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Editor:
PhDr. Tomáš Klokner, PhD.

Reviewers:
doc. PhDr. Andrea Čajková, PhD.
doc. JUDr. PhDr. Tomáš Peráček, PhD.

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Content

Introduction

The present proceedings are an initiative of the Department of Legal History, Janko Jesensky Faculty of Law, Danubius University. Members of this department thought of joining together with other colleagues from related fields of study for a long time in order to prepare a publication bringing new information and trends in present research on issues of historical and legal nature. Given the current state of interdisciplinary research, we have not limited the scope of scientific problems only to historical or legal problems, but we have included also philological aspects. This intention reflects the title of proceedings Miscellanea historico-philologico-iuridica, into which contributed historians, lawyers, legal historians, sociologists and classical philologists.

The proceedings contains colorful mosaic of topics from ancient (Ethical and legal aspects of nature conservation in classical antiquity), Modern Age (Probes into minutes from the manorial of the Red Stone Castle estate in the 18th century or the contribution of John Szegedi, a professor at Trnava university, to Hungarian law), but also recent legal history (Comparative Tradition in German Colonial Law. A Case of Legal Measures Against Indian in the South Africa). Legal science is represented in the form of a contribution with contents on the rights of pregnant employees in Slovakia.

The study on the translation of Roman-legal terms from Latin into Slovak language based on Justinian Digests, for a change, describes the problems and pitfalls of classical philologists. Without their work even the basic sources of Roman law could not be translated. Historical issues or more precisely the history of personalities is covered by contributions on Miloslav Okál, the first Slovak university professor of classical philology. Next contribution brings new information on correspondence among the families of the Králiks, Gerhats and Fridecz. In addition, the Proceedings also provides information on the emergence and development of mediation in some foreign countries, on the circumstances of the arrival of the Roma in Slovakia and on some important milestones in the history of the so-called Visegrad Four.

As you can see, the content of the proceedings is quite rich, and I believe also enlightening in many ways, too. I hope, everybody will find something interesting for him there, eventually it will enrich his mental world and fulfill the well-known words of the Roman formula … quod bonum faustum felix fortunatum sit … May the outcome be good, propitious, lucky and successful.

Tomáš Klokner

Rights of pregnant women as specified in current Slovak legislation

doc. JUDr. Ivan Podhorec, PhD.
Faculty of Law of Janko Jesenský,
Danubius University, Richterova 1171,
925 21 Sládkovičovo, Slovakia.
ivan.podhorec@vsdanubius.sk

Abstract: The issue of pregnant, breastfeeding women, mothers, employees is still a topical issue. In addition, in our legislation, we have the legal regulation of the designated entities of the law regulated not only in Art. 38 of the Constitution of the Slovak Republic, but also in the Labour Code as well as in other social legislation. The purpose of this article is to clarify not just the current legal regulation but to ascertain whether current legislation, de lege lata is sufficient or if it is necessary to supplement it.

UDC Classification: 34

Key words: Pregnant Employee, Labor Code, Labor Law, Directive 1992/85/EEC on the Protection of Mothers

Introduction

The protection of pregnant employees is an immanent part of the Labour Code being based mainly on the meaning of the introductory articles of the Labour Code (Article 6), which define elementary pillars of not only Labour Code, but also of Labour law as a part of law system itself. If we should start with a historical excurse into the development of the legal protection of the pregnant employees, we would have started with the implementation of the 8-hour working time.

In the Act No. 91/1918 Sb. on eight-hour working time, a special protection upon all women has been cast, although not even the first Czechoslovak constitution from 1920 contained any provisions on special protection of women, because there were no gender benefits applicable. The Act No. 221/1924 Sb. on the retirement, invalidity and sickness insurance of the employees, contained duties of the health insurance company to provide help to women not only during delivery, but also in their motherhood by paying a cash benefit as well as breastfeeding contribution in the amount the half of the sick pay. With

the meaning of the Act no. 154/1934 Sb. on private employees, the termination prohibition for the case of impediment caused by childbirth has been implemented. The aforementioned protection rendered by the state however, has not concerned the employees of all professions, but was undoubtedly a step forward in the development of working conditions of women.

In 1948 the constitution containing guaranteed rights regarding protection of women, such as maternity leave, paid breastfeeding breaks, accompanying one´s child to the nursery or kindergarten, prohibition of working overtimes and night shifts, transfers to different positions, which however have been applicable only on some workplaces, has been adopted. (Vitásek, 1972)

In the constitution of Czechoslovak Socialistic Republic, in the Act no. 100/1960 Sb. there was a special legal regulation on working conditions of women, special work treatment during pregnancy and motherhood, which strived to ensure equal positions of women in the family and at work. This regulation has been crucial for the latter regulations regarding special protection of working conditions of pregnant women and mothers. The important stage in the development of working conditions was the adoption of the Act no. 58/1964 Sb., on the increase of the care for pregnant women and mothers that has brought significant changes. The maternity leave has been prolonged to 22 weeks and after this has elapsed, there was a guarantee of further possible leave until the child has reached 1 year of age. If two or more children have been born at once, the cash benefit was rendered for up to 35 weeks, in case of single mothers for up to 26 weeks since the original start of the maternity leave. The duty to provide paid breastfeeding breaks, to respect the needs of the pregnant women and mothers when assigning the shifts as well as to alter the working time upon request or the duty to prohibit instant employment termination of the pregnant employee or a mother of a child younger than three years has been established.

In special cases, the employment could have been terminated via notice, as in case of organizational changes, severe violation of work discipline by the employee and legitimate unconditional imprisonment sentence for more than one year. In 1966 a Labour Code no. 65/1965 Sb. as amended has become valid and entered into force. This Labour Code introduced a complex conception of the individual kinds of a special protection for pregnant women and mothers. The provisions covering special working conditions of pregnant women and mothers have eventually concerned all the women. The special protection has been provided to women starting from the commencement of their employment until its termination. The Labour Code contained prohibitions of some kinds of works, regulation of the working time, maternity leave

conditions, breastfeeding breaks conditions, information on benefits regarding the usage of a recreation leave, conditions of the transfer to different working position, prohibition of business trips and outplacement, prohibition of the instant termination of employment and restrictions of giving notice by the organization. (Vitásek, 1972)

As for the current legislation—meaning the Labour Code no. 311/2001 Z.z., we find it necessary to properly define the term: pregnant employee, which is currently defined as an employee who has informed the employer about her pregnancy in writing and has proven this fact by presenting the medical confirmation hereabout. In order to be considered pregnant in compliance with the Labour Code, it is necessary that both of the aforementioned conditions are fulfilled cumulatively, which means that if an employee has failed to inform the employer in writing or has not presented the medical confirmation (in local conditions usually called: "pregnancy booklet"), it is legally not possible to consider such an employee pregnant, although she has informed the employer orally or shows signs that might indicate that she is pregnant. In connection to the European legislation it is necessary to unify the terms pregnant woman and pregnant employee. As a part of the general "prevention" duty of the employer towards the pregnant employee, the employer is bound to provide pregnant women with conditions protecting their biological status in connection with their pregnancy. This prevention duty is stated directly in the Article no. 6 of the Labour Code and it is therefore possible to witness a sincere interest of the employer to protect pregnant employees as a group of a relatively privileged employees. As for the European and international scope of this topic, Slovak republic is bound by multiple conventions and directives of the European Union. These are for example: International Labour Organization Conventions, mainly the Convention no. 3 of 1919 on the employment of women before and after childbirth, no. 103 of 1952 on protection of motherhood and no. 183 of 2000 on the protection of motherhood as well as European Union law that Slovak republic had to implement in the national law system (e.g. Council directive 92/85/EEC of October 19th 1992 on the implementation of measures to support the improvement of health and safety at work of the pregnant employees and employee short after childbirth or breastfeeding employees—tenth individual directive with the meaning of the Article 16 (1) directive 89/391/EEC; special issue Ú.v. EÚ, kap. 5/zv. 2; Ú.v. ES L 348, 28.11.1992). It is also necessary to state that the Labour Code provides protection to the pregnant women even before the commencement of the employment in so called pre-contractual relationships, when it is explicitly prohibited for the employer to ask the job applicant to provide in § 41 Article 6 letter a) of the Labour Code exhaustively listed information, while one of these

information is the information on the pregnancy. If the employer would have violated this prohibition, he would have risked potential sanctions by the Labour Inspectorate, because of having violated the equal treatment rule and therefore the prohibition of the discrimination. Here, it is necessary to point out the existing case law of the Court of Justice that says that the employer must not ask the pregnant applicant about the pregnancy, even in case of so called prohibited works. This means that according to the existing case law of the Court of Justice, the woman has no duty to announce pregnancy, even if the employer wants to engage her in works that are prohibited for pregnant women. "*The employer must therefore not ask the applicant about pregnancy, not even if he would want to employ her for work that is prohibited for pregnant women."* (Barancová, 2018)

In case of the employment of women, it is necessary to provide increased protection by means of special working conditions. (Galvas, 2005)

The definition of special working conditions for women is not contained in our current Labour Code. However, we might find this definition in some technical publications. According to Bělina, special working conditions for women could be characterized as *"a set of women´s rights, or legal recommendations for employers and state bodies that strives to enable women to work in conditions that do not threaten their health or their practising of other social functions, mainly motherhood."* (Galvas, 2005)

The prohibition of certain kinds of works. The pregnant employee must not perform works that are prohibited to be performed by pregnant women or that according to the medical report threaten her pregnancy. Neither is she allowed to perform such works that are physically tough and are harmful for her body. The list of works that are prohibited for pregnant women as well as for women after delivery is regulated by the regulation of the government of the Slovak republic no. 272/2004 Z.z., that defines the list of works and workplaces that are prohibited for pregnant women, mothers until the end of the 9th month after delivery and to breastfeeding women, the list of works and workplaces connected with the specific risk presented for pregnant women, mothers until the end of the 9th month after delivery and to breastfeeding women and which also defines certain duties for the employer when employing such women. It is also necessary to emphasize that the prohibition to perform certain works does not only cover works stated in the quoted Government regulation, but also works stated in potential medical report. In connection to the above, it is necessary to recommend that the employer sends the employee to be medically checked by the company doctor, so that this doctor assesses the kind of the work performed by the employee, the

description of her job, work factors and work environment in order to find out, if any of the work activities may threaten the pregnancy of the employee. The medical report has to be issued by the doctor that has been appointed with the meaning of the Act. 355/2007 Z.z. on protection, support and development of public health and on the changes and amendments of some acts as amended and has to contain all the conditions according to the quoted Act. If the pregnant employee working night shifts is concerned, the employer has a duty to safeguard that she undergoes the examination of the ability to work night shifts, whereas this duty is to be fulfilled, if the pregnant woman, mother until the end of the 9th month after delivery or a breastfeeding women request to do so. If the pregnant employee is performing works that do endanger her pregnancy, harm her body or are with the meaning of the aforementioned list prohibited, is the employer bound to temporarily modify working conditions of the employee, so that any harmful factors of the work are eliminated. As it is not always possible to modify the working conditions and if this modification is not feasible, the employer will temporarily transfer the pregnant employee to other fitting position, where she will earn the same salary. If no temporary transfer within the same kind of work is feasible (meaning the kind that is stated in employee´s employment contract), the employer will transfer the pregnant employee to the position of different kind, after having it consulted with her. It may also happen that the transfer to different fitting position is not possible, because the employer has no such position available or the pregnant employee does not agree with the transfer to other kind of work, or the transfer to day shift is not possible (if the employee was working night shifts originally). In such case, the Labour Code orders the employer to put the employee on a paid leave, reimbursing the wage in the amount of average salary. The working time. In connection with the working time, the employer has a right to unevenly plan the working time of the pregnant employee, only after this has been agreed with this employee in advance. The employer, who plans the individual shifts of employees has a duty to respect the needs of pregnant women. If a pregnant employee will request shorter working time or other fitting modification of weekly working time, the employer is bound to comply with the request, if, of course, there are no serious operational reasons hindering this. In parallel, we also want to stress that the employer can only order working overtimes, if such employee does agree to it and the on-call duty has to be agreed with the employee herself. Coming back to the aforementioned night work, it is necessary to say that if the pregnant employee will ask the employer to transfer her from the night shift to the day one, the employer is bound to fulfil this request. The termination of the employment. In connection to the

pregnancy of the employee, it is quite significant to know about the termination of the employment.

The employer is not allowed to terminate the employee by termination notice, as the pregnant employee is **under protection** (so called **protection period**). The instant termination of the employment is also legally not acceptable, however for the case of the instant termination of the employment there are certain exceptions for the employer that enable him to terminate the employment via termination notice, if the legal conditions are fulfilled (§ 68 par. 3 of the Labour Code). These exceptions more or less reflect the interest of the employer not to be bound to employ an employee committing severe violation of the work discipline, even if such employee (pregnant employee) is under aforementioned protection from the termination of the employment. The employer can terminate the employment of the pregnant employee in following cases: (i) if such employee has been legally sentenced for an intentional crime or (ii) there was a severe violation of the work discipline witnessed. The employer may terminate the employment of the pregnant employee in following cases: If the pregnant employee is in a probation period, whereas the employment may be terminated exclusively **in writing** and has be **appropriately reasoned**, while these reasons must not be connected with the pregnancy or motherhood. It is also possible to terminate the employment with the pregnant employee, if there is a mutual agreement of the parties to contract (§ 60 Labour Code). In connection to the above topic and its legal terminology, it is necessary to state, as already mentioned by the author Barancová in her paper, that current Slovak legislation is terminologically not unified. There is no unity neither in the Labour Code, nor is there terminological compliance with European Union law. The problem of our Labour Code is that it doesn´t use unified legal terminology. In § 40 LC it anchors the term "breastfeeding employee", in § 170 LC there is a term "breastfeeding mother" and in § 72 there is term "breastfeeding woman" used. The usage of the term "breastfeeding mother" has been overcome by the current case law of the EU Court of Justice, which has, in compliance with the directive 1992/85/EEC on the protection of mothers spread the legal protection to the "bottle feeding" meaning that except for the above, the protection has been spread also to the provision of the feeding breaks, which can be provided to not only husbands of the employees, but also to men, whose women have a legal status of a self-employed person. (Barancová, 2018)

Conclusion

The connection between the work and pregnancy is nowadays a relatively significant topic that concerns not only pregnant women themselves, but also their employers, who are often not aware of the duties and prohibitions (restrictions) that come hand in hand with the employment of the pregnant employee. The Labour Code also proclaims the idea of the protection of privileged groups of employees, to which pregnant women definitely belong. Here, the employer should take into account all the rights and duties that might / have to be in place towards the pregnant employee. We should also mention and agree with the legal opinion of the author Barancová Helena that it is necessary to regulate and unify the legal terminology concerning pregnant woman, employee in the § 40 par. 6 of the Labour Code, so that it is in compliance with the purpose of the directive no. 1992/85/EEC on protection of mothers.

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Legal regulations and economic theory regarding tuiton fees for university studies in the Slovak Republic

doc. JUDr. Rastislav Funta, PhD.
Faculty of Law of Janko Jesenský,
Danubius University, Richterova 1171,
925 21 Sládkovičovo, Slovakia.
rastislav.funta@vsdanubius.sk

prof. Ing. Peter Plavčan, PhD.
Faculty of Law of Janko Jesenský,
Danubius University, Richterova 1171,
925 21 Sládkovičovo, Slovakia.
peter.plavcan@vsdanubius.sk

Abstract: In the article, basics of the topic regarding tuition fees for university studies in the Slovak Republic are being addresses from the perspective of the economic theory and legal regulations valid in the Slovak Republic. For assessing tuition fees for university studies within a period of two decades after the year 1990, legal and economic views of individual players in higher education. An overview of changes in provisions in higher education in Slovakia concerning tuition fees for higher education is included. Being a part of an economic overview, higher education is characterized from the perspective of the theory of goods.

UDC Classification: 338.2

Key words: legal regulation, tuition fees, public, mixed and private goods

Introduction

As an economic category, tuition fee is one of the most discussed topics not only in the education economics, but as a social and a political topic not only in Slovakia, but also in individual countries in Europe and the world in general. Experts from different fields of science as well as citizens of individual countries discuss this topic very frequently. Every year, particularly in time of applying for admission to university, it is at the centre of attention as a topical social issue.

The topic of tuition fees for higher education concerns every person regardless of the fact whether he or she lives in a developed or a developing country. Higher education of a person undoubtedly has a positive economic, social, as well as cultural impact promoting the development of a personality. With regard to its timeliness, it is necessary to discuss the economic nature of tuition fees, how is their usefulness perceived from the perspective of society and from the perspective of an individual Together with the thesis on the private nature of the application of learning outcomes, there exist antitheses on social nature of the beneficial effect of education and also argumentation on common beneficial effect of higher education both for an individual and society. The research problem is the search for the argumentation on the tuition fees' nature from the perspective of the theory of goods under legal and economic circumstances of the Slovak Republic.

Social importance and a requirement for higher education

In the current period of the growth of the European and world economy, the main topic in higher education is the assurance of the provision of higher education, and hence the efficiency of investing funds into higher education.

Funds invested into education are traditionally understood as expenses of a society which are, by means of allocation, invested into the spiritual sphere of education from the resources made in manufacturing. From the point of view of economics, these financial resources spent for education appear as consumption. However, such an economic viewpoint expresses merely the aspect of the production of resources for education. In the complex assessment of education, it is necessary to evaluate the education as undoubtedly the most important part of creating the labour force qualification. By obtaining the education, basic requirements for performing skilled and with the rising level of education also more complicated work are being formed.

One of the most important tasks in society is to ensure not only simple, but also extended reproduction of the qualified labour force. In case of simple reproduction of the qualified labour force, the government has to ensure training for the experts substituting natural reduction on the labour market due to retirement, death or transition from the national to the international labour market or from one profession to the other etc. Extended reproduction of the qualified labour force ensures higher number of the qualified labour force for the sectors of economy which have been improving more intensively, or for the anticipated growth of the number of qualified labour force in industries which did not exist in the economy but prospectively started to be built to a greater extent. In Slovakia, it concerns the automotive industry

in the past period in which, after 20 years, we ranked among the leading producers per capita.

Study at a university creates important preconditions for an individual to prove successful in social praxis. It is a contribution for society in terms of increasing the educational level of population, in potentially performing more sophisticated—that means more difficult—work by individuals, and subsequent growth of the labour productivity. Individual's education contributes to the growth of cultural and social impact on families and other social groups. It results in universal cultural, social and economic welfare of an individual, as well as the whole society.

In increasing labour productivity, higher education has its significance both in the manufacturing and the non-productive industry. In market economy, education and learning become more important as the common interest not only of society, but also of individuals. Nowadays, the level of the obtained education is a decisive criterion for getting appropriate employment and employment status in manufacturing, as well as non-productive sphere.

Social requirement for higher education can be defined as follows:

» from the perspective of a state as a general interest of a state for developing knowledge-based and generally cultural wealth and for improving the level of education in selected regions and fields of study, as well as other priorities resulting from programming documents of education policy approved by different public authorities,

» from the perspective of an individual as means of fulfilling his or hers personal ambitions and aspirations in the personal and working life.

From a different point of view and as a whole, interest of an individual or a citizen of a country represents a cumulative defining of a social requirement. Candidates for study and their parents—taxpayers present their needs which reflect certain proportions in the field of demand for educational activities provided by individual universities not only with regard to the field of study, but also to the content of a study programme and substantially to the form of study that way.

Both ways of defining the social requirement, both from the perspective of a state and an individual, cannot be assessed and implemented separately. For example candidates' one-sided preference of interest for study leads to a reduction of the number of students in some technical fields and fields of natural science. Given their demanding nature, there is no adequate interest in them.

Today's prospering economy requires not only ensuring simple reproduction of the qualified labour force for some manufacturing industries, but also extended reproduction of the qualified labour force for, for example, growing automotive industry or accompanying services.

In this context, we point out that increasing the level of education (especially higher education) of an individual is an important prerequisite for increasing personal income. As taxpayers (contributing to the revenue side of the state budget), all residents are equally involved in paying for training without distinction between the attained level of education. This is perceived as an argument for introducing tuition fees, but it is important to realize that higher education does not affect the person who attained it only, but indirectly also the society as a whole, e.g. from the higher income higher duties and taxes are paid to the state budget. In assessing the economic impact of tuition fees on individuals and society, it can be stated that market-based principles which take their usefulness into consideration do not fully function in the Slovak Republic yet. In Slovakia, tuition fees for external study in social sciences, e.g. in the field of study—the law, is substantially lower than e.g. in natural sciences, but the income of law graduates is higher.

For the reasons given above, it is necessary to strictly differentiate costs to society for education from the individual personal costs for education.

Costs to society for education are understood in the broad and the narrow sense. In the narrow sense, it concerns costs for study. In the broad sense, it concerns costs for study which necessarily include civil and administrative costs (e.g. government administration, national defence etc.) not covered by a student during his or her study. Similarly, the state also bears all costs for material and social benefits of students, including costs for study of those who did not finish their studies. In the broader sense, these costs cover individual expenses of individuals and their families for education as well. It is desired to perceive the costs to society for education as an interest of a state for the development of the level of knowledge and the culture of population and as an interest of an individual for creating prospective conditions for getting higher income in the future.

Theoretical excursus on the theory of goods in the context of higher education

Expenditures for merit goods have been stereotypically (and incorrectly) understood by the society usually as social expenditures (consumption) which are invested into spiritual cultural sphere from the resources created in material production by means of social reallocation.

In fact, spending on merit goods does not generate an economic result—a profit that could be measured by financial or material effects (products). Activity in the field of education results in the service which is beneficial to the society. This benefit is shown indirectly or trough an intermediary. A healthier, more cultural and educated population brings more effects to the economy and society as a whole, labour productivity subsequently increases. Another reason for underestimating these goods is that activities carried out in these human development sectors (education and training, health care, social security, but also, for example, the preservation of cultural monuments and others) do not have a market price determined by their usefulness, but mostly by costs (e.g. social services) and are considered to be useful, but without proper social esteem. Also in education, in which market principles begin to apply, the price for the provided services does not correspond to the benefits of it after graduation.

This widespread opinion on the exemption of the mentioned services from charges is incorrect because in this case, the formula the price = tax applies. In the past period of the centrally planned economy, the provision of these services to the population was virtually fully implemented by the state and financed from funds received from tax payments and redistributed through the state budget. Thus, in terms of their virtually almost full public funding, these services were categorized as public goods although these services were neither consumed automatically nor by all members of the society.

Currently, there are multiple payments for educational services and other accompanying services related to education applied in higher education. In addition to various fees for administrative acts (e.g. issuing certificates, etc.), the most important payments for educational services are tuition fees at private universities, tuition fees at public higher education institutions for exceeding the standard length of study, tuition fees for further study at the same level of study, and tuition fees for study in a foreign language.

Higher education as a service needs to be considered in terms of both the economic theory and practice as a category of common goods. Their use is partially optional and consumption is divisible. Higher education has to be perceived as a service for which price can be determined. Even in today's conditions, this price is determined by the cost for the previous period; when funds are allocated to higher education in the state budget, the methodology determines the cost of higher education in individual fields and degrees of study. As funds tend to grow and the number of students decreases, the price of this service increases per unit of performance (i.e. per student). Some authors state that even in sub-markets under market economy conditions it

is possible to determine their market price and afterwards apply their multi-source financing from the resources of all entities that benefit from them. This concerns resources of not only the state, but also business entities and an individual. (Benčo, 1998).

Such perception of social services is indirectly demonstrated in their financing in a society and is permanently insufficient. Spending funds on the social field in the broader sense as on a field of human development is often considered as ineffective and unsystematic by the public. Besides other reasons it is like that because the efficiency of using such expenditures can be quantified only with difficulties, indirectly and only after the expiration of a certain period.

The resources for satisfying the social optimum of diversified needs of the population can be ensured through free market regulation, which, however, requires maximum reduction of state interference, i.e. in particular, the absence of public goods, monopolies and externalities, or perfect competitive conditions and full awareness. In developed economies, the state is responsible for reducing the imperfections of the market mechanism, because the private market is no table to produce the socially optimal volume of public goods that is still needed in these developed economies. Currently, the development of the market economy in the Slovak Republic does not allow ensuring sufficient resources for financing the education at all levels of the national education system neither through free market regulation, nor through state budget funds by financing public goods. The current trend is to extend the influence of states and the European Union even on areas where it would have been unthinkable twenty years ago, e.g. in the financial and banking sectors.

When categorizing services as public, shared and private goods, we monitor their basic characteristics, namely accessibility for different categories of citizens, collective use and indivisibility. Establishing the limits of availability and collective use of educational services is practically a political decision, which is carried out by means of relevant legal provisions during the compulsory school attendance. This is known as the social optimum of meeting educational needs which currently stands for ten years; this education has a nature of public goods. Part of the education beyond the social optimum of education (at the pre-primary, primary, secondary and tertiary levels of the national education system in private schools and other paid study) has the nature of private goods and education can be therefore classified into the category of common goods.

The benefit to those who obtained the education is that it has the nature of private goods. Education allows the person who obtained it to perform more

sophisticated, that means more complicated work, and to produce products and services at a qualitatively higher level than with lower education and to increase the value of them under more favourable conditions on the market. Despite the above, education at all levels of the national education system is funded predominantly from public resources.

