



Repository for Digital Editions of Legal Historical Sources: ‘IURA. Sources of Law from the Past’¹⁾

Summary: The article is a short presentation of the knowledge base ‘IURA. Sources of Law from the Past’ (<https://iura.uj.edu.pl/dlibra>). The main goal of the project is to build a comprehensive knowledge base with interlinked and easily searchable content from various sources of historical law. The system of content links will help the user to get a broader picture of various sections or dimensions of the legal world, i.e. texts of the law and normative regulations, references to the law or laws, legal literature, or references to the implementation of the law. A set of advanced search tools will enable the user to find and select, with some degree of precision, the scope of relevant content throughout the digitalized source material. Moreover, it will be possible to conduct searches using standardized metadata descriptions. The article contains a short description of selected sources collections.

Key words: digital legal history, digital humanities, knowledge base, sources

1. Introduction:

In March 2021 the Max Planck Institute for Legal History and Legal Theory in Frankfurt/Main held a conference dedicated to the presentation of various projects aimed at the digitalization of the field of legal history²⁾. As their range extends from data and knowledge bases to advanced search and aggregation tools many of them can no longer be described in terms of the traditional division into data bases and digital tools. This is also the case with “IURA. Sources of Law from the Past /IURA. Źródła prawa dawnego”, a knowledge base constructed in the faculty of Law and Administration of the Jagiellonian University in Kraków (<https://iura.uj.edu.pl/dlibra>). It is first and foremost a repository of critical editions of legal-historical sources, but at the same time it is being extended with further analytical tools to facilitate source analysis. This article offers a concise description of this digital base and some editorial projects that have been started within its framework³⁾.

2.1. *The goal of the IURA knowledge base:*

The main goal of the project is to build a comprehensive knowledge base with interlinked and easily searchable content from various sources of historical law. The system of content links will help the user to get a broader picture of various sections or dimensions of the legal world, i.e. the texts of the law and normative regulations, references to the legal literature, or references to the implementation of the law. A set of advanced search tools will enable the user to find and select, with some degree of precision, the scope of relevant content throughout the digitalized source material. Moreover, it will be possible to conduct searches using standardized metadata

¹⁾ The research for this publication has been supported by a grant from the Priority Research Area Heritage under the Strategic Programme Excellence Initiative at Jagiellonian University, project “Edition of Polish Legal Writings 16th–18th cent. Preliminary (H.1.3.2021.67)”.

²⁾ Cf. <https://www.lhlt.mpg.de/dlh2020/en> (accessed Dec. 9, 2021).

³⁾ For a short description of the IURA project, see Maciej Mikuła, Iura, The Laws of the Past, in: Newsletter Jagiellonian University, Autumn 2019, 13; see also *idem*, Source Editions of Municipal Law in Poland (14th–16th Century), A Proposal for an Electronic Metaedition of Normative Source Material, in: *Krakowskie Studia z Historii Państwa i Prawa* 11 (2018) 85–110.

descriptions⁴⁾. The functionality of a knowledge base can be enhanced further by hyperlinks. However, in the IURA database they will merely supplement the regular searches as the creation of a comprehensive system of hyperlinks is a complex and time-consuming job.

The IURA database is not just a repository of scans or searchable scans, but a profiled collection of data for critical meta-editions of sources. As an open repository it can be used to store multiple source editions, including those that are completed and published, those that are in the making, and those that are at a preliminary stage. Furthermore, it will be possible to store in it collated texts of manuscript copies which, if only for reasons of space and economy, cannot be included in a standard book edition, but which may be of use in subsequent research, e.g. the preparation of a *variorum* edition that includes all the variant readings from one or more manuscripts (see below, 3.1). Usually, the IURA database enables the editor to publish a photograph of the source along with its transcript, while the correspondence function allows other users to add their comments and suggestions.

The IURA database is an interdisciplinary project that brings together data representing practically the whole of cultural heritage that may be of interest to legal scholars⁵⁾. At this point it is worth noting that the majority of extant sources for the early history of the Polish state are of legal nature. That is why the IURA database will be of use not only to legal historians and lawyers, but also to historians in general, linguists, and, thanks to Open Access, to a broad audience of researchers, educators and students. Finally, the creation of the IURA database has already incentivized the community of Polish legal historians to step up work on new editorial projects in their field. Some notable projects with a declared interest in the IURA resources will be discussed in Section 3.

