

Letters, Law and Court in Polish Livonia: the case of David Hilchen

Under and Tuglas Literature Centre of the Estonian Academy of Sciences

Tallinn, Roosikrantsi 6

16th April 2019

17.00 Opening and greetings:

Director of the Under and Tuglas Literature Centre of the Estonian Academy of Sciences, Member of the Estonian Academy of Sciences, Dr. Jaan Undusk

Ambassador of Poland in Estonia, H. E. Mr. Grzegorz Kozłowski

17.15 Introduction. Dr. Kristi Viiding (Under and Tuglas Literature Centre): Introduction to David Hilchen's written legacy, especially to his epistolography

David Hilchen (1561-1610) was one of the most influential humanists and lawyers from the Early modern Livonia, who left a collection of about 800 mostly Latin letters, partly written by himself, partly sent to him. In the introduction I will present the main trends of his correspondence (circles of addressees, dynamics of letter-writing, changes in style etc) and topics of his letters to provide possible background for further papers and discussions.

17.45-19.00 Abendvortrag. Ass. Prof. Dr. Hesi Siimets-Gross (Universität Tartu), Ass. Prof. Dr. Thomas Hoffmann (Under and Tuglas Literature Centre/TalTech): David Hilchens Juristenkorrespondenz vs juristische Korrespondenz

In der umfangreichen Korrespondenz David Hilchens finden sich zahlreiche Juristen verschiedener Herkunft und Funktion - wie z.B. Caselius, Gaunersdorf, oder Dressner. Dieser Beitrag möchte untersuchen, welche Merkmale diese Korrespondenz Hilchens in Hinsicht auf Ursprung des Kontaktes mit Hilchen, vorhergehende Korrespondenz, sowie Herkunft und berufliche Funktion der Adressaten aufweist, um auf diese Weise einen möglichst umfassendes Verständnis von Hilchens Juristen- und somit auch Selbstbild zu entwickeln. Unter anderem wird untersucht, ob die juristische Ausbildung des Adressaten sich auch im Inhalt der Briefe niederschlägt oder ob eher andere Faktoren den Inhalt der Briefe beeinflussen.

17th April 2019

9.00-10.30

Prof. Dr. Peter Oestmann (Universität Münster): Contumacia: Ladungsungehorsam im frühneuzeitlichen Prozessrecht

Wer zum Gericht geladen wird, soll auch dort erscheinen. Hierbei handelt es sich um einen der ältesten Rechtsgrundsätze, der bis in die römische Zwölftafeln zurückreicht. Der Verstoß gegen die Pflicht zum Erscheinen konnte in jeder historischen Epoche bestraft werden – bis hin zur Aberkennung der Rechtsfähigkeit (Ächtung). David Hilchen hatte in seinen Rechtsstreitigkeiten ebenfalls mit dem Contumacia-Problem zu kämpfen. Aus einer rechtsgeschichtlichen Perspektive sollen allgemeine Fragen nach dem Ladungsungehorsam in ein Gespräch mit den Hilchen-Experten münden und auf diese Weise dazu beitragen, die Auseinandersetzungen von David Hilchen besser zu verstehen.

Prof. Dr. Marju Luts-Sootak (Universität Tartu): „Nobilis sum, cur Nobilitatis jure excludor?“ – Ein Versuch, den Prozess gegen David Hilchen nach landrechtlichen Maßstäbe zu beurteilen

In einem Brief vom 4. September 1602 an königlichen Sekretär Stanislaw Fogelfelder, den Hilchen aus dem Feldlager an der Festung Weissenstein (est. Paide) schickte, um den hohen Beamten über die Unhaltbarkeit der Beschuldigungen des Rats zu Riga zu überzeugen und um den König von den Vollstreckungsbefehl zu dem Urteil des Rigaschen Rats abzuhalten, stelle er eine rhetorische Frage darüber, warum er nicht nach dem Recht des Adels behandelt sei, obwohl er doch ein Adliger sei. Im Vortrag wird der Versuch gemacht, den vor dem Rigaschen Rat abgelaufenen Prozess nach dem Maßstab des damals gegoltenen Landrecht zu beurteilen, um die von Hilchen angesprochene Alternative näher zu beleuchten.