The role of fees vs students' expectations and demands

One may expect that an increase in costs of education would result in demands for more teaching. The opposite is true, since there has been no change in students' demands for the amount of teaching. Many students were seen to be motivated to study by the prospect of getting a well-paid job. Students want a more vocational education, in order to get skills which would enhance job prospects. For example, by law students, they select modules which would make them more attractive to employers. On the other hand, there is a number of students for which it is simply sufficient to have a degree to enter the labour market. A concern of lecturers might be a poor attendance since once may believe that this is a consequence of part-time working of many students. This is forcing the lecturers to accommodate the attitude of teaching to new trends and needs. Since many students go to university for career reasons and part-time (or even full-time) working is increasingly common among students, they are willing to undertake independent study and expect less instruction and guidance from teaching staff.

Conclusion

In the article, we tried to formulate the basic theoretical principles of the transformation of higher education financing under the conditions of transition of the Slovak society to market economy. During the period after the year 1990, significant changes occurred in the Slovak economy and society—in the area of higher education funding, resources were diversified. The funding which was initially almost exclusively public has changed to multi-source funding from public sources and business activity. A specific feature of public higher education in the Slovak Republic is that funds from business activities are obtained mainly from tuition fees and fees from students and minimally from other business activities in the field of provision of other services, e.g. training and other activities of a similar nature for the public and private sectors, business activities in research, project creation, and the like. In this context, a thesis on the nature of higher education as a common good in the conditions of the Slovak Republic was confirmed as opposed to the state of this

understanding at the beginning of the 1990s. Several arguments have been given to confirm this. In the argumentation, we took no account of the issue of financing private and public universities in the Slovak Republic, as far as these have their own particularities. We also did not take account of funding science and of specific issues related to military and police higher education.

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The contribution of Ján Szegedi, a professor at Trnava University, to Hungarian law [1]

Doc. Mgr. Erika Juríková, PhD.
University of Trnava,
Hornopotočná 23, 918 43 Trnava, Slovakia.
erika.jurikova@truni.sk

Abstract: This text, based on heuristic research, reveals the personality of the Hungarian lawyer and Professor of canonical law at the historical Trnava University, Ján Szegedi. The author of the paper searches for answers to questions about the significance of Szegedi's pedagogical practice at Trnava University. The paper also clarifies how Szegedi's work influenced the development of legal thinking within the area which is occupied by the present day Slovakia. The article particularly deals with his work, Tripartitum, and offers readers an interpretation and introduces this historical legal text to a present-day audience through the translation of a selected chapter.

UDC Classification: 340.15

Key words: Kingdom of Hungary, history of law, Trnava University (1635—1777), Ján Szegedi, Tripartitum

Introduction

Many important figures entered the history of Hungarian law during 17th and 18th centuries. Nonetheless, their contributions and influence have not yet been completely researched with regard to all the available sources. Most of these sources are still waiting to be evaluated in terms of their influence on the legal history over the area of the present day Slovakia (formerly the Upper Hungarian Kingdom). One of the possible reasons that this research has not yet been carried out might be the language barrier. Most of the legal documents published in the Kingdom of Hungary until the first half of 19th century were written in Latin. Latin was the official language of the Kingdom of Hungary until 1848. However, Latin as a subject for study at university receives a very little interest from present-day students despite the fact that Slovak archives contain a substantial amount of materials that could be studied by several generations of Latin scholars.

1 The present study was undertaken as a part of the project Neglected Context. Occasional genres in Slovak literature in the 16th—18th centuries (APVV-17-0161) funded by the Slovak Research and Development Agency (APVV).

Trnava University (1635—1777)

Trnava University (1635—1777) became an important source of legal theoreticians and historians in the Hungarian Kingdom during the 18th century. It was founded by Cardinal Peter Pázmany who entrusted its governance to the Community of Jesus. Today, no one doubts that Trnava University has made a significant contribution to the history of Slovakia. It was the first university style educational institution with a long history, which raised both the scientific and cultural awareness not only in the Kingdom of Hungary, but also through the whole of Central Europe. The University press increased its significance and issued papers that demonstrated its scientific maturity and earned a good reputation for the institution. The existence of this school in Trnava (Tyrnavia, Nagy-Szombath) proved to be an important milestone in research and the use of a scientific approach in many ways. The available space and equipment enabled the scientific community formed within the university circles to follow up on research performed at other prestigious European universities and contribute to it, particularly from the 1720's onwards (Juríková, Škoviera, 2015).

One of the primary reasons for the establishment of the university was the recatholization of the Kingdom of Hungary, therefore it is not surprising that the majority of the published works were religious and theological texts. Non-religious professional publications were mainly represented by the philosophical works of the ancient classics, medieval and authors active at the time as well as other forms of professional literature.

The Faculty of Law at Trnava University

The Faculty of Law was founded in 1667 as the third faculty after the Philosophy and Theology faculties. The length of study was two years and students received lectures on canonical, Roman, domestic Hungarian, substantive and procedural law. The curriculum was amended several times and reformed, mainly during the reign of Maria Theresa. An increase in interest in the monitoring and government of education demonstrated the new views and tendencies of the monarchy. The intentions of the reform were realised and controlled through the Commission of Studies established in the Kingdom of Hungary in 1765. The result of its work was the reformation of Trnava University in 1769, which completed the changes started in 1753. Each faculty was assigned articles that defined and determined its activities. They also supplemented curriculum with subjects such as natural law, political and cameral science and thus affected the Faculty of Law. These interventions included in

the resolution, Norma studiorum, meant that the university came under government control. The opening of the Faculty of Law was the first successful, and more importantly, permanent step that ensured the provision of a legal education within the Kingdom of Hungary. This type of professional institution had long been absent in the country, as everyday municipal and regional practices did not require the individuals working in this field to have a Law degree. Having some practical experience acquired during legal practice was considered to be a sufficient qualification. However, the social and political situation called for qualified professionals prepared to work in offices and churches as well as governmental institutions (Juríková, Poriezová, 2015).

The professors within the Faculty of Law significantly contributed to the development of legal sciences within our territory during the 17th and 18th centuries and helped to transform the university into a spectacular scientific institution. Legal works published by the University Press were one of the most prestigious in the specific field. This is evidenced by the fact, that these publications were placed in various European libraries where they are still to be found, even today. Legal publications published in Trnava during 17th and 18th centuries include handbooks of Roman, Hungarian, and canonical law as well as collections of laws that were issued for the entire Kingdom of Hungary, commentaries on legal regulations as well as reference books of both procedural and practical law, which were cherished at the university. The publication of legal literature was to large extent in the hands of domestic authors. Almost half of them were Jesuits, who gave lectures at the university or dealt with the law, for example, Vavrinec Tapolčáni (Laurentius Tapolcsányi), František Fóriš-Otrokóči (Fóris-Otrokóczi), Martin Svätojánsky (Szentiványi) or Ján Szegedi (Szegedy). This group is comprised of practitioners, who were active at the time who lectured along with practicing lawyers and judges, such as Pavol Klosz (Laclavíková, Švecová, 2017).

Ján Szegedi, the Jesuit

One of the most active legal theoreticians and historians of the time who worked at the historical Trnava University was a professor of canonical law and member of The Community of Jesus, Ján Szegedi. At the beginning of April 2019 it was three-hundred and twenty years since his birth. Szegedi came from Acsad (in the present-day Hungary), where he was born into an old aristocratic family and joined The Community of Jesus as a sixteen-year old. He studied at university of Vienna and Trnava where he stayed on as lecturer and Professor of Philosophy. For the next thirty years he worked at various institutions for clerks in Trnava: he taught theology at Graz (Štajerský

Hradec), he became the rector of a house in Cluj (Kluž), where his achieved the legitimisation of the order. He also worked as an administrator in Győr (Ráb), as the Dean of the Faculty of Laws, later the Faculty of Philosophy in Trnava and as a Professor of Church Law. Later, he became the headmaster of the Pazmaneum in Vienna and in Buda the administrator of educational institutions and even the Chief Curator of the Hungarian army. In addition he was also appointed as an Associate Judge of a governing ecclesiastical court. Towards the end of his life he returned to Trnava to become the Headmaster of a Clergy Seminary and also worked as a judge at the ecclesiastical court in Osztrihom (Ostrihom). He died in Trnava during the cholera epidemic of 1760.

Szegedi as a Professor of Law

Although Ján Szegedi was a Professor of canonical law and is considered to be an important author of legal literature, his name is primarily connected with works that are concerned with practical domestic Hungarian law and collections of laws. His handbooks on religion and natural law functioned as important study materials. A modern edition of the Collection of Hungarian laws, Corpus Iuris Hungarici, which was issued between 1742 and 1751 in Trnava, is considered to be Szegedi's most significant work even if he is not credited as an author. He added registers, important notes, commentaries and what is more, he divided the articles of the laws into paragraphs to ensure the better orientation of the reader. He paid special attention to the oldest Hungarian royal decrees including the Golden Bull by King Andrew II and analysed them in terms of the law.

Many consider Szegedi to be one of the first Hungarian legal historians, even if the study of the history of law did not exist at that time. He is also the author of works based on archival research or collections of laws with elaborate annotations, which laid the base for later research. His handbooks, with their practical didactic orientation and collection of laws significantly developed legal didactics and are of great importance. Szegedi also worked as a legal practitioner and provided an overview of the valid legislation and regulations, because many lawyers of that time had a tendency to become lost in the confusing number of laws, many of which were out-dated.

Tripartitum Juris Ungarici Tyrocinium

His most well-known work was the three-volume publication, Tripartitum Juris Ungarici Tyrocinium [An Introduction to Hungarian law, Tripartism] which was published in 1734 and subsequently re-issued four times. Twice

in Trnava and twice in Zagreb. The book comprehensively addresses the domestic legal system in accordance with the Tripartitum by Werbőczy and deals with domestic law. It defines which are out-dated and which are valid regulations, refers to the Novum Tripartitum and the jurisdiction of German, Roman and church law. It also points out that should there be no Hungarian legal reference then the above mentioned legal standards are to be applied in the Kingdom of Hungary.

At the beginning of this ground-breaking work, Szegedi placed a theoretical discussion on capabilities of Hungarian law, not only the legal regulations but also including legal traditions. He inter alia mentioned the timeliness of his work and thus gives us the reasons he decided to write it. Another, equally important reason was the desire to clarify the Hungarian legal system to aid those who would study it.

At the beginning of his work Szegedi writes: "This opusculum is certainly not of great importance. Apart from the fact, that even perfect men read introductions into the sciences they teach or compile themselves or which are compiled by others, not without Minerva being aware of such a thing. We shall then gladly offer the benefits of our toil to the youths who are studying laws, for whom physical shortages do not allow them to buy all the volumes of our laws or for who confusion and multiple contradictions makes it impossible for them to correctly understand the issues. In particular, we shall omit the laws which are currently not in use and we have tried to include all the laws we covered in lectures in accordance with modern legal practice."

Other works by Szegedi

Other works by Szegedi that were published in Trnava include Rubricae sive synopses titulorum, capitum et articulorum universi juris Ungarici I—III [Columns or Reviews of Headings, Chapters and Articles of the Entire Hungarian Law] (Trnava 1734), where he systematizes the titles of the Hungarian articles of law and explains them on the basis of Roman law.

Manuale jurisperitorum Ungariae (A Handbook for Hungarian Lawyers; Győr 1749) or Bipartita cynosura universi juris Ungarici. (A Collection of General Hungarian Law on Items, Deeds and Individuals; Cluj 1749) may also be included into the group of practical legal handbooks. Opusculum de hierarchia ecclesiastica et de primatu S. Petri (A Few Words on the Church Hierarchy and the Supremacy of St. Peter the Apostle; Eger 1756) deals with legal subsidiarity.

Nonetheless, Ján Szegedi was not only the author of professional papers, he also proved to be an inventive writer of fiction, like many other Jesuit authors.

He was also credited with the authorship of the celebrated work, Respublica recte ordinata in Hungaria tripartita panegyrica oratione celebrata (Trnava 1738) in which he promotes and shows appreciation for the Hungarian state and legal system. Szegedi is also the author of decrees and biographies of the Hungarian kings who ruled Transylvania Decreta et vitae regum Hungariae, qui Transilvaniam possederunt (Cluj 1744).

Conclusion

Based on the above it can be said, that Ján Szegedi as a person was a legal theoretician as well as a practitioner of the law, a legal historian who also dealt with didactics. His pedagogical influence contributed to the improvement of the study of law and other legal disciplines at Trnava University. As a legal practitioner he also clarified the practical dimension of the law for his students. He provided a greater degree of clarity in this collection of Hungarian laws by dividing the Tripartitum into paragraphs, which strongly influenced the teaching and learning of legal regulations. He greatly honoured the Hungarian legal system, as he expressed in the celebrated work he dedicated to it. Nonetheless, Szegedi's influence on the further development of legal thinking in the present day Slovakia has not yet been adequately assessed and most legal, historical or encyclopaedic works devote very little space to him.

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Ecclesiastical law and legal philosophy in Juraj Sigismund Lakić's work

Mgr. Katarína Karabová, PhD.
University of Trnava,
Hornopotočná 23,
918 43 Trnava, Slovakia.
katarina.karabova@truni.sk

Abstract: The school of natural law is perceived as a theory of an ideal state, yet independent of the state, arising from the very core of a man, his reason and nature. The beginnings of such thinking can be found in ancient times in the works of Socrates and Plato. Later, the ideas of the natural school were adopted by Thomas Aquinas, who regarded natural law as a kind of God's law. In the modern age, ideas of natural law were developed by Grotius, Spinoza, John Locke, Immanuel Kant, Christian Thomasius, Gustav Radbruch and others. Development of law in the territory of today's Slovakia was influenced mainly by Austrian law, in particular, the Austrian branch of natural school represented by Christian Wolff and Karl Anton von Martini. In the environment of the historical Trnava University (1635—1777), the theory of natural school was presented mainly by Juraj Sigismund Lakić, who is also the author of an approved textbook of legal philosophy *Institutio elementorum iuris prudentiae* (Budae, 1778).

UDC Classification: 348.14

Key words: ecclesiastical law, legal philosophy, University of Trnava (1635—1777), legal thinking

Introduction

In the second half of the 17th century, specifically in 1667, the Faculty of Philosophy and Theology at the University of Trnava was joined by the Faculty of Law. Its establishment had been considered in the circles of Archbishops of the Esztergom Chapter for a long time, especially through Juraj Lippay and Imrich Lósy, while the supervision of the teaching of secular law was to be carried out by the Esztergom Chapter. Roman law, Hungarian civil law, Hungarian procedural law, and canon law were taught at the Faculty of Law, followed by Hungarian criminal law in 1686. The study lasted two years and during this two-year period the students were to study the complete system

of the subject. At the end of their studies, the students passed the final master's examinations on the basis of which they were awarded the degree. The Faculty of Law operated at the historical University of Trnava until 1777, when the university was relocated to Buda. In 1760, the ruler, Maria Theresa, ordered a change in the organization of the faculty as well as the study order. Ten years later, a new study order came into force, resulting in the nationalization of the whole university and the approach towards the University of Vienna. In the study of law, attention was also paid to legal terminology and practical application. In the same year, in 1770, Juraj Sigismund Lakić, who taught ecclesiastical law, law was elected professor of canon law in a secret ballot. However, his contribution is primarily perceived in connection with the dissemination of ideas of natural law school.

Professor of Law Juraj Sigismund Lakić

Juraj Sigismund Lakić was born in the Croatian town of Poljanec on 25 November 1739. During his studies at the grammar school in Köszeg and later at the University of Graz and Vienna, he was supported by Count Sigismund Batthyány. Thanks to his diligence and exceptional outlook, at the age of 31, he won his first professorship in Theresienstadt in Vienna. His undisputed qualities, not only in law, ensured him a job at the University of Innsbruck in 1769. In 1770, his life became connected with the historical University of Trnava. In 1770—1771 he held the position of Dean of the Faculty of Law and in 1773—1774 he worked as the Rector of the University. Furthermore, he was the first secular rector of this educational institution. Following the relocation of Trnava University to Buda based on the decision of the ruler Maria Theresa, Lakić also went to Buda. In 1784 he became the chairman of the school committee of the governor's council and in 1789 he worked as the director of the university printing house. The available literature says that in 1794 he was promoted to a noble state and awarded the Knight's Cross of the Order of Leopold. From 1797 he was a teacher of Archduke Joseph.

Juraj Sigismund Lakić focused mainly on ecclesiastical law and legal philosophy. He was a supporter of the natural law school as presented by the Viennese professor Karl Anton von Martini, who was the president of the judicial office and the chief director of judicial administration. This Austrian enlightener, legal theorist, and politician was involved in the legislative work that created the Enlightenment system in the Habsburg monarchy in the second half of the 18th century, and he Lakić so much that Lakić presented several of his

ideas in his own work. Lakić published his work in several places. He died on 8 January 1814 in Bratislava.

Before his death he devoted his library to the Royal Academy in Bratislava, which is today a part of the book collection of the University Library of Bratislava. Juraj Sigismund Lakić is the author of several works in the field of ecclesiastical law as well as works with elements of natural law school. In 1774 his work in the field of public law called *Iuris publici pars generalis* was published in Vienna. Viennae, 1774. *Praecognita iuris ecclesiastici* was published in Vienna a year later in 1775. It is dedicated to Jozef Urméni (1741—1825), a Hungarian county leader and dignitary and a lawyer, whom Maria Theresa entrusted with the work on the preparation of *Ratio educationis*. The work begins with 40 theses from the canon law. The work is divided into two parts: in the first part, the author focuses on the origin and development of canon law and its division; the second part addresses basic rules of ecclesiastical jurisdiction and interpretation of ecclesiastical law. The interpretation begins with the sentence: *"Non potest Ecclesia legibus carere."* (The Church cannot be without laws). The textbook *Institutio iuris ecclesiastici* was published in Buda in 1778 and was also used as a valid teaching text of legal philosophy in lectures of canonical law in Trnava Lyceum. A rather tiny work *Institutio elementorum iuris naturalis* was published similarly to the previous one in Buda in 1778 and became the only certified textbook of legal philosophy until the beginning of the 19th century. The publication has eight chapters in addition to the introduction, which explains why people need law, what natural law and natural right means. The actual interpretation begins later in chapters 4 to 7, where the author deals with obligations arising from promises and agreements. He discusses the types of contracts, issues of ownership, sales, purchase, donation and inheritance. In the eighth chapter, Lakić draws his attention to social law, understanding the term "society" as a group of people who are linked by a common goal. The goal—as he believes—should include common consciousness and single will that present a base for the law to which society as a whole is subject.

Institutiones iuris ecclesiastici I—III, which was published in individual volumes in Buda between 1779 and 1781, has a different character. It discusses a number of practical matters such as the clerics' privileges, celibacy, the clerics' clothes, the election and coronation of the Pope, the Cardinals' Corps, the Roman Curia. It also specifies the bishoprics and their functioning, closely describes the diocesan visitations (who, where, how often, which places were visited) and discusses in detail the ecclesiastical hierarchy. In 1783 Juraj Sigismund Lakić's lectures on canon law were published in Vienna under the

title *Praelectiones canonicae de legitima episcoporum instituendorum and destituendorum ratione attemporatae legibus atque usibus regnorum Germaniae and Hungariae*. He is also the author of the biography of the Russian leader Suwarov—*Vita comitis Suwarow Rymniskoy*, which was published in Vienna in 1799. *De haereditario succedendi iure ducum primum, deinde regnum Hungariae* dates back to 1809, and addresses the issue of succession law of Hungarian rulers and kings. He draws from the legal authorities of his time such as Stephan Verböczi, Ján Pelz, József Benczur, Adam František Kollár, Juraj Pray and others. Three years before his death in 1811, Juraj Sigismund Lakić publishes a critical review of this work in Vienna, and in the same year he also wrote *De potestate et iuribus status in bona ecclesiae and clericorum* on the powers and rights of the church and clerics.

Legal science before the beginning of the 19th century

Legal science before the beginning of the 19th century focused on commenting on the Hungarian customary law contained mainly in the *Tripartitum opus iuris consuetudinarii inclyti Regni Hungariae partiumque adnexarum* (popular works include e. g. works by I. Huszty: *Jurisprudentia practica seu commentarius novus in jus Hungaricum*. Trnava, 1766, *Disquisitio, qua origines feudorum et juris feudalis nonalias nisi Hunnicas esse probatur*. Leipzig, 1772). At the end of the 18th century the ideas of the natural-law school penetrated into Hungarian private law, mainly under the influence of the work by K. A. Martini (1726—1800) *De lege naturali positiones* (Vienna, 1767). At the beginning of the 19th century, the manuscript of natural law theory was reflected in the first major textbook on private law by E. Kelemen (*Institutiones Juris Privati Hungarici*, 4 volumes, Buda, Trattner, 1814). P. Szlemenics's *Elementa juris hungarici civilis privati I. II.* (Bratislava, 1819), I. Frank's *Specimen elaborandum institutionum juris civilis hungaric*i (Košice, 1820) and *Principia juris civilis hungarici I. II.* vol. (Pest,1828—29) and E. Georch's *Jus patrium... a quodam veterano juris professora donatum* I.–III. vol. (Bratislava, 1817) were published under the influence of another important representative of the natural school theory—Ch. Wolff (1679—1754). As far as legal development in Slovakia is concerned, since the beginning of the 19th century it was influenced by Austrian law and in particular by the Austrian branch of natural law school (Ch. Wolff, K. A. von Martini) and later also the Austrian Civil Code, which was temporarily valid throughout Hungary (1848—1860).

The school of natural law

The school of natural law is perceived as a theory of an ideal state, yet independent of the state, arising from the very core of a man, his reason and nature. The beginnings of such thinking can be found in ancient times in the works of Socrates and Plato. Later, the ideas of the natural school were adopted by Thomas Aquinas, who regarded natural law as a kind of God's law. In the modern age, ideas of natural law were developed by Grotius, Spinoza, John Locke, Immanuel Kant, Christian Thomasius, Gustav Radbruch and others. The ideas of the school of natural law were also represented by Christian Thomasius, a professor at the Faculty of Law in Halle since 1693, who in some way also influenced the philosophical views of the Hungarian scholar and propagator of science Matthias Bel. The opinions presented in Thomasius' works indicate that their author was a definite supporter of natural law theory. He did not recognize the rule of any authorities and emphasized freedom of thought and action in accordance with reason and conscience. Obviously, he took over the idea of religious tolerance from Spinoza and Lock. Development of law in the territory of today's Slovakia was influenced mainly by Austrian law, in particular, the Austrian branch of natural school represented by Christian Wolff and Karl Anton von Martini. The last of the two Austrian scholars had—as mentioned above—a great influence on Juraj Sigismund Lakić regarding the formation of his opinions in the field of natural law school.

Juraj Sigismund Lakić presents the ideas of natural school especially in his work *Institutio elementorum iuris naturali*s from 1778. He attempts to link natural law and Christian theology without pointing too much at possible confrontations, disagreements and contradictions. Natural law is based on the nature of every one of us. These are the entitlements that belong to every person, regardless of being conditioned to other facts. This right is eternal, non-removable, cannot be extinguished, nor can it be abolished and is acquired by birth. It is the right to life, the right to freedom etc.

Conclusion

The present study attempted to define a system of legal philosophy and the idea of natural law school in the work of the first secular rector of the historical Trnava University Juraj Sigismund Lakić. His work, not only from the University of Trnava printing press, reflects the ideas of natural law under the influence of the Austrian enlightener, legal theorist and politician Karl Anton von Martini. The fact that Lakić's textbook *Institutio elementorum iuris naturalis*, which was published in Buda in 1778, was the only validated

textbook on legal philosophy until the beginning of the 19th century, confirms our hypothesis of the qualities of this theoretician of law, whose ideas raised the level of legal thought and awareness in Slovak milieu.

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Notes on linguistic aspect of justinian digest—challenges and obstacles of legal text translation

Mgr. Nicol Sipekiová, PhD.
University of Trnava, Hornopotočná 23,
918 43 Trnava, Slovakia.
nicola.sipekiova@truni.sk

Abstract: The importance of Justinian Digest as a basic source of knowing the Roman law may be appreciated primarly from juridical and historical point of view. However, this compendium of Latin normative text is in the spotlight of classical philologists, too. The main goal of the author´s intention is to provide limited linguistic analysis of the Digest text and characterize the features of the Latin language used by Roman jurists of that time. The attention is drawn partially to the question of translating selected latin terms in lexical level, partially to the problem of incorrect using Latin conjunctives (*consecutio temporum*).

UDC Classification: 811.124

Key words: Roman Law, Digesta, Latin Language, Translation, Interpretation

Digesta—also known as *Pandectae*—represents a cornerstone of knowledge on Roman Law, the meaning of which is mostly perceived in terms of legal history. However, apart from Romanists, the text Digest also attracts attention of classic philologists—Latin users. The interesting aspect is not only the considerable amount of language material incorporated in it, but also a present evidence of still ongoing written legacy of Ancient civilization. Research on the Digest and the complex processing of the material, especially translation and interpretation of texts is a great challenge not only in terms of Roman Law, but also in the view of classical philology in its broadest context. Apart from languages used by their authors, Justinian Digest is only available in languages of several European countries such as Great Britain, France, Germany, Italy and Netherlands. Although the situation in this area had long been unchanged, the last two decades show a clear progress towards better, as Digest becomes available in other languages, too. The number of new translations such as Russian, Polish, Czech or Slovak rises gradually, even if not all mentioned examples comprise translations of the entire Digest collection. Some only cover selected parts.