The most important data is briefly collected in the following table: Ontology Requirements Specification Document for knowledge base ‘IURA. Sources of Law from the Past’:

No.	Category	Category features
1.	Goal	collecting data sets from various types of historical sources related to the phenomenon of law in the past as a cultural heritage
2.	Range	sources of law in a formal and substantive sense and sources of knowledge of law
3.	Implementation language	in accordance with the general specification of the dLibra DiNGO software
4.	Users	lawyers, historians, linguists, art historians, educators, students, employees of cultural institutions, sociologists, political scientists, researchers of international relations, researchers of religious studies, ethnologists, researchers of cultural studies
5.	Application	scientific research, teaching and popularization of knowledge; quick access to sources, allowing you to generate related content

⁴⁾ Cf. Eero Hyvönen, Semantic Portals for Cultural Heritage, in: Steffen Staab/Rudi Studer (Hgg.), Handbook on Ontologies, Berlin 2009, 757–778.

⁵⁾ Martin Doerr, Ontologies for Cultural Heritage, in: Staab/Studer (n. 4) 463–486.

No.	Category	Category features
6.	Metadata attributes particularly important for semantic links	date [of creation] creator spatial coverage [related to the resource] subject

2.2. Implementation tools:

The IURA database uses the DiNGO dLibra software and all its tools, a programme developed by the “Poznan Supercomputing and Networking Centre” and adapted to the needs of the IURA project⁶). The dLibra system was originally devised to serve Polish digital libraries, i.e. to present an inventory of a large number of resources with a standard metadata description. Since then it has become the most popular software for the Federation of Digital Libraries databases of Poland’s cultural heritage with more than eight million resources in its collections (<https://fbc.pionier.net.pl>). While IURA is going to link up to the FDL’s general search engine, it will have its own resources served by specialized tools that are not available in dLibra’s basic program. So the content search engine has been enhanced to take note of spelling variants, e.g. the alternate spelling of *u* and *v* in Latin words. This is just one example of the usefulness of this facility for content aggregation and analysis in source editions that usually follow different editorial protocols. Another analytics data tool is CollateX which enables the user to compare up to ten text samples at the same time and print out the results for further study. This can be of great use in the identifying and collation of textual variants of a legal regulation in multiple manuscripts.

2.3 Metadata:

One of the main concerns of the founders of the IURA database has been the creation of an interoperable, consistent description model which would fit each and every resource of the collection. At the same time the metalevel descriptors function as source identifiers for the Semantic Web (Web 3.0) network and as indexes for search engines looking for specific content. While the scope of the IURA metadata is compliant with the Dublin Core Standard 1.1⁷), the IURA software has its own application profile characterized by a set of key elements (attributes). They are (1) time of creation, i.e. the date when the source was originally produced; (2) spatial range (coverage), i.e. the site or the territorial scope of the resource’s presence /functioning; (3) authorship – in the case of legal texts it is usually the institutional author; and (4) topics (subject headings), i.e. a set of tags which identify in a precise and consistent way the legal content of the source. The compilation of a corpus of tags (lexemes) that need to be standardized and to reflect the shifts in meaning of a given word (term) in history as it migrates from one legal system or context to another is the greatest challenge the creators of IURA have to face.

Once completed and systematized the corpus will become the IURA Thesaurus, or, in language of information science, an informal semantic ontology. It will consist of a number of controlled vocabularies compiled on thematic and chronological criteria. Currently work is being done on the vocabulary of criminal law, the judiciary and

⁶) Cf. <https://dingo.psnec.pl/dlibra/> (accessed December 9, 2021).

⁷) Cf. <https://www.dublincore.org/specifications/dublin-core/dces/> (accessed December 9, 2021).

criminal procedure. The IURA Thesaurus will be bilingual, Polish and English (of course, depending on the source, no less attention will be given to words and terms in sources languages, for example Latin). While absolutely essential for IURA, the Thesaurus with its advanced metadata system will be an important addition to other interconnected knowledge bases of the Semantic Web.

