

# JOURNAL ON EUROPEAN HISTORY OF LAW



VOL. 6 / 2015 NO. 2

## Editorial staff JOURNAL ON EUROPEAN HISTORY OF LAW:

- JUDr. PhDr. Stanislav Balík**  
Attorney at Law, Prague, Czech Republic
- Prof. Dr. Barna Mezey**  
Faculty of Law, Eötvös-Loránd-University Budapest, Hungary
- Prof. JUDr. Jozef Beňa, CSc.**  
Faculty of Law, Comenius University in Bratislava,  
Slovak Republic
- Doc. JUDr. PhDr. Jiří Bílý, CSc.**  
Metropolite – University Prague, Czech Republic
- Dr. Piotr Fiedorezyk**  
Faculty of Law, University of Białystok, Poland
- Alberto Iglesias Garzón, Ph.D.**  
Charles III University of Madrid, Spain
- Prof. Dr.iur. Dr.phil. Thomas Gergen, MA**  
European University for Economics and Management,  
Luxembourg
- Prof. Dr. Gábor Hamza**  
Faculty of Law, Eötvös-Loránd-University Budapest, Hungary
- Prof. JUDr. Ignác Antonín Hrdina, DrSc.**  
Faculty of Law, Westbohemia University, Plzeň,  
Czech Republic
- JUDr. Vilém Knoll, Ph.D.**  
Faculty of Law, Westbohemia University, Plzeň,  
Czech Republic
- Doc. dr. sc. Mirela Kresic**  
Faculty of Law, University of Zagreb, Croatia
- Prof. zw. dr hab. Adam Lityński**  
Faculty of Law, University of Silesia, Katowice, Poland
- Doc. Dr. Olga Lysenko**  
Faculty of Law, Lomonosov Moscow State University, Russia
- Tony Murphy**  
Department of Law & Criminology, Sheffield Hallam  
University, UK
- ao. Univ. Prof. Dr.jur. Christian Neschwara**  
Faculty of Law, University of Vienna, Austria
- Doc. Dr. Dmitry Poldnikov**  
Faculty of Law, National Research University,  
Higher School of Economics, Moscow, Russia
- Doc. JUDr. Karel Schelle, CSc.**  
Faculty of Law, Masaryk University, Brno, Czech Republic
- Dr. Gábor Schweitzer, Ph.D.**  
Institute for Legal Studies  
of the Hungarian Academy of Sciences, Hungary
- Adw. Ewa Śtawicka**  
Attorney at Law, Warsaw, Poland
- Dr. Magdolna Szűcs, Ph.D.**  
Faculty of Law, University of Novi Sad, Serbia
- JUDr. Bc. Jaromír Tauchen, Ph.D., LL.M.**  
Faculty of Law, Masaryk University, Brno, Czech Republic
- Prof. Dr. Wulf Eckart Voß**  
Faculty of Law, University of Osnabrück, Germany