A question on who is supposed to translate (not only) ancient scholar texts preserved in some classical languages arises during translation. Is it an expert on Roman Law with classical education and some knowledge on philology, or a classical philologist with some knowledge on Roman Law? Although there has certainly been a number of opinions concluded on the topic from various points of view, as well as a number of arguments *pro* and *contra,* it is probably neither possible nor necessary to answer this question unambiguously. It is not even the aim of this article. On the contrary, our experience over the time, stemming exclusively from multidisciplinary cooperation on the preparation of the Slovak translation of Digest, has ensured us, that the truth lies somewhere in between and in order to acquire an optimal result, a symbiotic cooperation of a classical philologist with an expert on Roman Law proved to be the best option.

Since the texts of Digest became the central feature of an intensive research and the object of various translation activities, endless number of scientific papers and articles have been written and published. They mainly concern cardinal legal questions as well as partial problems included in this broad collection. Sometimes even works concerning linguistic aspect of Digest can be found. Nevertheless, they do not always accentuate issues on terminology, but often examine and evaluate individual elements, style and textual forms of expression characteristic for language of Digest at various levels. Out of a limited number of analytic linguistic papers it is necessary to mention Wilhelm Kalb's work dated back to the end of the 19th century, which is probably the only of its kind. The book is Kalb's attempt to define legal Latin on the basis of Digest language. Immediately in the introduction, the author criticizes commonly spread opinion, according to which philologist incorrectly associate legal Latin with Latin of Late Antiquity. The author accentuates the need to correct this conviction. Kalb sees reasons for this phenomenon in the absence of an exhaustive philological research on Digest and therefore introduces his complex opinion on legal Latin and emphasises the necessity of its systematic description as an attempt to achieve desired improvement (Kalb, 1888). His description, however, involves not only vocabulary, but it also concerns morphological and syntactic aspect of the language with regard to the issue of interpolations which had been increasingly manifested at the end of the 19th century (Blaho—Vaňková, 2008).

However, each researcher must bear in mind all specific features typical for this monumental work, while analysing and researching linguistic aspects of Digest. Firstly, it is necessary to mention, that Digest is not a work of a single author, it is a set of works dated back to the 6th century including fragments

of various records of almost thirty Roman lawyers. Most of them lived and worked in first three centuries A.D. Nonetheless, Digest also comprises passages from much older works, i.e. works of "old lawyers", who belonged to the last decades of the Roman Republic (Blaho, 2010). If all the information is put into time context, it is obvious, that the period from the oldest excerpted authors of Augustus' reign—described as a golden age of Roman literature—to the latest legal authorities working in times of the emperor Severus Alexander, represents a span of almost three hundred years. Such period offers sufficiently large time span for the language to develop various and apparent changes at all levels (Novotný, 1955). Other spectacular criteria to be taken into account, not only in the formal, but also in contextual aspect, while evaluating Digest, is a number of later interferences into the texts, i.e. interpolations as a result of compiling works aiming at updating original lawyers' texts and adapt them for the needs of the current period.

Notes and abstracts mentioned in the following lines pertain to such lexical and grammatical phenomena in Latin, which captured our attention due to their "difficult" translation into Slovak language, or because their grammatical use does not fall within standards of classical Latin. Serious translation and linguistic work—especially concerning scholar texts—is not possible and imaginable without reliable literature on language as such. Nonetheless, making a scholar text in dead language accessible for Slovak language raises the issue of adequacy of available translation dictionaries and turns it into a much more pressing problem as in the case of translations from living languages. Latin dictionaries of domestic origin almost completely exclude legal terminology, or take it into account at minimum level, so should there be a difficult obstacle in translation, a classic philologist—translator must rely mostly on Latin dictionaries in foreign language or other additional literature. There were obvious attempts to compensate for such notable deficit of legal terminology in standard dictionaries and publications concerning explicitly legal vocabulary, which always provide practical support in precise terminological determination of legal terms. To be more specific, it is a scholar paper by K. Rebro *Latinské právnické výrazy a výroky (Latin Legal Terms and Statements)* or a concise *Latinsko-český slovníček římského práva (Latin-Czech Dictionary of Roman Law)* compiled by M. Skřejpek. To illustrate this example a word *ratihabitio* meaning "(additional) approval, confirmation" could be mentioned. Roman jurist Ulpian uses it in a single-word form as well as a two-word term, e.g. *ratihabitionem mandato comparant* (Ulp D 43,16,1,14); *rati enim habitio mandato comparatur* (Ulp D 46,3,12,4). It would be of no use to look up this word in standard dictionaries, as it is not a word occurring in basic vocabulary stock of classic Latin, but a term from later decadent period of Latin.

Nevertheless, sometimes not even the fact that a specific entry is included in a dictionary guarantees the correct interpretation of the text. Although the following term from Digest does not represent a scholar legal term, it clearly accentuates the necessity to understand realia as well as the fact, from which the term in question derivates: adjective *missilis, e* meaning "projectile, missile" or *missile* (pl. *missilia*), in substantive form, meaning a thrusting spear. However, it also has another meaning, due to certain similarity closely related to the first one. *Missilia* or *res missiles* do not only mean projectile (missile) weapons, but also mark items thrown to people in a crowd as presents and gifts (e.g. Gai D 41,1,9,7) in the name of an emperor (Finály, 2002).

Regarding occurrence of various forms of the same term in the original text and translation possibilities, an accusative prepositional phrase *in solidum,* the most frequently connected to verbs such as *adquirere* 'acquire', *possidere*, *tenere* 'owe, keep' is also very interesting. In Ulpian's fragment (Ulp D 41,1,23,3), under the tittle on acquisition of ownership of things we find the same phrase in the same sentence at the identical syntactic position but in two forms, with and without preposition. This term also occurs in a prepositional phrase in the list of Rebro's legal terms—out of context, without specification of origin of the term—followed by Slovak translation equivalents such as: entirely, completely, in the whole, on the whole (one is authorised as anyone else), jointly and severally (be bound) (Rebro, 1995). It is clear according to the above mentioned freer translations, that in prepositional phrase *in solidum* (probably in reference to *in solido* meaning 'certainly; safely') K. Rebro felt the function of the adverbial complement of manner to be stronger, contrary to the Czech translation, which in syntagma *in solidum appellare* (Kábrt, 1996), originating in the work of a historian Tacit, translates the above mentioned prepositional phrase as 'require the entire outstanding principal'.

A translator of Digest must tackle various grammatical peculiarities, anomalies or imprecisions even at syntactic level. Inharmonious use of verb voices and tenses in main and subordinate clauses (Kalb, 1888) cannot be disregarded either. Some lesson to be learned are offered in the next to the last, the 16th title of 50th book Digest named *De verborum significatione* (On Meaning of Words) within the range of 246 fragments dealing with definitions of individual legal terms as well as explanations, specifications, complementation of ambiguous, defective or other uncommon phenomena and meanings. While the use and interpretation of verb tenses in Digest is described in paragraph 123 of the above-mentioned title, the use of Latin conjunctives is not specified in any way. Even if the use of conjunctives in Latin follows the same strict standards, it is not possible to speak of an absolute stability and equability

in this area of Latin language. Rules on succession of verb tenses (*consecutio temporum*) pertaining to the use of conjunctives in Latin represent a standard for classic literature. However, such succession had not been of the same validity during all developmental stages of Latin language. There is a number of cases diverting from this standard and displaying paratactic independency of a conjunctive sentence or an independent, volitive use of conjunctive (Novotný, 1955). An arbitrary use of conjunctives became increasingly characteristic for late Latin. Sense of rules on succession of verb tenses had been gradually disappearing. As a consequence, conjunctive imperfect gave way to morphologically more expressive forms of plusquamperfect, alternatively conjunctive was substituted by indicative. There are numerous incorrect uses of conjunctives to be found at many authors even in Digest. To be more specific, in indirect questions, the above-mentioned anomalies are to be seen right next to perfect examples of correct implementations of conjunctives.

In conclusion and following Wilhelm Kalb's reproaching words uttered on the issue of legal Latin it must be said, that his reproaches still might sound timely and topical. The idea to make Digest accessible for professional as well as broader public, opens up not only opportunity, but also commitment to process and evaluate this ancient treasure of legal literature in the context of multidisciplinary research. Undoubtedly, legal text of such importance as Justinian Digesta will be the object of ongoing linguistic research.

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Stages of mediation formation in foreign countries

prof. JUDr. Stanislav Mráz, CSc.
University of Economics in Bratislava, Faculty of International Relations,
Dolnozemská cesta, 1/b, 852 35 Bratislava, Slovakia.
stanislav.mraz@euba.sk

JUDr. Liudmila Surma
University of Economics in Bratislava, Faculty of International Relations,
Dolnozemská cesta, 1/b, 852 35 Bratislava, Slovakia.
ludmila-sr@yandex.ru

Abstract: The prerequisites for the emergence of mediation and the three stages of formation of this institution are identified, namely the stage of mediation origin, then the first mention and application of mediation in the event of conflicts, and the final stage is the legislative regulation of the mediation procedure in resolving legal conflicts. Mediation in its modern sense began to develop in the second half of the XX century, and above all, in the countries of the Anglo—Saxon law—the USA, Australia, Great Britain. Then it gradually began to spread in Europe. The first attempts to apply mediation, as a rule, dealt with the resolution of family conflicts. Subsequently, mediation gained recognition in resolving a wide range of conflicts and disputes, ranging from local communities conflicts to complex multilateral conflicts in the commercial and public sphere.

UDC Classification: K15

Key words: mediation, mediation in its modern sense, mediation in foreign countries, mediation procedure, historical periods, Germany, Austria, China, USA, Belarus, mediation in modern world

Introduction

In certain historical epochs, various forms of conflict resolution existed, which provided a set of measures and solutions capable of settling the conflict temporarily or finally between the parties in a form acceptable to this particular historical society. Based on the analysis of the scientific literature on the problems of mediation and its development, it can be concluded that the formation of mediation proceeded in three stages.

The first stage of the formation of mediation is associated with the need to resolve emerging conflicts in tribes, communities and between them, and subsequently with the need to resolve conflicts between city-states. However, at that time the term "mediation" was not officially used. Instead, the term "interposition" was used. This stage can be considered a prehistory of mediation.

In ancient times reconciliation was a complicated and delicate procedure that required wisdom and great experience; therefore, in the past, starting from the Stone Age, respected and wise people (leaders, priests, aksakals, elders, confessors) acted as conciliators. The most developed procedure was in the regions with developed trade. Many historians find the roots of modern mediation at the Phoenicians whose main activity was maritime trade, as well as in ancient Babylon.

Apart from the specified countries, the ancient Jews had a similar practice of applying the mediation procedure; it was also known in Africa. In many African countries, the institution of popular assemblies still exists, where the conflict is resolved with a trusted and respected person (Meta—Pochmelkina, 2004).

In ancient China and Japan, mediation was the main tool for settling conflicts. In the People's Republic of China, mediation is still used today in the "People's Truth and Reconciliation Commissions".

In ancient Greece, conflicts between city-states were regulated through the mediation of third parties—other cities. Small Greek cities offered mediation services in conflicts between major city-states Athens and Sparta as well (Bessemer, 2004).

The second stage of the development of the institute of mediation falls on the Middle Ages and the Modern era, when there was an urgent need to put an end to long-lasting wars between states. This stage features the adoption of the first legal document in the field of mediation in human history—the "Act of Mediation" in 1803. It can be assumed that the development of mediation began from this moment.

In the modern period, the historical fact of mediation is known, in which Napoleon Bonaparte acted as a mediator in the conflict between Switzerland, Germany and France. In 1803, Napoleon issued the "Mediation Act" (or the "Act of Mediation"), granting Switzerland independence and restoring its former state structure.

The third stage is associated with the mass need for the development of mediation, its consolidation at the legislative level and its application in various fields of activity. This stage features the intensive development of mediation in the second half of the 20th century.

The best known is the use of intermediaries in conflicts in the strike struggle in the USA. Without a quick resolution of conflicts, there could be a threat of strikes, mass layoffs and the temporary closure of enterprises, and in the worst case, the economic crisis of the ruling structure. Founded in 1947 in the United States for this purpose "Federal Mediation and Conciliation Service"—the federal service for resolving conflicts between the managers and the disgruntled workers—already used the term "mediation".

Since the 1960s in the USA, the concept of mediation was developed in the form in which it exists today. Those years were determined by protests against the war in Vietnam, the movement for human rights, for revision of sex roles, and student unrest. The "Community Relation Service"of the US Department of Justice, founded in 1964, played a special role. These institutions helped to resolve racist, ethnic and national conflicts through mediation and negotiation, and contributed to the alleviation of many major conflicts of those years.

In the 1970s interest in mediation has increased significantly. The first centers of "Neighborhood Justice Centers" began to appear, they were local non-governmental organizations that offered free or low-cost mediation services in the event of legal conflicts between tenants and employers, family conflicts, etc.

Many people consider 1976 the year to be the beginning of the introduction of alternative dispute resolution methods, since it was then that the interrelation of these methods with the US judicial system became apparent. In 1976, a conference was held, at which some judges said: "A better way to resolve disputes than a court should be found" (Lav, 2010). At the same time, Harvard professor Frank Sander introduced the concept of "multi-door courthouse", meaning that the court can offer the litigators not only a court hearing, but other approaches, such as mediation or arbitration.

The mediation procedure in the United States is regulated by the Uniform Mediation Act of 2001, as well as by current legislation of individual states.

Mediators may be present in court. As K. Bernard notes, the mediators at the Appeal Court of the Ninth Federal District of the United States are employees of the court, they are highly qualified and experienced lawyers. The activities of mediators as employees of the court are strictly limited from other judicial activities (Bernard, 2010).

The US experience shows that using mediation procedures can not only resolve disputes quickly and efficiently, but also solve many problems of court proceedings, for example, significantly reduce the number of civil cases to be considered, simplify the procedure of proceedings, reduce the time required to go through a case in the court of first instance (Lennoir—Bruk, 2004).

In the 1980s the institute of mediation began to expand its territory rapidly. From America, popular conciliation procedures quickly penetrated other countries of Anglo-Saxon law: England, Ireland, Canada, India, Australia—and then spread throughout Europe. Mediation was consolidated at the legislative or other level in the Netherlands, France, Germany, Belgium, Sweden and Italy.

In Canada, alternative dispute resolution forms have been present for 200 years since the first settlers who arrived in Canada from the UK and Europe brought with them dispute resolution methods used in these countries, primarily the arbitral tribunal. However, traditionally, the main number of disputes was considered by the state court. As the number of cases, the burden on the courts and the parties' legal costs increased, the search for better ways to resolve these disputes began.

In *Germany*, mediation is harmoniously built into the justice system. For example, intermediaries work directly in the courts, significantly reducing the number of potential litigation. Today, mediation is integrated into German courts, not only in family courts, but also in courts of general jurisdiction, administrative courts, etc. In most German law schools, everyone who studies at the law faculty undergoes a course of mediation.

The country has more than 300 arbitration courts or conciliation councils (Germ. *Schlichtungsste lien*), that resolve various disputes. Most conciliation councils deal with consumer issues: banking, medical violations, insurance, construction and labor law issues. Since January 1, 2000, a new law has established that a stage of pre-trial settlement is necessary for petty monetary claims (up to 500 Deutsche Marks), conflicts with neighbors and defamation charges. Otherwise, conciliation procedures are not legally binding and are based on voluntary participation (Materials of the Summer School for law Stedents of Academy of Human Rights, September 22—30, 2002)

The procedure of reconciliation with the participation of a neutral mediator is very popular in Great Britain, where methods of resolving legal conflicts that are alternative to the state court have been used for quite a long time. London Court of International Arbitration (LCIA) was established in 1892 and deals with both national and international disputes. Its activities are carried out in accordance with the Rules of Court and the Rules of UNCITRAL (UNCITRAL—United Nations Commission on International Trade Law).

Sir Henry Brooke, retired Supreme Court judge, chairperson of the Civil Mediation Council, notes "the use of mediation in England and Wales to resolve civil and commercial disputes has increased over the past 20 years, and now growth has even accelerated". Lord Woolf had an impact on this growth in 1995 by publishing "Access to Justice: Interim Report". The philosophy of his

method was that people should be encouraged to settle disputes at the earliest possible stage, in the most cost-effective and fair way possible, and that the government, courts and other authorities should promote alternative methods of resolving disputes (Do not impose mediation. Mediation and Law. 2009).

In Austria, the spread of mediation prompted the Austrian Ministry of Justice to discuss the possibility of introducing mediation as a means of assistance for individuals during the divorce period. Several pilot projects were organized in Salzburg and Floridsdorf, the results of which were institutionalized by the creation of the Co-Mediation Association—mediation by two or more mediators.

Austria is one of the few countries in the world where the profession of a mediator is included in the nomenclature of professions. Austrian law provides that an agreement on the results of mediation conducted in connection with the existing judicial proceedings may be recognized by the court, while the result of the pre-trial mediation does not receive judicial protection.

In accordance with the Austrian New Federal Law on Mediation in Civil Cases, which entered into force on May 1, 2004, mediation is a voluntary procedure.

In *China*, mediation has a long cultural tradition: in this country (as well as in *Japan*) religion and philosophy have always placed a strong emphasis on consensus, joint decisions and harmony, and therefore mediation has been the main means for settling disputes. Alternative dispute resolution methods were used before the Cultural Revolution and from the early 1980s were used again in resolving disputes with the help of such methods as interposition, conciliation, arbitration and regular court.

So, already in 1986 there were 950 thousand intermediary committees and 6 million intermediaries who settled 7,300 thousand disputes (this year alone), including family disputes, disputes about inheritance, alimony, debt, housing and land plots under construction, production and management, damage to honor, economic disputes and some minor criminal cases.

In order to improve the system and shorten the term for resolving labor disputes, as well as stabilize labor relations, the Law of the People's Republic of China "On mediation and arbitration of labor disputes" entered into force on May 1, 2008 in China (Litvinov, 2012).

People's mediation as a way to resolve conflicts plays an important role in relieving tensions in relations between villagers. In contrast to formal court hearings, popular mediation can be carried out in any form that matches the nature of the dispute and facilitates its settlement. For example, tea drinking

and banquet are popular forms, other forms include monetary compensation, verbal apology, etc. (Aishan—Wentang, 2008).

As for the CIS countries, the practice of applying mediation in Belarus, where this system has been working quite successfully for several years, is of particular interest. The development of conciliation procedures in the Republic of Belarus began in 2008 with judicial mediation. The practice of resolving disputes through mediation with the participation of officials of economic courts contributed to the formation of economic entities with a high degree of confidence in the procedure and laid the possibility of a transition to extra-judicial predetermined a high degree of citing the Belarussian model during the discussion and preparation of legislative initiatives in the Russian Federation.

Summing up, the above suggests that the development of alternative forms of conflict resolution, despite the differences in legal systems in the states, has much in common. The same universal methods and forms of pretrial settlement are used in different countries, but procedures for the for their application differ.

Conclusion

To resolve conflicts, they resorted to negotiations between the conflicting parties, as well as to mediation, which can be called a special type of negotiations with the participation of a neutral person. It is impossible to assert that mediation was previously used in the form in which it was formed and exists at the moment. One can speak only about the application of methods of reconciliation of the parties with the participation of a neutral mediator. Today it is impossible to imagine the daily management of a conflict without mediation. There are many mediation models in the world. But it is fundamental for all models that each of these models retains the basic principles of mediation.

The use of mediation in resolving a wide variety of conflicts is taken for granted. Mediation is used to resolve problems and conflicts of interest in employment, professional disputes, problems in trade and the construction industry, conflicts with neighbors, disagreements in education and health care, and even family quarrels (in particular, during divorces).

Public and private organizations and companies are adopting mediation to resolve internal and external conflicts in their daily activities. Legal authorities and legal advice offices invariably consider the possibility of resolving conflicts through mediation.

Thus, today mediation is a recognized and demanded method for resolving conflicts in the world. Due to international support, its scope is constantly expanding.

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Ethical and legal aspects of nature conservation in classical antiquity

doc. PhDr. Lubor Kysučan, Ph.D.
University of Ostrava, Faculty of Arts
Reální 5, 701 03 Ostrava, Czech Republic
lubor.kysucan@osu.cz

Abstract: This study documents the ethical standards and legal instruments with which ancient society approached nature conservation (forests, trees, animals, water resources) and coped with the major environmental issues of the period (deforestation, soil degradation, pollution and noisiness in cities).

UDC Classification: 930.85

Key words: Classical Antiquity, environmental law, environmental ethics, environmental problems

Introduction—environment and its protection in antiquity

Environmental history, which has been developing for almost half a century as a progressive scientific discipline, convincingly proves that environmental problems are not something that starts with the smokestacks of the industrial revolution. Man's contribution to the devastation of his own environment has been proven since prehistoric times. The period of classical antiquity represents an ideal model for studying environmental-historical issues. The Greek-Roman antiquity not only laid the foundations of modern European civilization, but with its broad time span and developmental dynamics it is an ideal example of modern times, because there were similar social-environmental processes—urbanization, transformation of small farming into centralized mass production including loss of individual and regional self-sufficiency. By its very nature, it was an ancient agrarian society, but in its cultural form it turned into an urban civilization, which at its peak stood at the edge of the industrial revolution. All of these changes have contributed to environmental change and have generated similar environmental problems no different than in modern society such as deforestation, soil degradation and urban pollution (Grove—Rackham, 2001). Remarkably, the advanced ancient civilization—like ours—was not only aware of many of these problems, but was able to respond to them through practical measures, administrative decrees and laws

(Hughes, 1994). In our study we will focus on introducing a few examples of such use of legal instruments and ethical standards and recommendations in nature and landscape protection.

Nature protection in the ancient way—sources

Not only classic but also old-oriental societies show concrete efforts to protect nature, its beauty and resources. Nevertheless, the sources that demonstrate these efforts are burdened with some methodological disadvantage. We have to read most of the necessary information literally "in-between the lines". The ancient world did not know ecology as a science, nor modern concepts of landscape and the environment, so the overall mental and cultural context of thinking about nature, landscape and its threats was significantly different. Moreover, the aim of the literary work was not only to provide lessons, but also to entertain the reader, or at least to bring them an aesthetic experience of a refined style. That is why the boundary between fiction and literature are blurred in antiquity. Official documents, epigraphic monuments and legal texts thus remain the only precise sources free of the ancient sense of aesthetics of the text. Yet in our analysis we will rely on ancient literature in its entirety, including poetry, since certain legal, especially moral normatives are contained in most of its genres.

Legal forest protection

The most striking problem of the ancient world was deforestation, as wood was not only a key building material, a raw material for shipbuilding, the production of furniture, weapons and tools, but also, in raw or charcoal form, the main energy source of the ancient world. This resulted in a certain, even religious, respect for trees and forests and at the same time efforts to protect them or at least ensure sustainable use. Trees were sometimes seen as dwellings of gods or demigods (dryads). Since they were mostly female goddesses, all Latin tree names are in female grammatical gender (*pinus*, *abies*, *quercus*, *fagus*, *ulmus*). Likewise, trees were seen as places where gods appeared (Zeus oak in Dodon, cedar of the goddess Artemis in Orchomen, willow in the Temple of Hera on Samos Island, Jove's oak on Capitoline Hill in Rome). Often, however, whole groves were the subject of worship, which Plinius the Elder, for example, referred to as *temples of deities* (Naturalis historia XII, 1,3).

Trees as a source of moisture, shade and protection against desertification were deliberately planted in ancient Sumer, support for planting and forest

protection was practiced in Roman Egypt, which suffered from a lack of forest growth and where the Ptolemaids had previously focused on the same policy.

Lebanese cedar forests provide an illustrative example of the development of the ancient approach to forests. Their intense felling by the Phoenicians irrevocably devastated the beautiful Levante coast. These cedars were imported both by the civilizations of ancient Mesopotamia and by the Egyptians, who complemented the assortment of used wood by importing ebony wood from black Africa. This widespread demand for cedar wood, also mentioned in the Old Testament ("Lebanese cedars"), led to the gradual devastation of beautiful cedar groves. Torsos of these once vast forests were declared a strictly protected nature reserve (*Al Shouf Cedar Nature Reserve)* in 1996 by the Lebanese government. However, the first law for their protection was already issued by Emperor Hadrian (117—138 AD). Unlike other Roman laws, this law of Hadrian can be considered the first manifestation of nature protection, motivated by cultural-aesthetic, not pragmatic, economic reasons. Hadrian as a well-known philhellene was a man of distinctly aesthetic feeling, famous for his romantic perception of nature. He was the first and probably the last Roman Emperor who travelled thoroughly throughout the empire and became acquainted with all its natural and cultural historical sights. For example, he is known to have been taken to Mount Etna to see the sunrise.

Roman law provided for the careful protection of trees (Bednaříková—Kysučan, 2007). Forests in Rome were mostly owned by the state, part of a state land fund called *ager publicus*. Naturally, it was possible to rent large areas of land. Of course, there were also forests on the rented land, so mostly mountain forests remained in the ownership of the state (e.g. in the Apennines). According to Vitruvius (De Architectura II, 9, 1), who emphasizes the importance of forests to maintain moisture and a pleasant climate, a forest should only be cut down from autumn to early spring. The author, however, justified this by the higher quality of wood, not with respect to trees. Yet Roman law knew quite thoroughly the protection of trees, from which we can infer the protection of forest stands. A set of statements of prominent Roman lawyers of the 2nd to 3rd centuries, the so called Digest, created in the first half of the 6th century (part of the known later codification of Corpus iuris civilis), prove that a Roman citizen was not allowed to freely cut a tree (Digesta XLIII 27). Trees leaning over neighbouring houses or providing shade in a field could only be trimmed according to strict criteria. Legal documents even mention tree nurseries (*seminaria*).