3. Resource management:

In the IURA database the sources are grouped in interconnected collections. They are created on the basis of three criteria – the chronological, the geographical and the thematic – which correlate with the basic attributes of each source, i.e. its place in time, its territorial scope, and the object (sphere) of its legal regulations. No limit is set on the number of such collections. Nor is it necessary to give an exhaustive description of the ones that are under construction. However, it is possible to present an account of four collections which have already begun to take shape. The first comprises medieval sources, while the other three focus on early modern, nineteenth-century and the twentieth-century interwar sources respectively.

3.1. *The Magdeburg Weichbild in the 14th–16th centuries: An introduction to a corpus of municipal law:*

The Magdeburg Weichbild in Poland is a collection of extant editions of texts of the Saxon-Magdeburg Law, the legal code which held sway in Polish towns in the Middle Ages⁸). *Ius municipale Magdeburgense* functioned in Poland in two basic versions, the Silesian-Malopolska variant and, from 1535, the Weichbild Vulgate. The latter variant is represented by German texts (five manuscripts), two Latin translations of the local German base (*versio Sandomiriensis* and *versio Cracoviensis*) and various combinations of the two versions, which were eventually fused in a printed edition (*Commune incliti Poloniae Regni privilegium*) authorized and authenticated by king Alexander I of Poland in 1506. It was followed in 1535 by another Latin translation from the German original, Mikołaj Jaskier's *Ius municipalis Magdeburgensis liber vulgo Weichbild nuncupatus*, which, in turn, was translated into Polish in 1581. The complicated history of the transmission of the Weichbild and the confusing diversity of its texts made every research effort in this area exceedingly difficult and uncertain. Now, however, the prospect of making substantial progress has opened up with the arrival of digital technology and analytics data tools. For the IURA project it means that prior to the preparation of a critical edition of a given legal act, copies of all the relevant manuscripts will be entered into the system. The creation of an electronic metaedition at this stage will enable the users to follow the editorial work while it is still in progress (a process that may take years). In the case of the Weichbild the complete critical edition will be published both in traditional book format and in IURA. It will contain an edition of the German text with variants in extant manuscripts; an edition of the Latin text of the Sandomierz and the Cracow versions,

⁸) About the Magdeburger Weichbildrecht in the Kingdom of Poland among other sources of municipal law see Wieland Carls, *Rechtsquellen Sächsisch-magdeburgischen Rechts*, in: Inge Bily/Wieland Carls/Katalin Gönczi (Hgg.), *Sächsisch-magdeburgisches Recht in Polen, Untersuchungen zur Geschichte des Rechts und seiner Sprache*, Berlin 2011, 84–88; Maciej Mikuła, *Municipal Magdeburg Law (Ius municipale Magdeburgense) in Late Medieval Poland, A Study on the Evolution and Adaptation of Law*, Leiden 2021, 225–227.

also with the manuscript variants; and a new edition of the 1506 *Commune incliti* with the annotations of its contemporary users. These notes must be treated as an important source in its own right as they give us an insight into the manner in which the written law was applied in legal practice.

In addition to presenting the full range of sources, the IURA meta-edition of the Weichbild will allow users to conduct two kinds of operations that go beyond typical word finding. The analytics tool CollateX can compare a text in multiple sources. It is most effective with short passages so it is recommended to study the text of longer acts paragraph by paragraph. This method seems to work best in comparative work and the study of the text's evolution of other legal acts from the territory of the medieval Kingdom of Poland, including the landmark of the Polish land law, the Statutes of King Kazimierz the Great. The other facility will be able to trace content relationships between resources and – in effect of across-the-board comparative analyses of various normative acts, legal treatises and records of legal practice – to show up the holistic dimension of the legal order these resources are part of. As mentioned, in the field of municipal law the foundational text is *Ius municipale Magdeburgense*. It gave rise to and retained to some extent a presence in various documents of urban life. These texts are now being collected and bundled into sub-collections like 'Urban documents', 'Urban legal records', or 'The work of jurists'. The enhanced search software will enable the user who submits a search query for 'murder' in the municipal law collections to get a whole list of results returned by the interconnected system of metadata tags. The system works across all sources at more than one level. So, in response to query about murder it will not only produce the relevant regulations from the Weichbild, but also point to records of murder trials and formulas and discussions concerning the subject in the writings of jurists. The processing of the results takes place on three levels, i.e. the filtration of the source content, the combing of the metadata and the checking of interlinks or hyperlinks. Finally, it may be noted in this respect that the most promising material for a holistic appraisal of the Polish land law and the country's medieval legal order will be found in the Statutes of King Kazimierz the Great.