## TABLE OF CONTENTS

<i>Diemut Majer</i> : Höchstgerichtsbarkeit in Deutschland im 19. und 20. Jahrhundert. Ein rechtshistorischer Rückblick (The Jurisdiction of the Constitutional Justice in Germany in 19th and 20th Century. Legally-Historical View) . . . . .	2
<i>Christoph Schmetterer</i> : Die Kompetenz zur Regelung des Militärstrafverfahrens in Österreich(-Ungarn) (The Competency to Enact Rules for Military Criminal Procedure in Austria(-Hungary) . . . . .	7
<i>István Stipta</i> : Rituale Blutanklage in Ungarn im Jahre 1883 (Ritual blood libel in Hungary in 1883) . . . . .	13
<i>Zoltán J. Tóth</i> : Statutory Regulation of Capital Punishment in Hungary during the Horthy Era and World War II. . . . .	23
<i>Iván Halász</i> : The Institutional Framework and Methods of the Implementation of Soviet Legal Ideas in the Czechoslovakia and Hungary during Stalinism. . . . .	29
<i>Ádám Rixer</i> : General and Legal Meaning of Civil Society in Hungary from the Beginning till 1989. . . . .	38
<i>Anna Klimaszewska</i> : The Reception of the French Commercial Law on the Polish Lands in the First Half of the 19 <sup>th</sup> Century. . . . .	48
<i>Paweł Kacprzak</i> : Rechtliche und organisatorische Grundlagen des Funktionierens der Arbeitslager in Polen in den Jahren 1945–1950 (The Legal and Organizational Principles of the Labor Camps in Poland 1945–the 1950s.) . . . . .	53
<i>Karol Siemaszko</i> : Security of Post-German Movable Property in the First Years after the End of World War II in the Light of Selected Cases Considered by the Regional Court in Gorzów Wielkopolski . . . . .	61
<i>Kamil Niewiński</i> : Solidarity and the Judiciary in the Polish People's Republic in the Years 1980–1981 . . . . .	66
<i>Miriam Laclaviková, Adriana Švecová</i> : Attempts to Unify and Codify Private Law during the Period of the Inter-war Czechoslovak Republic. . . . .	72
<i>Ján Štefanica</i> : Selected Aspects of the Creation and Development of the Rules of International Law for the Prosecution of War Criminals . . . . .	78
<i>Dmitry Poldnikov</i> : Magna Carta: Disentangling History from Myth in Russia . . . . .	85
<i>Katrin Treska, Engjëll Likneta</i> : The Funds for the Execution of Obligations (Contract) according to the Albanian Customary Law . . . . .	90
<i>Iván Siklósi</i> : Treasure Trove in Roman Law, in Legal History, and in Modern Legal Systems. A Brief Summary. . . . .	97
<i>Miklós Kelemen</i> : Veränderung der Beschaffenheit der „annona militaris“ in der späten Kaiserzeit (The Meaning Changes of the Annona Militaris in the Later Roman Empire) . . . . .	103
<i>János Erdődy</i> : The Regula “nasciturus pro iam nato habetur” and the Appearance of the Expression “mulieris portio” in the Digest and its Consequences. . . . .	110
<i>Pál Sályi</i> : The Rules of Condemnation to the Mines in Imperial Rome . . . . .	116
<i>József Benke</i> : What Would ‘Praetor Paulus’ Do in ‘Post-Lehman’ World? A Comparative Analysis of Lawmakers’ Responses to the Spreading Practice of Fraudulent Transfers’ Novel Ruses in Late Roman Republic’s Liquidity Crisis and in 21st Century Hungarian ‘Post-Lehman’ Crunch: Some Morals of the ‘Paulian Action’ . . . . .	122
<i>Adolfo A. Diaz Bautista Cremades</i> : Notes about Sport Finance in Rome . . . . .	139
<i>Michael Conforti</i> : John Wilkes, the Wilkite Lawyers and Locke’s Appeal to Law . . . . .	143
<i>Jiří Bílý</i> : Marxism in the West Thought Interpretation of Law in Postwar Period . . . . .	157
<i>Jacek Zieliński</i> : Myth of the Truth in the Heterogeneous Society . . . . .	161

## BOOK REVIEWS

<i>Fenyvesi Csaba</i> : A kriminalisztika tendenciái. A bűnügyi nyomozás múltja, jelene, jövője . . . . .	169
<i>Iole Fargnoli/Stefan Rebenich (Hrsg.)</i> : Theodor Mommsen und die Bedeutung des Römischen Rechts [Tendencies in Criminalistics: The Past, Present and Future of Criminal Investigation]. . . . .	170
<i>Martin Löhnig (Hrsg.)</i> : Zwischenzeit. Rechtsgeschichte der Besatzungsjahre . . . . .	171
<i>Gerald Mund (Hrsg.)</i> : Deutschland und das Protektorat Böhmen und Mähren. Aus den deutschen diplomatischen Akten von 1939 bis 1945 . . . . .	172
<i>Susanne Lösch</i> : Die coniunctio in testamentarischen Verfügungen des klassischen römischen Rechts . . . . .	173
<i>Anna Margarete Seelentag</i> : Ius pontificium cum iure civili coniunctum. Das Recht der Arrogation in klassischer Zeit . . . . .	176

## REPORTS FROM HISTORY OF LAW

Die Publikationen der Liechtensteinisch-Tschechischen Historikerkommission . . . . .	184
János Zlinszky . . . . .	185
Guidelines for authors . . . . .	188

## JOURNAL ON EUROPEAN HISTORY OF LAW

© 2015 STS Science Centre Ltd.

All rights reserved. Neither this publication nor any part of it may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of STS Science Centre Ltd.. Published semiannually by STS Science Centre Ltd. „Journal on European History of Law“ is a registered trademark of STS Science Centre Ltd.

Issued twice a year.

Printed in the EU.

ISSN 2042-6402