Protection of water resources and soil

The erosion and loss of water resources were the consequence of total deforestation (Thommen, 2012). This state is aptly described by Plato in his Critias dialogue, in which he criticizes the devastation of the Attica landscape and its consequences:

"*What now remains compared with what then existed is like the skeleton of a sick man, all the fat and soft earth having wasted away ... There are mountains in which now there is nothing but a feast for bees, but not long ago trees were growing on them ... and there were boundless pastures. In addition, Zeus irrigated them every year with his rain, which was not lost in them as it is now ... brought plentiful supplies of spring water in streams, from which the sanctuary has been preserved to the places where springs previously existed.*" (Critias 111c)

Plato, however, is also the one who was in search of positive solutions. In his writings of the Constitution and Laws, in which he drew up his utopian vision of the ideal municipality, we also meet certain environmental requirements. The defining characteristic of his dream polis is the distinctive collectivism. The resulting emphasis on neighbourhood solidarity is also reflected in the requirement for a considerate relationship with common natural resources. In this context, he focuses mostly on water, especially the key resource in the Mediterranean:

"If in some places the soil is naturally anhydrous, which does not hold moisture coming from the sky and does not provide enough beverage, digging on its land up to the clay layer, and if it does not come to water at this depth, take water from neighbours up to the amount needed for all his household; and if his neighbours also are stinted in their supplies, he shall apply for a ration of water from the land-stewards, and fetch it day by day, and so share the water with his neighbours" (Leges. II, 844b).

"Water above all else in a garden is nourishing; but it is easy to spoil. For while soil and sun and wind, which jointly with water nourish growing plants, are not easy to spoil by means of sorcery or diverting or theft, all these things may happen to water; hence it requires the assistance of law. Let this, then, be the law concerning it:—if anyone wantonly spoils another man's water, whether in spring or in pond, by means of sorcery, digging, or theft, the injured party shall sue him before the city-stewards, recording the amount of the damage sustained; and whosoever is convicted of damaging by poisons shall, in addition to the fine, clean out the springs or the basin of the water, in whatever way the laws of the interpreters declare it right for the purification to be made on each occasion and for each plaintiff." (Leges. II, 845 d-e).

In addition to the felling of forests, the degradation of arable land played a significant role in the ecological devastation of the ancient Mediterranean. This was a serious problem, especially in Rome, where traditional small-scale farming based on a personal relationship to land, which could be an ideal example of today's sustainable organic farming, turned into an anonymous "mass production" based on the mass labour of slaves based on large farms, so-called latifundies owned by the Roman oligarchy and land speculators without any personal attachment. The rough and impersonal treatment of the soil led to soil degradation in many areas of the ancient Mediterranean (Garnsey—Scheidel, 2004). As a result, the ruins of many once-blooming Roman cities are now in the middle of a desert. Large-scale agricultural production devastated large areas of Italy, once cultivated by sophisticated farming methods of the Etruscans, Sicily and later North Africa. The result of soil degradation in the areas of North Africa was the desertification, in Italy, the creation of swamps and the emergence of malaria (specifically in Italy) as early as 200 BC. Soil erosion was most pronounced in North Africa, which for a time became the main granary of Rome. Large-scale agriculture, especially in the hot African climate, was based on intensive irrigation. This led—as it did at the turn of the 3rd and 2nd millennium BC in Mesopotamia—to the leaching of nutrients from the soil and subsequently to its gradual salinization. Land degradation over the centuries resulted in the already mentioned widespread desertification of North Africa and, as a result, the economic collapse of the area, once one of the richest in the Roman Empire. Plinius the Elder was already aware of the problem described:

"The limited acreage of the fields should be respected first of all, it was the opinion of the elders—they thought it was better to sow smaller areas and to plow better; I see that Vergilius has the same opinion. And to tell you the truth, the big farms destroyed Italy, and even the province—for six landlords owned half of Africa when they were executed by Emperor Nero." (Naturalis historia, 18,35).

Therefore, the Roman authors dealing with agriculture recommend the ideal area of farmed land owned by one landowner as an area that can be bypassed in one day, i.e. about 100 jitters of land (Klokner, 2017). It is noteworthy that a similar principle was passed on from antiquity to the Middle Ages, for example in the well-known economic decree of Charles the Great Capitulare de villis, published around 800 and dedicated to the administration of royal estates:

"Administrators should have no more land in their administration than they can bypass and inspect in a day" (Capitulare de villis, 26)

Animal rights?

As a result of hunting and demographic and civilization development throughout the ancient world, many species of animals have died out. Most of this loss of diversity hit North Africa, where several species of large animals, especially predators, were exterminated as a result of mass capture for the Roman Games, which were ruthless massacres (Vögler, 1997). On the other hand, various authors have raised the need for animal protection, such as Plato:

"Furthermore, let no young man think of a cunning desire for bird hunting, not very noble. The only thing left for our wrestlers is the pursuit and hunting of land animals." (Leges. II, 823 e).

Numerous animals were also considered sacred in the ancient world, especially those that were a sacred attribute of one of the gods or goddesses (e.g. the owl of the goddess Athena, the sacred geese of the goddess Junona, etc.). Their killing was considered an indelible crime, followed by severe legal punishment.

In antiquity, the expression of respect for living creatures was relatively widespread in vegetarianism, its first known announcers being Orphics and Pythagoreans. The ideas of vegetarianism in the Mediterranean area seemed to spread from the eastern regions and were related to the belief in reincarnation. The historian of Greek philosophy Diogenes Laertius comments on this as follows.

"... The philosopher Pythagoras also forbade the killing of animals, let alone allowing them to eat their flesh, as they have the same right to the soul as we." (Lives of Eminent Philosophers 8, 13)

The poet Ovidius was also a well-known supporter of vegetarianism. He described in his Metamorphoses Pythagoras and his teachings in the following way:

"He was the first man to forbid the use
of any animal's flesh as human food,
he was the first to speak with learned lips,
though not believed in this, exhorting them.—

'No, mortals' he would say, 'Do not permit
pollution of your bodies with such food,
for there are grain and good fruits which bear down
the branches by their weight, and ripened grapes
upon the vines, and herbs—those sweet by nature
and those which will grow tender and mellow with

a fire, and flowing milk is not denied,
nor honey, redolent of blossoming thyme.

The lavish Earth yields rich and healthful food
affording dainties without slaughter, death,
and bloodshed. Dull beasts delight to satisfy
their hunger with torn flesh; and yet not all:
horses and sheep and cattle live on grass.
But all the savage animals—the fierce
Armenian tigers and ferocious lions,
and bears, together with the roving wolves—
delight in viands reeking with warm blood.' "

(Metamorphoses XV, 72—95, translated by Brookes More, revised by Wilmon Brewer)

Environment in the city

Contrary to some superficial notions of the ancient way of life, the ancient cities had a double face. Their representative centres and residential districts of the elites were characterized by aesthetic architecture and extraordinary comfort, their infrastructure (water supply, sewerage, and transport network) was impressive in many respects—e.g. ancient Rome had a better water supply than many contemporary metropolises. But on the other hand, ancient cities were in essence industrial and transport centres, which generated a lot of noise and pollution. These, together with overpopulation and the casual "Mediterranean" hygiene (Thüry 2001), made life in them particularly unbearable in the hot summer months. In addition, it suffered from traffic jams; it was exposed to the danger of fires, the victim of which was also Rome itself several times—the greatest fires occurred during the reign of Emperors Nero and Titus (Klokner 2016). The reason for their rapid spread is explained by the historian Tacitus as urban chaos, a kind of "mashing up", a large stack of houses, warehouses and shops, as well as the winding streets of ancient Rome.

"There in the shops where the flammable goods were stored a fire suddenly broke out, immediately began spreading and was quickly unleashed by the wind, engulfing the circus along its entire length. The palaces were not provided with protective shields, nor were the temples surrounded by walls, and there was no obstacle in the way. The fire spread violently at first, then ascended to higher altitudes and ravaged the lowlands again, overtaking all protection measures

devilishly fast, and also because the city was in danger of its narrow and winding streets and the irregular rows of old houses of Rome." (Historiae XV, 38).

The reaction to these events was, however, strict fire and building regulations, which completely changed the face of the city, so that the former "mashed settlements" were gradually eliminated after subsequent remodelling in favour of modern, straightforward and wide urban streets.

For reasons of noise prevention, the night-time operation of wagons was banned in a number of Roman cities. The volume of the ancient economy and the level of pollution grew to such an extent that from the time of the greatest economic and political expansion of ancient civilization between the 1st and 4th centuries AD, significantly higher concentrations of chemical exhalations were found in layers of Greenland glaciers. The state authorities even had to issue special regulations for air protection. A unique example of such green legislation is the law preserved in Codex Theodosianus (14,6,5):

"*Emperors Augustus Honorius and Theodosius to Aetius, prefect of the city. All limekilns in the entire seashore between the amphitheatre and the port of Divine Julian are ordered to be lifted, for the sake of the health of the great city and the neighbourhood of our palace: no one should be granted permission to burn lime in those places.*"

In addition to air pollution, a major problem for Roman cities was the widespread use of lead used for the production of vessels or water pipes. Although its adverse effects were known, no legal or administrative provisions regulating its use are documented. Its risks are aptly described by Vitruvius in his work The Ten Books on Architecture:

"Clay pipes for conducting water have several advantages. First of all, if anything gets damaged, anyone can fix it. Also, water is much healthier from clay pipes than from lead pipes, since lead, from which lead white is formed, is probably harmful. This white is said to be a detriment to human health […] An example of this can be taken from lead founders who have a pale body colour. For lead vapours get into the air as it melts and casts, settle in the limbs of their body, burn them day after day, and deprive the blood of their healthy substance."

Conclusion

Archaeological and written sources convincingly show that classical civilizations left a significant ecological footprint. In particular, the development of large urban settlements, urban sprawl and intensive agriculture has had a considerable impact on the landscape with sometimes devastating effects. However, a certain "modernity" of ancient civilizations manifests itself not only

in the problems they caused, but also in the ways in which they tried to solve them. The aesthetic value of nature had already contributed to the formation of ethical standards which were applied in legal systems and practical administrative measures. In the light of the analyzed written sources from antiquity, it is obvious that ancient ecological problems and ways of their solution are not projections of our modern obsessions, but a historical reality that speaks of both the people and civilizations of that time, while also representing an urgent lesson for our present.

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Probes into minutes from the manorial court of Červený Kameň castle estate in the 18th century

PhDr. Eva Benková, PhD.
Comenius University in Bratislava, Faculty of Arts
Gondova 2, 811 02 Bratislava, Slovakia
eva.benkova@uniba.sk

Abstract: The study targets a research potential of one of the sources stored in one of the Červený Kameň Castle estate archival fonds, in respect to an issue of feudal Hungarian justice and judicature system of manorial courts in the Early Modern period. On a basis of probe method and model analysis, the study addresses two main issues—occurrence of slovacica as well as vocabulary of Western Slovak vernacular in the 18th century, and criminal behaviour of rural population from a perspective of records of those imprisoned at the Červený Kameň Castle in 1767—1781. The study also takes into consideration court proceedings relevant for investigation of selected cases at the manorial court under the Pálffy's supervision.

UDC Classification: 93/94

Key words: manorial court, feudal estate of Červený Kameň Castle estate, 18th century, crime, slovacica

Introduction

When Vladimír Segeš summarised and assessed research activities of the Section for Municipal History, pertaining to the Slovak Historical Society under the Slovak Academy of Sciences, since 1999; in his editorial for the Forum Historiae magazine in 2008, he mentioned the conference of the Criminality, Safety and the Justice System in the History of Towns and Municipalities in Slovakia which had taken place in 2003. Among other findings, he pointed out that "The justice system in towns in the 15th—17th century was rather well-researched, whereas county and manorial courts (sedria and sedes dominalis respectively) have not been sufficiently addressed yet." (Segeš, 2008, p. 2). Eleven years later, this statement still remains valid for the Slovak historiography—and the Early Modern Period in particular. The Hungarian feudal justice system was by no means unified (Segeš, 2007, p. 26—27); thus,

when outlining individual research problems, the study focuses on a specific feudal estate, namely the Červený Kameň Castle estate, located in the Noble County of Bratislava. The Fonds of the Červený Kameň Castle Estate 1 features a substantial volume of documents related to activities of the manorial court under the Pálffys in the 18th century (with a first account dated back to 1716); namely court proceedings (a proceedings cartulary, proceedings book, 7 boxes of individual items without further classification), personal records, prisoners' records, court of conciliation proceedings, investigations-related documents, denunciations and other documents in various languages. This material has been only marginally researched (SNA, ČK 1, i. n. 1843, b. 609, fol. 1); yet it offers much wider possibilities than the material preserved from previous two centuries. On the other hand, Ján Tibenský already succeeded in demonstrating the value of this type of sources, while analysing a couple of cases as reported by the noble county authorities at the Červený Kameň Castle estate. (Tibenský, 1996, passim).

This study aims to analyse selected court proceedings at the Červený Kameň manorial court in the 18th century; the court files of these cases actually feature a material in the cultural Slovak language (Skladaná, 2007, p. 201—204). Thus, the study attempts to address an issue of gradual introduction of Slovak into pre-judicial and judicial agenda. We are not aiming to carry out a linguistic analysis of slovacical texts; our goal is rather to verify a hypothesis that the Slovak language was present in the court files and pertaining addenda at that time at least as much as in other archival materials of the Červený Kameň estate fonds. Apart from court proceedings dealing with private wrongs or legal acts performed by the subjects (e.g. last wills, inheritance issues, debts registers, real estate valuations), we are also keen on exploring if crime activities in rural environment resembled (or differed from) those committed by townsfolk, as similar set of data is available from a nearby free royal town of Pezinok (Duchoň—Duchoňová, 2014, passim). Although human behaviour tends to be strongly individual and full of contradiction, we assume that activities of the Červený Kameň estate inhabitants were conditioned by similar social-cultural, personal and mental motives, as well as similar needs and drives as those of the townsfolk of Pezinok.

Slovacica in the Records of the Pálffy Manorial Court

German served as the official language at the Červený Kameň estate in the 18th century. However, other languages were being used in both oral and written communication between estate owners and clerks; among the clerks themselves; between the estate and hired workers, tenants of estate businesses

and the subjects; or between the estate administration and other state, county or municipal authorities. The decisive factors were who was corresponding, who the recipient was and what issue was being communicated (various reports/accounts/requests). Other languages (as Slovak, Hungarian or Hebrew) were traditionally used in a written communication between the estate and lower levels of estate's employees; by the middle and lower nobility, subjects; or actually by any literate persons that created requests, last wills or other personal or property-related documents for the illiterate population. As the Slovaks formed a majority at Červený Kameň, the Slovak language was one of the three most common languages spoken at the estate. As the manorial court of Červený Kameň usually dealt with the local subjects who were predominantly Slovak speaking, it is rather logical that the agenda of this authority reveals the highest number of slovacical documents.

The minutes from the manorial court assemblies, taking place at the Červený Kameň castle, were—unlike estate economy records and bookkeeping—in Latin; with occasional occurrence of Slovak and other languages (usually when quoting some witnesses' statements). An analysis of the oldest minutes dated back to 1727—1751 has shown that accounts in Slovak were included in five out of eleven sets of the minutes (it was a similar case with both German and Hungarian). Interestingly, the Slovak language almost disappeared from the court files from the 1760s; the Slovak accounts were identified in only as few as 2% of all the documents. Following three decades recorded a significant increase in a number of preserved documents related to judicial activities performed under the Pálffys. Since these included more than four thousand folios of documents, it is rather complicated to establish the number of those written in Slovak. Yet apparently, Slovak is a dominant language in the accompanying material (e.g. investigation files, denunciations, charges, testimonies, etc.).

Although the analysis does not distinguish between slovacica in the pre-codification period and those shortly after Bernolák's codification (1787), it would be very interesting to observe how the codified language was gradually spreading within the Červený Kameň written accounts.

The manorial court documents feature extensive Western Slovak vernacular vocabulary of the 18th century, which may be further differentiated. A lexical analysis based on social and territorial usage may represent the most significant contribution as far as the social history research is concerned (including judicial and crime issues). The manorial court of Červený Kameň handled predominantly issues raised by the subjects. These people were usually peasants, craftsmen – or somehow employed by the estate owners.

We may thus assume that the court files record common vocabulary of a contemporary from the rural social environment (Kopecká a kol., 2011, passim; Historický slovník slovenského jazyka, 1991—2008, passim). Therefore the documents, namely last wills, real estate valuations, inheritance-related documents, investigation files or the noble county proceedings as such include professional terminology which is characteristic for relevant field of economy, regional toponymy, anthroponymy; in addition, the vocabulary naturally reflects a vernacular terminology and confirms a spread of various cases of lexical borrowing. It is also more or less logical that we encounter many words with a negative connotation—as the sources record various conflicts and controversies in particular.

Crime at the estate

Well-organized prison records provide us with information on criminal behaviour of both locals and temporary residents who committed a crime while staying at the Červený Kameň estate and were thus (or out of some different reason) detained at the Červený Kameň prison. The records also register prison's occupancy in 1767—1781 (SNA, ČK 1, i. n. 1842, b. 608); with thieves as the most frequent occupants of the facility. There were 41 persons accused of theft (*ex capite furti*) in total (i. e. 64 % out of all the inmates during the researched period). One of the accused had also been charged with involvement in fights as well as an escape attempt (*ex capite furti, rixarum et profugy ex aresto*). Social status-wise, the accused were mainly the Bratislava County subjects, new Roma settlers, servants of the Pálffy family and various wanderers from Vienna, Bavaria, Austrian lands, Margraviate of Moravia, Kingdom of Bohemia; and Counties of Šopron and Nitra. There was even a married couple amongst the thieves; as well as a father and son 'working' in a tandem. The youngest thief was 18 years old, whereas the oldest was 60. A length of the sentence varied, ranging from imprisonment (down to bread and water; with penal labour and fetters) to corporal punishment; flogging in particular. The most common sentence included one year in the prison and 25 hits with a rod once a quarter (i. e. 100 hits in total). Three persons were charged with the cattle raiding (*ex capite grassationis in pecora*).

At the end of the 1760s, seven subjects from Kaplná were arrested in respect to a charge of having murdered a certain Jozef Tibenský (*ex capite homicidy*). (SNA, ČK 1, i. n. 1840, b. 601, fol. 82—108) Once the manorial court held a meeting, two of the accused were acquitted, while the rest was sentenced to prison (for a period ranging from approximately two months to one year). Moreover, they were also punished by the penal labour and flogging (30 to

100 hits). At the end of 1770s, one of the Veľký Grob subjects was incarcerated for having killed his wife (*ex capite uxoricidii*); however, he had died before the sentence was passed.

A woman from Morava was imprisoned for having lived in concubinage (*ex capite concubinatus*), although she had previously been charged with adultery and suspected bigamy (*adultery, suspicioneque bygamiae*). Several other offenders ended up in the prison due to crimes against morality and marital life-related offence in the 1770s.

Four persons were charged with having committed incest; the first case involved a 36-years-old stepfather (*ex capite incestus cum privigna comissi*) and a 19-years-old stepdaughter who was, in addition, also charged with adultery (*ex capite stupri, incestuosi, et adultery*). The second case involved sexual relations between a 23-years-old Ondrej Magdun (*cum consobrino*) and his 32-years-old cousin Eva Ribarová (*cum consobrina comissi*). When this relationship produced a child, Ondrej's parents hurried to solve a sensitive family situation by putting the child away. However, the court accused the grandmother of having put the child away and the grandfather of not having reported this deed. The young lady was probably not of virtuous demeanour; at the same time, yet another man was charged with having committed adultery with her. Although, the incest and adultery were commonly punished by death (*poena gladii*), all the Červený Kameň offenders were pardoned by a monarch during the researched period. The man accused of the incest with the stepdaughter was imprisoned for six years; the girl was sentenced to a one-year imprisonment, down to bread and water every Wednesday, Friday and Saturday. Moreover, she was to be flogged once a year/30 hits. However, she was pardoned by Queen Maria Theresa and her sentence was commuted to half-year of imprisonment. The cousins fared similarly (SNA, ČK 1, i. n. 1840, b. 602, fol. 220—229): Ondrej was sentenced to two years in prison in fetters, with penal labour included; on Wednesdays and Saturdays, he was only down to bread and water. Besides, he was to be flogged 50 times (25 times by the end of the first and 25 times by the end of the second year). Eva fared the same; however, she was to be whipped. Ján Balass, the second man to have committed the adultery with Eva was imprisoned for mere two weeks, as his wife begged for his pardon, even though she had caught the lovers red-handed at Ján Novota's attic in Horné Orešany. One may only guess what could have triggered her mercy towards an unfaithful husband; she might have simply been pragmatic, as it was rather difficult to take care of a child and a farmstead without a man by her side. Ondrej's parents did not escape

the justice either; his mother Anna was sent to prison for half a year; father František was to pay a fine of 12 Hungarian Forints.

In addition, three young men were imprisoned for having attacked their parents (*ex facto verberati parentis*); two of them, siblings actually, were sentenced to flogging. The third man managed to escape from the prison. A certain offender was sentences to 30 hits with the rod for fraud/forgery (*ex capite criminis falsi*).

Conclusions

As the Červený Kameň castle estate was located within the area with a majority of the Slovak population, it is of no surprise that Slovak was gradually finding its way to written agenda of the estate throughout the 18th century. This growing tendency of the slovacical texts within the selected materials of the Panstvo Červený Kameň 1 is mostly demonstrable in written accounts of the manorial court (proprietary agenda, investigation files), since this documentation—in contrast to that of public and economic administration—reflects microhistory of lower, unprivileged social layers in various life situations and in their natural environment: in a broader social-cultural and economic context and in their native language. Thus the analysed sources actually represent vocabulary of a Slovak-speaking individual in its full extent. In respect to the second aim of this study—the crime at the estate as recorded by the prison records and relevant files in 1767—1781; one may conclude that out of 64 imprisoned individuals, 41 were accused of either having committed or having been an accessory to theft; two persons were charged with murder (two of these individuals were subsequently acquitted); six people were accused of adultery, incest or living in concubinage. Three individuals were charged with robbery, three with fraud/forgery and two of other types of offence (one for having put a child away and the second for having concealed this deed). When comparing these findings with the crime rate and crime research in the royal town of Pezinok, based on the office book of Liber criminalium rerum from 1647—1832, it seems that similar types of offence and crime prevailed at both Červený Kameň castle estate and the town of Pezinok (thefts: 64% of all crimes at the estate compared to 42% in the town; adultery/incest: 9,4% at the estate, compared to 25% in the town; murder: 9,4 % at the estate, compared to 11 % in the town/ Duchoň—Duchoňová, 2014, p. 161), although this study targets rather a short time period.

Abbreviations

Panstvo Červený Kameň (Červený Kameň Estate) 1 ČK 1, foliant fol., inventory number i. n., Slovenský národný archív SNA (Slovak National Archive), box b)

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Comparative tradition in German colonial law. A case of legal measures against Indian population in the South Africa

Mgr. Jarmila Brezinová, PhD.
Faculty of Law of Janko Jesenský, Danubius University
Richterova 1171, 925 21 Sládkovičovo, Slovakia
jarmila.svhihranova@gmail.com

Abstract: The article briefly outlines the first ideas related to building German colonial empire. It also describes the basic legal norms that were valid for colonies. The core of the paper is focused on the comparative tradition in German colonial law which is exemplified on German interest in British legal measures against Indians in the South Africa.

UDC Classification: 94

Key words: colonial law, German empire, colonies, comparative law

Introduction

Colonial law includes the legal norms that rule the legal conduct in the colonies. German colonial law (*Kolonialrecht*) consisted basically of legal norms that were valid in the mother country. This kind of law can be considered to be a state law. Some colonial powers used colonial law that consisted of specific norms valid only in the colony. Those norms, according to their characteristics, could be divided into private or public law. This kind of attitude prevailed in British colonies. In spite of those differences, German colonial law had many comparative features. The aim of the paper is to describe the nature and specifics of German colonial law with the emphasis upon its comparative tradition. The observation of legal measures will be demonstrated on a case of British legal measures designed to control the Indian population in the South Africa. The research for this paper is based on the sources available in the German National Archives—the fund R901 of *Auswärtiges Amt* (Foreign Office) and R1001 *Kaiserliches Kolonialamt* (Imperial Colonial Office).

Attempts to Build the Colonial Empire

German colonial empire consisted of territories in Africa (German Southwest Africa, Togo, Kamerun, German East Africa), islands in the South Pacific, and Kiautschou. Formally, first German colonial attempts did not aim for the formation of typical colonies. Chancellor Otto von Bismarck was originally not enthusiastic for a colonial idea. Although proponents of building German colonial empire emphasized economic aspects, such as access to natural resources and new markets, Bismarck was hesitant. There are several theories which try to explain the turn towards the building the colonial empire. It has been argued that after settling the organisation of the newly formed Germany, Bismarck began to work on another task—establishing the positive international relations, i.e. gaining reliable allies through coalitions, and establishing Germany as a colonial empire. Still, his hesitation was obvious and there are several considerations related to the later turn. There are theories which consider it a diplomatic strategy aimed at encouraging the discord between Great Britain and France. Another theory supposes his colonial attempts were motivated by domestic political situation—it was designed to distract bourgeois from their reform endeavour (Lowry, 2015).