3.2 Legal treatises of the 16th–18th centuries and their glossators:

As a result of the drive to digitalize as much as possible of Poland's library and archival holdings, practically all of the important legal treatises have been available online in open access as scans. However, critical editions (especially 16th century treatises of urban law)⁹⁾ make up only a tiny fraction of the online resources. The IURA project could help solve the problem, yet even now not all of the critical editions can be attached to its database because of copyright restrictions. Nonetheless preliminary work has already started to prepare some classic sources for inclusion in the IURA system. The first step is to get hold of and prime the base texts. The

⁹⁾ E.g. Bartłomiej Groicki, *Porządek sądów i spraw miejskich prawa majdeburskiego w Koronie Polskiej* [1559], and *Tytuły prawa majdeburskiego* [1567], both ed. by Karol Koranyi, Warszawa 1953, 1954; Szczerbic Paweł, *Ius Municipale, to jest prawo miejskie majdeburskie nowo z łacińskiego i z niemieckiego na polski język z pilnością i wiernie przełożone*, and *Speculum Saxonum, albo prawo saskie i majdeburskie, porządkiem obiecadła z łacińskich i niemieckich egzemplarzów zebrane*, A na polski język z pilnością i wiernie przełożone, both ed. by Grzegorz M. Kowalski, Kraków 2011, 2017.

early print texts prepared for the IURA database aspire to the critical edition status. The spelling is to be modernized, the critical apparatus (tags and annotations) made consistent, and where the work had multiple editions – to proceed with a careful comparison the successive texts in order to identify possible alterations and revisions. As the IURA project foresees the online publication of all texts at every stage of the editorial process – beginning with the PDF presentation of a text (soon also TEI) as it appears on the original page – legal historians and other experts (linguists) may follow it and come up with their comments and suggestions. To be sure, IURA is not just a database, but also a research platform open to anybody willing to contribute to the task of establishing a prime collection of critical editions of Polish legal texts, or to do research in the field.

An essential part of the editorial work on early printed books is the listing of a maximum of the existant copies of a given book, and also the inclusion of annotations in the complete edition: Contemporary readers left in their pages sometimes fairly long notes of a page or two of extracts from other normative acts pasted on the margin; sometimes these notes are no more than a reminder that the adjacent provision or opinion may be of use in some other case. At any rate the editing of legal texts for the IURA database covers a lot of ground, not least the marginal glosses. Their inclusion in the critical editions is not only justified but also opens up a new field of research. A new *corpus* of Polish-language studies on municipal law (by Bartłomiej Groicki¹⁰) and land law (by Grzegorz Czaradzki¹¹) and Teodor Ostrowski¹²) is currently being prepared.

3.3 *The law and legal practice in the first half of the 19th century: the Republic of Cracow and the Congress Kingdom of Poland:*

The Third Partition of Poland in 1795 marked the end of the Polish-Lithuanian Commonwealth. The land that had remained after the earlier partitions was divided between the Austrian Empire, the Kingdom of Prussia and the Russian Empire. However, twenty years later the Congress of Vienna decided to restore the Kingdom of Poland as part of the Russian Empire and create an autonomous entity known as the Free City (or the Republic) of Cracow. Formally a tripartite *condominium* of Austria, Prussia and Russia, Cracow had its own constitution and government. Its justice system was based on Napoleon's Civil Code. It is worth mentioning that professors from the Faculty of Law of the Jagiellonian University have assisted judges in court proceedings by issuing qualified legal opinions¹³). They also assisted judges in court proceedings by means of issuing qualified legal opinions. These opinions attached to complete files of case records have been preserved in the Cracow archives (The Jagiellonian University Archives, The National Archives in Kraków). Their value

¹⁰) As n. 9.