10.30-11.00 Tea and coffee break

11.00-12.30

Ass. Prof. Dr. habil. Adam Moniuszko (University of Warsaw): King's courts in the Polish-Lithuanian Commonwealth at the turn of 16th century

The aim of this contribution is to briefly present organisation and practice of the King's courts in the PLC at the turn of 16th century, i.e. in the time of significant changes after founding of the Crown and Lithuanian Tribunals (1578, 1581) and reforms following case of Zborowski family (1588). King's courts were composed of five separate bodies: four were bound with *Curia regis* and the fifth with the PLC's parliament (the Sejm Court). Their jurisdiction covered the most serious criminal cases like high treason, crimes against treasury, felonies of the nobility endangered with death sentence; they were high court for royal cities and fiefs as well. Yet, the

allocation of competences between them was far from clear and might have caused difficulties. Presentation of these problems shall shed some light upon formal side of David Hilchen's case of high treason.

Prof. Dr. Maciej Jońca (University of Lublin): David Hilchen and Jan Zamoyski - a short story of an extraordinary friendship

In the Polish literature there is little known about David Hilchen, who was once one of the closest collaborators of the chancellor Jan Zamoyski. It is a remarkable coincidence, since as a secretary Hilchen could assist the royal court sessions. Hilchen's influence on Zamoyski is beyond any doubts. The sources prove, that the chancellor could not have enjoyed the venerable title of „Polish Mecenaz” without his help. It was Hilchen who gave Zamoyski contacts, and constantly prompted him to be active supporter of artists and scientists. The Polish chancellor owed him a lot and did his best to repay his debts by making him one of his *familiares*. It doesn't seem that David Hilchen ever knew or spoke Polish. Nevertheless, due to his close friendship with Jan Zamoyski he was one of the most eminent personalities in Zamość at the beginning of 17th century.

12.45-14.15 Lunch

14.15-15.45

Ass. Prof. Dr. hab. Łukasz Marzec (Jagiellonian University, Kraków): Studium Generale. Legal education in Kraków University in the 16th and 17th century

Since the foundation of the University in Kraków in 1364, the law faculty has been the most important one. At the beginning there were five chairs of the Roman law and three chairs of the canon law. The following centuries were glorious for the Academy as many foreign students and professors were coming (including Nicolaus Copernicus) and *Studium Generale* constantly built up its position in Europe. The law faculty was proud of the famous Paweł Włodkowic and his doctrine of non-christian nations rights. After Reformation the Academy had to face many problems and the number of students and staff went down rapidly. The deep conflict with Jesuits almost led to the shutdown of the school. After the great reform in the 18th century, the Jagiellonian University regained its former glory.

Ass. Prof. Dr. Valentina Lepri (Warsaw Institute of Philosophy and Sociology, Polish Academy of Sciences): Shaping a Renaissance scholar: Remarks on David Hilchen's educational paths at the Akademia Zamojska

My paper will explore David Hilchen's educational background and investigate intellectual circles to which he belonged, focusing the attention on the Akademia Zamojska at the time when he was there with his sons. My aim is to provide an

overview of the curricula in law and philosophy at the Academy, also informing about textbooks and profiles of the most important professors in these disciplines. Founded in 1595 by the powerful Polish chancellor Jan Zamoyski in his own city Zamość, the Academy was bestowed with university rights and was intended to pursue a definite precise mission: to train the Polish elite in political life. The academy was, in effect, the city's "civic school".

What kind of education and intellectual stimuli did such peculiar school provide to Hilchen?

In my paper I seek to answer this question by examining the syllabus and some academic documents dating to the first decade of the seventeenth century and conserved in the archives of the Academy. Apart from the understanding of Hilchen's educational paths, this may shed more light on the network of contacts established by him with the professors of the academy, abundantly testified by his collection of letters.

15.45-16.00 Closing discussion and publication organisation