Bismarck presented the idea of attaining areas under German protection (*Schutzgebiete*). Those areas were expected to be explored and occupied by German tradesmen who were promised the protection from the mother country. This idea was coherent with German colonial motivations. In the late 19th century, many colonial powers tended to use the argument of "civilizing mission"—the doctrine that described socio-cultural settings of the colonized nations as lower on the "civilization scale" (Falser, 16). German colonial propaganda also tended to use this argumentation (see e.g. Bundesarchiv—Berlin (further BAB) BAB, f. R1001/1137, pp 96—101; BAB, f. R 1001/2115, p. 93/4; or *Reichstagsprotokolle*. 1912/14, 6, p. 4335) but its reasoning was often economic. The plans to keep a formal distance were soon replaced by the reality that was similar to classical colonies of most other European colonial powers. In spite of this fact, the term "protectorate" remained in use until the end of German colonial era.

Organisation of Colonies

First legislation concerning recently attained colonies was passed in 1886. The administrative norm was passed as *Law on Legal Relationships in the German Colonies* (*Gesetz, betreffend die Rechtsverhältnisse der deutschen Schutzgebiete*) on 16th April, 1886. It is known under the short title of *Colonial*

Law (*Schutzgebietgesetz).* The colonies were ruled centrally (Article 1). According to the law, the power to decide on the matters of colonies was put in the hands of a Lord Protector (*Schutzherr*). The law stated the title of Lord Protector was bestowed upon the emperor.

The system of German Empire employed in the homeland can be characterised as a classical constitutional monarchy. The colonies were to be ruled in a different way because it was generally assumed the distant, often poorly explored, and insecure territories would generate the situations when the quick and unopposed decision-making was inevitable (Hartmann, 2007). It meant legal norms were introduced as orders and Reichstag and Bundesrat declined their powers in these territories. This was a theoretical approach to the ruling of colonies but the everyday practise showed the vulnerable points in the emperor's unlimited power. The most important factor which limited emperor's powers were finances. The process of passing a yearly state budget made Reichstag participate indirectly also in the matters related to colonial territories.

Further limits were stated by the Colonial Law itself. In the second article, it referred to the older *Law on Jurisdiction of Consular Law* from 10th July, 1879 *(Gesetz über die Konsulargerichtsbarkeit vom 10. Juli 1879*). This article stated the civil law, criminal law and judicial matters are in the scope of Consular Law. Colonies were not governed with the Civil Code *(Bürgerliches Gesetzbuch*) because the constitution was not valid outside of Germany (i.e. not valid in colonial territories) and it would be necessary to modify it in order to introduce the civil code in protectorates. The third article defined jurisdiction. The fourth article of Colonial Law dealt with the issues of marriage. It stated the matters will be ruled by the Law on Marriage and Registrars of Empire's Citizens Abroad (*Gesetz, betreffend die Eheschließung und die Beurkundung des Personenstandes von Reichsangehörigen im Auslande, vom 4. Mai 1870*).

It is interesting to study the exclusion of the native inhabitants of colonies from the German legal system. The background of this exclusion was related to the theoretical questions associated to citizenship. If the native population belonged under the jurisdiction of *Colonial Law*, the issue of their citizenship could be opened. This was the probable reason why *Colonial Law* and was valid only for persons with German citizenship and not territorially (Švihranová, 2014).

Comparative Legal Tradition

German empire was attentive to the legal norms introduced in the colonies of other colonial powers. The legal theoreticians in the 19th century were interested in legal comparison in other branches of law and therefore, as Jakob Zollmann states: *"This tradition of comparative law as a natural practice in the ministries of Berlin made it only more likely that existing colonial regimes would be examined when it came to the "fresh" (am grünen Tisch) development of a German colonial system."* (Zollmann, 2014). It seems the models of other states heavily influenced German colonial empire and comparative law was at the beginning of German colonial state law (Zollmann, 2014).

German representatives abroad traditionally, since the times of Chancellor Bismarck, reported on the colonial legal systems of their host countries. The colonial legal measures of other powers were discussed in German offices and the ways it was done will be exemplified on the case of British norms that were introduced in the South Africa and their aim was to regulate Indian immigration. German observers mapped those measures. A brief introduction to the topic will be followed by the overview of discussion.

Indian migration to South Africa

The history of Indian immigrants in South Africa is a well-known topic with proper bibliographic background. The immigration laws and Indian resistance is also well documented. Yet there is still an aspect that has been less researched—the above mentioned topics can be observed from the view of Germany as a neighbour imperial power.

The archives of German Foreign Office and Imperial Colonial Office contain interesting reports prepared by German consuls in Pretoria and Durban which closely observe immigration legislation in South Africa from 1890's to the WW1. The legislation was observed by consuls from several aspects. First, the reports outline immigration legislation and analyse the reasons and consequences of new legal measures. Secondly, the reports map the resistance against the measures, and thirdly, the impact on German affairs (economic consequences for Germany and German colonies). Lastly, the "*Indierfrage*" ("Indian question") in German documents was sometimes approached also at the racial background—discussed either in terms of "racial competition" or in terms of legal rights based on race.

As to the brief history of Indian migration, in the precolonial era, Indians typically got to Africa within historical trade routes across the Indian Ocean. Large scale emigration of Indians was facilitated by the developments in

transportation and communication (i.e. technical improvements as well as the opening of the Suez Canal) and the integration of economies into the emerging world capitalist system. Mines and plantations in Africa and Asia created a demand for a cheap labour force. The demand for labour was strengthened by two factors—first, the expanding colonial economy; second, the growing opposition to slavery and its eventual abolition (by England in 1833). The growing opposition to slavery led to a ban on slave trade that was imposed in 1807 in the British empire. Later on, the planters searched for alternative sources of labour. Indian indentured workers were present in Mauritius since 1815 (Bhana).

It means we can basically differentiate two types of Indian immigration into British Africa. The first type was a continuation of the older tradition. The second type of migrants were labourers who entered the colonies after 1860 to work at the building of railroads, in mining, and agriculture. Two patterns of Indian emigration into British African colonies are identifiable in this period: first, "indentured" labour emigration—emigration officially supported by colonial administration; second, "free" emigration—the emigration not officially sponsored, the emigrants paid their travel expenses themselves and were not bound by any contract. If we speak about South Africa, they arrived in Natal. Emigration to Natal was approved by the Government of India in 1860 and the first ship from India arrived in Durban in the same year. The recruits were employed on three-year contracts.

German Discussion of Indian Immigration to South Africa

Germany started to pay more attention to the Indian immigration to the region after 1907. Up to that year, the attention of German offices (Ministry of Foreign Affairs, Imperial Colonial Office and Government, Chancellor) was turned to the immigration legislation mostly because of its own citizens entering the region.

The sources contain several cases of German individuals or families who were refused the permit to enter the colony. The heavily discussed case happened e.g. in 1904 when a German worker was not admitted into the colony and he reported mistreating to German consulate. Governor Hutchinson replied to the consulate that the worker did not meet the requirements of the Immigration Act because of the incomplete invitation letter (BAB, R901/30564, 14. 1. 1904). The cases when the entrance was refused had occasionally occurred before and they occurred also later. The reason why they were considerably closely observed by German colonial offices or by offices in mother country is obvious in the document from 1914. After the family

of seven was refused the entrance, the consul von Humboldt from the Cape Town assured the Chancellor Bethmann Hollweg that in spite of this case, the immigration offices are surely in favour of Germans or other people of Germanic origin (BAB, R901/30574. 1914, p. 152/2)—it was a question of state reputation when its nationals were declined as the undesirables.

As it was already said, the core attention to the Indian immigration into South Africa began after the year 1907. On 1st July of that year, the Asiatic Registration Act, Act No. 2 of 1907, came into operation. The first permit office was opened in the Transvaal and Indians were notified that they had to register within three months. Protests, mass meetings and petitions initiated by Mahatma Gandhi took place in the summer of 1907. They were aimed either against a new Immigration act or other legislation approved that year (Arms and Ammunition Act, Act No 10 of 1907; The Education Act, Act No 25 of 1907; Transvaal Asiatic Registration Act, Act No. 2 of 1907; The Transvaal Immigration Restriction Act, Act No. 15 of 1907; The Asiatic Registration Amendment Act, No 36 of 1908). The legislation of this kind was not a new concept, the law trying to limit the Indian immigration or trying to keep them within indenture system existed even before the Boer wars, basically staring in 1880s, but the events escalated in this year and the years that followed.

In April 1907 the consulate in Pretoria prepared a report for chancellor Bernhard von Büllow. This is the first of the documents that pay attention exclusively to the Indian immigration. The consul reported on the new registration act and informed on the difficulties with the entering of the law into practice. The consul also informed on the past developments in legislation of that kind and described the history of protests and difficulties related to the law as the example—or illustration of "the conflicts that needed to be solved by the British government in the various parts of the world because of racial and economic fights of its subjects" (BAB, R901/30567, 6.4.1907). The consul proposed the preference for Europeans in the migration procedures as a solution. The copy of the report was send also to the German Bank (*Deutsche Bank*) (BAB, R901/30567, 26.6.1907).

On the 1st January 1908, The Transvaal Immigration Restriction Act, Act No. 15 of 1907, entered into force. The Transvaal British Indian Association stated that if Indians were not issued trading licences they would trade without licences. A few days later Mahatma Gandhi told Reuters that if the Transvaal Asiatic Registration Act, Act No. 2 of 1907 was suspended, Indians would register voluntarily—the statement was made on the 8th January, the next report from German consul in Pretoria was prepared on the 6th, so it does not include those latest developments.

The report from the 6th January 1907 is related to the previous one. It describes the difficulties with the Transvaal Immigration Restriction Act that had begun already before it came into force and became more intensive after the 1st January. It stated the economic reasons for the law—Asians (i.e. Indians) were described as the serious competitors in fruit trade and other forms of trade, especially in trade with the native Africans. This report is interesting especially because it tries to analyse also the reasons of Indian resistance—according to the report, Indians find the registration that demands also taking fingerprints to be degrading and "*...the Indians are of the opinion that they should be treated as British subjects in the same way as the European British subjects.*" (BAB, R901/30565, 6. 1. 1907). This type of discussion is more interesting if we take into consideration that German colonial administration opened the discussion of legal rights of non-white inhabitants in neighbouring German Southwest Africa—the discussion in German colony was related to the legal position of mixed-raced population. The restriction on mixed marriages was issued in German Southwest Africa and German East Africa in 1905. The ban issued in GSWA was often backed with the argument on the inadmissibility of succession and citizens' rights for the offspring from those unions (Švihranová, 2014).

In March 1908, the consul from London Paul Wolff Metternich entered the discussion on the developments within British empire with regards to its diverse population. He considered so called racial question as one of the most serious tasks of British empire. The people of colour are defined as the subjects of the second category. The consul stated this hierarchy made no problems in the original colonies, but it becomes the problem when the inhabitants of colonies settle somewhere else—as in the case of Transvaal. The extra pressure was according to him caused also by a special position of the Japanese—they were legally treated as the whites which was the source of bitterness for other Asians (BAB, R901/30568, 20. 3. 1908).

The legal developments in the South Africa were evaluated also from the consul Schroetter in Natal (Durban). Natal also had a long history of legislation aimed at the Indian population. Natal's anti-Indian agitation in the 1890s led e.g. to passing The lmmigration Restriction Act in 1897 and its subsequent amendments in 1900, 1903, and 1906. The Act imposed a test on education, health and means of Indians who wished to be admitted into the colony beyond indenture system or who wished to enter the Transvaal and the Cape Colony. After this Act, the immigration of free Indians into Natal practically ceased. In spite of the legislation, the counts of Indians in Natal were higher than those of Europeans (BAB, R901/30568, 30. 4. 1908, p. 1.). The report prepared by

consul in Durban described economic threats but emphasized also the threat of being overgrown by Indian population. The consul condemned the policies of Natal which he considered to be insufficient and he considered the numbers of Indians in Natal to be the possible obstacle to the process of unification of Natal with the Cape Colony and the Transvaal (BAB, R901/30568, 30. 4. 1908, p. 3). Later on, he emphasized the need for the global reaction from the British Government (BAB, R901/30596, 9. 9. 1908).

In the meantime, the Indians in the Transvaal decided for voluntary registration after Gandhi's campaign—he was led to believe by the Transvaal Colonial Secretary, General Jan C. Smuts the act would be cancelled if the Indians cooperate. After most of the Indians registered, Smuts called the cancellation of act preposterous and the situation did not change. This conflict was described in the report made by the consul in the Transvaal (BAB, R901/30569, 17. 8. 1908). The report did not include any evaluations of the situation. There were several other documents related to so called Indian question in the British empire, the last from 1913.

Conclusion

German colonial empire used comparative legal mode of operation to build the legal core of their new colonial territories. German representatives abroad observed the norms of other colonial powers and were attentive especially to the reactions to the laws.

Most of the observed documents in general tended to describe the British attitude towards the Indian question as lenient and measures as insufficient. The observation of British colonial measures is a part of wider tradition within which the British colonies were used as a role model but scrutinised also in a more critical light. German reception was often disapproving with regards to British native police that was considered to be dangerous with its supposed carelessness (compare Lindner, 2011). The evaluation of the Indian question shows the parallels—especially in the reports from the consul in Natal.

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R1001 the fund of Kaiserliches Kolonialamt

R901 the fund of Auswärtiges Amt

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Historical excursion of the arrival of Roma to Slovakia

ThDr., PaedDr. Ľudovít Spuchľák, PhD.
Faculty of Social Studies, Danubius University
Richterova 1171, 925 22 Sládkovičovo, Slovakia
ludovicuss@gmail.com

Abstract. The paper briefly maps the first migratory waves of the Roma to the west, especially to Europe. It also focuses on the period of their mass penetration into the territory of present-day Slovakia and related various rejection, segregation, assimilation or inclusive approaches. Historical documents mapping the migratory waves of the Roma allow us to look into the fate of Roma ancestors and to some extent to find out how their constant wandering influenced their present journey, therefore the issue of Roma identity, which is closely related to it has a significant impact on acculturation.

UDC Classification: 930.85

Keywords: Roma, historical cross-section, migration, assimilation, culture

Introduction

The Exodus of the Roma is a complex tangle of the fates of different groups differing culturally, but especially differing in their attitude to life and its values in confrontation with the culture and living values of the non-Roma people of the various countries they travelled. Concerning the Roma, we very often encounter their classification as a specific culture. Although the Roma do not form a homogeneous group, it is possible to note that they are linked by common features. Their value and normative complex, which it includes attitudes to work, education, religion, music, entertainment, family life, etc. and is reflected in their lifestyle, is related to the individual Roma communities. Roma have their history, a very similar language, they have their institutions, they are therefore a distinct cultural group. The culture of the Romas manifests itself in several sub-local cultures characterized by a special way of life and often a territory which can be referred to as an idioculture and regular recurring interactions. It is therefore obvious that Roma migration has a significant impact on their present situation. Since the arrival of the Roma in Europe, many assumptions and assumptions about their origin have been made.

Selected historical context

The Roma do not have their state, they live scattered among the rest of the population in many countries of the world, their origins are several theories. To a large extent, heterogeneous explanations of the Indian prehistory of the Roma persist. According to these theories, the position of the Roma in the Indian caste system has undergone some development, but already in this area the Roma travelled, smithed, entertained the audience with music and dancing or begging (Říčan, 1999). Historical documents mapping the migratory waves of the Roma allow us to look into the fate of Roma ancestors and, to some extent, to find out how they were affected by the constant wandering of today's Roma scattered throughout the world.

They were forced to leave India under different pressures, and so they migrated for the first time, writes Zeman. Persia was the first stop on the Roma migration route, as evidenced by the abundance words that originate in Persian. In Persia, the Roma were invaders, uninvited guests. The departure of the Roma from Persia some researchers date back to the 1970s. Probably as soon as the Roma left Persia, they travelled to Armenia, where they stayed longer time.

The arrival in Byzantium could have been a gradual process, the first impulse of which was the unrest in the country caused by the long-term struggle between Byzantium and the Arabs. The rule of Byzantium did not last long and the Armenians were conquered by the Turks of Central Asia. Evidence of the presence of Roma in this area is the fact that the Roma language was recorded at the foot of Ararat Mountain, where the division of the language and the formation of different layers were recorded when further migration could occur. The Roma, who divided themselves into two groups, each proceeding in their way, more often to the west (Zeman, 2006). The first large migration wave of Roma arrived in 1000 BC. through today's Turkey. Currently, the Roma language contains words taken from roughly 13 languages. The Roma have been in Iran for a long time, have taken many words from this area, and have taken many words from Greek and the languages of the Balkan nations. The transfer of the Roma took place in two basic streams. The first stream was shifting to the Balkan peninsula, dates back to the 10th-century after Christ, the second stream moved to the Strait of Gibraltar as early as 9th-century after Christ. Korym (2004) claims that the first stop for Roma in Europe was probably Greece. The relatively long stay in the Byzantine Empire is evidenced by the language of the Roma it contains words of Greek origin. Written records refer to them as wandering boilers, circuses and musicians. The first known hitherto reference to the Roma in Europe is considers the notation of a monk from the monastery on Mount Athor in 1100, where he speaks of the Ansigans.

Historical records suggest that Roma were not present in Central Europe until the 13th century. One of the oldest written monuments proving the arrival of Roma in Central Europe is the Czech Chronicle of Dalimil, from which records it is likely that the Roma were moving westwards, where they were, during this period formed a feudal society. The Roma were looking for suitable conditions for them to settle. In feudalism, the land was the main means of subsistence, guilds had an important say here, to which Roma could not be admitted because they were considered foreigners, so looking for a job outside the city. A document confirming the Roma's stay in Poland dates back to 1256. It goes on the donation deed of the monastery, which refers to the Solášas to be exempt from charges. The continuity of these reports can also be found in south-eastern Europe, Wallachia and Moldova. From the area of Pannonia, a record from 1246 has been preserved, which characterizes its dwellings and crafts of the Roma (Zeman, 2006). In the 14th and 15th centuries, the European inhabitants of the nomads who pretended to be Christian pilgrims received quite benevolently. They presented themselves as pilgrims of Little Egypt and were named after the alleged Egyptian origin (Egyptyanos Gitanos, Gypsies), in the Balkans Athinganoi—Atsigaos (the original designation for the Manichaean sparkling wine), this gave rise to another group named Zingari, Zigeuner, Ciganos (Rylová, 1998).

The mass penetration of the Roma into the West, as Zeman (2006) claims, does not occur until the 20th century. In the 15th century, probably due to the Turks' conquests, under this pressure, they moved across Central Europe and reached southern Germany. historical the documents show that the abominable behaviour towards the Roma was mainly presented by Romanian and Romani people Moldovan noblemen in the 15th century (members of this ethnic minority were often serfs in extremely harsh conditions).

The 15th century is often referred to as the golden age of the Roma in Europe, which reflects their favourable social acceptance by the domestic population, but also several protective instruments from European rulers (Korym, 2004). In 1422 the letter of Pope Martin V. was king Zigmund ordered to provide long-term travelling penitents (gipsies) with assistance, protection and alms. Over the course of six years, Zhigmund gave the Roma two recommendations and protective glue with a validity of 7 years, with which they proved one hundred years later. They allowed them to roam around the world and forbid sleeping in bed. Sigismund gave the Roma the right to settle freely in any municipality or city, they have also been granted the right so that they can solve their "matters" themselves. However, the favourable reception of the Roma in Europe did not last long and they were expelled from the countries

due to various suspicions of arson and cooperation with the Turks. Various trials were held with them, children were given up for upbringing to non-Roma families, punishments were often forgiven for the elderly and disabled. Often, however, the population accepted their presence, especially short-term, which was beneficial for the exchange the shop.

By a law of 1761, Maria Theresa began assimilation policy, forcing the Roma to work in agriculture, dress like others, to accept the obligations not to speak Romani under the punishment of 25 strokes. The Roma could not keep their gipsy names were deliberately distracted by including one family into one village. They were offered land, cattle and tools. Children were brought to the unsatisfactory ones for upbringing into reliable families. Later, a small part of the Roma settles voluntarily, settlements are formed, the population feeds on smithery, music, hairdressing, or other manual work. However, there was a low level of education, a low level of civilization, poor hygiene, poor nutrition and poor health care. Others were still travelling, the source of their livelihood was guessing from hand, card, begging and theft. Before the end of the 18th century, under the 1885 law, Romas were prosecuted with small breaks for vagrancy (Říčan, 1998).

The terrible history of the Roma was the Holocaust under the Nazis. The murder took place mostly outside Slovakia. The Nazis, however, were only able to plan the genocide of the Romas (fortunately) and so most of them survived (Malá, 1984). There were never precise figures on the actual number of the Roma population, and the number of Romas who are still travelling does not participate in the census in any country. The estimate of their number is based on the locations in the designated locations. Estimates by demographic institutions are around 12—15 million. In the Roma communities, there is presently a rapid population the growth of the Roma population and persistence in the traditional way of life that is characteristic of Roma living in different European countries, which did not even bring in the past, or at present, the improvement of the position of the Roma in the majority society.

If we focus on the arrival of the Roma into the territory of today's Slovakia, we can state that the first written report on the stay of the Roma in Slovakia dates back to 1322. In 1377 and 1381 they were also mentioned in the Zemplín county. Travelling groups crossed southeastern Slovakia towards Bohemia and Western Europe, lived mostly from selling their blacksmith products, fortune-telling or theft (Tatár, 2002). In Slovakia, which was part of Hungary, there are reports of Roma. According to one of them, as stated Zeman (2006), the Roma brought with him King Andrew II. from his journey from Jerusalem. The Roma were known as blacksmiths and musicians.

Spišskonovoveský mayor Kuncht recorded in the description of the majors that the people despised them and did not let them into the villages. In 1423 they received a protective accompanying deed from the Emperor Žigmund at Spiš Castle, which facilitated their penetration into other countries. Spiš was one of the regions of Slovakia where the Roma settled first. Part of the Roma served for the manor, eventually, in war actions, there were also wandering groups that made their living by stealing, fraud and fortune-telling. The first glue was given by King Sigismund to Prince Michael of Egypt in Constance on 13 March 1417, which was taken and destroyed by the Roma. For great requests from the Roma themselves and so on the promise of "pious redress" was received at the mercy again in Constance by Pope Martin V, whom he said in a letter of protection that the Roma are to wander in poverty for seven years around the world.

There are no documents from the 14th century on the mass stay of Roma in Slovakia. In the 15th century, mention is made of the Roma as soldiers, musicians and craftsmen, and again wandering Roma who earned their living by fortune-telling, magic healing, theft and fraud, as well as musicians who played for Queen Beatrix. In 1538, the Seventh-century ruler Ján Zápoľský called on his nobles to respect the ancient freedoms of the Roma. An institution of "Gypsy Dukes" was established, during this period numerous groups of Roma from Western Europe came to Slovakia, where they were at the time quadruples for numerous thefts. The stools in Slovakia refused Roma who accustomed to living largely from thefts and issued orders for punishment and excretion from stools. Some cities of Slovakia, such as Trnava banned Roma from entering their territory. The position of the Roma in Slovakia in the 17th century was not clear; groups that under the leadership of eggs moved within one stool. They were Roma issued in return for the protection sheets which guaranteed their free movement within the stool, or manor with the possibility to perform various craft, especially blacksmith work. The Roma who made their living from crafts were accepted by the population, those who persisted in the thefts and vintage conflicted with the authorities of the feudal administration. Settlements of settled Roma have existed in Slovakia since the 18th century when the Roma were legally resident and still resident in towns and villages. In the 18th and 19th centuries, there were reports of Roma who were prosecuted for counterfeiting coins and theft of horses.

In the 1870s, the number of Roma in Hungary was estimated at 68,000 the regulation of the number of Roma in Hungary lasted during the whole reign of Maria Theresa and Joseph II, it aimed to assimilate all Roma, their involvement in economic life and productive work. In 1761, a letter was issued stating

that every Romas must give up his wandering name and is obliged to adopt a Christian name, ie his name and surname wear shoes like the rest of the people they move between. They were various other regulations as forbidden to eat meat from dead animals, after reaching the tenth year of life should go to service, or craft and others (Zeman, 2006). This can be considered one of the first periods when assimilation policy was applied very vigorously and intensively of today's Slovakia.

Summary and conclusions

The way of life of the current Roma people and the state of social consciousness fully reflect their historical-social development, whose torso was presented above. The social and cultural awareness of the Roma is strongly influenced by the cultural influences of Europe because the Roma have been and have been part of Europe for centuries. Roma culture is constantly changing, traditional elements are disappearing due to European cultures. This phenomenon of changing culture is present worldwide, but the Roma culture is present mainly in the Roma population belonging to the lower social strata, it remains the most misunderstood because in comparison with the past its character and traditional elements are constantly changing, even disappearing. The knowledge of thought and life experiences of ancestors, the standards of behaviour they have developed between themselves and other societies with which they have not identified, influence their current slow acculturation. and integration. To understand the essence of this issue, it is necessary to realize that the Roma they underwent a different development than the majority society and brought different ones to the wider society tradition, different understanding of morality and values.

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To the roots of the Visegrad Group

doc. PhDr. Ing. Kristína Králiková, PhD., MBA
Academy of the Police Force in Bratislava
Sklabinská 1, 835 17 Bratislava, Slovakia
doc.kralikova@gmail.com

Abstract: The group of the so-called Visegrad Four countries contributes to building pan-European security born of effective, mutually reinforcing cooperation. Its mission is to reconcile its interests with the intentions of existing international structures, in particular, the European Union. The states of this regional group also strive to build on their traditions and to preserve their cultural heritage and pass on its values to future generations. They, therefore, constitute a model for mutual partnership within the European Union developing. The Central European Partnership and Cooperation Plan was successfully implemented by the Visegrad Four Member States. In the spirit of the historical tradition, they undertook a comprehensive transformation of socio-economic, legal, international and political relations and declared, initiated and implemented adequate stability of the structures of international institutions, the European Union and the North Atlantic Pact Organization.