¹¹) Grzegorz Czaradzki, *Proces sądowy polski prawa koronnego*, Kraków 1614.

¹²) Teodor Ostrowski, *Prawo cywilne narodu polskiego*, Warszawa 1787.

¹³) Cf. Andrzej Dziadzio, *Opinie profesorów i doktorów Wydziału Prawa Uniwersytetu Jagiellońskiego jako źródło badań nad stosowaniem Kodeksu Napoleona w Wolnym Mieście Krakowie*, in: *Krakowskie Studia z Historii Państwa i Prawa* 13 (2020) 303–319; Piotr Michalik, *Stosowanie przepisów prawa spadkowego Code civil przez sądy Wolnego Miasta Krakowa – sprawa Sawiczewskich*, in: *Krakowskie Studia z Historii Państwa i Prawa* 14 (2021) 307–330.

as a source is hard to overestimate as they show the problems and peculiarities of a local implementation of a foreign civil code. Moreover they are a phenomenal example of the implementation of learned law in legal practice. The legal collection of the Republic of Cracow – which comprises normative acts, qualified legal opinions of the professors of the Law Faculty of the Jagiellonian University and a full range of legal documents submitted to the courts in individual cases¹⁴) – is by no means the only 19th-century treasure trove of this kind. Among several other collections that have been handed down to us there are two of extraordinary importance. They are the Archives of the Duchy of Warsaw and the Kingdom of Poland. The Duchy of Warsaw was created as part of the Treaties of Tilsit signed in 1807 by the French Emperor with the Emperor of Russia and the King of Prussia, but did not survive Napoleon's defeat. In 1815 the Vienna Congress and Czar Alexander I created in its place a vassal state named 'Congress Kingdom of Poland'. Probably the most lasting legacy of the Duchy to this new state was the Napoleonic Code. The IURA Database will cover questions regarding the scope of the Code and its relation to other legal codes, especially the Polish laws of the pre-1795 period. The need to replace, revise, or adapt the Polish law was debated throughout the 19th century, beginning with the Civil Reform Committee in 1814–1815, an advisory body acting under the aegis of Czar Alexander I. The protocols of the discussions in that committee and its Codification Commission, which came up with an ambitious reform agenda, are edited and published as a separate subcollection of the IURA database¹⁵).

3.4 *English translation of the sources:*

The collection 'Translation of sources into English'¹⁶) was launched in 2021 with a series of historical normative acts translated from Czech, Hungarian and Polish within the framework of the project 'Continuity and Discontinuity of Pre-war Legal Systems in Post-war Successor States (1918–1939)'¹⁷). The aim of the project, which is financed by the International Visegrad Fund, is to examine the problems of legal systems inherited by the successor states after World War I. The project foresees, among other things, the translation of a selection of normative acts or draft legislation drawn up in Czechoslovakia, Hungary and Poland in the interwar period. Up to now over a dozen of the planned translations have been completed and published. The list of Czechoslovak regulations includes the Zákon na ochranu republiky (Act on the Protection of the Republic) of 19 March 1923, the Zákon o osvojení (Act on Adoption) of 28 March 1928, the Zákon o trestním soudnictví nad mládeží (Act on juvenile criminal justice) of 11 March 1931, the Zákon o základních ustanoveních soudního řízení nesporného (Act on the Basic Provisions of Non-contentious Proceedings) of 19 June 1931, the Zákon, kterým se doplňuje zákon na ochranu republiky (Act Amending the Act on Protection of the Republic) of 10 July 1933, the Zákon, kterým se mění ustanovení občanského práva o obřadnostech smlouvy manželské, o

¹⁴) <https://iura.uj.edu.pl/dlibra/publication/1149#structure> (accessed Dec. 9, 2021).

¹⁵) <https://iura.uj.edu.pl/dlibra/publication/959#structure> (accessed Dec. 9, 2021).

¹⁶) <https://iura.uj.edu.pl/dlibra/publication/2214#structure> (accessed Dec. 9, 2021).

