seventeenth centuries testifies to the development and growth of the legal consciousness of townspeople. Thus, as the ideas of humanism and the Reformation spread in society, they also influenced the understanding and interpretation of law. The law had to be clear and understandable. The public good and justice were at the foundation of everything, and only insofar as the law embodied these principles could it be effective in society. Decisions had to be made following the rules of written law, and nothing could contradict the rule. The law was to be understood, as was the punishment for the crime, and therefore, it was to be written in the plain (vernacular) language. Under the same

[135] *Statut Jana Dzwonowskiego to iest Artykuły prawne, jako sądzić łotry i kuglarze jawne*, n.p., 1611; M. Rej, "Żywot człowieka poczciwego. Fragmenty", https://literat.ug.edu.pl/zywot/index.htm [Accessed: 20 Nov. 2023].

[136] J. Monfasani, "The Renaissance as the Concluding Phase of the Middle Ages", in: id., *Renaissance Humanism, from the Middle Ages to Modern Times*, Burlington, 2015, p. 185.

circumstances, everyone should be equal before the law. The dissemination of these ideas was also associated with the spread of legal literature. On the other hand, the spread of these ideas increased the need for legal literature, which was available in many libraries at the time, not only in institutional but also in private book collections.

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Tetiana Hoshko

The influence of Renaissance humanism on the legal ideas of townspeople in the Ruthenian lands of Crown Poland between the fifteenth and the first half of the seventeenth century (Summary)

The article explores one of the aspects of the formation of the burghers' legal consciousness in the Ruthenian lands of the Polish Crown, namely the impact of Renaissance humanism. Between the fifteenth and the first half of the seventeenth century, it influenced the legal ideas of educated strata in the Kingdom of Poland, including educated burghers in its Ruthenian part. The works of Italian humanists, collections of German town and land laws, their adapted translations and interpretations (by Mikołaj Jaskier, Bartłomiej Groicki, Paweł Szczerbic, and Paweł Kuszewicz) that were popular in cities and towns in the Ruthenian lands of the Crown, royal privileges to towns, municipal books of Lviv, property inventories, and other sources were used for tracing this influence. The result of the process was a number of relatively new ideas reflected in legal treatises of this time as well as in poetry: about the clarity and comprehensibility of law for ordinary people, the need to use the vernacular in legal texts, the significance of public good and justice, the unconditional supremacy of law, the equality before the law under the same circumstance, etc. The article also touches on the influence of certain ideas of the Reformation on the legal consciousness of the townspeople. The dissemination of the ideas of Renaissance humanism and Reformation was associated with the spread of legal literature, which was available in many libraries at the time, not only in institutional but also in private book collections.

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