UDC Classification: 93/94

Keywords: Visegrad Four, regional cooperation, historical roots, a perspective of development

I.

Great importance for the development of generally beneficial regional cooperation, especially in all areas of policy, economy and culture, for its possible further progress due to intensive exchange of information, but also to the dynamically developing cross-border cooperation on security and the fight against illegal activities, special terrorism and an element of non-stop chauvinism, for the joint financing of interregional international projects and thus for increasing the current state of competitiveness of regions across Europe and the world, as well as for continually improving interregional communication within the geopolitical space of Central European neighboring states. post-socialist countries, which are the Slovak Republic, the Czech Republic, the Republic of Poland and Hungary, have o.i. at present, meetings of the highest representatives of these states within the so-called Visegrad Four

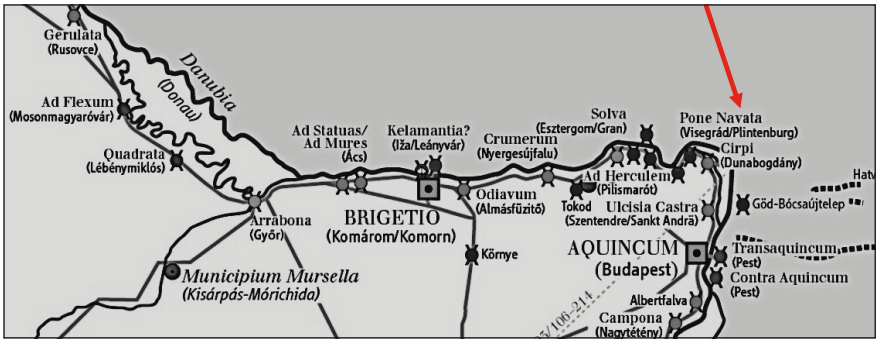
(V4). All the activities of these international law bodies integrated into the European Union (EU) continue in the common centuries-old history of these states, political, cultural, military historical ties, which initiated the idea and later implementation of the renewed Central European integration group after 1989. We can formulate the hypothesis that the V4 grouping represents a long-standing perspective for joint future cooperation.

II.

Vysehrad (Hungarian Visegrad) is famous and known to the public thanks to the V4 group. Is is still an inconspicuous small ancient town, whose geographical location is defined in the north of the state territory of contemporary Hungary. It lies as the crow flies only about 7 km from the Slovak border town Štúrovo. Here Slavic, Old Slovak and later Hungarian history was created and written for more than a millennium. In the basic historical vectors, the early medieval Nitra, Great Moravian and Hungarian history were transformed into a historically short modern Czechoslovak Central European presence, which was later inevitably replaced by the Slovak present. The originally Slavonic Vyšehrad thus represents the presence of a thousand-centuries-old Central European historical epoch. Slavic historical roots of this original hillfort Vyšehrad, i. a high castle, or a kind of "high castle", is still confirmed by the designation of many geographical objects in the state-political space of several contemporary Slavic states. E.g. Vyšehrad is the name of the hill with the remains of the castle in the Žiar mountains near Prievidza, in the cadastre of the village Vyšehradné in the Slovak Republic. Vyšehrad is the designation of the city part of the capital city of Prague. In the PR names of the villages Grad, and also in other Slavic states surviving similar names confirm the existence of a castle with a settlement. E.g. Serbian Belgrade, Croatian Stari Grad or Russian St. Petersburg. They prove the existence of historical fortresses, castles, both flat and certainly "high", ie. built on a ridge. Although their current name does not exactly express it. Alongside these, a wider settlement was established, providing the castle's inhabitants with a wider range of different services, which later developed into towns (ie grades). However, there was no need for high-rise castles in the ethnically non-Slavic or non-Slavic language environment. In the 21st century, however, the most famous Visegrad in Europe became the one that now rises in Hungary's sovereign territory and which has given its name to the now internationally respected V4 political group.

The important position of the Hungarian Visegrad in the past is evidenced by its written and unwritten history. It is clearly shown that man has lived in this space since the Iron Age, i. since the time of so-called. pre-Romanesque

dated to the turn of the 8th and 9th centuries BC. Archaeologists have discovered the foundations of the original Roman fortress built in the 4th century BC around the present-day castle and former fort. and the Romans even used the fortress until the 5th century. Its name was Pone Navata and was part of the northern border fortifications of the Roman Empire. Limes Romanus. The northern border forts, military camps, housing estates and trading stations of ancient Romans also included some objects from the territory of today's Slovakia. E.g. Rusovce (Gerulata), Komarno (Brigetio), Iža (Kelemantia), etc. (Klokner, 2013). In the north-west of Slovakia, their presence is proven by the uncovered premises of former Romanesque pre-Danube military camps and trading stations, of which Laugaricio is the best-known for the present generations. Here the regional capital of Trenčín is now located.



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The remains of the Roman fortress on the premises of today's Visegrad were discovered around the beginning of the 9th century Slavs on the so-called Šibrink hill. On the original Roman foundations built their fort, later called Vysegrad. It gained an important position and flourished especially in the time of St. Martin's Great Moravia. Thanks to its strategic location in the mountains and the Danube, it has become a checkpoint for river cruises. From him, the party of the ruler controlled the surrounding Danube fords and roads from here. It was also a provincial administrative centre of the Nitra Principality of Nitra, a significant part of Great Moravia. The site was settled by the Slavs before the arrival of nomadic Old Hungarians (the name Hungarian comes from the name of one of the original tribes of Uhrov, Megyer) respectively Uhrovs (the name Uhor is a garnish of the Bulgarian-Turkish name of the Onogur tribal union, i. ten arrows or trunks). Uhri, as the allies of Frankish

King Arnulf, after returning from a military expedition in Lombardy in year 900 participated in the looting of the Slavonic Pannonic Principality, which was ruled by Prince Braslav. This territory have been permanently occupied. Members of the cavalry groups of the mentioned old Hungarian union began to penetrate the territory of southwestern Slovakia after 920 and Nitra was occupied by them around year 950. The beginning of the common Hungarian-Slovak statehood can be dated back to 971 (Kútik, Jakubčinová, Králiková, 2018). Then Gejza, son of the usurper of the leadership of the tribes of the Old Hungarians, Takšoň, after the crushing defeat of the Old Hungarian troops on the Lech River by the Bavarians in 955, became Grand Duke of Esztergom and his younger brother Michal.

The ancient human settlement under the original Slavic designation Visegrad persisted to the present, and even in the 21st century, it became the cornerstone of influential international Central European cooperation of unexpected European significance.

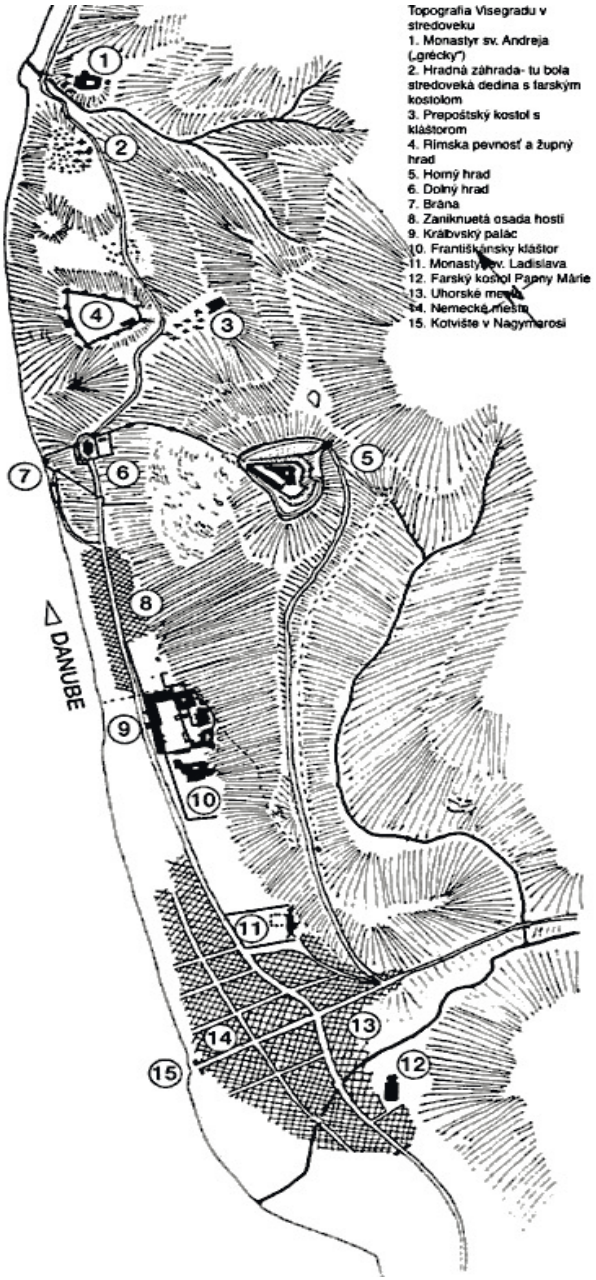
Important personalities of Hungarian and European history were already on his way. Unfortunately, Visegrad has also become a crime scene for attempted murder. But his reputation as a ruling mansion, which became from 1323 after Temešvár, did not fortunately suffer (the nobleman Felician Zach, a former supporter of the magnate Matúš Čák, tried to assassinate a royal family during his lunch at the Royal Palace in Visegrad on 17 April 1330, Kolektív, 2007).

Visegrad over Danube has also become a place of historically significant diplomatic talks of pan-European importance. In November 1335, a personal meeting of three kings took place in the premises of his castle, Charles I. Robert of Anjou from Hungary, Czech John of Luxembourg and Polish Casimir III. Piast. Their discussions included, in particular, the settlement of disputes between the Kingdom of Poland and the Kingdom of Poland over Silesia, the waiver of Czech claims on Poland, the arbitration role of Hungary and the Czech Republic in resolving possible territorial disputes of Poland with the German Knights. bilateral trade exchange, economic growth of the states of the then "Visegrad Three" and so on (Mrva, Segeš, 2012). The importance of this agreement from Visegrad is evidenced by the fact that the Hungarian King Charles I. Robert of Anjou already on 6 January 1336 set the number of tolls and other charges, accurately determined tolls and customs stations and their districts on the so-called Czech road leading from Buda to Prague via Esztergom, Trnava and Brno to establish order and security in the field of international trade. His son, King Louis I the Great, continued his fathe's international trade cooperation policy, banning on 6 March 1356 any levy on wine and grain stored and carried by ships of Bratislava's boatmen to Visegrad

by the Danube toll-takers. Today, Visegrad is not only a significant symbol of the international cooperation of the peoples living in Central Europe but also a major political factor in the Central European system serving to revitalize the process of permanent unification of opinions and coordination of Central European nations acting as authentic sovereigns.

Historical materials and written sources from year 1009 prove and confirm the scientific theory that it was the Slavs who originally named the hillfort on Šibrik Hill named Vyšehrad (http://www.hungarianarchaeology.hu/?page_id=279#post-4735). Based on the above-mentioned research, later settlement of this locality by the original Slavic population is supposed among historical experts and archaeologists. Around this period, the original population gradually merged with the Ugric tribes of the Old Hungarians. We recall that since the 10th century there was a Hungarian state unit in the Carpathian Basin called the Principality of Geysus (Principality of Hungary). It is called by the name of its ruler, the prince of the House of the Arpad's. From the 11th century, it was called the Kingdom of Hungary. During the reign of his son, already King Stephen the First, the importance of the Vyšehrad site increased again. Vyšehrad even became the centre of one of the then committees.

The period of the arrival of the nomadic tribes of the Old Hungarians, expelled by other militant ethnic groups from the south-eastern sub-Caucasus steppes, especially by the Bulgarians, and their "homeland" since the end of the 9th century led to their gradual settling on the territory. Their constant fighting expansion meant a relatively rapid weakening of the power of the conglomerate of suffragan and relatively independent princes of Great Moravia, especially after the death of King Svätopluk. Internal and external conditions tended to decompose this state unit. The military strength of the nomadic warriors intensified permanently until finally brought the historical demise of the Great Moravian Empire. The invasions of the nomadic tribes of the Old Hungarians and their expansion into Western Europe were completely stopped in 955 by the Franks and their auxiliary troops, largely composed of Slavic warriors, in the Battle of the Lech River. The victorious armies of the Frankish Emperor Otto I were so old-Hungarian ethnicity deprived of their fighting elite, we can say that the nobility. This defeat meant the final settlement of the nomadic Old Hungarians on the territory of the steppe Danubian Lowland, where they felt like in their original homeland.



Source: http://www.hradiska.sk/2011/11/visegrad-dalsie-velkomoravske-hradisko.html

As a consequence of these circumstances, Slavic Great Moravia was "combed" politically, historically, militarily, culturally, and finally economically. The current eastern geographical part of the Czech Republic, Moravia, has become a territorial part of the Přemyslid Bohemia and the vast majority of the territory of today's Slovakia, ie. the western part of the Great Moravian Empire, which was dominated by the original territory of the Principality of Nitra, became gradually a part of the later Arpad of Hungary (Králiková, 2017). It was then that geographical area, which also belonged to Vysehrad, was incorporated into Hungary and historical documents prove that it was called Visegrad civitas (ie the town of Vysehrad).

The 13th century, during the reign of Bela IV. from the House of the Arpad's, known for their authoritarian rule, that found quickly a large number of enemies from high and influential nobility, was about to invade Mongols (Tatars) into Central Europe. His efforts to protect the landscape was therefore not sufficiently supported by the Hungarian nobility. The situation in Hungary looked hopeless for the ruler Bela, which became a reality and survived in the collective memory of the Slovak nation in the form of folk legends and songs. It should be remembered that in the early twentieth century "in the field" they were collected and published by Karol Plicka accompanied by illustrations by Ján Domasta in the Tartars and Turks (Plicka, Domasta, 1943). Vysegrád is therefore naturally mentioned in these popular texts … The history of cooperation of the V4 countries, perhaps with a certain amount of immorality and insults, that is, dating back to 1335. Vysehrad in this period was the residence of the then ruler of the Hungarian territory.

The charming town residence of Visegrád lies in the meander of the Danube River. It is emphasized that historical records testify that during the autumn of 1335, representatives of several Central European territories attended an inter-state meeting to resolve conflicts and misunderstandings. The meeting took place at the court of the then monarch and the organizer of the meeting of Charles I. Robert of the Anjou family.

The royal rulers of the countries of Poland, Bohemia and Hungary met at the Vyšehrad Castle. The stakeholders agreed on the close cooperation of general interest, promoting common political views and the international exchange of goods. Thus, with such an example of understanding, they gave an example to later politicians and laid the foundation for a more or less selfless motivation to establish longer-term and fruitful cooperation between nations living in central Europe.

III.

Europe is perceived as an "old" continent in the world, in which the roots of human progress, culture, well-being, but also wars are still living, even at the beginning of the 21th century. A recent example of the surprising persistence of this unwanted fact is the history of the Socialist Federal Republic of Yugoslavia or contemporary Ukraine. However, the notion of a European is usually associated with the designation of man by different superlatives. Modern, tolerant, enterprising, honouring the law, morality and honour, but above all freedom and cooperation, even if it is a competitive person. It can be stated that on this basis, a project of European integration was also created on this basis, which led to the creation of the EU. Origin of so-called. V4 at Visegrad, Hungary, on February 15, 1991, seemed to further emphasize the desire for this belonging. Meeting of the Heads of State of the Czech and Slovak Federal Republic (hereinafter referred to as "CSFR"), President Vaclav Havel, Hungary represented by Prime Minister József Anatall and the Republic of Poland, represented by its President Lech Walesa. At this summit at the highest political and state level, an international document was signed in Visegrad, forming the legal and political basis for regional cooperation based on the Declaration on Cooperation on the Road to European Integration, known as the Visegrad Declaration. It aimed to create the conditions for the signatory states to resume their cooperation to support the process of European integration and the transformation of economies, to guarantee their continued cooperation even after the accession to the EU in year 2004 (Králik, 2017).

The foundations of the current cooperation in the "modern" Central European region are based in Bratislava. At the beginning of spring 1990, Bratislava Castle became the first unofficial meeting of heads of state, prime ministers and leading representatives of the ministries of foreign affairs from Czech-Slovakia, Poland and Hungary. At the same time, the representatives of the Ministries of Foreign Affairs of Austria, Italy and the former Yugoslavia also took part in the first meeting, which was intended to realize the consideration of closer than previously realized cooperation of states situated in the geopolitical area of Central Europe. The time brought new challenges since after the demise of the former political systems dominating the Central European space situated in the so-called. During 1989, the system of the former military-political and economic grouping disintegrated (Mencl, Hájek, Otáhal, Kadlecová, 1990). Organizations of the Warsaw Pact (Kolektív, 1982) and the Council for Mutual Economic Assistance (Kolektív, 1973). Former countries real-socialist type integrated after the World War II. Soviet bloc and spread out in Central Europe after 1989 were in newly created

internal political and international political conditions. Their interest was naturally finding their new place on the geopolitical map of the world. Thus, the vision of incorporation into the so-called Euro-Atlantic structures, the North Atlantic Pact (NATO) (Králiková, 2018) and the EU. The name V4 is now informally called four countries in Central Europe, namely the Czech Republic, Hungary, the Republic of Poland and the Slovak Republic (Králiková, 2017). The renaming to V4 only matured after the split of the Czechoslovak Federation into two independent states on 1 January 1993. Representatives of the then V3 countries in Visegrad initialled a memorandum on the cooperation of Central European states aimed at their incorporation into the so-called. European structures. However, the later grouping of the V4 countries was not only based on EU integration efforts, nor did it seek to compete with the already existing EU system and structures (Králiková, 2017). Thus, even today, the V4 does not aim to divide or weaken cooperation with the other EU Member States. The main task of the V4 centralized grouping of Central European States is to establish cooperation with each country, but especially with neighbouring countries. Finally, the main and final task of this grouping is to contribute to the universal prosperity of the European continent.

V4 can be characterized as:

» form of political, economic, cultural and other mutually beneficial cooperation of the associated democratic Central European countries,

» cooperation, which is based on common, resp. similar historical, geographical, cultural, religious, political and legal bases,

» cooperation to pursue common objectives.

The institutional base of the V4 was created by the signatory Member States in a rational, economic way, to ensure the functionality and operability of the group's administrative movements and responses. Therefore, the only permanent V4 institution since its establishment is still **the International Visegrad Fund** based in Bratislava.

The V4 is a manifestation of the efforts of the V4 Member States in the territory of Central Europe to intensify and above standard cooperation than currently provided by the disharmonizing EU, in many areas and spheres waiting for the necessary radical solution, such as: problem of persistence of tax havens in the EU environment (Králiková a kol., 2018), problem of accepting illegal migration by EU authorities (Šišák, Králiková, 2008 also Králiková, 2012), problem of interference of EU member states' internal affairs with

representatives of EU institutions, problem of persistence of double product quality, problem of persistent exploitation of workers from eastern EU regions disadvantageous so-called. EU Eastern Bloc, etc. The grouping of four Central European states constructed in this way has represented and still represents the basic direction of the region, determined by historical experience and lessons learned from them. the euro-bureaucracy "sees". The value systems of these states rely on the moral and political pillars created by their ancestors and, in particular, by their social, legal and cultural customs, and that is why they are still enormously committed to preserving and maintaining religious traditions. Slovakia was forcibly isolated from "international life" outside the V4 between 1993 and 1998. This was mainly due to the purposeful demonization of the policy of the then Slovak state and political representation in the world, controlled from a domestic and foreign power—oligarchic sources.

Unlike the Czech Republic, the Poland and Hungary, Slovakia did not become a member of NATO in 1999 and its integration efforts to join the EU were judged to be rather obscure and embarrassing. The new political and state representation of the Slovak Republic, which took power in the state after the autumn elections in 1998, started to use support, sources of information and intensively participate in cooperation during the accession negotiations leading to the Slovak Republic's accession to NATO. Thus, the Slovak Republic rationally drew on diplomatic recommendations and experience from the negotiations, gained primarily from the implementation of the accession activities of the Czech Republic and Poland. This historical experience, which the history of Central European modern integration has experienced before 2004, represents a difficult period of international co-operation and especially V4 partnerships, instructive especially from the perspective of experience gained directly by the state-political representation of the Slovak Republic. However, despite the difficult internal and international politics, Slovakia's pre-accession efforts were crowned with success. Thus, the strategic security and political objective were fulfilled by the Slovak Republic's accession to NATO on 29 March 2004.

For the V4 beyond 2019, in addition to the objectives and tasks already set and fulfilled, it seems necessary:

» prepare the V4 Member States for a possible "undesirable" transformation of the EU, potentially resulting in its disintegration, concerning the interests of the V4 nations,

» as a consequence of the digitization, informatisation, robotization and automation of the company to rationally intervene in the internal public administration of the V4 member states by moving the personnel substrate

of unproductive bureaucracy into the sphere of production, services and informatics,

» to undertake a fundamental reform of the school system, social sphere and health care, to ensure their compatibility within the V4 (abolition of "expensive" public schools, abolish funding of schools based on the number of pupils and students, etc., to deal with the so-called title),

» to unify private-law legislation within V4,

» eliminate foreign interference in the internal affairs of the V4 Member States,

» coordinate internal security cooperation (Králiková, 2016),

» coordinate cooperation in the judicial field (targeted towards approximation) (Králik, 2016),

» focus and unify the so-called environmental policy and legislation,

» unite respectively to bring criminal and substantive criminal legislation.

To this date, the V4 Member States as a whole has been able to withstand, often so far, indiscriminate pressures and open attacks on their legitimate status and rights spiced up in the bureaucratic EU personnel structures. Certainly, various, often purposefully created, political obstacles have been mixed into the coexistence of the Member States of the Visegrad Group and coexistence with the outside world. Nevertheless, the rational cooperation between the V4 members was able to survive, and still be able to make all-round progress. The emergence of the V4 has provided the Central European region with sustainable territorial stability and has led the Central European states to cooperate more effectively than bilateral cooperation provides. The goals ahead of the V4 countries need to be achieved in particular in ecology, the suppression of international and organized crime (Králik, Králiková, 2016), the fight against clientelism, nepotism and corruption, in balancing lagging regions with prosperous areas, inland and water management, in the protection of justified human rights and minority communities, to fair trade and consumer protection, transport safety, but also in other spheres of life whose cardinal link is to protect the family and to guarantee freedom of expression (Blaha, 2011).

It follows that the thesis, assuming that the historically created regional special-purpose group of the V4 states, constitutes a long perspective for the joint future cooperation of all states associated to the EU. This was confirmed on the basis of the political, security, economic and cultural outcomes of the V4 countries identified and identified by us.

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A few remarks on personality of Miloslav Okál[1]

PhDr. Tomáš Klokner, PhD.
Faculty of Law of Janko Jesenský, Danubius University
Richterova 1171, 925 21 Sládkovičovo, Slovakia
tomas.klokner@vsdanubius.sk

Abstract: The study brings a testimony of correspondence between Miloslav Okál and a university professor Antonín Kolář, which is preserved in the Archive of Literature and Art of the Slovak National Library in Martin (Slovakia) and in the State County Archive of Svitava (Czech Republic). Based on study of the archived documents, the author sheds light on unknown sides of life of Miloslav Okál, the first Slovak professor of classical philology. Among other things, it shows new findings not only about his business travels, translations, and work at the Comenius University in Bratislava, but also about his personal concerns and worries. In this way it complements the lively mosaic of his life and revises some of the previous facts about his persona in the Slovak and Czech historiography.

UDC Classification: 930 (092)

Key words: correspondence, Miloslav Okál, Antonín Kolář, classical philology, historiography

Introduction

The figure of Miloslav Okál (born 1913—died 1997), the first Slovak university professor of classical philology, offers many insights into his rich written heritage, which constitutes a unique source of literary and historical-literary material. In the overall extent of the Okál's fund, stored in the Archive of Literature and Art of the Slovak National Library in Martin, the correspondence with representatives of the Czech classical philology between years 1939 and 1995 is voluminous. Addressees and senders of these letters are scientific employees of the Prague and Brno's Universities, the Association of classical philologists in Prague, the Cabinet for Greek, Roman and Latin studies at Czechoslovak Academy of Sciences in Prague, editors of scholarly magazines and journals—Listy filologické, Zprávy Jednoty klasických filologů, Eirene and

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their contributors (Šlosiarová, 2003). Letters addressed to Miloslav Okál are more numerously represented in the correspondence.

Among senders of the letters addressed to Okál, we also find professor Antonín Kolář. Kolář was the founder of classical philology at the newly opened Comenius University in Bratislava and Okál, the first Slovak professor of classical philology and at the same time the first Doctor of Science in this field, was his pupil. Forty-seven letters from between years 1939 and 1962, located in the fund of Miloslav Okál in the Martin's Archive, give testimony about almost fatherly relationship of Antonín Kolář towards his former student. Their mutual correspondence was only interrupted by death of Kolář in 1963. Until recently the only thing we knew about the relationship of these two figures of Slovak historiography was that which could be read in the letters in Okál's fund in Martin. Focus of the research in our paper is the analysis of the letters from "the other side", which is to say the letter written by Miloslav Okál in the inheritance of Antonín Kolář. By dissecting them we want to help paint a picture of Miloslav Okál, the first Slovak professor of classical philology. There is a theory which describes him as a man passionate about his work, dedicated to antiquity, collaborating on various projects with many colleagues from the field (Škoviera, 2013).