¹⁷) This project is co-financed by the Governments of Czechia, Hungary, Poland and Slovakia through Visegrad Grants from the International Visegrad Fund Grant No. 22030159. The mission of the fund is to advance ideas for sustainable regional cooperation in Central Europe.

rozluce a o překážkách manželství (Act amending the provisions of civil law on the ceremonial appurtenances of a marriage contract, on separation, and on obstacles to marriage) of 22 May 1919.

The list of Hungarian regulations includes M. E. számú rendelete, a csődön kívüli kényszeregyességi eljárásról (Decree on the Procedure on the Compulsory Non-Bankruptcy Settlement) of 15 November 1915, 1916. évi V. törvénycikk a csődön kívüli kényszeregyességről és a csődtörvény egyes rendelkezéseinek módosításáról (Act V of 1916 on the Compulsory Non-bankruptcy Settlement and the Amendment of Some Provisions of the Bankruptcy Act), 1920. évi I. törvénycikk az alkotmányosság helyreállításáról és az állami főhatalom gyakorlásának ideiglenes rendezéséről (Act I of 1920 on the Restoration of Constitutionality and the Temporary Settlement of the Exercise of Public Authorities) of 16 February 1920, 1923. évi V. törvénycikk a tisztességtelen versenyről (Act V of 1923 on Unfair Competition) of 1923, Magánjogi Törvényjavaslat (Bill on the Hungarian Code of Private Law, § 1134–§ 1150) of 1928, and 1931. évi XX. törvénycikk a gazdasági versenyt szabályozó megállapodásokról (Act XX of 1931 on the Agreements Regulating Economic Competition) of 1931.

The list of Polish regulations includes Ustawa o zwalczaniu nieuczciwej konkurencji (Act on Combating Unfair Competition) of 2 August 1926, Ustawa o prawie właściwym dla stosunków prywatnych międzynarodowych (Act on Law Applicable to International Private Relations) of 2 August 1926, Lutostanski's Project (Draft of Marital Law) of 28 May 1929, and Kodeks karny (Penal Code) of 11 July 1932.

A notable item on the list of translations from Polish is the Penal Code of 1932. After proclaiming its independence on 11th November 1918, the new Republic of Poland took possession of territories with five legal systems, i.e. law of the German Empire in the west, the (post-Napoleonic) law of the Congress Kingdom of Poland in the central parts, the law of the Russian Empire in the east, the Austrian legal system in Galicia, and the Hungarian legal traditions in Spisz and Orawa. The task of developing a unity from this diversity was taken up in 1919 by two departments of the Codification Commission, one for the civil law, the other for criminal law. While the former worked on legislation in various fields that was successively enacted in the 1920s, the Penal Section, headed by Juliusz Makarewicz, had a long-term goal: the drafting of a comprehensive penal code that was up to modern standards. Finally, the new Penal Code was enacted by presidential decree on 11 July 1932. It gained much acclaim both in Poland and abroad. In retrospect, there is no need to revise those opinions. Makarewicz's Code, as it was generally referred to, remains a great achievement of the 20th-century Polish legal school. The collection of translations will publish more legal texts written in Poland in the interwar period.

4. Conclusion.:

'IURA. Sources of Law from the Past' is a multiannual, open-ended Polish project which consists of several modules. It can be established to eventually include more sources and to acquire new analytic tools. Among its key characteristics are: (1) inclusivity, i.e. it can create specified collections focusing on a specific content theme and store any number of work-in-progress editions; (2) advanced search techniques both in the database and on the metadata level; (3) federated database connectivity,

i.e. with the Polish Federation of Digital Libraries holding millions of objects; (4) a systematic and consistent description of objects on the level of metadata; (5) a simple, comfortable, easy-to-use interface; (6) open access, no sign up required, unlimited downloading of data in universal file formats: PDF for the resource text (soon also TEI), XML for the metadata, Bibtex – a bibliography tool. As this brief summary shows, the IURA project is set on expansion both in terms of the number of objects in its collections and in its mission to bring Poland's legal heritage within easy reach of researchers, educators and, last not least, members of the general public.

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