Bartosz Klusek
Lublin

Marzena Dyjakowska, Crimen laesae maiestatis: *studium nad wpływami prawa rzymskiego w dawnej Polsce* [‘*Crimen laesae maiestatis*: a study on the Roman Law influences in Poland of yore’], Lublin, 2010: Wydawnictwo KUL [the Catholic Univesity of Lublin press], 279 pp. 24 cm [ISBN 978-83-7702-065-4].

Polish studies on Roman Law issues, particularly in the criminal-law aspect, have recently seen a revival. Marzena Dyjakowska’s study has proved this once again. Being the fist-ever monograph on its subject-matter, the book is an aftermath of this author’s research into the Roman Law both in the Antiquity period and in modern Poland.

The volume’s focus is on the ‘crime of injured majesty’ in Poland, in its early periods; in particular, on the influence of the Roman law on the notion of crimen laesae maiestatis itself, and its practical application at nobility courts. Due to the legal and political-system-related specificity of the nobility epoch (for instance, no codifications present), the issue in question cannot possibly be comprehended without knowledge of its origins and the method and scope of the Roman solutions’ penetration into the Polish law. Hence Ms. Dyjakowska’s only legitimate assumption to start with an analysis of the Ancient legislation and indicate the way Roman ‘injured majesty’ norms have penetrated, through the Middle Ages, into the modern era. It is therefore worth mentioning that it is quite customary with studies of this type, showing as if the ‘*longue durée*’ of a problem, the normally extensive initial chapters have no role other than contributing to an expanded volume. Marzena Dyjakowska’s treatise is a glorious exception to the rule.

The work is composed of a total of four chapters, the first being on the notion of crimen laesae maiestatis, or high treason, as per the Roman Law. In the earlier-Republic period, any action or deed infringing the community’s order were potentially classifiable as a perduellio, which may be deemed as a prototype of the crimen laesae maiestatis. As the Roman statehood developed, the notion’s scope was changing and, with time, the perduellio evolved into one of the forms of committing a crimen laesae maiestatis which started being referred to a number of deeds/actions affecting, in the first place, the top-ranking officials and the emperor and his family. The core of Roman solutions related to injured majesty cases was the relevant legislation

– initially, republican and afterwards, imperial. Two acts call for special attention in this context: Julius Caesar's lex Iulia maiestatis of 47 BC and the lex Quisquis of 397 AD, both included in the Justinian's codification.

The fall of the West-Roman Empire did not, as is known, entail a complete disappearance of the Roman culture, legal culture included. The rich legislation output of Germanic rulers, particularly Visigothic ones, comprised numerous 'injured majesty' norms. They have been subject to analysis, and form the starting point for, the second chapter whose focus is penetration of crimen laesae maiestatis norms into the mediaeval and early-modern legislation. The Roman Law acquired recognition in that period – not owing to registers compiled by barbarian kings but thanks to having referred to the sources and 'discovered', in 11th century, the Digests of Justinian. Ever since, the Roman Law has become an element of scholarly studies pursued by lawyers (glossator and post-glossator schools). Certain Roman-Law norms started being incorporated in national legislations, particularly those endorsed by German emperors. The lex Quisquis has proved the most successful: transplanted into Charles IV's Golden Bull of 1356, it grew to become the law binding in the Reich's territory for a few hundred years thereafter. The Church, owing to the *Decretum Gratiani*, recognised it as the only secular 'injured majesty' law.

On the Polish soil, the problem of protection of the ruler and his majesty did obviously appear but was never subject to an exhaustive legal regulation (the most complete in his respect was the 3rd Lithuanian Statute of 1588). Those willing to become aware of the Roman Law's role in the Old-Polish period ought therefore to study, on the one hand, the sparing norms of the law binding at the time, lawyers' writings and trial files, which quite often offer a reliable source material. The third and fourth chapters consequently present the outcome of research based upon such material. The author seems to have concluded with certainty that the Roman Law tended to be applied in Poland to a lesser degree than in the West, albeit the period's forensic literature (e.g. Garsias Quadros, Jan Kaszyc, or Franciszek Minocki) it quite frequently proves to be an important element of considerations. In their treaties, these lawyers referred e.g. to the Corpus Iuris Civilis which was based upon the Roman Law. In practice, despite a well-developed juridical reflection, the latter's function was, mostly, subsidiary. With no Polish solutions present, norms were sought for in the Roman Law – as testified to, for instance, by the trials of Krzysztof Zborowski, Michał Drzewiecki, Jerzy Lubomirski, or the Confederates of Bar.

To summarise, M. Dyjakowska's study is based upon abundant, if not impressive, evidence. As the book abounds with quotations, the reader may compare the sources' texts with the author's commentaries. Albeit scholarly in character, the work presents the issues in question in a clear manner, avoiding an overwhelming specialist vocabulary and phraseology, which certainly makes it fit for broader public readership. The study's chronological scope renders it useful for any scholar or reader interested in the problems it tackles, regardless of the historical period concerned.