Will of Antonín Kolář

When researching the topic, we worked with the assumption that the inheritance of professor Kolář should also contain roughly equal number of letters from Okál. The inheritance is kept at the State county archive of Svitava based in Litomyšl. However, our assumption was proven wrong: as it only contains three letters from Miloslav Okál. Despite the limited number, though, they allow to peek into several aspects of life and relationships of both men.

In the preserved correspondence of Kolář there are three letters, which are authored is Okál and which are addressed to Kolář. They are from three consecutive years 1960, 1961, 1962. It is certain though, that Okál wrote more letters, as is evidenced by letters written by Kolář to Okál, as well as the sentence in Okál's letter of 1962: "*perhaps I, too, poisoned you with my painful letters of last years.*" (Letter of Miloslav Okál to Antonín Kolář from 1962). All three letters that we examined are dated the same. They were always written on 27th of September to celebrate Kolář's birthday, born on 28th September 1884. Okál held his teacher in high regard and did not forget to wish him well on this occasion. Okál chose an exceptional greeting of his professor. He starts every letter with "Renown professor," a greeting that was very common in the sixties. Using the synonymic dictionary of the Slovak language, we find that

the word is used for a person who is showered with fame, notorious by their importance, a person exquisite and rare (Synonymický slovník slovenčiny, 2004). And for Okál, Kolář certainly represented such a person.

Beside the well-wishing the letters always contained the same spheres of information which touched the work at the department, his business travels and responsibilities, translation works (translated and published works) but also his private life, especially his family and health.

Uneasy way to a doctorate

In the letter from 1961 he describes in detail to Kolář the uneasy process of getting the doctorate at the University of Brno. He certainly reacts to the question posed by Kolář in the letter from 28th of December 1959, where he asks whether he already obtained "*that new rank of Doctor of Science*" and whether it is compulsory for professors everywhere. In this regard, it is clear that Kolář, even as a retiree, was very much interested about the situation in the academia and news did not escape his notice. Okál was originally supposed to defend his doctorate on 16th of December 1960, but professor Pavel Oliva from Prague, one of his opponents, was not present, since his flight was cancelled. His defence was therefore rescheduled for January of 1961 and Okál did not have an easy time with it. The submitted assessments were positive, but, for reasons unknown to Okál, his doctorate was contested by the members of the department of Marxism and history in Brno, which even before his arrival fought against awarding of the doctorate. However, at the day of his defence, which took more than three hours, apparently the common sense won over petty squabbles and 19 out of 24 members of the committee voted for awarding of the doctorate. It is interesting that one of the five who voted against took offence at the fact that they are awarding the rank to a "stranger" disregarding the fact that Czechs and Slovaks lived in one state. Okál, though, was not disheartened by this situation and he considered it more important that he was done with it.

Business travels

During years 1960 through 1962 Okál undertook other business travels, as well. In November 1960 he left for Prague, where he attended the funeral of his colleague prof. Antonín Salač, an important Czech professor of Greek and Roman antiquities. He returned to Prague again in October 1961 to give lectures at the Union of classical philologists. The lecture took place on 26th of October 1961, but its topic, as advertised in Okál's letter—The Attitude of

Aristophanes to Euripides, was changed to The Attitude of Aristophanes to Socrates (Přednášky Jednoty klasických filologů v r. 1961, 1962). In this period, he also travelled regularly to Brno, where, for example, he acted as opponent for the candidate thesis of Radislav Hošek (1961). In one place he complains to Kolář that he was never fortunate to meet with prof. Jaroslav Ludvikovský, who was virtually always away for medical treatment. In year 1962 he, together with other young Czechoslovak scientists attended a conference of classical philologists in East German Straslund. The Second International Conference of the division of ancient history at the German Historical Society in Straslund was held between 4th and 8th of September 1962. The conference was attended by hundred and fifty researchers from twelve countries. More than seventy papers were presented, of which seventeen were presented by the Czechoslovak delegation (e.g. Antonín Bartoňek, Radislav Hošek, Bořivoj Borecký, Josef Češka, Jan Pečírka, Oldřich Pelikán, Ladislav Vidman and others). Miloslav Okál dedicated his paper to the relationship of Aristophanes to sophistic education (Oliva, 1963). On his return journey he stopped in Berlin with the goal of looking through the local antique shops. Worth noting is his observation that "*there is a lot less to be found there than in Prague or even in Bratislava*." (Letter of Miloslav Okál to Antonín Kolář from 1962).

Apart from his scientific work, translation and his pedagogic activity at the department Okál mentions in his letters to Kolář his extracurricular activity for the Society for Spreading of Political and Scientific Knowledge, where he gave lectures about Greek literature and culture in 1960 (total of nine hours per year). At the same time, he was obligated by the regime to frequent the evening classes of Marxism-Leninism, which in his own words cost him a lot of time and effort. The evening school took three years and the first year (dialectical and historical materialism) required attendance of a 2 to 3-hour class every Tuesday and a 3 to 4-hour seminar every other Monday. Per letter from 1961, Okál had successfully finished the first year. In the second year, he was going to attend political economy.

Personal life

To Benátky by Litomyšl, Okál also used to send brief messages about his private life. The happiest ones were those of father Okál, proud of his son, who lived with his mother in France. In 1960 he informs Kolář that his son attends the third grade in high school and is the best student. One year later he expresses his disappointment with a cancelled meeting which should have taken place in summer 1961. He did not obtain a permit to travel. He mentions again that his son is the best student in class even though he is three or four

years younger than his classmates. He also stresses the point that he is very happy for him despite the fact that he is not with him. Based on Okál's note about his son writing to him in Russian now, it emerges that they maintained contact in correspondence not only in French but even in Russian.

Concerning his health between years 1960 and 1962 he describes it in negative terms. When he requested his release from the department and his appointment as head of the Cabinet of classical archaeology in November 1960, he argued his request with weak health, more specifically a heavy case of colitis in past years and the danger of paralysis in his right leg (Škoviera, 2013). It is possible that exactly due to these health concerns he was admitted to the Research Centre of National Health in Bratislava in March 1960 and at the end of August or beginning of September he left for a three-week therapy in Mariánské Lázne. As he points out himself, though, "*they did not find anything, but stomach neurosis, and although I do not feel any pain yet, I am practically excluded from society*." (Letter of Miloslav Okál to Antonín Kolář from 1961).

Okál's letters also reflect the nervous atmosphere at the Department of Philosophy of the Comenius University in Bratislava in the early 1960s. Okál complains in several places of the fast tempo of life, great responsibility and difficulties in collaboration with many irresponsible people. He attributes his failing health to these factors. In another letter he describes the collaboration with crude egoists and people with no human honour and pride (Letter of Miloslav Okál to Antonín Kolář from 1961).

Translations

Okál's work tempo, passion and enthusiasm for translation of ancient authors was almost incredible. In the letter from 27th of September 1960 he informs Kolář that the Iliad is ready for publication and if paper can be obtained it will be printed in 1961. He also had a contract for Aristophanes' Frogs. It should have been published in 1961, as well. In winter he translated Prometheus Bound (Aeschylus, 1960) and Oedipus at Colonus (Sophocles, 1961) was released by year's end. At the same time, he published a study on Aristophanes and war (Okál, 1960) while others were in print—Aristophanes and farmers (Okál, 1959) and Aristophanes and dramatic poets (the study was never published). Apart from those he also translated approximately 700 verses from the work of the humanist Rakovský and all the Latin and Greek verses in Lessing's Laocoon. At the end of the year he started translating the Odyssey (2nd book) and Lucian.

One year later he informs Kolář about peripeteias related to publishing of the finished translations and he confesses the gloom he felt about them. The work on Aristophanes was promised to be published by the Slovak Academia, but he never really believed it and therefore he never started the 2nd part. Shortly after, he was supposed to have the Iliad printed with illustrations from Vincent Hložník. The Frogs were originally delayed due to paper shortage and moved to 1962 and then they were scratched with the excuse that he was going to get his collection of translations on Aristophanes published soon. He admits candidly that the delay of the Frogs disappointed him more than if they had delayed the Iliad, because he was very fond of Aristophanes' comedies. Okál further informs that his translation of Prometheus was published in summer 1960 and in the year 1961 he would publish Sophocles' Oedipus at Colonus. He planned the translation of the Odyssey and by the end of the year 1961 he was finishing the 13th book. One year later he reports to Kolář: "*I worked a lot on translations and the Odyssey is more or less complete. I finished the corrections of the Iliad in June and September. It is being printed now and I hope to be able to send it to you before Christmas.*" (Letter of Miloslav Okál to Antonín Kolář from 1962).

Work at the university

Apart from scientific work and translations, Okál updates Kolář also about his teaching work at the department and he lists the number of hours, students and the topics of his lectures. In this way, he tries to paint a picture of the department which once was led by Kolář himself. The information seems to be more of a complaint about the things that take up his time, especially the translation activities: "*At the department we have five years (there are eleven students in the first year) and our load is therefore exceedingly high (I teach fifteen hours a week). I still have a lot of work. I lead a glued-up Department—Latin, French, Italian, Romanian, Spanish and Arabic classes—which has nineteen members in total and over one hundred students (especially Spanish class). The administration takes up a lot of my time and it is mostly dull and distasteful work. I have almost no time for my own research*" (Letter of Miloslav Okál to Antonín Kolář from 1962).

Responses to Okál's letters

Concerning Kolář's responses to Okál's letters, the Archive in Martin keeps only the letter from 1st of October 1962, which is the response to Okál's letter from 27th of September 1962. (Archive of literature of the Slovak National

Library in Martin, fund n. 220). This is also the last preserved letter of Kolář in Okál's fund. Kolář thanks for well wishes to his birthday and for sending the offprint of the study about Aristophanes and musicians (Okál, 1962). Then he informs that he is quite healthy, and he plans to travel to Prague for the final editing of his Czech translation of Diogenes Laertius (Kolář, 1962). He returns to Okál a lent book and an offprint of his new study, which was his last. In conclusion he sends his regards to Okál's mother and wife. The shaky handwriting of the letter hints that Kolář was approaching his final moments.

Based on the contents and dates of Okál's letters and looking at Kolář's letters in the Archive in Martin, it seems that towards the end of Kolář's life their mutual correspondence was reduced to only one letter a year written for the occasion of Kolář's birthday. In the letter, Okál always summarised everything important that happened in his life in the past year and Kolář did the same.

Okál's letters in the inheritance of Antonín Kolář shed light on important facts which fill in and alter some of the findings we discovered so far. Thanks to these letters we can also confirm that Okál's request from 10th November 1960 to be released from the head department of classical archaeology was accepted (Škoviera, 2013). As Okál specifies himself this release was only temporary. Indeed, in June 1961 he was at the head of the department again. The question remains, though, whether his return was voluntary or if we was forced by the academic administration. We also conclude that Okál frequented the evening classes in the years 1961 through 1963 and not 1963—1965 as claimed in his biography authored by Daniel Škoviera (Škoviera, 2013).

Conclusion

State County Archive of Svitava in Litomyšl preserved only a fragment of Okál's correspondence to Antonín Kolář. It encompasses a brief and final phase of their relationship. The letters were composed between the years 1960 and 1962 and they genuinely reflect the unique relationship of a mature pupil and his teacher. The information concerns Okál's teaching and translations, leading of the department and his private life. Even from this brief insight we can put the finishing touches to the persona of Miloslav Okál, not only as the first Slovak professor of classical philology, but also a man passionate for his work, dedicated to antiquity, and marked by the historical events, which decisively and permanently affected his private life.

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Correspondence fragments of the Králik family and the family of Gerhát with friends family in the middle of 20th century

Prof. JUDr. Jozef Králik, CSc., MBA
Faculty of Law of Janko Jesenský, Danubius University
Richterova 1171, 925 21 Sládkovičovo, Slovakia
prof.kralik@gmail.com

Abstract: Interpersonal and intersocial relations in the interwar period and during the existence of the First Slovak Republic between members of the former nobility and members of other originally privileged, although exclusively wealthy strata of the inhabitants of the Slovak village Výčapky were filled with the tolerance or friendship. This is also documented by preserved fragments of the documents of the family archives of the Králik and Gerhats, former peasant wealthy families. They also maintained lively written contact, personal friendship and a sense of mutual belonging and help with members of the former local nobility.

UDC Classification: 930 (092)

Key words: correspondence, clan of Králik, clan of Frideczky, clan of Gerhát, family archives, 20th century

Introduction

In this semantic form, Králik has a Slavic origin. Its roots as diminutives can be supported by the designation King, made of old Germanic respectively. Old German name Karl, ie Karol, which long ago became famous mainly Frankish Emperor Karol the Great. The word "krales" in the meaning of the king can be found eg. already in the letter marked on the Hungarian coronation monarch crow. In the modern Turkish language it refers to a monarch with the rank of king respectively political territory represented by him, the kingdom. The surname Králik thus describes its bearer as a "small king", a diminutive Kralik. The surname Frideczky refers to a person whose ancestors seemed to come from a place called Frídek. The surname Gerhát, in turn, originated from the personal names Gebhart, Gerard, Gerhard. All these surnames appeared in their correspondence during the first half of the 20th century at Malé Výčapy. It is a seat that merged with the neighbouring village Suľany under the unifying

name Hruboňovo, today in the Nitra district. The Frideczks were a noble family, who had significant ownership interests in the village. The building of their residential mansion with the adjoining bath object fell victim to new construction in the village in 2018. The Králiks and Gerhats were the wealthy and prosperous "farmer", ie peasant families. Besides, the Gerhats were engaged in lively business activity, owned a tavern, shop, newsagent, and were involved in municipal self-government. The men of the Králik family were respected by several mayors of the village, the mayors. Children from these families were educated in higher than just municipal schools, later they also worked outside the village as officials, teachers and technicians. Until the middle of the 20th century, they were also associated with members of the former Frideczky noble family, who also owned real estate in Bratislava, with relatively close friendly and economic ties, which also materialized in their mutual correspondence. Most of it, stored in the family archives of the Králik and the Gerhat, was destroyed in the late 70s of the 20th century. So far, only a few specimens have been preserved, documenting the state of the interdependence of some members of these genera, resp. families. Nevertheless, we can formulate the hypothesis that former noblemen, whose ancestors exercised land rights over the village of Výčapky and their inhabitants, have a positive relationship to their former serf peasant families, based on mutual respect and assistance.

I.

Dolné Dubovany fluctuated, for various reasons, in different periods, suitable living conditions in the village found once more, sometimes fewer inhabitants. The living space of the Králik has also gradually changed and seems to have only expanded at first. E.g. Štefan (Stephanus) Králik of Dolné Dubovany, born in this village on 6. 3. 1791 and recorded under serial no. 28 in the tax inventory of Dolné Dubovany from 1828 to prove his property for taxation purposes: coloni 1, domus 1. To this entry is assigned the following note: Quam Contribuens tennis colonicali, civili civili jure 1,35 tenta (Falcastra). The Slovak translation of this Latin text would read: farmer 1, house 1, with the following note: How much land (= for sowing grain), manor or own, the taxpayer cares—20; meadows of one's own as well as, manor meadows. However, in the previous tax records of the taxpayers of Dolné Dubovany, the person with the surname Králik is not found, even though the bearers of this surname lived in the village in the first half of the 18th century, undoubtedly before 1751.

Although members of the Králik family were registered in Dolné Dubovany as farmers who owned and later owned a farmer's house, ie house, fields,

meadows and possibly other real estates, and of course movables, remained in the village permanently and no more the bearer of the surname Králik does not live at all in the village of Dubovany. However, the Okayaks, to whom they belonged, owned, in addition to Dolné Dubovany, also in Male Sulanany (Králik, 2014). Králiks from Dolne Dubovany thus changed their living space, although they lived in Malý Suľany only for a short time. The marriage was then moved to Výčapky (Králik, Ordoš, 1991 or Králik, 1991 also Králik, 2000). This occupancy, settlement and later the village was almost always prosperous in history, and therefore became an object of undesirable interest even in times of devastating anti-Habsburg uprisings (Kobyda, 2012). The village had well-developed agriculture, especially viticulture (Ordoš, Králik, 1993).

Relations between the members of the former serf class and the members of the formerly privileged class in Výčapky developed in the first half of the 20th century without major problems, although there was sporadic tension between them, resulting even in a strike. However, the relationship of the "unnatural" peasants to the former nobles was also conditioned by their social status, property power. Králik and their relatives were wealthy, and this is why their relations with former landlords developed friendly and in a spirit of mutual respect and help. The Králiks were, after all, a relatively "old" peasant family, also respected by nobles. His genealogical sequence is documented by a part of the genealogical table that declares the status and development of Ladislav's branch of the Králik family.

Pedigree

Ladislav's branch of the Michal branch of the Juraj line of the Králik family of Dolné Dubovany

GENERATION (order of stages of tree)

1G. Juraj I. Králik? (born cca 1650 Križovany?—died?) OO *Helena*

2G. Adam I. Králik? (born 14. 6. 1686 v Trnave—died?) OO *Katarína*
Had twin sister: *Eva* **(born 14. 6. 1686 v Trnave)**

3G. Adam II. Králik (born about 1715) OO *Katarína* (! Son of Adam born 1686?)

4G. Juraj II. Králik (born 21. 4.1751, Dolné Dubovany—death) OO *Judita Strečanský* (born?—died 18. 4. 1870 years). Son of Adam II. (* about 1715) and Katarína, Roman Catholic Confession; christened in Veľké Kostoľany—Juraj Lipka and wife of Juraj Janiga named Dorothea from Dolné Dubovany. He was a peasant, a peasant (colonus). Place and date of marriage: the Roman Catholic church of Veľké Kostoľany, 3. 2. 1771.

Had siblings:

Anna (*18. 10. 1740, D. Dubovany), daughter of Adam (*cca. 1715)

Katarína (*18. 6. 1743, D. Dubovany), daughter of Adam (*cca. 1715)

Anna (*13. 2. 1748, D. Dubovany), daughter of Adam (*cca. 1715)

Michal (*23. 8. 1754, D. Dubovany), son of Adam (*cca. 1715)

Elisa (*14. 11. 1757, D. Dubovany), daughter of Adam (*cca. 1715)

5G. Štefan I. Králik (born March 6, 1791, Dolné Dubovany—died?) OO Magdaléna Gula (born 1786?, Veľké Kostoľany—died September 24, 1836, 50 years); Son of George (* 1751), baptized in the Great Kostoľany—Jozef Zemko and Anna Czuszek. He lived in Dolné Dubovany in the original Nitra region. Piešťany civil service district of Nitra county. He was a peasant (colonus). Father is Juraj II. Králik, b. 21. 4. 1751, Dolné Dubovany—died? OO Judita Strecansky—d.? Roman Catholic confession.

Had siblings:

Michal (*4. 9. 1774, D. Dubovany), son of Juraj (*1751).

Judita (*28. 2. 1779, D. Dubovany), daughter of Juraj (*1751)

Martin (*4. 12. 1780, D. Dubovany), son of Juraj (*1751).

Ján (*9. 2. 1783, D. Dubovany), son of Juraj (*1751).

Alžbeta (*23. 4. 1785, D. Dubovany), daughter of Juraj (*1751).

Katarína (*30. 10. 1795, D. Dubovany), daughter of Juraj (*1751).

6G. Jozef I. Králik (born March 9, 1813 in Dolní Dubovany—died?) OO Alžbeta Rakovický (born in Veľké Kostoľany—died?); christened in Dolné Dubovany—Juraj Kolar, Katarina Herceg; Marriage in the Roman Catholic Church on June 23, 1841 in Velké Kostoľany—Juraj Balšan and Jozef Šiška.

He was a farmer and mayor of Malé Suľany. Roman Catholic confession. Son of Stephen (* 1791) and Magdalena Gula.

Had siblings:

Anna (Feb 27, 1815, D. Dubovany), daughter of Stephen (* 1791).*

Elizabeth (13.4.1817, D. Dubovany), daughter of Stephen (* 1791).*

Katarína (18.6.1819, D. Dubovany), daughter of Štefan (* 1791).*

Judita (May 7, 1821, D. Dubovany), daughter of Stephen (* 1791).*

Katarína (* October 30, 1823, D. Dubovany), daughter of Stephen (* 1791).

Stephen (* 12. 3. 1826, D. Dubovany), son of Stephen (* 1791).

7G. Štefan II. Králik (born November 25, 1842 in Dolné Dubovany—died in Malé Výčapy) OO Mária Rehák (born 1850?—died 1934? In Malé Výčapy); christened in Veľké Kostoľany—Juraj Kollár, Alžbeta Žilka. He lived in house no. 13. He was a farmer and mayor of Malé Výčapy. Roman Catholic confession. He lived in Dolné Dubovany and Výčapky. He married the Rehák family, who came from Austrian part of Moravia. Son of Joseph (* 1813).

Had siblings:

Anna (nar. 5. 4. 1845 v Dolných Dubovanoch). Daughter of Štefan (*1813).

8G. Michal I. Králik (born October 2, 1878 in Malé Výčapy—died May 22, 1966 in Hruboňovo—Výčapky) OO Katarína Lovrant (born February 16, 1888 in Mýtná Nová Ves—died June 3, 1955 in Výčapky); christened in Cerman 3 October 1878—Pavol Hadar, tutor and Ján Valent, peasant: priest Martin Kuralský. Marriage? He was a farmer and mayor of Malé Výčapy. Roman Catholic confession. He lived in Výčapky. Son of Stephen (* 1842).

Had siblings:

Anna (born 22. 6. 1872, Výčapky—died. 27. 4. 1874, Výčapky). Daughter of Stefan (* 1842).

Katarína (born 20. 1. 1875, Výčapky—died July 17, 1882, Výčapky). Baptized in Cermany: Pavol Hadar, peasant and Katarina Gubanova, nat. Kupecz: priest Martin Kuralszky. Daughter of Stephen (* 1842).

Elizabeth (born February 24, 1882 in Výčapky—died 1951 in Šurianky) OO Rudolf Steinemann (he came from Šurianky). He was a butcher. Baptized in Cermany: Pavol Hadar, cothurnei and Elizabeth Kralikova, nat. Rapant. They had one son from their marital cohabitation, a young, childless died. She lived in girl age in Výčapky, and after marriage in Šurianky. Daughter of Stephen (* 1842).

9G. Ladislav Králik (born Januar 9, 1917 in Výčapky—died October 1, 1976 in Bratislava) OO 'Mária' Valéria Gerhát (born 24. 5. 1927 in Výčapky—died February 8, 1989 in Bratislava—Podunajské Biskupice): married October 7, 1944 in Čermany, witnesses Stefan Kralik and John Gerhat. Son of Michael (* 1878). To the year of 1940 lived in Výčapky, from January 11, 1940, to September 28, 1943 soldier, from January 5, 1944 he lived in Bratislava. In 1966 he acquired a complete secondary technical engineering education with a school-leaving certificate at the Czechoslovak State Railways (CSD) Enterprise Technical School in Bratislava, department of operation and maintenance of railway vehicles. He was a civil servant (Ministry of Economics since 5. 1. 1944 and later the commission of agriculture), initially temporarily and peasant (until 1934), the postman (1935 to 10. 1. 1940), and finally from 9. 8. 1951 railroads of the Czechoslovak State Railways (wagon driver, machine locksmith (or locksmith master). Roman Catholic confession. He lived in Výčapky and Bratislava.

Had siblings:

Rudolf (born 1905 in Výčapky—died 1984 in Výčapky) OO Alžbeta Mateička (born 1911 in Behynce—died 1951 in Výčapky). Son of Michael (1878), father of Michael (* 1943). He was a peasant. Roman Catholic confession. She had a daughter Alžbeta, died a young. His secondwife was a single mother, Maria gen. Faltus, a stork-born native of a German immigrant family, the mother of Eva's daughter, this second marriage of Rudolf was childless. Mária Králiková genus Faltusová died with her daughter Eva (Bakič) in Karviná (Czech Republic); She lived in Výčapky respectively. Hruboňovo.*

Maria (born 1908 in Výčapky—died 1973 in Bratislava) OO Július Kittler (he came from Koniarovce). He was a small haberdashery trader in Koniarovce and Bratislava. He had two sons, Ladislav and Julius, and a daughter Martha (Holubek); She lived in Výčapky and Bratislava. Daughter of Michal (1878).*

Elisabeth (born 1911 in Výčapky—died in 1993 in Bojnice) OO František Stoličný (born 1899 in Bojná—died in 1973 in Partizánske). He was a miller in Bojna. She had four daughters, Marta (Prievozník), Erika (Bánovský), Edita (Turcel) and Gabriele (Baštrnák), and also a son, Vladimir; daughter of Michal (1878).*

Štefan III. (born 1914 in Výčapky—died 1996 in Výčapky) OO Gabriela Kniha (born 1912 in Horné Obdokovce—died 1998 in Nitra). Son of Michael (1878). He graduated from Nitra High School. He was a teacher. The confession of the family is Roman Catholic. He lived in Výčapky respectively. Hruboňovo.*

10G. Jozef II. Králik (born November 27, 1953 in Bratislava) OO Zuzana Sirotiak (born July 7, 1954 in Nitra). Baptized in Bratislava (Blumental)—Ladislav Jamrich and Melánia gen. Gerhát. Son of Ladislav (* 1917). Marriage August 20, 1977, City National Committee in Nitra—MUDr. Viera Balažovjech, doctor; Ing. Milan Vyšný, engineer of agromelioration buildings. He graduated from Bratislava High School on Metodova Street. JUDr. (Comenius University, Faculty of Law, Bratislava), prof. (Pavol Jozef Šafárik University, Faculty of Law, Košice), MBA. (Public Education Institute, Strážnice, Czech Republic). Publicist, writer, lawyer, lawyer, officer—Colonel of the State police Force, academic official—vice-rector and dean of the faculty of the university, public official—head of the Office of the Ministry of Culture of the Slovak Republic (1994—1998). Roman Catholic confession. He lived permanently in Bratislava and temporarily in Hruboňovo and Ivanka pri Dunaji. Wife of JUDr. Zuzana (Comenius University, Faculty of Law, Bratislava), lawyer, publicist, advisor to several ministers, members of the Government of the Slovak Republic, senior manager and senior professional. She lived in Nitra, Bratislava and Hruboňovo.

Had siblings:

Katarína (born November 30, 1956 in Bratislava) O / O Otto Jakubička (born 1955 in Čermany). She graduated from the Secondary Agricultural Technical School in Ivanka pri Dunaji, specializing in poultry farming. Mgr. (Comenius University, Faculty of Education, Bratislava). Daughter of Ladislav (1917). Officer—Lieutenant Colonel of the State Prison and Judicial Guard Corps of the Slovak Republic. She lived in Bratislava. She divorced her husband. Daughters Andrea Kováčik (Mgr.) and Ivana Jakubička (Ing.)*

11GA. Andrej Králik (born January 18, 1979 in Nitra). Son of Joseph (* 1953); christened on July 1979 in Eva Šišoláková's apartment r. Vavrová in Nitra—Anna Sirotiak; secretly baptized chaplain Jaroslav Nikmond. He is graduated from the Secondary School of Agriculture and Industry of J. A. Gagarin in Bernolákovo, majoring in road transport. Bc., A graduate of Museology and Cultural Heritage (Matej Bel University, Faculty of Humanities, Banská

Bystrica), was an editor, innkeeper and assistant manager in the business. A single. He lived in Bratislava. He had a daughter with Hana Vinohradská (born April 22, 2008 in Nitra).

Had siblings:

11 GB. Kristína KRÁLIK (born March 1, 1980 in Nitra). Daughter of Joseph (* 1953); christened on May 19, 1992 in Bratislava (Blumentál)—Cecília Mrva (sr. Engelberta, Catolics Daughters of the Divine Savior, Vienna), baptized by Bishop Dominik Tóth. She was graduated from the Secondary School of Agriculture and Industry of J. A. Gagarin in Bernolákovo, Department of Technical and Information Services. PhDr (St. Cyril and Methodius University, Faculty of Mass Media Communication, Trnava and Bratislava University of Law), Alexander Dubček University of Trenčín, Faculty of Socio-Economic Relations, Trenčín, PhD., Catholic University, Faculty of Education, Ružomberok, MBA. (Public Education Institute, Strážnice, Czech Republic), assoc. Prof. (Police College in Bratislava). She was a TV presenter and editor of TV LUNA, assistant manager in the field of marketing of mass media communication in INCHEBA, as. (Police College in Bratislava). Free. With doc. Mgr. Daniel Jakubovic, PhD. She has an older daughter Juliana Jakubovič (born August 31, 2005 in Bratislava) and younger daughter Leona Jakubovič (born August 30, 2007 in Bratislava). He has a daughter Milina Králik (Peter) with Peter Vinohradský, born in Bratislava on 21 October 2012. Roman Catholic confessional affiliation. She lived in Bratislava, lives in Ivanka pri Dunaji.

12GB. Milina KRÁLIK (born October 21, 2012 in Bratislava). Baptized in Bratislava (Chapel of the Police College Academy)—baptismal parents: married couple Anna and Michal Andrus, living in Nitra; Baptism of the Roman Catholic church Elisabeth of Hungary in Liptovské Kľačany Liptovsky Mikulas Decanate of Spiš Diocese Ladislav Čurilla. Daughter of Kristína Králiková (* 1980) and Peter Vinohradský (* 1977). She lived in Bratislava, temporarily in Hruboňovo and Ivanka pri Dunaji.

II.

The youngest son of Michael Králik (1878—1961), Ladislav Králik (1917—1976), together with his wife Maria Valéria genus. Gerhát permanently settled in Bratislava in 1944, during World War II. (Králik, 2016). As a reserve, he left the uniform of a Slovak soldier and settled in Bratislava. (Králik, 2016).

At first, he was alone, then he and his newlywed lived in a one-room apartment in a tenement in an apartment house owned by the former taproom Vilma Frideczky. It was situated on the present-day Bratislava Stone Square respectively. on Špitálská street no. 14. House stood on the site of today's Kiev hotel. At that time, Ladislav Králik was a junior clerk, an office official working in the administrative apparatus of the Ministry of Economy of the Slovak Republic. Until then, he kept his written contacts mainly with his parents and his former fiancée, Maria Valeria. His other correspondence with other persons was based mainly on the requirements that his writers expected to meet because of his professional status in the then state apparatus. One of the three letters addressed to him by Mary Frideczky, a former baroness of Bohemia, expressly confirms the content of this correspondence. handwritten paper, marked in the upper left-hand side with a plastic overprint of the family coat of arms, his writer states directly: "… give me at your ministry a license to export cigarettes to the Protectorate of Bohemia and Moravia …" (Králik, 2014). In the other preserved letters, also written exclusively in Slovak, the writer monitors the current state of foreign trade relations of the Slovak Republic and the possibilities of export of various commodities, as well as interest in checking the state of the equipment of the thing which is the subject of her primary attention. Of course, the text also mentions the potential "remuneration". Satisfaction with the furnishings is confirmed by the subsequent advantageous lease of the real estate, apartment, in Bratislava to the newlyweds Králik.

Opposite to the "business" relations so documented are other "crested" documents in the Hungarian language, however, addressed to the Gerhat family, especially to the Philip Gerhat family (1896—1971). Their content confirms the close friendship of the Frideczks to the Gerhat (Králik, Ordoš, 1991 or Králik, 1991 also Králik, 2000). Against this background, it is possible to present the quality of interpersonal and intersocial relations in the first half of the 20th century, in Czechoslovakia and war in the Slovak Republic, which rucculously eliminated disharmonic tones between members of the former nobility and former peasants in the Slovak countryside.

Ladislav Králik, son of the former mayor of Michal Králik of Výčapky, maintained a lively written contact with his father after he moved to Bratislava. His letters were mainly concerned with the health situation of parents, the life of people in their birthplace, and problems in the family economic relations. Confidential topics were not common between father and son as a subject of written contact. During the First Czechoslovak Republic, Michal Králik, the mayor and official of the Republican Party for many years, was accepted by

citizens and devoted great efforts to maintain adequate welfare of the inhabitants of Výčapky even during the war. He was stern, stubborn, demanding, consistent and critical, even acting as a patriarchal-behaving head of the family. He loved nature, tried to preserve it. His love were horses. He was mindful of old traditions and customs. At the house, he managed a large orchard, also devoted to the cultivation of flowers and beekeeping. He was respected and his advice was sought by former noblemen, as well as ordinary rural people. He solved the problems of the village with invention and wit. Not surprisingly, the former mobility was interested in maintaining relationships with him based on mutual respect. His sons maintained friendly relations with the younger generation of former noblemen,similarly like also the current owner of the local estate Richard Bauer. A wedding gift to the newlyweds Maria Valéria Gerhát and Ladislav Králik, an oil painting by a Hungarian master until recently decorating the representative halls of the local mansion, expressed the relationship of former landlords to the Králiks' rich family, perhaps most aptly.

Conclusion

In the monarchist Austria—Hungary respectively in Hungary, there was a noble family, respectively genus Králik, so in addition to the non-noble genera Králik is also known landlords Králiks. This is confirmed by an inventory of historical Hungarian noble families, Nobilitas Hungarian respectively. List of Historical Surnames of the Hungarian Nobility / A magyar történelmi nemesség családneveinek listája:):

…

Krajcsovics de Ilok

Krajcsy

Krajczár

Krajnay

Krajner de Hernádfa

Krajnik de Bolgárfalva

Krajnik de Krajnikfalva

Krajnik de Tövisfalva

Krajzell

Krak

Krakkai de Esztelnek

Krakowsky alias Holowrat

Kral
Králik
Kraljich de Sekély
Kraller
Krallich
Kralovánszky
Kralovich
Kraloviczy
Kralovszky
… (Tötösy de Zepetnek).

Families of Králik are mainly in Central Europe. Such a family and later a family whose base in the faith of the centuries in Slovakia has gradually expanded and territorially diversified; therefore it can now be found varieties in every corner of Slovakia. However, there is no evidence of any blood relatives or other relationship of the Králik nobles with the peasant family of the Králik from Dubovany. Retention relations existing in Hungary until 1918 between the noble class of the population and non-nobles were liberalized after the establishment of Republican Czechoslovakia, but in general, the members of these opposing social strata still maintained a social distance, historically determined. True, as long as the non-nobles, with their property conditions, did not rise among the richest, and thus not only economically, but above all the politically preferred stratum of the population. The content of the preserved fragments of correspondence between the former small-Bohemian noblemen Frideczky and non-noblemen Králik and Gerhát, confirms the formulated hypothesis and development tendency not only at the national level but also in local or local spheres.

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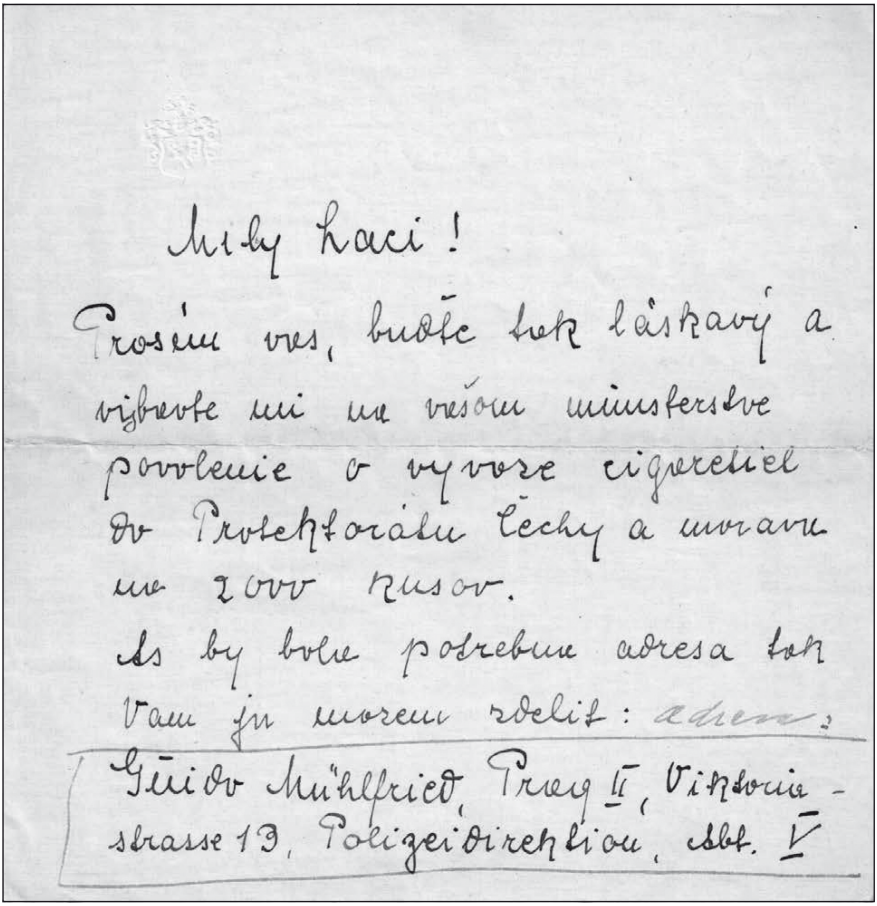
Appendix 1

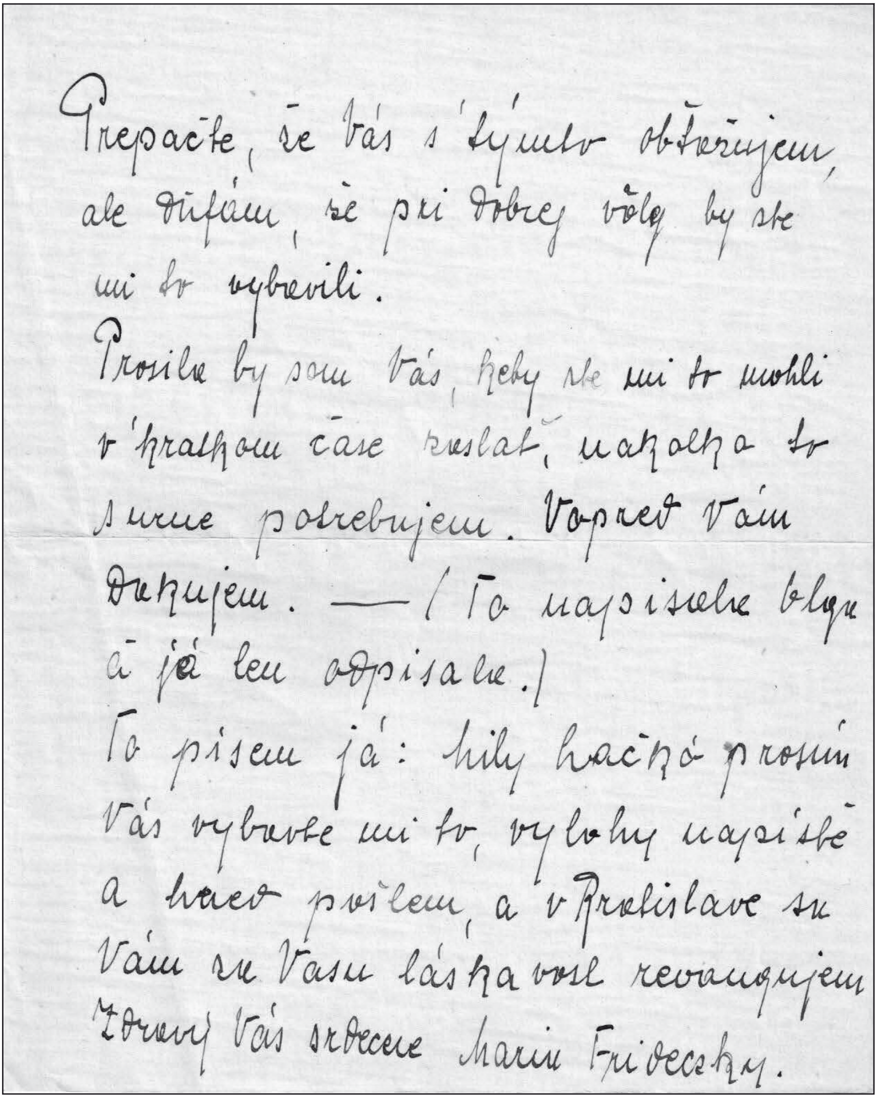


Milý Laci!

Prosím vás, buďte tak láskavý a vybavte mi na vašom ministerstve povolenie o vývoze cigariet do Protektorátu Čechy a Moravy na 2000 kusov.

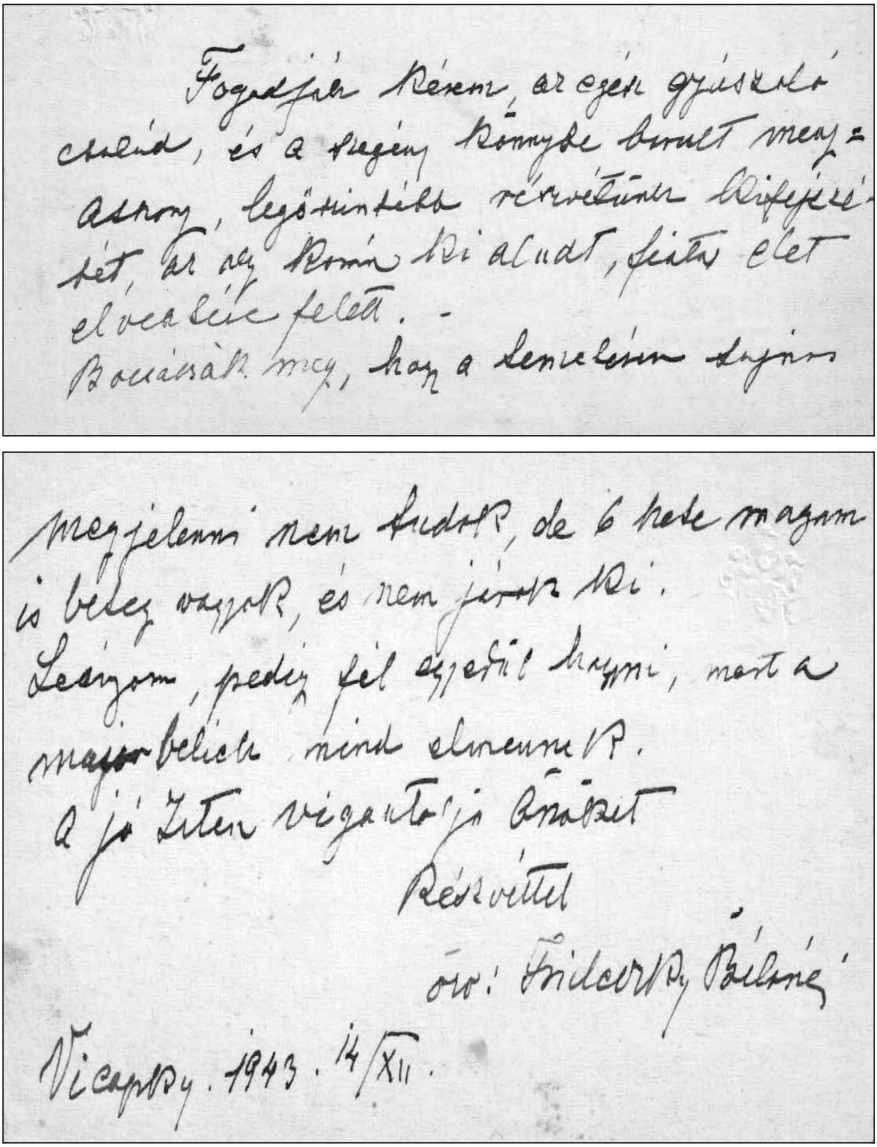
Ak by bola potrebná adresa tak Vám ju môžem zdeliť: adresa:

Gejdo Mühlfried, Prag II, Viktoria-strasse 13, Polizeidirektion, Abt. V


Prepačte, že Vás s týmto obťažujem,
ale dúfám, že pri dobrej vôli by ste
mi to vybavili.
Prosila by som Vás, keby ste mi to mohli
v krátkom čase zaslať, nakoľko to
súrne potrebujem. Vopred Vám
ďakujem. — (To napísala blga
a já len odpísala.)
To písem já: kily kačkó prosím
Vás vybavte mi to, vyložky napíšte
a hneď pošlem, a v Bratislave sa
Vám za Vašu láskavosť revanšujem
Zdraví Vás srdečne Mária Frideczky.

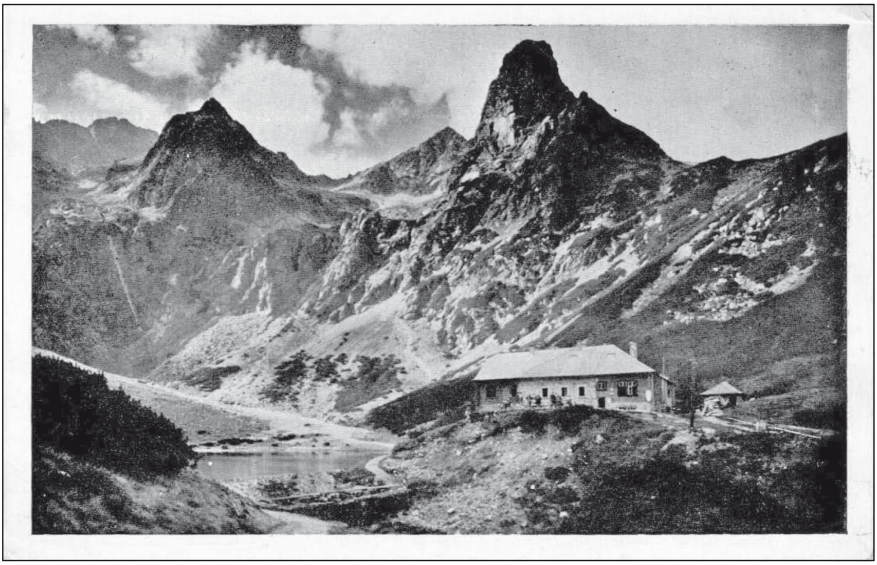
Photocopy of the letter of the wife of Maria Frideczky from Výčapky to Ladislav Králik—the office official of the Ministry of Economy of the Slovak Republic from the year 1944.

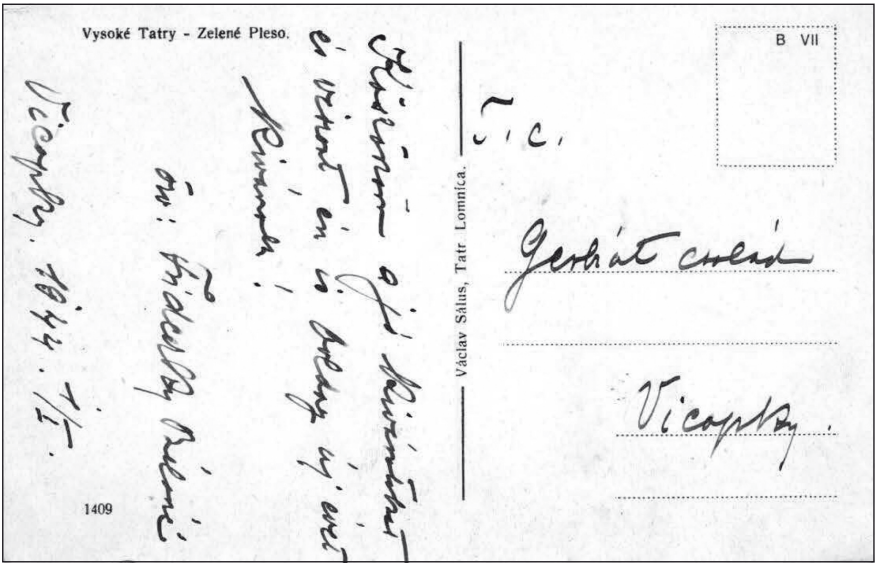
Appendix 2



Photocopy of Hungarian written letter of the countrywoman Bélane Frideczky from Výčapky addressed to the family of the deputy mayor, merchant, innkeeper and peasant Filip Gerhat.

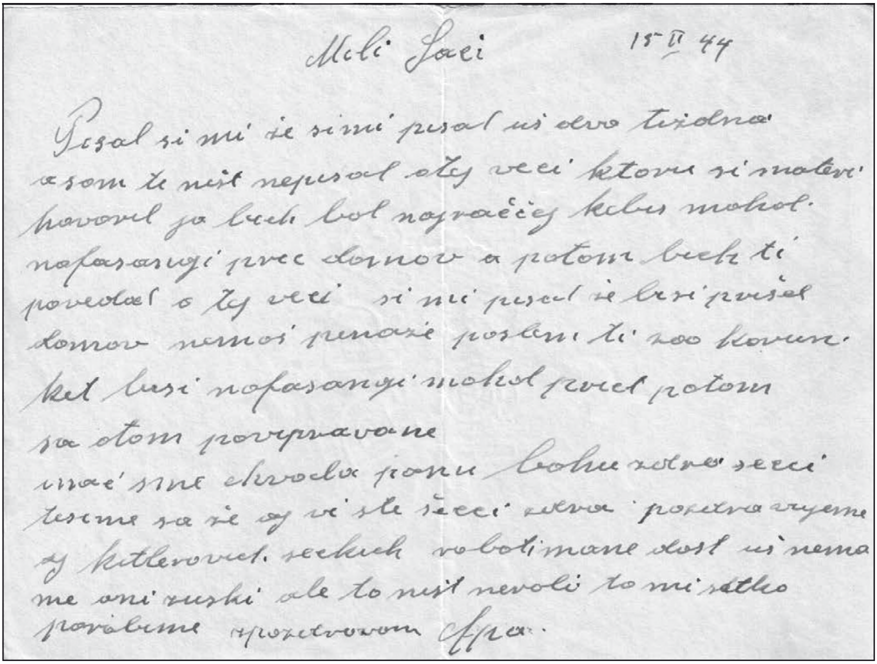
Appendix 3





Greetings from High Tatras, Green Ball. Sender: Frideczky Bélané. Addressee: Gerhát family, Výčapky, Date: January 1, 1944.

Appendix 4



Milí Laci 15 II 44

Písal si mi že si mi písal už dve tiždne
a som ti ništ nepísal o tej veci ktoré si materi
hovoril ja bych bol najradšej keby mohol
nafasovaný prec domov a potom bych ti
povedal o tej veci si mi písal že bys prišiel
domov nemáš peniaze pošlem ti 200 korun.
Ket buší nafasovaný mohol prísť potom
sa otom porozpravame
inač sme zdravi pánu bohu vďaka všecci
tešíme sa že aj vi ste všecci zdravi pozdravujeme
aj Hitlerovci všeckich vobotimane dost uš nema
me oni ruski ale to ništ nevolí to mi všetko
poviblime s pozdravom Apa.

Letter of father Michal Králik from Výčapky to his son Ladislav Králik to Bratislava on February 15, 1944.

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